

AMENDMENT III.

No soldier shall, in time of peace be quartered
§ 210. Quartering of in any house, without the consent
soldiers in houses. of the Owner, nor in time of war,
but in a manner to be prescribed by law.

AMENDMENT IV.

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

AMENDMENT V.

No person shall be held to answer for a cap-
§ 212. Security as to ital, or otherwise infamous crime,
accusations, trials, unless on a presentment or indict-
and property. ment 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 prop-
erty, without due process of law; nor shall pri-
vate property be taken for public use, without
just compensation.

AMENDMENT VI.

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

§ 213. Right to trial by jury and to confront witnesses and secure testimony.

AMENDMENT VII.

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

§ 214. Jury trial in suits at common law.

AMENDMENT VIII.

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

§ 215. Excessive bail or fines and cruel punishments prohibited.

AMENDMENT IX.

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

AMENDMENT X.

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

AMENDMENT XI.²

§ 218. Extent of the judicial power. 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.

²The 11th amendment to the Constitution of the United States was proposed to the legislatures of the several States by the Third Congress on March 11, 1794; and was declared in a message from the President to Congress dated the 8th of January, 1798, to have been ratified by the legislatures of three-fourths of the States. The dates of ratification were: New York, March 27, 1794; Rhode Island, March 31, 1794; Connecticut, May 8, 1794; New Hampshire, June 16, 1794; Massachusetts, June 26, 1794; Vermont, October 28, 1794; Virginia, November 18, 1794; Georgia, November 29, 1794; Kentucky, December 7, 1794; Maryland, December 26, 1794; Delaware, January 23, 1795; and North Carolina, February 7, 1795. Ratification was completed on February 7, 1795. The amendment was subsequently ratified by South Carolina on December 4, 1797. New Jersey and Pennsylvania did not take action on the amendment.

AMENDMENT XII.³

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 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 presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;— * * *

³See article II, section 1 of the Constitution. The 12th amendment to the Constitution was proposed to the legislatures of the several States by the Eighth Congress on December 12, 1803, in lieu of the original third paragraph of the first section of the second article, and was declared in a proclamation of the Secretary of State, dated the 25th of September, 1804, to have been ratified by the legislatures of three-fourths of the States. The dates of ratification were: North Carolina, December 21, 1803; Maryland, December 24, 1803; Kentucky, December 27, 1803; Ohio, December 30, 1803; Virginia, December 31, 1803; Pennsylvania, January 5, 1804; Vermont, January 30, 1804; New York, February 10, 1804; New Jersey, February 22, 1804; Rhode Island, March 12, 1804; South Carolina, May 15, 1804; Georgia, May 19, 1804; New Hampshire, June 15, 1804. Ratification was completed on June 15, 1804. The amendment was subsequently ratified by Tennessee on July 27, 1804. The amendment was rejected by Delaware, January 18, 1804; Massachusetts, February 3, 1804; and by Connecticut at its session begun May 10, 1804.

The electoral count occurs in a joint session of the two Houses in the Hall of the House (III, 1819) at 1 p.m. on the sixth day of January succeeding every meeting of electors (3 U.S.C. 15). The Vice President, as President of the Senate (or the President pro tempore in the Vice President’s absence), presides over the joint session (3 U.S.C. 15). The date of the count has been changed by law as follows: (1) the 1957 count was changed to Monday, January 7 (P.L. 84–436); (2) the 1985 count was changed to Monday, January 7 (P.L. 98–456); (3) the 1989 count was changed to Wednesday, January 4 (P.L. 100–646); and (4) the 1997 count was changed to Thursday, January 9 (P.L. 104–296).

Sections 15–18 of title 3, United States Code, prescribe in detail the procedure for the count. Nevertheless, the two Houses traditionally adopt a concurrent resolution providing for the meeting in joint session to count the vote, for the appointment of tellers, and for the declaration of the state of the vote (III, 1961; Deschler, ch. 10, § 2.1). Under the law governing the proceedings, the two Houses divide to consider an objection to the counting of any electoral vote or “other question arising in the matter” (3 U.S.C. 15–18; Jan. 6, 1969, pp. 145–47; Jan. 6, 2001, p. 101; Jan. 6, 2005, p. —), but only when in writing and signed by both a Member and a Senator (Jan. 6, 2001, p. 101; Jan. 6, 2005, p. —). Examples of an “other question arising in the matter” include: (1) an objection for lack of a quorum (Jan. 6, 2001, p. 101); (2) a motion that either House withdraw from the joint session (Jan. 6, 2001, p. 101); and (3) an appeal from a ruling by the presiding officer (Jan. 6, 2001, p. 101). Such questions are not debatable in the joint session (3 U.S.C. 18; Jan. 6, 2001, p. 101). When the two Houses have divided, a motion in the House to lay the objection on the table is not in order (Jan. 6, 1969; pp. 169–72). A Vice President-elect, as Speaker of the House or as a sitting Vice President, has participated in the ceremonies (*e.g.*, VI, 446; Jan. 6, 2005, p. —). See Deschler, ch. 10 for further discussion. When addressing a controversy over the election of President and Vice President in the State of Florida, the Supreme Court indicated its view of a section of the statute (3 U.S.C. 5) addressing a determination of controversy as to the appointment of electors. *Bush v. Palm Beach County Canvassing Bd.* (531 U.S. 70 (2000)). Ultimately, the Supreme Court found that the Florida Supreme Court violated the Equal Protection Clause of the 14th amendment by ordering certain counties to conduct manual recounts of the votes for President and Vice President without establishing standards for those recounts. *Bush v. Gore* (531 U.S. 98 (2000)).

CONSTITUTION OF THE UNITED STATES
[AMENDMENT XII]

§ 221

* * * 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 ineli-

gible to the Office of President shall be eligible to that of Vice-President of the United States.

The 20th amendment to the Constitution has clarified some of the provisions of the 12th amendment. In 1801 (III, 1983), the House of Representatives chose a President under article II, section 1, clause 3 (see § 152a, *supra*), the constitutional provision superseded by the 12th amendment.

§ 222. History of original provision for failure of electoral college to choose.

In 1825 the House elected a President under the 12th amendment (III, 1985); and in 1837 the Senate elected a Vice President (III, 1941).

§ 223. Occasions of election by House and Senate after 1803.

AMENDMENT XIII.⁴

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall

§ 224. Prohibition of slavery and involuntary servitude.

⁴The 13th amendment to the Constitution of the United States was proposed to the legislatures of the several States by the 38th Congress, on February 1, 1865, and was declared, in a proclamation of the Secretary of State, dated the 18th of December 1865, to have been ratified by the legislatures of 27 of the 36 States. The dates of ratification were: Illinois, February 1, 1865; Rhode Island, February 2, 1865; Michigan, February 2, 1865; Maryland, February 3, 1865; New York, February 3, 1865; Pennsylvania, February 3, 1865; West Virginia, February 3, 1865; Missouri, February 6, 1865; Maine, February 7, 1865; Kansas, February 7, 1865; Massachusetts, February 7, 1865; Virginia, February 9, 1865; Ohio, February 16, 1865; Indiana, February 13, 1865; Nevada, February 16, 1865; Louisiana, February 17, 1865; Minnesota, February 23, 1865; Wisconsin, February 24, 1865; Vermont, March 9, 1865; Tennessee, April 7, 1865; Arkansas, April 14, 1865; Connecticut, May 4, 1865; New Hampshire, July 1, 1865; South Carolina, November 13, 1865; Alabama, December 2, 1865; North Carolina, December 4, 1865; and Georgia, December 6, 1865. Ratification was completed on December 6, 1865. The amendment was subsequently ratified by Oregon, December 8, 1865; California, December 19, 1865; Florida, December 28, 1865 (Florida again ratified on June 9, 1868, upon its adoption of a new constitution); Iowa, January 15, 1866; New Jersey, January 23, 1866 (after having rejected the amendment on March 16, 1865); Texas, February 18, 1870;

Continued

exist within the United States, or any place subject to their jurisdiction.

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

AMENDMENT XIV.⁵

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the

§ 225. Citizenship:
security and equal
protection of citizens.

Delaware, February 12, 1901 (after having rejected the amendment on February 8, 1865); Kentucky, March 30, 1876 (after hearing rejected the amendment on February 24, 1865). The amendment was rejected by Mississippi, December 4, 1865.

⁵The 14th amendment to the Constitution of the United States was proposed to the legislatures of the several States by the 39th Congress, on June 15, 1866. On July 20, 1868, the Secretary of State issued a proclamation that the 14th amendment was a part of the Constitution if withdrawals of ratification were ineffective. On July 21, 1868, Congress adopted and transmitted to the Department of State a concurrent resolution declaring that “the legislatures of the States of Connecticut, Tennessee, New Jersey, Oregon, Vermont, New York, Ohio, Illinois, West Virginia, Kansas, Maine, Nevada, Missouri, Indiana, Minnesota, New Hampshire, Massachusetts, Nebraska, Iowa, Arkansas, Florida, North Carolina, Alabama, South Carolina, and Louisiana, being three-fourths and more of the several States of the Union, have ratified the fourteenth article of amendment to the Constitution of the United States, duly proposed by two-thirds of each House of the Thirty-ninth Congress: Therefore *Resolved*, That said fourteenth article is hereby declared to be a part of the Constitution of the United States, and it shall be duly promulgated as such by the Secretary of State.” The Secretary of State accordingly issued a proclamation, dated July 28, 1868, declaring that the proposed 14th amendment had been ratified, in the manner hereafter mentioned, by the legislatures of 28 States. The dates of ratification were: Connecticut, June 30, 1866; New Hampshire, July 6, 1866; Tennessee, July 18, 1866; New Jersey, September 11, 1866 (subsequently, on February 20, 1868, the legislature rescinded its ratification, and on March 24, 1868, readopted its resolution of rescission over the Governor’s veto, and on April 23, 2003, revoked the resolution of rescission); Oregon, September 19, 1866; New York, January 10, 1867; Ohio, January 11, 1867 (subsequently rescinded its ratification on January 13, 1868, and ratified

State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being

§ 226. Apportionment
of representation.

on March 12, 2003); Illinois, January 15, 1867; West Virginia, January 16, 1867; Michigan, January 16, 1867; Minnesota, January 16, 1867; Kansas, January 17, 1867; Maine, January 19, 1867; Nevada, January 22, 1867; Indiana, January 23, 1867; Missouri, January 25, 1867; Pennsylvania, February 6, 1867; Rhode Island, February 7, 1867; Wisconsin, February 13, 1867; Massachusetts, March 20, 1867; Nebraska, June 15, 1867; Iowa, March 16, 1868; Arkansas, April 6, 1868; Florida, June 9, 1868; North Carolina, July 4, 1868 (after having rejected the amendment December 14, 1866); Louisiana, July 9, 1868 (after having rejected the amendment February 6, 1867); South Carolina, July 9, 1868 (after having rejected the amendment December 20, 1866). Ratification was completed on July 9, 1868. The amendment was subsequently ratified by Alabama, July 13, 1868; Georgia, July 21, 1868 (after having rejected it on November 9, 1866); Virginia, October 8, 1869 (after having rejected it on January 9, 1867); Mississippi, January 17, 1870; Texas, February 18, 1870 (after having rejected it on October 27, 1866); Delaware, February 12, 1901 (after having rejected it on February 8, 1867); Maryland, April 4, 1959 (after having rejected it on March 23, 1867); California, May 6, 1959; Kentucky, March 30, 1976 (after having rejected it on January 10, 1867).

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.

There has been a readjustment of House representation each 10 years except during the period 1911 to 1929 (VI, 41, footnote). From March 4, 1913, permanent House membership has remained fixed at 435 (VI, 40, 41; 37 Stat. 13). Upon admission of Alaska and Hawaii to statehood, total membership was temporarily increased to 437 until the next reapportionment (72 Stat. 339, 345; 73 Stat. 8). Congress has by law provided for automatic apportionment of the 435 Representatives among the States according to each census including and after that of 1950 (2 U.S.C. 2a). The Apportionment Act formerly provided that the districts in a State were to be composed of contiguous and compact territory containing as nearly as practicable an equal number of inhabitants (I, 303; VI, 44); but subsequent apportionment Acts, those of 1929 (46 Stat. 26) and 1941 (55 Stat. 761), omitted such provisions. See *Wood v. Broom*, 287 U.S. 1 (1932).

Congress has by law provided that for the 91st and subsequent Congresses each State entitled to more than one Representative shall establish a number of districts equal to the number of such Representatives, and that Representatives shall be elected only from the single-Member districts so established. (Hawaii and New Mexico were excepted from the operation of this statute for the elections to the 91st Congress by Public Law 90-196; see 2 U.S.C. 2c). After any apportionment, until a State is redistricted in a manner provided by its own law and in compliance with the congressional mandate, the question of whether its Representatives shall be elected by districts, at large, or by a combination of both, is determined by the Apportionment Act of 1941 (2 U.S.C. 2a).

Under the Apportionment Act, a statistical model known as the "method of equal proportions" is used to determine the number of Representatives to which each State is entitled. Although other methods for apportioning House seats may be permitted, the equal proportions method chosen by Congress has been upheld under the Constitution and was plainly intended to reach as close as practicable the goal of "one person, one vote." *Massachusetts v. Mosbacher*, 785 F. Supp. 230 (D. Mass. 1992), *rev'd* on other grounds *Franklin v. Massachusetts*, 505 U.S. 788 (1992). The courts also have recently upheld under Federal law and the Constitution a counting methodology used by the Census Bureau in a decennial census. This meth-

od, known as “imputation,” was held to be different than “sampling,” a method prohibited under section 195 of title 13, United States Code. *Utah v. Evans*, 536 U.S. 452 (2002). The method of apportioning the seats in the House is vested exclusively in Congress, and neither States nor courts may direct greater or lesser representation than that allocated by statute (Deschler, ch 8 § 1). See Deschler, ch. 8 for apportionment and districting.

The House has always seated Members elected at large in the States, although the law required election by districts (I, 310, 519). Questions have arisen from time to time when a vacancy has occurred soon after a change in districts, with the resulting question whether the vacancy should be filled by election in the old or new district (I, 311, 312, 327). The House has declined to interfere with the act of a State in changing the boundaries of a district after the apportionment has been made (I, 313).

The Attorney General has stated that all Indians are subject to taxation. 39 Op. Att’y Gen. 518 (1940).

The Supreme Court has ruled that congressional districts must be as equally populated as practicable. *Wesberry v. Sanders*, 376 U.S. 1 (1964); *Kirkpatrick v. Preisler*, 385 U.S. 450 (1967). The Court has made clear that variances in population among congressional districts within a State may be considered *de minimis* only if they cannot practicably be avoided. If such variances, no matter how mathematically miniscule, could have been reduced or eliminated by a good faith effort, then they may be justified only on the basis of a consistent, rational State policy. *Karcher v. Daggett*, 462 U.S. 725 (1983). The Court also has made evident that it will take judicial review of a claims that apportionment schemes lack consistent, rational bases. *Davis v. Bandemer*, 478 U.S. 109 (1986) (holding political gerrymandering complaint justiciable under equal protection clause).

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid

§ 230. Loyalty as a qualification of Senators and Representatives.

or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

§ 231. Removal of disabilities and questions as to seating a Member-elect. Congress has by law removed generally the disabilities arising from the Civil War (30 Stat. 432). Soon after the war various questions arose under this section (I, 386, 393, 455, 456). For disloyalty to the United States, for giving aid and comfort to a public enemy, for publication of expressions hostile to the Government a Member-elect was denied a seat in the House (VI, 56, 58). As to the meaning of the words "aid or comfort" as used in the 14th amendment (VI, 57).

§ 232. Validity of the national debt, etc. SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

§ 233. Enforcement of the 14th amendment. SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Congress may legislate under this section to protect voting rights by preempting discriminatory State qualifications for electors (*Katzenbach v. Morgan*, 384 U.S. 641 (1966)), and may lower the voting age in Federal (but not State) elections (*Oregon v. Mitchell*, 400 U.S. 112 (1970)).

AMENDMENT XV.⁶

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

§ 234. Suffrage not to be abridged for race, color, etc.

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

⁶The 15th amendment to the Constitution of the United States was proposed to the legislatures of the several States by the 40th Congress on February 26, 1869, and was declared, in a proclamation of the Secretary of State, dated March 30, 1870, to have been ratified by the legislatures of 29 of the 37 States. The dates of these ratifications were: Nevada, March 1, 1869; West Virginia, March 3, 1869; North Carolina, March 5, 1869; Illinois, March 5, 1869; Louisiana, March 5, 1869; Michigan, March 8, 1869; Wisconsin, March 9, 1869; Maine, March 11, 1869; Massachusetts, March 12, 1869; Arkansas, March 15, 1869; South Carolina, March 15, 1869; Pennsylvania, March 25, 1869; New York, April 14, 1869 (subsequently withdrew its consent to the ratification on January 5, 1870 but rescinded this action on March 30, 1870); Indiana, May 14, 1869; Connecticut, May 19, 1869; Florida, June 14, 1869; New Hampshire, July 1, 1869; Virginia, October 8, 1869; Vermont, October 20, 1869; Alabama, November 16, 1869; Missouri, January 7, 1870 (Missouri had ratified the first section of the 15th amendment on March 1, 1869, but had failed to include in its ratification the second section of the amendment); Minnesota, January 13, 1870; Mississippi, January 17, 1870; Rhode Island, January 18, 1870; Kansas, January 19, 1870; Ohio, January 27, 1870 (after having rejected the amendment April 30, 1869); Georgia, February 2, 1870; Iowa, February 3, 1870. Ratification was completed on February 3, 1870, unless the withdrawal of ratification by New York was effective; in which event ratification was completed on February 17, 1870, when ratified by Nebraska. The amendment was subsequently ratified by Texas, February 18, 1870; New Jersey, February 15, 1871 (after having rejected it on February 7, 1870); Delaware, February 12, 1901 (after having rejected it on March 18, 1869); Oregon, February 24, 1959; California, April 3, 1962 (after having rejected it on January 28, 1870); Maryland, May 7, 1973 (after having rejected it on February 4 and February 26, 1870); Kentucky, March 30, 1976 (after having rejected it on March 11 and March 12, 1869); and Tennessee, April 2, 1997, (after having rejected it on November 16, 1869).

AMENDMENT XVI.⁷

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.

§ 235. Taxes on incomes.

⁷The 16th amendment to the Constitution of the United States was proposed to the legislatures of the several States by the 61st Congress on July 16, 1909, and was declared, in a proclamation of the Secretary of State dated February 25, 1913, to have been ratified by the legislatures of 36 of the 48 States. The dates of ratification were: Alabama, August 10, 1909; Kentucky, February 8, 1910; South Carolina, February 19, 1910; Illinois, March 1, 1910; Mississippi, March 7, 1910; Oklahoma, March 10, 1910; Maryland, April 8, 1910; Georgia, August 3, 1910; Texas, August 16, 1910; Ohio, January 19, 1911; Idaho, January 20, 1911; Oregon, January 23, 1911; Washington, January 26, 1911; Montana, January 30, 1911; Indiana, January 30, 1911; California, January 31, 1911; Nevada, January 31, 1911; South Dakota, February 3, 1911; Nebraska, February 9, 1911; North Carolina, February 11, 1911; Colorado, February 15, 1911; North Dakota, February 17, 1911; Kansas, February 18, 1911; Michigan, February 23, 1911; Iowa, February 24, 1911; Missouri, March 16, 1911; Maine, March 31, 1911; Tennessee, April 7, 1911; Arkansas, April 22, 1911 (after having rejected it at the session begun January 9, 1911); Wisconsin, May 26, 1911; New York, July 12, 1911; Arizona, April 6, 1912; Minnesota, June 11, 1912; Louisiana, June 28, 1912; West Virginia, January 31, 1913; Delaware, February 3, 1913; Wyoming, February 3, 1913; New Mexico, February 3, 1913. Ratification was completed on February 3, 1913. The amendment was subsequently ratified by New Jersey, February 4, 1913; Vermont, February 19, 1913 (after having rejected the amendment January 17, 1911); Massachusetts, March 4, 1913; New Hampshire, March 7, 1913 (after having rejected the amendment March 2, 1911). The amendment was rejected by Rhode Island, April 29, 1910; Utah, March 9, 1911; Connecticut, June 28, 1911; and Florida, May 31, 1913. Pennsylvania and Virginia did not complete action.

AMENDMENT XVII.⁸

§ 236. Election of
Senators by direct
vote. 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

⁸See article I, section 3 of the Constitution. The 17th amendment to the Constitution was proposed to the legislatures of the several States by the 62d Congress on May 15, 1912, and was declared, in a proclamation by the Secretary of State dated May 31, 1913, to have been ratified by the legislatures of 36 of the 48 States. The dates of ratification were: Massachusetts, May 22, 1912; Arizona, June 3, 1912; Minnesota, June 10, 1912; New York, January 15, 1913; Kansas, January 17, 1913; Oregon, January 23, 1913; North Carolina, January 25, 1913; California, January 28, 1913; Michigan, January 28, 1913; Iowa, January 30, 1913; Montana, January 30, 1913; Idaho, January 31, 1913; West Virginia, February 4, 1913; Colorado, February 5, 1913; Nevada, February 6, 1913; Texas, February 7, 1913; Washington, February 7, 1913; Wyoming, February 8, 1913; Arkansas, February 11, 1913; Maine, February 11, 1913; Illinois, February 13, 1913; North Dakota, February 14, 1913; Wisconsin, February 18, 1913; Indiana, February 19, 1913; New Hampshire, February 19, 1913; Vermont, February 19, 1913; South Dakota, February 19, 1913; Oklahoma, February 24, 1913; Ohio, February 25, 1913; Missouri, March 7, 1913; New Mexico, March 13, 1913; Nebraska, March 14, 1913; New Jersey, March 17, 1913; Tennessee, April 1, 1913; Pennsylvania, April 2, 1913; Connecticut, April 8, 1913. Ratification was completed on April 8, 1913. The amendment was subsequently ratified by Louisiana, June 11, 1914; North Carolina, May 3, 1989; Alabama, April 16, 2002. The amendment was rejected by Utah, February 26, 1913; Delaware, March 18, 1913. Florida, Georgia, Rhode Island, and South Carolina did not complete action.

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.

Senator Rebecca L. Felton, appointed during the recess of the Senate on October 3, 1922, to fill a vacancy, was the first woman to sit in the Senate (VI, 156). Senator Walter F. George was elected to fill the vacancy on November 7, 1922. Mrs. Felton took the oath of office on November 21, 1922, and Senator George took the oath November 22, 1922 (VI, 156). Discussion as to the term of service of a Senator appointed by a State executive to fill a vacancy (VI, 156).

The right of an elector to vote for a Senator is fundamentally derived from the United States Constitution (*United States v. Aczel* 219 F.2d 917 (1915)) and may not be denied in a discriminatory fashion (*Chapman v. King*, 154 F.2d 460 (1946), cert. denied, 327 U.S. 800 (1946); *Forssenius v. Harman*, 235 F. Supp. 66 (1964), affd., 380 U.S. 529 (1965)).

AMENDMENT XVIII.⁹

SECTION 1. [After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors.

⁹See amendment XXI, repealing this amendment. The 18th amendment to the Constitution of the United States was proposed to the legislatures of the several States by the 65th Congress on December 18, 1917, and was declared in a proclamation by the Secretary of State dated January 29, 1919, to have been ratified by the legislatures of 36 of the 48 States. The dates of these ratifications were: Mississippi, January 8, 1918; Virginia, January 11, 1918; Kentucky, January 14, 1918; North Dakota, January 25, 1918; South Carolina, January 29, 1918; Maryland, February 13, 1918; Montana, February 19, 1918; Texas, March 4, 1918; Delaware, March 18, 1918; South Dakota, March 20, 1918; Massachusetts, April 2, 1918; Arizona, May 24, 1918; Georgia, June 26, 1918; Louisiana, August 3, 1918; Florida, December 3, 1918; Michigan, January 2, 1919; Ohio, January 7, 1919; Oklahoma, January 7, 1919; Idaho, January 8, 1919; Maine, January 8, 1919; West Virginia, January 9, 1919;

cating liquors within, the importation thereof into, or the exportation thereof from the United States and all territories subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

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

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

AMENDMENT XIX.¹⁰

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.

§ 240. Women's
suffrage.

California, January 13, 1919; Tennessee, January 13, 1919; Washington, January 13, 1919; Arkansas, January 14, 1919; Kansas, January 14, 1919; Alabama, January 15, 1919; Colorado, January 15, 1919; Iowa, January 15, 1919; New Hampshire, January 15, 1919; Oregon, January 15, 1919; Nebraska, January 16, 1919; North Carolina, January 16, 1919; Utah, January 16, 1919; Missouri, January 16, 1919; Wyoming, January 16, 1919. Ratification was completed on January 16, 1919. The amendment was subsequently ratified by Minnesota, January 17, 1919; Wisconsin, January 17, 1919; New Mexico, January 20, 1919; Nevada, January 21, 1919; New York, January 29, 1919; Vermont, January 29, 1919; Pennsylvania, February 25, 1919; Connecticut, May 6, 1919; and New Jersey, March 9, 1922. Rhode Island rejected the amendment.

¹⁰The 19th amendment to the Constitution of the United States was proposed to the legislatures of the several States by the 66th Congress on June 5, 1919, and was declared in a proclamation by the Secretary

Continued

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

AMENDMENT XX.¹¹

SECTION 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 Representa-

§ 241. Commencement of terms of Pres., Vice Pres., Senators, and Representatives.

of State dated August 26, 1920, to have been ratified by the legislatures of 36 of the 48 States. The dates of these ratifications were: Illinois, June 10, 1919 (and that State readopted its resolution of ratification June 17, 1919); Michigan, June 10, 1919; Wisconsin, June 10, 1919; Kansas, June 16, 1919; New York, June 16, 1919; Ohio, June 16, 1919; Pennsylvania, June 24, 1919; Massachusetts, June 25, 1919; Texas, June 28, 1919; Iowa, July 2, 1919; Missouri, July 3, 1919; Arkansas, July 28, 1919; Montana, August 2, 1919; Nebraska, August 2, 1919; Minnesota, September 8, 1919; New Hampshire, September 10, 1919; Utah, October 2, 1919; California, November 1, 1919; Maine, November 5, 1919; North Dakota, December 1, 1919; South Dakota, December 4, 1919; Colorado, December 15, 1919; Kentucky, January 6, 1920; Rhode Island, January 6, 1920; Oregon, January 13, 1920; Indiana, January 16, 1920; Wyoming, January 27, 1920; Nevada, February 7, 1920; New Jersey, February 9, 1920; Idaho, February 11, 1920; Arizona, February 12, 1920; New Mexico, February 21, 1920; Oklahoma, February 28, 1920; West Virginia, March 10, 1920; Washington, March 22, 1920; Tennessee, August 28, 1920. Ratification was completed on August 28, 1920. The amendment was subsequently ratified by Connecticut, September 14, 1920 (and that State reaffirmed on September 21, 1920); Vermont, February 8, 1921; Delaware, March 6, 1923 (after having rejected the amendment on June 2, 1920); Maryland, March 29, 1941 (after having rejected the amendment on February 24, 1920; ratification certified February 25, 1958); Virginia, February 21, 1952 (after having rejected the amendment February 12, 1920); Alabama, September 8, 1953 (after having rejected the amendment September 22, 1919); Florida, May 13, 1969; South Carolina, July 1, 1969 (after having rejected the amendment on January 28, 1920); Georgia, February 20, 1970 (after having rejected the amendment on July 24, 1919); Louisiana, June 11, 1970 (after having rejected it on July 1, 1920); North Carolina, May 6, 1971; Mississippi, March 22, 1984 (after having rejected the amendment on March 29, 1920).

¹¹See article I, section 4 of the Constitution. The 20th amendment to the Constitution was proposed to the legislatures of the several States by the 72d Congress, on March 3, 1932, and was declared in a proclama-

tives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

SECTION 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

§ 242. Meeting of Congress.

Before the ratification of the 20th amendment Congress met on the first Monday in December as provided in article I, section 4, of the Constitution. For discussion of the term of Congress before and pursuant to the 20th amendment, see § 6, *supra* (accompanying art. I, sec. 2, cl. 1), and Deschler, ch. 1.

tion by the Secretary of State dated February 6, 1933, to have been ratified by the legislatures of 36 of the 48 States. The dates of these ratifications were: Virginia, March 4, 1932; New York, March 11, 1932; Mississippi, March 16, 1932; Arkansas, March 17, 1932; Kentucky, March 17, 1932; New Jersey, March 21, 1932; South Carolina, March 25, 1932; Michigan, March 31, 1932; Maine, April 1, 1932; Rhode Island, April 14, 1932; Illinois, April 21, 1932; Louisiana, June 22, 1932; West Virginia, July 30, 1932; Pennsylvania, August 11, 1932; Indiana, August 15, 1932; Texas, September 7, 1932; Alabama, September 13, 1932; California, January 4, 1933; North Carolina, January 5, 1933; North Dakota, January 9, 1933; Minnesota, January 12, 1933; Montana, January 13, 1933; Nebraska, January 13, 1933; Oklahoma, January 13, 1933; Arizona, January 13, 1933; Kansas, January 16, 1933; Oregon, January 16, 1933; Wyoming, January 19, 1933; Delaware, January 19, 1933; Washington, January 19, 1933; South Dakota, January 20, 1933; Tennessee, January 20, 1933; Iowa, January 20, 1933; Idaho, January 21, 1933; New Mexico, January 21, 1933; Ohio, January 23, 1933; Utah, January 23, 1933; Missouri, January 23, 1933; Georgia, January 23, 1933. Ratification was completed on January 23, 1933. The amendment was subsequently ratified by Massachusetts, January 24, 1933; Wisconsin, January 24, 1933; Colorado, January 24, 1933; Nevada, January 26, 1933; Connecticut, January 27, 1933; New Hampshire, January 31, 1933; Vermont, February 2, 1933; Maryland, March 24, 1933; Florida, April 26, 1933.

The ratification of this amendment to the Constitution shortened the first term of President Franklin D. Roosevelt and Vice President John N. Garner, and the terms of all Senators and Representatives of the 73d Congress.

CONSTITUTION OF THE UNITED STATES
[AMENDMENT XX]

§ 243–§ 244

Pursuant to section 2 of the 20th amendment, a regular session of a Congress must begin at noon on January 3 of every year unless Congress sets a different date by law, and if the House is in session at that time the Speaker declares the House adjourned sine die without a motion from the floor, in order that the next regular session of that Congress, or the first session of the next Congress (as the case may be) may assemble at noon on that day (Jan. 3, 1981, p. 3774; Jan. 3, 1996, pp. 35, 36).

Since ratification, the following days for assembling have been established: Public Law 74–120, Jan. 5, 1937; Public Law 77–395, Jan. 5, 1942; Public Law 77–819, Jan. 6, 1943; Public Law 78–210, Jan. 10, 1944; Public Law 79–289, Jan. 14, 1946; Public Law 80–358, Jan. 6, 1948; Public Law 82–244, Jan. 8, 1952; Public Law 83–199, Jan. 6, 1954; Public Law 83–700, Jan. 5, 1955; Public Law 85–290, Jan. 7, 1958; Public Law 85–819, Jan. 7, 1959; Public Law 86–305, Jan. 6, 1960; Public Law 87–348, Jan. 10, 1962; Public Law 87–864, Jan. 9, 1963; Public Law 88–247, Jan. 7, 1964; Public Law 88–649, Jan. 4, 1965; Public Law 89–340, Jan. 10, 1966; Public Law 89–704, Jan. 10, 1967; Public Law 90–230, Jan. 15, 1968; Public Law 91–182, Jan. 19, 1970; Public Law 91–643, Jan. 21, 1971; Public Law 92–217, Jan. 18, 1972; Public Law 93–196, Jan. 21, 1974; Public Law 93–553, Jan. 14, 1975; Public Law 94–186, Jan. 19, 1976; Public Law 94–494, Jan. 4, 1977; Public Law 95–594, Jan. 15, 1979; Public Law 96–566, Jan. 5, 1981; Public Law 97–133, Jan. 25, 1982; Public Law 98–179, Jan. 23, 1984; Public Law 99–379, Jan. 21, 1986; Public Law 99–613, Jan. 6, 1987; Public Law 100–229, Jan. 25, 1988; Public Law 101–228, Jan. 23, 1990; Public Law 102–475, Jan. 5, 1993; Public Law 103–395, Jan. 4, 1995; Public Law 104–296, Jan. 7, 1997; Public Law 105–140, Jan. 27, 1998; Public Law 105–350, Jan. 6, 1999; Public Law 106–127, Jan. 24, 2000; Public Law 107–328, Jan. 7, 2003; Public Law 108–181, Jan. 20, 2004; Public Law 108–433, Jan. 4, 2005; Public Law 109–447, Jan. 4, 2007. Such laws for the convening of a second session of a Congress may provide for possible earlier assembly by joint-leadership recall (see, *e.g.*, Public Law 107–98, Jan. 23, 2002; Public Law 108–433, Jan. 4, 2005).

§ 243. Laws appointing different day for convening.

SECTION 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President

§ 244. Death or disqualification of President-elect.

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.

§ 245. Statutory succession and the 25th amendment. Congress provided by law in 1947 for the performance of the duties of the President in case of removal, death, resignation or inability, both of the President and Vice President (3 U.S.C. 19). Earlier succession statutes covering the periods 1792-1886 and 1887-1948 can be found in 18 Stat. 21, and 24 Stat. 1, respectively. Also see the 25th amendment to the Constitution, relating to vacancies in the Office of Vice President and Presidential inability.

Before the 20th amendment there was no provision in the Constitution to take care of a case wherein the President-elect was disqualified or had died.

SECTION 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

§ 246. Congress to provide for case wherein death occurs among those from whom House chooses a President. The above section changes the 12th amendment insofar as it gives Congress the power to provide by law the manner in which the House should proceed in the event no candidate had a majority and one of the three highest on the list of those voted for as President had died.

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

ment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

AMENDMENT XXII.¹³

SECTION 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of 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,

§ 249. No person shall be elected President more than twice.

¹³The 22d amendment to the Constitution of the United States was proposed to the legislatures of the several States by the 80th Congress on March 24, 1947, and was declared by the Administrator of General Services, in a proclamation dated March 1, 1951, to have been ratified by the legislatures of 36 of the 48 States. The dates of these ratifications were: Maine, March 31, 1947; Michigan, March 31, 1947; Iowa, April 1, 1947; Kansas, April 1, 1947; New Hampshire, April 1, 1947; Delaware, April 2, 1947; Illinois, April 3, 1947; Oregon, April 3, 1947; Colorado, April 12, 1947; California, April 15, 1947; New Jersey, April, 15, 1947; Vermont, April 15, 1947; Ohio, April 16, 1947; Wisconsin, April 16, 1947; Pennsylvania, April 29, 1947; Connecticut, May 21, 1947; Missouri, May 22, 1947; Nebraska, May 23, 1947; Virginia, January 28, 1948; Mississippi, February 12, 1948; New York, March 9, 1948; South Dakota, January 21, 1949; North Dakota, February 25, 1949; Louisiana, May 17, 1950; Montana, January 25, 1951; Indiana, January 29, 1951; Idaho, January 30, 1951; New Mexico, February 12, 1951; Wyoming, February 12, 1951; Arkansas, February 15, 1951; Georgia, February 17, 1951; Tennessee, February 20, 1951; Texas, February 22, 1951; Nevada, February 26, 1951; Utah, February 26, 1951; Minnesota, February 27, 1951. Ratification was completed February 27, 1951. The amendment was subsequently ratified by North Carolina, February 28, 1951; South Carolina, March 13, 1951; Maryland, March 14, 1951; Florida, April 16, 1951; Alabama, May 4, 1951.

and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

SECTION 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

AMENDMENT XXIII.¹⁴

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

§ 250. Representation
in the Electoral
College to the District
of Columbia.

¹⁴The 23d amendment to the Constitution of the United States was proposed to the legislatures of the several States by the 86th Congress on June 17, 1960, and was declared by the Administrator of General Services, in a proclamation dated April 3, 1961, to have been ratified by the legislatures of 39 of the 50 States. The dates of these ratifications were: Hawaii, June 23, 1960; Massachusetts, August 22, 1960; New Jersey, December 19, 1960; New York, January 17, 1961; California, January 19, 1961; Oregon, January 27, 1961; Maryland, January 30, 1961; Idaho, January 31, 1961; Maine, January 31, 1961; Minnesota, January 31, 1961; New Mexico, February 1, 1961; Nevada, February 2, 1961; Montana, February 26, 1961; Colorado, February 8, 1961; Washington, February 9, 1961; West Virginia, February 9, 1961; Alaska, February 10, 1961; Wyoming, February 13, 1961; South Dakota, February 14, 1961; Delaware, February 20, 1961; Utah, February 21, 1961; Wisconsin, February 21, 1961; Pennsylvania, February 28, 1961; Indiana, March 3, 1961; North Dakota, March 3, 1961; Tennessee, March 6, 1961; Michigan, March 8, 1961; Connecticut, March 9, 1961; Arizona, March 10, 1961; Illinois, March 14, 1961; Nebraska, March 15, 1961; Vermont, March 15, 1961; Iowa, March 16, 1961; Missouri, March 20, 1961; Oklahoma, March 21, 1961; Rhode Island, March 22, 1961; Kansas, March 29,

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

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

AMENDMENT XXIV.¹⁵

SECTION 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President

§ 251. Right to vote not denied for failure to pay poll tax.

1961; and Ohio, March 29, 1961. Ratification was completed March 29, 1961. The amendment was subsequently ratified by New Hampshire on March 30, 1961 (when that State annulled and then repeated its ratification of March 29, 1961). Arkansas rejected the amendment January 24, 1961.

¹⁵The 24th amendment to the Constitution of the United States was proposed to the legislatures of the several States by the 87th Congress on August 28, 1962, and was declared by the Administrator of General Services, in a proclamation dated February 4, 1964, to have been ratified by the legislatures of 38 of the 50 States. The dates of these ratifications were: Illinois, November 14, 1962; New Jersey, December 3, 1962; Oregon, January 25, 1963; Montana, January 28, 1963; West Virginia, February 1, 1963; New York, February 4, 1963; Maryland, February 6, 1963; California, February 7, 1963; Alaska, February 11, 1963; Rhode Island, February 14, 1963; Indiana, February 19, 1963; Utah, February 20, 1963; Michigan, February 20, 1963; Colorado, February 21, 1963; Ohio, Feb-

Continued

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.

Harman v. Forssenius, 380 U.S. 528 (1965); *Harper v. Virginia State Board of Elections*, 383 U.S. 663 (1966).

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

AMENDMENT XXV.¹⁶

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

§ 252. Presidential succession and inability.

ruary 27, 1963; Minnesota, February 27, 1963; New Mexico, March 5, 1963; Hawaii, March 6, 1963; North Dakota, March 7, 1963; Idaho, March 8, 1963; Washington, March 14, 1963; Vermont, March 15, 1963; Nevada, March 19, 1963; Connecticut, March 20, 1963; Tennessee, March 21, 1963; Pennsylvania, March 25, 1963; Wisconsin, March 26, 1963; Kansas, March 28, 1963; Massachusetts, March 28, 1963; Nebraska, April 4, 1963; Florida, April 18, 1963; Iowa, April 24, 1963; Delaware, May 1, 1963; Missouri, May 13, 1963; New Hampshire, June 12, 1963; Kentucky, June 27, 1963; Maine, January 16, 1964; and South Dakota, January 23, 1964. Ratification was completed on January 23, 1964. Mississippi rejected the amendment on December 20, 1962.

¹⁶The 25th amendment to the Constitution of the United States was proposed to the legislatures of the several States by the 89th Congress on July 7, 1965, and was declared by the Administrator of General Services, in a proclamation dated February 23, 1967, to have been ratified by the legislatures of 39 of the 50 States. The dates of these ratifications were: Nebraska, July 12, 1965; Wisconsin, July 13, 1965; Oklahoma, July 16, 1965; Massachusetts, August 9, 1965; Pennsylvania, August 18, 1965; Kentucky, September 15, 1965; Arizona, September 22, 1965; Michigan, October 5, 1965; Indiana, October 20, 1965; California, October 21, 1965; Arkansas, November 4, 1965; New Jersey, November 29, 1965; Delaware, December 7, 1965; Utah, January 17, 1966; West Virginia, January 20, 1966; Maine, January 24, 1966; Rhode Island, January 28, 1966; Colorado, February 3, 1966; New Mexico, February 3, 1966; Kansas, February 8, 1966; Vermont, February 10, 1966; Alaska, February 18, 1966; Idaho, March 2, 1966; Hawaii, March 3, 1966; Virginia, March 8, 1966;

SECTION 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

§ 253. Confirmation by House and Senate of nominee to fill vice presidential vacancy.

SECTION 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

§ 254. President's declaration of disability.

SECTION 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable

§ 255. Determination of Presidential inability and Vice President as Acting President.

Mississippi, March 10, 1966; New York, March 14, 1966; Maryland, March 23, 1966; Missouri, March 30, 1966; New Hampshire, June 13, 1966; Louisiana, July 5, 1966; Tennessee, January 12, 1967; Wyoming, January 25, 1967; Iowa, January 26, 1967; Washington, January 26, 1967; Oregon, February 2, 1967; Minnesota, February 10, 1967; Nevada, February 10, 1967. Ratification was completed February 10, 1967. The amendment was subsequently ratified by Connecticut, February 14, 1967; Montana, February 15, 1967; South Dakota, March 6, 1967; Ohio, March 7, 1967; Alabama, March 14, 1967; North Carolina, March 22, 1967; Illinois, March 22, 1967; Texas, April 25, 1967; Florida, May 25, 1967.

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.

Congress has twice performed its responsibility under section two of the 25th amendment. On October 13, 1973, the Speaker laid before the House a message from President Nixon transmitting his nomination of Gerald R. Ford, Minority Leader in the House of Representatives, to be Vice President of the United States, Vice President Agnew having resigned on October 10, 1973. The Speaker referred the nomination to the Committee on the Judiciary, which under clause 1(k)(14) of rule X has jurisdiction over matters relating to Presidential succession (Oct. 13, 1973, p. 34032). The nomination of Mr. Ford to be Vice President was confirmed by the Senate on November 27, 1973 (p. 38225) and by the House on December 6, 1973 (p. 39900), and Vice President Ford was sworn in in the Chamber of the House of Representatives on December 6 (p. 39925). Subsequently, President Nixon resigned from office by delivering his written resignation into the Office of the Secretary of State, pursuant to 3 U.S.C. 20, on August 9, 1974. Pursuant to section one of the 25th amendment, Vice President Ford became President, and was sworn in in the East Room at the White House. He nominated Nelson A. Rockefeller to be Vice President, which nomination was received in the House of Representatives and referred to the Committee on the Judiciary on August 20, 1974; the nomination was confirmed by the Senate on December 10, 1974 (p. 38936) and by the House on December 19, 1974 (p. 41516), and Vice President Rockefeller was sworn in in the Senate Chamber on December 19, 1974 (p. 41181). On both instances, the House received the message from the Senate, announcing that body's confirmation of the nominee for Vice President, following the vote on confirmation by the House.

§ 256. Instances where House and Senate have confirmed nominee as Vice President; temporary incapacity of President.

The Chair laid before the House communications from the President pursuant to section 3 of this amendment as follows: First, before undergoing sedation for a medical procedure, declaring his impending inability to discharge the constitutional powers and duties of the Office of President and advising that the Vice President would discharge those responsibilities as Acting President until the President declared his ability to resume that role; and second (after recovering from the sedation and the medical procedure) declaring his ability to resume the discharge of the constitutional powers and duties of the Office of President, and advising that he was doing so immediately (July 15, 1985, p. 18955; July 8, 2002, pp. 12089, 12090).

AMENDMENT XXVI.¹⁷

SECTION 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

§ 257. Right to vote extended to persons 18 years of age or older.

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

AMENDMENT XXVII.¹⁸

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

§ 258. Timing of law varying congressional compensation.

¹⁷The 26th amendment to the Constitution was proposed by the Congress on March 23, 1971. It was declared, in a certificate of the Administrator of General Services, dated July 5, 1971, to have been ratified by the legislatures of 39 of the 50 States. The dates of ratification were: Connecticut, March 23, 1971; Delaware, March 23, 1971; Minnesota, March 23, 1971; Tennessee, March 23, 1971; Washington, March 23, 1971; Hawaii, March 24, 1971; Massachusetts, March 24, 1971; Montana, March 29, 1971; Arkansas, March 30, 1971; Idaho, March 30, 1971; Iowa, March 30, 1971; Nebraska, April 2, 1971; New Jersey, April 3, 1971; Kansas, April 7, 1971; Michigan, April 7, 1971; Alaska, April 8, 1971; Maryland, April 8, 1971; Indiana, April 8, 1971; Maine, April 9, 1971; Vermont, April 16, 1971; Louisiana, April 17, 1971; California, April 19, 1971; Colorado, April 27, 1971; Pennsylvania, April 27, 1971; Texas, April 27, 1971; South Carolina, April 28, 1971; West Virginia, April 28, 1971; New Hampshire, May 13, 1971; Arizona, May 14, 1971; Rhode Island, May 27, 1971; New York, June 2, 1971; Oregon, June 4, 1971; Missouri, June 14, 1971; Wisconsin, June 22, 1971; Illinois, June 29, 1971; Alabama, June 30, 1971; Ohio, June 30, 1971; North Carolina, July 1, 1971; Oklahoma, July 1, 1971.

Ratification was completed on July 1, 1971.

The amendment was subsequently ratified by Virginia, July 8, 1971; Wyoming, July 8, 1971; Georgia, October 4, 1971.

¹⁸The 27th amendment to the Constitution was proposed on September 25, 1789. It was declared to have been ratified by the legislatures of 39

To quell speculation over the efficacy of a ratification process spanning two centuries, the House adopted a concurrent resolution declaring the ratification of the amendment (H. Con. Res. 320, 102d Cong., May 19, 1992, p. 11779). The Senate adopted both a separate concurrent resolution and a simple resolution making similar declarations (S. Con. Res. 120 and S. Res. 298, 102d Cong., May 20, 1992, p. 11869). Neither House considered the concurrent resolution of the other. For a concurrent resolution declaring the ratification of the 14th amendment, see July 21, 1868. For opinions of the Supreme Court concerning the duration of the ratification process and the contemporaneity of State ratifications, see *Dillon v. Gloss*, 256 U.S. 368 (1921) and *Coleman v. Miller*, 307 U.S. 433 (1939).

For Federal court opinions upholding congressional cost-of-living adjustments for Members under the Ethics Reform Act of 1989 (103 Stat. 1716), see *Boehner v. Anderson*, 809 F. Supp. 138 (D.D.C. 1992), *aff'd*, 30 F.3d 156 (D.C. Cir 1994); *Schaffer v. Clinton*, 54 F. Supp.2d 1014 (D.Colo. 1999).

of the 50 States in a certificate of the Archivist dated May 18, 1992. The dates of ratification were: Maryland, December 19, 1789; North Carolina, December 22, 1789; South Carolina, January 19, 1790; Delaware, January 28, 1790; Vermont, November 3, 1791; Virginia, December 15, 1791; Ohio, May 6, 1873; Wyoming, March 6, 1978; Maine, April 27, 1983; Colorado, April 22, 1984; South Dakota, February 21, 1985; New Hampshire, March 7, 1985; Arizona, April 3, 1985; Tennessee, May 23, 1985; Oklahoma, July 10, 1985; New Mexico, February 14, 1986; Indiana, February 24, 1986; Utah, February 25, 1986; Arkansas, March 6, 1987; Montana, March 17, 1987; Connecticut, May 13, 1987; Wisconsin, July 15, 1987; Georgia, February 2, 1988; West Virginia, March 10, 1988; Louisiana, July 7, 1988; Iowa, February 9, 1989; Idaho, March 23, 1989; Nevada, April 26, 1989; Alaska, May 6, 1989; Oregon, May 19, 1989; Minnesota, May 22, 1989; Texas, May 25, 1989; Kansas, April 5, 1990; Florida, May 31, 1990; North Dakota, March 25, 1991; Alabama, May 5, 1992; Missouri, May 5, 1992; Michigan, May 7, 1992; and New Jersey, May 7, 1992.

Ratification was completed on May 7, 1992. The amendment was subsequently ratified by Illinois, May 12, 1992; and California, June 26, 1992.

JEFFERSON'S MANUAL

JEFFERSON'S MANUAL OF PARLIAMENTARY PRACTICE ¹

SEC. I—IMPORTANCE OF ADHERING TO RULES

Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say, “It was a maxim he had often heard when he was a young man, from old

§283. Rules as related to the privileges of minorities.

¹Jefferson's Manual was prepared by Thomas Jefferson for his own guidance as President of the Senate in the years of his Vice Presidency, from 1797 to 1801. In 1837 the House, by rule that still exists, provided that the provisions of the Manual should “govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House and joint rules of the Senate and House of Representatives.” Rule XXVIII, §1105, *infra*. In 1880 the committee that revised the Rules of the House declared in their report that the Manual, “compiled as it was for the use of the Senate exclusively and made up almost wholly of collations of English parliamentary practice and decisions, it was never especially valuable as an authority in the House of Representatives, even in its early history, and for many years past has been rarely quoted in the House” (V, 6757). This statement, although sanctioned by high authority, is extreme, for in certain parts of the Manual are to be found the foundations of some of the most important portions of the House's practice.

§284. The Manual as a statement of parliamentary law. The Manual is regarded by English parliamentarians as the best statement of what the law of Parliament was at the time Jefferson wrote it. Jefferson himself says, in the preface of the work:

“I could not doubt the necessity of quoting the sources of my information, among which Mr. Hatsel's most valuable book is preeminent; but as he has only treated some general heads, I have been obliged to recur to other authorities in support of a number of common rules of practice, to which his plan did not descend. Sometimes each authority cited supports the whole passage. Sometimes it rests on all taken together. Sometimes the authority goes only to a part of the text, the residue being in-

Continued