

The Constitution of the United States is the operating framework of the federal government. The Declaration of Independence announced that the colonies were separating from Britain and explained the political principles used to justify that separation. The Constitution came later and attempted to answer a harder question: once the revolution was over, how would thirteen separate states govern themselves as one nation without creating another king? It does not contain the famous words “all men are created equal,” nor does it promise life, liberty, and the pursuit of happiness. Those words belong to the Declaration. The Constitution creates offices, divides power, establishes procedures, limits government, recognizes certain rights, and provides a method for changing the system. It is not a motivational statement about American goodness. It is a legal structure built out of argument, fear, compromise, political calculation, and unfinished moral conflict. Written in 1787, ratified in 1788, and placed into operation in 1789, it has survived longer than any other written national constitution still in use, but survival does not mean that it has operated perfectly or treated everyone equally. The full original text and its later amendments are available through the [National Archives’ transcription](#).

Before the Constitution, the United States operated under the Articles of Confederation. The Articles created what amounted to a league of states with a weak central Congress. There was no separate national president to enforce federal decisions, no complete federal court system to settle national legal disputes, and no dependable national power to collect taxes directly from individuals. Congress could ask states for money, but the states could refuse or delay. The national government struggled to pay Revolutionary War debts, regulate trade between states, negotiate effectively with foreign powers, and respond to unrest. States imposed tariffs on one another, printed different forms of money, and often placed local interests ahead of national cooperation. Shays’ Rebellion, an uprising by indebted Massachusetts farmers in 1786 and 1787, frightened wealthy and politically powerful Americans who believed the existing government might be too weak to preserve order. The Articles were not useless; they held the states together during and after the Revolution and helped govern western territory. Their weakness was that they created national responsibilities without giving the national government enough power to carry them out.

Delegates gathered in Philadelphia in May 1787, officially intending to revise the Articles. They soon decided to replace them. Twelve states participated; Rhode Island refused to send delegates because it feared surrendering too much state power. George Washington presided, while James Madison took extensive notes and helped shape the strongest early proposal. Alexander Hamilton favored an energetic national government. Benjamin Franklin, the oldest delegate, often tried to calm arguments. Gouverneur Morris is generally credited with giving the Preamble much of its final language. Thomas Jefferson and John Adams were serving overseas and did not attend. Patrick Henry refused to participate because he distrusted the movement toward centralized power. No women, enslaved people, Native representatives, or ordinary laborers sat as voting delegates. The convention was dominated by educated white men with property,

professional standing, commercial interests, or political experience. Many had risked their lives and fortunes in the Revolution, and many understood government deeply. Some also enslaved human beings or benefited from a society built around dispossession and forced labor. The Constitution should not be treated as though it descended from heaven untouched by its creators' interests. It was designed by human beings who could recognize tyranny when directed at themselves while tolerating or participating in tyranny directed at others.

The delegates disagreed over nearly everything that mattered. Large states wanted representation based on population because they expected to control more votes. Small states feared being swallowed by Virginia, Pennsylvania, and Massachusetts and demanded equal representation. The Virginia Plan favored a strong national government and a two-house legislature based largely on population. The New Jersey Plan protected smaller states by maintaining equal state voting. The arrangement that emerged, commonly called the Great or Connecticut Compromise, created the House of Representatives and the Senate. House seats would be distributed according to population, while every state would receive two senators regardless of size. That bargain still shapes national power. A voter in a sparsely populated state has far more influence over the Senate than a voter in a heavily populated state, because both states receive the same two seats. The arrangement helped save the convention, but it was not based on equal representation of individual citizens. It was designed to protect states as political units. Equal state representation in the Senate was protected so strongly that Article V says no state can be deprived of equal Senate representation without its consent. [The Library of Congress' convention history](#) shows how disputes over representation, slavery, taxation, trade, state authority, and presidential selection shaped the final document.

Slavery was not a side issue that accidentally entered the convention. It influenced representation, taxation, commerce, presidential elections, relations among states, and the balance of power between regions. The Constitution avoided using the words "slave" and "slavery," but careful wording did not remove the institution. Enslaved people were called "other Persons," people "held to Service or Labour," or persons whose importation a state might choose to permit. This language allowed the delegates to construct protections for slavery without writing a direct declaration that human beings were property. The avoidance later gave antislavery Americans room to argue that the Constitution did not openly recognize property in human beings, but in 1787 the practical concessions were unmistakable. Slaveholding states entered the new Union with constitutional advantages, protection from immediate federal abolition of the international slave trade, and assistance in recovering people who escaped bondage. The Union was strengthened partly by bargaining over Black bodies.

The three-fifths clause is frequently explained incorrectly. It did not simply declare that every Black person was three-fifths of a human being. The clause created a formula for counting population when distributing House seats and direct federal taxes. Free people were counted fully, "Indians not taxed" were excluded, and three-fifths of the enslaved

population was added to a state's total. Enslaved people did not receive three-fifths of a vote. They received no federal voting right at all, yet slaveholding states used three-fifths of their number to gain additional seats in the House and additional votes in the Electoral College. The enslavers received political power from the existence of people they denied political power. Southern delegates wanted enslaved people counted for representation because that increased their control of Congress, while some resisted counting them for taxation because that could increase their financial burden. Northern delegates exposed the contradiction but still accepted the bargain. The clause helped slave states influence presidential elections, federal appointments, legislation, and Supreme Court membership for decades. The Senate's own history recognizes that even participating framers later described this compromise as a major constitutional blemish. The Senate's constitutional history explains how representation and the three-fifths formula entered the document.

Two additional compromises protected slavery. Congress was prevented from banning the international slave trade before 1808, although it could impose a limited tax on each imported person. This did not require Congress to continue the trade forever; it prevented Congress from ending it immediately. Congress prohibited international importation beginning in 1808, but illegal trafficking continued, and the domestic slave trade expanded as enslaved people were sold from the Upper South into the Deep South. Article IV's fugitive slave clause required a person who escaped forced service into another state to be returned. An enslaved person could cross a state boundary, but the legal condition of slavery was designed to follow. Later federal fugitive slave laws turned northern officials and citizens into participants in recapture and threatened free Black people with kidnapping. These provisions reveal the price some framers were willing to pay for union. They feared that refusing concessions would cause South Carolina, Georgia, or other slaveholding states to reject the Constitution. The choice was not forced by nature. Political leaders made it, knowing that enslaved people would pay for it without being represented in the room.

The Preamble begins with "We the People," a revolutionary change from a loose agreement among state governments. It announces six purposes: forming a more perfect Union, establishing justice, ensuring domestic tranquility, providing for common defense, promoting the general welfare, and securing liberty for the founding generation and its posterity. "More perfect" did not mean flawless. It meant more complete and functional than the system under the Articles. The Preamble is powerful, but it does not independently give the federal government unlimited authority to do anything that might be described as justice or general welfare. Specific powers come from the articles and amendments. "We the People" was also larger as an idea than it was in practice. Most Black people were enslaved, women were excluded from federal political participation, Native nations were being displaced, and voting was largely controlled by states that commonly favored white men with property or taxable wealth. The Preamble created language that excluded people could later use against the nation. Abolitionists, suffragists, civil-rights workers, labor movements, Native activists, and other reformers

repeatedly forced the country to confront the difference between the Constitution's declared people and the people whom government actually treated as full members.

Article I creates Congress and is much longer than the articles creating the presidency or judiciary. That placement reflects the expectation that the legislature would be the center of republican government. Congress consists of the House and Senate, and legislation ordinarily must pass both chambers in identical form before going to the president. House members serve two-year terms, making them more immediately responsive to voters. Senators serve six-year terms, with approximately one-third of the Senate elected every two years, creating greater stability and insulation from sudden public moods. Representatives must be at least twenty-five years old and have been citizens for seven years; senators must be at least thirty and citizens for nine years. The Constitution originally required state legislatures to select senators. Direct election did not arrive until the Seventeenth Amendment in 1913. Congress receives powers to tax, borrow, regulate interstate and international commerce, establish naturalization and bankruptcy rules, coin money, create post offices, protect patents and copyrights, establish lower federal courts, punish piracy, declare war, raise armed forces, and govern the District of Columbia. The Necessary and Proper Clause allows Congress to make laws needed to carry its listed powers into execution. That clause became one of the main foundations for implied power—authority not written as a separate item but reasonably connected to an expressed responsibility.

Congress is powerful, but each chamber possesses responsibilities the other does not. Revenue bills must originate in the House, although the Senate may amend them. The House alone can impeach federal officers, meaning it brings formal accusations. The Senate conducts impeachment trials and can remove and disqualify an official when the constitutional voting requirement is met. Impeachment is not an ordinary criminal conviction; it is a constitutional process concerning public office. The Senate also confirms many presidential appointments and gives or withholds consent to treaties. Congress controls federal appropriations, which means the executive cannot legally spend money simply because the president wants to. It can investigate the executive branch, establish agencies and lower courts, regulate the military, and override a presidential veto with a two-thirds vote in each chamber. These divided procedures intentionally make national action difficult. The Constitution was designed to slow power, force negotiation, and prevent a temporary majority from controlling everything immediately. The same design that can protect the country from rash action can also produce paralysis when urgent action is needed.

Article II creates the presidency. The president serves a four-year term, acts as commander in chief, negotiates treaties with Senate participation, nominates judges and major officials, grants pardons for federal offenses except impeachment, receives foreign representatives, reports on the state of the Union, and must take care that the laws are faithfully executed. The Constitution does not call the president the most powerful person in the world, the nation's owner, or a king. A president cannot write federal statutes alone, control state governments at will, spend money without legal

authorization, cancel constitutional rights, or remain in office because an election result is personally unacceptable. Presidential power has nevertheless expanded through wars, emergencies, executive orders, control of a massive administrative branch, modern communications, political parties, and Congress's willingness to delegate authority. The president's oath is not a promise of loyalty to a party, predecessor, donor, or personal movement. It is a promise to preserve, protect, and defend the Constitution.

The Electoral College was created instead of a direct national popular vote. Each state receives electors equal to its total number of representatives and senators, while the District of Columbia later received electors through the Twenty-Third Amendment. The system reflected several concerns: distrust of direct mass voting, the difficulty of sharing information across a large eighteenth-century country, state power, the role of Congress in disputed elections, and the relationship between the presidency and slavery. Because electoral votes were partly based on House representation, the three-fifths formula increased the presidential power of slave states. Electors originally cast two votes without separately identifying one for president and one for vice president. The election crisis of 1800, when Thomas Jefferson and Aaron Burr tied, exposed the weakness of that design. The Twelfth Amendment required separate votes for the two offices. The Electoral College can award the presidency to someone who did not win the most votes nationwide because the Constitution creates a state-based election, not a direct national contest. That outcome is not a technical accident; it is a possible result built into the system.

Article III establishes one Supreme Court and allows Congress to create lower federal courts. It gives federal courts authority over cases arising under the Constitution, federal law, treaties, disputes involving states, and several other categories. Federal judges hold office during "good Behaviour," which in practice generally means life tenure unless they resign, retire, die, or are removed through impeachment. Life tenure was intended to give judges independence from elections and political retaliation, but it also gives unelected individuals enormous long-term influence. The Constitution does not state the number of Supreme Court justices; Congress determines that by law. It does not plainly announce that the Supreme Court can strike down an act of Congress. Judicial review—the ability to declare government action unconstitutional—developed from the Constitution's structure, early legal understanding, and cases such as *Marbury v. Madison* in 1803. Judicial review can protect minorities and restrain abuse, but courts can also preserve injustice. The Supreme Court protected slavery in *Dred Scott v. Sandford*, upheld racial segregation in *Plessy v. Ferguson*, and later rejected school segregation in *Brown v. Board of Education*. A robe does not remove human prejudice, political belief, or error. Congress's Constitution Annotated explains the historical development of judicial review.

The three branches are separated, but they are not completely independent. Their powers overlap so that each can check the others. The president can veto legislation, but Congress can override the veto. The president nominates federal judges, but the Senate decides whether to confirm them. Courts can invalidate laws or executive actions, but

Congress creates lower courts, controls much of the judiciary's funding and jurisdiction, and participates in the amendment process. Congress can impeach executive and judicial officers. The president commands the military, but Congress declares war, funds the armed forces, and writes military rules. This arrangement assumes that people with power cannot simply be trusted to restrain themselves. Ambition is used to check ambition. The system does not depend upon every official being morally exceptional, although no arrangement can survive unlimited bad faith. Separation of powers and checks and balances are related but different: separation gives different jobs to different branches, while checks allow one branch to restrain another. The congressional explanation of separation of powers describes how these mechanisms operate together.

Article IV manages relationships among states. States must generally respect one another's public acts, records, and court judgments through the Full Faith and Credit Clause. Citizens traveling among states receive certain basic privileges and immunities. People charged with crimes can be returned to the state where the alleged offense occurred. Congress may admit new states and govern federal territories. The United States guarantees each state a republican form of government and protection against invasion. Article IV also contained the fugitive slave provision later made invalid by the Thirteenth Amendment. Article V establishes the amendment process. An amendment can be proposed by two-thirds of both houses of Congress or by a convention called after applications from two-thirds of state legislatures. Ratification requires approval from three-fourths of the states, either through legislatures or state conventions, depending on the method Congress selects. The process is intentionally difficult, protecting the Constitution from constant alteration while making necessary reform hard to achieve.

Article VI declares the Constitution, valid federal laws, and treaties to be the supreme law of the land. A state cannot defeat federal authority merely by announcing that it dislikes a constitutional federal law. At the same time, federal supremacy does not mean that the national government possesses every power. Federalism divides authority between national and state governments. The federal government exercises delegated and implied powers, while states retain broad responsibility over matters such as education, local policing, property law, family law, professional licensing, and state elections, subject to constitutional limits. Federalism can protect liberty by preventing all power from gathering in one place, and states can experiment with policies suited to local needs. It can also be used to protect oppression. Slave states invoked their authority to preserve bondage, and segregationists later used "states' rights" language to resist Black citizenship and federal civil-rights enforcement. A state's right to do what? That question must always be asked. State power is neither naturally righteous nor naturally evil. Its value depends upon what the power is being used to accomplish. Constitution Annotated's explanation of federalism describes the sharing and division of national and state authority.

Article VI also requires federal and state officials to support the Constitution and prohibits religious tests for federal office. That prohibition was remarkable in a world

where governments commonly linked public authority to a favored religion. It does not mean that officials cannot be religious. It means the federal government cannot require someone to profess a particular faith before serving. Article VII provided that the Constitution would take effect among the ratifying states when nine states approved it. This departed from the Articles of Confederation, which required unanimous state consent for amendments. The framers were therefore not merely revising the existing agreement according to its own rules; they created a new ratification process and appealed to special state conventions. Federalists supported the proposed Constitution, while Anti-Federalists feared centralized power, distant rulers, a permanent military, federal taxation, and the absence of a bill of rights. Some Anti-Federalist fears proved exaggerated, while others were deeply perceptive. Their opposition helped force supporters to promise amendments protecting individual liberty.

The original Constitution did not contain the Bill of Rights. Some framers argued that a list was unnecessary because the federal government possessed only specified powers. Others feared that listing a few rights might imply that unlisted rights did not exist. Opponents responded that governments have a habit of stretching power and that essential freedoms should be written plainly. James Madison initially doubted the necessity but later helped guide amendments through the First Congress. Twelve amendments were submitted to the states in 1789, and ten were ratified in 1791. Those ten became the Bill of Rights. One of the two rejected proposals concerned the size of the House. The other limited changes to congressional compensation and was finally ratified more than two centuries later as the Twenty-Seventh Amendment. The Bill of Rights was therefore not a gift freely included by a unanimously liberty-loving convention. It was a political response to organized public suspicion. The Constitution might not have been accepted without the promise that stronger protections would follow. [The National Archives' Bill of Rights history](#) traces the movement from Madison's proposals to the ten ratified amendments.

The First Amendment protects religion, speech, press, peaceful assembly, and petition. It prevents government from establishing an official religion while protecting religious exercise. It gives people room to criticize officials, publish unpopular ideas, organize protests, and demand change. Those freedoms are not limited to statements the government considers respectful. Rights matter most when the message is inconvenient. Still, the amendment does not turn every action involving words into protected conduct; true threats, certain forms of fraud, defamation, and narrowly defined incitement can face legal consequences. The Second Amendment protects the right to keep and bear arms while referring to the necessity of a well-regulated militia. Arguments over whether its center is individual self-defense, organized militia service, or both have existed for generations. The Third prevents the forced quartering of soldiers in private homes during peacetime without the owner's consent. Rarely litigated today, it reflects the founders' experience with military occupation and the broader principle that a home should not become government property merely because officials desire it.

The Fourth Amendment protects against unreasonable searches and seizures and requires warrants to be supported by probable cause and particular description. It does not prohibit every government search; it requires reasonableness and legal justification. The Fifth protects grand-jury indictment in serious federal cases, prevents double jeopardy, protects against compelled self-incrimination, requires due process, and requires just compensation when private property is taken for public use. The familiar right to remain silent grows from the protection against being forced to testify against oneself. The Sixth guarantees protections in criminal prosecution, including a speedy and public trial, an impartial jury, notice of accusations, confrontation of witnesses, compulsory process for favorable witnesses, and assistance of counsel. The Seventh protects jury trials in many federal civil cases. The Eighth prohibits excessive bail, excessive fines, and cruel and unusual punishment. The Ninth warns that listing certain rights does not erase other rights retained by the people. The Tenth reserves undelegated powers to the states or the people. These rights originally restricted the federal government, not state governments in the same way. Most were later applied against states through the Fourteenth Amendment. The [National Archives' Bill of Rights transcription](#) provides the exact language rather than the simplified versions often repeated in conversation.

The Constitution was not made equal merely because the Bill of Rights was added. Enslaved people remained enslaved, free Black people lived under racial restrictions, Native nations faced removal and broken treaties, and women lacked a federal guarantee of political participation. The Supreme Court's 1857 *Dred Scott* decision declared that Black people descended from enslaved Africans could not be United States citizens within the meaning the Court gave the original Constitution. Chief Justice Roger Taney's opinion attempted to place Black people permanently outside the national political community and protected slaveholders' claims in the territories. The decision did not settle the slavery conflict; it destroyed faith in peaceful compromise and helped move the country toward Civil War. The Constitution could not save the Union from a moral contradiction the framers had postponed. A nation claiming liberty while protecting hereditary human bondage eventually faced war over whether that bondage would expand and survive.

The Reconstruction Amendments remade the Constitution after the Civil War. The Thirteenth Amendment abolished slavery and involuntary servitude, except as punishment after conviction of a crime. That exception became dangerous. Southern states criminalized ordinary Black behavior through Black Codes, arrested people for offenses such as vagrancy, and used convict leasing and forced prison labor to rebuild control over Black workers. Legal slavery ended, but the punishment exception provided an opening through which coerced labor continued. The Fourteenth Amendment established birthright citizenship, prohibited states from abridging the privileges or immunities of citizens, required due process, and promised equal protection to every person within a state's jurisdiction. Its language later became the foundation for applying most of the Bill of Rights to states and for challenging segregation and other discrimination. The Fifteenth prohibited federal and state governments from denying



voting rights because of race, color, or previous enslavement. These amendments were not minor repairs. They altered the relationship among citizenship, states, Congress, and individual rights. The [National Archives' account of the Thirteenth Amendment](#) includes both abolition and the punishment exception, while its [Fourteenth Amendment history](#) explains the constitutional establishment of national birthright citizenship.

Written rights did not enforce themselves. Black men voted, held office, helped write state constitutions, and served in Congress during Reconstruction. White supremacist organizations answered with murder, intimidation, economic retaliation, election fraud, and political coups. Southern states later used poll taxes, literacy tests, grandfather clauses, white primaries, felony restrictions, and violence to destroy Black political participation while pretending not to violate the Fifteenth Amendment's direct wording. The Supreme Court weakened federal civil-rights protection and upheld segregation in *Plessy*. Nearly a century after the Fifteenth Amendment, the Voting Rights Act of 1965 was needed to attack the methods states had developed to avoid it. This history exposes the distance between possessing a right on paper and being able to exercise it safely. Courts must interpret rights, Congress must create enforcement, executives must carry out the law, communities must organize, and citizens must refuse to accept violations as normal. The Constitution can provide weapons against oppression, but it does not pick those weapons up by itself.

The later amendments show the country repeatedly correcting weaknesses or responding to political change. The Eleventh concerns lawsuits against states. The Twelfth repaired presidential election procedures. The Sixteenth authorized federal income taxation without apportionment among states. The Seventeenth established direct election of senators. The Eighteenth created national alcohol prohibition, and the Twenty-First repealed it, proving that a constitutional amendment can be reversed when the policy fails. The Nineteenth prohibited denial of the vote on account of sex, although women of color continued confronting racial barriers. The Twentieth adjusted the beginning and ending dates of presidential and congressional terms. The Twenty-Second limited presidents to two elections. The Twenty-Third gave the District of Columbia participation in presidential elections, although its residents still lack voting representation equal to that of states in Congress. The Twenty-Fourth prohibited poll taxes in federal elections. The Twenty-Fifth clarified presidential succession and disability. The Twenty-Sixth protected voting rights for citizens eighteen and older, reflecting the unfairness of drafting eighteen-year-olds for war while denying them a ballot. The Twenty-Seventh prevents congressional pay changes from taking effect until after an election intervenes. The current twenty-seven amendments are listed in the [National Archives' official amendment record](#).

Native people expose another gap between constitutional language and national practice. The original apportionment clause excluded "Indians not taxed," while the federal government treated tribes as distinct political communities but repeatedly violated their sovereignty, seized their land, forced removal, confined people to reservations, divided tribal land, and attempted cultural destruction through boarding schools. Many Native

Americans were not recognized as United States citizens at birth until Congress passed the Indian Citizenship Act in 1924, although some had already obtained citizenship through treaties, military service, allotment, or other laws. Even after 1924, several states continued blocking Native people from voting. Citizenship on paper again failed to guarantee political power. Native nations also possess a political and treaty relationship with the United States that cannot be reduced simply to race. Tribal citizenship and United States citizenship can exist together. The federal structure therefore includes not only national and state governments but also tribal sovereignty, although tribal authority has repeatedly been limited by Congress and federal courts.

The Constitution does not use the word “democracy.” It creates a republic in which people govern largely through elected representatives, divided institutions, written law, and constitutional restrictions. Majority rule operates, but it is not absolute. The Senate can resist a House majority. The Electoral College can differ from the national popular vote. Courts can invalidate laws supported by voters. The president can veto Congress. Amendments require supermajorities. These arrangements protect stability and minority interests, but they can also allow a determined minority to block action desired by most people. The system’s slowness is both a protection and a problem. When government considers stripping away a basic freedom, delay may prevent abuse. When people are being denied justice, the same delay can preserve suffering. Constitutional design cannot eliminate that tension. It manages power by making complete victory difficult.

The Constitution is more than the parchment displayed at the National Archives, but the parchment remains the starting point. Constitutional government also includes amendments, court decisions, federal laws, state laws, treaties, congressional procedures, executive practices, and unwritten norms. The text says nothing about political parties, primary elections, the presidential Cabinet as it now operates, executive orders, Senate filibusters, or judicial review in its modern form. These developed through practice. Some people interpret the Constitution by emphasizing the original public meaning of its words. Others view broad phrases such as “liberty,” “due process,” “equal protection,” and “unreasonable searches” as principles that must be applied to conditions the framers could not foresee. Neither method eliminates judgment. Even an originalist must decide which historical evidence matters, while a more flexible interpreter must explain why a modern application remains connected to the text rather than personal preference. Constitutional disagreement is not always proof that one side has never read the document. The document contains broad language, competing principles, silences, and compromises that can support serious disagreement.

The Constitution’s endurance comes partly from its ability to be amended and partly from its refusal to settle every question permanently. Its greatest achievement was creating a national government strong enough to function while dividing power so that no single official legally possesses all of it. Its greatest original failure was constructing that government around compromises that strengthened human slavery and excluded most inhabitants from meaningful political control. Later generations did not simply receive constitutional liberty from the founders. Black abolitionists, soldiers, Reconstruction

lawmakers, women's-rights organizers, Native activists, workers, civil-rights organizers, lawyers, journalists, protestors, and ordinary voters forced the meaning of "the people" to expand. The Constitution gave some of those movements language and legal tools, but their sacrifice gave the language force. Understanding the document requires holding both realities at once. It contains an extraordinary system for limiting power, and it has repeatedly been interpreted by powerful people to protect injustice. Its promises matter, but promises become government only when people understand them well enough to recognize a violation and possess enough courage, organization, and authority to demand enforcement.