

The Washington Star

JOEL L. ALLBRITTON, Publisher

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WEDNESDAY, MAY 28, 1975 *

Congress and Panama

The 532 members of the Senate and House who have been so intent on making unilateral foreign policy for the United States will soon face an international decision with life-or-death consequences, just as the Executive Branch has had to do since the beginnings of the American democracy. That issue affects Panama and the canal.

Congress, in approving or disapproving the treaty that is now being negotiated between the United States and Panama, will in effect be deciding whether the blood of Panamanians and Americans will flow in a collision between U.S. troops and rioters or saboteurs, or whether there will be a peaceful solution of the Canal Zone question. It is a dilemma congressmen prefer to use for criticism of presidents and secretaries of state rather than to face themselves. But soon enough this awesome responsibility will be where it constitutionally belongs in this particular case.

We do not quarrel with the absolute right of the Senate to ratify treaties, nor of the House to sit in judgment over disposition of U.S. property acquired with taxpayers' money. We do contend that Congress should ponder long and well before it acts to reject the treaty now being negotiated between Ambassador Ellsworth Bunker and Panama's Foreign Minister Juan Tack.

While the details of the treaty are not complete, its general outlines are known. President Ford is fully prepared to sign a treaty that will eliminate the 10-mile-wide U.S. enclave of the Canal Zone, disavow sovereign control of the zone, share operation and defense of the canal with Panama and promise to hand over the entire property to Panama in an unknown number of years.

The trouble is that 37 members of the Senate have signed a document opposing any such relinquishment of authority. Only 34 votes are needed to scrap the treaty. Such an action by the Senate, which will act first, would render House action academic but the House stands ready to oppose the disposition of the canal even

if the Senate can be persuaded to ratify it.

The day that this treaty is killed by a U.S. Congress, it is an absolute certainty that the Panamanian people will react violently as they did in 1964. The collision nine years ago took the lives of 3 Americans and more than 20 Panamanians as American troops were called on to do battle against the rioters. The responsibility for another clash, a Mayaguez incident in the home hemisphere, would be that of Congress.

We do not favor riotous behavior anywhere but we cannot help recognizing that the Republic of Panama does not want a foreign enclave on its soil. Neither do the Panamanian people. The U.S. used gunboat diplomacy to separate Panama from Colombia, hand the small nation her independence and then extract the 1903 Panama Canal Treaty from her. Panama is not noted for the democracy practiced in Vermont or Missouri but it is a sovereign nation that has been shamefully treated by the United States.

If the administration can recognize that the colonialist days of even this superpower are over, Congress ought to have the statesmanship to see it, too. This matter is too morally and practically important to permit lobbyists and anomalous boosters of manifest destiny to prod our legislators into opposing the treaty.

Sure, America needs the canal; all of America, not just North America above the Rio Grande, needs it. But the U.S. does not need to own part of Panama in perpetuity as if we were sovereign there in order to keep the canal safe and operating. The most certain threat to the canal will come if the treaty is not approved by Congress, not if Panama is allowed to share in its defense and operation.

Should Congress frustrate the Panamanians on this matter, the blood of many will be on the hands of that legislative body. We can get a deal with Panama that will leave the canal in U.S. hands for an appreciable number of years, or we can get an explosion and a cry for the marines. Congress had better know exactly what it is doing when the canal treaty arrives there, perhaps this very year.

FACT SHEET ON THE JOHNSTON AMENDMENT TO H.R. 8121

What will the amendment do?

The amendment will provide temporary relief from the prohibitions in Section 15 of the Foreign Assistance Act of 1974 against stockpiling ammunition for foreign countries. More specifically, the amendment would relieve the Defense Department of the obligation of cancelling present ammunition contracts until the Senate could consider whether Section 514 should be modified when the Foreign Assistance Act of 1975 is reported in the fall.

What is the purpose of the amendment?

The purpose of the amendment is to avoid the immediate layoff of some 12,000 workers nation-wide. Because ammunition which was previously being manufactured for use in Southeast Asia cannot be used for any other constructive purpose, given the existing prohibitions on stockpiling for foreign allies, the Defense Department is now initiating a program of cancelling contracts and reducing ammunition production. While this is happening, the Senate Foreign Relations Committee is considering legislation which would provide for a change in the prohibition. Were this provision agreed to in the fall, the present contracts could be completed as the first part of a stockpile for foreign countries. Thus, the purpose of the Johnston amendment is to authorize continued manufacture for a short time until the Senate can consider the question of stockpiling for foreign countries.

Will the amendment change the legislation?

The amendment makes no change in the existing legislation. It merely suspends a provision of existing law for a relatively short time, one to three months, until the Foreign Relations Committee in the Senate can report out a new foreign assistance act.

Are there other benefits from the amendment?

The amendment is also an effort to avoid a substantial dollar loss that now faces the American taxpayer. Presently, there are \$90.4 million in outstanding ammunition contracts which were awarded prior to the end of hostilities in Vietnam. Without relief from Section 514, many of these contracts will have to be cancelled, at a penalty cost to the government of \$37.8 million. Additionally, if these same contracts are re-awarded in the fall because of a Section 514 change, then the cost will include additional amounts for start-up expense, as well as an inflation factor. If the United States continues to allow contractors to perform on outstanding contracts, at least the country will receive products for the money that is already committed. Should these ammunition products not be available for foreign designated stockpiles because of Senate action in the fall, the ammunition can still be used for other American military activities.

If the amendment is passed, and ammunition production is maintained at April 30 levels, will the United States stockpile more ammunition than would reasonably be appropriate for the country to have on hand for foreign allies?

While the Defense Department was not able to provide precise figures on the amount of ammunition that would be stockpiled between now and the time that the Senate enacted foreign assistance legislation, it was clear that the amount would be only a part of a complete reserve arsenal for foreign allies. The Defense Department estimated that if Section 514 were modified, it would take 18 to 24 months to create stockpiles for foreign countries, assuming that production began at current levels and was progressively phased down over that period of time.

SUMMARY OF ESTIMATED IMPACT

| | ***Work Force | Loss Total | Imm- ediate | 1st Qtr | 2nd Qtr | 3rd Qtr | 4th Qtr |
|--------------------|------------------|---------------|----------------|---------|---------|---------|----------------|
| <u>CALIFORNIA</u> | | | | | | | |
| 154 *Riverbank AAP | 689 | 535 | 155 | 380 | | | |
| Norris Ind | 2134 | 296 | | 296 | | | |
| Wells Marine | 280 | 15 | 15 | | | | |
| Barstock | 40 | 8 | 8 | | | | |
| Spiveco | 34 | 15 | 15 | | | | |
| SUB-TOTAL | 3177 | 869 | 193 | 676 | | | |
| <u>FLORIDA</u> | | | | | | | |
| Fourdee | 150 | 18 | | | | | 18 |
| Futronics | 50 | 22 | 22 | | | | (Jul 77) |
| Dayron | 267 | 267 | 267 | | | | |
| SUB-TOTAL | 467 | 307 | 289 | | | | 18 (Jul 77) |
| <u>ILLINOIS</u> | | | | | | | |
| 216 *Joliet AAP | 1083 | 867 | 365 | 502 | | | |
| Huml | 14 | 8 | 8 | | | | |
| J&L Plastic | 37 | 15 | 15 | | | | |
| SUB-TOTAL | 1134 | 890 | 388 | 502 | | | |
| <u>INDIANA</u> | | | | | | | |
| Indiana AAP | 2561 | 1524 | 700 | 353 | 471 | | |
| Stewart Warner | 234 | 75 | 75 | | | | |
| H&R Products | 19 | 19 | | | | 19 | |
| SUB-TOTAL | 2814 | 1618 | 775 | 353 | 471 | 19 | |

* Plants selected for inactive status.

**Plants that may be selected for inactive status.

*** As of 31 May 1975

SUMMARY OF ESTIMATED IMPACT (Cont'd)

| | <u>***Work Force</u> | <u>Loss Total</u> | <u>Imm- ediate</u> | <u>1st Qtr</u> | <u>2nd Qtr</u> | <u>3rd Qtr</u> | <u>4th Qtr</u> |
|----------------------|--------------------------|-----------------------|------------------------|----------------|----------------|----------------|----------------|
| <u>IOWA</u> | | | | | | | |
| Iowa AAP | 1684 | 410 | 58 | 352 | | | |
| Chamberlain | 686 | 260 | | 260 | | | |
| SUB-TOTAL | 2370 | 670 | 58 | 612 | | | |
| <u>KANSAS</u> | | | | | | | |
| 313 **Kansas AAP | 1031 | 718 | | 120 | 598 | | |
| SUB-TOTAL | 1031 | 718 | | 120 | 598 | | |
| <u>LOUISIANA</u> | | | | | | | |
| Louisiana AAP | 1140 | 447 | 447 | | | | |
| SUB-TOTAL | 1140 | 447 | 447 | | | | |
| <u>MASSACHUSETTS</u> | | | | | | | |
| AVCO | 1043 | 37 | 37 | | | | |
| SUB-TOTAL | 1043 | 37 | 37 | | | | |
| <u>MICHIGAN</u> | | | | | | | |
| Highland | 36 | 20 | 20 | | | | |
| SUB-TOTAL | 36 | 20 | 20 | | | | |

* Plants selected for inactive status.

**Plants that may be selected for inactive status.

*** As of 31 May 1975

SUMMARY OF ESTIMATED IMPACT (Cont'd)

| | <u>***Work Force</u> | <u>Loss Total</u> | <u>Imm- ediate</u> | <u>1st Qtr</u> | <u>2nd Qtr</u> | <u>3rd Qtr</u> | <u>4th Qtr</u> |
|-------------------------------------|--------------------------|-----------------------|------------------------|----------------|----------------|----------------|----------------|
| <u>MINNESOTA</u> | | | | | | | |
| 30 **Donovan- Twin Cities AAP | 433 | 403 | | | | | 403 |
| Honeywell | 852 | 170 | 170 | | | | |
| Handi Textiles | 66 | 36 | 36 | | | | |
| SUB-TOTAL | 1351 | 609 | 206 | | | | 403 |
| <u>MISSOURI</u> | | | | | | | |
| Lake City AAP | 2496 | 607 | 607 | | | | |
| KISCO | 492 | 391 | 391 | | | | |
| Jackes Evans | 400 | 12 | 12 | | | | |
| SUB-TOTAL | 3388 | 1010 | 1010 | | | | |
| <u>NEBRASKA</u> | | | | | | | |
| Wilkinson | 193 | 50 | 50 | | | | |
| Delta | 46 | 45 | 45 | | | | |
| SUB-TOTAL | 239 | 95 | 95 | | | | |
| <u>NEW JERSEY</u> | | | | | | | |
| REDM | 304 | 130 | 130 | | | | |
| Picatinny ARS | 5316 | 28 | 28 | | | | |
| SUB-TOTAL | 5620 | 158 | 158 | | | | |
| <u>NEW YORK</u> | | | | | | | |
| Hercules | 122 | 35 | 35 | | | | |
| Bulova | 550 | 60 | 60 | | | | |
| SUB-TOTAL | 672 | 95 | 95 | | | | |

*Plants selected for inactive status.

**Plants that may be selected for inactive status.

***As of 31 May 1975.

SUMMARY OF ESTIMATED IMPACT (Cont'd)

| | ***Work Force | Loss Total | Imm- ediate | 1st Qtr | 2nd Qtr | 3rd Qtr | 4th Qtr |
|----------------------------------|------------------|---------------|----------------|---------|---------|---------|-----------------------|
| <u>PENNSYLVANIA</u> | | | | | | | |
| Gearhart-Owens Consolidated Prod | 60 | 60 | 40 | 20 | | | |
| MEDICO | 80 | 22 | 22 | | | | |
| 225 **Scranton AAP | 345 | 200 | 200 | | | 400 | |
| | 625 | 400 | | | | | |
| SUB-TOTAL | 1110 | 682 | 262 | 20 | | 400 | |
| <u>TENNESSEE</u> | | | | | | | |
| Holston AAP | 1470 | 65 | | | | | 65 |
| Milan AAP | 3236 | 829 | 241 | | 129 | 459 | |
| Security Signal | 75 | 27 | | | 27 | | |
| SUB-TOTAL | 4781 | 921 | 241 | | 156 | 459 | 65 |
| <u>TEXAS</u> | | | | | | | |
| Lone Star AAP | 2008 | 365 | 215 | | | 150 | |
| 329 *Longhorn AAP | 997 | 568 | 152 | | 102 | 314 | |
| Gearhart-Owens | 90 | 30 | 30 | | | | |
| United Ammo | 125 | 60 | | | 60 | | |
| Centron Corp | 86 | 40 | | | 40 | | |
| SUB-TOTAL | 3306 | 1063 | 397 | | 202 | 464 | |
| <u>VIRGINIA</u> | | | | | | | |
| Radford AAP | 3100 | 609 | 566 | | | | 43 |
| SUB-TOTAL | 3100 | 609 | 566 | | | | 43 |
| <u>WISCONSIN</u> | | | | | | | |
| AMRON | 469 | 188 | 188 | | | | |
| National Presto | 1150 | 1000 | | | 1000 | | |
| SUB-TOTAL | 1619 | 1188 | 188 | | 1000 | | |
| TOTAL | 38398 | 12006 | 5425 | 2283 | 2427 | 1342 | 511 18 (Jul 77) |

* Plants scheduled for inactive status.

**Plants that may be selected for inactive status.

***As of 31 May 1975.

#30

Dear Colleague:

We would like to call your attention to an amendment to the Department of State Appropriations bill (Amendment #681 to HR 8121) that will be raised by Senator Harry F. Byrd when this measure reaches the Senate floor early next week.

This amendment would prevent any of the funds provided in the bill from being used to negotiate "the surrender or relinquishment of any US rights in the Panama Canal Zone."

The existing treaty with Panama is 72 years old. Even at that time, the circumstances leading to the signing of that agreement were questionable. Today, no nation, including the United States, would accept a treaty which permits the exercise of rights "as if sovereign" on foreign land in perpetuity.

We are not prejudging what terms and conditions the United States should consider or accept in the negotiations. We recognize that the issues involved are as sensitive and complex as they are vital to American interests, and those of our allies.

But to refuse even to discuss these issues with the Government of Panama would break faith with a commitment made by President Johnson more than a decade ago. It would undoubtedly be regarded as a bitter insult not only by Panama but by many of her sister republics in Latin America. Under these circumstances we would run the risk of losing what we want most to protect in the open and secure operation of the canal, and in a favorable relationship with our neighbors in the Western Hemisphere.

Beyond the question of why we should continue the discussions with Panama, we believe that the Byrd Amendment goes far beyond the proper Constitutional role of the Congress in determining not whether to accept or reject a treaty, but whether the President can negotiate at all.

The Senate will have an opportunity to vote on the results of the negotiation if, and when, a treaty is signed. If the agreement is not acceptable to the members of the Senate, that would be the proper time to make this decision.

We urge that you join us in opposing the Byrd Amendment.

With best wishes.

Charles W. Whalen Jr.

Colonialism and the Canal

It is ironic that as it approaches the two hundredth anniversary of its independence, the United States is one of the world's remaining colonial powers. Since 1945, approximately 68 provinces have been ceded sovereignty by their colonial masters. Yet our country continues to cling to a 553-square-mile enclave in the heart of Panama in a manner befitting the nineteenth century British raj.

In the fashion of its infamous East India precursor, the Panama Canal Zone is administered by a quasi-governmental company headed by a presidentially-appointed governor. Ordinances prescribing the conduct of

Mr. Whalen is a Republican representative from Ohio.

zone residents and employees are promulgated by the governor and enforced by American-paid police. Alleged violations are prosecuted by a United States District Attorney and adjudicated by a Federal District Court. Virtually all commercial enterprises and deep-water port facilities within the territory are operated by Americans. For the use of its land we pay the government of Panama a miniscule \$2.3 million annually. Perhaps the most imperious manifestation of our presence is the election every four years of delegates to one of our country's major political conventions.

The future of the Panama Canal may be one of the most explosive issues to confront the Western Hemisphere during this century. Panamanians are deeply concerned that an alien power operates a de facto colony cutting a 10-mile swath through the center of their nation. Considerable friction in United States-Panama relations already has resulted from the continuation of policies based upon the 1903 Hay-Bunau-Varilla Treaty. The 1964 "flag incident," for instance, caused 24 deaths. During the 1973 meeting of the United Nations Security Council in Panama the United States cast the third veto in its history to defeat a resolution supporting the Canal posture of the Torrijos government.

Recognizing the volatility of the situation, the Nixon administration in 1973 committed itself to renegotiate the 1903 document. On February 7, 1974, Secretary of State Henry A. Kissinger and Panamanian Foreign Minister Juan A. Tack signed an agreement embracing the principles upon which future treaty discussions would be predicated. These include: (1) a fixed termination date for the new treaty; (2) a return to Panama of full jurisdiction over the territory in which the Canal is located in exchange for assurances that the United States would retain the rights, facilities, and land necessary for its operation and defense for the duration of the treaty; (3) Panamanian participation in the administration and security of the Canal; (4) a more equitable distribution to Panama of the economic benefits derived from the Canal.

Conclusion of a new treaty is expected within the next few months. Yet the negotiating principles already have come under sharp congressional attack. In the mistaken notion that the Hay-Bunau-Varilla Treaty accords sovereignty to the United States in the Canal Zone (as early as 1904 our government recognized that Panama remained the titular sovereign there), legislative critics argue that the proposed treaty represents a "give-away."

On March 4, 1975, Senator Strom Thurmond (R-S.C.), joined by 37 colleagues, introduced S.R. 97 which expresses the sense of the Senate that the United States not surrender its "sovereign rights and jurisdiction" over the Canal. The Thurmond proposal exceeds by three the 34 votes necessary to block treaty ratification. A companion measure (H. R. 23), initiated by Representative Daniel J. Flood (D-Pa.), has 126 House co-sponsors. On June 26, the House, by a 246-164 vote, adopted Representative Gene Snyder's (R-Ky.) amendment to the State Department Appropriations Bill which denies funds "to negotiate surrender or relinquishment of any

U.S. rights in the Panama Canal Zone."

If the Senate refuses to consent to a new treaty with Panama, what might occur?

First, our relations with Panama and other Latin American states (and, indeed, the entire Third World) will be severely strained.

Second, by rejecting Panama's bid for self-rule (a mood we failed to detect in Indochina), we could become involved in a protracted, unwinnable guerrilla war.

Third, lives of countless United States citizens, residing in Panama, could be needlessly endangered. A distinguished American foreign policy scholar recently told me of his conversation with General Omar Torrijos. "What would you do with your National Guard," he asked the head of state, "if 5,000 Panamanians stormed the Canal Zone?" General Torrijos smiled and responded: "I would have a difficult decision, wouldn't I? I would have to choose between shooting Americans or my own countrymen."

Fourth, the Canal Zone could be rendered inoperable. It is vulnerable to sabotage. Further, ship owners may

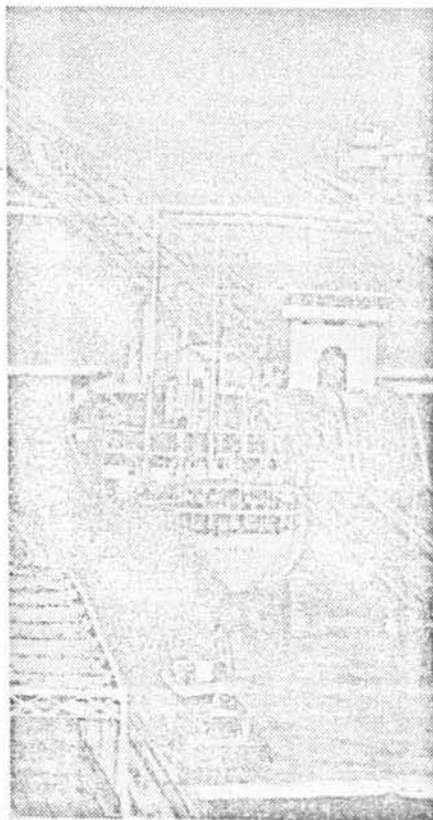
be reluctant to route their vessels through the Canal where they would be "sitting ducks" for terrorist activities.

The forthcoming treaty debate, therefore, presents the Congress (the House may have to take certain implementing actions) with two important challenges.

The first is a test of congressional willingness to embark upon its own "new dialogue" with Latin America. Panama is an ideal country with which we could invoke a hemispheric policy based, in the words of Chief Treaty Negotiator Ellsworth Bunker, on "new ideas, rather than old memories." Redefining our relationship with Panama will demonstrate United States' support of the principle of self-determination. It also will signal our intention to deal with our other Latin American neighbors on a truly equal basis.

The second will be a measure of congressional competence and responsibility in the foreign policy-making process. Will Congress' reaction to the new treaty be parochial, insensitive, and uninformed? Or will the Senate and House of Representatives accept the opportunity to avert a crisis before it occurs by enabling an ally of long-standing to achieve a just and reasonable goal?

In Panama, the issues are well defined and the consequences of our failure to adopt a new treaty are predictable. If Congress rejects the treaty, the only question will be the price the United States must pay to defend the status quo.



July 25 (noon)

Results of Senate calls on Snyder Amendment as of Noon, July 23

| <u>Senators For</u> | <u>Senators Against</u> | <u>Senators Possibly Against</u> | <u>Uncommitted</u> |
|---------------------|-------------------------|--------------------------------------|--------------------|
| * Boat A | Abourezk | Cannon A | Stevens A |
| * Johnston A | Humphrey | * Randolph | * Garn |
| * Bartlett | * McClellan A | * Montoya A | For |
| * Curtis | Sparkman | * Hansen | |
| Cannon | McGee A | * Beall | |
| | Javits | Burdick | |
| | Scott | Culver | |
| | * Young A | For | |
| | Pastore A | | |
| | Mansfield A | | |
| | Leahy | | |
| | * Hruska A | | |
| | Stafford | | |
| | Huddleston A | | |
| | Inouye A | | |
| | Bellmon A | | |
| | Baker | | |
| | * Nunn | | |
| | Taft | | |
| | * Ford | | |
| | * Morgan | | |
| | Gravel | | |
| | Stevenson | | |
| | * Symington | | |
| | * Buckley | | |
| | Hatfield A | | |
| | Williams | | |
| | Mondale | | |
| | Eagleton A | | |

Totals: Senators For - 4
Senators Against - 29
Senators Possibly Against - 6
Uncommitted - 2

* Signed 1975 Panama Canal Sovereignty Resolution, S Resolution 97

Arguments against Restrictive Amendments to the
Panama Canal (Such as the Snyder Amendment) to the
State Department Appropriations Bill

-- The Snyder (Byrd/Stone/Fannin--in the Senate) Amendment seriously endangers U.S. relations with Panama and constitutes an unfortunate precedent which could interfere with established constitutional processes.

-- It impinges on the President's responsibility under the Constitution to negotiate treaties with foreign governments.

-- It preempts the Senate's constitutional prerogative to advise and consent as to treaties negotiated by the Executive.

-- To abandon an eleven year commitment to negotiate the Canal issue could seriously damage our credibility in foreign affairs with Panama, Latin America, and elsewhere in the world. The United States' commitment to negotiate with Panama was first made by President Johnson in consultation with former Presidents Truman and Eisenhower; these negotiations have subsequently been continued under Presidents Nixon and Ford.

-- Continuation of the negotiations is extremely important to American interests in Panama. Congressional action to suspend negotiations without consideration of a treaty on its merits would be viewed as a breach of faith and might stimulate an extreme reaction in Panama where at least a fair hearing on a treaty has always been assumed.

-- Whatever views individual Senators may have on a new treaty with Panama, its consideration should await presentation to the Senate of the entire agreement with all its provisions.

-- An appropriations bill is not an appropriate vehicle to consider the merits of treaty negotiations which have not yet been completed. When an agreement has been secured that the President judges to be in the best security and economic interest of the United States, he will seek the Senate's consent to it.

THE WHITE HOUSE

WASHINGTON

July 21, 1975

Dear John:

I am writing to express my concern over the provisions of an amendment to H.R. 8121, passed by the House of Representatives on June 26, which is intended to suspend our negotiations with the Republic of Panama by prohibiting the use of State Department appropriations for that purpose.

As you know, negotiations with Panama regarding the Canal were initiated during the administration of President Johnson and have continued under every administration since then. They are proceeding with the goal of reaching an agreement which would accommodate the needs of both nations while protecting our basic interests in the defense and operation of the Canal. Panama has always assumed that the United States is negotiating in good faith and that any agreement reached would receive a full hearing in Congress based on its merits. Action to terminate the negotiations now without consideration of the substance of an agreement could seriously damage our relations with Panama and our interests in the Canal area. Moreover, it could lead to deterioration in our relations with other Latin American countries.

This provision also raises questions of a constitutional nature relating to the role of the Executive as well as the Senate in the treaty-making process.

A number of difficult questions remain to be resolved in our negotiations with Panama. I can assure you that I have no intention of approving or proposing to Congress any agreement which would not protect U.S. vital interests. We will

be consulting closely with the Congress as the discussions continue. Of course, any treaty which may be agreed upon will be submitted to the full constitutional process, which means that the Senate will have an opportunity to review it under the advice and consent procedures.

I hope I can count on your support and that of other members of the Foreign Relations Committee in removing this provision when the Senate considers H.R. 8121.

Sincerely,

David R. Ford

The Honorable John Sparkman
United States Senate
Washington, D.C. 20510

The
Constitution
OF THE
UNITED STATES
OF AMERICA



The Constitution OF THE UNITED STATES OF AMERICA



U.S. GOVERNMENT PRINTING OFFICE : 1975—O-44-531

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price 65 cents

CONCURRENT RESOLUTION NO. 675

(Presented by Mr. Hays, of Ohio)

Resolved by the House of Representatives (the Senate concurring),
That there shall be printed as a House document the Constitution of the United States (pocket-size edition), as amended through July 5, 1971, and there be printed two hundred seventy-two thousand five hundred additional copies of such document, of which two hundred twenty-one thousand shall be for the use of the House of Representatives and fifty-one thousand five hundred shall be for the use of the Senate.

Foreword

HON. WAYNE L. HAYS, *Chairman*
Committee on House Administration

The Constitution of the United States of America, with all 26 amendments and the dates on which they were ratified, is covered completely in this concise pocket-size pamphlet. It is inexpensively available to students, particularly; and to any citizen who has a continuing interest in the unfolding development of the Nation's single most fundamentally important document.

(III)

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

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

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

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

[Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union,

[NOTE: This booklet presents the Constitution and all amendments in their original form. Items which have since been amended or superseded, as identified in the footnotes, are bracketed.]

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

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

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

SECTION 3. The Senate of the United States shall be composed of two Senators from each State, [chosen by the Legislature thereof,]*** for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the

*Changed by section 2 of the fourteenth amendment.

**Ratio in 1965 was one to over 410,000.

***Changed by section 1 of the seventeenth amendment.

Expiration of the sixth Year, so that one-third may be chosen every second Year; [and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.]*

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

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

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

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

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

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

*Changed by clause 2 of the seventeenth amendment.

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

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

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

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

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

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

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the

**Changed by section 2 of the twentieth amendment.

Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

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

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

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

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

To borrow money on the credit of the United States;

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

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

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

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

To establish Post Offices and post Roads;

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

To constitute Tribunals inferior to the supreme Court;

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

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

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

To provide and maintain a Navy;

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

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

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

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

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

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

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

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

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

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

* But see the sixteenth amendment.

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

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

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

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

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

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

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

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

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

the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice-President.]*

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

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

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

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

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United

States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

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

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

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

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

*Superseded by the twelfth amendment.

**This clause has been affected by the twenty-fifth amendment.

the Laws be faithfully executed, and shall Commission all the Officers of the United States.

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

ARTICLE III.

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

SECTION 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE IV.

SECTION 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

SECTION 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

[No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or

Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.]*

SECTION 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress: Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the

*Superseded by the thirteenth amendment.

Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI.

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

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

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

ARTICLE VII.

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

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

In Witness whereof We have hereunto subscribed our Names.

Go WASHINGTON
Presidt and deputy from Virginia

New Hampshire.

JOHN LANGDON
NICHOLAS GILMAN

Massachusetts.

NATHANIEL GORHAM
RUFUS KING

New Jersey.

WIL: LIVINGSTON
DAVID BREARLEY.
WM PATERSON.
JONA: DAYTON

Pennsylvania.

B FRANKLIN
ROBT. MORRIS
THOS. FITZSIMONS
JAMES WILSON
THOMAS MIFFLIN
GEO. CLYMER
JARED INGERSOLL
GOUV MORRIS

Delaware.

GEO: READ
JOHN DICKINSON
JACO: BROOM
GUNNING BEDFORD jun
RICHARD BASSETT

Connecticut.

WM SAML JOHNSON
ROGER SHERMAN

New York.

ALEXANDER HAMILTON

Maryland.

JAMES MCHENRY
DANL CARROL
DAN: of ST THOS JENIFER

Virginia.

JOHN BLAIR
JAMES MADISON Jr.

North Carolina.

WM BLOUNT
HU WILLIAMSON
RICHD DOBBS SPAIGHT.

South Carolina.

J. RUTLEDGE
CHARLES PINCKNEY
CHARLES COTESWORTH
PINCKNEY
PIERCE BUTLER

Georgia.

WILLIAM FEW
ABR BALDWIN

Attest:

WILLIAM JACKSON, *Secretary.*

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA, PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION.*

(The first 10 Amendments were ratified December 15, 1791, and form what is known as the "Bill of Rights")

AMENDMENT I

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

AMENDMENT II

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

AMENDMENT III

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

*Amendment XXI was not ratified by state legislatures, but by state conventions summoned by Congress.

AMENDMENT IV

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

AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI

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

AMENDMENT VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any

Court of the United States, than according to the rules of the common law.

AMENDMENT VIII

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

AMENDMENT IX

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

AMENDMENT X

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

AMENDMENT XI

(Ratified February 7, 1795)

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

AMENDMENT XII

(Ratified July 27, 1804)

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of

votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. [And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—]* The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

*Superseded by section 3 of the twentieth amendment.

AMENDMENT XIII

(Ratified December 6, 1865)

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

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

AMENDMENT XIV

(Ratified July 9, 1868)

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age,* and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of

*Changed by section 1 of the twenty-sixth amendment.

representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

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

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

AMENDMENT XV

(Ratified February 3, 1870)

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

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

AMENDMENT XVI

(Ratified February 3, 1913)

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

AMENDMENT XVII

(Ratified April 8, 1913)

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

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

AMENDMENT XVIII

(Ratified January 16, 1919)

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

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

[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

(Ratified August 18, 1920)

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

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

AMENDMENT XX

(Ratified January 23, 1933)

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

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

SECTION 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case

*Repealed by section 1 of the twenty-first amendment.

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.

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

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

SECTION 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

AMENDMENT XXI

(Ratified December 5, 1933)

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

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

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

AMENDMENT XXII

(Ratified February 27, 1951)

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, 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

(Ratified March 29, 1961)

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

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

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

AMENDMENT XXIV

(Ratified January 23, 1964)

SECTION 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

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

AMENDMENT XXV

(Ratified February 10, 1967)

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

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

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

SECTION 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the

President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

AMENDMENT XXVI

(Ratified July 1, 1971)

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

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

SNYDER AMENDMENT

Precluding Use of Appropriated Funds to Negotiate an Agreement on the Panama Canal

During consideration in the House of Representatives of the Department of State Appropriations Bill (H.R. 8121), Congressman Snyder introduced an amendment to prevent appropriated funds from being used to negotiate a new treaty that would relinquish any U.S. rights in the Panama Canal Zone. The amendment, as adopted by the House, states:

None of the funds appropriated in this title shall be used for purposes of negotiating the surrender or relinquishment of any U.S. rights in the Panama Canal Zone. [H.R. 8121, § 104.]

This amendment, or one similar to it, will soon be considered in the Senate.

The purpose of this memorandum is to discuss the constitutionality of the Snyder Amendment, in particular whether Congress, by restricting the use of appropriations or otherwise, can constitutionally prevent or inhibit the President from "negotiating" particular treaty terms.

Statutory restrictions on what treaty terms the President can negotiate are inconsistent with the treaty-making process set forth in the Constitution. Article II, Section 2 of the Constitution assigns very specific functions to the President and to the Senate:

He [the President] shall have Power, by and with the Advice and Consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls,

Thus, in the exercise of treaty-making powers, there are prerogatives and roles for the executive and legislative branches of government. This allocation and separation of powers is fundamental to our constitutional system.

In practice, the effective conduct of the foreign relations of the United States requires close coordination between the legislative and executive branches of our government in carrying out their respective constitutional responsibilities with regard to the making of treaties. However, as the Supreme Court has stated, the limits of those responsibilities are clear:

[The President] makes treaties with the advice and consent of the Senate; but he alone negotiates. Into the field of negotiation the Senate cannot intrude; and Congress itself is powerless to invade it. [U.S. v. Curtis-Wright Corp., 299 U.S. 304, 319 (1936).]

Accordingly, legislation purporting to preclude the President from negotiating treaty terms which he considers to be in the national interest would not be a proper subject for congressional action under the Constitution. Similarly, in exercising a proper legislative function, such as the appropriation of funds for the conduct of executive branch activities, the Congress may not properly impose conditions which would otherwise be unconstitutional. See Henkin, Foreign Affairs and the Constitution, p. 113. Just as Congress cannot limit who the President nominates for an ambassadorship, so it cannot restrict the subject matter of treaties to be negotiated and submitted to the Senate.

It is, therefore, the opinion of the Department of State that inasmuch as Section 104 of H.R. 8121 purports to restrict the President in the exercise of a power exclusively reserved to him by the Constitution, it cannot be considered a constitutionally valid exercise of the legislative authority of the Congress.

Monroe Leigh
Monroe Leigh
Legal Adviser
Department of State

Draft Letter on the Snyder Amendment

The Senate will soon be considering an amendment to the Department's of State, Justice, Commerce and the Judiciary FY76 Appropriations Bill designed to prevent appropriated funds from being used to negotiate a new treaty that would relinquish any United States rights in the Panama Canal Zone.

That amendment constitutes an attempt to intrude into the constitutional power and responsibility of the President under Article II Section 2 of the Constitution, to negotiate treaties. In addition, it would invade the constitutional role of the Senate to give advice and consent to proposed treaties negotiated by the President.

We hope you will consider its broad implications for the effective conduct of the foreign relations of the United States and the prerogatives of the Senate. Your vote on this amendment should be based on the constitutional principles involved. The Senate should have the opportunity at the appropriate time to consider any negotiated treaty fully in accordance with proper constitutional processes.

We urge you to vote against this amendment.

THE UNITED STATES AND LATIN
AMERICA: THE NEW OPPORTUNITY
Secretary Henry A. Kissinger

The Panama Canal. Since its opening, the peoples of the world have looked on the Panama Canal as an important lifeline of commerce and international security. It is essential that the canal remain open to the ships of all nations on fair terms.

In acquiring the rights to build the canal, the United States was granted exclusive control—the rights which it would possess and exercise “if it were sovereign”—over a 10-mile-wide strip of Panamanian territory from the Atlantic to the Pacific. In the Canal Zone, we enforce U.S. laws, operate commercial enterprises, and control most of the deepwater port facilities that serve Panama.

Over time the nature of the U.S. presence has come to be viewed by the people of Panama—and indeed by most of the rest of the hemisphere—as an infringement upon their national sovereignty and their principal resource—their country’s strategic location.

Clearly both Panama and the United States have vital interests in the canal. The challenge is to reconcile the security needs of the United States with Panama’s national honor and sovereignty. Negotiations on this problem have gone on intermittently for 11 years; in the last year and a half they have moved forward rapidly. We now believe that an agreement on terms fair to all is possible.

We have made progress because each side has recognized the essential needs and constraints of the other. The United States understands that a treaty negotiated in 1903 does not meet the requirements of 1975. We are ready to acknowledge

that it is reasonable for Panama to exercise jurisdiction over its territory and to participate in the operation and defense of the canal. We are prepared to modify arrangements which conflict with Panamanian dignity and self-respect.

In turn we will expect Panama to understand our perspective—that the efficient, fair, and secure operation of the canal is a vital economic and security interest of the United States; that a new treaty must provide for the operation and defense of the canal by the United States for an extended period of time; and that a new treaty must protect the legitimate interests of our citizens and property in Panama.

A new treaty based on these principles will make the United States and Panama partners in the operation of the canal, protect the essential national interests of both, and provide a secure arrangement for the long term.

Serious problems remain to be resolved in the negotiation. But we are confident that they will be overcome if both parties continue to display the seriousness and mutual understanding they have shown so far.

The Administration has been consulting with the Congress as our negotiations have proceeded. We will intensify these consultations and discuss in detail the arrangements which we envisage. A new treaty which reflects the advice and consent of the Senate and the full support of the American people will be a concrete and significant demonstration that with good will on both sides cooperative solutions to the problems of the Western Hemisphere are possible.

PANAMA CANAL TREATY NEGOTIATIONS
Background Material

1. Snyder Amendment - Precluding Use of Appropriated Funds to Negotiate an Agreement on the Panama Canal, Dept. (L) opinion.
2. Draft Letter on the Snyder Amendment.
3. Talking Points - Why a New Canal Treaty is Necessary.
4. Speech by Secretary Kissinger in Houston, Texas, March 1, 1975.
5. Remarks by Assistant Secretary Rogers.
6. Speech by Ambassador Bunker in New York City on March 19, 1974.
7. Speech by Ambassador Bunker in Seattle, Washington on May 22, 1975.
8. The Inter-American Relationship.
9. Article in the May 28, 1975 issue of the Washington Star.



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