

2009 HOUSE EDUCATION

HB 1435

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1435

House Education Committee

☐ Check here for Conference Committee

Hearing Date: February 3, 2009

Recorder Job Number: 8450

Committee Clerk Signature

Carmen Hart

Minutes:

Rep. Mike Schatz, District 36, appeared as prime sponsor of HB 1435 which requires all the students who graduate from high school to have read the Declaration of Independence and the United States Constitution. I have read statistics that only one in ten people have read the Declaration of Independence and the United States Constitution.

Rep. Bob Hunsakor: Some of the principals from the schools talk about Problems of Democracy. Is it your intent or do you know if that would work for the government class in this bill?

Rep. Mike Schatz: Yes. POD and government would be the same thing.

Chairman Kelsch: Can this currently be done in government classes?

Rep. Mike Schatz: Yes, it can.

Rep. Phillip Mueller, District 24, appeared and was also a sponsor of this bill. Some do this and some don't. We think they all ought to. We are not talking about additional units. This is the beginning of the engagement with the process.

Rep. Lee Myxter: Is government a required class in all high schools?

Rep. Phillip Mueller: There are some requirements that speak to social sciences, government being one. I believe it is.

Rep. Bette Grande, appeared. She stands in favor of this piece of legislation due to the fact that at times we seem to have a slipping away of studying and maintaining our American history and what we are founded on, those principles and those being very important principles. This gives us the opportunity to have these options read, hopefully lead to discussion, and increase their interest in their own government system.

John Jacobsen, Bismarck resident, appeared in support of HB 1435. **(See Attachment 1.)**

Chairman Kelsch: The question was asked. Currently in state law it is four units of social studies including one of world history and one of United States history. With 1400 with the changes that they are making to the high school graduation requirements, it would be three units of social studies including one unit of United States history, one half unit of United States government, and one half unit of economics or one unit of Problems of Democracy.

Rep. Mike Schatz: They only have to have three units. I think the schools have to offer four. Am I wrong there?

Chairman Kelsch: The second part that I read was the new 22 units of high school coursework that students must have completed.

Sandy Clark, ND Farm Bureau, appeared. Their members are very supportive of this bill. They have always been an organization that felt strongly about patriotism and their government and constitution. They encourage a do pass.

Greg Gallagher, Director of Standards and Achievement, Department of Public Instruction, appeared to provide information on HB 1435, to propose a consolidation among related bills introduced this session, and to provide an amendment. **(See Attachment 2.)**

Rep. Mike Schatz: Do you meet with each of the social studies teachers yourself or a member of the DPI to explain all of the codes and standards to them?

Greg Gallagher: Yes. The department annually presents the general instructions that occurs an approval and accreditation primarily to the new administrators coming in.

Rep. Mike Schatz: I didn't say superintendents. I said social studies teachers.

Greg Gallagher: Under the current governance that we have, we don't have a reliable means in order to do that.

Rep. Phillip Mueller: Did you say earlier in your testimony that the study of the constitution and the Declaration of Independence are currently in the contents standards?

Greg Gallagher: Absolutely correct. The constitution and the Declaration of Independence are clearly identified as an element that needs to be taught. In fact it occurs at several times.

Chairman Kelsch: If you look at page 42 at the bottom.

Rep. Phillip Mueller: Is that getting done?

Greg Gallagher: As a means of knowing how it is done, you have now opened up the million dollar question. You should be able to through syllabi and student assessment. We are blind in our last two years. We have no way of knowing what is happening in that last two years in school.

Rep. Phillip Mueller: If we do not need Lines 15-20 which we may based on what you said, why would we need to insert your each instructional course must need or exceed? If that is already in the law and what I am hearing you say is that it is, that isn't anymore needed than the reference to the Declaration and the constitution?

Greg Gallagher: You are correct. He explained at a great length of time. Here are some major points. There always has been a tension between offerings and requirements at the high school level. We have to bring clarity about what we believe and state it. There must be accountability.

Rep. David Rust: This one states one half unit of government. Are there schools right now that through the highly qualified may find themselves in a bit of a bind by requiring one half unit of United States government? I think it is very possible. You could be qualified to teach US history but not qualified to teach government and as a result, you could find yourself in a problem of having a teacher that you have to get highly qualified or you have to hire somebody else. Can you address that?

Greg Gallagher: I would want to go back and do a double check with a clear state of mind to address that specific issue.

Rep. David Rust: I was actually looking for Janet Welk and didn't see her. She is the one that could answer that question. I think when you state in the law one half unit of United States government, there are a number of schools that do not have a highly qualified person in that area.

Greg Gallagher: There is also another issue and that is the issue of course identification, course content, and general delivery. So much of the high quality teacher analysis that occurs is based on the course title, the course itself.

Rep. David Rust: I have always found it interesting with the highly qualified things that in math you are highly qualified. The highly qualified in social studies gets right down to naming the area and the courses. That does create some problems.

Dr. Doug Johnson, NDCEL, appeared. Initially when they looked at this bill, their organization was opposed to the bill because of the unintended consequences of it. We support the concepts of the requirement that the student read the Declaration of Independence and the constitution. They believe for the most part that it is already in the courses. He thinks they should be addressing this in 1400. This section on 1435 is actually a repeal of 1400.

Perhaps address the intent that Rep. Schatz had with this bill with the language we have in this bill as void.

Rep. Mike Schatz: On page 42 requirements it goes through the analyzing of the Declaration of Independence and 12 other documents. What if you don't? What if you are a social studies teacher and you don't do these things?

Dr. Doug Johnson: Most school districts have done curriculum mapping to see what is being taught in this particular area.

Kevin Hoherz, High School Principal, Stanley, appeared. To be qualified to teach government in the state of North Dakota you have to be a history major and you have to have 12 college courses in some of that coursework. All US history majors do not have that coursework done. To get by US government stipulation, they offer Problems of Democracy.

To teach Problems of Democracy you just need to have a history major. The bill does have merit. It is an important bill but I can see a problem with a few of the schools around the state because they do not have a highly qualified government teacher. If the bill would be included with the Problems of Democracy, that would encompass the whole state.

Chairman Kelsch: The way 1400 was written was one unit of United States history, one half unit of United States government and one half unit of economics or one unit of Problems of Democracy. That was to get around that issue.

Kevin Hoherz: Problems of Democracy combines economics, history, geography, political science, sociology as assigned by a local school. The course description for American government is processes and structures by which citizens of the United States govern themselves at the local, state, and national level. Problems of Democracy gives a little bit of flexibility to get the government into the curriculum.

Rep. Phillip Mueller: Do you deal with the Declaration of Independence and the constitution in that course curriculum that you just talked about?

Kevin Hoherz: Yes. I can only speak on a personal level. When I do my teacher evaluations, I go through and make sure my instructors are aware of the state standards and benchmarks.

Rep. Mike Schatz: He read the documents listed on page 42 of Mr. Gallagher's handout. Do your social studies teachers analyze all of those?

Kevin Hoherz: I cannot say specifically, yes. I know that when I do my evaluations I want my teachers to be aware of the standards and benchmarks and that is in there. I am hoping they are.

Chairman Kelsch: Most of those things are referenced in the social studies books.

Kevin Hoherz: That is correct. A lot of the state standards and benchmarks are covered within the text.

Rep. David Rust: Does your school do something like the constitution test?

Kevin Hoherz: No, we do not.

Rep. Bob Hunsakor: Wouldn't it make sense that the requirements to be highly qualified should be the same for government and POD?

Kevin Hoherz: To me that would make sense, but we just have to follow what is set down by the qualifications by ESPB.

Bev Nielson, NDSBA, appeared. We understand the importance of the issue. The only request she had was to be sure that the requirement is under US government. Then the requirement is repeated under POD so that we don't make schools have to offer a course called US government that we can't find any highly qualified teachers to teach.

Chairman Kelsch: There is no penalty section so...

Bev Nielson: I wouldn't want to go to a penalty section. It is sort of in a way a compromise to those who feel it is important enough that we should actually list it and we take note of that in our curriculum. I looked at 1400 and we almost have to put it in both.

Chairman Kelsch agreed with that too about putting it in 1400.

There was no opposition.

The hearing was closed.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1435

House Education Committee

☐ Check here for Conference Committee

Hearing Date: February 3, 2009

Recorder Job Number: 8540

Committee Clerk Signature

Carmen Hart

Minutes:

Rep. Mike Schatz went to Anita. She put them side by side (referring to 1400 and this bill) and this is the amendment she came up with. **(See Attachment 1.)**

Rep. David Rust: Explain the word read. Anything beyond read?

Rep. Mike Schatz: No, there is nothing in the bill. Yes, of course, what I want you know is such standards talking about analyzing, studying, and all that. Here it basically is saying that they are going to read each of the documents.

Chairman Kelsch: This is not exactly what I was thinking. As long as I add it in the 1400.

Rep. Mike Schatz moved the acceptance of the amendment. **Rep. Karen Karls** seconded the motion.

A voice vote was taken on amendment 90566.0201. Motion carries.

Rep. Lee Myxter: Isn't this being taught right now in American history?

Chairman Kelsch: This is a little bit confusing because we are talking about two separate bills. HB 1400 has the high school graduation diploma requirements and these are the requirements that were developed going to the 22 units of high school coursework to be completed. What is said in those requirements are three units of social studies including one unit of United States history, one half unit of United States government, and one half unit of

economics or one unit of Problems of Democracy. My thought was with in 1400 as I am getting the amendments drafted was to add this language into that section.

Rep. Phillip Mueller: Are you suggesting that in 1400 we wouldn't have this kind of language and that it wouldn't be necessary?

Chairman Kelsch: No, we would have to add this because technically the language that is in front of you in 1435 is repealed in 1400.

Rep. Phillip Mueller: That basically would be the case for a couple of other bills.

Chairman Kelsch: Exactly. That is why adopting them is going to have be included in 1400.

Rep. Corey Mock: I have nothing opposed to the merits behind this bill. My concern is college students going for their teaching degree are taking one or two semesters of classes that are just on teaching standards. It has been shown that some of these elements are in standards, and I believe this is becoming redundancy.

Chairman Kelsch: Good comments. I know that in our social studies we have an emphasis on North Dakota studies.

Rep. Bob Hunsakor: I need to be enlightened. This government course is in 1400, then why do we need 1435?

Chairman Kelsch: If 1435 is going to pass out of this committee, we want to make sure that it passed with similar language to us in 1400 because currently not all school districts teach United States government class.

Rep. Bob Hunsakor: If it is in 1400 exactly as in 1435, there is no point of passing 1435 because it is going to be repealed anyway.

Chairman Kelsch: That is totally up to the committee.

Rep. Karen Karls: I understand what your point is but I noticed last session in the big education bill we put things in or take things out in committee and then in conference

committee in the senate, they would disappear. Is there a way if we really want this to put it in 1400 and keep it there?

Chairman Kelsch: It is a nonnegotiable item. I don't think we ever gave up anything that was nonnegotiable.

Rep. Brenda Heller: Who determines that it is nonnegotiable?

Chairman Kelsch: This committee does.

Vice Chair Lisa Meier made a motion for a **Do Pass as Amended**. **Rep. Karen Karls** seconded the motion.

Rep. Phillip Mueller: What we are going to do in passing it is reaffirming what is already in the contents and standards part and maybe giving it a little emphasis. In reality we don't really need to do this. By doing it all we are doing is putting kind of an exclamation point at the end of this particular concept.

Chairman Kelsch: There will be no consequences for the students or teachers.

DO PASS AS AMENDED. 12 YEAS, 2 NAYS. **Rep. Bob Hunskor** is the carrier of the bill.

VR
2/4/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1435

Page 1, line 15, after "government" insert "or problems of democracy"

Renumber accordingly

Date: 2-3-09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1435

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 90566.0201

Action Taken ☐ Do Pass ☐ Do Not Pass ☐ Amended

Motion Made By Rep Schatz Seconded By Rep Karls

Representatives	Yes	No	Representatives	Yes	No
Chairman RaeAnn Kelsch			Rep. Lyle Hanson		
Vice Chairman Lisa Meier			Rep. Bob Hunsakor		
Rep. Brenda Heller			Rep. Jerry Kelsh		
Rep. Dennis Johnson			Rep. Corey Mock		
Rep. Karen Karls			Rep. Phillip Mueller		
Rep. Mike Schatz			Rep. Lee Myxter		
Rep. John D. Wall			<u>Motion Carries</u> <u>to accept</u> <u>the amendment.</u>		
Rep. David Rust					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 2-3-09
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1435

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 90566.0201

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended

Motion Made By Rep Meier Seconded By Rep Karls

Representatives	Yes	No	Representatives	Yes	No
Chairman RaeAnn Kelsch	✓		Rep. Lyle Hanson	✓	
Vice Chairman Lisa Meier	✓		Rep. Bob Hunsakor	✓	
Rep. Brenda Heller	✓		Rep. Jerry Kelsh	✓	
Rep. Dennis Johnson	✓		Rep. Corey Mock		✓
Rep. Karen Karls	✓		Rep. Phillip Mueller	✓	
Rep. Mike Schatz	✓		Rep. Lee Myxter		✓
Rep. John D. Wall	✓				
Rep. David Rust	✓				

Total (Yes) 12 No 2

Absent 0

Floor Assignment Rep Hunsakor

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1435: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1435 was placed on the Sixth order on the calendar.

Page 1, line 15, after "government" insert "or problems of democracy"

Renumber accordingly

2009 SENATE EDUCATION

HB 1435

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1435

Senate Education Committee

☐ Check here for Conference Committee

Hearing Date: March 10, 2009

Recorder Job Number: 10562, 10565, 10611

Committee Clerk Signature



Minutes:

Chairman Freborg opened the hearing on HB 1435. All members were present.

Representative Schatz testified in favor of the bill. See written testimony.

Senator Flakoll asked if this changes the requirement and removes US History as a required class. In trying to reconcile this bill with HB 1400, they don't match up well. Is there another underlying need for the other language in the bill? Is the object of the bill to have students read the Declaration of Independence and the Constitution and is the rest of the bill carrier language or does Representative Schatz wish to change the high school requirements for US History.

Representative Schatz said he wants a ½ unit of US Government. In that unit, he wants the reading of the Declaration of Independence and the Constitution.

Senator Flakoll asked if he has taken out the requirement for US History.

Representative Schatz said he did not take out the requirement for US History, there is a requirement for 3 units of social studies including a ½ unit of government.

Representative Mueller testified in favor of the bill. We have all had the opportunity to have students with us at the capital. Some of them are in awe of the proceedings. It would help them to have some familiarity with and connection to our founding documents. Democracy is a

participatory endeavor. Having at least some knowledge of the vital documents in our country's history is important. It may help them participate in the legislative process and in society.

Senator Flakoll asked if there was any discussion in the House to including the North Dakota Constitution as well.

Representative Mueller said he and Representative Schatz visited about it and they would have no objection, that is important too. How far do we go in directing curriculum?

Senator Taylor said as a former teacher, how would he put this to use in the classroom.

Would he tell them to go home and read it or read it in the classroom?

Representative Mueller said he was an English teacher but he knows how he would approach the unit. He would take it section by section and discuss and interpret it. The objective would be to learn how it works and why it is important to the students.

Senator Lee said in trying to reconcile it with the big bill, there are some disagreements in curriculum. Is this better than what is in 1400 in social studies?

Representative Mueller said 1400 does much of the same thing. There are some potential discrepancies. Both bills ask that the Bill of Rights, Constitution and Declaration of Independence be brought into social studies.

Senator Flakoll asked how we will know if they accomplish this.

Representative Mueller said that is a good question. The bottom line is we may not know. The testing process speaks to it and so does good faith.

Representative Schatz said in answer to the question about how it would be delivered, he would go around the room and have the students read a paragraph aloud. He has done this in the past and the students enjoyed it and felt a sense of accomplishment. He distributed a list of benchmark expectations (attached) which emphasizes what we need to study most.

Senator Taylor asked if he sits on the House Education Committee.

Representative Schatz said yes.

Senator Taylor said it might be a good idea during the orientation of new legislators to have them read the US and North Dakota constitutions. We should make the requirement of ourselves.

John Jacobsen, veteran of the North Dakota Army National Guard and the US Army Reserve, testified in favor of the bill. See written testimony. He also gave a copy of the US constitution and Declaration of Independence to the clerk to be entered into the record and they are attached.

Sandy Clark, North Dakota Farm Bureau, testified in favor of the bill. It is important for young people to understand how our country came to be.

Chairman Freborg closed the hearing on HB 1435.

Later in the morning Chairman Freborg opened the discussion on HB 1435.

Senator Flakoll said he wants to pursue some amendments.

Later in the day, Senator Flakoll distributed the Flakoll amendment, which will align with what we have in HB 1400. He read the proposed amendment.

Senator Flakoll moved the Flakoll amendment, seconded by Senator Lee.

Senator Bakke asked where they would be in HB 1400.

Senator Flakoll said they would be on page 10, section 10, classes required to be taken.

The Flakoll amendment passed 5 – 0.

Senator Flakoll moved a Do Pass As Amended on HB 1435, seconded by Senator Lee.

The motion passed 5 – 0.

Senator Lee will carry the bill.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1435

Page 1, after line 14, insert:

- (1) One unit of United States history;
- (2) (a) One-half unit of United States government and one-half unit of economics, with a requirement that each student read the Declaration of Independence, the United States Constitution, and the Bill of Rights; or
(b) One unit of problems of democracy, with a requirement that each student read the Declaration of Independence, the United States Constitution, and the Bill of Rights;
and
- (3) One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;

Page 1, remove lines 15 through 20

Renumber accordingly

SF 3/10/09

Date: 3/10/09 :
Roll Call Vote #: 1 :

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1435

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Flakoll Amendment

Motion Made By Sen. Flakoll Seconded By Sen. Lee

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 3/10/09 :
Roll Call Vote #: 2 :

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1435

Senate Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Sen. Flakoll Seconded By Sen. Lee

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Sen. Lee

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1435, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1435 was placed on the Sixth order on the calendar.

Page 1, line 14, remove "including:"

Page 1, remove lines 15 through 17

Page 1, line 18, remove "(2) Two and one-half additional social studies units," and overstrike "which may include"

Page 1, overstrike line 19

Page 1, line 20, overstrike "studies" and insert immediately thereafter "including:"

- (1) One unit of United States history;
- (2) (a) One-half unit of United States government and one-half unit of economics, with a requirement that each student read the Declaration of Independence, the United States Constitution, and the Bill of Rights; or
- (b) One unit of problems of democracy, with a requirement that each student read the Declaration of Independence, the United States Constitution, and the Bill of Rights; and
- (3) One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history"

Renumber accordingly

2009 TESTIMONY

HB 1435

TESTIMONY on HB 1435
By Greg Gallagher
Department of Public Instruction
February 3, 2009

Madam Chairman and Members of the House Education Committee,

I am Greg Gallagher, Director of Standards and Achievement, within the Department of Public Instruction. I am here to provide information on HB 1435, to propose a consolidation among related bills introduced this session concerning the general high school coursework requirements within NDCC 15.1-21-02 and high school graduation requirements within NDCC 15.1-21.02.2, and to provide an amendment.

HB 1435 specifies new components of the state's current three-unit social studies graduation requirement. HB 1435 specifies that among the required three units of social studies, one-half unit consist of United States government with a requirement to read the Declaration of Independence and the United States Constitution. The remaining two and one-half social studies units may include one-half unit of North Dakota studies and one-half unit of multicultural studies. NDCC 15.1-21-02.2 specifies what types of course units a high school graduate must actually complete to receive a North Dakota graduation diploma.

HB 1435 is one of several bills and resolutions that attempt to update NDCC 15.1-21-02.2 regarding high school coursework requirements. HB 1564 adds a one-half unit course in personal finance, among other changes to the high school diploma requirements (NDCC 15.1-21-02.2). Sections 9 and 10 of HB 1400 establish additional foreign or native language offerings and new graduation diploma requirements for all students. These bills address curricular offerings and graduation expectation that contribute to the broad policy concerns of what students should know and be able to do.

In light of the recent efforts of the Commission on Education Improvement to address the issue of broad educational adequacy within the state's education system, some which have bedeviled education improvement efforts for years, the Department proposes that the House Education Committee consolidate HB 1564, HB 1435, and Sections 9 and 10 of HB 1400 to provide a unified, integrated remedy to NDCC 15.1-21-02.2 regarding high school graduation requirements.

The following comments specifically address HB 1435:-

High school graduation requirements

NDCC 15.1-21-02 provides for the instructional course offerings that must be provided by all high schools. Within its language, NDCC 15.1-21-02 (3) states, "Each [instructional course—*inclusion mine*] unit which must be made available under this section must meet or exceed the state content standards." North Dakota academic content standards already provide for the instruction of government, the Declaration of Independence, and the United States Constitution throughout elementary, middle, and high schools.

Since all course unit offerings are to meet or exceed the state content standards, which include the broad and specific elements of a rigorous and well-rounded education, then there exists no reason for additional restrictive language to obfuscate the impact or balance of the state's content standards. Section NDCC 15.1-21-02(3) provides assurance that the state's content standards must be aligned to each school's curriculum.

The state's content standards already define and detail the broad subject instructional units listed in statute. NDCC should set broad instructional unit policy aims and affirm the paramount importance of the state's content standards to define curricular objectives, without emphasizing selective course units which introduce confusion or conflict into the balance of the curriculum established within the state's content standards. The Department provides amendments to achieve these policy aims.

These principles should be applied to Section 9 and 10 of HB 1400 accordingly.

As a final note, any possible consideration of high school graduation requirements must be mindful of their foundation on the state's content and achievement standards. Our state's standards-based assessments allow some means for us to measure true student performance in English language arts, mathematics, and science. For high schools, the state's graduation requirements establish the ultimate expectations for what students should know and be able to do. However, without any true student assessments in our last two years of instruction, we are woefully blind to what students really know or are able to do upon exiting high school. The state should embrace its emerging policy goal of educational adequacy by measuring true student achievement, not by measuring instructional seat time. For the additional funds being invested into the state's educational system, student achievement in terms of our standards is our ultimate measure, not the provision of instructional units or time on task.

Madam, Chairman, this concludes my testimony. I am available to answer any questions from the Committee. Thank you.

Proposed Amendments to HB 1435

1. Page 1, line 14: after "studies," delete "including"
2. Page 1 delete lines 15-20
3. Page 1 after line 24
Insert a return and "2. Each instructional course unit must meet or exceed the state content standards."

Renumber sections and pages accordingly.

Standard 4: Government and Citizenship

Standard 4: Students understand the development, functions, and forms of various political institutions and the role of the citizen in government and society.					
Benchmark Expectations		ACHIEVEMENT DESCRIPTORS			
		ADVANCED PROFICIENT	PROFICIENT	PARTIALLY PROFICIENT	NOVICE
Kindergarten					
CITIZENSHIP					
K.4.1	Identify membership in different groups (e.g., family, school, community)	Students identify membership in an extensive variety of groups.	Students identify membership in a representative variety of groups.	Students identify membership in a limited variety of groups.	Students identify membership in an insufficient variety or no groups.
K.4.2	Identify school rules and appropriate behavior	Students identify school rules and appropriate behavior with few, if any, errors.	Students identify school rules and appropriate behavior with no significant errors.	Students identify school rules and appropriate behavior with limited significant errors.	Students identify school rules and appropriate behavior with many significant errors.
K.4.3	Identify examples of good citizenship (e.g., honesty, cooperation, respect, responsibility)	Students identify examples of good citizenship with few, if any, errors.	Students identify examples of good citizenship with no significant errors.	Students identify examples of good citizenship with limited significant errors.	Students identify examples of good citizenship with many significant errors.
Grade 1					
CITIZENSHIP					
1.4.1	Apply good citizenship (e.g., respect, cooperation, honesty, responsibility) in the school environment	Students almost always apply good citizenship in the school environment.	Students consistently apply good citizenship in the school environment.	Students inconsistently apply good citizenship in the school environment.	Students rarely apply good citizenship in the school environment.
1.4.2	Explain the purpose for rules in home, school, and community	Students explain the purpose for rules in the home, school, and community with few, if any, errors.	Students explain the purpose for rules in the home, school, and community with no significant errors.	Students explain the purpose for rules in the home, school, and community with limited significant errors.	Students explain the purpose for rules in the home, school, and community with many significant errors.
Grade 2					
CITIZENSHIP					
2.4.1	Identify roles and responsibilities of leaders in the home, school, and community (e.g., parents, teachers, principal, mayor, governor, president)	Students identify an extensive variety of roles and responsibilities of leaders in the home, school, and community.	Students identify a representative variety of roles and responsibilities of leaders in the home, school, and community.	Students identify a limited variety of roles and responsibilities of leaders in the home, school, and community.	Students identify an insufficient variety or no roles and responsibilities of leaders in the home, school, and community.

Standard 4: Students understand the development, functions, and forms of various political institutions and the role of the citizen in government and society.

Benchmark Expectations		ACHIEVEMENT DESCRIPTORS		
		ADVANCED PROFICIENT	PROFICIENT	PARTIALLY PROFICIENT
2.4.2	Compare the relationship between rules and laws in home, school, and community (e.g., hitting/assault, stealing/larceny)	Students compare the relationship between rules and laws in home, school, and community with substantial detail.	Students compare the relationship between rules and laws in home, school, and community with sufficient detail.	Students compare the relationship between rules and laws in home, school, and community with minimal detail.
Grade 3				
CITIZENSHIP				
3.4.1	Identify the roles, rights, and responsibilities of a citizen in a community (e.g., obedience to laws, the right to vote, service to the common good)	Students identify an extensive variety of roles, rights, and responsibilities of a citizen in a community.	Students identify a representative variety of roles, rights, and responsibilities of a citizen in a community.	Students identify a limited variety of roles, rights, and responsibilities of a citizen in a community.
GOVERNMENT SYSTEM				
3.4.2	Identify the three branches of local government (i.e., Executive, Legislative, Judicial)	Students identify the three branches of local government with no errors.	Students identify the three branches of local government with no significant errors.	Students identify the three branches of local government with many significant errors.
3.4.3	Explain the rule-making process and its purpose in the school	Students explain the rule-making process and its purpose in the school with few, if any, errors.	Students explain the rule-making process and its purpose in the school with no significant errors.	Students explain the rule-making process and its purpose in the school with many significant errors.
Grade 4				
CITIZENSHIP				
4.4.1	Identify the roles, rights, and responsibilities of a citizen in North Dakota (e.g., obedience to laws, the right to vote)	Students identify the roles, rights, and responsibilities of a citizen in North Dakota with few, if any, errors.	Students identify the roles, rights, and responsibilities of a citizen in North Dakota with no significant errors.	Students identify the roles, rights, and responsibilities of a citizen in North Dakota with many significant errors.

Standard 4: Students understand the development, functions, and forms of various political institutions and the role of the citizen in government and society.

Benchmark Expectations		ACHIEVEMENT DESCRIPTORS			
		ADVANCED PROFICIENT	PROFICIENT	PARTIALLY PROFICIENT	NOVICE
GOVERNMENT SYSTEMS					
4.4.2	Identify the basic roles of the three branches of North Dakota government (i.e., Executive, Legislative, Judicial)	Students identify the basic roles of the three branches of North Dakota's government with no errors.	Students identify the basic roles of the three branches of North Dakota's government with no significant errors.	Students identify the basic roles of the three branches of North Dakota's government with limited significant errors.	Students identify the basic roles of the three branches of North Dakota's government with many significant errors.
4.4.3	Identify the characteristics of a sovereign nation in terms of tribal government in North Dakota	Students identify the characteristics of a sovereign nation in terms of tribal government in North Dakota with few, if any, errors.	Students identify the characteristics of a sovereign nation in terms of tribal government in North Dakota with no significant errors.	Students identify the characteristics of a sovereign nation in terms of tribal government in North Dakota with limited significant errors.	Students identify the characteristics of a sovereign nation in terms of tribal government in North Dakota with many significant errors.
Grade 5					
CITIZENSHIP					
5.4.1	Identify the roles, rights, and responsibilities of U.S. citizens in a democratic society (e.g., the responsibility to pay taxes, the responsibility to sit on a jury)	Students identify an extensive variety of roles, rights, and responsibilities of U.S. citizens in a democratic society.	Students identify a representative variety of roles, rights, and responsibilities of U.S. citizens in a democratic society.	Students identify a limited variety of roles, rights, and responsibilities of U.S. citizens in a democratic society.	Students identify an insufficient variety or no roles, rights, and responsibilities of U.S. citizens in a democratic society.
GOVERNMENT SYSTEMS					
5.4.2	Identify the duties of the executive, judicial, and legislative branches of the Federal government (e.g., checks and balances)	Students identify an extensive variety of duties of the executive, judicial, and legislative branches of the Federal government.	Students identify a representative variety of duties of the executive, judicial, and legislative branches of the Federal government.	Students identify a limited variety of duties of the executive, judicial, and legislative branches of the Federal government.	Students identify an insufficient variety or no duties of the executive, judicial, and legislative branches of the Federal government.
5.4.3	Identify the purpose and importance behind documents leading up to the writing of the United States Constitution and the Bill of Rights (e.g., Magna Carta, English common law, English Bill of Rights, Declaration of Independence, Articles of Confederation)	Students identify the purpose and importance behind documents leading up to the writing of the United States Constitution and the Bill of Rights with substantial detail.	Students identify the purpose and importance behind documents leading up to the writing of the United States Constitution and the Bill of Rights with sufficient detail.	Students identify the purpose and importance behind documents leading up to the writing of the United States Constitution and the Bill of Rights with sketchy detail.	Students identify the purpose and importance behind documents leading up to the writing of the United States Constitution and the Bill of Rights with little or no detail.

Standard 4: Students understand the development, functions, and forms of various political institutions and the role of the citizen in government and society.

Benchmark Expectations		ACHIEVEMENT DESCRIPTORS			
		ADVANCED PROFICIENT	PROFICIENT	PARTIALLY PROFICIENT	NOVICE
5.4.4	Explain why the United States government is necessary (e.g., government helps secure people's lives, liberty, and property through law and military protection; groups can accomplish things collectively that individuals cannot)	Students explain why the United States government is necessary with substantial detail.	Students explain why the United States government is necessary with sufficient detail.	Students explain why the United States government is necessary with superficial detail.	Students explain why the United States government is necessary with little or no detail.
Grade 6					
GOVERNMENT SYSTEMS					
6.4.1	Explain why government became necessary in ancient civilizations (e.g., need for hierarchy of power to prevent chaos, power of groups)	Students provide insightful explanations as to why government became necessary in ancient civilizations.	Students provide relevant explanations as to why government became necessary in ancient civilizations.	Students provide superficial explanations as to why government became necessary in ancient civilizations.	Students provide irrelevant explanations as to why government became necessary in ancient civilizations.
6.4.2	Describe how different forms of government (i.e., monarchy, oligarchy, aristocracy, democracy) distributed power within ancient societies.	Students describe how different forms of government distributed power within ancient societies with substantial detail.	Students describe how different forms of government distributed power within ancient societies with sufficient detail.	Students describe how different forms of government distributed power within ancient societies with superficial detail.	Students describe how different forms of government distributed power within ancient societies with negligible detail.
Grade 7					
CITIZENSHIP					
7.4.1	Compare the rights and responsibilities of citizens from a variety of countries (e.g., United States, Indonesia, Iran, Australia, India, China, Germany, Poland, Brazil, Ghana)	Students compare with substantial detail the rights and responsibilities of citizens from a variety of countries.	Students compare with sufficient detail the rights and responsibilities of citizens from a variety of countries.	Students compare with superficial detail the rights and responsibilities of citizens from a variety of countries.	Students compare with little or no detail the rights and responsibilities of citizens from a variety of countries.
GOVERNMENT SYSTEMS					
7.4.2	Explain how people create and change structures of power (e.g., force, elections, wars, reactions to economic conditions and natural disasters)	Students explain with substantial detail how people create and change structures of power.	Students explain with sufficient detail how people create and change structures of power.	Students explain with superficial detail how people create and change structures of power.	Students explain with little or no detail how people create and change structures of power.

Standard 4: Students understand the development, functions, and forms of various political institutions and the role of the citizen in government and society.

Benchmark Expectations		ACHIEVEMENT DESCRIPTORS			
		ADVANCED PROFICIENT	PROFICIENT	PARTIALLY PROFICIENT	NOVICE
Grade 8					
CITIZENSHIP					
8.4.1	Explain the connections between the rights and responsibilities of citizenship (e.g., voting and staying informed on issues; being tried by a jury and serving on juries; having rights and respecting the rights of others)	Students provide an insightful explanation of the connections between the rights and responsibilities of citizenship.	Students provide a relevant explanation of the connections between the rights and responsibilities of citizenship.	Students provide a superficial explanation of the connections between the rights and responsibilities of citizenship.	Students provide an irrelevant explanation of the connections between the rights and responsibilities of citizenship.
GOVERNMENT SYSTEMS					
8.4.2	Explain factors (e.g., lack of economic power, lack of central government, no court systems) that contributed to the demise of the Articles of Confederation and explain how they led to the creation of the US Constitution.	Students provide an insightful explanation of factors that contributed to the demise of the Articles of Confederation and how they led to the creation of the US Constitution.	Students provide a relevant explanation of factors that contributed to the demise of the Articles of Confederation and how they led to the creation of the US Constitution.	Students provide a superficial explanation of factors that contributed to the demise of the Articles of Confederation and how they led to the creation of the US Constitution.	Students an irrelevant explanation of factors that contributed to the demise of the Articles of Confederation and how they led to the creation of the US Constitution.
8.4.3	Explain how the United States Constitution and Amendments influence society (e.g., voting rights, equal protection, due process)	Students provide an insightful explanation how the United States Constitution and Amendments influence society.	Students provide a relevant explanation how the United States Constitution and Amendments influence society.	Students provide a superficial explanation how the United States Constitution and Amendments influence society.	Students provide an irrelevant explanation how the United States Constitution and Amendments influence society.
8.4.4	Explain the political party process at the local, state, and national level (e.g., the structure and functions of political parties, electoral college, how campaigns are run and who participates in them, the role of the media in the election process, various kinds of elections)	Students explain with substantial detail the political party process at the local, state, and national level.	Students explain with sufficient detail the political party process at the local, state, and national level.	Students explain with superficial detail the political party process at the local, state, and national level.	Students explain with little or no detail the political party process at the local, state, and national level.
8.4.5	Describe the relationship (e.g., power, responsibility, influence) among the executive, judicial, and legislative branches of the government at the local, state (i.e., North Dakota), and national level	Students describe with substantial detail the relationship among the executive, judicial, and legislative branches of the government at the local, state, and national level.	Students describe with sufficient detail the relationship among the executive, judicial, and legislative branches of the government at the local, state, and national level.	Students describe with superficial detail the relationship among the executive, judicial, and legislative branches of the government at the local, state, and national level.	Students describe with little or no detail the relationship among the executive, judicial, and legislative branches of the government at the local, state, and national level.

Standard 4: Students understand the development, functions, and forms of various political institutions and the role of the citizen in government and society.

Benchmark Expectations	ACHIEVEMENT DESCRIPTORS			
	ADVANCED PROFICIENT	PROFICIENT	PARTIALLY PROFICIENT	NOVICE
8.4.6 Compare the functions and structure of local, state, tribal, and federal governments within North Dakota	Students compare the functions and structure of local, state, tribal, and federal governments within North Dakota with few, if any, errors.	Students compare the functions and structure of local, state, tribal, and federal governments within North Dakota with no significant errors.	Students compare the functions and structure of local, state, tribal, and federal governments within North Dakota with limited significant errors.	Students compare the functions and structure of local, state, tribal, and federal governments within North Dakota with many significant errors.
Grades 9–12				
TRIBAL SOVEREIGNTY				
9–12.4.1 Explain how political and economic forces have affected the sovereignty of tribal nations (e.g., constitutional provisions; Supreme Court cases; laws used in forming the basis of the federal-tribal relationship; political and economic forces affecting sovereignty of tribal nations)	Students provide an insightful explanation of how political and economic forces have affected the sovereignty of tribal nations.	Students provide a relevant explanation of how political and economic forces have affected the sovereignty of tribal nations.	Students provide a superficial explanation of how political and economic forces have affected the sovereignty of tribal nations.	Students provide an irrelevant explanation of how political and economic forces have affected the sovereignty of tribal nations.
HISTORICAL AND PHILOSOPHICAL FOUNDATIONS				
9–12.4.2 Compare the nature and source of various types of political entities past and present throughout the world (e.g., ancient Greek and Roman political thought; classical republicans; philosophy of natural rights; limited and unlimited governments; constitutional governments; representative democracy; con-federal, federal, unitary systems of government, and international organizations)	Students compare the nature and source of various types of political entities past and present throughout the world with substantial detail.	Students compare the nature and source of various types of political entities past and present throughout the world with sufficient detail.	Students compare the nature and source of various types of political entities past and present throughout the world with sketchy detail.	Students compare the nature and source of various types of political entities past and present throughout the world with little or no detail.
9–12.4.3 Analyze the content and context of documents, events, and organizations that influenced and established the United States (e.g., Magna Carta; English common law; Petition of Right; English Bill of Rights; 1 st and 2 nd Continental Congresses; Common Sense; Declaration of Independence; American Revolution Articles of Confederation; Constitutional Convention; Federalist Papers; Anti-Federalist Papers; U.S. Constitution, Bill of Rights)	Students provide an insightful analysis of the content and context of documents, events, and organizations that influenced and established the United States.	Students provide a relevant analysis of the content and context of documents, events, and organizations that influenced and established the United States.	Students provide a superficial analysis of the content and context of documents, events, and organizations that influenced and established the United States.	Students provide a irrelevant analysis of the content and context of documents, events, and organizations that influenced and established the United States.

Standard 4: Students understand the development, functions, and forms of various political institutions and the role of the citizen in government and society.

Benchmark Expectations		ACHIEVEMENT DESCRIPTORS			
		ADVANCED PROFICIENT	PROFICIENT	PARTIALLY PROFICIENT	NOVICE
HISTORICAL AND CONTEMPORARY POLITICAL PROCESSES					
9-12.4.4	Evaluate the effectiveness of structures, operations, and influences of political systems and constitutional governments (e.g., federalism; separation of powers; checks and balances; media and special interest groups)	Students provide an insightful evaluation of the effectiveness of structures, operations, and influences of political systems and constitutional governments.	Students provide a relevant evaluation of the effectiveness of structures, operations, and influences of political systems and constitutional governments.	Students provide a superficial evaluation of the effectiveness of structures, operations, and influences of political systems and constitutional governments.	Students provide an irrelevant evaluation of the effectiveness of structures, operations, and influences of political systems and constitutional governments.
9-12.4.5	Analyze historical and contemporary examples of civil liberties and civil rights in the U.S. (e.g., incorporation of the Bill of Rights, amendments, key legislation, and landmark Supreme Court cases)	Students provide an insightful analysis of historical and contemporary examples of civil liberties and civil rights in the United States.	Students provide a relevant analysis of historical and contemporary examples of civil liberties and civil rights in the United States.	Students provide a superficial analysis of historical and contemporary examples of civil liberties and civil rights in the United States.	Students provide an irrelevant analysis of historical and contemporary examples of civil liberties and civil rights in the United States.
RIGHTS AND RESPONSIBILITIES OF CITIZENS					
9-12.4.6	Evaluate the rights and responsibilities of citizenship and civic participation (e.g., election system and process; naturalization; political activism)	Students provide an insightful evaluation of the rights and responsibilities of citizenship and civic participation with substantial detail.	Students provide a relevant evaluation of the rights and responsibilities of citizenship and civic participation.	Students provide a superficial evaluation of the rights and responsibilities of citizenship and civic participation.	Students provide an irrelevant evaluation of the rights and responsibilities of citizenship and civic participation.

CHAPTER 15.1-21 CURRICULUM AND TESTING

15.1-21-01. Elementary and middle schools - Required instruction. In order to be approved by the superintendent of public instruction, each public and nonpublic elementary and middle school shall provide to students instruction in:

1. English language arts, including reading, composition, creative writing, English grammar, and spelling.
2. Mathematics.
3. Social studies, including:
 - a. The United States Constitution;
 - b. United States history;
 - c. Geography;
 - d. Government; and
 - e. North Dakota studies, with an emphasis on the geography, history, and agriculture of this state, in the fourth and eighth grades.
4. Science, including agriculture.
5. Physical education.
6. Health, including physiology, hygiene, disease control, and the nature and effects of alcohol, tobacco, and narcotics.

15.1-21-02. High schools - Required units.

1. In order to be approved by the superintendent of public instruction, each public and nonpublic high school shall make available to each student:
 - a. Four units of English language arts;
 - b. Four units of mathematics;
 - c. Four units of science;
 - d. Four units of social studies, including one of world history and one of United States history;
 - e. One-half unit of health;
 - f. One-half unit of physical education during each school year, provided that once every four years the unit must be a concept-based fitness class that includes instruction in the assessment, improvement, and maintenance of personal fitness;
 - g. Two units of fine arts, at least one of which must be music;
 - h. Two units of the same foreign language; and
 - i. Two units of career and technical education.

2. In addition to the requirements of subsection 1, each public and nonpublic high school shall make available to each student, at least once every two years, one-half unit of North Dakota studies, with an emphasis on the geography, history, and agriculture of this state.
3. Each unit which must be made available under this section must meet or exceed the state content standards.
4. For purposes of this section, unless the context otherwise requires, "make available" means that:
 - a. Each public high school and nonpublic high school shall allow students to select units over the course of a high school career from a list that includes at least those required by this section;
 - b. If a student selects a unit from the list required by this section, the public high school or the nonpublic high school shall provide the unit to the student; and
 - c. The unit may be provided to the student through any delivery method not contrary to state law and may include classroom or individual instruction and distance learning options, including interactive video, computer instruction, correspondence courses, and postsecondary enrollment under chapter 15.1-25.
5. The board of a school district may not impose any fees or charges upon a student for the provision of or participation in units as provided in this section, other than the fees permitted by section 15.1-09-36.
6. If in order to meet the minimum requirements of this section a school district includes academic courses offered by a postsecondary institution under chapter 15.1-25, the school district shall:
 - a. Pay all costs of the student's attendance, except those fees that are permissible under section 15.1-09-36; and
 - b. Transport the student to and from the location at which the course is offered or provide mileage reimbursement to the student if transportation is provided by the student or the student's family.
7. The requirements of this section do not apply to alternative high schools or alternative high school education programs.
8. The requirements of subdivisions g and h of subsection 1 do not apply to the North Dakota youth correctional center.

15.1-21-02.1. High school graduation requirements. Before a school district, a nonpublic high school, or the center for distance education issues a high school diploma to a student, the student must have successfully completed at least twenty-one units of high school coursework from the minimum required curriculum offerings established by section 15.1-21-02. Beginning with the 2009-10 school year, the number of units required by this section increases to twenty-two and beginning with the 2011-12 school year, the number of units required by this section increases to twenty-four.

15.1-21-02.2. High school coursework requirements.

1. Beginning with the 2008-09 school year, no student may graduate from a high school in this state unless the student demonstrates successful completion of the following:

- a. Four units of English language arts;
 - b. Two units of mathematics;
 - c. Two units of science;
 - d. Three units of social studies, which may include one-half unit of North Dakota studies and one-half unit of multicultural studies;
 - e. One unit of physical education, which may include up to one-half unit of health; and
 - f. One unit of a foreign or native American language, fine arts, or career and technical education.
2. The superintendent of public instruction shall work with each school district to identify course offerings that meet the requirements of subdivisions a through f of subsection 1.
 3. Before September first of each year, each school district shall file a copy of its graduation requirements with the superintendent of public instruction.
 4. A school district may not reduce its graduation requirements below those in existence on June 30, 2007.

15.1-21-03. High school unit - Instructional time.

1. Except as provided in subsection 2, each unit must consist of at least one hundred twenty hours of instruction per school calendar.
2. The following units must consist of at least one hundred fifty hours of instruction per school calendar: natural sciences, agriculture, business and office technology, marketing, diversified occupations, trade and industrial education, technology education, and health careers.
3. The hour requirements of this section are subject to reductions resulting from the holidays and nonstudent contact days provided for in section 15.1-06-04.
4. This section does not apply to schools or school districts having block schedules approved by the superintendent of public instruction.

15.1-21-04. Minimum high school courses - Alternative curriculum plans.

1. Except as otherwise provided in this section, each student shall enroll in at least four units of high school work in each grade from nine through twelve.
2. A student in grade twelve may enroll in fewer than four units of work, provided:
 - a. The student requires fewer than four units of work for graduation; and
 - b. The board of the school district has adopted an alternative high school senior curriculum plan.
3. An alternative high school senior curriculum plan becomes effective if:
 - a. It is adopted by action of the school board;
 - b. It contains specific criteria under which a high school senior may enroll in fewer than four units of work; and

HB 1435

Senate Education Committee

March 10, 2009 – 9:45 am

Declaration of Independence and U.S. Constitution

Mr. Chairman and members of the Senate Education Committee:

For the Record, My name is Mike Schatz and I am a representative from Dist. 36 which includes Dunn, Hettinger, Morton, and Stark Counties.

I stand before you today as the prime sponsor of HB 1435 which requires all students who graduate from high school to have read the **Declaration of Independence and the United States Constitution**.

Having been a Social Studies teacher for 27 years, I feel that it is necessary to insure that the students of North Dakota have had the opportunity to read these great documents. I heard a statistic somewhere, that said only one in ten people have read the **Declaration of Independence and the U.S. Constitution**. When I was teaching, I always had my students read these two important documents. I started asking other teachers if they read them, and less than half said they did.

I think we all feel a little embarrassed when we watch Jay Leno and he asks his "person on the street" questions and find out how little some people know about their country and government. For all the money we spend on education, I feel this bill gives the people of North Dakota something they can hang on to. Something that is tangible and real because the **Supreme Law** of the United States is no small matter.

I had a Grandfather who fought in three wars, my father was in the 82nd airborne, from Normandy to Berlin, my cousin in Vietnam, my students in Iraq, and my son is a senior at the Naval academy and will be serving in the military. I do not want any of them forgotten. I feel that the principles which they stood for and stand for are best summed up in these two documents.

I am sure that all of us can come up with some good reasons why reading the **Declaration of Independence and the United States Constitution** are important. I urge this committee to look favorably on HB1435. Thank you Mr. Chairman and I will answer any questions to the best of my ability.

Standard 4: Students understand the development, functions, and forms of various political institutions and the role of the citizen in government and society.

Benchmark Expectations		ACHIEVEMENT DESCRIPTORS			
		ADVANCED PROFICIENT	PROFICIENT	PARTIALLY PROFICIENT	NOVICE
8.4.6	Compare the functions and structure of local, state, tribal, and federal governments within North Dakota	Students compare the functions and structure of local, state, tribal, and federal governments within North Dakota with few, if any, errors.	Students compare the functions and structure of local, state, tribal, and federal governments within North Dakota with no significant errors.	Students compare the functions and structure of local, state, tribal, and federal governments within North Dakota with limited significant errors.	Students compare the functions and structure of local, state, tribal, and federal governments within North Dakota with many significant errors.
Grades 9-12					
TRIBAL SOVEREIGNTY					
9-12.4.1	Explain how political and economic forces have affected the sovereignty of tribal nations (e.g., constitutional provisions; Supreme Court cases; laws used in forming the basis of the federal-tribal relationship; political and economic forces affecting sovereignty of tribal nations)	Students provide an insightful explanation of how political and economic forces have affected the sovereignty of tribal nations.	Students provide a relevant explanation of how political and economic forces have affected the sovereignty of tribal nations.	Students provide a superficial explanation of how political and economic forces have affected the sovereignty of tribal nations.	Students provide an irrelevant explanation of how political and economic forces have affected the sovereignty of tribal nations.
HISTORICAL AND PHILOSOPHICAL FOUNDATIONS					
9-12.4.2	Compare the nature and source of various types of political entities past and present throughout the world (e.g., ancient Greek and Roman political thought; classical republicans; philosophy of natural rights; limited and unlimited governments; constitutional governments; representative democracy; con-federal, federal, unitary systems of government, and international organizations)	Students compare the nature and source of various types of political entities past and present throughout the world with substantial detail.	Students compare the nature and source of various types of political entities past and present throughout the world with sufficient detail.	Students compare the nature and source of various types of political entities past and present throughout the world with sketchy detail.	Students compare the nature and source of various types of political entities past and present throughout the world with little or no detail.
9-12.4.3	Analyze the content and context of documents, events, and organizations that influenced and established the United States (e.g., Magna Carta; English common law; Petition of Right; English Bill of Rights; 1 st and 2 nd Continental Congresses; Common Sense; Declaration of Independence; American Revolution Articles of Confederation; Constitutional Convention; Federalist Papers; Anti-Federalist Papers; U.S. Constitution, Bill of Rights)	Students provide an insightful analysis of the content and context of documents, events, and organizations that influenced and established the United States.	Students provide a relevant analysis of the content and context of documents, events, and organizations that influenced and established the United States.	Students provide a superficial analysis of the content and context of documents, events, and organizations that influenced and established the United States.	Students provide a irrelevant analysis of the content and context of documents, events, and organizations that influenced and established the United States.

Testimony on House Bill 1435

*Same
testimony given
to House.*

Chairperson and members of the Committee.

My name is John Jacobsen. I am a long time resident of Bismarck of almost 73 years. I am a veteran of the North Dakota Army National Guard and the US Army Reserve, after serving in the Persian Gulf and retiring after 30 years of service. I am also a member of the Veterans of Foreign Wars and the American Legion. I also profess to being patriotic.

I vaguely remember my teachers, we called them teachers back then, talking about The Constitution of the United States and the Declaration of Independence, but I did not remember what they said about them. I recently read about them in a brochure that had been distributed by a veterans' organization. It then started to come back to me. I searched the Internet for a definition of them.

The **Constitution of the United States of America** is the supreme law of the United States. It is the foundation and source of the legal authority underlying the existence of the United States of America; the Federal Government of the United States; and all the State & local governments and Territorial Administrative bodies contained therein. It provides the framework for the organization of the United States Government. The document defines (but does not identify the overall architecture) the three main branches of the government:

And -

The **United States Declaration of Independence** is a statement adopted by the Second Continental Congress on July 4, 1776, which

announced that the thirteen American colonies then at war with Great Britain were now independent states, and thus no longer a part of the British Empire. Written primarily by Thomas Jefferson, the Declaration is a formal explanation of why Congress had voted on July 2nd to declare independence from Great Britain, more than a year after the outbreak of the American Revolutionary War. The birthday of the United States of America—Independence Day—is celebrated on July 4, the day the wording of the Declaration was approved by Congress.

This bill, House Bill 1435, **will require** all students to read both documents and to demonstrate their knowledge thereof.

This is a great idea. I wholeheartedly endorse this bill. The Declaration of Independence covers the reason why we, our country, broke away from the British oppression back some 233 years ago.

Members of the Committee, I hope I did not sound as though I were presenting a class on the Constitution and the Declaration of Independence. I ask for your support in giving this bill a DO-PASS.

Thank you

THE DECLARATION OF INDEPENDENCE

In Congress Assembled, July 4, 1776

The Unanimous Declaration of the Thirteen United States of America

WHEN in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws, the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

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He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining, in the mean time, exposed to all the dangers of invasions from without and convulsions within.

He has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our laws, giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us;

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states;

For cutting off our trade with all parts of the world;

For imposing taxes on us without our consent;

For depriving us, in many cases, of the benefits of trial by jury;

For transporting us beyond seas, to be tried for pretended offenses;

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies;

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments;

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection and waging war against us.

He has plundered our seas, ravaged our coasts, burned our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrection among us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in our attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity; and we have conjured them, by the ties of our common kindred, to disavow these usurpations which would inevitably interrupt our connections and correspondence. They too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies solemnly publish and declare, That these United Colonies are, and of right ought to be, *FREE AND INDEPENDENT STATES*; that they are absolved from all allegiance to the British crown and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

JOHN HANCOCK [President]

New Hampshire

Josiah Bartlett

William Whipple

Matthew Thornton

Delaware

Caesar Rodney

George Read

Thomas McKean

Massachusetts

John Hancock
Samuel Adams
John Adams
Robert Treat Paine
Elbridge Gerry

Rhode Island

Stephen Hopkins
William Ellery

Connecticut

Roger Sherman
Samuel Huntington
William Williams

New York

William Floyd
Philip Livingston
Francis Lewis
Lewis Morris

New Jersey

Richard Stockton
John Witherspoon
Francis Hopkinson
John Hart
Abraham Clark

Pennsylvania

Robert Morris
Benjamin Rush
Benjamin Franklin
John Morton
George Clymer
James Smith
George Taylor

Maryland

Samuel Chase
William Paca
Thomas Stone
Charles Carroll of Carrollton

Virginia

George Wythe
Richard Henry Lee
Thomas Jefferson
Benjamin Harrison
Thomas Nelson, Jr.
Francis Lightfoot Lee
Carter Braxton

North Carolina

William Hooper
Joseph Hewes
John Penn

South Carolina

Edward Rutledge
Thomas Heyward, Jr.
Thomas Lynch, Jr.
Arthur Middleton

Georgia

Button Gwinnett
Lyman Hall
George Walton

James Wilson
George Ross

[Constitution for the United States of America]

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

Article. I.

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

Section. 2. 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, 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 [Modified by Amendment XIV]. 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* [Modified by Amendment XVII], 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 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* [Modified by Amendment XVII].

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 Places of chusing Senators.

The Congress shall assemble at least once in every Year, *and such Meeting shall be on the first Monday in December* [Modified by Amendment XX], 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 Behaviour, 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 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;^[2] 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 Offences against the Law of Nations;

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

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

To provide and maintain a Navy;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article. II.

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

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

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

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 [Modified by Amendment XXV].

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

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: — "I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

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

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

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

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

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

Article. III.

Section. 1. The judicial Power of the United States shall be vested in one supreme Court, and in such

inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good 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* [Modified by Amendment XI]; — 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 [Modified by Amendment XIII].

Section. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of

two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

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

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

Article. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Article. VI.

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

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

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

Article. VII.

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

The Word, "the," being interlined between the seventh and eighth Lines of the first Page, The Word "Thirty" being partly written on an Erasure in the fifteenth Line of the first Page, The Words "is tried" being interlined between the thirty second and thirty third Lines of the first Page and the Word "the" being interlined between the forty third and forty fourth Lines of the second Page.

Attest William Jackson
Secretary

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 — Presid.
and deputy from Virginia

New Hampshire {
JOHN LANGDON
NICHOLAS GILMAN

Massachusetts {
NATHANIEL GORHAM
RUFUS KING

Connecticut {
WM. SAML. JOHNSON
ROGER SHERMAN

New York
ALEXANDER HAMILTON

New Jersey {
WIL. LIVINGSTON
DAVID BREARLEY.
WM. PATERSON.
JONA. DAYTON

Pennsylvania {
B FRANKLIN
THOMAS MIFFLIN
ROBT MORRIS
GEO. CLYMER
THOS. FITZ SIMONS
JARED INGERSOLL
JAMES WILSON
GOUV MORRIS

Delaware {
GEO. READ
GUNNING BEDFORD jun
JOHN DICKINSON
RICHARD BASSETT
JACO. BROOM

Maryland {
JAMES MCHENRY
DAN OF ST THOS. JENIFER
DANL CARROLL

Virginia {

JOHN BLAIR
JAMES MADISON

North Carolina {

WM. BLOUNT
RICHD. DOBBS SPAIGHT
HU WILLIAMSON

South Carolina {

J. RUTLEDGE
CHARLES COTESWORTH PINCKNEY
CHARLES PINCKNEY
PIERCE BUTLER

Georgia {

WILLIAM FEW
ABR BALDWIN

In Convention Monday, September 17th, 1787.

Present

The States of

New Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

Resolved,

That the preceeding Constitution be laid before the United States in Congress assembled, and that it is the Opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates, chosen in each State by the People thereof, under the Recommendation of its Legislature, for their Assent and Ratification; and that each Convention assenting to, and ratifying the Same, should give Notice thereof to the United States in Congress assembled. Resolved, That it is the Opinion of this Convention, that as soon as the Conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a Day on which Electors should be appointed by the States which have ratified the same, and a Day on which the Electors should assemble to vote for the President, and the Time and Place for commencing Proceedings under this Constitution. That after such Publication the Electors should be appointed, and the Senators and Representatives elected: That the Electors should meet on the Day fixed for the Election of the President, and should transmit their Votes certified, signed, sealed and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled, that the Senators and Representatives should convene at the Time and Place assigned; that the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening and counting the Votes for President; and, that after he shall be chosen, the Congress, together with the President, should, without Delay, proceed to execute this Constitution.

By the Unanimous Order of the Convention

Go. WASHINGTON — Preside.

W. JACKSON Secretary.

[Bill of Rights]

The conventions of a number of the States having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added.

Article the first [Not Ratified]

After the first enumeration required by the first article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred; after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.

Article the second [Amendment XXVII - Ratified 1992]

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

Article the third [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.

Article the fourth [Amendment II]^[3]

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

Article the fifth [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.

Article the sixth [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.

Article the seventh [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.

Article the eighth [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.

Article the ninth [Amendment VII]

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

Article the tenth [Amendment VIII]

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

Article the eleventh [Amendment IX]

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

Article the twelfth [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.

[Additional Amendments to the Constitution]

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

[Article. XI.]

[Proposed 1794; Ratified 1798]

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.

[Article. XII.]

[Proposed 1803; Ratified 1804]

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

[Contested Article.]

[Proposed 1810; Probably Ratified 1819]

If any Citizen of the United States shall accept, claim, receive or retain any Title of Nobility or Honour, or shall, without the Consent of Congress, accept and retain any present, Pension, Office or Emolument of any kind whatever, from any Emperor, King, Prince or foreign Power, such Person shall cease to be a Citizen of the United States, and shall be incapable of holding any Office of Trust or Profit under them, or either of them.

[Unratified Article.]

[Proposed 1861; Signed by President Lincoln; Unratified]

Article Thirteen.

No amendment shall be made to the Constitution which will authorize or give to Congress the power to

abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State.

Article. XIII.

[Proposed 1865; Ratified 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.

Article. XIV.

[Proposed 1866; Ratified Under Duress 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 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.

Article. XV.

[Proposed 1869; Ratified 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.

Article. XVI.

[Proposed 1909; Questionably Ratified 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.

[Article. XVII.]

[Proposed 1912; Ratified 1913; Possibly Unconstitutional (See Article V, Clause 3 of the Constitution)]

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.

Article. [XVIII.]

[Proposed 1917; Ratified 1919; Repealed 1933 (See Amendment XXI, Section 1]

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.

Article. [XIX.]

[Proposed 1919; Ratified 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.

[Unratified Article.]

[Proposed 1926; Unratified]

Article —

Section. 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under eighteen years of age.

Section. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.

Article. [XX.]

[Proposed 1932; Ratified 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 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.

Article. [XXI.]

[Proposed 1933; Ratified 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.

Article. [XXII.]

[Proposed 1947; Ratified 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.

Article. [XXIII.]

[Proposed 1960; Ratified 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.

Article. [XXIV.]

[Proposed 1962; Ratified 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.

Article. [XXV.]

[Proposed 1965; Ratified 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.

Article. [XXVI.]

[Proposed 1971; Ratified 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.

[Inoperative Article.]

[Proposed 1972; Expired Unratified 1982]

Article —

Section. 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Section. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section. 3. This amendment shall take effect two years after the date of ratification.

[Inoperative Article.]

[Proposed 1978; Expired Unratified 1985]

Article —

Section. 1. For purposes of representation in the Congress, election of the President and Vice President, and article V of this Constitution, the District constituting the seat of government of the United States shall be treated as though it were a State.

Section. 2. The exercise of the rights and powers conferred under this article shall be by the people of the District constituting the seat of government, and as shall be provided by the Congress.

Section. 3. The twenty-third article of amendment to the Constitution of the United States is hereby repealed.

Section. 4. 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.

Article. [XXVII.]

[Proposed 1789; Ratified 1992; Second of twelve Articles comprising the Bill of Rights]

No law, varying the compensation for the services of the Senators and Representatives, shall take effect,

until an election of Representatives shall have intervened.

Notes:

1. The title was not a part of the original document. It was added when the document was printed.
2. Our scanned images show this as a semi-colon, but an image at a congressional site shows a comma.
3. In the Congressional Statutes at Large, Vol. 1, Page 97, at <http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=001/llsl001.db&recNum=220>, the first and third commas are omitted, so that it reads:

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.

The question remains open of where those additional, and grammatically spurious, commas came from, but they do not change the legal meaning of the provision, and it would not be erroneous to omit them.

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