

# **The 2<sup>nd</sup> Amendment to the US Constitution :**

## **How to read and understand what it actual states by reading the 2<sup>nd</sup> Amendment's actual text**

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12/Oct/2014 18/Aug/2019

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### Document Revisions:

22/Mar/2014 : Fixed two typographical errors.

26/Mar/2014 : Additional Updates

27/Mar/2014 : Updated and refinements as well as additional information and text added.

15/Jun/2014 : More updated for next version's release.

12/Oct/2014: Various correction of typographical errors and some other items added.

18/Aug/2019: Noticed a comma was omitted.

## The 2<sup>nd</sup> Amendment to the US Constitution : How to read and understand it

### Why people ignore the 2<sup>nd</sup> Amendment's words

The 2nd Amendment of the US Constitution is easy to understand. The problems that “Gun-Banners” attempt to “solve” by violating the US Constitution have simple solutions but the “Gun-Banners” are “liberals”, socialist, “State is Supreme” and “blame society” types so they can not employ those solutions. The solutions are making criminals serve their whole sentences, eliminate parole, and executing people who commit crimes that should be punished with execution. That is we hold people responsible for their actions – that is behavior.

In order to advance an agenda people have come up with all sorts of ways to “determine” what the Amendment 2 means. This includes making statements like this one, quoted from “The Embarrassing Second Amendment”<sup>1</sup>, which people use to make the claim a preamble exists:

“What is special about the Amendment is the inclusion of an opening clause--a preamble, if you will--that seems to set out its purpose.”

to justify distorting the text of the Amendment. Other excuses to distort what Amendment 2 states involve using historical, structural, doctrinal, prudential, and ethical arguments to come up with a way to justify what they want Amendment 2 to state. To quote from “The Embarrassing Second Amendment” again on how people try to distort the meaning of Amendment 2:

- 1) textual argument--appeals to the unadorned language of the text;[\[31\]](#)
- 2) historical argument--appeals to the historical background of the provision being considered, whether the history considered be general, such as background but clearly crucial events (such as the American Revolution), or specific appeals to the so-called intentions of the framers;[\[32\]](#)
- 3) structural argument--analysis inferred from the particular structures established by the Constitution, including the tripartite division of the national government; the separate existence of both state and nation as political entities; and the structured role of citizens within the political order;[\[33\]](#)
- 4) doctrinal argument--emphasis on the implications of prior cases decided by the Supreme Court;[\[34\]](#)
- 5) prudential argument--emphasis on the consequences of adopting a proffered decision in any given case;[\[35\]](#) and, finally,
- 6) ethical argument--reliance on the overall “ethos” of limited government as centrally constituting American political culture.[\[36\]](#)

Even the US Supreme Court ruling in *DISTRICT OF COLUMBIA v. HELLER* (No. 07-290) 478 F. 3d 370 ignored the grammar of Amendment 2 by declaring the existence of prefatory clause, apparently in order to avoid completely undoing the existing unconstitutional gun licensing, registration and tax rules and regulations.

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<sup>1</sup> See this site <http://www.guncite.com/journals/embar.html#fnb31>

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## The Branches of Government

We also have a problem with Judges who chose to ignore the actual text of the US Constitution and what it actually states as well. We have a Federal government with 2 co-equal branches of government. Yes - I wrote two. The Courts are NOT a co-equal branch of the government. This is obvious when one reads Article III, Section 1, and Article III Section 2, Paragraph 2<sup>2</sup> which states

### 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 Paragraph 2

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.

Note the following clauses in the text of the statements:

in such inferior Courts as the Congress may from time to time ordain and establish.

with such Exceptions, and under such Regulations as the Congress shall make.

With the exception of the US Supreme Court, all of the Courts of United States were and are created by Congress and the President through the legislative process. And while original jurisdiction is given to the Supreme Court, Congress has the power to change things around. Amendment 11 further clarified the jurisdiction of the Federal Courts as being limited to Federal issues. Amendment 11 states:

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.

This is why the various Court rulings, such as the GITMO rulings are illegal and unconstitutional. Congress, to my knowledge, created a separate set of courts to deal with the GITMO terrorists under the provisions of Article 3 of the US Constitution, outside of the normal civil Court System. While the US Supreme Court has appellate jurisdiction, the other Courts, known as the District and Circuit Courts, have no jurisdiction.

The Courts are not the final arbitrators of the law. While a Court can invalidate a law that violates the United States Constitution, the Courts can not make laws. When a Court over steps its authority and makes law Congress, with the President's approval, can invalidate the Court opinion and ruling. The rules the U.S. Government operate under are written and understanding the actual text of the U.S. and State Constitutions are critical to the operation of the government and prevention of fiat law.

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<sup>2</sup> See this site [http://www.archives.gov/exhibits/charters/constitution\\_transcript.html](http://www.archives.gov/exhibits/charters/constitution_transcript.html)

## The 2<sup>nd</sup> Amendment to the US Constitution : How to read and understand it

### Why a grammar analysis is required

An analysis based upon grammar is needed since so many people seem to have problems reading and understanding the basic English grammar of Amendment 2 and the US Constitution in general. Fundamental to understanding any sentence, and thus knowing what it means, is the identification of the subject, or subjects, of the sentence in question; as well as the predicate, or predicates, of the sentence. Way too many people interpret the Amendment based upon what they want it to say instead of actually determining what it actually states.

I listened to a discussion, on WBAL (TV Channel 11 at the time I believe) in Baltimore Maryland in the 1980s, involving Sarah Brady and a number of other individuals. She and some of the others appeared to have had a serious problem understanding the simple English of Amendment 2. She and the others went to great lengths to explain why the Amendment does not state what it states.

Even today, people constantly try to claim the Amendment states things the Amendment does not state. At least one school system is claiming that Amendment 2 states this:

This amendment states that people have the right to certain weapons, providing that they register them and they have not been in prison. The founding fathers included this amendment to prevent the United States from acting like the British who had tried to take weapons away from the colonists.

This appears to be from the “Common Core” documents, which are supposed to set education standards on what education related skills a person should be able to perform based upon age and grade level, not telling a person what something is supposed to mean.

Even in the DISTRICT OF COLUMBIA et al. v HELLER Supreme Court case, which was decided on June 26 2008, all of the Justices appear to have made the same mistake of adding words to the text of Amendment 2, which the grammar of the English does not allow or support. The opinion that the Court issued made this statement:

(a) The Amendment’s prefatory clause announces a purpose, but does not limit or expand the scope of the second part, the operative clause. The operative clause’s text and history demonstrate that it connotes an individual right to keep and bear arms. Pp. 2–22.

The problem with this statement is the actual sentence of Amendment 2, when examined as it is written, does not contain a prefatory clause. In order to support a prefatory clause such words as “because”, “therefore”, “so”, or other similar connective type words would have to be added. When one looks at the actual grammar of Amendment 2, the grammar does not support adding these types of words.

People try to add these type of words since that would allow the reader to interpret Amendment 2 the way the reader wants it to be interpreted. Unfortunately for these reader, and fortunately for the citizens of the United States of America, Amendment 2 was written in simple and straight forward English grammar. Anyone with a basic understanding of English can understand what Amendment 2 actually states even though they may not like what it states.

Knowing the grammar of a sentence is critical to understanding what a sentence actually states.

# The 2<sup>nd</sup> Amendment to the US Constitution : How to read and understand it

## Reading Amendment 2's Text as written

When reading Amendment 2's actual text it is important to read the text first to understand what it actually states. The 2nd Amendment states <sup>3</sup>

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.

In some cases the Amendment is listed as

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.

That is without the comma between “Arms” and “shall” and in some cases the word “Arms” is not capitalized. Regardless this comma is optional in this location. The prior version of this document used the second form. <sup>4</sup> It is also important to remember that when a noun is capitalized in the sentence, and is not at the beginning of the sentence, it is a proper noun. Even when the noun is at the beginning of a sentence it may be proper noun.

In order to determine the meaning of the sentence the first thing that must be done is to strip the sentence down to the basic components of its subject or subjects, and the predicate or predicates. Until these two basic components of the sentence are identified one can not properly read or determine what the Amendment means. The procedure to do this is :

1. First identify and remove the adverb phrases. The adverb phrases in the Amendment are well regulated , being necessary, and be infringed<sup>5</sup>. The result is this sentence:

A militia to the security of free State, the right of the people to keep and bear Arms, shall not.

2. Second thing is to identify and remove the prepositional phrases. The prepositional phrases in the Amendment are to the security, of a free State, of the people, and to keep and bear Arms. The result is this sentence:

A militia, the right, shall not.

3. What one finds is that the 2<sup>nd</sup> Amendment to the U.S. Constitution has 2 subjects and a single predicate. When a sentence has multiple subjects separated by commas the sentence can be written in English with the commas replaced by “and”. This results in the following sentence:

A Militia and the right, shall not.

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<sup>3</sup> See the site [http://www.archives.gov/exhibits/charters/bill\\_of\\_rights\\_transcript.html](http://www.archives.gov/exhibits/charters/bill_of_rights_transcript.html)

<sup>4</sup> See the site <http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=001/llsl001.db&recNum=144>

<sup>5</sup> In the prior version of this document this adverb phrase was not removed since it is part of the predicate and for identifying subjects did not need to be removed.

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4. Under the rules of English when a sentence has multiple subjects separated by the word “and” with a single predicate the sentence can be written with each subject as individual sentences with the predicate. The comma between “right” and “shall” disappears as it a divider. Thus the sentence can be written as these two sentences:

A Militia shall not.  
The right shall not.

5. The next step is now adding the adverb and prepositional phrases in to the appropriate sentence that is associated with the subject, or subjects, from the original sentence. This results in the following two sentences:

A well regulated Militia, being necessary to the security of a free State, shall not be infringed.

The right of the people to keep and bear Arms shall not be infringed.

### **The result of what the sentences means**

As a result of the examination of the grammar one can see that Amendment 2 prohibits infringement on well organized Militias. The reason for this is because a properly run, or organized, Militias are need to insure the security of a free State (i.e. Country). One thing that has been forgotten over the last 200 years or so is the States that comprise the United States of America are actually independent States not provinces such as exist in Canada. A State of the United States is like Great Britain, France, Sweden, Russia, or even China. Where these Countries have all of the sovereignty, the people of the States of the U.S. gave some of their State's sovereignty to a central government in order to benefit the people of all of the States. Think of the European Union, it is similar in structure to the United States under the Articles of Confederation.

The second thing that is revealed is that it is a right of the people of the US to both keep and carry (“bear” means “carry” in this context) weapons of any type. The word “Arms” means weapons. This includes firearms, knives, bow and arrows, and cannons. Basically, any weapon can be carried at any time. The word “Arms” also includes what would referenced as weapons of war as well. When one understands the security of the States and United States is based upon the citizen being able to protect the country itself, Amendment 2 prohibitions make sense. A disarmed population can not protect the Country, the States or themselves. This also includes protecting the country from those who would use control of the government itself to take over the country and enslave the population through regulation and other means of control.

The phrase “shall not be infringed” is an absolute prohibition that means that licensing, permitting, special taxes, registration requirements and all laws banning ownership of Arms are null and void. Neither the State nor the federal government can tell a person what Arms they can or can't own. A discussion of Amendment 13 is included later in the document. It is important to note that “Arms” includes both weapons used for hunting and for war.

It is important to remember that each State of the United States is actually a Country that has given certain authority to the central government. The individual countries, that is the original 13 colonies, created the central government effectively on October 26, 1774 when the Continental Congress was

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first convened. The Articles of Confederation were adopted March 1 of 1781 as the contract that determines how the State will interact with each other. Eventually, this contract was found to be unworkable and the States eventually fixed it with the adoption of a new legal contract called “The Constitution of the United States of American” on June 21 of 1788.

Some people will claim Amendment 2 only applies to the Federal Government since the base contract is about the structure of the Federal Government. But as with Amendments 3, 4, 5, 6, 7, 8 and 9, Amendment 2 is a blanket statement:

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.

Each of these Amendment give specific rules that do not restrict themselves in any fashion. Compare this to Amendment 1 which specifically restricts itself to Congress:

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 to peaceably to assemble, and to petition the Government for a redress of grievances.

and Amendment 10 which states:

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

clarifies that the Federal Government only has those power specifically granted by the US Constitution and no others. All others belong to the States, that is the Countries that created the Federal Government, unless the US Constitution prohibits it as Amendment 2 and 3 do. Everything else is up to the people who are the rulers of the Countries – that is the individual States and the Federation called the United States of America.

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## Some Definitions

The next step is to examine the actual meanings of the keys words. The US Constitution is contract law between the original 13 Sovereign States, and in order to insure the law is properly understood one must use the definition of the words at the time the law was written. Here are some of the basic definitions of some of the words <sup>6</sup>:

### **mi·li·tia**

[mi-lish-uh] noun

1. a body of citizens enrolled for military service, and called out periodically for drill but serving full time only in emergencies.
2. a body of citizen soldiers as distinguished from professional soldiers.
3. all able-bodied males considered by law eligible for military service.
4. a body of citizens organized in a paramilitary group and typically regarding themselves as defenders of individual rights against the presumed interference of the federal government.

### **Origin:**

1580–90; < Latin *mīlitia* soldiery, equivalent to *mīlit-* (stem of *mīles* ) soldier

### **arm**

[ahrm] noun

1. Usually, arms. weapons, especially firearms.
  2. arms, Heraldry. the escutcheon, with its divisions, charges, and tinctures, and the other components forming an achievement that symbolizes and is reserved for a person, family, or corporate body; armorial bearings; coat of arms.
- verb (used without object)
3. to enter into a state of hostility or of readiness for war.
- verb (used with object)
4. to equip with weapons: to arm the troops.
  5. to activate (a fuze) so that it will explode the charge at the time desired.
  6. to cover protectively.
  7. to provide with whatever will add strength, force, or security; support; fortify: He was armed with statistics and facts.
  8. to equip or prepare for any specific purpose or effective use: to arm a security system; to arm oneself with persuasive arguments.

### **Origin:**

1200–50 for v.; 1300–50 for noun; (v.) Middle English *armen*  
< Anglo-French, Old French *armer* < Latin *armāre* to arm, verbal derivative of *arma* (plural) tools, weapons (not akin to *arm*<sup>1</sup>); (noun) Middle English *armes* (plural) << Latin *arma*, as above

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<sup>6</sup> Using the site <http://dictionary.reference.com/>

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### **infringe**

[in·frinj]

verb (used with object), in·fringed, in·fring·ing.

1. to commit a breach or infraction of; violate or transgress: to infringe a copyright; to infringe a rule. verb (used without object), in·fringed, in·fring·ing.
2. to encroach or trespass (usually followed by on or upon ): Don't infringe on his privacy.

### **Origin:**

1525–35; < Latin *infringere* to break, weaken, equivalent to *in* + *-fringere*, combining form of *frangere* to break

Related forms

in·fring·er, noun

un·in·fringed, adjective

### **regulate**

[reg-yuh-leyt]

verb (used with object), reg·u·lat·ed, reg·u·lat·ing.

1. to control or direct by a rule, principle, method, etc.: to regulate household expenses.
2. to adjust to some standard or requirement, as amount, degree, etc.: to regulate the temperature.
3. to adjust so as to ensure accuracy of operation: to regulate a watch.
4. to put in good order: to regulate the digestion.

### **Origin:**

1620–30; < Late Latin *rēgulātus* (past participle of *rēgulāre* ). See *regula*,

Related forms

reg·u·la·tive [reg-yuh-ley-tiv, -yuh-luh-tiv] , reg·u·la·to·ry [reg-yuh-luh-tawr-ee, -tohr-ee] Show IPA , adjective

reg·u·la·tive·ly, adverb

an·ti·reg·u·la·to·ry, adjective

mis·reg·u·late, verb (used with object), mis·reg·u·lat·ed, mis·reg·u·lat·ing.

non·reg·u·lat·ed, adjective

## **The 2<sup>nd</sup> Amendment to the US Constitution : How to read and understand it**

### **The 10<sup>th</sup> and other Amendments**

When dealing with the U.S. Constitution it is important to properly read the various Articles and Amendments in the proper context. For instance the 10<sup>th</sup> Amendment makes it clear that the 2<sup>nd</sup> Amendment is an absolute prohibition. When one examines the first 10 Amendments that were adopted; Amendment 27 is one of the first 12 (twelve) Amendments proposed; Amendment 1 specifically restricts itself to Congress. This is clear from the text "Congress shall make no law". Amendment 2 issues a blanket prohibition, while Amendment 3 prohibits forcing people to allow soldiers to be housed by people in times of peace, and in war requires law to dictate the how and when.

Amendment 4 through 8 control what the government can do to people and their property. Of interest to people is the requirement for search warrants specified by Amendment 4. This also has implications for the various "Warrant-less Wiretaps" claims as well. Amendment 4 states "HOW" to issue warrants for searches, not "WHO" actually issues warrants. Take a look at the grammar of the 4<sup>th</sup> Amendment which is included here:

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.

If one reviews the various history, discussion, claims, and counter claims the agencies and President George W. Bush did in fact following Amendment 4. For criminal cases the convention is for a legitimately appointed Judge to issue the warrant. Context is important when examining events and claims related to the U.S. Constitution.

In addition, the 10th Amendment make it clear that the 2nd is an absolute prohibition that applies to the States and local Governments as well as the Federal Government. Unlike the 1st Amendment that restricts itself to Congress, the 2nd Amendment makes a blanket statement. Some one is going to say "What about the Criminal?". The 13th Amendment, which restricts slavery and involuntary servitude, clarifies this issue. A person subject to the criminal justice system no longer has rights. That is the nature of involuntary servitude and slavery. Individuals subject to involuntary servitude and slavery are property and only have privileges granted to them by the owner or person which controls their involuntary servitude. This is also critical to understanding Amendment 8. Amendment 8 is a prohibition against what types of punishments the States and Federal government can impose on people. Again, it is important to have an understanding of history and the types of punishments that were imposed on people.

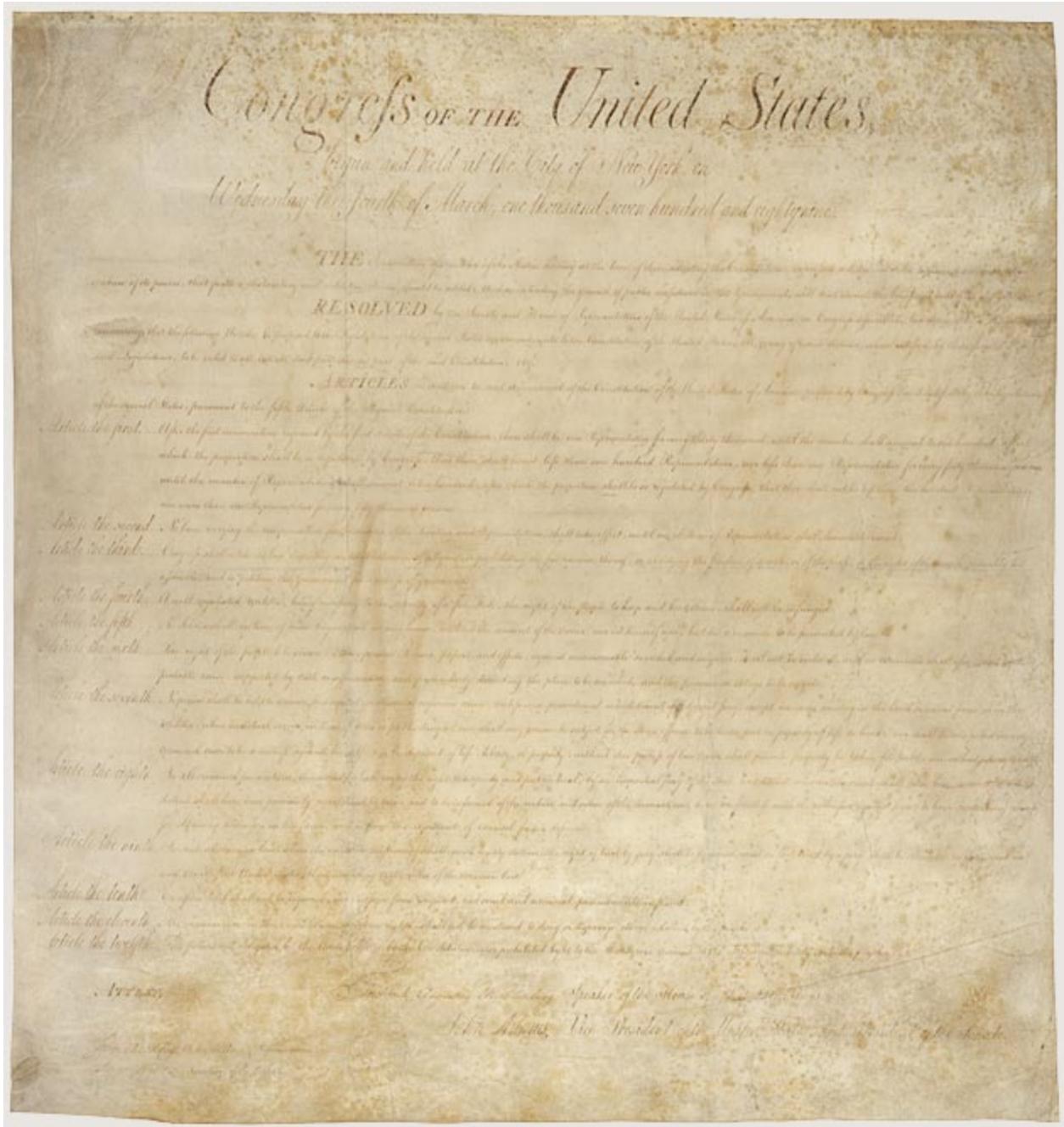
One problem we have today is that the words of the US Constitution are regularly twisted. I learned to decompose sentences in the 5th grade (1970) and to read and write English in Elementary school. Any elementary school student if taught proper English can understand the US Constitution by age 10. That is how well the Founding Father wrote the US Constitution.

This is also why it is so important to teach proper history and grammar to children. If a person does not learn how to read one can not know what their rights and privileges are. This is also why real history is important to be taught.

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## Images from the Library of Congress

These text of the images of the Amendments are from the Library of Congress website at



[http://www.archives.gov/exhibits/charters/images/charters\\_exhibit\\_zoom\\_images/bill\\_of\\_rights\\_630.jpg](http://www.archives.gov/exhibits/charters/images/charters_exhibit_zoom_images/bill_of_rights_630.jpg)

## The 2<sup>nd</sup> Amendment to the US Constitution : How to read and understand it

### Amendment I

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

### Amendment II

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

### Amendment III

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

### Amendment IV

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

### Amendment V

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

### Amendment VI

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

### Amendment VII

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

### Amendment VIII

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

### Amendment IX

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

### Amendment X

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

See [http://www.archives.gov/exhibits/charters/bill\\_of\\_rights\\_transcript.html](http://www.archives.gov/exhibits/charters/bill_of_rights_transcript.html)  
(Partial copy – line separators removed)

## AMENDMENTS TO THE CONSTITUTION. (a)

ART. 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.

Religion.  
Freedom of  
Speech. Right  
of petition.

ART. II. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

Right to bear  
and keep arms.

ART. 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.

Quartering of  
soldiers.

ART. 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. (b)

Unreasonable  
searches and  
seizures prohi-  
bited.

No warrant to  
issue but on  
oath or affirma-  
tion.

ART. 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; (c) nor shall be compelled, in any criminal case, to be 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.

Trials for cap-  
ital offences, or  
infamous  
crimes.

No one to be  
twice put in  
jeopardy of life  
or limb, for the  
same offence.

ART. 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 favour; and to have the assistance of counsel for his defence.

Private prop-  
erty not to be  
taken for public  
use without just  
compensation.

Trial by jury  
in criminal  
cases.

Trial by jury  
in civil cases.

ART. 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. (d)

Excessive bail  
not to be re-  
quired, nor ex-  
cessive punish-  
ments inflicted.

Enumeration  
of rights not to  
be construed to  
deny or dispar-  
age those re-  
tained by the  
people. Re-  
served powers.

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

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

ART. X. The powers not delegated to the United States by the Con-

AMENDMENTS TO THE CONSTITUTION.

stitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

Limitation of  
the judicial  
power.

ART. XI. 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.(a)

Election of  
President and  
Vice President  
of the U. S.

ART. XII. § 1.(b) 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 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 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.

§ 2. 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.

§ 3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

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