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Finklea, Kristin
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Constitution Annotated

Analysis and Interpretation of the U.S. Constitution
Background

- The *Constitution Annotated* is the only comprehensive, government-sanctioned record of the interpretations of the U.S. Constitution

- Created and published by the *Congressional Research Service*

- Printed every 10 years, with the next edition scheduled for 2022
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The Constitution Annotated provides a comprehensive overview of how the Constitution has been interpreted over time and is now available on this new site with upgraded search capabilities. The online Constitution Annotated includes discussions of the Supreme Court's latest opinions. In the coming months, we will be making broader changes to further modernize the Constitution Annotated.

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First Amendment: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, ... 

Footnotes:
1 Annals of Cong. 434 (1789). Madison had also proposed language limiting the power of the states in a number of respects, including a guarantee of freedom of the press. Id. at 435. Although passed by the House, the amendment was defeated by the Senate. See Amendments to the Constitution, Bill of Rights and the States, supra.
1. First Amendment

Amendment 1

1.2.1 Freedom of Speech: Historical Background

Freedom of Speech: Historical Background First Amendment: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, ...

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freedom (17) press (41)
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Footnotes:

... silent stand-in in a segregated public library. Speaking of speech and assembly, Justice Fortas said for the Court: As this Court has repeatedly stated, these rights are not confined to verbal expression. They embrace appropriate types of action which certainly include the right in a peaceable and orderly manner to protect by silent and respectable presence, in a place where the...
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1. Article I | Section 8 | Clause 3

Art.I.S.8.C.3.1.2 **Commerce Among the Several States**

... state or to the making of contracts for personal services to be rendered in another state. Later decisions either have overturned or have undermined all of these holdings. The gathering of news by a press association and its transmission to client newspapers are interstate commerce. The activities of Group Health Association, Inc., which serves only its own members, are trade and capable of becoming . . .

Footnotes:


2. Article I | Section 6 | Clause 1

Art.I.S.6.C.1.1.3 **Speech and Debate Privilege**

... parliamentary supremacy. Behind these simple phrases lies a history of conflict between the Commons and the Tudor and Stuart monarchs during which successive monarchs utilized the criminal and civil law to suppress and intimidate critical legislators. Since the Glorious Revolution in Britain, and throughout United
Article I, Section 8, Clause 3:

[The Congress shall have Power . . .] To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; . . .

The Commerce Clause serves a two-fold purpose: it is the direct source of the most important powers that the Federal Government exercises in peacetime, and, except for the due process and equal protection clauses of the Fourteenth Amendment, it is the most important limitation imposed by the Constitution on the exercise of state power. The latter, restrictive operation of the clause was long the more important one from the point of view of the constitutional lawyer. Of the approximately 1400 cases that reached the Supreme Court under the clause prior to 1900, the overwhelming proportion stemmed from state legislation.\(^1\) The result was that, generally, the guiding lines in construction of the clause were initially laid down in the context of curbing state power rather than in that of its operation as a source of national power. The consequence of this historical progression was . . .
1. Introduction

Intro.2 Introduction to the 2012 Centennial Edition

Introduction to the 2012 Centennial Edition The need for a comprehensive treatise on the Constitution was apparent to Congress from early in the 20th century. In 1911, the Senate Manual (a compilation...
Article I, Section 8, Clause 3:

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Definition of Terms

Commerce

The etymology of the word “commerce”\(^2\) carries the primary meaning of traffic, of transporting goods across state lines for sale. This possibly narrow constitutional conception was rejected by Chief Justice Marshall in Gibbons v. Ogden\(^3\) which
Essay Footnotes

While the duties are usually by state, this allows Congress power to regulate the entire class. 180

Footnotes


2. ^ OED: “com- together, with, + merx, merci- merchandise, ware.”


4. ^ Act of February 18, 1793, 1 Stat. 305, entitled “An Act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same.”


6. ^ 22 U.S. at 190-94.

7. ^ 22 U.S. at 193.

8. ^ As we will see, however, in many later formulations the crossing of state lines is no longer the sine qua non; wholly intrastate transactions with substantial effects on interstate commerce may suffice.


10. ^ “Not only, then, may transactions be commerce though non-commercial; they may be commerce though illegal and sporadic, and though they do not utilize common carriers or concern the flow of anything more tangible than electrons and information.” United States v. South-Eastern Underwriters Ass’n, 322 U.S. 533, 549-50 (1944).


12. ^ Paul v. Virginia, 75 U.S. (8 Wall.) 168 (1869); see also the cases to this effect cited in United States v. South-Eastern Underwriters Ass’n, 322 U.S. 533, 543-545, 567-568, 578 (1944).

13. ^ Federal Baseball League v. National League of Professional Baseball Clubs, 259 U.S. 200 (1922). When called on to reconsider its decision, the Court declined, noting that Congress had not seen fit to bring the business under the antitrust laws by legislation having prospective effect; and
REPORTS

OF

THE DECISIONS

IN THE

SUPREME COURT OF THE UNITED STATES.

FEBRUARY TERM, 1824.

[CONSTITUTIONAL LAW]

GIBBONS, Appellant, v. OGDEN, Respondent.

The acts of the Legislature of the State of New-York, granting to Robert R. Livingston and Robert Fulton the exclusive navigation of all the waters within the jurisdiction of that State, with boats moved by fire or steam, for a term of years, are repugnant to that clause of the constitution of the United States, which authorizes Congress to regulate commerce, so far as the said acts prohibit vessels licensed, according to the laws of the United States, for carrying on the coasting trade, from navigating the said waters by means of fire or steam.

APPEAL from the Court for the Trial of Impeachments and Correction of Errors of the State of New-York. Aaron Ogden filed his bill in the Court of Chancery of that State, against Thomas
About the Constitution Annotated

The Constitution Annotated

The Constitution of the United States of America: Analysis and Interpretation ("Constitution Annotated" or "CONAN") provides a legal analysis and interpretation of the United States Constitution based on a comprehensive review of Supreme Court case law and, where relevant, historical practices that have defined the text of the Constitution. This regularly updated resource is written in "plain English" and useful for a wide audience: from constitutional scholars to those just beginning to learn about the nation's most important legal document.

In publication for over 100 years, the Constitution Annotated is a comprehensive, government-sanctioned record of the interpretations of the Constitution. Through 2 U.S.C. § 168, Congress has ordered the Librarian of Congress to compile and periodically update the Constitution Annotated to provide essential information to Congress and the public at large. A bound edition of the Constitution Annotated is published every ten years, with cumulative updates printed as a supplement insert every two years. Copies of the bound edition and supplement insert are available to every Member of Congress and shipped to every depository library in the United States.

The most recent decennial bound edition was published in 2012; the next edition will be available in 2022. The most recent supplement insert was published in 2018; the next insert will be available in 2020. For archival PDFs of the Constitution Annotated since 1992, visit the United States Government Printing Office's collection.

Caselaw Hyperlinks

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Article IV   Relationships Between the States
Article V    Amending the Constitution
Article VI   Prior Debts, National Supremacy, and Oaths of Office
Article VII  Ratification

Amendments to the Constitution

First Amendment   Freedom of Religion, Speech, Press, Assembly, and Petition
Second Amendment  Bearing and Keeping Arms
Fourteenth Amendment
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.
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1. Article I | Section 8 | Clause 3

Art. S.8.C.3.1.2 Commerce Among the Several States

Commerce Among the Several States Article I, Section 8, Clause 3: The Congress shall have Power... To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes,... The Commerce Clause serves a two-fold purpose: it is the direct source of the most important powers that the Federal Government exercises in peacetime, and, except for the due process and...

Footnotes:


Seminole (0) Tribe (1) of (736) Florida (0)

2. Article II | Section 2 | Clause 2

Art. S.2.C.2.1 The Treaty Making Power

The Treaty Making Power Article II, Section 2, Clause 2: 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...

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Constitution of the United States

The Preamble

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 a Resident within his State seven Years.

Article I

Section 2
About the Constitution Annotated

The Constitution Annotated

The Constitution of the United States of America: Analysis and Interpretation ("Constitution Annotated" or "CONAN") provides a legal analysis and interpretation of the United States Constitution based on a comprehensive review of Supreme Court case law and, where relevant, historical practices that have defined the text of the Constitution. This regularly updated resource is written in "plain English" and useful for a wide audience: from constitutional scholars to those just beginning to learn about the nation's most important legal document.

In publication for over 100 years, the Constitution Annotated is a comprehensive, government-sanctioned record of the interpretations of the Constitution. Through 2 U.S.C. § 168, Congress has ordered the Librarian of Congress to compile and periodically update the Constitution Annotated to provide essential information to Congress and the public at large. A bound edition of the Constitution Annotated is published every ten years, with cumulative updates printed as a supplement insert every two years. Copies of the bound edition and supplement insert are available to every Member of Congress and shipped to every depository library in the United States.

The most recent decennial bound edition was published in 2012; the next edition will be available in 2022. The most recent supplement insert was published in 2016; the next insert will be available in 2020. For archival PDFs of the Constitution Annotated since 1992, visit the United States Government Printing Office's collection.

Caselaw Hyperlinks


Supreme Court cases printed in the U.S. Reporter, the official Supreme Court Reporter, are linked to the U.S. Reports collection hosted by the Library of Congress. This collection contains the official reporter PDFs of Supreme Court case law dated 1754 through 2003.

Supreme Court cases after 2003 are linked to the Harvard Law School's Caselaw Access Project ("CAP"), a project by the Harvard Law School Library Innovation Lab to make all published U.S. court decisions freely available to the public online. On this free and public resource, each user can access a maximum of 500 cases per day. The Constitution Annotated also links to CAP for Supreme Court cases.

Related Information

Historical Note on Formation of the Constitution
Beyond the Constitution Annotated: Table of Additional Resources
Constitution of the United States
Our Future Plans

The Library of Congress and the Congressional Research Service (CRS) are undertaking a multi-year project to modernize the Constitution Annotated. CRS attorneys are in the process of revising the content to better enhance its educational value to a broader audience and to reflect the most recent Supreme Court terms.

This significant overhaul will be underway over the next few years and as a result, parts of the website are still being developed. Note also that the website content may not match the bound edition and supplement insert exactly.

How to Cite the Constitution Annotated


Homepage Images

The images featured on the homepage include the following: Scene at the Signing of the Constitution of the United States, by Howard Chandler Christy (1873-1952), oil on canvas, 1940; Supreme Court of the United States, by Library of Congress, photograph, 2019; Library of Congress, Thomas Jefferson Memorial Building, by Library of Congress, photograph, 2019; Constitution of the United States (First Page), by National Archives, high resolution PDF, 1787.

Questions?

If you have questions about the Constitution Annotated, please Ask a Librarian.
The Library of Congress

The Library of Congress is the largest library in the world, with millions of books, recordings, photographs, newspapers, maps and manuscripts in its collections. The Library houses the Congressional Research Service (CRS), the main research arm of the United States Congress. By statute, Congress has directed the Librarian of Congress to revise and update the Constitution Annotated on a periodic basis, a task completed by the attorneys in CRS.

The Librarian of Congress, through the work of CRS’s constitutional scholars, fulfills her statutory obligations imposed by Congress to provide the Constitution Annotated. Beyond fulfilling a statutory mandate, the Constitution Annotated serves the Library’s fundamental mission of educating the public through authoritative, objective, and non-partisan analysis.

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Questions?