Introduction

On May 25, 1787, the fifty-five delegates to the Constitutional Convention began meeting in a room, no bigger than a large schoolroom, in Philadelphia’s State House. They posted sentries at the doors and windows to keep their “secrets from flying out.” They barred the press and public, and took a vow not to reveal to anyone the words spoken there. There were speeches of two, three, and four hours. The convention, which lasted four months, took only a single eleven-day break.

First draft of the United States Constitution, with notes by Pierce Butler, August 6, 1787

This copy of the draft of the Constitution was printed secretly for the delegates in August 1787. In order to make it easier for them to take notes it was printed with wide margins. Delegate Pierce Butler, one of the wealthiest slaveholders from South Carolina, owned and marked up this copy.

First printing of the official United States Constitution, for members of the Constitutional Convention, inscribed by Benjamin Franklin to Jonathan Williams, September 17, 1787

The first official printed version of the Constitution was distributed to the delegates, among whom Benjamin Franklin, aged 81, was the senior member.

The preamble of the working draft and the final version differ significantly. In the August 6 preamble, delegates described themselves as representatives of “the States of New-Hampshire, Massachusetts, Rhode-Island,” etc. The final version, beginning “We the People of the United States,” shows that in the six weeks between the writing of the draft and of the final version, the idea of a united nation had been born. A single nation with a unified government had replaced an earlier vision of a confederation of states.

Questions for Discussion

Read the document introduction and transcript and apply your knowledge of American history in order to answer these questions. It may also be helpful to do additional research.

1. The two copies belonged to Pierce Butler, a South Carolinian, and Benjamin Franklin, from Philadelphia. Research the biographies of both delegates to understand the varied backgrounds, prejudices, and concepts of government of those who contributed to the Constitutional Convention.
Two versions of the Preamble to the Constitution, 1787

2. Find a transcript of the Articles of Confederation and compare to both Butler’s first draft and Franklin’s copy of what would become the final version of the Constitution.

3. How can we explain the numerous handwritten entries in the columns and within the text itself on Pierce Butler’s copy?
Two versions of the Preamble to the Constitution, 1787

Constitution [printing of first draft] [Committee of Detail], August 6, 1787. (Gilder Lehrman Collection, GLC00819.01)
[2]

V.

Sec. 1. The Senate of the United States shall be chosen by the Legislatures of the several States. Each Legislature shall choose two members. Vacancies may be supplied by the Executive until the next meeting of the Legislature. Each member shall have one vote.

Sec. 2. The Senators shall be chosen for six years; but immediately after the first election they shall be divided by lot into three classes, as nearly as may be, numbered one, two and three. The seats of the members 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, of the third class at the expiration of the sixth year, so that a third part of the members may be chosen every second year.

Sec. 3. Every ten years of the Senate shall be of the age of thirty years at least, and shall have been a citizen of the United States for at least nine years before his election; and shall be, at the time of his election, a resident of the State for which he shall be chosen.

Sec. 4. The Senate shall choose its own President and other officers.

VI.

Sec. 1. The times and places of holding the elections of the members of each House shall be prescribed by the Legislature of each State, and their qualifications concerning them may, at any time, be altered by the Legislature of the United States.

Sec. 2. The Legislature of the United States shall have authority to establish such uniform qualifications of the members of each House, with regard to property, as to the said Legislature shall seem expedient. *t* *t*

Sec. 3. In each House a majority of the members shall constitute a quorum to do business; but a smaller number may adjourn from day to day.

Sec. 4. Each House shall be the judge of the elections, returns and qualifications of its own members.

Sec. 5. Freedom of speech and debate in the Legislature shall not be impeached or questioned in any court or place out of the Legislature; and the members of each House shall, in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at Congress, and in going to and returning from it.

Sec. 6. Each House may determine the rules of its proceedings; may punish its members for disorderly behaviour; and may expel a member.

Sec. 7. The House of Representatives, and the Senate, when it shall be acting in a legislative capacity, shall keep a journal of their proceedings, and shall, from time to time, publish them; and the yeas and nays of the members of each House, on any question, shall, at the desire of one-fifth part of the members present, be entered on the journal.

Sec. 8. Neither House, without the consent of the other, shall adjourn for more than three days, nor to any other place than that at which the two Houses are sitting. But this resolution shall not extend to the Senate, when it shall exercise the powers mentioned in the article.

Sec. 9. The members of each House shall be ineligible to, and incapable of holding any office under the authority of the United States, during the time for which they shall respectively be elected; and the members of the Senate shall be ineligible to, and incapable of holding any such office for one year afterwards.
Two versions of the Preamble to the Constitution, 1787

The members of each House shall receive a compensation for their services, to be ascertained by law.

No bill shall pass into a law, unless it shall have passed the House of Representatives and the Senate, each before it becomes a law, and unless the President of the United States, having ten days from the date of its passage to consider it, shall approve it; but in case he shall not approve it, he shall return it, with his objections, to that House which passed it, in a covered envelope, and shall never receive it.

If any bill shall be returned by the President with his objections, it shall be presented to the House which passed it; and if they shall approve of the bill by a majority of two-thirds, it shall become a law.

The Legislature of the United States shall have the power to lay and collect taxes, duties, and excises; to regulate commerce with foreign nations, and among the several States; to coin money; to regulate the value of foreign coin; to fix the standard of weights and measures; to establish post-offices and post-routes; to borrow money, and to establish a uniform rule of naturalization throughout the United States; to declare the law and punishment of piracy and felonies committed on the high seas, and the punishment of counterfeiting the currency of the United States, and all offenses against the law of nations; to declare the law and punishment of treason committed in the high seas, and the punishment of counterfeiting the currency of the United States, and all offenses against the law of nations.

The Congress shall have the power to make rules and regulations for the execution of all laws of the Union, and for the enforcement of its revenue laws, and for the collection of all taxes, duties, and excises, levied thereunder.

And to make all laws that 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.

The Congress shall have the power to declare the punishment of treason. No person shall be convicted without evidence of guilt...
Two versions of the Preamble to the Constitution, 1787
or cause, the court shall nevertheless proceed to pronounce judgment. The judgment shall be final and conclusive. The proceedings shall be transmitted to the President of the Senate, and shall be lodged among the public records for the security of the parties concerned. Every commissioner shall, before he sits in judgment, take an oath, to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, “well and truly to hear and determine the matter in question, according to the law of his judgment, without favour, affection, or hope of reward.”

Sect. 3. All controversies concerning lands claimed under different grants of two or more States, whose jurisdictions, as they respect such lands, shall have been decided or adjusted by treaties, or by any of them, shall, on application to the Senate, be finally determined, as near as may be, in the same manner as is before prescribed for deciding controversies between different States.

Sect. 1. The Executive Power of the United States shall be vested in a single person. His title shall be, “The President of the United States of America,” and his title shall be, “His Excellency.” He shall be elected by the Senate, be hold his office during the term of seven years, but shall not be elected a second time.

Sect. 2. He shall, from time to time, give Information to the Legislature of the State of the Union respecting the state of the Union; and shall recommend to their consideration such measures as he shall judge necessary, and expedient; and he shall have power to convene the Legislature on extraordinary occasions. In case of disagreement between the two Houses, with regard to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall take care that the laws of the United States be faithfully executed, and shall commission all the officers of the United States; and shall appoint all other officers, in all cases in which it may be necessary to fill up vacancies by the vacancies shall be filled up by the President alone, in all cases of other appointments to be made by the President, with the advice and consent of the Senate.

Sect. 3. The Judicial Power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress shall from time to time, be constituted by the Legislature of the United States.

Sect. 4. The Judges of the Supreme Court, and of the inferior courts, shall hold their offices during good behaviour. They shall, at stated times, receive for their services, a compensation, which shall not be diminished during the continuance of their office.

Sect. 5. The jurisdiction of the Supreme Court shall extend to all cases arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.
Two versions of the Preamble to the Constitution, 1787

[6]

pachment of Officers of the United States; to all cases of Admiralty and Mar
rite jurisdiction; to Controversies between two or more States (arising in Territory or Jurisdiction) between a State and citizens of another State, or between citizens of different States, and between a State or the citizens thereof and foreign States, citizens or subjects. In cases of Impeachment, cases affecting Ambassadors, other Public Ministers and Consuls, and those in which a State shall be partie, this jurisdiction shall be original. In all other cases before mentioned, it shall be appellate with such exceptions and under such regulations as the Legislature shall make. The Legislature may adjourn any part of the jurisdiction abovementioned except the trial of the President of the United States), in the manner and under the limitations which it shall think proper, to such inferior Courts as it shall constitute from time to time.

XIII.

No State shall coin money; norgrant letters of marque and reprisal; nor enter into any treaty, alliance, or confederation; nor grant any title of nobility.

XIV.

No State, without the consent of the Legislature of the United States, shall emit bills of credit, or make anything but gold or silver coin, be a medium of exchange; nor shall any State obliged to pay debts in gold or silver coin, nor shall any State emit paper money, or pass any Bill for bodyParsering debts, in gold or silver coin, or make any other thing but gold and silver coin a tender in payment of debts.

XV.

The Citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

XVI.

Full faith shall be given in each State to the acts of the Legislatures, and to the records and judicial proceedings of the courts and magistrates of every other State.

XVII.

New States lawfully established within the limits of the United States may be admitted, by the Legislature, into this government; but to such admission the consent of two thirds of the Members present in each House shall be necessary. If a new State shall arise within the limits of any of the present States, the consent of the Legislatures of such States shall be also necessary to its admission. If the admission be contested to, the new States shall be admitted on the same terms with the original States. But the Legislature may make conditions with the new States concerning the public debt, which shall be then binding.
XVIII

The United States shall guarantee to each State a Republican form of government; and shall protect each State against foreign invasions, and, on the application of its Legislature, against domestic violence.

XIX

On the application of the Legislatures of two-thirds of the States in the Union, for an amendment of this Constitution, the Legislature of the United States shall call a Convention for that purpose.

XX

The Members of the Legislature, and the executive and judicial officers of the United States, and of the several States, shall be bound by oath to support this Constitution. But no religious Test shall ever be required as a qualification for any Office under the United States.

The ratification of the Conventions of nine States shall be sufficient for the adoption of this Constitution.

XXI

This Constitution shall be laid before the United States in Congress assembled, for their approbation; and it is the opinion of this Convention that it should be afterwards submitted to a Convention chosen in each State, under the recommendation of its Legislature, in order to receive the ratification of such Convention.

XXII

To introduce this government, it is the opinion of this Convention, that each adopting Convention should notify its assent and ratification to the United States in Congress assembled; that Congress, after receiving the assent and ratification of the Conventions of the several States, should appoint and publish a day, as early as may be, and appoint a place for commencing proceedings under this Constitution; that after such publication, the Legislatures of the several States should elect Members of the Senate, and direct the election of Members of the House of Representatives; and that the Members of the Legislature should meet at the time and place assigned by Congress, and should, as soon as may be, after their meeting, choose the President of the United States, and proceed to execute this Constitution.
We the People of the States of New–Hampshire, Massachusetts, Rhode–Island and Providence Plantations, Connecticut, New–York, New–Jersey, Pennsylvania, Delaware, Maryland, Virginia, North–Carolina, South–Carolina, and Georgia, do ordain, declare and establish the following Constitution for the Government of Ourselves and our Posterity.

ARTICLE  I.

The stile of this Government shall be, "The United States of America."

II.

The Government shall consist of supreme legislative, executive and judicial powers.

III.

The legislative power shall be vested in a Congress, to consist of two separate and distinct bodies of men, a House of Representatives, and a Senate; [struck: each of which shall, in all cases, have a negative on the other.] The Legislature shall meet on the first Monday in December in every year. [inserted in pencil: unless a different day shall be appointed by Law—] [inserted in ink: at least Once every Year & such meeting shall be on the first Monday &ca]

IV.

Sect. 1. The Members of the House of Representatives shall be chosen every second year, by the people of the several States comprehended within this Union. The qualifications of the electors shall be the same, from time to time, as those of the electors in the several States, of the most numerous branch of their own legislatures.

Sect. 2. Every Member of the House of Representatives shall be of the age of twenty–five years at least; shall have been a citizen of the United States for at least three years before his election; and shall be, at the time of his election, an inhabitant of the State in which he shall be chosen.
Two versions of the Preamble to the Constitution, 1787

Sect. 3. The House of Representatives shall, at its first formation, and until the number of citizens and inhabitants shall be taken in the manner herein after described, consist of sixty-five Members, of whom three shall be chosen in New–Hampshire, eight in Massachusetts, one in Rhode–Island and Providence Plantations, five in Connecticut, six in New–York, four in New–Jersey, eight in Pennsylvania, one in Delaware, six in Maryland, ten in Virginia, five in North–Carolina, five in South–Carolina, and three in Georgia.

Sect. 4. As the proportions of numbers in the different States will alter from time to time; as some of the States may hereafter be divided; as others may be enlarged by addition of territory; as two or more States may be united; as new States will be erected within the limits of the United States, the Legislature shall, in each of these cases, regulate the number of representatives by the number of inhabitants, according to the provisions herein after made, by and provided every State shall have one Representative . . .

Sect. 5. All bills for raising or appropriating money, and for fixing the salaries of the officers of government, shall originate in the House of Representatives, and shall not be altered or amended by the Senate. No money shall be drawn from the public Treasury, but in pursuance of appropriations that shall originate in the House of Representatives.

Sect. 6. The House of Representatives shall have the sole power of impeachment. It shall choose its Speaker and other officers.

Sect. 7. Vacancies in the House of Representatives shall be supplied by writs of election from the executive authority of the State, in the representation from which they shall happen.

Sect. 1. The Senate of the United States shall be chosen by the Legislatures of the several States. Each Legislature shall chuse two members. Vacancies happening by refusals, resignations or otherwise may be supplied by the Legislature of the State in the Representation of which such Vacancies, shall happen or by the Executives thereof untill the
Two versions of the Preamble to the Constitution, 1787

next meeting of the Legislature by Death.] Vacancies may be supplied by the Executives until the next meeting of the Legislature. Each member shall have one vote.

Sect. 2. The Senators shall be chosen for six years; but immediately after [inserted in ink: they shall be assembled in Consequence of] the first election they shall be divided, by lot, into three classes, as nearly as may be, numbered one, two and three. The seats of the members 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, of the third class at the expiration of the sixth year, so that a third part of the members may be chosen every second year [inserted in pencil: this regulation not extending to an exclusion in case of a re Election.]

Sect. 3. Every member of the Senate shall be of the age of thirty years at least; shall have been a citizen [struck: in] [inserted: of] the United States for at least [struck: four] [inserted: Nine] years before his election; and shall be, at the time of his election, a [resident replaced by: inhabitant] of the State for which he shall be chosen.

Sect. 4. The Senate shall chuse its own President and other officers. [inserted in pencil: to Continue during]

VI.

Sect. 1. The times and places and the manner of holding the elections [struck: of] [inserted: for] the members of each House shall be prescribed by the Legislature of each State; [inserted: respectively] but their provisions concerning them may, at any time, be altered by the Legislature of the United States.

Sect. 2. The Legislature of the United States shall have authority to establish such uniform qualifications of the members of each house, with regard to property, as to the said Legislature shall seem expedient. [inserted in ink: out]

Sect. 3. In each House a majority of the members shall constitute a quorum to do business; but a smaller number may adjourn from day to day [inserted in ink: and be Authorized to Compell the attendance of absent Members in such manner & under such penalties as Each House may provide].

Sect. 4. Each House shall be the judge of the elections, returns and qualifications of its own members.

Sect. 5. Freedom of speech and debate in the Legislature shall not be impeached or
Two versions of the Preamble to the Constitution, 1787

questioned in any court or place out of the Legislature; and the members of each House shall, in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at Congress, and in going to and returning from it.

Sect. 6. Each House may determine the rules of its proceedings; may punish its members for disorderly [inserted in pencil: improper] behaviour; and [inserted in ink: with the concurrence of 2/3d] may expel a member.

Sect. 7. The House of Representatives, and the Senate, [struck: when it shall be acting in a legislative capacity], shall keep a journal of their proceedings, and shall, from time to time, publish them: [inserted in ink: except such parts thereof or in their judgements ought to kept Secret –] and the yeas and nays of the members of each House, on any question, shall, at the desire of one–fifth part of the members present, be entered on the journal. [inserted in pencil: Any member or members of the Senate may may Enter His papers for dissenting.]

Sect. 8. [inserted in ink: During the Session of the Legislature . . .] Neither House, without the consent of the other, shall adjourn for more than three days nor to any other place than that at which the two Houses are sitting. [struck: But this regulation shall not extend to the Senate, when it shall exercise the powers mentioned in the] article.

Sect. 9. The members of each House shall be ineligible to, and incapable of holding any office under the authority of the United States, during the time for which they shall respectively be elected: and the members of the Senate shall be ineligible to, and incapable of holding any such office for one year afterwards. Sect. [3]

Sect. 10. The members of each House shall receive a compensation for their services, [struck: to be ascertained and paid by the State, in which they shall be chosen.] [inserted in ink: payd out of the Treasury of the United States to be ascertained by Law.]

Sect. 11. The enacting stile of the laws of the United States shall be. "Be it enacted, [struck: and it is hereby enacted by the House of Representatives, and] by the Senate [struck: of the United States,] [inserted in pencil: and representatives] in Congress assembled.

Sect. 12. Each House shall possess the right of originating bills, except in the cases befo'rementioned.

Sect. 13. 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, for his
revision: if, upon such revision, he approve of it, he shall signify his approbation by signing it:
But if, upon such revision, it shall appear to him improper for being passed into a law, he shall
return it, together with his objections against it, to that House in which it shall have originated,
who shall enter the objections at large on their Journal, and proceed to reconsider the bill. But if,
after such reconsideration, two thirds of that House shall, notwithstanding the objections of the
President, agree to pass it, it shall, together with his objections, be sent to the other House, by
which it shall likewise be reconsidered, and, if approved by two thirds of the other House also, 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 or against the bill shall be entered in the
Journal of each House respectively. If any bill shall not be returned by the President within
seven days after it shall have been presented to him, it shall be a law, unless the Legislature, by
their adjournment, prevent its return; in which case it shall not be a law. [inserted in ink: Every
Order, Resolution or Vote to which the Concurrence of the Senate & House of Representatives
may be necessary, except on a question of Adjournment and in the Cases herein after mentioned
shall be presented to the President for His Revision; and before the same shall have force, shall
be approved by him, or being disapproved by Him shall be repassed by the Senate and House of
Representatives, according to the rules & limitations presented in the case of a Bill.]}

VI[I].

Sect. 1. The Legislature of the United States shall have the power to lay and collect
taxes, duties, imposts and excises;
To regulate commerce with foreign nations, [struck: and] among the several States;
[inserted in ink: and with Indians [struck: with illegible] the [illegible] of any State] Tribes];
To establish an uniform rule of naturalization throughout the United States;
To coin money;
To regulate the value of foreign coin;
To fix the standard of weights and measures;
To establish post-offices; [inserted in ink: & post Bonds];
To borrow money, and emit bills on the credit of the United States;
To appoint a Treasurer by [inserted in ink: Joint] ballot;
To constitute tribunals inferior to the supreme court;
To make rules concerning captures on land and water;


To subdue a rebellion in any State, on the application of its Legislature; [inserted in ink: out]

To [struck: make] [inserted in ink: declare] war;

To raise [inserted in ink: & support] armies; [inserted in ink: to provide & maintain a Navy, and to make rules for the Government & regulations of the Land and Naval Forces...]

To build [struck: and equip fleets;] [inserted in pen: out]

To [struck: call forth the aid of] [inserted in ink: provide for Calling forth] the militia, [struck: in order] to execute the laws of the Union, enforce treaties, suppress insurrections, and repel invasions;

And to make all laws that 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.

Sect. 2. Treason [marked for deletion: against the United States] shall consist only in levying war against the United States, [marked for deletion: or any of them:] [struck: and] [inserted in ink: or] in adhering to the [inserted in ink: ir] enemies [marked for deletion: of] [inserted in ink: or giving them aid & Comfort] [marked for deletion: the United States, or any of them.] The Legislature [marked for deletion: of the United States] shall have power to declare the punishment of treason. No person shall be con

Victed [4]

[4]

Victed of treason, unless on the testimony of two witnesses [inserted in ink: to the same overt act or in confession in open court.] No attainder of treason shall work corruption of blood, nor forfeiture, except during the life of the person attainted. [inserted in pencil: The Legislature shall pass no Bill of attainder nor any ex post facto Laws.]
Two versions of the Preamble to the Constitution, 1787

Sect. 3. The proportions of direct taxation shall be regulated by the whole number of [struck: white and other] free citizens and inhabitants, of every age, sex and condition, including those bound to servitude for a term of years, and three fifths of all other persons not comprehended in the foregoing description, (except Indians not paying taxes) which number shall, within [struck: six] [inserted in ink: three] years after the first meeting of the Legislature, and within the term of every ten years afterwards, be taken in such manner as the said Legislature shall direct.

Sect. 4. No tax or duty shall be laid by the Legislature on articles exported from any State; [marked for deletion: nor on the migration or importation of such persons as the several States shall think proper to admit; nor shall such migration or importation be prohibited.] [inserted in ink: The migration and Importation of such persons as the Several States now Existing shall think proper to admit shall not be prohibited by the Legislature prior to 1808. But a Tax or Duty may be Imposed on such Importation not exceeding Ten Dollars for each person.]

Sect. 5. No capitation tax shall be laid, unless in proportion to the census herein before directed to be taken.

Sect. 6. No navigation act shall be passed without the assent of two-thirds of the members present in each House.

Sect. 7. The United States shall not grant any title of nobility.

VII[inserted in ink: I]

[inserted in ink: This Constitution and] The [struck: acts] [inserted in ink: Laws] of the [struck: Legislature of the] United States [inserted in ink: which shall be] made in pursuance [printed text marked for deletion: of this constitution] [inserted in ink: thereof], and all treaties made [inserted in ink: or to be made] under the authority of the United States shall be the supreme law of the several States, and of their citizens and inhabitants; and the judges in the several States shall be bound thereby in their decisions; any thing in the constitutions or laws of the several States to the contrary notwithstanding.

VIII [inserted in ink: I] – [inserted in ink: IX]

Sect. 1. The Senate of the United States shall have power to make treaties, and to appoint ambassadors, and judges of the supreme court.

Sect. 2. In all disputes and controversies now subsisting, or that may hereafter subsist
between two or more States, respecting jurisdiction or territory, the Senate shall possess the following powers. Whenever the Legislature, or the Executive authority, or the lawful agent of any State, in controversy with another, shall, by memorial to the Senate, state the matter in question, and apply for a hearing; notice of such memorial and application shall be given, by order of the Senate, to the Legislature or the Executive Authority of the other State in controversy. The Senate shall also assign a day for the appearance of the parties, by their agents, before that House. The agents shall be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question. But if the agents cannot agree, the Senate shall name three persons out of each of the several States, and from the list of such persons each party shall alternately strike out one, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as the Senate shall direct, shall, in their presence, be drawn out by lot; and the persons, whose names shall be so drawn, or any five of them shall be commissioners or judges to hear and finally determine the controversy; provided a majority of the judges, who shall hear the cause, agree in the determination. If either party shall neglect to attend at the day assigned, without shewing sufficient reasons for not attending, or, being present, shall refuse to strike, the Senate shall proceed to nominate three persons out of each State, and the clerk of the Senate shall strike in behalf of the party absent or refusing. If any of the parties shall refuse to submit to the authority of such court; or shall not appear to prosecute or defend their claim or cause, the court shall nevertheless proceed to pronounce judgment. The judgment shall be final and conclusive. The proceedings shall be transmitted to the President of the Senate, and shall be lodged among the public records for the security of the parties concerned. Every commissioner shall, before he sit in judgment, take an oath, to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection, or hope of reward."

Sect. 3. All controversies concerning lands claimed under different grants of two or more States, whose jurisdictions, as they respect such lands, shall have been decided or adjusted
Two versions of the Preamble to the Constitution, 1787

subsequent to such grants, or any of them, shall, on application to the Senate, be finally
determined, as near as may be, in the same manner as is before prescribed for deciding
controversies between different States.

[\text{struck: I}] X.

\textit{Sect. 1.} The Executive Power of the United States shall be vested in a single person. His
stile shall be, "The President of the United States of America;" and his title shall be, "His
Excellency." He shall be elected by [\textit{inserted in ink: Joint}] ballot by the Legislature [\textit{inserted in ink: To which Election a Majority of the Votes of the Members present shall be required}–]. He
shall hold his office during the term of seven years; but shall not be elected a second time.

\textit{Sect. 2.} He shall, from time to time, give [\textit{marked for deletion: information}] to the
Legislature [\textit{inserted in ink: information}] of the State of the Union: [\textit{struck: he may}] [\textit{inserted in ink: &}] recommend to their consideration such measures as he shall judge necessary, and
expedient: [\textit{marked for deletion: he}] [\textit{inserted: He}] may convene them on extraordinary
occasions [\textit{inserted in ink: &}] In case of disagreement between the two Houses, with regard to
the time of adjournment, he may adjourn them to such time as he [\textit{inserted in ink: shall}] think
proper: he shall take care that the laws of the United States be duly and faithfully executed: he
shall commission all the officers of the United States; and shall appoint [\textit{struck: officers}]
[\textit{inserted in ink: to all offices Established by this Constitution except Cases herein otherwise
provided for} & to all offices which may hereafter be Created by Law –] in all cases not otherwise
provided by this constitution. He shall receive Ambassadors [\textit{struck: and may correspond with
the Supreme Executives of the Several States.}] [\textit{inserted in ink: and other public Ministers.}] He
shall have power to grant reprieves and pardons; [\textit{struck: but his pardon shall not be pleadable in
bar of an impeachment}] [\textit{inserted in ink: except in Cases of Impeachment}]. He shall be
Commander in Chief of the Army and Navy of the United States, and [\textit{inserted in ink: of such
part} of the Militia of the several States [\textit{inserted in ink: when called into actual service of the
United States}]. He shall, at stated times, receive for his services, a compensation, which shall
neither be encreased nor diminished during his continuance in office. Before he shall enter on
the duties of his department, he shall take the following Oath or Affirmation, "I – solemnly
swear (or affirm) that I will faithfully execute the Office of President of the United States of
America [\textit{inserted in ink: And will to the Best of my Judgment and power preserve, protect &}]

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Two versions of the Preamble to the Constitution, 1787

defend the Constitution of the United States –] He shall be removed from his office on
impeachment by the House of Representatives, and conviction in the Supreme Court, of treason,
bribery, or corruption. In case of his removal as aforesaid, death, resignation, or disability to
discharge the powers and duties of his office, the President of the Senate shall exercise those
powers and duties until another President of the United States be chosen, or until the disability of
the President be removed.

X [inserted: I].

Sect 1. The Judicial Power of the United States [inserted in ink: both in Law and Equity]
shall be vested in one Supreme Court, and in such Inferior Courts as shall, when necessary, from
time to time, be constituted by the Legislature of the United States.

Sect. 2. The Judges of the Supreme Court, and of the Inferior courts, shall hold their
offices during good behaviour. They shall, at stated times, receive for their services, a
compensation, which shall not be diminished during their continuance in office.

Sect. 3. The [marked for deletion: Jurisdiction of the Supreme] [inserted in ink: Judicial
power] Court shall extend to all cases [inserted in ink: both in Law & Equity] arising under
[inserted in ink: this Constitution the] laws [marked for deletion: passed by the Legislature] of
the United States [inserted in ink: or Treaties made or which shall be made under their
Authority]; to all cases affecting Ambassadors, other Public Ministers and Consuls; to the trial of im
preachment [6]

[6]

peachments of Officers of the United States; to all cases of Admiralty and Maritime Jurisdiction;
to Controversies [inserted in ink: in which the U.S. shall be a party to controversies] between two
or more States [struck: (except such as shall regard Territory or Jurisdiction)] between a State
and citizens of another State, between citizens of different States [inserted in pencil: Citizens of
the same State Claiming Lands under Grants from different States –] and between a State or the
citizens thereof and foreign States, citizens or subjects. In cases of Impeachment, cases affecting
Ambassadors, other Public Ministers and Consuls, and those in which a State shall be party
[inserted in ink: The Supreme Court shall have original jurisdiction] [inserted in ink: []] this
Jurisdiction shall be original [inserted in ink: ]]. In all other cases beforementioned [marked for
Two versions of the Preamble to the Constitution, 1787

deletion: it shall be appellate] [inserted in ink: The Supreme Court shall have an appellate jurisdiction] with such exceptions and under such regulations as the Legislature shall make. [inserted in ink: [] The Legislature may assign any part of the jurisdiction abovementioned (except the trial of the President of the United States) in the manner and under the limitations which it shall think proper, to such Inferior courts as it shall constitute from time to time.] [inserted in ink: ] out]

Sect. 4. The trial of all [struck: criminal] [inserted in ink: Crimes] offences (except in cases of impeachments) shall be [inserted in ink: by Jury and such Trials shall be held] in the State where [inserted in ink: the said Crimes shall have been Committed but when not Committed within any State then the said Trial shall be in such place or places as the Legislature may direct –] [inserted in ink: [] they shall [inserted in ink: ]] [struck: committed:] [inserted in ink: [] and shall be by jury. [inserted in ink: ]]

Sect. 5. [inserted in ink: 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] Judgment, in cases of Impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, 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.

XI [inserted in ink: I].

No State shall coin money [inserted in ink: Nor emitt bills of Creditt, nor make anything but gold or Silver Coin a Tender in payment of debts, nor pass any Bill of Attainder or ex–post–facto laws –]; nor grant letters of marque and reprisal; nor enter into any treaty, alliance, or confederation; nor grant any title of nobility.

XII [inserted in ink: I].

No State, without the consent of the Legislature of the United Sates, shall [inserted in ink: [] emit bills of credit, or make anything but specie a tender in payment of debts; [inserted in ink: [] lay imposts or duties on imports [inserted in ink: nor exports nor with such consent but for the use of the U States] nor keep troops or ships of war in time of peace; nor enter into any agreement or compact with another State, or with any foreign power; nor engage in any war, unless it shall be actually invaded by enemies, or the danger of invasion be so imminent, as not
Two versions of the Preamble to the Constitution, 1787

to admit of a delay, until the Legislature of the United States can be consulted.

XIII [inserted in ink: I]

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

X [struck: I] V.

Any person charged with treason, felony, or [struck: high misdemeanor] [inserted in ink: other crime] in any State, who shall flee from justice, and shall be found in any other State, shall, on demand of the Executive Power of the State from which he fled, be delivered up and removed to the State having jurisdiction of the offence. [inserted in ink: If any person bound to service or labor [inserted: [illegible] of the US] shall escape into another State, He or She shall not be discharged from such service or labor in consequence of any regulations subsisting in the State to which they escape; but shall be delivered up to the person justly Claiming their service or labor]

XV [inserted in ink: I].

Full faith shall be given in each State to the acts of the Legislatures, and to the records and judicial proceedings of the courts and magistrates of every other State.

XVI [inserted in ink: I XVII]

New States lawfully constituted or established within the limits of the United States may be admitted, by the Legislature, into this government; but to such admission the consent of two thirds of the Members present in each House shall be necessary. If a new State shall arise within the limits of any of the present States, the consent of the Legislatures of such States shall be also necessary to its admission. [inserted: [] If the admission be consented to, the new States shall be admitted on the same terms with the original States. But the Legislature may make conditions with the new States concerning the public debt, which shall be then subsisting. [inserted in pencil: out]]


The United States shall guaranty to each State a Republican form of government; and shall protect each State against [struck: foreign] invasions, and, on the application of its Legislature, [inserted in ink: or Executive] against domestic violence.

XVIII [inserted in ink: I]

On the application of the Legislatures of two thirds of the States in the Union, for an
Two versions of the Preamble to the Constitution, 1787

amendment of this Constitution, the Legislature of the United States shall call a Convention for that purpose.

X [struck: I] X.

The Members of the Legislatures, and the executive and judicial officers of the United States, and of the several States, shall be bound by oath [inserted in ink: or affirmation] to support this Constitution, [inserted in ink: but no Religious Test shall ever be required as a qualification to any Office or public trust under the Authority of the United States.]

XX XVIII [inserted in ink: I].

The ratification of the Conventions of States shall be sufficient for organising this Constitution.

XX [inserted: II].

This Constitution shall be laid before the United States in Congress assembled, [struck: for their approbation]; and it is the opinion of this Convention that it should be afterwards submitted to a Convention chosen in each State, under the recommendation of its Legislature, in order to receive the ratification of such Convention.

XXII[inserted: I].

To introduce this government, it is the opinion of this Convention, that each assenting Convention should notify its assent and ratification to the United States in Congress assembled; that Congress, after receiving the assent and ratification of the Conventions of Nine] States, should appoint and publish a day, as early as may be, and appoint a place for commencing proceedings under this Constitution; that after such publication, the Legislatures of the several states should elect Members of the Senate, and direct the election of Members of the House of Representatives; and that the Members of the Legislature should meet at the time and place assigned by Congress, and should, as soon as may be, after their meeting, choose the President of the United States, and proceed to execute this Constitution.
Two versions of the Preamble to the Constitution, 1787

Constitution. Printed Dunlap & Claypoole edition inscribed to Jonathan Williams, September 17, 1787 (Gilder Lehrman Collection, GLC03585)
Two versions of the Preamble to the Constitution, 1787
Two versions of the Preamble to the Constitution, 1787

[3]

with bonds, or, of one, 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 any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.
No Tariff shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal in time of peace; but the Congress may, by law, provide for a declaration of war, except in cases of foreign commerce, peace, war, or the application of armed forces; and to this end, the Congress shall be invested with the power of raising and maintaining an army, and making rules concerning captures on land and water.
No state, without the consent of the Congress, shall lay any imposts or duties on imports or exports, except such as shall be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the Territory of the United States; and all such laws shall be subject to the revision and control of the Congress.
No state shall have a standing army, unless it is actually invaded, or in such manner as will not admit of delay.

Sect. 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 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 send to the seat of government of the United States, directed to the president of the Senate.
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 who shall then act as president; which person shall act accordingly, until the disability be removed, or a president shall be elected.
The president shall, at stated times, receive for his services, a compensation, which shall neither be 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, (name of the officer), 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.

Sect. 3. The president shall be commander in chief of the army and navy of the United States, and of their sea-forts and vessels of war. He shall take care that the laws be faithfully executed, and commission all the officers of the land and sea forces.
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 provide for the appointment of such inferior officers, as they think proper, 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.
Two versions of the Preamble to the Constitution, 1787

[4]

Sect. 5. He shall from time to time give to the Congress information of the state of the union, and recommend his views to their consideration; he shall, on extraordinary occasions, convene both houses; or, if 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.

Sect. 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.

III.

Sect. 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.

Sect. 2. The judicial power shall extend to all cases, in law and equity, arising under the constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction, to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State, claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a 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.

Sect. 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.

Sect. 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.

Sect. 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 his escaping, 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.

Sect. 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.

Sect. 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.

V.

The Congress shall have power 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.

The 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.

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, anything in the constitution or laws of any State to the contrary notwithstanding.

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