*In this exercise, you will compare scholars’ proposals to revise parts of the U.S. Constitution with the text of the Constitution itself.*



**US Constitution**

ARTICLE I:

SECTION 8:

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.

ARTICLE II:

SECTION 1:

The executive Power shall be vested in a President of the United States of America.

He shall hold his Office during the Term of four Years…

SECTION 2:

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

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

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

SECTION 3:

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

**Alternative Constitution A**

ARTICLE I: LEGISLATIVE BRANCH

SECTION 8

The Congress shall have power …

To make incidental 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;

ARTICLE II: EXECUTIVE BRANCH

SECTION 1

The power to execute the laws shall be vested in a president of the United States of America, who shall hold this office during the term of four years….

Before he enter on the execution of his office, he shall take the following oath or affirmation:

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States.”

SECTION 2

The president shall be commander in chief of the armed forces of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur; and to exit treaties; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers in the executive branch in the president alone or in the heads of departments, as they think proper; and may vest the appointment of such inferior officers in the judicial branch in the courts of law, as they think proper.

No treaty or other international agreement may enlarge the legislative power of Congress granted by this Constitution, or be enforced within the United States without enabling legislation.

The president shall have power to fill up all vacancies that may happen during the recess of the Senate, as the Senate itself shall determine pursuant to its rules of proceeding, by granting commissions which shall expire at the end of their next session.

SECTION 3

He shall from time to time give to the Congress written information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

**Alternative Constitution B:**

ARTICLE I

SECTION 8

The Congress shall have Power…

To make all Laws and create and organize any agencies, whether or not subject to the President’s control, 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.

ARTICLE II

SECTION 1

Except as otherwise provided by law, the power to enforce and execute the laws shall be vested in a President of the United States of America.

The President shall hold Office during the Term of four Years….

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

SECTION 2

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

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

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

SECTION 3

The President shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as the President shall judge necessary and expedient; may, on extraordinary Occasions, convene both Houses, or either of them; shall receive Ambassadors and other public Ministers; shall take Care that the Laws be faithfully executed; and shall Commission all the Officers of the United States.

**Alternative Constitution C**

ARTICLE I

SECTION [8]

The Congress shall have power:

To make laws necessary and proper for carrying into execution laws enacted pursuant to the foregoing powers, or to facilitate the execution of powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

ARTICLE II

SECTION 1

The executive power shall be vested in a President of the United States of America, who shall hold office for a term of six years and be ineligible for reelection….

Before entering on the execution of the office, the President shall take the following oath or Affirmation: — “I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

SECTION [2]

The President shall perform the duties of Head of State, representing the nation with dignity and impartiality on ceremonial occasions; conduct the relations of the United States with foreign nations and international organizations; and superintend the execution of the laws. The President may issue executive orders carrying into effect the powers vested in the President by the Constitution and laws of the United States, which orders shall be binding on all executive branch officers on penalty of removal, and may enter into executive agreements with foreign nations and international organizations, provided that no executive order or agreement shall have the force and effect of law, or bind future executives, unless authorized by this Constitution, by act of Congress, or by treaty.

The President shall be commander in chief of the military forces of the United States, and of the Militia when called into the actual service of the United States; and is empowered to conduct War when declared by Congress, or when the nation or territories are actually invaded, or are in such imminent Danger of invasion as will not admit of delay; and may take defensive or proportionally offensive military actions when necessary for the defense of the nation, its territories, its enclaves, and its instrumentalities, or as required by treaty; but any military action not authorized by Congress shall cease within thirty days unless Congress declares war or authorizes military action as provided in Article I of this Constitution.

The President may require a written statement from executive branch officers upon subjects pertaining to their respective offices, and may direct such officers in the execution of their duties and may remove them at will; and shall have power to grant reprieves and pardons for criminal Offences against the United States, except self-pardons and pardons of the Vice President…..

The President shall have power, by and with the advice and consent of the Senate, to make treaties, provided that three fifths of the Senators present concur; and shall nominate, and with the concurrence of the Senate shall appoint, ambassadors, other public ministers and consuls, judges of the supreme and inferior courts, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of officers under the control and supervision of other such officers, as they think proper, in the officer with supervisory authority. Nominations shall be deemed to have received the advice and consent of the Senate unless disapproved by majority vote within three months of the nomination; but any Senator shall have the right to bring any nomination to the floor for debate and vote prior to that time. Any nomination made within the last three months of the President’s term shall lapse at the end of the President’s term, unless sooner approved by the Senate.

Congress shall by law provide for the designation of persons currently holding an executive branch office as interim officers in vacant positions.

SECTION [3]

The President shall from time to time give to the Congress information on the state of the Union, and recommend to their consideration necessary and expedient measures; and may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, may adjourn them until a later time; and shall send and receive ambassadors and other public ministers; and shall take care that the laws be faithfully executed. The President shall not direct the prosecution or non-prosecution of any person in a specific matter, but shall leave such decisions to the discretion of the relevant officer.

*Alternative Constitutions drawn from the Constitution Drafting Project by the National Constitution Center, available at https://constitutioncenter.org/debate/special-projects/constitution-drafting-project*