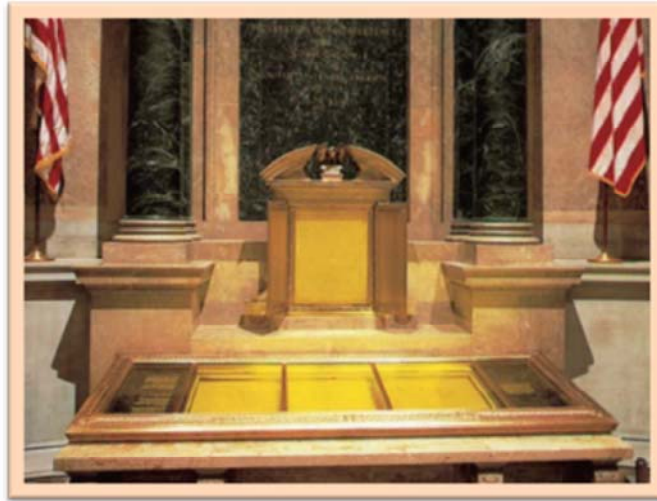


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PLANNING FOR THE FUTURE: ARTICLES IV-VII



The Constitution Displayed at the National Archives

Unit Overview

The Founding Fathers understood the importance of balancing power among the three branches of government, but they also recognized that the United States would grow and change. For the new nation to achieve a sense of stability, the role of state government needed to be defined and clarified. A number of provisions in Articles IV through VII of the United States Constitution were written with these points in mind. At the same time, the Constitution had to fulfill the promises set forth in its Preamble, including the obligations “to form a more perfect union...to provide for the common defense... and to insure domestic tranquility.” Let’s see how all this was reflected in Articles IV through VII.



National Debt Clock

Article IV

Much of Article IV of the Constitution deals with the ways in which states relate to one another and to the federal government. Under the Articles of Confederation, each state coined its own money, devised its own standards of weights and established its own intrastate laws without considering a national norm. If the country was truly going to unite, the states had to recognize the authority of a central government while maintaining a certain degree of autonomy. This division of power between the state and federal governments, known as federalism, is still being defined today. The four sections of Article IV provide a basis for the relationship between the national and state governments.

Article IV: Section 1. What It Says	The Full Faith and Credit Clause What It Means
<p>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.</p>	<p>This clause directs that the states respect each other's laws, legal decisions, and records. This includes drivers' licenses, divorce records and marriage laws. In recent years, there has been much controversy over whether the full faith and credit clause indicates that same-sex marriages in one state should be recognized in all fifty states.</p>

Article IV: Section 2 What It Means	Privileges and Immunities Clause What It Means
<p>The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.</p> <p>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.</p> <p>No Person held to Service or Labor in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labor, but shall be delivered up on Claim of the Party to whom such Service or Labor may be due.</p>	<p>Although certain distinctions between residents and non-residents are permitted, states cannot discriminate against citizens from another state. If a person accused of a crime in one state flees to another, it is the obligation of the second state to return the fugitive to the state where the crime was committed. It is the duty of the state and federal courts to enforce this process, which is called extradition. In the nineteenth century, many northerners disliked the "fugitive from labor" provision" because it gave slave owners the right to capture slaves when they fled to other states. Following the Civil War, the Constitution was amended to prohibit involuntary servitude. As a result, this portion of the Article is no longer applicable.</p>

Article IV: Section 3 What It Says	Admission of States What It Means
<p>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.</p> <p>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.</p>	<p>Congress can admit new states to the Union, but states cannot create new states within their borders. For example, California cannot make the Napa Valley a separate state. Two states cannot combine to form a new state without the approval of their state legislatures and Congress. Congress also has the power to regulate lands that are not states. These are referred to as territories. Some, like Alaska and Hawaii, may eventually become states; others, such as the Philippines, may acquire independence. Congress also has the power to establish rules for national parks, forests and other properties. The last sentence in this provision ensures that nothing in the Constitution will harm the rights of either the federal government or the states in disputes over territory or property.</p>

Article IV: Section 4 What It Says	Guarantee Clause What It Means
<p>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.</p>	<p>Section 4 stipulates that each state must be run as a representative democracy rather than a dictatorship or a monarchy. It is the responsibility of Congress to protect the states from foreign invasions and from acts of violence within the state.</p>



Go to Questions 1-5.

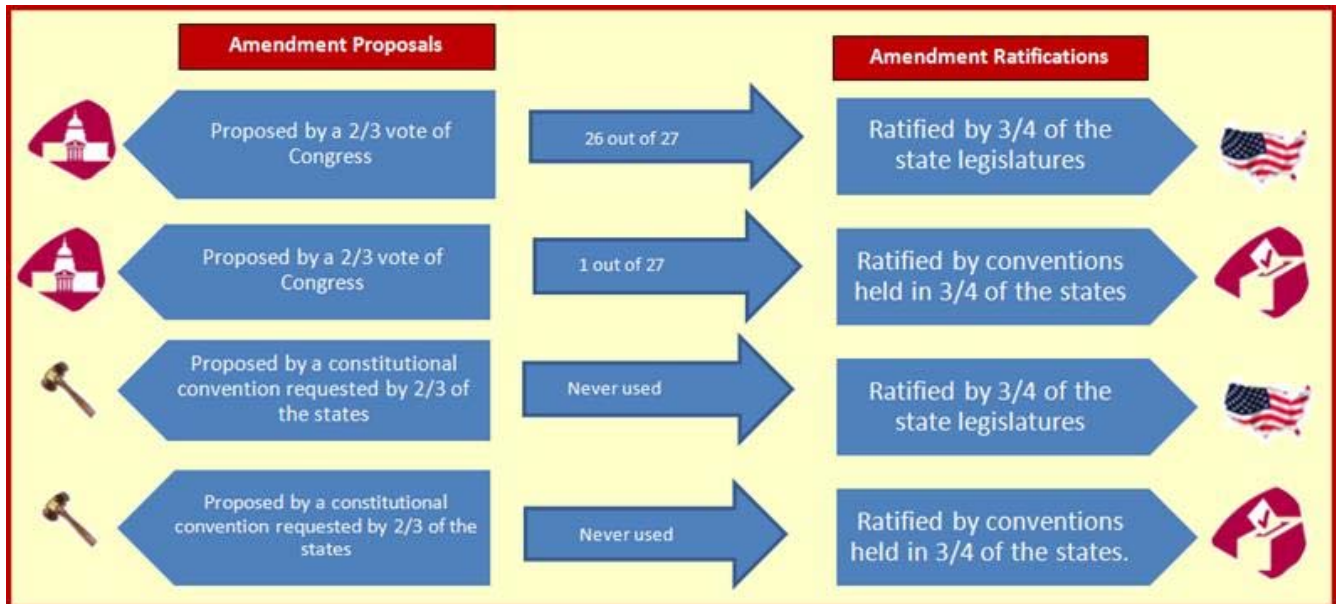
Article V

The delegates at the Constitutional Convention wanted the Constitution to have the flexibility to adapt to changing times and circumstances. The elastic clause and the process of judicial review have helped American government to adjust to various times and circumstances. Article V, also known as the amending article, discusses how changes or **amendments** can be added to make the Constitution a true, living document. Since amendments are proposed on the national level and ratified on the state level, the process of adopting amendments also reflects the principle of federalism. Thousands of amendments have been suggested but only twenty-seven have actually been approved.

There are several ways to propose and ratify amendments.

- 1. Congress may propose an amendment if it is approved by 2/3 of its members. To become active, the proposal must be ratified by the state legislatures in ¾ of the states. This means that thirty-eight state legislatures must approve or ratify the proposal. Twenty-six of the twenty-seven amendments have been adopted by this method.
- 2. A proposal, approved by 2/3 of Congress, can also become an amendment if it is ratified by conventions called within the states for this purpose. The adoption of amendments under this plan requires approval by ¾ of these state conventions. Only Amendment XXI has been ratified through this process.

- 3. Congress may also call a national convention at the request of 2/3 of state legislatures to propose an amendment. Today, this means that thirty-four states must be in agreement. The proposed amendment must be ratified by 3/4 of the state legislatures, if it is to become part of the Constitution. Congress has never called a convention of this type, and no amendments have been adopted using this method.
- 4. When amendments are proposed by national conventions called by Congress at the request of 2/3 of the state legislatures, states may use ratifying conventions rather than their state legislatures to approve amendments to the Constitution. A suggested amendment is only added to the Constitution if 3/4 of the state conventions agree. Although this plan was the basis for the ratification of the Constitution itself, no amendments have been adopted using this process.



To read Article V in its original text, click on the icon or PDF below:



Article V [Constitution PDF](#)

The process seems complicated, but the Founding Fathers did not want it to be easy to change the Constitution. At the time, they realized that the unanimous vote of state legislatures stipulated by the Articles of Confederation was impractical. Although several Federalists and Anti-federalists held conflicting views concerning the terms established in Article V, Thomas Jefferson believed it was a significant achievement.

Thomas Jefferson to David Humphreys: 1789

The example of changing a Constitution, by assembling the wise men of the state, instead of assembling armies, will be worth as much to the world as the former examples we have given them.



Go to Questions 6-12.

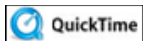
Articles VI and VII

In Article VI, the authors of the Constitution wanted to be sure the document would be the deciding factor for U.S. law. Section 1 accepts that all debts owed by the government before ratification of the Constitution would be honored. Congress had borrowed money during the American Revolution and had been unable to repay it under the Articles of Confederation. This provision established that the new country would be responsible for its debts.

The Supremacy Clause: Article VI, Section 2

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

Section 2 of Article VI is also known as the **supremacy clause**. Even though the Constitution is rooted in the principle of federalism, state laws and federal laws often come into conflict. If a state constitution or law contradicts the Constitution or a national treaty, it is the Constitution that is the supreme authority. State courts must also uphold the provisions of the Constitution. For example, Virginia's state constitution included a poll tax that voters were required to pay for participation in presidential elections. In 1964, a constitutional amendment prohibited the practice. This made Virginia's voting requirement unconstitutional. Section 3 also emphasizes the final authority of the Constitution. It demands that all government officials take an **oath of office** and swear to uphold the Constitution of the United States. Click on the link below to see and hear Barack Obama take the oath for the presidency.



Obama, Barack: Oath of Office and Inaugural Address (21:06)

The final article, Article VII, explains the process that must be followed for ratification. Because the unanimous vote that was required by the Articles of Confederation had proved impractical, only nine of the thirteen states had to agree to accept the Constitution. State conventions, whose members were selected for this specific purpose, rather than state legislatures debated and voted on this issue. The framers of the Constitution believed that this method reflected the will of the people more accurately and supported the concept that the real power in American government came from the governed. To see Articles VI and VII in their original text, click on the icon or PDF below.



Article VI [Constitution PDF](#)



Article VII [Constitution PDF](#)



Go to Questions 13-16.

What's Next?

Thanks to the articles discussed in this unit, the United States Constitution has become a living document that continues to provide a framework for American government. However, it has always had its share of critics. When states were first asked to consider its ratification, many citizens believed that the Constitution did not do enough to protect individual rights and freedoms in the areas of religion and speech. The new amendment process was quickly tested and found to be an adequate method of change. The first ten amendments, known as the Bill of Rights, are still subject to clarification and controversy. Before continuing to the next unit, review the terms related to Articles IV through VII.



Go to Questions 17-26.



Below are additional educational resources and activities for this unit.

[Unit 6 Advance Organizer](#)

[Unit 6 Application Activity](#)