

We the People
Article I

OUR CONSTITUTION

*What the American Dream
Means to Me*



UNITED STATES COURTS FOR THE NINTH CIRCUIT

2015 ESSAY & VIDEO
CONTEST

THE ORGANIZERS THANK THE FOLLOWING FOR THEIR
GENEROUS SUPPORT:

U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT

U.S. DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

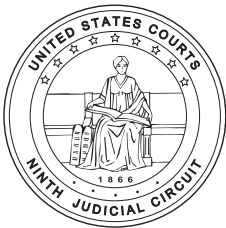
U.S. DISTRICT COURT FOR THE DISTRICT OF ARIZONA

U.S. DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA

U.S. DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

LEVENTHAL LAW, SAN DIEGO

PATTERSON LAW GROUP, SAN DIEGO



A Word about the Contest

The 2015 Ninth Circuit Civics Contest, cosponsored by the Ninth Circuit Courts and Community Committee and the United States District Court for the Southern District of California, was open to high school students in the greater San Diego area. The theme of the contest was “Our Constitution: What the American Dream Means to Me.” Students were challenged to write an essay or produce a brief video focusing on how the Constitution, the Bill of Rights and subsequent amendments make possible the American Dream. Individual students competed in the essay contest, while individuals and teams of up to three students were eligible to enter the video contest.



*Janis L. Sammartino,
district judge and
chair of Ninth
Circuit Courts and
Community
Committee*

All told, 303 students from 45 high schools in the greater San Diego area participated in the contest. Essays and videos were reviewed by panels of federal judges, attorneys, law clerks, staff attorneys and educators recruited from the Southern District and the Ninth Circuit Court of Appeals. Final judging panels picked 1st, 2nd and 3rd place winners in both contests plus two honorable mentions in the writing competition. The winners will receive generous cash prizes while all participating students will receive a commendation recognizing their efforts.

We are extremely pleased with the success of this effort to better inform young people about our democracy, particularly the judicial branch. Our thanks to the federal bench and bar, court and circuit staff, the San Diego educational community and the many others who contributed to this very worthwhile endeavor.

July 2015

WINNING ESSAY CONTEST ENTRIES

1st place **LUCILE VIGOUROUX**
LA JOLLA, CALIFORNIA

LE RÊVE AMÉRICAIN

Le Rêve Américain. The American Dream. As far as I can remember, the simple pronunciation of this name has always been enough to stir feelings of excitement, ambition and admiration in my family. Even when it was just that: a dream. For a modest French family like mine, the United States of America seemed quite rightfully like the other end of the world, and the accuracy of this statement extends beyond its literal meaning of physical distance: American culture as we knew it seemed fictional and our idea of American people relied heavily on the stereotypical belief that *all* Americans are friendly surfers who drive pick-up trucks. The American Dream was only something we could afford to admire and fantasize about; actually fulfilling it never was an idea we seriously considered.

Yet, despite the improbability that his family would ever set foot on American soil, my father was motivated by this empowering slogan: “No matter who you are, if you have a dream and are willing to work hard at it, in America everything is possible”. It spurred him to sell his



Lucile Vigouroux, 17, graduated in June from the School of International Studies at San Diego High School. An accomplished equestrian, she will be enrolling this fall at Centenary College of New Jersey, double majoring in equine science and equine business management. She is interested in promoting more comprehensive and respectful methods to care for and work with domestic horses.

business and pursue a race car driving career that would eventually make us lucky enough to fill four of the 675,000 spots reserved annually for permanent immigrants in the United States. The American government issued us Permanent Resident Cards, Preference Category 1¹ — we liked to call them *nos clés du monde de l'opportunité* (“our Keys to the Land of Opportunity”).

Bursting with excitement and curiosity, we began our pursuit of this famous “American Dream” February 16, 2008. Today, January 21, 2015, we were granted American citizenship.

Opening our naturalization ceremony at San Diego’s U.S. Immigration Court was President Obama’s recorded voice repeating these inspiringly powerful words: “In America, everything is possible”. For the first time, I was able to read the Constitution’s introductory sentence “We, the People of the United States” without feeling like an intruder. These “People of the United States” have accepted to consider me a member of their honorable nation, to treat me as their equal. To me, this inestimable honor is the American Dream.

Consequently, among all amendments, the one that I am most thankful for is the fourteenth: its first section guarantees that natural birth and naturalization both ensure equal rights and equal protection of the law: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States [...] 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.”² As long as this amendment is enforced, I will not be denied the right to vote in elections for public officials³ or to apply for competitive service jobs⁴ simply because of my national origin.

¹Immigration Policy Center, “How the United States Immigration System Works: A Fact Sheet”. 03/01/2014. *Web*. Accessed 04/14/2015

²Brady, “The Constitution of the United States of America as Amended” ARTICLE XIV. 07/25/2007. *Web*. Accessed 04/14/2015

Furthermore, I can safely rely on the fact that if I am ever convicted of a crime or tort, impartial justice will be conducted and neither prejudice nor personal opinion of French people will play a role in my sentencing. In fact, independent of the defendant's origin, the American trial system is infinitely more fair by nature than that of the French. While in France the fate of the defendant, regardless of the severity of the offense, is in the hands of a single judge — whose judgment may or may not be entirely objective — in the United States twelve jurors confer to agree on the verdict. Twelve ordinary men and women who are not affiliated with the government and have nothing to lose by exercising fair reasoning. Yes; some are racist, sexist, Islamophobic, anti-Semitic, homophobic; that is inevitable, but the combined judgment of such diverse people considerably reduces the risk that unfounded personal judgment influences objective legal judgment. This democratic procedure may seem banal to the average American, but I have learned not to take it for granted.

The American Dream is not perfect. We must be careful not to idealize it; just like any other dream, system, market, or organization, it has its shortcomings and imperfections, its injustices and deceptions. I myself have endured my share fair of discrimination. Yet becoming a resident and citizen of “The Land of Opportunity” has led to opportunities that I will never cease to be grateful for.

³U.S. Citizenship and Immigration Services, “Important Information for New Citizens” M-767 04/2012

⁴The United States Department of Justice, “Types of Immigration Related Unfair Employment Practices Discrimination” n.d. *Web*. Accessed 04/14/2015

2nd place GAVIN JACKSON SAN MARCOS, CALIFORNIA

THE AMERICAN DREAM FULFILLED

When people say that the American Dream is dead, they do so for a multitude of reasons: conservatives believe that government interference has destroyed free enterprise and the rugged individualism of the American Dream; liberals argue that laissez-faire capitalism and elitism have decimated the middle class' ability to forge ahead without government assistance. Both sides make valid points—this nation is not the nation it once was. But to claim that a dream has been lost, that two hundred years of struggle and perseverance have been for naught, is an insult to our ancestors and to the people living the American Dream today. I refuse to believe that something as powerful as a dream could be killed by the actions of men and thus trust that the American Dream lives on in today's youth.

The American Dream holds a special place in my heart. I am the child of an immigrant: my mother and her family left the Republic of Korea to forge a new path in the United States. During the 1970s, South Korea was led by a series of dictators and corrupt military juntas—the United States represented freedom, safety and opportunity. My grandparents arrived in California with nothing more than the clothes on their back,



Gavin Jackson, 18, graduated in June from Mission Hills High School in San Marcos, California. He will be attending the University of California, Los Angeles, in the fall as a Regents Scholar, majoring in political science and history. He plans to attend law school and pursue a career as a district attorney.

ready to make a new life from scratch. They left behind a successful pharmacy business and centuries of traditions in Korea for the sake of the American Dream, the chance to create a better life for themselves and their children. In the end, they succeeded—all of their children were able to attend college and pursue successful careers, and my grandparents ran a successful restaurant business for over 30 years.

It is my opinion that such success is only possible in a country like the United States. Many have argued in the past that “the freer the market, the freer the people.” I prefer to think in the opposite frame of mind: the freer the people, the freer the market. The Bill of Rights protects all Americans from a tyrannical government and guarantees important civil liberties, such as the right to free speech and free exercise of religion. Without these freedoms, economic success would be impossible. If you are not protected from random imprisonment, how can you feel safe enough to invest in a business? If you cannot speak your mind, how can you hope to protect your assets from arbitrary government seizure?

While these rights listed in the Bill of Rights are indeed important, the Fourteenth Amendment holds a special place in my heart. It is the only place in which equality under the laws is guaranteed to all people, regardless of race or place of origin. It protects all people from discriminatory laws and government actions.

In the past, however, the Fourteenth Amendment—and many others—have remained ambiguous. Different states chose to apply each one differently, or chose to disregard them entirely. It is thus the role of the federal courts to interpret and apply these amendments to the nation.

For this reason, I perhaps owe my very existence to the federal court system. I am one of millions of biracial Americans living in the United State today. I am proud of both sides of my heritage and I do my best to embrace both. I have never experienced discrimination based on my race, and for that I am grateful. But less than 60 years ago, I would have been relegated to a position below that of most white Americans. My parents could have been denied a marriage license in the name of “racial purity.”

The federal courts helped to remove these barriers for myself and people like me. In *Brown v. Board of Education*, segregation was struck down as inherently unequal; *Loving v. Virginia* banned anti-miscegenation laws as violating the Equal Protection Clause. The courts acted to protect the rights of the minority, the downtrodden and the powerless. They acted to protect the rights of millions of unborn Americans, like myself, from unwarranted discrimination.

But the work is not done. While certain citizens of the United States still remain unable to marry whomsoever they love, I consider the American Dream unfulfilled. While the women of this nation make less than equally competent men, I consider the American Dream unfulfilled. But the American Dream still exists. In the coming years, the American Dream will come closer to fulfillment. For in the end, we are all Americans, and we will all strive for liberty and success, at all costs.

3rd place BRIAN BROOKS **ORANGE, CALIFORNIA**

One hot May afternoon in 1954, a young attorney walked down the steps of the Supreme Court building with a beaming smile on his face. It had been a long time coming and a tremendous amount of work, but he and his team had finally swayed all nine judges that “separate educational facilities [were] inherently unequal,” overturning the judicial dinosaur that was Plessy vs Ferguson. The attorney’s name was Thurgood Marshall, and he deeply believed in the American Dream. His mother, Norma, was a teacher, and gave the young boy an appreciation for the Constitution that he carried for the rest of his life. In college, he attended Howard University Law School, where he was taught by the NAACP firebrand, Charles Hamilton Houston, who encouraged him to challenge the laws which would eventually be toppled in Marshall’s most famous case. The Brown victory, however, was not Marshall’s only achievement. On June 13, 1967, President Johnson nominated Thurgood Marshall for Supreme Court Justice and in 1993, Marshall posthumously received the Presidential Medal of Freedom from Bill Clinton.

I don’t believe that America is the only place such a triumph of human achievement could take place, but I do believe that America has equipped her citizens with many tools to encourage the success



Brian Brooks, 18, graduated in June from RAI Online Charter School in Fallbrook, California. He enjoys reading, writing, drawing and physical fitness activities. He will be attending BIOLA University in the fall through the Torrey Honors Institute and hopes to eventually become an attorney.

of every American. One of these tools is the Constitution, which not only describes an ideal government where anyone can achieve their American Dreams, but also serves to contrast a less-than-ideal government which had turned the dream into a nightmare. Although Britain developed the system of Common Law that we still depend on today, King George did not seem to think that traditional English liberties applied to the colonies. In this spirit, the Constitution not only established the infrastructure of our nation which has allowed so many to prosper, it also specifically states in its famous prologue that one of its main goals would be to establish justice. In Section 2, Clause 3, the Constitution protects the rights of the accused by describing the idea of trial by jury, a concept central to our judicial system's goal of habeas corpus. America was not the first nation to state this goal however. The thirty-ninth clause of the Magna Carta stated that "no freemen shall be taken . . . except by the lawful judgment of his peers or by the law of the land." The Constitution, however, makes no distinction between slave and free, common or noble and even commands that "no titles of nobility shall be granted by the United States." Though in many ways, it took about two centuries, this ideal of equal protection is now more of a reality than ever.

Despite these strides, many people still felt the Constitution did not adequately protect individual rights. Notable Framers such as George Mason, Patrick Henry, and Richard Henry Lee refused to sign any constitution which did not include a Bill of Rights. In response, Congress' first major duty was to pass ten amendments which set limits that the federal, and eventually state, governments couldn't cross, thus safe-guarding individual liberties. In the Bill, the rights of accused criminals are featured as one of the most prominent elements. The writ of habeas corpus was to be observed at all times and all Americans were to be tried before a jury for their crimes. These ideas, explained in the Bill of Rights and other documents, effectively put the American Dream in writing.

As a first generation American, I am inspired by the bravery of the men who wrote these unprecedented documents that set new standards and defended new principles. My dream is to become a lawyer, but if I had lived in a world without the Framers, I would most likely never

think about the legal profession. Before the American Dream, people had their positions handed to them; men from noble families followed their fathers into professional positions, and others labored for a meager living. Without the American Dream, my father would not have thought to pursue the career he loved, but rather followed in his father's footsteps, taking up carpentry, like his father and grandfather had done going back five generations. Without the American Dream, Thurgood Marshall and his allies would not have thought to "cash the check," that Martin Luther King described. Without the American Dream, Lyndon Johnson would have never appointed Marshall to be a Supreme Court Justice. And without the Constitution and its sister documents, there would be no American Dream.

*Honorable
Mention* **VERONICA RILEY**
LA MESA, CALIFORNIA

**THE FERTILE GROUND FOR THE
AMERICAN DREAM**

If you do not have the freedom to fail, you do not have the freedom to succeed. If it were not for the Constitution and the Bill of Rights, the American Dream could never become a reality. These documents set standards for all laws and impact decisions made by those of the Judicial Branch of government. The American Dream is the liberty to work for a living or not to, to know your freedoms and to be able to defend them, to be in control of your own life; it is to cultivate the fertile ground freely. The American Dream means that I have the opportunity to use the fertile ground provided by the U.S. Constitution to shape my life into anything that I work towards, no matter what that may be.

The Bill of Rights, the personal aspect of the U.S. Constitution, is the basis for living and pursuing the American Dream. The laboratories of democracy, made possible by principles from the Bill of Rights, allow diversity of success throughout the nation by promoting differences between the states. The diverse nature of every individual's dream requires a nation of diverse possibilities, provided by constitutional standards that encourage mobility and individuality throughout the states.



Veronica Riley, 17, graduated in June from Foothills Christian High School. She plans to attend San Diego State University in the fall and may study to be a paralegal or pursue her passion for art.

Due to the multiplicity of American individuals' dreams, there must be protectors of the rights that make these dreams possible. These protectors are a part of the Judicial Branch of government. The courts ensure that vital constitutional principles are carried on; they are agrarians of the fertile ground of success that is provided by the Constitution. The courts must follow standards set by the Constitution, which made the American Dream a possibility in the first place, so that the document will never lose its potency. These guardians protect the nation from tyranny by propagating constitutional principles to ensure that each and every citizen can live out their American Dream.

My own American Dream is to become a stay-at-home mother and to pursue my passion for art. My heart lies with raising children that will become the next generation of Americans. I want to care for them and show them love so that they can reach their full potential. To me, attaining this goal is the most desirable success. However, many women of today might view this dream as a failure. Often, modern women plant seeds of monetary and political success, as these goals are their vision of the American Dream. While these goals can be the definition of success to some, the U.S. Constitution lays a fertile ground to be cultivated by any person with any dream, no matter if it is a dream of fame and grandeur or a conventional, yet impactful dream.

This ground, made fertile for a diverse seed by honorable cultivators, also allows for failure. The Constitution does not guarantee that every citizen can achieve their American Dream, but that every right will be given to them so that they have the opportunity to work for their dream. Thus, each person has the freedom to allow their seeds to waste away by neglecting the fertile ground. They also have the freedom to take advantage of their opportunity and work to achieve success, however they may define personal success. Though one person's dream may be drastically different from the next person's, there are no failures in any American Dream; the only failure is to disregard the great opportunity of the fertile ground of success altogether.

The American Dream is the hope for the future. It is the promise that I may have a family, that I may raise my children in a place where freedom reigns, and that I may effect and participate in the shaping of

this great nation's future. I want to ensure that the liberties described in the Constitution continue to be protected for generations to come, and that the people of this country will never doubt their ability to pursue and attain their unique American Dream. The distinction of the American Dream, what makes it truly American, is that it is open to all. Anyone may work to accomplish their goals and to achieve success, however they may define it personally—that is the American Dream. No matter one's background or differences, each American has the freedom and the opportunity to plant any seed that they desire in the fertile ground provided by the Constitution, so that they may reap the plentiful benefits that this great nation has to offer.

*Honorable
Mention* **RHYS WILLIAMS**
SAN DIEGO, CALIFORNIA

**OUR CONSTITUTION: WHAT THE AMERICAN
DREAM MEANS TO ME**

The American Dream is a powerful idea, one that draws thousands to our country every year. It promises wealth, prosperity, equality, and the hope for a better tomorrow to all who dare to Dream. Some of these people were my family, and some may have been yours. It gave them the strength to succeed, to prosper, and they became shining examples of true Americans. My grandfather was a poor farmer in Mexico, once upon a time. He sold his farm, and he and his family moved to San Diego, set on obtaining a better life for their family. After many years of hard work, he bought a house in Claremont, settled down, and started a family. This family grew quickly, and all throughout their children's early years, they pushed education as the means of success, constantly expressing their happiness at the American educational system. This family went on to succeed even further, with members becoming district court judges and attorneys, enforcing the laws and defending the rights of many. My mother, the youngest of their children, went on to work in the San Diego Police Department, and is currently in one of the highest ranking civilian positions. The family went from poor Mexican farmers to successful Americans; living in houses they owned, in one of the most expensive cities in the continental US.



Rhys Williams, 15, of San Diego, is an incoming junior at the School of International Studies at San Diego High School. He is fascinated by all things pertaining to the legal system and hopes to one day become a federal judge.

I think this is exactly what the American Dream is. It is the hope people feel when they arrive, the desire to succeed, and the motivation to continue this success even in the face of hardships that may seem insurmountable. It is what allows us to continue to succeed not just as people, but as a nation. We started out as a small group of British resource colonies, but thanks to the formation of the American Dream, a dream of a better country that we the people were in charge of; we became the strongest country on Earth, financially and militarily. This dream is the foundation that our country is built on, without a doubt. It allows us to stand in the face of adversity, and make changes to the status quo that may not otherwise be made. In some countries, you cannot speak your mind without severe repercussions, but not in America. The Bill of Rights protects our ability to speak freely, be tried fairly by a jury of our peers, and receive the same treatment as others, regardless of race, gender, or ideologies. These and more rights are protected, and allow us freedoms that in other countries are unheard of, and beyond the wildest dreams of many.

These rights are protected the most by our judicial system. In 1954, the Supreme Court ruled that separate schools are indeed, not, equal. This protected the rights set in the Equal Protection clause of the Fourteenth amendment of the Constitution of the United States, and opened the door for an end to discrimination across the country. In 1966, the Supreme Court ruled that the police have an obligation to inform prisoners of their rights. This resulted in the famous “Miranda Rights” that police must recite upon every arrest, protecting the personal rights of the arrested individuals. In 1974, the Supreme Court ruled that not even the president is above the law, reminding those in power that the country is run by the people. These rulings were all landmark cases, and these rulings all supported the American Dream. The first ruling, *Brown v. Board of Education* began the changes that extended this American Dream to people of all races. The second, *Miranda v. Arizona*, protects the rights of all people who are arrested, and further reinforces the American concept of “Innocent before proven guilty”. The third ruling, *U.S. v. Nixon*, shows that not even the president of the United States can violate the rights of others, lest he be impeached and punished like anyone else.

The American Dream is an ideal unique to this great country. It was the foundation of the country, as well as the driving force behind the success of its citizens. It allowed even the poorest of immigrants to become wealthy beyond what they ever could have hoped for, and to become part of something bigger than them, the greatest country on Earth, the United States of America.

WINNING VIDEO CONTEST ENTRIES

Winning video entries can be viewed by visiting the 2015 Civics Contest website: <http://www.ce9.uscourts.gov/civicscontest>

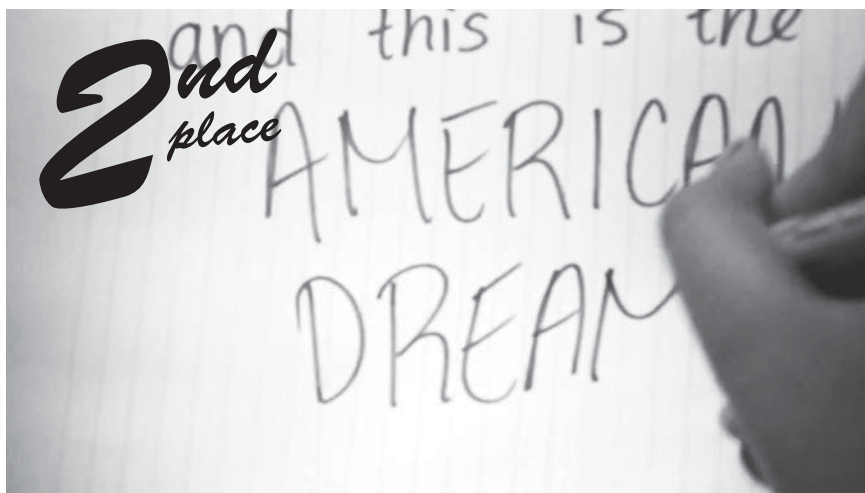


MARTHA ELVA RODRIGUEZ

San Diego, California



Martha Elva Rodriguez, 16, is an incoming junior at the School of International Studies at San Diego High School. She enjoys writing, reading, physics, performing theater and playing baseball on the high school team and in community leagues.



MELISSA RODRIGUEZ & ASTRID SARINANA
Chula Vista, California



Melissa Rodriguez, 16, is an incoming junior at Castle Park High School in Chula Vista. Her future plans are to finish high school, then attend college and have a successful career in the medical field. Her interests include concerts, movies and reading.



Astrid Sarinana, 15, is an incoming junior at Castle Park High School in Chula Vista. She is focused on finishing high school, then going onto college, where she plans to study either business or cinematography. She is interested in movies, photography and skating.

3rd
place



JOHANNAH WHITELOCK & LOUISE CURTIS

San Diego, California



Louise Curtis, 15, is an incoming junior at the School of International Studies at San Diego High School. She is interested in the history of world religions and their interactions and plans to continue studying this subject while pursuing a career as a teacher. She is interested in nutrition and hopes to make everyone around her vegan.



Johannah Whitelock, 16, is an incoming junior at the School of International Studies at San Diego High School. She plans to go onto college to study nursing and dreams of practicing medicine abroad.

2015 CIVICS CONTEST JUDGES

Essay Winner Selection:

Circuit Judge Jacqueline H. Nguyen; Magistrate Judge Barbara L. Major; Daniel Eaton, Esq.; Nancy Fisher, retired educator; Joe Leventhal, Esq.

Essay Semifinalist Selection:

Magistrate Judge David H. Bartick; District Judge Gonzalo P. Curiel; District Judge William Q. Hayes; Magistrate Judge Jill S. Burkhardt; District Judge Marilyn L. Huff; Magistrate Judge Nita L. Stormes; Bankruptcy Judge Christopher S. Latham; Bankruptcy Judge Deborah J. Saltzman; Linda Lopez and Ryan Stitt, assistant federal defenders; Michelle M. Pettit, assistant U.S. attorney; attorneys Thomas E. Egler, Esq., Barbara Frezza, Esq., Stan Panikowski, Esq., and Martha Sheehy, Esq.; Southern District law clerks Jennifer Gindin, Jessica R. Lohr, Matthew Smock and Christina Semmer; school trustee Elana Levens-Craig; educators Lis Johnson, Rosemary Staley, Carol Treglio and Micheline Wagner; Ninth Circuit Supervisory Staff Attorney Paul T. Keller, Staff Attorneys Kathleen Butterfield and Olga Tkachenko and law clerks George Horvath, Marybeth Lippsmith and Patrick Llewellyn.

Video Winner Selection:

Magistrate Judge Michael J. Seng; Bankruptcy Clerks Barry Lander and Kathleen J. Campell; Shireen M. Becker, Esq.; and educator Matt Hayes

Special Thanks:

Marshall Croddy, president, Constitutional Rights Foundation
Kathleen Walford, community outreach coordinator, Southern District of California

We the People

insure domestic Tranquility, provide for the common Defence and our Posterity, do ordain and establish this Constitution

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, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be admitted into or exist at the Time of the first Meeting of the Congress, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including all bound Persons for the Term of Years, who shall not be taxed, three fifths of all other Persons. The actual Enumeration shall be made within every subsequent Term of ten Years, in such Manner as the Congress shall direct: but the Enumeration in each State shall have at Least one Representative, and may not exceed one for every thirty Thousand; but each State shall have at Least one Representative.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.
The House of Representatives shall choose their Speaker and other Officers, and shall determine the Rules of their Proceedings.
Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for a Term of six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Meeting of the Senate, the Electors in each State shall meet in such Manner as the Legislature thereof may direct, to choose one third of the Senators, and in each State the Electors may meet together and vote by Ballot.

Section 4. The Senate shall have the sole and exclusive Power of Impeachment.
Section 5. The Senate shall have the sole and exclusive Power of trying all Impeachments, when sitting for that Purpose, and shall have the sole and exclusive Power of judging of the Impeachment, and the Punishment thereon, and shall have the sole and exclusive Power of expelling a Member for Misbehavior, and shall have the sole and exclusive Power of opening and receiving Ambassadors, Ministers, and Consuls, and shall have the sole and exclusive Power of entering into Treaties, provided two thirds of the Senators present concur; and no Treaty shall be binding on the United States, until it be ratified, either by the Majority of the whole Senate, or by two thirds of the Members present in each of the two Branches.



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