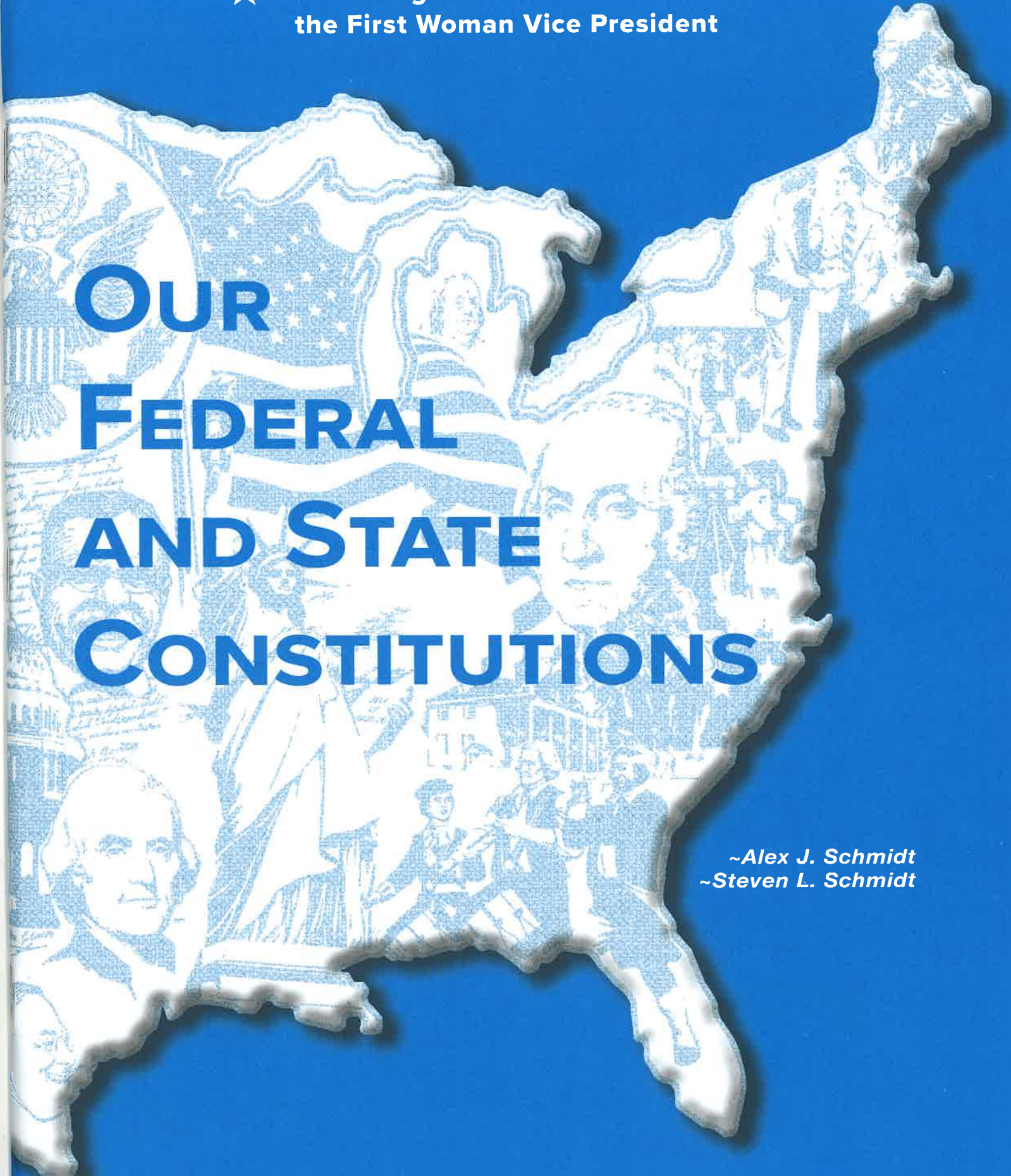


★ Introducing Our 46th President and  
the First Woman Vice President



# OUR FEDERAL AND STATE CONSTITUTIONS

*~Alex J. Schmidt  
~Steven L. Schmidt*

**From the School Code of Illinois:**

**Article 27, 27-3.** American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American Flag, shall be taught in all public schools and other educational institutions . . . No student shall receive a certificate of graduation without passing a satisfactory examination upon such subject.

**STUDENT NAME** \_\_\_\_\_ **CLASS** \_\_\_\_\_  
**TEACHER** \_\_\_\_\_ **ROOM NUMBER** \_\_\_\_\_

*Record your number of wrong answers in each unit of this worktext.  
Be sure to correct your errors after your work has been checked.*

**Federal Section**

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U.S. Constitution Review: Pages 48-49 \_\_\_\_ Self-Test Pages 50-52 \_\_\_\_

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Review Questions - Pages 77-78 \_\_\_\_ Self-Test Pages 79-80 \_\_\_\_

**Total Incorrect in Illinois Section** \_\_\_\_\_

**To the student:** Good luck on your study of the federal and state governments. An effective study of government will make you a better citizen and help to improve the government under which we all live. In answering the "Questions" section in each unit, be sure you have read the unit first. This reading will increase your understanding of the material and improve your performance in quizzes and the constitution test. Your school has joined more than 5,000 other schools in the use of this book. **—Alex J. Schmidt**



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## Welcome Students, to *Our Federal and State Constitutions*

### Purpose of this Text:

*Our Federal and State Constitutions* worktext is designed to help study the most significant document ever written, principles of our democracy, and the foundation of our government. It is also written to prepare for a final review on those subjects and to help pass that examination.

#### Goals of This Text

There are two primary goals of this text: **1.** To make you a better citizen of this country through basic knowledge of the Constitution and government of the United States. **2.** To help pass the required state and federal constitutions curriculum or test. This worktext is formatted and written to ensure these goals are met.

#### Features That Aid in Your Learning

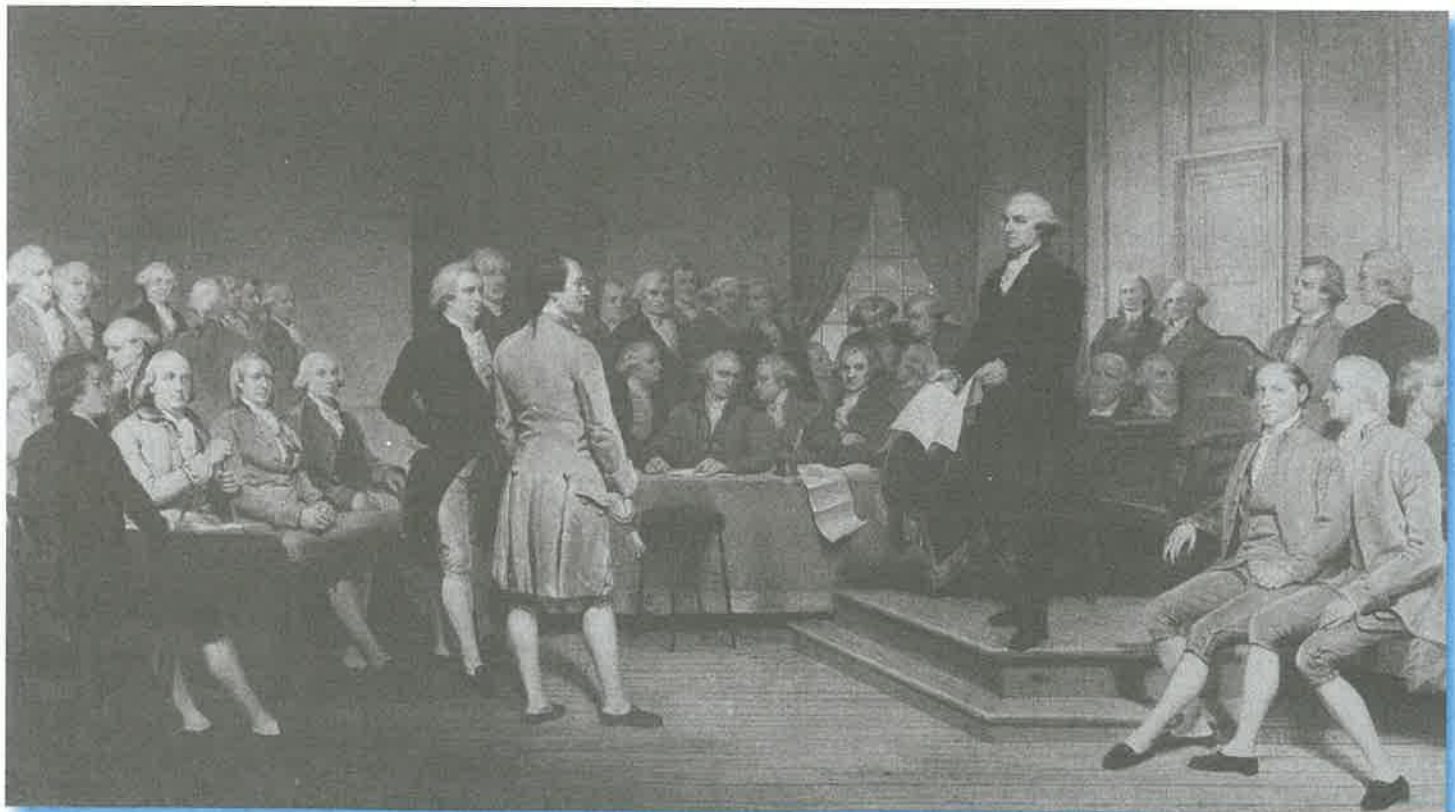
**1. Answer all lesson questions.** At the end of each unit in this book, there are a series of questions about that lesson. Always be sure to fill in all answers and verify that they are correct. Final constitution test questions come from these pages. The teacher can expand on topics covered in the various units and will assist in any difficult concepts.

**2. Read the federal and state outlines.** The federal section outline on Pages 46-47 and state outline on Pages 75-76 provides a quick refresher of the fundamental principals and information discussed in this worktext.

**3. Answer the review questions.** The questions on Pages 48-49 of the federal section and Pages 77-78 in the state section help confirm your knowledge of the units covered in this worktext. Answering these questions will aid in your success in this area of study.

**4. Complete the self-tests.** At the end of the federal section on Pages 50-52 and at the end of the state section on Pages 79-80, you will find self-tests on the constitutions and governments. Included are a variety of questions from all of the units. These test questions are similar to the questions on the final exam. The correct answers are at the bottom of the page, check your work.

**5. Create practice quizzes to help review for tests.** Use questions from the units in the book, from the self-tests, and from the review questions and outlines, or just make up your own. You could trade practice quizzes with other students.



*The signing of the Constitution, September 17, 1787.*

The early colonists came to America to find freedom, but had to face many dangers. They became very independent and self-sufficient. At first, England paid little attention to the colonists in America, and the colonists were not strictly controlled by English law and government.

However, after the colonies grew and became essential trade centers, the British imposed restrictions and trade regulations on them. Some of these restrictions put England in a favorable position concerning trade with the colonies. The colonies objected vigorously.

The colonists also objected to the quartering of soldiers, taxation without representation in Parliament, and lack of true self-government, among other issues.

People soon banded together and, at the urging of patriotic groups like the *Sons of Liberty*, refused to buy English goods.

Incidents like the *Boston Tea Party* in 1773 added fuel to the revolution. The Boston Tea Party occurred when patriots, disguised as Indians, threw tons of tea into Boston Harbor because the colonists did not like tax policies of the British. When the British punished the Bostonians, all the colonists were inflamed. Conditions grew worse and, a year after the Boston Tea Party, Patrick Henry shouted:



Patrick Henry

*“The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty, or give me death!”*

Henry’s speech became one of the best-known pre-revolutionary speeches.

### First Continental Congress

Colonial leaders decided to call a meeting to discuss how to win their rights. They were more interested in fair treatment than in independence. The *First Continental Congress* met at Carpenters’ Hall in Philadelphia, Pennsylvania, in 1774, with delegates from 12 of the 13 colonies. Georgia did not send representatives but agreed to support any plans made at the meeting. The delegates sent their complaints to the king, but British colonial policy did not change. Although they wanted their rights, delegates did not dream they would soon have the responsibility of conducting



Carpenters’ Hall

a war. The colonial leaders also imposed an *embargo* (agreement prohibiting trade) on British trade and goods.

### Second Continental Congress

The First Continental Congress adjourned in late October 1774 but agreed to convene the following May. By then the *American Revolution* had begun. In the spring of 1775, British soldiers were sent to Lexington, Massachusetts, to seize the guns and ammunition of the colonists and arrest colonial leaders Samuel Adams and John Hancock. It was Paul Revere who warned the Minutemen to meet British soldiers at Lexington, where an unidentified shot started the war.

The *Second Continental Congress* met a few weeks later in May 1775, again in Philadelphia. Many of the same 56 delegates who attended the first meeting were in attendance, including one from each of the 13 colonies. These delegates had first come hoping for peace, but soon, more and more leaders called for complete separation from Great Britain.

Many critical actions were discussed and decided. The Second Continental Congress assumed the powers of a central government. An army and a navy were organized, and money was issued. General George Washington was chosen to lead the army. The Second Continental Congress became the nation’s first government and continued to meet until the Articles of Confederation took effect in 1781.

Six years after the fighting began in Lexington, the British surrendered to General Washington at Yorktown, Virginia. The Americans had won their fight for independence.

### QUESTIONS

**TRUE OR FALSE?** Write a *T* or *F* in the space provided.

- \_\_\_ 1. The only objection the colonists had toward British rule concerned trade regulations.
- \_\_\_ 2. When the First Continental Congress met, the members wanted to declare war against England.
- \_\_\_ 3. Patrick Henry did not want to see the war begin.
- \_\_\_ 4. The Sons of Liberty supported the colonists’ cause.
- \_\_\_ 5. The English colonists were closely governed from the time of the earliest settlements.
- \_\_\_ 6. The Boston Tea Party occurred because of a tax dispute.
- \_\_\_ 7. Samuel Adams and John Hancock were colonial leaders.
- \_\_\_ 8. Patrick Henry said, “Give me liberty, or give me death!”
- \_\_\_ 9. The First Continental Congress met in 1774.
- \_\_\_ 10. Each of the 13 colonies had a representative at the Second Continental Congress.
- \_\_\_ 11. George Washington led the American Army in the Revolution.
- \_\_\_ 12. The British won the American Revolution.

### From Revolution to Independence

On June 7, 1776, more than a year after the Revolution began, Richard Henry Lee of Virginia introduced this resolution to the Second Continental Congress:

*“That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved.”*

The resolution proposed independence for the American colonies. Following a spirited debate, the delegates agreed to the *Lee Resolution* on July 2. A couple of days later, on July 4, 1776, the Declaration of Independence was adopted. As a result, this date is celebrated as *Independence Day*. It gave various reasons why the colonists wanted to separate from England and announced the existence of a new nation.

The Declaration was written by Thomas Jefferson and a committee from the Second Continental Congress. While the words were mostly Thomas Jefferson’s, the ideas were centuries old. The Declaration can be divided into three parts: **(1)** a statement of principle concerning the rights of a man and why a revolution was necessary, **(2)** a list of specific grievances against England’s King George III, and **(3)** a formal claim of independence. The most important part of the Declaration comes in its second paragraph:



Thomas Jefferson

*“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.”*

### The Declaration is Read to the Public

On July 8, 1776, church bells were rung throughout Philadelphia to call the people to the first public reading of the Declaration. For the safety of the delegates, their names were not made public for six months. When they were revealed, many were seized by the British and thrown into prison, and their homes were burned. This small group had risked their lives for liberty.

Nearly a month would pass before the document was signed. New York’s officials did not officially give their support until July 9. Also, it took two weeks for the Declaration to be “engrossed” or the process of writing on parchment paper. Most of the delegates signed on August 2, but several signed on a later date, along with two representatives never signing at all.

Today, in Philadelphia, there stands a tablet that marks the place where Thomas Jefferson wrote the Declaration. After Congress had adopted the Declaration, John Dunlap printed copies of it. These

prints are now called *Dunlap BroadSides*. Twenty-four copies are known to exist, two of which are in the Library of Congress. The original copy was exhibited for many years until light and air threatened its existence. In 1921, it was transferred to the care of the Library of Congress. In 1952, it was placed in the National Archives building in Washington, D.C. You may see it there, and you also may visit the meeting place of the Second Continental Congress in Philadelphia.

The important fact is not that the Americans had declared themselves independent, but that they had set down certain principles and beliefs that were new to governments: all men are created equal; all men have rights; and governments are subject to the will of the people.

The Declaration of Independence is not a constitution or form of government. It served to set up principles for a new government. Such beliefs were used in writing the United States Constitution.

### QUESTIONS

**MULTIPLE CHOICE:** Circle the letter of the correct answer.

- Which of the following is NOT an unalienable right of the Declaration?
  - life
  - liberty
  - education
  - pursuit of happiness
- The Declaration was written by:
  - Thomas Jefferson
  - George Washington
  - Alexander Hamilton
  - John Adams
- The Declaration was authorized by the:
  - Second Continental Congress
  - First Continental Congress
  - British King
  - New England Confederation
- The Declaration was signed and adopted in:
  - 1727
  - 1775
  - 1776
  - 1876
- The Declaration of Independence included:
  - statements concerning the rights of individuals
  - a list of specific grievances against England
  - a formal claim of independence from England
  - all of the above

**TRUE OR FALSE?** Write a **T** or **F** in the space provided.

- The Declaration was written to start the American Revolution.
- The Second Continental Congress had the task of carrying out the American Revolution.
- The Declaration of Independence is not a constitution.
- The Declaration was written in Washington, D.C.
- The principles of the Declaration of Independence were used in writing the U.S. Constitution.
- The Declaration of Independence was signed after the U.S. Constitution was written.
- Richard Henry Lee wrote a resolution that would allow England more authority over the colonists.
- A delegate is a person that represents others, speaking, and acting on their behalf.

In the months after the Declaration of Independence was signed, Congress wanted to continue to unite the former colonies. The first attempt at a national or federal government came in the form of the *Articles of Confederation*. The Articles, adopted by the Second Continental Congress in 1777, were not ratified by all the states until 1781.

The Articles of Confederation acted as the first constitution of the United States. The Articles were in use until the Constitution was signed in 1787. The Articles were weak because the colonists were reluctant to give much power to a central government. The colonies feared that a new central government might be no better than the English king had been. The states themselves had governments at this time, most with state constitutions.

When it became necessary to have a *national* or *federal* government for conducting the Revolutionary War, the states made the government weak. The Articles were so weak that the government could not even pay its bills. It did have limited powers to make war or peace, but other powers were lacking. Robert Morris, known as the *Financier of the Revolution*, stated that getting money from the states was like “preaching to the dead.” To raise money, the central government could only ask the states for funds; it could not tax.



Robert Morris

At the end of the Revolutionary War, the American government was in severe financial trouble. Soldiers who had served without pay were granted western land certificates instead of money, but most had to sell their certificates for cash. Farmers with large debts rebelled against the courts that were taking away their farms. An example of such a rebellion was the *Shays' Rebellion* by farmers in Massachusetts. Jails were crowded with debtors. States were taxing each other harmfully and arguing about land claims to the West. Tariff laws were needed for business and industry. Prices soared, and credit disappeared. It became increasingly evident that the only solution was a stronger central government.

### Weaknesses of the Articles

Listed below are weaknesses identified by the colonists:

- No national courts, only state courts.
- No power to tax.
- No real power to regulate commerce.
- All changes in the Articles had to be approved by all of the states.
- All important laws had to be approved by nine states.
- No real president, only a president of Congress who was like a chairman.

Morris, who became the superintendent of finance under the Articles, forged a solution by stabilizing the value of paper money. His plan to fund the national debt and deposit federal money in a private bank helps save the United States from financial catastrophe.

### Civil Rights and the Articles

*Civil rights* are those that are considered to be unquestionable, deserved by all people under all circumstances, especially without regard to race, creed, color, or gender. These personal rights are guaranteed and protected by the Constitution.

The fight for civil rights didn't wait until the 1950s to happen. Some started as early as the Articles of Confederation! Paul Cuffee was a free black from Massachusetts. When he discovered he did not have the same property rights as whites, he refused to pay his taxes and was jailed. Cuffee later became a successful trader with a fleet of ships and continued to fight for equal rights throughout his lifetime.

### QUESTIONS

**MATCH THE STATEMENT IN SECTION A WITH THE TERM IN SECTION B.**

#### A

- \_\_\_ 1. Started by farmers in Massachusetts who were losing their farms.
- \_\_\_ 2. Form of government during the American Revolution.
- \_\_\_ 3. Had to approve important acts under the Articles.
- \_\_\_ 4. Fear of this was in the minds of many American colonists in the 1780s.
- \_\_\_ 5. This power was lacking in the Articles of Confederation.

#### B

- a. states
- b. Shays' Rebellion
- c. taxation
- d. strong central government
- e. Articles of Confederation

**TRUE OR FALSE?** Write a *T* or *F* in the space provided.

- \_\_\_ 1. The Articles of Confederation acted as the first U.S. Constitution.
- \_\_\_ 2. The Articles were weak because of the fear of a strong central government.
- \_\_\_ 3. Shays' Rebellion was carried out to support a weak central government.
- \_\_\_ 4. The Declaration of Independence was signed before the Articles of Confederation were written.
- \_\_\_ 5. The Articles were drawn up by the Second Continental Congress.
- \_\_\_ 6. Freedom from discrimination is considered an example of a civil right.

### SHORT ANSWER

Explain what Morris meant by his statement “preaching to the dead.” \_\_\_\_\_

In 1786, at Annapolis, Maryland, a meeting was held to discuss commerce problems. Five states attended. During the discussions, a future meeting was proposed. The hope was expressed that all states would participate. This future meeting, or convention, would be held in Philadelphia for the purpose of correcting faults in the Articles of Confederation. As we will learn, the outcome was much larger. They created the *Constitution of the United States*.

### The Delegates

The convention began its work in May of 1787 and finished in September of the same year. More than 70 men had been chosen as *delegates* by the various states, but only 55 attended in Philadelphia. A delegate is a person sent to a meeting or conference to represent the interests of the state. The average attendance each day was approximately 30 members. Rhode Island, distrustful of a powerful federal government, was the only one of the 13 original states to refuse to send delegates to the Constitutional Convention.

The men who attended the convention were of remarkable ability. From Virginia came George Washington, Edmond Randolph, and James Madison. New York sent Alexander Hamilton. Pennsylvania sent Benjamin Franklin, Gouverneur Morris, and James Wilson. From New Jersey were William Livingston and William Peterson. Other key delegates were: Elbridge Gerry and Rufus King, Massachusetts; Oliver Ellsworth and Roger Sherman, Connecticut; John Dickinson, Delaware; and John Rutledge and Charles C. Pickney from South Carolina.

The delegates were men of wealth and prestige. Many of them had served in the Revolutionary War and the First and Second Continental Congresses. Many had served in their state governments. Eight had been signers of the Declaration of Independence. Two would become presidents of the United States, and one would become vice president. Eighteen would become senators, and eight would become representatives.

The average age of the men attending the convention was 42, yet many were in their 30s. Ben Franklin was the

oldest at 81. Not all of the leaders of the colonies consented to attend, however. Patrick Henry “smelt a rat” and would not attend. Later, he would become a bitter foe of the Constitution, accepting it only after the addition of the Bill of Rights. Samuel Adams and John Hancock also refused to attend, and Thomas Jefferson and Thomas Paine were in Europe.



*Independence Hall is the location where both the Declaration and Constitution were debated and adopted.*

### The Convention at Work

The delegates met in Philadelphia in Independence Hall. Dirt had been spread on the cobblestone street outside the hall, so noise from passing carriages would not disturb the meeting. George Washington was selected as president of the convention. Although the official

purpose of the convention was to improve the Articles of Confederation, a decision was quickly reached to replace the Articles with a new constitution. The delegates agreed on an early resolution:

*“Resolved...that a national government ought to be established consisting of a Supreme, Legislative, Judiciary, and Executive.”*

The delegates often disagreed on proposals. However, they all agreed that the new government had to be strong enough to rule the entire nation. Lessons learned under the Articles were put into practice, and this new and improved constitution would:

1. make the Constitution the highest authority in the land;
2. provide for an effective central government;
3. protect the rights of the people by setting limits on governmental authority.

The third objective was the most difficult — creating a constitution that would achieve a balance between liberty and authority.

### Slavery and the Constitution

How could a country like the United States, so interested in freedom, not outlaw slavery in 1781? Many northern states had outlawed slavery. But the delegates at the Constitutional Convention knew southern states would never accept the Constitution if it interfered with slavery. So to create the new government, the delegates did not outlaw slavery. Instead, they left the problem for another day and another war. Unfortunately, even with the other freedoms guaranteed by the Bill of Rights, slavery was not outlawed, but slavery’s days were numbered.

#### Who was missing from the Convention?

Who was missing from the Constitutional Convention? No women, blacks, Indians or whites of modest or poor means attended the Constitutional Convention. This was not surprising since most of the above groups could not even vote at that time.

### QUESTIONS

**TRUE OR FALSE?** Write a *T* or *F* in the space provided.

- 1. The Constitutional Convention was held in Philadelphia in 1787.
- 2. The Annapolis Convention did not aid in the process of getting a new constitution written.
- 3. There were 13 delegates to the convention.
- 4. George Washington was the president of the Constitutional Convention.
- 5. The official purpose of the Constitutional Convention was to write the Bill of Rights.
- 6. The convention at Annapolis came before the Constitutional Convention.
- 7. The building where the convention met is called Independence Hall.
- 8. The average age of the men attending the convention was 65.



### Problems and Compromises

The first significant difficulty that the convention had to face was the struggle for power between the small states and the large states. The *Virginia Plan*, submitted by James Madison, proposed two houses of Congress based on population. In that way, the large states would control the government. Also, these houses would appoint other necessary government officers, and, therefore, the large states would be in control of the entire government.

On the other hand, the small states proposed the *New Jersey Plan*, which would have made one house of Congress. This was also known as the *Small State Plan* and was presented at the Philadelphia Convention by William Paterson. All the states would be represented equally regardless of size. Other provisions would have made the new Constitution much like the Articles of Confederation.

A compromise was reached (sometimes referred to as the *Great or Connecticut Compromise*). The new government would have two houses of Congress. In the House of Representatives, each state would be represented according to population, satisfying the large states. In the Senate, each state would be represented equally, satisfying the small states.

Other compromises regarded the slave trade, the term of the president, voting qualifications, and whether or not to count slaves as people when deciding how many representatives the state would get in the House of Representatives. The *Three-Fifths Compromise* decided that three-fifths of the slaves would count toward representation.

### Delegate Distrust of the People

We can see that the delegates distrusted the people in many ways. For example, they decided that the president should be elected by *electors* from the states and not by the people as a whole. This created the *Electoral College*, which assigned electors to each state. Each state received as many electors as its total of senators and representatives in Congress. Later in U.S. history, these electors in the Electoral College would be required to vote for the presidential candidate that won the popular vote in their state. You will learn more about the Electoral College on Page 32.

What is the *popular vote*? It simply means the vote of the people. So when a candidate in your state wins the popular vote, he or she simply won more votes of the people than his or her opponent. A vote by only certain people (like a vote in the U.S. House of Representatives, for example) is not a direct vote of the people, and therefore, not the popular vote.

Another distrust of the people can be seen in the election of United States senators. The Constitutional Convention decided that senators would be elected by

state legislators, not the people themselves. However, later, the 17th Amendment to the Constitution changed that. The people in the states now elect their senators.

The lack of trust of the common people was due partly to there being very few representatives of the common man at the Constitutional Convention. Forty of the 55 delegates were wealthy enough to have loaned money to the government, 15 were slaveholders, and 14 held western land. None were small farmers or working men. And the champions of the common man, including Jefferson and Henry, were not present.

Many of the democratic features we know in our government today have evolved since the Constitutional Convention. The writers of the Constitution may have had some distrust of democracy. However, they wrote a document that was flexible enough to provide the basis for orderly change. Most of these changes have made our country more democratic as the years have passed. If you need some examples of this new democracy, imagine how many more people today can vote, run for office, obtain an education, and exercise individual rights.

This is also the time for students to have a definition of *democracy*. Democracy is simply government by the people, exercised either directly or through elected representatives.



*These 13 colonies won their freedom in the Revolutionary War; however, they needed the Constitution to unite the states as one nation.*

## Ratification

It was decided that as soon as nine states approved the Constitution, it would go into effect. The convention adjourned September 17, 1787, and the fight for ratification began. The battle was a bitter one. The Federalists supported the Constitution. Leading Federalists Hamilton, Jay, and Madison published the *Federalist Papers*. These papers were essential in convincing people that the Constitution was of value. The *Anti-Federalists* fought against the Constitution but were not successful.

On June 21, 1788, the Constitution took effect when New Hampshire became the ninth state to ratify it. The remaining four states joined by 1790. The Federalists and Anti-Federalists continued their battle over the Constitution and became two separate political forces under the new government.

On January 7, 1789, the United States, having recently adopted its Constitution, held its first presidential election. Only white men who owned property voted. They choose electors who, in turn, voted for the candidates. As it did in 1789, the United States still uses the Electoral College system established by the U.S. Constitution.

## Our First President

As expected, George Washington won the election and was sworn into office on April 30, 1789, as the first president of the United States and the "Father of Our Country." Washington was a Virginia landowner who had led the patriotic forces in the war against the British. His accomplishments matched his popularity.



George Washington

Washington was a delegate to both Continental Congresses. He was unanimously named both as commander-in-chief of the Continental Army during the Revolutionary War and as president of the Constitutional Convention that drafted the Constitution.

Washington finished first with 69 votes, followed by his fellow Federalist John Adams of Massachusetts, whose 34 votes propelled him into the vice presidency. (Before the ratification of the 12th Amendment in 1804, the candidate who received the most electoral votes became president while the runner-up became vice president.)

## Citizenship and Becoming President

The members of the Constitutional Convention envisioned a president born in the good, old United States of America. In Article 2, Section 1, they wrote that "No person except a natural-born citizen... shall be eligible to the office of president." The convention delegates did not want to take the chance of a foreign country sending someone to run for our highest political office. Immigrants can become citizens, thus becoming *naturalized* citizens. But naturalized citizens cannot become president; only natural-born citizens are eligible.

## QUESTIONS

**TRUE OR FALSE?** Write a *T* or *F* in the space provided.

- \_\_\_ 1. Six states had to approve the Constitution before it was effective.
- \_\_\_ 2. The Federalists were against the Constitution.
- \_\_\_ 3. The authors of the Constitution wrote a document that was easily adapted to change.
- \_\_\_ 4. The small states wanted each state to have the same number of representatives.
- \_\_\_ 5. The Constitutional Convention adopted the Virginia Plan.
- \_\_\_ 6. Fortunately, the Constitution outlawed slavery.
- \_\_\_ 7. The Electoral College showed that the Constitutional Convention trusted the people.
- \_\_\_ 8. The New Jersey Plan suggested only one house of Congress.
- \_\_\_ 9. The New Jersey Plan favored the small states and the Virginia Plan favored the large states.
- \_\_\_ 10. Each state gets the same number of votes in the Electoral College.
- \_\_\_ 11. Article 2 of the U.S. Constitution includes a provision that only "natural-born" citizens are eligible to become president.
- \_\_\_ 12. Immigrants can become citizens.

**MATCH THE PERSON TO THE STATEMENT.** Write the letter of the statement that matches the person.



Benjamin Franklin \_\_\_

Patrick Henry \_\_\_



James Madison \_\_\_



John Adams \_\_\_



Robert Morris \_\_\_

Alexander Hamilton \_\_\_



- a. First Vice President    b. Submitted Virginia Plan  
c. NY Delegate & Federalist    d. Financier of the Revolution  
e. "Smelt a Rat"    f. Oldest Delegate at Convention

## SHORT ANSWER / FILL IN THE BLANKS

1. Write a definition of democracy. \_\_\_\_\_  
\_\_\_\_\_
2. Number of the amendment that changed the way we elect U.S. senators. \_\_\_\_\_
3. Name three of the original 13 colonies. \_\_\_\_\_  
\_\_\_\_\_
4. The Constitutional Convention adjourned on what date? \_\_\_\_\_
5. How many states had to ratify the Constitution before it went into effect? \_\_\_\_\_

*"I will tell you now what I do not like. (There is no) bill of rights, providing . . . what the people are entitled to against every government on earth." — Thomas Jefferson*

The authors of the Constitution trusted Congress would make right and just laws, and the court system would see that every person was treated fairly. However, many people feared the new government would be too strong and, perhaps, take away individual freedom, just as the British government had done.

Therefore, during the fight to ratify the Constitution, the Federalists were obliged to propose a *bill of rights* that would safeguard the people's rights. The Federalists promised this bill of rights would be added to the Constitution as soon as the new Congress met.

As the delegates gathered in May 1787 to revise the Articles of Confederation, a Virginia delegate, George Mason, voiced his disappointment with the new constitutional proposals because "... there is no declaration of individual rights." Mason had earlier written the Virginia Declaration of Rights, and that declaration had influenced Thomas Jefferson when he wrote the first part of the Declaration of Independence. Ultimately, Mason's views were accepted by James Madison. These ideas were coupled with amendments suggested by the states' ratifying conventions.



James Madison

Madison would come to be called the "Father of the Constitution" because of his negotiating power and suggestions of compromise. In 1789, the new Congress took action when Madison proposed 19 amendments. The House of Representatives narrowed those down to 17, with 12 passing the Senate. In 1791, ten were approved and ratified by the states. They make up what we call the *Bill of Rights*, or the first ten amendments.

These amendments provide certain guarantees that had not been written into the Constitution. Their purpose was to protect the rights of the people against any misuse of governmental powers. These amendments protect our rights in four general areas. The First Amendment guarantees personal freedom of expression and religion. The next three preserve the security and privacy of every individual. Amendments five through eight are concerned with fair and equal treatment under the law. The last two make general statements guaranteeing that the national government will not take more power than the Constitution grants.

### Guaranteed Fundamental Freedoms

*The first ten amendments guarantee:*

- *freedom of religion, speech, and the press*
- *the right to assemble and petition the government*
- *the right to keep and bear arms*
- *freedom from unreasonable search and seizure*
- *that no person be deprived of life, liberty, or property without due process of law*
- *the right to a fair and speedy trial*
- *the right to a trial by jury*
- *protection against excessive bail or unusual punishment*

These were the rights the colonists had fought for against the English king, and they did not intend to give them up.

People are guaranteed these freedoms as long as they do not take away the freedom of others. Even today, these important freedoms can be threatened. Controversial subjects are under the protection of the Bill of Rights, such as religion, unpopular ideas, censorship, membership, and activity in unpopular organizations, and expressions of minority opinions. It is the job of the courts to interpret the Constitution and decide the rights of individuals.

It is human nature to believe strongly in one's beliefs and think those holding opposing views must be wrong. Many of us find opinions expressed by others offensive and distressing. We often wish others' opinions could be suppressed. However, we must remember, freedom to express only popular opinions is no freedom at all.

Especially in times of emergency, it is easy to believe that measures infringing upon individual rights can or should be taken "for the good of the country." But this attitude is dangerous to our country since it strikes at the very foundation of our democratic system. More and more rights could be taken away under the justification that it is "for the good of the country."

Before you decide "it doesn't matter" if the rights of someone you do not agree with are violated, stop to consider whether you are willing to risk the loss of your rights because other people disagree with you.

### QUESTIONS

**TRUE OR FALSE?** Write a *T* or *F* in the space provided.

- \_\_\_ 1. The first 10 amendments were adopted a month after the Constitution was approved.
- \_\_\_ 2. The first 10 amendments make up the Bill of Rights.
- \_\_\_ 3. Jefferson supported the idea of a bill of rights.
- \_\_\_ 4. The Bill of Rights applies to all levels of government.
- \_\_\_ 5. The Bill of Rights was proposed in an attempt to defeat the Constitution.
- \_\_\_ 6. The Bill of Rights does not give a person the right to criticize a government official.
- \_\_\_ 7. The Bill of Rights protects freedom of speech, even if the speech is unpopular.
- \_\_\_ 8. The right to a trial by jury is in the Bill of Rights.
- \_\_\_ 9. George Mason wrote the Virginia Declaration of Rights.
- \_\_\_ 10. There are times when the courts must interpret the Constitution affecting someone's rights.
- \_\_\_ 11. Congress could choose one religion for the whole country.
- \_\_\_ 12. When the British won the American Revolution they implemented their own Bill of Rights.

Listed below is a sampling of the events that led to America's independence and the adoption of a new constitution. You will find the years and the significant events that happened during that time.

1763 - 1765  
Protests Against  
British Rule



England decides on a program of taxation and control of the colonies. The American colonists begin organized protests against British rule. Patriotic groups such as the *Sons of Liberty* are formed. Laws such as the *Quartering Act*, *Stamp Act*, and *Sugar Act* anger the colonists, who are forced to pay unjust taxes and provide supplies to British troops.

1770 - 1773  
Uprisings in  
Boston



Colonists reduce their boycott of British goods when they withdraw all of the *Townshend Act*, except the tax on tea. *Boston Massacre* (March 5, 1770) occurs when an angry crowd of citizens surrounds a group of soldiers, causing them to open fire. With the American colonists and merchants still angry over British tax policies, an uprising called the *Boston Tea Party* occurs (December 16, 1773).

1774  
First Continental  
Congress



In response to the Boston Tea Party, the Parliament passes several acts to punish Massachusetts. Twelve of the 13 colonies name delegates to *The First Continental Congress*. On September 5<sup>th</sup>, they convene at *Carpenters Hall* in Philadelphia to deal with Britain's actions.

1775  
The American  
Revolution



When the Americans learn the British plan to seize their guns and ammunition, *Paul Revere* is sent to alert the countryside and gather the *Minutemen*. An unidentified shot triggers the Battle at Lexington. This starts the *American Revolution* and also leads to another famous battle, *Bunker Hill*. In May, the *Second Continental Congress* meets in Philadelphia.

1776  
The Declaration  
of Independence



On July 4<sup>th</sup>, The Second Continental Congress adopts the *Declaration of Independence* (written by *Thomas Jefferson* and committee). The Declaration was debated by 56 courageous men and signed at *Independence Hall*. A few days later, church bells are rung across Philadelphia to call people to the first public reading of the Declaration.

1777 - 1781  
The Articles of  
Confederation



After considerable debate and alteration, the *Articles of Confederation* were adopted by the Continental Congress on November 15, 1777. However, the document was not fully ratified by the states until March 1, 1781. This document served as the United States' first constitution. In October of 1781, British forces surrender at Yorktown.

1787 - 1788  
The Constitution  
is Ratified



On May 14<sup>th</sup>, 1787, *The Constitutional Convention* met in Philadelphia. Here the delegates reviewed and approved the *Constitution*. In 1788, nine states ratified the Constitution, and it is put into effect (the remaining four states will ratify by 1790). America prepares to operate under this new document.

1789  
Our New  
Government



On March 4<sup>th</sup>, the new federal government is inaugurated in New York. In April, the first House of Representatives is organized. *George Washington* is elected the first president on April 6<sup>th</sup>. He is inaugurated on April 30<sup>th</sup>. On September 25<sup>th</sup>, the first ten amendments (*Bill of Rights*) are adopted by Congress.

## QUESTIONS

**PUT THE EVENTS IN ORDER.** For each question group, write the numbers **1, 2, or 3**, to indicate which event happened first, second, and third.

Group 1. Boston Massacre \_\_\_\_\_, Adopted Declaration of Independence \_\_\_\_\_, Washington becomes president \_\_\_\_\_

Group 2. Articles of Confederation \_\_\_\_\_, Boston Tea Party \_\_\_\_\_, Constitution ratified by nine states \_\_\_\_\_

Group 3. England sets taxation policy for colonies \_\_\_\_\_, Constitutional Convention \_\_\_\_\_, Battle of Bunker Hill \_\_\_\_\_

Group 4. Paul Revere alerts colonists \_\_\_\_\_, Stamp Act is law \_\_\_\_\_, First House of Representatives organized \_\_\_\_\_

Group 5. Bill of Rights adopted \_\_\_\_\_, First Continental Congress \_\_\_\_\_, Declaration is read to the public \_\_\_\_\_

Group 6. Second Continental Congress meets \_\_\_\_\_, Sons of Liberty forms \_\_\_\_\_, American Revolution ends \_\_\_\_\_

The authors of the Constitution could not have imagined that, in 200 years, people would be exploring outer space or going from coast to coast in a few hours. Nor could they have imagined all the changes in daily living that would occur. Today, we claim the protection of the Constitution, written when there were only a few million people in the United States. The Constitution now protects more than 328 million Americans. Almost everything about the United States has changed, except the Constitution. It is truly an outstanding document that has withstood the test of time.

Yet, the Constitution changes in some significant ways. In upcoming units, you will see how the Constitution is officially amended. Officials, who operate the government under the rules of the Constitution, constantly interpret its meaning. The Constitution allows a great deal of freedom to do this (and is referred to as a *living* document). It's a basic guide for the government and safeguards our liberty. It's flexible and brief enough to allow for adjustments. For example, the Constitution sets strict rules for making laws to ensure they are just and democratic. But, the Constitution also gives Congress the power to make laws. This provides our Congress with the ability to make laws in areas that did not even exist when the Constitution was written. Space exploration and the internet are two examples. Can you think of others?

### Quotes on the Constitution

Two centuries of growth and unrivaled prosperity have proven the foresight of the 55 men who worked through the summer of 1787 to lay the foundation of the American government. In the words of Archibald Cox, former solicitor general of the United States, "The original Constitution still serves us well despite the tremendous changes in every aspect of American life because the framers had the genius to say enough but not too much.... As the plan outlined in the Constitutional Convention succeeded, as the country grew and prospered both materially and in the realization of its ideals, the Constitution gained majesty and authority far greater than that of any individual or body of men."

Quotes from the Founding Father's give insight into the attitude and mindset of the time:

*"Let our government be like that of the solar system. Let the general government be like the sun and the states the planets, repelled yet attracted, and the whole moving regularly and harmoniously in several orbits."* — John Dickinson

*"The happy Union of these States is a wonder; their Constitution a miracle; their example of Liberty throughout the world."* — James Madison

*"Our new Constitution is now established, and has an appearance that promises permanency; but in this world nothing can be said to be certain, except death and taxes."* — Ben Franklin

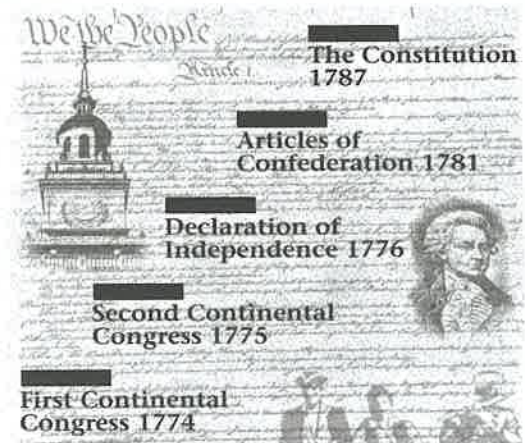
*"The Constitution is the guide which I will never abandon."* — George Washington

Within the Constitution's framework, as interpreted by the courts, we are governed by laws, treaties, and customs. Later, you will study judicial review and the amending process, helping you better understand how the Constitution is changed.

### The Constitution has lasted because it:

- provides for a government by the people;
- provides for a government that can act when in danger;
- provides for a federal union where people retain certain rights and powers in their states;
- guarantees individual rights even when the individual's views are unpopular or in the minority;
- has preserved the Union;
- provides the leaders of our government an opportunity to interpret the Constitution and apply it to changing times;
- has provisions for orderly changes.

### STAIRWAY TO THE CONSTITUTION



The chart above shows the documents and events leading up to the signing of the Constitution in 1787.

### QUESTIONS

**TRUE OR FALSE?** Write a **T** or **F** in the space provided.

- \_\_\_ 1. Changing the interpretation of the Constitution is what makes our Constitution weak.
- \_\_\_ 2. The Constitution allows laws to be made for subjects that did not exist in 1787.
- \_\_\_ 3. The Constitution can be changed only through rebellion and revolution.
- \_\_\_ 4. Over 500 delegates attended the Constitutional Convention and signed the Constitution.

**EVENTS IN ORDER.** Write the numbers **1-4**, indicating which historical event happened first (1), second (2), third (3), or fourth (4).

- \_\_\_\_\_ The ratification of the Articles of Confederation.
- \_\_\_\_\_ The adoption of the United States Constitution.
- \_\_\_\_\_ The beginning of the American Revolution.
- \_\_\_\_\_ The signing of the Declaration of Independence.

**The Preamble**

The Preamble to the United States Constitution comes at the beginning of the document and explains the goals of the Constitution.

*“We the people of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”*

The six reasons for the new government are clearly stated, and the phrase “a more perfect Union” refers to the hope that the Constitution would do a better job than the Articles had done.

**A Look Ahead**

In this book, you will see the terms *federal*, *national*, and *central*. They all refer to our United States government in Washington, D.C. Our Constitution is a federal constitution. States also have constitutions, but for now, we are studying only the federal Constitution.

In the following pages, you will see that the government has three branches: *executive*, *legislative*, and *judicial*. You will learn what the president does, how laws are made, how the courts protect us, and many other things about our government. You will also learn how the three branches check each other’s powers.

The Constitution can be understood by students who carefully study it. You will probably find you can read and understand many parts of the Constitution yourself. Surely you will find, if you listen to your teacher’s directions and instructions, that you are easily able to understand the portions of the Constitution explained in this book. Interesting facts about the Constitution include that it is written on four sheets of paper approximately 28 3/4 inches by 23 5/8 inches. It has 4,543 words, including signatures, and it is the oldest and shortest written constitution of any major government in the world.

As you study, refer to a copy of the Constitution to see each section’s exact wording. You will learn about your state government at the end of this study.

**Preserving the Constitution**

On December 13, 1952, the Constitution and the Declaration of Independence were sealed in helium-filled cases, placed in wooden crates, and transported by an armored car to the National Archives Exhibition Hall in Washington, D.C. Escorting the documents down Pennsylvania and Constitution avenues were two tanks and four servicemen carrying machine guns. Two days later, at a formal ceremony, President Harry Truman declared:

*“We are engaged here today in a symbolic act. We are enshrining these documents for future ages. This magnificent hall has been constructed to exhibit them, and the vault beneath, that we have built to protect them, is as safe from destruction as anything that the wit of modern man can devise. All this is an honorable effort, based upon reverence for the great past, and our generation can take just pride in it.”*

**Charters of Freedom**

The Rotunda for the *Charters of Freedom* is the permanent home of the Declaration of Independence, Constitution of the United States, and Bill of Rights. These three documents, known collectively as the Charters of Freedom, have secured the rights of the American people for more than two centuries. The rotunda is located in the *National Archives Building* in Washington, D.C., and can be visited by the general public seven days a week (except for Thanksgiving and Christmas).

**QUESTIONS**

1. What are the six goals in the Preamble?

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2. What are some of the words used that refer to the United States government?

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3. What are the three branches of government?

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4. What is the meaning of the phrase “a more perfect Union”?

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**DEFINITION PROJECT**

You will notice that some of the words in the Preamble are capitalized when normally they would not be. These *key words* are words that the Founders wanted to emphasize. On a separate piece of paper, list and define these key words to know if one is to understand the Preamble.

The Constitution consists of the Preamble, seven original articles, and 27 amendments. This summary will aid you in gaining an overview of the Constitution or indexing to find the particular portion of the Constitution that you wish to study. You will find a copy of the entire Constitution on the internet or in the library. Free copies of the federal Constitution and your state constitution are available from the secretary of state in your state capital.

**The Seven Articles**

The main body of the Constitution is the seven *Articles*. The Articles establish the branches of the federal government and explains how they work. The Articles are the guide to how the federal government interacts with the citizens, states, and people of the country.

**Article 1 – Legislative Branch** - Outlines the legislative branch, lawmaking requirements for Congress, the elastic clause, and forbidden powers. It is the longest article in the Constitution.

**Article 2 – Executive Branch** - Explains the presidential and vice presidential duties, terms of office, succession, impeachment, the oath of office, and specific executive powers.

**Article 3 – Judicial Branch** - Addresses the judicial powers of the United States, the Supreme Court and other courts, and specifics about judges. It also defines treason.

**Article 4 – States and the Union** - Discuss how the states fit in with the federal government’s plan. It sets requirements for new states and conditions of the federal government with respect to states.

**Article 5 – Amendments** - This article outlines how to amend the Constitution.

**Article 6 – United States Constitution Supreme** - Makes it clear that the federal Constitution is the supreme law of the land.

**Article 7 – Ratifying Procedure** - Explains how the Constitution was ratified.

**The 27 Amendments**

The first 10 amendments were adopted in 1791 and are known as the *Bill of Rights*. A summary of each additional amendment is preceded by the year it was adopted.

No.	Year	Amendment Summary / Highlights
1st	Bill of Rights - 1791 - First 10 Amendments	Freedom of expression, religion, speech, press, assembly, and petition.
2nd		Protects the rights of individual citizens to keep and bear arms. Establishes a militia that is necessary for a free state.
3rd		Prohibits soldiers from temporarily residing ( <i>quartering</i> ) in private homes during peacetime without getting the permission and consent of the owner.

No.	Year	Amendment Summary / Highlights	
4th	Bill of Rights - 1791- First 10 Amendments	Protects people’s right to privacy, prohibits unreasonable searches and seizures by the government.	
5th		No person tried without the grand jury indictment or punished twice for the same offense. Prohibits being a witness against yourself and guarantees “due process of law.”	
6th		Rights of accused in criminal cases, including legal representation and a fair and speedy trial.	
7th		Guarantees a trial by jury.	
8th		Insures that punishments for crimes are not excessive, cruel, or unusual.	
9th		People retain rights not listed in the United States Constitution.	
10th		Power not given to the federal government is given to the people or states (very important for state government).	
11th		1795	Individual cannot sue a state in federal courts.
12th		1804	Repeals part of Article 2, Section 1, of the Constitution. Electoral College must cast separate ballots for president and vice president. In 1800, there was difficulty when Thomas Jefferson and Aaron Burr received the same amount of votes in the Electoral College, even though the electors meant Burr’s votes to be for the position of vice president. The election had to go to the House of Representatives, where Jefferson won, thanks to the support of Alexander Hamilton. This helps explain why Hamilton and Burr later dueled, and Hamilton was killed.
13th		1865	Abolished slavery and involuntary servitude.
14th	1868	All persons born or naturalized in the United States enjoy full rights. This was done to protect the rights of freed slaves and minorities after the Civil War, but it applies equally to all Americans. This amendment also made specific rules concerning the southern states after the Civil War.	
15th	1870	Protects the rights of Americans to vote in elections. States cannot prevent a person from voting because of race, creed, or color. The right to vote is known as <i>suffrage</i> .	

No.	Year	Amendment Summary / Highlights
16th	1913	Establishes Congress's right to impose a federal income tax.
17th	1913	Provides for popular election of United States senators. Repeals part of Article 1, Section 3. In the past, senators were elected by state legislatures.
18th	1919	<i>Prohibition.</i> No alcoholic beverages to be bought or sold in the United States (to be later repealed).
19th	1920	<i>Woman suffrage.</i> Some states had already given women the right to vote in some elections. This amendment provides all women, who are U.S. citizens, the right to vote in all elections.
20th	1933	Changed the date the president takes office from March 4th to January 20th (four-year term). It also changed the start of Congress to January 3rd and ended the old second session (end of <i>Lame Duck Congress</i> ).
21st	1933	Repealed prohibition and voided the 18th Amendment (the only amendment to repeal another amendment).
22nd	1951	No person shall be elected to the office of president more than twice (two terms).
23rd	1961	Gave residents of Washington, D.C., the right to vote in presidential elections.
24th	1964	<i>Anti-poll tax amendment.</i> Forbids taxing voters before they vote in national elections.
25th	1967	Established the process by which an ailing president may pass the duties of the office to the vice president and fill the vice president's office, when vacant. Any vacancy in the vice presidency is filled by appointment made by the president, with approval by a majority of both houses of Congress.
26th	1971	18-year-olds are allowed to vote in federal and state elections.
27th	1992	Prohibits Congress from voting itself mid-term pay raises.

**Hidden Meanings in the Constitution**

The Constitution is filled with hidden techniques and ideas. An example is the election chart (shown in the column to the right) prescribed by the Constitution. It uses different ways to choose some officers, different lengths of a term, and different age requirements. While the president is elected like the members of

the Senate and the House, the Electoral College, not the people, actually elect the president. And while the Senate and House are both elected by the people, senators are elected by the vote of all people in the state. Representatives are elected by people from one area of the state. Federal judges are not to be elected by the people at all. These are just some examples.

**How do we elect government officials?**

How Chosen	CONGRESS		PRESIDENT	SUPREME COURT
	HOUSE Elected	SENATE Elected	Elected	Appt. by President
Term of Office	2 Years	6 Years	4 Years	Life or Retirement
Age Req.	Minimum 25	Minimum 30	Minimum 35	None

*\*As described in later units, this chart shows that the Constitution affects how elected officials are selected, the terms they serve, and the minimum age requirements.*

**QUESTIONS**

**SHORT ANSWER**

- Which article of the Constitution explains the amendment process? \_\_\_\_\_
- Where would find the goals of the Constitution? \_\_\_\_\_
- The Constitution has a Preamble, \_\_\_\_\_ original articles, and \_\_\_\_\_ amendments.
- The first amendment was passed in \_\_\_\_\_, and the last was passed in \_\_\_\_\_.
- Which group of government officials are NOT elected, but rather appointed? \_\_\_\_\_

**MATCH THE AMENDMENT.** Write the letter of the corresponding amendment from **Section B** in the space that matches the subject matter in **Section A**.

**A**

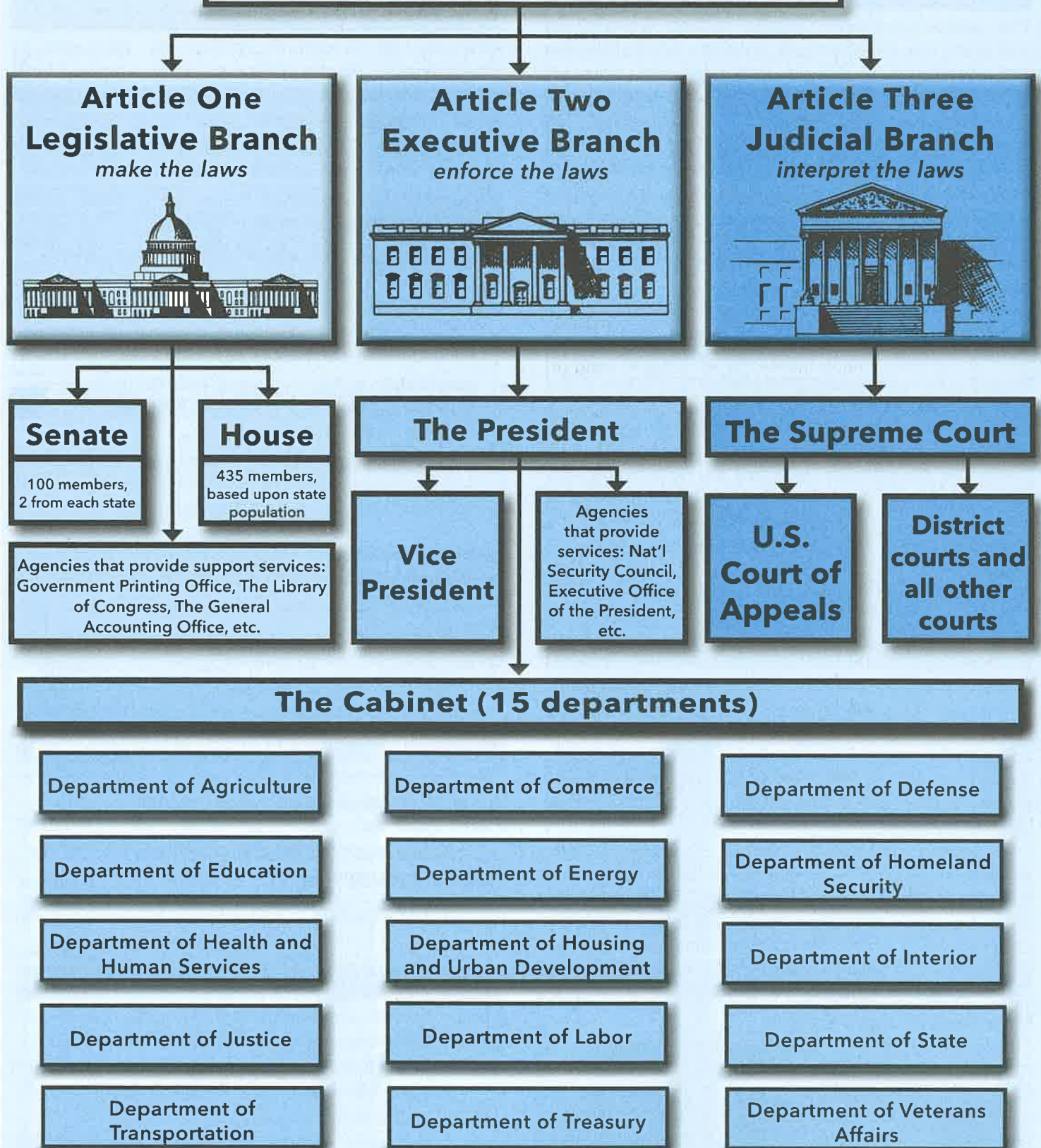
- \_\_\_ 1. 18-year-olds are allowed to vote.
- \_\_\_ 2. Abolished slavery.
- \_\_\_ 3. States cannot prevent a person from voting based on race.
- \_\_\_ 4. All persons born or naturalized in the United States enjoy full rights.
- \_\_\_ 5. Gave all women the right to vote.
- \_\_\_ 6. Limits the number of presidential terms.
- \_\_\_ 7. Guarantees a trial by jury.
- \_\_\_ 8. Prohibits unreasonable searches and seizures.

**B**

- a. 4th
- b. 7th
- c. 13th
- d. 14th
- e. 15th
- f. 19th
- g. 22nd
- h. 26th



# THE CONSTITUTION SETS UP THREE BRANCHES



The legislative branch of government is described in Article 1 of the Constitution. The legislative branch is the first branch mentioned in the Constitution. Its primary duty is to make our country's laws.

### The Congress

The legislative branch of our federal government is called the *Congress*. It consists of the Senate and the House of Representatives. Every citizen is represented in Congress by two U.S. senators from their particular state, and one U.S. representative from their congressional district. That is why our form of government is referred to as a *representative government*. The citizens of our great country delegate authority to elected representatives. Although we have more direct representation by our senators and representatives, the same principle is adopted by many executive and judicial offices.

Agencies that provide support services for Congress are also considered part of the legislative branch. They include the Library of Congress, the Congressional Budget Office, the Government Printing Office, and the General Accounting Office.

The term of Congress begins on the third day of January every odd-numbered year, and lasts for two years. The Constitution says that during this two-year term, "Congress shall assemble (meet) at least once in every year..." There is so much business before the Congress these days that the meetings or sessions last almost all year. *Special sessions* of Congress may be called by the President of the United States.

Congress meets in the *Capitol Building* in Washington, D.C. Both the Senate and the House meet there but in different chambers. Pictures of the Capitol Building (see below) are often seen in our newspapers, magazines, and television broadcasts, because the work done in this building is vital to every American. The Capitol is the only place senators and representatives meet to make laws. Senators and representatives have offices nearby. If you visit Washington, D.C., you may attend a session of Congress.

Beginning with the Continental Congress in 1774, America's legislative bodies have kept records of their proceedings. After each day that Congress is in session, the procedures are printed in the *Congressional Record*. This official daily record of the



The Capitol Building - The Meeting Place of Congress

debates and actions of Congress are usually available the following morning on *congress.gov*. The records may include legislative activity by the chambers and their committees, member remarks and speeches, and communications from the president.

### Role of Congress

Everyday life is influenced by the decisions of Congress, whose role is to improve the quality of our lives and strengthen the nation. The following are a few of the acts of Congress:

- **air safety** – created the Federal Aviation Agency (FAA), which assures commercial air safety;
- **banking** – established insurance policies, which guarantee deposits made in banks;
- **clean air** – passed national pollution-control laws;
- **family leave** – granted unpaid leave to workers for up to 12 weeks to deal with family issues;
- **labor wages** – created the concept of a federal minimum wage and votes periodic raises;
- **automobile safety** – passed laws to promote auto safety by requiring car manufacturers to meet minimum safety standards;
- **access for the disabled** – expanded employment opportunities for people with disabilities by passing laws requiring access to the workplace and public spaces.

### QUESTIONS

1. What is the major duty of the legislative branch?  
\_\_\_\_\_
2. What is the major body in the legislative branch?  
\_\_\_\_\_
3. What two houses make up the legislative branch?  
\_\_\_\_\_
4. What is a representative government? \_\_\_\_\_

**TRUE OR FALSE?** Write a **T** or **F** in the space provided.

- \_\_\_ 1. The President of the United States has the power to call Congress into special session.
- \_\_\_ 2. Congress meets in many of our major cities.
- \_\_\_ 3. The Library of Congress is part of the legislative branch.
- \_\_\_ 4. Congress must meet at least twice every year.
- \_\_\_ 5. The president makes the rules for Congress.
- \_\_\_ 6. Congress meets in the Capitol Building in Washington, D.C.
- \_\_\_ 7. The daily record of Congress is called "The Capital Journal."

## The Senate

The Senate of the United States is discussed in Article 1, Section 3, of the Constitution.

The Senate has 100 members: two from each of the 50 states. As you recall, there was a dispute between the small states and the large states at the Constitutional Convention. The Senate was designed to calm that debate by making all states equal. Every state, regardless of size, has two members. Illinois' two Democratic senators are Dick Durbin (term expires 2027) and Tammy Duckworth (term expires 2023). Of the 100 senators, one-third are elected every two years for six-year terms. Terms are staggered this way, so only one-third of the Senate goes out of office at any one time. This assures the Senate will have experienced members at all times. Each one-third of the Senate is called a class. All senators serve six-year terms.



Dick Durbin Tammy Duckworth

### U.S. Senate Chart of Election

class	have served	years to serve	comments
1	0	6	just elected
2	2	4	elected 2 years ago
3	4	2	elected 4 years ago
	6	0	were just up for re-election and were re-elected or replaced by class 1

Senators may be re-elected for an unlimited number of terms. This is not uncommon; many have had long careers.

### Senate Salary, Qualifications, & Vacancy

A senator receives a salary of \$174,000 and an expense allowance. A senator must be at least 30 years old, a United States citizen for at least nine years, and a resident of the state he/she represents in the Senate.

If a Senate vacancy occurs, the governor of the state affected makes a temporary appointment until the next election. This appointment is a very important duty for the governor.

### Officers of the Senate

The Vice President of the United States is the *president of the Senate*. This is established by the Constitution. Since the vice president is the second highest official in the executive branch of government and the Senate is part of the legislative branch, this is one way in which the two branches are drawn closer.

Although the vice president is the presiding officer of the Senate, this official may not debate or vote except in the case of a tie. The Senate also elects one of its members to be *president pro tempore*. The president pro tempore serves in the absence of the vice president. There are also Senate *majority* and *minority leaders*. The Senate majority and minority leaders and the president pro tempore receive a salary of \$193,400.

### Senate Duties

The Senate passes *bills* (a term for proposed laws) it hopes will become laws according to a plan you will read about shortly. According to this plan, the House of Representatives must also pass the bill before it is sent to the president for approval.

This group also has the vital role of approving treaties made by the president. It also approves the selection of certain federal officers by the president.

The Senate is the jury in cases of *impeachment*. Impeachment is the political process of leveling charges against public officials of wrongdoing from office. The impeachment process was included in Article 2, Section 4 of the U.S. Constitution: "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." The purpose is to protect the public from officials who are unfit to wield power. If a president is tried for impeachment, the chief justice of the Supreme Court presides over the trial.

### Impeachment of U.S. Presidents

Our founding fathers wanted impeachment to be a lengthy and complicated process. So it is hard to remove any official from office, and that is by design. Impeachment has only been used four times against a sitting president. While many U.S. presidents have been threatened with impeachment, Congress has only conducted three presidential impeachment trials, *Andrew Johnson (1868)*, *Bill Clinton (1998)*, and *Donald Trump (2019)*. They were all acquitted after trials in the Senate. *Richard Nixon (1974)* resigned before facing a House impeachment vote.

### Electing Senators

The 17th Amendment changed the way we elect senators. If you look at Article 1, Section 3, of the Constitution, you will see state legislatures originally had the power to elect senators. A look at the 17th Amendment will show that the people of the states now have that power. Senators are not elected by district since they represent the entire state.

## House of Representatives

The House of Representatives is discussed in Article 1, Section 2, of the Constitution. The House of Representatives has 435 members from the various states. This number is fixed by law. Each state is given its share of the 435 members according to population. Going back to the Constitutional Convention, this house of Congress favored the large states in their dispute with the small states, since large states receive more members.

Each state has at least one representative, and the largest state has more than 50 members. Illinois has 18 representatives in the U.S. House. In 2010, Illinois lost one representative due to the results of the census. Voters elect representatives from their state district.

All members of the House of Representatives are elected every two years for two-year terms. They are elected at the general election held in their states in November of even-numbered years. They take office on January 3rd of the odd-numbered years. Representatives may be elected an unlimited number of times.

## House Salary, Qualifications, & Vacancy

A representative receives a salary of \$174,000 and an expense allowance. A representative must be at least 25 years of age, a U.S. citizen for at least seven years, and an inhabitant of the state he/she represents.

A vacancy in the office of a representative is filled by a *special election* called by the governor of the state affected.

## House Officers

The presiding officer of the House of Representatives is the speaker of the House, elected by the majority party. Nancy Pelosi (D-California) is the only woman to have served as speaker, and was elected speaker for the second time when the 116th Congress convened on January 3, 2019. The speaker's salary is \$223,500, plus an expense allowance. There is also a House minority and House majority leader elected from the minority and majority parties. Both receive a salary of \$193,400.



Speaker  
Nancy Pelosi

## House Duties

The primary duty of the House is to pass bills it hopes will become laws. The Senate must pass the same bills before they are sent to the president for final approval. All bills for revenue must start in the House.

The Constitution provides that the House "shall have the sole Power of Impeachment," meaning the power to bring impeachment charges against any federal officer. After the House charges an official, the Senate decides the case.

The House also has the critical duty of selecting a president if no candidate has a majority in the Electoral College.

## Rules and Privileges

Congress may expel or punish its members. It makes the rules about its procedures and keeps records of all meetings. Members are privileged from arrest while going to or coming from Congress or while attending a session. However, if they commit a criminal offense, they may be arrested. A member of Congress may not be sued for what he or she says in Congress, but Congress may make specific rules about proper behavior and speech of its members.

## The House and Congress Number

Congress gets a new number each time the House of Representatives starts a new term. Therefore, every two years, we have a new Congress. For example, the House that began its term in 2021 was the 117th Congress, and in 2023, the 118th Congress will meet.

## Women in Government

As a result of the 2020 general elections, a record number of women will serve in the 117th Congress. There will be 24 women serving in the Senate and 116 serving in the House, including six new women of color in Congress. Democrats Cori Bush will be Missouri's first Black congresswoman, and Nikema Williams was elected to the late Representative John Lewis' seat in Georgia.

## Census

Article 1 of the Constitution requires that a *census* (count) of our country be taken every 10 years. The census most recently took place in 2020, with the next census taking place in 2030. This count is managed by a government agency called the *U.S. Bureau of the Census*. The census serves many purposes. The three most important being:

1. The census tells us about the makeup of our large American population and how the government and businesses might serve the population. Your state and local governments will use this information to plan for schools, hospitals, roads, and more.

2. It tells the federal government how federal money should be divided among the states and local areas.

3. The government uses this information to outline voting districts in each state and decide how many state and U.S. representatives each state receives. An adjustment to legislative districts based upon population change is called **reapportionment**. Reapportionment leads to redistricting, the redrawing of congressional district boundaries.

By law, the 2020 census requires the state populations to be delivered to the president by December 31, 2020; after that, states will be notified about the amount of the nation's 435 total congressional seats to which they are entitled. This will impact states' Electoral College votes for president, starting in the 2024 presidential election.

**QUESTIONS**

**SENATE/HOUSE COMPARISON.** Fill in the blank with *Senate (S), House (H), both (B) or neither (N).*

- \_\_\_ 1. Approves or rejects treaties.
- \_\_\_ 2. Starts all revenue bills.
- \_\_\_ 3. Passes bills they hope will become laws.
- \_\_\_ 4. This group has 100 members.
- \_\_\_ 5. Designed to favor small states.
- \_\_\_ 6. This group has 435 members.
- \_\_\_ 7. Are elected by the people of the entire state.
- \_\_\_ 8. The speaker is the chief officer.
- \_\_\_ 9. Approve nominations made by the president.
- \_\_\_ 10. The vice president is the chief officer.
- \_\_\_ 11. Bring impeachment charges against an official.
- \_\_\_ 12. Serves as the jury in cases of impeachment.
- \_\_\_ 13. Members are elected every two years.
- \_\_\_ 14. Meet in the Capitol Building.
- \_\_\_ 15. Vacancies are filled by appointment from the state governor.
- \_\_\_ 16. Discussed in Article 1, Section 3 of Constitution.
- \_\_\_ 17. The census affects the number of members per state.
- \_\_\_ 18. Congress consists of this group(s).

**SHORT ANSWER (SENATE)** - Answer the questions involving the U.S. Senate.

- 1. How many senators are there? \_\_\_\_\_
- 2. How many from each state? \_\_\_\_\_
- 3. How long is a Senate term? \_\_\_\_\_
- 4. How many, fraction and approximate number, are elected every two years? \_\_\_\_\_
- 5. What are the qualifications for a senator? \_\_\_\_\_
- 6. Name three duties of the Senate. \_\_\_\_\_
- 7. Who is the presiding officer of the Senate? \_\_\_\_\_
- 8. Each third of the Senate is called a \_\_\_\_\_.
- 9. What is the salary of a senator? \_\_\_\_\_
- 10. Name one of the two senators from your state. \_\_\_\_\_

**SHORT ANSWER (HOUSE)** - Answer the questions involving the U.S. House of Representatives.

- 1. What are the qualifications for a representative? \_\_\_\_\_
- 2. In which article and section of the Constitution will you find information about the House? \_\_\_\_\_

- 3. Who is the speaker of the House of Representatives? \_\_\_\_\_
- 4. How many representatives are there? \_\_\_\_\_
- 5. How many representatives does your state have? \_\_\_\_\_
- 6. What is the present number of Congress? \_\_\_\_\_
- 7. What happens if there is a vacancy in the House? \_\_\_\_\_
- 8. What is the salary of a representative? \_\_\_\_\_

**TRUE OR FALSE?** Write a *T* or *F* in the space provided.

- \_\_\_ 1. The number of women in Congress is decreasing.
- \_\_\_ 2. The governor fills a temporary vacancy in the office of a senator.
- \_\_\_ 3. The makeup of the Senate favors the large states.
- \_\_\_ 4. The 22nd Amendment changed the way we select a senator.
- \_\_\_ 5. A senator may be re-elected an unlimited number of times.
- \_\_\_ 6. There are times when members of Congress may not be arrested.
- \_\_\_ 7. There is an even split between men and women in the U.S. House, each accounting for 50 percent.
- \_\_\_ 8. Representatives serve two-year terms.
- \_\_\_ 9. Each state must have at least four representatives.
- \_\_\_ 10. Representatives take office the day after an election.
- \_\_\_ 11. The House is not involved with impeachment.
- \_\_\_ 12. Under unique circumstances, the House appoints the President of the United States.
- \_\_\_ 13. The vice president is a valuable link between the executive branch and the legislative branch.
- \_\_\_ 14. Representatives may be re-elected for an unlimited number of terms.
- \_\_\_ 15. Senators are elected from the state as a whole; representatives are elected from districts in the state.
- \_\_\_ 16. The number of Congress changes every six years.
- \_\_\_ 17. All revenue bills must start in the House.
- \_\_\_ 18. The population of a state affects the number of representatives it receives.
- \_\_\_ 19. The next census will take place in 2025.

**EXPRESS YOUR OPINION**

A senator said, "A legislator should listen to everyone affected by a bill before voting on it." Should a legislator always vote the way he or she feels is best? Or should legislators vote according to what the majority of the people want? What do you think?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

“Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes law, be presented to the President of the United States...” — United States Constitution, Article 1

Powers to make laws are given to Congress, consisting of the Senate and House of Representatives. Our nation needs rules and regulations to protect our safety and ensure our rights as citizens. A description of the lawmaking powers can be found in Article 1 of the Constitution.

In both houses of Congress, no business may be transacted without a *quorum*. A quorum in each house is a majority of its members. A majority is one-half plus one.

**How a Bill Becomes Law in Congress**

*Bills*, a term for proposed laws, may start in either house of Congress. Bills for *revenue* must begin in the House of Representatives (see Article 1, Section 7). After a bill is introduced, it is given a number and usually referred to a *special committee*. There are 16 Senate committees and 24 House committees, plus four special or select Senate committees.

In a committee, detailed studies are made of the bill, and hearings may be held. A committee may amend, rewrite, recommend passage, or ignore a bill. It is possible to pass some bills without committee approval, but this seldom happens. Some people feel these committees are too powerful and may keep members of Congress from considering certain laws. Committees are necessary, however, and Congress determines rules controlling their behavior and power.

Thousands of bills are introduced during a session of Congress. Four out of five of these bills have little or

no chance of being passed into law. Bills that seem unimportant to the committees are ignored. The bills that are taken seriously may have public hearings. After the committee finishes with a bill, it is reported to the Senate or House favorably or unfavorably. The entire Senate or House then votes on the bill.

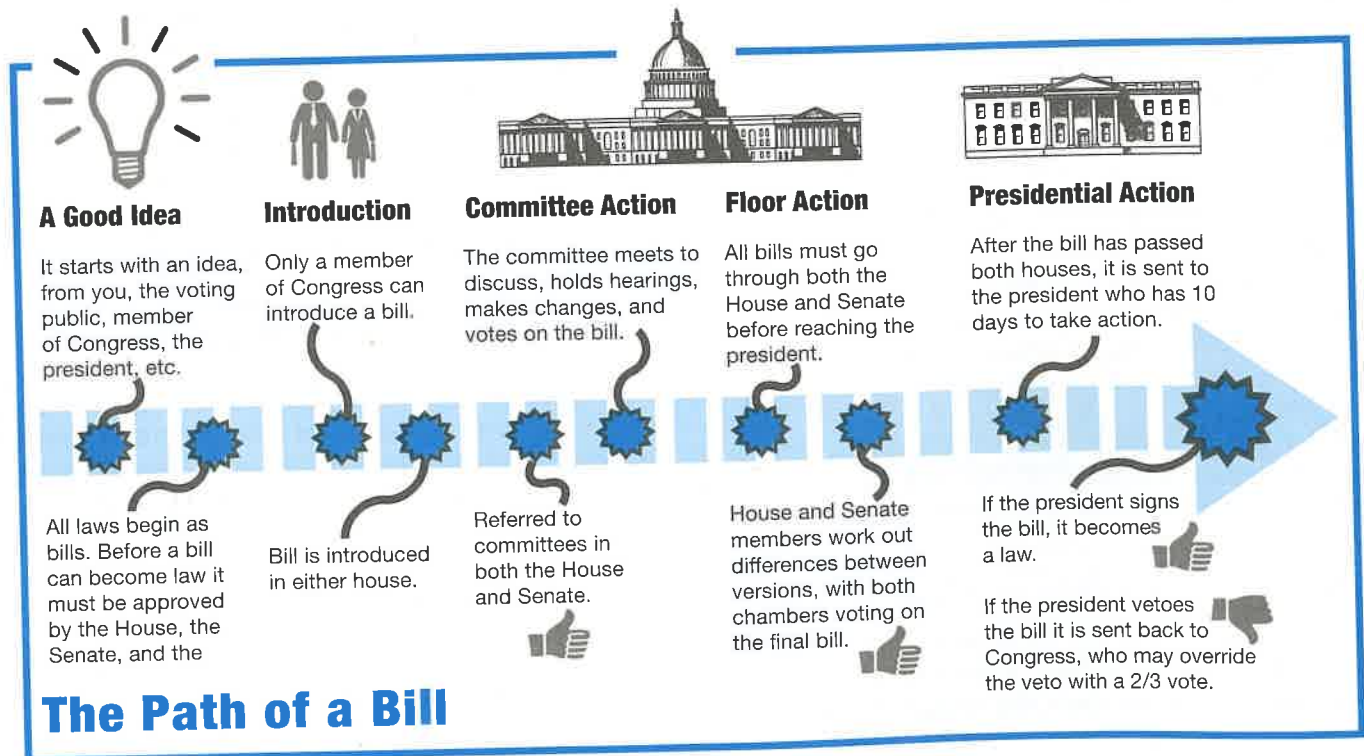
The bills that come from committees are put on a calendar and voted on according to a schedule. Changes to the bill may be made, and then the final vote is taken. The bill is sent to the other house of Congress if the vote is favorable.

In the other house of Congress, the same type of procedure is followed. If the other house passes the bill, but with changes, a joint committee from both houses is set up to work out a *compromise bill*.

After the bill has passed both houses, it is sent to the president, who may either sign or veto it. This particular duty is found in Article 1, Section 7, of the Constitution. If the president signs the bill, it becomes another law of our land. If the president does not sign the bill but vetoes it, the two houses of Congress may try to override the president’s veto by a two-thirds vote in each house. Very few laws are passed this way.

If the president does not act at all, the bill becomes law automatically in 10 days, providing Congress is still in session. If Congress adjourns before the 10-day period is up and the president has not acted on the bill, it is automatically vetoed. This is called a *pocket veto*.

*continued*



## Lawmaking and the Three Branches

A bill is introduced, sent to committee, then voted on. If passed in committee and later on the floor of the house, it is sent to the other house.

The president may sign the bill, and it will become law or may decide to veto. Congress may try to pass it over the veto by a two-thirds vote.

The courts see that justice is administered under the law. The Supreme Court may declare laws unconstitutional.



### Legislative Branch

Two Houses of Congress



### Executive Branch

The President



### Judicial Branch

The Supreme Court and Other Courts

After Congress (legislative branch) has passed a bill and the president (executive branch) has signed it into law, it is the president's duty to enforce the law. The courts (judicial branch) then interpret it and administer justice under it. The Supreme Court may rule whether or not the law is constitutional.

### What are Federal Laws?

There are different types of laws. Federal laws apply to everyone in the United States. States and local laws apply to people who live or work in a particular state, county, or municipality. The U.S. Constitution divides the power to make laws between the federal and state government.

The federal government is responsible for some types of laws, such as those pertaining to national defense, currency, interstate commerce, patents, and so forth. State and local governments may not pass these kinds of laws, nor may they pass laws that conflict with federal laws. One example is the 14th Amendment to the U.S. Constitution, which ensures the Bill of Rights applies to all states. You will learn more about the differences between federal, state, and local laws in the upcoming units of this book.

### Member of Congress: Typical Day

Regardless of whether they are in Washington, D.C., or their congressional districts, members of Congress spend most of their time working. Members work long hours, up to 70 hours a week when Congress is in session. Members endure unequalled public scrutiny and sacrifice family time to fulfill work responsibilities.

A member of Congress may have a typical day something like this:

- 7:00 a.m.** Breakfast with the family, the only time they will see each other until late that evening.
- 8:00 a.m.** Trip to the office to go over e-mail and postal mail with an assistant. The mail may be substantial if a critical issue is pending.
- 10:15 a.m.** Meet with party members considering action on a bill that will come before Congress.
- 10:30 a.m.** House Ethics Committee meeting. This committee, which is his/her most important committee assignment, may discuss new allegations of concern to Congress. Both senators and representatives may have more than one committee assignment.
- 11:00 a.m.** A party caucus (meeting) takes place.
- Noon** Lunch with other members from his/her home state. Congressional business is discussed.
- 1:30 p.m.** On the way to the House floor, he/she is stopped by the majority leader for a brief discussion of important bills.
- 1:40 p.m.** Remains on the floor for the entire afternoon House of Representatives session, voting on legislation.
- 3:30 p.m.** Conduct a short conference call with other lawmakers concerning a defense bill.
- 3:45 p.m.** Lobbyist John Jones comes to the office seeking aid favorable to their organization.
- 5:00 p.m.** A reporter calls for an interview concerning the House Ethics Committee.
- 7:00 p.m.** Home for dinner. After dinner reads hometown newspapers, reads topics on social media, and works on a speech to be delivered the next day.

## The Politics of Lawmaking

Although the charts on the previous pages show the lawmaking process, it does not reflect how complicated this process is. Many informal conversations and discussions take place with members of Congress. Each wants to voice his or her position, learn what arguments opponents will use, and make the necessary adjustments to help get a bill passed. Members of Congress must understand the president's view on the legislation and the political impacts of the bill. A representative who votes for or against a controversial bill will have that on his or her voting record.

There are several terms that you should research that involve strategy and agreements that lawmakers use. These include *filibustering*, *logrolling*, *pork-barrel spending*, and *pigeonholing*, to name a few.

## Lobbies in Washington, D.C.

Our lawmakers in Congress feel the effect of *political action committees* (PACs), special-interest groups, and lobbies. PACs and special-interest groups are individuals interested in particular goals. Lobbies are the active parts of these groups that seek to influence our legislators.

Lobbies are controlled by law, and most operate legally. Some even provide helpful service to legislators by informing them how certain groups feel about important issues. However, a legislator must be careful that these lobbies do not exert too much influence over them and that other Americans' views are not overlooked.

It is the right and duty of organized groups to let their legislators know their opinions on legislative matters, but keeping these groups within proper bounds is essential.

Lobbyists are hired by companies involved in areas such as finance and banking, construction, defense, organized labor, health care, transportation, and energy. The specific topics may involve gun politics, proper use of the environment, immigration, energy sources, and regulations surrounding the banking industry.

## Liberals, Conservatives, and Extremists

Often when reading about Congress and politics, you will find the terms *liberal*, *conservative*, or *extremist*. A *liberal* is someone who believes the national government should be very active in helping individuals and communities promote health, education, justice, and equal opportunity. Twentieth-century presidents who would be known as liberals include Democrats Franklin D. Roosevelt and John F. Kennedy.

A *conservative* is someone who believes that the role of government in society should be minimal and that individuals should be responsible for their well-being.

Twentieth-Century presidents who would be known as conservatives include Republicans Richard Nixon and Ronald Reagan.

Both conservatives and liberals have played a large part in the success of our nation. Both liberal and conservative views have merit, and the honest political debate between them has been good for our country. In many instances, workable compromises between the two views have been found.

An *extremist* is someone who stops at nothing to get his or her political way. They would ruin the reputations of political enemies, lie, cheat, steal, or even kill. The 1995 bombing in Oklahoma City and the 9/11 events are examples of extremist activity. Extremism is a threat to our Constitution, laws, and society. There is no justification for extremism.

## The Internet and Lawmaking

The internet is now the primary source for learning about legislation and contacting members of Congress. One way to find your legislators' official social media contacts is through their websites. Social media, of course, does not replace the traditional methods of constituent communications, but some – particularly, Twitter, Facebook, blogs, and YouTube – are now essential for public officials.

These new means of communicating allow for quicker sharing of information, which may include:

- **position taking** - their position on a policy or issue;
- **upcoming schedule** - events of interest to constituents;
- **direct responses to citizens** - allows quick response to citizens' questions or concerns.

## Your Participation in Lawmaking

The U.S. government is the basis for participatory democracy, which Abraham Lincoln described as a government made "of the people, by the people, and for the people." Under the Constitution, U.S. citizens have the right to influence public policy and lawmaking.

You may voice your opinions through written letters or emails, which are the most popular method of communicating with your representatives. The following are suggestions for writing a powerful message:

- state the purpose of your letter in the first few sentences;
- be polite and concise, include key information, and use examples to support your position;
- keep the message brief, one page is ideal, and discuss only one issue per letter or email;
- give your full name, along with your mailing and email addresses;
- indicate if you are a member of an organization interested in the proposed legislation.



**QUESTIONS**

**FILL IN THE BLANKS / SHORT ANSWER**

1. In Congress, where are bills sent for consideration?  
\_\_\_\_\_
2. What is the president's role in lawmaking?  
\_\_\_\_\_  
\_\_\_\_\_
3. What is a pocket veto? \_\_\_\_\_
4. Which group of Congress has more members, the Senate or House? \_\_\_\_\_
5. After a bill has passed the two houses of \_\_\_\_\_, it is sent to the \_\_\_\_\_.

**TRUE OR FALSE?** Write a *T* or *F* in the space provided.

- \_\_\_\_\_ 1. The Congress vetoes laws.
- \_\_\_\_\_ 2. The Supreme Court helps in making laws.
- \_\_\_\_\_ 3. Bills may start in either house of Congress.
- \_\_\_\_\_ 4. Revenue bills start in the Senate.
- \_\_\_\_\_ 5. A three-fourth vote is necessary for Congress to override a president's veto.
- \_\_\_\_\_ 6. The president can declare laws unconstitutional.
- \_\_\_\_\_ 7. Lobbies are illegal in Washington, D.C.

- \_\_\_\_\_ 8. After a law is passed, if it is in conflict with the Constitution, it can be made void by the Supreme Court.


**WHICH BRANCH?** Answer *Executive (E)*, *Legislative (L)*, or *Judicial (J)* branch.

- \_\_\_\_\_ 1. Makes the country's laws.
- \_\_\_\_\_ 2. Enforces the country's laws.
- \_\_\_\_\_ 3. Tries cases under the laws.
- \_\_\_\_\_ 4. Is the court system of the country.
- \_\_\_\_\_ 5. Has two houses.
- \_\_\_\_\_ 6. The president is the head of this branch.
- \_\_\_\_\_ 7. The Supreme Court is the chief body.
- \_\_\_\_\_ 8. Members are not elected.
- \_\_\_\_\_ 9. Uses pocket veto.
- \_\_\_\_\_ 10. Uses joint committees.

**LAWMAKING BY THE NUMBERS.** Choose the correct number from the number bank that matches the statement.

**Number Bank: 1/2, 2/3, 1, 2, 4, 6, 8, 10, 50, 100, 435**

- \_\_\_\_\_ Lawmaking in this Article of the Constitution.
- \_\_\_\_\_ President has this many days to take action.
- \_\_\_\_\_ Number of U.S. senators in Congress.
- \_\_\_\_\_ Number of U.S. representatives in Congress.
- \_\_\_\_\_ A U.S. representative's term in years.
- \_\_\_\_\_ Fraction of votes Congress needs to override a veto.

<b>LEARNING AID</b>		<b>LEGISLATIVE BRANCH FACT SHEET</b>	
<b>Main Body</b>	Congress, consisting of a <i>Senate and House of Representatives</i>		
<b>Membership</b>	<i>Senate:</i> 100 <i>House of Representatives:</i> 435		
<b>Terms of Office</b>	<i>Senate:</i> 6 years <i>House of Representatives:</i> 2 years		
<b>Salaries</b>	<i>Senate:</i> \$174,000 majority and minority Leaders, president pro tempore: \$193,400 <i>House of Representatives:</i> \$174,000 speaker of the House: \$223,500		
<b>Requirements</b>	<i>Senate:</i> 30 years old, a citizen for 9 years, resident of the state represented. <i>House of Representatives:</i> 25 years old, a citizen for 7 years, resident of the state represented.		
<b>Officers</b>	<i>Senate:</i> President of the Senate (Vice President of the United States), president pro tempore, majority leader, minority leader. <i>House of Representatives:</i> speaker of the House, majority leader, minority leader.		
<b>Meeting Place</b>	Capitol Building, Washington, D.C.		
<b>Duties</b>	Main duty of the legislative branch is to make laws. <i>Senate:</i> Pass bills, decide guilt of impeached federal officers, approve presidential appointments, approve treaties. <i>House of Representatives:</i> Pass bills, charge federal officers in impeachment cases, select president when no candidate has a majority in the Electoral College, start all revenue bills. <i>Joint Duties:</i> Raise, borrow, and coin money; have defense powers; control immigration; grant copyrights and patents; control commerce; govern Washington, D.C.; investigate executive branch. <i>Forbidden Powers:</i> No ex post facto laws, no suspension of habeas corpus, no tax on exports, no		
<b>Article Number</b>	Article 1 of the U.S. Constitution		

The material discussed on this page concerns Article 1, Sections 8 and 9, of the Constitution and the various amendments.

### Powers of Congress

The Senate and House of Representatives have several duties besides making laws and besides the ones listed previously (impeachment, appointment approval, etc.). Eighteen powers are given to Congress by the Constitution (see *enumerated powers* below). These powers can be roughly classified into three groups:

1. **Money** – Congress' most significant power lies in the fact that it holds the nation's purse strings. Congress has the authority to raise, borrow, and coin money and set the value of money. Raising money is achieved by collecting taxes and borrowing through the sale of government bonds. Coining money is the task of the Treasury Department.
2. **Defense** – Powers relating to defense include powers for raising and supporting the armed forces. Only Congress has the authority to declare war.
3. **Miscellaneous** – Congress regulates immigration and issues copyrights to protect the creations of writers and composers. Congress also governs commerce between states and between the United States and foreign countries. If you remember some of the trade difficulties under the Articles of Confederation, you know why Congress has these commerce powers.

Congress also governs the District of Columbia (Washington, D.C.). It does so to ensure that the United States' capital will be run in the best interest of all Americans.

### Elastic Clause

The most all-inclusive power granted by the Constitution to Congress is found in Article 1, Section 8, Clause 18. After spelling out the duties of Congress, the authors realized situations might arise that are not covered under the provisions of the Constitution. Therefore, a clause called the *elastic clause* states that Congress shall "make all laws which shall be necessary for carrying into execution the foregoing powers." It makes the Constitution a living document, giving Congress powers that are "necessary and proper" to run the government.

Briefly, this means that Congress has the authority to make all laws necessary to carry out the Constitution's spirit, as outlined in Article 1. This clause has been used to cover several areas, and situations never dreamed of by the members of the Constitutional Convention. Powers expressed in the Constitution are called *expressed or enumerated powers*. Powers that are not expressed but believed to be a power of the Congress

are called *implied powers*. The power to declare war and establish post offices are expressed powers (look ahead on Page 26 for others). The power to regulate TV stations, nuclear energy, and the airlines are implied powers.

### Things Congress Cannot Do

Besides things Congress can do, the Constitution lists a few things Congress cannot do. The powers denied Congress are specified in a shortlist in Article I, Section 9. Combine these with various amendments, and especially the Bill of Rights, for the specific prohibitions in the Constitution.

For instance, Congress cannot pass a law that turns an act into a crime after the act was committed. This type of law is called an *ex post facto* law. An example would be a woman who receives a ticket for parking on Main Street on Monday when there is no law against it. When she arrives in court later in the week, she finds a law was passed on Tuesday, and she is being punished for parking on Monday. Obviously, this would not be fair. This type of law was used by unjust kings to trap their enemies.

No person holding a federal office is permitted to accept a title of nobility, such as duke, earl, etc., from a foreign country. No member of Congress may receive a gift from a foreign country without Congress' consent.

Congress cannot suspend the writ of habeas corpus except under special circumstances. Habeas corpus is a Latin term meaning "you shall have the body." It is an order to a jailer to bring a prisoner to a court or to set the prisoner free. Without habeas corpus, prisoners could be detained almost permanently without a trial. Congress is also not permitted to pass a bill of attainder. A bill of attainder is an act passed by a legislature to punish a person or group without a trial.

Congress cannot tax any goods exported from any state, whether the goods are going to another state or a foreign country. This provision for no export taxes comes from weaknesses in the Articles of Confederation. Under the Articles, states had been taxing each other harmfully, and commerce was at a standstill. States are also prohibited from taxing business.

Neither the Senate nor the House of Representatives may adjourn or move to another location without the consent of the other house. These denials of power came about either as a result of the misuses of power under the Articles of Confederation or under British rule.

The 27th Amendment, which was the last amendment passed (in 1992), prohibits Congress from voting itself a pay raise during its term in office.

**U.S. Congress vs. State Legislature**

It is easy for students to confuse the elected officials in the state legislature with those who work for them in the U.S. Congress (Washington, D.C.). The table below further explains the differences, many of which will be covered in the federal and state sections of this book. Both Congress and your state legislature have a two-body system referred to as a *bicameral system*. The only exception is the Nebraska Legislature, which is *unicameral* (one body).

Topic	U.S. Congress	State Legislature
Lawmaking Scope	Federal level - creating laws for all 50 states	State level - creating laws for only Illinois
Lawmaking Bodies	U.S. Senate & U.S. House of Representatives	Illinois Senate & Illinois House of Representatives
Number of Members	100 U.S. Senators (2 from each state) & 435 U.S. Representatives (18 from Illinois)	59 members of the state Senate and 118 members of the state House of Representatives
Meeting Place	Washington, D.C.	State Capital (Springfield) and in their legislative district
Examples of Scope	National defense, federal tax policies, immigration laws	Funding schools, state environmental issues, state taxing
Speed of Legislation	More formal process, taking on larger issues, longer legislative sessions	Generally quicker passage, shorter legislative sessions

**The Two Chambers**

The two-chamber design of the U.S. Congress is consistent with the basic principle of government used by the framers of our Constitution: that the government must be divided into units which share power. The two chambers are considered equal, although they differ from one another in many respects. The Senate has sometimes been called the *upper body* and the House the *lower body*. These are popular misnomers that started when Congress first met in New York City; the Senate chamber was on the floor above the House. As we know, both legislative bodies are equal.

**QUESTIONS**

**TRUE OR FALSE?** Write a **T** or **F** in the space provided.

- \_\_\_ 1. Coining and printing money are the responsibilities of the Treasury Department.
- \_\_\_ 2. An ex post facto law is a law that makes an act illegal after the act has been committed.
- \_\_\_ 3. Only federal officials may have titles of nobility.
- \_\_\_ 4. Congress cannot tax goods being exported from a state, even if the goods are going to a foreign country.
- \_\_\_ 5. Article 1 of the U.S. Constitution outlines the legislative branch and the powers of Congress.
- \_\_\_ 6. Any of the three branches of government may declare war.

- \_\_\_ 7. The Senate and the House are prohibited from adjourning without the consent of the other.
- \_\_\_ 8. Congress does not govern the independent region of the District of Columbia.
- \_\_\_ 9. Although the state legislature meets in the state capitol, it makes laws for all 50 states.

**IMPLIED, EXPRESSED, OR DENIED?** Identify each of the following as an implied (**IM**), expressed (**EX**), or denied (**DN**) power of Congress in the space provided.

- \_\_\_ 1. Collect taxes.
- \_\_\_ 2. Declare war.
- \_\_\_ 3. Regulate the Internet.
- \_\_\_ 4. Provide for punishment of counterfeiters.
- \_\_\_ 5. Grant patents and copyrights.
- \_\_\_ 6. Regulate satellite communications.
- \_\_\_ 7. Grant titles of nobility.
- \_\_\_ 8. Establish post offices.
- \_\_\_ 9. Pass ex post facto laws.

**DEFINE**

- 1. expressed powers \_\_\_\_\_
- 2. implied powers \_\_\_\_\_
- 3. prohibits \_\_\_\_\_
- 4. bill of attainder \_\_\_\_\_
- 5. export \_\_\_\_\_
- 6. bicameral \_\_\_\_\_

**FILL IN THE BLANKS**

- 1. The Senate is referred to as the \_\_\_\_\_ body, and the House is called the \_\_\_\_\_ body.
- 2. Revenue bills must begin in the \_\_\_\_\_.
- 3. The \_\_\_\_\_ has been used by Congress in writing laws about things not directly mentioned in the Constitution.
- 4. Congress' power can be roughly divided into three groups: \_\_\_\_\_

**SEQUENCE OF A BILL** - Put the lawmaking events in sequence from first to last as they relate to a proposed bill.



- a. president acts on the bill and approves
- b. bill is a law and is communicated to the public
- c. bill is submitted to first house for review
- d. sponsor introduces bill
- e. bill passes both houses of Congress
- f. referred to and discussed in committee

# How the Federal Government and States Divide Powers

## The Constitution Says...



### Certain Powers Belong to the Federal Government:

- ★ Regulate Interstate Commerce
- ★ Conduct Foreign Affairs
- ★ Coin and Issue Money
- ★ Establish Post Offices
- ★ Make War and Peace
- ★ Maintain Armed Forces
- ★ Admit New States and Govern Territories
- ★ Punish Crimes Against the U.S.
- ★ Grant Patents and Copyrights
- ★ Make Uniform Laws on Naturalization and Bankruptcy

*(Also considered expressed powers.)*



### Certain Powers Belong to State Governments:

(Mainly comes from an interpretation of the reserved powers.)

- ★ Authorize Establishment of Local Governments
- ★ Establish and Supervise Schools
- ★ Provide for State Militia
- ★ Regulate Commerce Within the State
- ★ Charter Corporations
- ★ Regulate Labor, Industry, and Business Within the State
- ★ All Other Powers Not Delegated to the United States Government or Specifically Prohibited to the States

### Certain Powers Are Shared by Both Governments

Tax...Establish Courts...Promote Agriculture and Industry...Borrow Money...  
Charter Banks...Protect the Public Health...Provide For Public Welfare



### Certain Powers Are Prohibited to Both Governments

The personal rights of citizens of the United States, as listed in the Bill Of Rights (first 10 amendments to the Constitution) and in state constitutions, cannot be reduced or destroyed by the federal or the state governments. Also, certain specific prohibitions in the Constitution itself, such as no title of nobility, no ex post facto laws, no duty on exports,  
no bill of attainder, etc.

*"This great principle is, that the Constitution and the laws...are supreme; that they control the Constitution and the laws of the respective states and cannot be controlled by them." — John Marshall, Supreme Court Justice in 1801*

### Relationship Among States

The Constitution has something to say about how the states should act toward each other and the federal government. For example, in Article 4, there is the *full faith and credit clause*. Under this clause, every state must accept the statutes, records, and decisions of all other states. The forefathers of our country intended that no person shall be able to dodge their obligations in the United States by just moving to another location within the United States.

In criminal cases, a criminal found in a different state must be returned to the state where the crime was committed by a process called *extradition*. Because each state must accept the statutes of another state, we sometimes find people crossing state lines for court decisions when it works to their advantage, as in some marriages and divorces.

Each state must treat the citizens of other states the same as it treats its citizens. There cannot be special laws for those who are from other states. This directive is given in Article 4, Section 2.

The federal government must guarantee all states a republican form of government and must guarantee to protect them from invasion. Also, a state may call for federal assistance to prevent domestic violence. In this paragraph, a "republican form of government" means a constitutional and democratic form of government.

The Constitution specifies duties that may only be performed by the federal government. For example, Article 1, Section 10, explains that states cannot coin money, make treaties, grant titles of nobility, pass *ex post facto laws* (as discussed on the previous page, a law that retroactively changes the legal consequences of acts committed), or impair obligation of contracts. Article 1, Section 8, lists the powers of Congress and shows that the states cannot use any of these powers.

### Powers of the States

Since the Constitution does not list in detail the powers belonging to the states, there have been many conflicts over their respective powers. The 10th Amendment clarifies that any powers not delegated by the Constitution to the federal government are reserved to the states or the people. These are called *reserved powers*.

However, anything not forbidden by the Constitution or given to the federal government may be done by the states through their state constitutions. States make laws about education, traffic, doctors, state lands, local government, criminals, state taxes, recreation, intrastate commerce, and in many other areas.

Each state has a government, much like the federal government. Each state has three branches of government with duties similar to those of the three branches of the federal government. Some exceptions would be foreign affairs, postal affairs, and defense, which are only the duties of the federal government.

State constitutions are much more detailed than the United States Constitution. For example, one state constitution is so comprehensive that it provides for the teaching of home economics in high schools. The United States Constitution leaves most of the details to Congress, but most states try to include all their details in writing. Because of this, state constitutions often get far behind the times, and many are in pressing need of revision.

### Shared Powers

There are some areas over which state and federal governments both have power. For example, both can tax, borrow money, charter banks, establish courts, and encourage agriculture. These are the most important duties both share. Please refer to the chart on Page 26 for more details on shared powers.

### QUESTIONS

**TRUE OR FALSE?** Write a *T* or *F* in the space provided.

- \_\_\_ 1. Under the full faith and credit clause, states do not have to accept the statutes of other states.
- \_\_\_ 2. Each state must treat the citizens of other states the same as it treats its citizens.
- \_\_\_ 3. States make laws about local government.
- \_\_\_ 4. The federal government must guarantee a republican form of government to the states.
- \_\_\_ 5. The 10th Amendment gives power to the people or states if not given to the federal government.
- \_\_\_ 6. State governments are similar to the federal government in that both have three branches.
- \_\_\_ 7. The format and wording of state constitutions are dictated by the federal government.
- \_\_\_ 8. The U.S. Constitution generally includes many more details than state constitutions.

**FEDERAL OR STATE POWERS?** Circle *federal* or *state* to indicate the body of government responsible.

- |                                       |                      |
|---------------------------------------|----------------------|
| 1. Provide education                  | <i>federal state</i> |
| 2. Declare war                        | <i>federal state</i> |
| 3. Print money                        | <i>federal state</i> |
| 4. Issue a driver's license           | <i>federal state</i> |
| 5. Make treaties with other countries | <i>federal state</i> |
| 6. Provide police and fire protection | <i>federal state</i> |
| 7. Establish and operate post offices | <i>federal state</i> |

*"The executive Power shall be vested in a President of the United States of America... during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected..." — United States Constitution, Article 2*

The executive branch of government is established by Article 2 of the Constitution. The primary duty of the executive branch is to enforce or administer laws.

## The President

The most prominent official in this branch is the president. The president and the vice president are the only national officers of the government elected by voters of the entire United States. The president faces critical issues daily. The day is long, and the pressures are enormous.

The president is thought of as being the representative of all the people. Unlike senators and representatives, all of the people in the United States vote for the president.

President Joe Biden took office in January 2021, after defeating Donald Trump in the 2020 presidential election. Per the 22nd Amendment, President Biden will be eligible to run again in the 2024 election, as he will have served only one of the two-term maximum.



President  
Joe Biden

## Qualifications and Salary

The president and the vice president must be natural-born citizens, 35 years of age, and residents of the United States for at least 14 years.

The president and vice president must always be on the same party ticket. You vote for the president and the vice president at the same time, always assuring that the president and vice president are from the same political party.

The yearly salary of the president is \$400,000, plus an expense allowance. The vice president receives a salary of \$230,700, plus an expense allowance.

Before 1999, the president's salary had not been increased for more than 20 years. As a result, the pay was very low for the leader of the most powerful country in the world. Most chief executive officers of major American corporations make more than ten times the salary of the president. Finally, in 1999, Congress raised the president's salary from \$200,000 to \$400,000. If you adjust for inflation, the president today makes less than George Washington!

## Oath of Office

Per the 20th Amendment, the first-term winner of the November presidential election assumes the duties of the office on January 20th. Before taking office, an oath must be performed.

The oath of office was established in the U.S. Constitution, Article 2, and is mandatory for a new or re-elected president. With the words of this simple oath, the president takes the most important political position in the world:

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

The entire section of the Constitution that tells about the powers of the president contains only 320 words. Still, the wording is designed so that the office gets a maximum of inherent powers with necessary safeguards for the people.

The oath is typically administered by the Chief Justice of the Supreme Court. The ceremony takes place at the U.S. Capitol. After the oath, the president gives his or her *inaugural* speech. This tells the people the goals and direction of the nation. Over the years, this *Inauguration Day* has expanded from a simple ceremony to a day-long event, including parades, speeches, and balls.

## The Vice President

Kamala Harris made history as the first woman elected vice president. The former U.S. senator from California is the 49th person to hold the office of vice president. The president assigns the vice president duties, and, in recent years, presidents have given considerable authority and responsibility to their vice presidents. The president needs support to ease the administrative burdens of the office. The vice president is also the president of the Senate and provides the president with a valuable link with Congress.



Vice President  
Kamala Harris

## Vacancy

If the Office of the President becomes vacant, the vice president becomes president. Next in order of succession is the speaker of the House, then president pro tempore of the Senate, then members of the cabinet, starting with the secretary of state.

In 1973, the Office of the Vice President became vacant when Vice President Agnew resigned in a scandal. President Nixon made the first use of the 25th Amendment when he nominated Gerald Ford, House minority leader, as the new vice president. Congress approved the nomination. For more about the 25th Amendment, see Page 14.

Before 1974, the only way the Office of the President had become vacant was through death. However, in 1974, when President Nixon was involved in the Watergate cover-up, he became the first president ever to resign. Vice President Ford then became the 38th President of the United States.

## Duties

In general, the duties of the president can be divided into five classes:

- 1. Foreign Affairs** - The president makes treaties with Senate approval, nominates ambassadors and other foreign service officials, and receives diplomatic representatives. The president is in charge of all of our foreign affairs. Much of the work is done through one of the cabinet officials, the secretary of state.
- 2. Domestic and Military Administration** - The president is the commander-in-chief of the armed forces, including state militia. Since the president appoints many domestic officials and prepares the nation's budget for congressional approval, the office has many national powers.
- 3. Legislation** - The president may call both houses of Congress into *special session*. The president may recommend measures to Congress, and the president may veto bills from Congress. The president informs Congress on the progress of the nation and its needs through the "State of the Union" message at each session of Congress. As the political leader of the party in power, the president has much informal power over legislation.
- 4. Appointment** - The president appoints a significant number of officials in the executive branch and the judicial branch. Some of these appointments include judges, cabinet members, advisors, department heads, etc. The Senate must approve many of these appointments.
- 5. Judicial Functions** - The president may grant pardons and reprieves for federal offenses. An example of this was President Gerald Ford granting Richard Nixon a pardon for all federal crimes that he may have committed while serving as president.

### Who Can Declare War?

Of the Constitution's many checks and balances, few have become as controversial as the country's war powers. As you have learned, the Constitution gives the power to declare war to the United States Congress in Article 1, section 8. It seems to be rather plainly stated that "The Congress shall have the power to declare war." But Article 2, section 2, names the president "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." The president has often used his military powers to run a "war" that was never declared by Congress. So, it remains unclear precisely who can declare war. Congress has declared war on 11 occasions, and the president carries them out (i.e., World War I, World War II). Sometimes the president carries out a "war" that Congress does not want, as with the Vietnam War.

## QUESTIONS

### FILL IN THE BLANKS

1. What are the qualifications for president? \_\_\_\_\_
2. What is the president's salary? \_\_\_\_\_
3. What are the five major areas of presidential duties?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Who is the commander-in-chief of the armed forces?  
\_\_\_\_\_
5. How long is the president's term? \_\_\_\_\_
6. What is the order of succession to the presidency?  
\_\_\_\_\_
7. What is the main duty of the executive branch? \_\_\_\_\_
8. Who is president? \_\_\_\_\_
9. Who is vice president? \_\_\_\_\_
10. Who is the head of the executive branch? \_\_\_\_\_
11. Name one president that has been impeached. \_\_\_\_\_
12. Who is the only president ever to resign? \_\_\_\_\_

### TRUE OR FALSE? Write a T or F in the space provided.

1. The president can call both houses of Congress into special session. \_\_\_\_\_
2. The president picks his successor. \_\_\_\_\_
3. A presidential candidate is selected by Congress. \_\_\_\_\_
4. The executive branch enforces our nation's laws. \_\_\_\_\_
5. In 1973 when Vice President Agnew resigned, President Nixon designated his successor. \_\_\_\_\_
6. In Number 5 above, Congress has the power of approval. \_\_\_\_\_
7. The president and the vice president must be from the same political party. \_\_\_\_\_
8. The president can make treaties without the approval of the Senate. \_\_\_\_\_
9. The president cannot veto bills from Congress. \_\_\_\_\_
10. The president may be re-elected three times. \_\_\_\_\_

### MULTIPLE CHOICE - Circle the letter of the correct answer.

1. The national budget is presented by the:  
a. vice president    b. secretary of state    c. president
2. A salary of \$230,700 is paid to:  
a. the president    b. the vice president    c. the cabinet
3. The president assumes the duties of office (after election) on:  
a. September 5    b. January 20    c. January 4
4. The executive branch is discussed in what article of the Constitution?  
a. 1    b. 2    c. 3    d. 4
5. The cabinet official involved with foreign affairs is the:  
a. secretary of state    c. vice president  
b. secretary of defense    d. attorney general
6. The 25th Amendment deals with what topic?  
a. abolishing slavery    c. voting rights  
b. vacancy of president    d. income tax

"...he (the President) 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. . ." — U.S. Constitution, Article 2

The quote above is the closest mention the Constitution makes concerning the Cabinet. Those appointed by the president to these "executive departments" became known as members of the *President's Cabinet*. This group of presidential advisors now has 15 members, but President George Washington's first Cabinet had only four departments — State, War, Treasury, and Attorney General. Through the actions of succeeding presidents, cabinet officials were added to meet changing needs. Currently, cabinet members receive a salary of \$199,700.

Here is a brief description of each department's work, the cabinet member's title, and the year the department was established.

### The Department of State

The Secretary of State. This department is charged with foreign affairs, including participating in the United Nations, issuing passports, conducting negotiations, and running foreign embassies. (1789)

### The Department of the Treasury

The Secretary of the Treasury. This department manages our nation's finances, is responsible for coining and printing of money, and enforces monetary laws. (1789)

### The Department of the Interior

The Secretary of the Interior. This department is charged with all natural resources of the nation, scenic and historical regions, the National Parks System, Native American affairs, dams, and water power. (1849)

### The Department of Agriculture

The Secretary of Agriculture. The USDA develops policy on farming, agriculture, and food. Its aims include assuring food safety, promoting agricultural trade and production, and ending hunger in America. (1862)

### The Department of Justice

The Attorney General. This department enforces laws of the United States in federal courts, conducts suits in which the U.S. is concerned, and is the chief legal officer of the federal government. This department conducts investigations and lawsuits concerning monopolies, anti-trust laws, and organized crime. (1870)

### The Department of Labor

The Secretary of Labor. This department protects workers' safety and wages, analyzes labor markets and trends, enforces labor laws, mediates strikes, and advance opportunities for employment. (1913)

### The Department of Commerce

The Secretary of Commerce. This department is tasked with economic development by gathering

data, issuing patents, utilizing innovative technology, and formulating business regulations. Also promotes exports and enforces trade agreements. (1913)

### The Department of Defense

The Secretary of Defense. All provisions for the defense of the United States are carried out in this department, including the operation of the armed forces. (1949, originated in 1789 as the War Department.)

### The Department of Housing and Urban Development

The Secretary of Housing and Urban Development. This department seeks solutions to the many problems of urban life. Its addition is an acknowledgment of the growing needs of urban living. (1965)

### The Department of Transportation

The Secretary of Transportation. Transportation has become a vital problem for a complex society like ours. All methods and use of transportation come under this department's jurisdiction. The agencies at DOT promote safe and efficient travel, contributing to the nation's economic growth. (1966)

### The Department of Energy

The Secretary of Energy. This agency establishes an energy policy for the U.S. It promotes the development of reliable, clean, and affordable energy. The DOE ensures nuclear security and protecting the environment. (1977)

### The Department of Education

The Secretary of Education. This group manages all the federal education programs and offers monies to promote student achievement and equal access to all. (1979)

### The Department of Health & Human Services

The Secretary of Health and Human Services. This department oversees health matters and many programs affecting the quality of American citizens' lives. Agencies include Public Health Service, Social Security, Food and Drug Administration, the Office of Vocational Rehabilitation, and many other programs affecting Americans of all ages. (1979)

### The Department of Veterans Affairs

The Secretary of Veterans Affairs. This department administers benefit programs for veterans dealing with a broad range of issues from the country's wars and conflicts. Benefits include disability compensation, vocational rehabilitation, and medical care. (1989)

### The Department of Homeland Security

The Secretary of Homeland Security. This is the latest cabinet addition deemed necessary because of the

*continued*



9/11 attacks and increased terrorism. The increasing threat of terrorist attacks made Americans realize a department like this is needed. This cabinet position oversees 240,000 workers from 22 agencies, including the Secret Service, border patrol, cybersecurity, and customs services. (2002)

In general, the secretaries play a significant role in advising the president in each of their areas. The secretaries are specialists in their field. The various cabinet members play a vital role in shaping national policy.

### Executive Office of the President

Every day, the President of the United States is faced with scores of decisions, each with significant consequences for America's future. In addition to the cabinet, the president needs additional support to govern effectively. Thus, the *Executive Office of the President* (EOP) was created in 1939 by President Franklin D. Roosevelt. The EOP has responsibility for tasks ranging from communicating the president's message to the American people to promoting our trade interests abroad.

### Executive Orders

*Executive orders* are controversial because they allow the president to make critical decisions, even law, without the consent of Congress. The U.S. Constitution does not explicitly mention executive orders. Still, presidents argue that the power to issue them is implied in the following statements in Article 2 of the Constitution: (1) "The executive power shall be vested in a President of the United States" and (2) "He shall take care that the laws be faithfully executed." Those who argue against or urge limits on the use of the unilateral power associated with executive orders remind us that the American system is based on the principle of checks and balances.



George Washington's first cabinet. It included a secretary of state (Thomas Jefferson), secretary of treasury (Alexander Hamilton), secretary of war (Henry Knox), and an attorney general (Edmund Randolph).

### QUESTIONS

**CABINET RESPONSIBILITIES.** List which cabinet officer would be responsible for each of the following:

- Social Security \_\_\_\_\_
- Carrying out a war \_\_\_\_\_
- Coining money \_\_\_\_\_
- Enforcing U.S. laws in federal courts \_\_\_\_\_
- Federal Railroad Administration \_\_\_\_\_
- Foreign affairs \_\_\_\_\_
- National parks \_\_\_\_\_
- Farm programs \_\_\_\_\_
- Settling a workers' strike \_\_\_\_\_
- Constructing highways \_\_\_\_\_
- Terrorism alerts \_\_\_\_\_
- Benefits to military survivors \_\_\_\_\_
- Renewable energy \_\_\_\_\_
- Food and Drug Administration \_\_\_\_\_
- Trade and export policies \_\_\_\_\_
- Nuclear power production \_\_\_\_\_
- Secret Service \_\_\_\_\_
- Promotes workplace safety \_\_\_\_\_
- Participation in the United Nations \_\_\_\_\_
- Funding educational programs \_\_\_\_\_

**TRUE OR FALSE?** Write a *T* or *F* in the space provided.

- \_\_\_ 1. There were only three cabinet members in Washington's Cabinet.
- \_\_\_ 2. Cabinet members are part of the judicial branch.
- \_\_\_ 3. There are 12 cabinet positions today.
- \_\_\_ 4. The newest cabinet position is the Treasury Department.
- \_\_\_ 5. Cabinet members receive a salary of \$109,000.
- \_\_\_ 6. After the president appoints a cabinet member, he or she must be approved by the Senate.

### FILL IN THE BLANKS

1. Which cabinet position is headed by the attorney general? \_\_\_\_\_
2. The duties of the president and vice president are discussed in which article of the Constitution? \_\_\_\_\_
3. This cabinet position oversees the activities of the border patrol. \_\_\_\_\_
4. In addition to the Cabinet, what other office supports the many presidential activities? \_\_\_\_\_
5. Name the current Secretary of State. \_\_\_\_\_

Perhaps the most prolonged debate at the Constitutional Convention concerned the method of selecting the president. An early suggestion was to give this power to Congress. But that would have destroyed the idea of the separation of powers. How could we have three branches of government, each checking the other if the legislative branch (the Congress) picked the head of the executive branch (the president)?

The writers of the Constitution also weren't ready to give the selection of the president to the people or the "common man." So they wrote a compromise into Article 2, Section 1 of the Constitution. The compromise set up a system of electors to select the president. These electors came to be known as the *Electoral College*, but the Constitution itself does not mention the term "Electoral College."

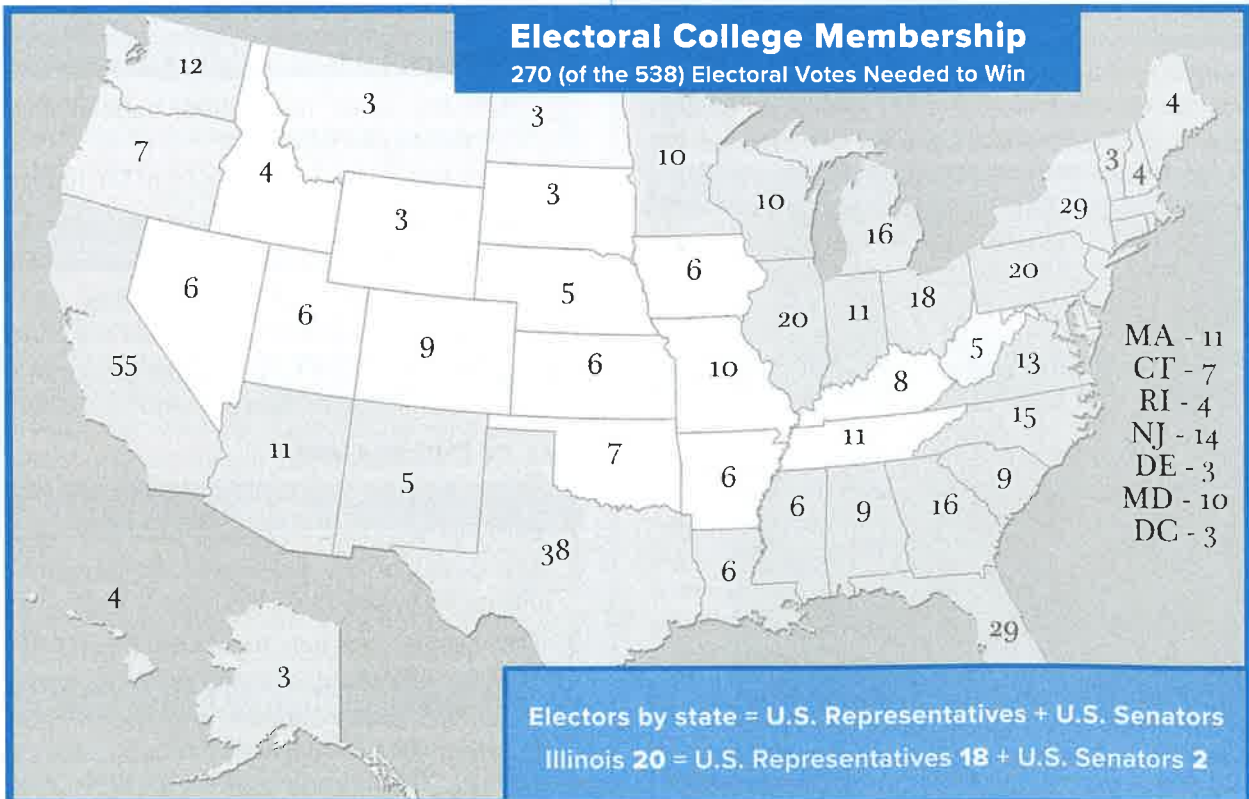
This unique election method was modified by the 12<sup>th</sup> and 23<sup>rd</sup> Amendments. Before 1961, the voters in Washington, D.C., didn't get to vote for the president at all. This was not considered fair in the capital of our country. The 23<sup>rd</sup> Amendment was added in 1961, giving three electoral votes for Washington, D.C. That made a total of 538 electors (electoral votes for each state equals the number of representatives plus two for the senators). A majority of 270 or more would be necessary to select the president. The map below shows the distribution of the electoral votes based on the 2010 reapportionment and will reflect additional changes from the 2020 census.

To summarize, if a candidate gets the most popular (people) votes in the state, the "electors" will then cast their votes the same way. All the electoral votes for the state (except for Maine and Nebraska) will go to the winner of the state. The writers of the Constitution also thought that the Electoral College gave states with a small population more equal weight in the presidential election.

One of the problems political scientists see in the Electoral College is that it allows a person to be elected president who has not won the popular vote in the country. In our growing beliefs in the power and rights of democracy in our nation, that could be a problem. Because all the electoral votes of a state go to the candidate who wins the election in that state, whether the candidate wins by a single vote or a million votes, it is possible to be elected president without having the most votes.

That has not happened very often, but it did occur in 2000 when George W. Bush became president and again recently in the 2016 election. Donald Trump became president even though Hillary Clinton won a majority of the popular votes. And, because this has happened so recently, Americans are debating the Electoral College's pros and cons. Since a change in the electoral vote would require a constitutional amendment, the change will not come quickly. Supporters of the current system say that it has served the nation well and forces candidates to gain broad geographic support rather than concentrating only on large metropolitan areas.

*continued*



**Political Party Symbols**

In 1874, a political cartoonist, Thomas Nast, drew the Democrats as represented by a donkey, and the Republicans as represented by an elephant. The symbols stuck, and the parties themselves often use the symbols in advertising.



Elephant = Republican



Donkey = Democrat

**QUESTIONS**

**TRUE OR FALSE?** Write a **T** or **F** in the space provided.

- \_\_\_ 1. The term Electoral College comes from the Constitution itself.
- \_\_\_ 2. Although it was originally expected that a group of electors would actually elect the president and vice president, it became the practice for the electors to vote for the candidate who had the most popular votes.
- \_\_\_ 3. Popular vote means the vote of the people.
- \_\_\_ 4. There have been no elections in which the candidate with the most popular votes has not become president.

- \_\_\_ 5. The writers of the Constitution felt that the voters should directly elect the president and vice president.
- \_\_\_ 6. It would be easy to eliminate the Electoral College, only requiring the president's approval.

**FILL IN THE BLANKS**

- 1. How many electoral votes are there? \_\_\_\_\_
- 2. How many electoral votes for your state? \_\_\_\_\_
- 3. What is the minimum number of electoral votes for a state? \_\_\_\_\_
- 4. Which state has the most electoral votes? \_\_\_\_\_
- 5. Name a president who was elected without winning the popular vote. \_\_\_\_\_
- 6. What political party does a donkey represent? \_\_\_\_\_

**SHORT ANSWER**

Should the Electoral College be abolished? Give an argument **for** or **against** this system. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**LEARNING AID**

**EXECUTIVE BRANCH FACT SHEET**

<b>Main Officers</b>	The President and Vice President of the United States	
<b>Salaries</b>	<i>The President:</i> \$400,000 plus an expense allowance <i>The Vice President:</i> \$230,700 plus an expense allowance <i>The Cabinet:</i> \$199,700	
<b>Qualifications</b>	The President and Vice President: 35 years old, a natural-born citizen, resident of the United States for 14 years	
<b>Terms of Office</b>	Four years, may be re-elected once	
<b>Duties</b>	Main duty of the executive branch is to enforce or administer laws. <i>The President:</i> controls foreign affairs and domestic powers, appoints many officials, grants pardons and reprieves, is commander-in-chief of the armed forces, prepares budget of the nation, is legislative leader of the political party in power. <i>The Vice President:</i> presides over the Senate of the United States, takes on duties assigned by the president, succeeds the Office of the President.	
<b>Advisors</b>	<i>The Cabinet:</i> 15 department officials appointed by the president to aid in running our country, Department of: (along with key responsibility)	
	<i>State:</i> foreign affairs	<i>Health &amp; Human Services:</i> health issues in U.S.
	<i>Justice:</i> chief legal department	<i>Housing &amp; Urban Development:</i> urban problems
	<i>Defense:</i> defense of our country	Transportation: all domestic transportation
	<i>Interior:</i> nation's natural resources	Energy: policies on energy, including conservation
	<i>Agriculture:</i> farmers assistance, food inspection	Education: federal education matters
	<i>Labor:</i> wage earners' assistance	Veterans' Affairs: matters that deal with veterans
	<i>Commerce:</i> deals with business problems	Homeland Security: national security and war on terrorism
	<i>Treasury:</i> nation's finances & coining of money	
<b>Article Number</b>	Article 2 of the U.S. Constitution	



**Presidents of the United States**

America's Founding Fathers decided that one elected civilian, the U.S. President, would lead the federal government's executive branch. This governmental structure has remained in place for more than 200 years. Here is the list of our nation's highest elected official.

President	Term	Party
1. George Washington	1789-1797	None
2. John Adams	1797-1801	Federalist
3. Thomas Jefferson	1801-1809	Dem.-Rep.
4. James Madison	1809-1817	Dem.-Rep.
5. James Monroe	1817-1825	Dem.-Rep.
6. John Quincy Adams	1825-1829	Dem.-Rep.
7. Andrew Jackson	1829-1837	Democrat
8. Martin Van Buren	1837-1841	Democrat
9. William H. Harrison	1841	Whig
10. John Tyler	1841-1845	Whig
11. James K. Polk	1845-1849	Democrat
12. Zachary Taylor	1849-1850	Whig
13. Millard Fillmore	1850-1853	Whig
14. Franklin Pierce	1853-1857	Democrat
15. James Buchanan	1857-1861	Democrat
16. Abraham Lincoln	1861-1865	Republican
17. Andrew Johnson	1865-1869	Democrat
18. Ulysses S. Grant	1869-1877	Republican
19. Rutherford B. Hayes	1877-1881	Republican
20. James A. Garfield	1881	Republican
21. Chester A. Arthur	1881-1885	Republican
22. Grover Cleveland	1885-1889	Democrat
23. Benjamin Harrison	1889-1893	Republican
24. Grover Cleveland	1893-1897	Democrat
25. William McKinley	1897-1901	Republican
26. Theodore Roosevelt	1901-1909	Republican
27. William H. Taft	1909-1913	Republican
28. Woodrow Wilson	1913-1921	Democrat
29. Warren G. Harding	1921-1923	Republican
30. Calvin Coolidge	1923-1929	Republican
31. Herbert Hoover	1929-1933	Republican
32. Franklin D. Roosevelt	1933-1945	Democrat
33. Harry S. Truman	1945-1953	Democrat
34. Dwight D. Eisenhower	1953-1961	Republican
35. John F. Kennedy	1961-1963	Democrat
36. Lyndon B. Johnson	1963-1969	Democrat
37. Richard M. Nixon	1969-1974	Republican
38. Gerald R. Ford	1974-1977	Republican
39. Jimmy Carter	1977-1981	Democrat
40. Ronald Reagan	1981-1989	Republican
41. George Bush	1989-1993	Republican
42. William Clinton	1993-2001	Democrat
43. George W. Bush	2001-2009	Republican
44. Barack Obama	2009-2017	Democrat
45. Donald Trump	2017-2021	Republican
46. Joe Biden	2021-	Democrat

President Joe Biden is the 46th President of the United States. He is only the 45th person to serve as president; President Grover Cleveland served two nonconsecutive terms and thus is recognized as both the 22nd and the 24th president. Today, the president is limited to two four-year terms, but until the 22nd Amendment to the Constitution, ratified in 1951, a president could serve an unlimited number of terms. Franklin D. Roosevelt was elected president four times, serving from 1932 until his death in 1945; he is the only president ever to have served more than two terms.

**Women for President**

Many women have sought to become President of the United States. A number received national attention, either as pioneers, potential candidates, or candidates of minor parties. However, none have been elected to the highest office. The 2020 presidential race started with six women seeking the Democratic nomination. However, none survived the primary elections.

Besides Hillary Clinton's recent runs, Victoria Woodhull became the first female presidential candidate in 1872. Shirley Chisholm sought the 1972 Democratic nomination, becoming the first black woman to run for president.

**Frederick Douglass (1818-1895)**

Born into slavery in Maryland, Frederick Douglass was a leader in the abolitionist movement and pushed for equality and human rights. He was the first African American citizen to hold a high U.S. government rank, advising presidents. In 1872 the Equal Rights Party's nominated Douglass to be Victoria Woodhull's running mate, which technically makes him the first Black vice presidential nominee. Years later, at the 1888 Republican National Convention, he received a vote for president.

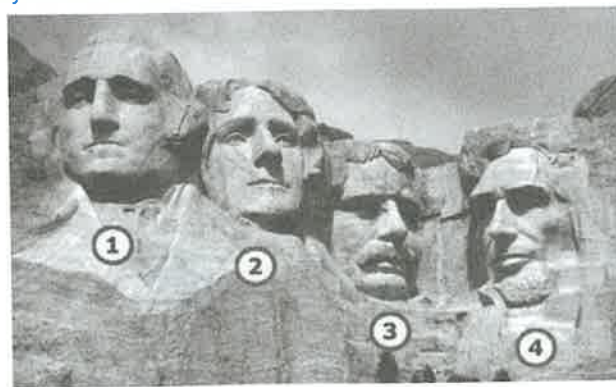


**QUESTIONS**

**FILL IN THE BLANKS**

- Which amendment limits the term of a president? \_\_\_\_\_
- Which president was elected four times? \_\_\_\_\_
- What candidate ran for president even though they did not have the right to vote? \_\_\_\_\_
- How many people have been president? \_\_\_\_\_

**IDENTIFY THE PRESIDENTS.** Mount Rushmore is a symbol of America, representing important events in the history of the United States. Who are the presidents?



- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

If a 5th president was to be added, who would choose and why? \_\_\_\_\_

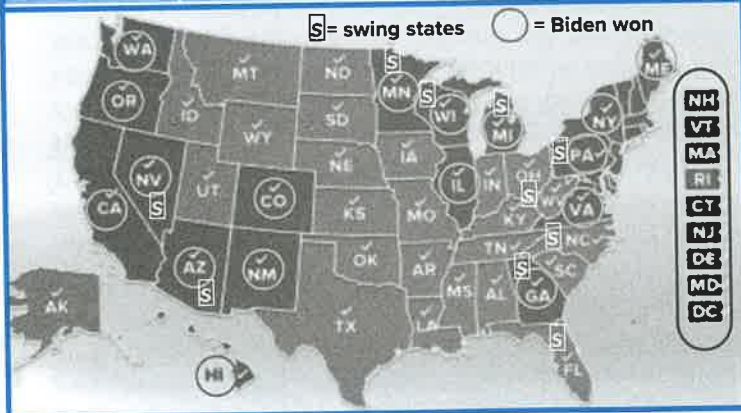
**Lessons From The 2020 Election**

The 2020 presidential election featured the Republican incumbent, President Donald Trump, and former vice president, Democrat Joe Biden. Each political party accused the other of promoting unfair election tactics. Democrats urged voters to mail-in ballots and vote early, citing concerns over the coronavirus, changes at the United States Postal Service that could slow delivery, and long lines at voting locations. Republicans sought to limit the collection and counting of mail-in ballots, voicing concerns about the prospects for widespread voter fraud.

In the end, the 2020 election drew record turnout, with over 157 million Americans casting ballots. The election was contentious, fueling a turnout estimated to be the highest since 1900. Younger voters, ages 18 to 29, made their voices heard in historic numbers, and mail-in voting broke records in states around the nation, mostly because of health concerns over the pandemic. Battle lines were drawn over the handling of the COVID-19 outbreak and resulting economic fallout; national protests over racial inequity; the future of the Affordable Care Act; climate change; and Supreme Court nominees.

The country waited four days past Election Day to find out who had been elected to the president's office. President-elect Joe Biden had a clear and convincing victory, both in the popular vote and the Electoral College. President Trump was the first incumbent president to lose the popular vote in his re-election campaign in almost three decades since George H. W. Bush in 1992.

Candidate	Popular Vote	States Won	Electoral Votes
Biden	81,282,896 (51.3%)	25 + DC	306
Trump	74,222,484 (46.8%)	25	232



**Threats to Our Democracy**

The 2020 election saw unprecedented attacks seeking to undermine public confidence in our elections:

- voters fearing violence during or after the election;
- citizens concerned their votes would not be counted;
- politicians attempting to prevent votes from being counted;
- disinformation campaigns on social media;
- efforts to convince state legislatures to ignore the popular vote and;
- the concern for a peaceful transfer of power.

These are all threats to our democracy, and our leaders and citizens must work to bring the country together. A democracy cannot function long under those conditions. With the lessons of 2020, new steps to defend our democracy must begin now.

**Our Elections Are Secure**

In the end, the result was that our elections are secure. That was the conclusion of the U.S. Department of Justice, the U.S. Department of Homeland Security, and election officials of both parties in crucial battleground states. More than two dozen lawsuits filed by President Donald Trump's legal team were dismissed either by federal or state judges. Each state certified their election results followed by the Electoral College's official votes, leading to 306 electoral votes (270 needed to win) for Joe Biden.

**Every Vote Counts**

More and more, we see election results with razor-thin margins. Even with long lines for voters, it was heartening to see so many millions of Americans determined to exercise their constitutional right to cast a ballot. The record-breaking turnout reaffirmed that voting is a right Americans are no longer taking for granted.

The U.S. does not have a national election system by design. The 2020 election illustrated different rules and regulations across 10,000 election jurisdictions. Our representatives will need to explore more uniform federal election standards that could simplify matters for voters, especially on issues such as voter registration, early voting, and access to by-mail voting. The challenge is to do this without conflicting with the 10th Amendment and the right of states to administer elections in the manner they choose.

**QUESTIONS**

**TRUE OR FALSE?** Write a **T** or **F** in the space provided.

- \_\_\_ 1. Joe Biden won the electoral vote, but lost the popular vote.
- \_\_\_ 2. The 2020 election had the largest turnout since 1900.
- \_\_\_ 3. The election results took several days to become official due to the large number of mail-in votes.
- \_\_\_ 4. The federal government sets strict standards on how each state conducts elections.
- \_\_\_ 5. President Trump was the first incumbent president to lose the popular vote since 1992.

**SHORT ANSWER - REFER TO ELECTION MAP**

- 1. Which party dominates which region? \_\_\_\_\_
- 2. Which party is favored in rural areas? \_\_\_\_\_
- 3. Which party is favored in urban areas? \_\_\_\_\_
- 4. Define "swing states" and give an example. \_\_\_\_\_

"The judicial power of the United States, shall be vested in one supreme court, and in such inferior courts..."  
 — United States Constitution, Article 3, Section 1

The main purpose of the judicial branch is to interpret the laws and administer justice. Many of the details of this branch may be found in Article 3 of the Constitution. The judicial branch consists of a system of federal courts.

While the people elect the executive and legislative branches, the judicial branch is appointed by the president and confirmed by the Senate. Each federal judge holds office for life and may be removed only by impeachment. There are no expressed qualifications for federal judges in the Constitution.

**Power of the Judicial Branch**

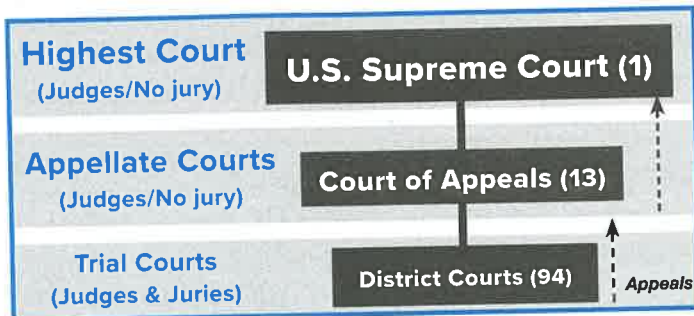
The power of the judicial branch through the courts is extended to all cases arising under the Constitution, laws, and treaties of the United States and in some other special circumstances (see Article 3, Section 2). Every person accused of wrongdoing has the right to a fair trial before a competent judge and a jury of one's peers.

Under the Constitution, the courts protect the rights of all citizens and guarantee justice based on law. The philosophy of our law (often referred to as jurisprudence) relies heavily on past precedent. Courts will review cases that were previously decided when analyzing a new case brought to the courts. The decision of similar cases will mostly be the same as courts utilize this past precedent.

Most court cases fall into two categories, *criminal* or *civil* cases. Most crimes are a violation of state law, not federal law, and would be prosecuted in the state court system. Only crimes that break a law of the U.S. government will be prosecuted in the federal courts.

In criminal cases, the court decides if an accused person is guilty or innocent of a crime. Examples of federal crimes include bank robbery, counterfeiting, kidnapping, and financial fraud. In civil cases, the court settles disputes between two parties. Civil cases that may be heard in federal court include questions over national law, suing for civil rights and first amendment violations, and resolving disputes (over \$75,000) between parties from different states.

There are three major types of federal courts:



**The Supreme Court**

"Equal Justice Under Law" - These words, written above the main entrance to the Supreme Court Building, express the ultimate responsibility of the Supreme Court of the United States. The unique position of the Supreme Court is the result of the strong commitment of the American people to the *Rule of Law* and constitutional government. The Supreme Court ensures democracy and the importance of the oldest written Constitution still in force.

A primary duty of the *justices* (judges) of the Supreme Court is to decide whether state and federal laws are constitutional and whether actions by lower courts or other governmental agencies are lawful. This power is not given to the Supreme Court directly by the Constitution, but precedence and tradition have given the court this power.

Parties who are not satisfied with the decision of a lower court must petition the Supreme Court. The petition is called a *writ of certiorari*. This requests a lower court to submit the record of the case for review. Typically, the Courts hear cases of appeal from the U.S. Court of Appeals or the highest court in a given state. In some exceptional cases, the Court hears the issue directly. The Supreme Court accepts around 100 of the more than 7,000 cases that it is asked to review each year.

There are nine Supreme Court justices with one justice serving as *chief justice*. The Constitution does not stipulate the number of Supreme Court justices; the number is set instead by Congress. Court justices receive a salary of \$213,900. The chief justice receives a salary of \$223,500. A quorum of six Justices is required to decide a case, and a majority is necessary for a decision. The court meets in the U.S. Supreme Court Building in Washington, D.C. Typically, the court conducts its annual term from the first Monday of October until late June the following year.

The current nine members are listed below.

	Supreme Court Justice	Type of Justice	President Who Nominated
1.	John Roberts, Jr.	Chief Justice	G.W. Bush (R)
2.	Clarence Thomas	Associate Justice	G.H. Bush (R)
3.	Stephen G. Breyer	Associate Justice	Clinton (D)
4.	Samuel A. Alito Jr.	Associate Justice	G.W. Bush (R)
5.	Sonia M. Sotomayor	Associate Justice	Obama (D)
6.	Elena Kagan	Associate Justice	Obama (D)
7.	Neil Gorsuch	Associate Justice	Trump (R)
8.	Brett M. Kavanaugh	Associate Justice	Trump (R)
9.	Amy Coney Barrett	Associate Justice	Trump (R)

## Court of Appeals

The United States has 13 *courts of appeal*, one court in each of the 12 federal circuits that divide the country and one *Court of Appeals for the Federal Circuit* which has nationwide jurisdiction to hear appeals in specialized cases.

Their primary job is to hear cases of appeal from lower courts and determine whether the law was applied correctly. The appellate courts do not retry cases or hear new evidence. They do not hear witnesses testify. Appeals courts consist of three or more judges and do not use a jury. These judges are appointed for life by the president and confirmed by the Senate.

These courts were created in 1891 to relieve the Supreme Court of the significant burden of cases appealed from the district courts. As we previously learned, the Supreme Court hears only a small number of cases. That means the decisions made by the 12 Circuit Courts of Appeals across the country and the Federal Circuit Court are the last word in thousands of cases.

## District Courts

There are 94 *district courts* in the United States. Most people would come in contact with a U.S. District Court if they were involved in a federal legal issue. The district courts are the ordinary trial courts in the federal system. Almost all cases heard in the federal system begin here.

Each court has one to 24 judges. Trial courts include the district judge who tries the case and a jury that decides the case. Each district court judge is appointed by the president and confirmed by the Senate for a life term.

There is at least one district court in each state and the District of Columbia. Each district includes a U.S. bankruptcy court as a unit of the district court. Four territories of the United States have U.S. district courts that hear federal cases, including bankruptcy cases: Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands.

There are other courts for special cases, having national jurisdiction. The *Court of International Trade* addresses cases involving international trade and customs laws. The *U.S. Court of Federal Claims* deals with most claims for money damages against the U.S. government. The *United States Tax Court* is a court in Washington, D.C. created as an independent judicial authority for citizens disputing specific tax issues. As their names show, their duties are limited to specific areas. Also, states have court systems for state matters.

## Rule of Law

President Theodore Roosevelt once said, "Ours is a government of liberty, by, through and under the law. No man is above it, and no man is below it." The *rule of law* is a principle under which no person or group, including the government and its leaders, is above the law. This includes the following principles:

- The same laws govern every citizen
- Everyone's rights are respected
- Laws protect our fundamental rights
- Because people make laws through their elected representatives, people are willing to obey these laws

In the United States, we have written rules to help us settle disagreements peacefully through a fair system of justice. It is the job of the courts to interpret the laws. It is up to judges and juries to decide if we have indeed broken the law.

## QUESTIONS

**WHICH COURT?** Which federal court fits the statement given? Answer *Supreme Court (SC)*, *Court of Appeals (CA)*, *District Court (DC)*, *none (N)*, or *all (A)*.

- \_\_\_ 1. This court could declare the final word on the constitutionality of a state law.
- \_\_\_ 2. This court could declare the final word on the constitutionality of a federal law.
- \_\_\_ 3. Judges are appointed.
- \_\_\_ 4. Judges serve for life.
- \_\_\_ 5. This court has nine judges.
- \_\_\_ 6. The judges are removed only by impeachment.
- \_\_\_ 7. Ordinary trial courts of the federal system.
- \_\_\_ 8. Has 13 courts.
- \_\_\_ 9. Meets in its own building in Washington, D.C.
- \_\_\_ 10. The judges must be 32 years or older.
- \_\_\_ 11. This court has a chief justice as head officer.
- \_\_\_ 12. Most court cases begin here.
- \_\_\_ 13. Courts that are described in Article 3 of the Constitution.
- \_\_\_ 14. Appointment approved by the Senate.
- \_\_\_ 15. Salary of \$173,600.
- \_\_\_ 16. Elected by the people.
- \_\_\_ 17. Judges must be natural-born citizens.
- \_\_\_ 18. Appointed by the president.
- \_\_\_ 19. Judges must have law degrees.
- \_\_\_ 20. Judges serve without salary.

## FILL IN THE BLANKS

1. Who appoints Supreme Court judges? \_\_\_\_\_
2. Who must approve Supreme Court appointments?  
\_\_\_\_\_
3. Who is the current chief justice of the Supreme Court?  
\_\_\_\_\_
4. What is a *civil* case? \_\_\_\_\_  
\_\_\_\_\_

Give one example. \_\_\_\_\_

"Laws are a dead letter without courts to expound their true meaning and operation." – Alexander Hamilton

*Judicial review* is the name given to the process by which the courts interpret the meaning of the Constitution and the laws passed under it. It is clear that the Constitution is the supreme law of our land and takes precedence over any law passed or any action taken by any state or federal official.

But the Constitution is not a complete legal code, and it is not always easy to see how the Constitution can be applied to particular cases. As conditions change, new interpretations may be placed on the Constitution; actions may be taken in areas not directly covered by the Constitution.

Someone, then, must have the authority to precisely decide what the Constitution means and decide if the government is acting within constitutional limits. Most historians agree that the Constitutional Convention members wanted the courts to have the power of judicial review, even though they did not write it out in detail. Apparently, they thought that the idea had been conveyed adequately through the wording of Article 3, the judicial article, and Article 6, the "supreme law of the land" clause.

There was some discussion of this question after the Constitutional Convention. Still, nothing was settled until 1803 when the Supreme Court handed down its decision in the case of *Marbury v. Madison*. The court ruled that one section of a 1789 law was contrary to the Constitution and, therefore, was not a valid law.

*"It is emphatically the province and duty of the Judicial Department to say what the law is...If two laws conflict with each other, the Courts must decide on the operation of each. So, if a law be in opposition to the Constitution... the Court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty."*

The above ruling from *Marbury v. Madison* established the precedent for judicial review, an essential addition to the system of checks and balances to prevent any one branch of the government from becoming too powerful. Judicial review in the United States has been a model for other countries.

### Cases Handled by the Federal Courts


The federal courts are often called the "guardians of the Constitution" because their rulings protect rights and liberties guaranteed by the Constitution. Through fair and impartial judgments, the federal courts interpret and apply the law to resolve disputes. An important distinction should be noted: Courts do not make the laws; that is the responsibility of Congress. The subjects of Judicial Review also include the legislative actions from Congress, the executive actions from the president and government agencies, and state and local laws.

On the next page, you will find examples of cases that are handled by the federal court system.

*continued*

### LEARNING AID

### JUDICIAL BRANCH FACT SHEET

<b>Main Courts</b>	<i>The Supreme Court, Court of Appeals, and District Courts.</i>	
<b>Number of Courts</b>	<i>Supreme Court: 1 Court of Appeals: 13 District Courts: 94</i>	
<b>Number of Judges</b>	<i>Supreme Court: 9 Court of Appeals: 3 to 9 District Courts: 1 to 24</i>	
<b>Supreme Court Salaries</b>	<i>\$223,500 for Supreme Court chief justice \$213,900 for Supreme Court associate justices</i>	
<b>Terms of Office</b>	For life; may be removed only by impeachment.	
<b>Duties</b>	Main duty of the judicial branch is to interpret laws and administer justice. <i>Supreme Court:</i> Decide if laws are constitutional <i>Court of Appeals:</i> Hear appeals from lower courts <i>District Courts:</i> Ordinary trial courts, federal cases begin here Other courts handle special cases, examples include U.S. Claims Court and U.S. Tax Court.	
<b>Meeting Place</b>	<i>Supreme Court:</i> Washington, D.C. <i>Court of Appeals:</i> various circuits <i>District Courts:</i> various districts	
<b>Article Number in Constitution</b>	Article 3 of the U.S. Constitution	



## The United States Federal Courts

Cases Involving:	Examples of such cases:
Constitution of the U.S.	Freedoms in the Bill of Rights
Federal Laws and Regulations	Taxes, Social Security, civil rights, environment violations
Disputes Between States	Environmental issues including water rights and pollution
International Trade Laws	Flow of goods among countries
Disputes between parties in different states	Lawsuits involving people and companies that do business in different states
Patent, Copyright, and Intellectual Property Laws	Exclusive rights and compensation for creative work and inventions
Habeas Corpus Petitions	Court review of jailed person's claim of unlawful imprisonment

The Supreme Court's right to interpret the Constitution has been challenged at times but has always been upheld. In a sense, all of our courts contribute to the Constitution's interpretation through the rulings they hand down on various cases involving the Constitution. The Supreme Court has used its power of judicial review to overturn more than a hundred acts of Congress and more than a thousand state laws. Also, the Supreme Court can and often does overturn the rulings of lower courts. It is the final authority on the meaning of the Constitution.

### Landmark Supreme Court Cases

Besides the case of *Marbury v. Madison* (discussed on the previous page) there have been several other important Supreme Court cases. As you have learned, the nine Supreme Court justices exert a powerful influence over the course of the nation and the lives of Americans. Here is a sampling of such cases:

- **McCulloch v. Maryland** (1819): Established the constitutional supremacy of the federal government over state government.
- **Dred Scott v. Sanford** (1857): Declared the Missouri Compromise unconstitutional; it also determined that slaves were not citizens of the United States.
- **Ableman v. Booth** (1859): The U.S. Supreme Court denied state courts the right to issue rulings that conflicted with the decisions of federal courts; helped interpret federalism.
- **Plessy v. Ferguson** (1896): Ruled that separate but equal facilities for blacks and whites on trains did not violate civil rights of blacks. This "separate but equal" doctrine remained valid until the *Brown v. Board of Education* decision in 1954.
- **Schenck v. U.S.** (1919): Declared that the United States government can restrict free speech "if the words used... create a clear and present danger."

- **Gitlow v. New York** (1925): Decision confirmed that the Bill of Rights applies to the states.
- **Schechter v. U.S.** (1935): Ruled that Congress cannot delegate its power and authority to the president.
- **Brown v. Board of Education** (1954): Laws enforcing segregation in schools are unconstitutional, violating the equal protection guarantee of the 14th Amendment.
- **Miranda v. Arizona** (1966): Ruled that suspects of a crime must be informed of their rights.
- **Roe v. Wade** (1973): Protected a women's choice in matters of abortion and provide guidelines for state abortion regulations.
- **U.S. Term Limits Inc. v. Thornton** (1995): Ruled that neither the states nor Congress could limit terms of the members of Congress.
- **District of Columbia v. Heller** (2008): protects the right to keep a handgun in his home for purposes of self-defense.

### Student Rights and the Constitution

The Supreme Court has ruled on many cases involving young people under the age of 18. Although many of you are not old enough to vote, this does not prevent you from enjoying the same fundamental constitutional rights as adults.

The Constitution applies to all, including students' rights, but does acknowledge that there must be considerations for age and maturity levels. The rights of free speech, free press, and freedom from unwarranted search and seizure have been debated by parents, students, and school administrators for many decades.

### QUESTIONS

#### FILL IN THE BLANKS

1. This name is given to the process by which courts interpret the meaning of the Constitution and the laws passed under it. \_\_\_\_\_
2. What article in the Constitution discusses the judicial branch? \_\_\_\_\_
3. What important case came before the Supreme Court in 1803? \_\_\_\_\_
4. What court is the final authority on the meaning of the Constitution? \_\_\_\_\_
5. What is the salary of the Chief Justice? \_\_\_\_\_

#### TRUE OR FALSE? Write a T or F in the space provided.

- \_\_\_ 1. The Constitution has no impact on teenagers.
- \_\_\_ 2. Landmark cases help predict the decisions of current judicial cases.
- \_\_\_ 3. The Constitution is always easily interpreted.
- \_\_\_ 4. The ruling in the case of *Plessy v. Ferguson* was overturned in 1954.
- \_\_\_ 5. Several Supreme Court decisions have been overturned by the President of the United States.
- \_\_\_ 6. The First Amendment allows for the freedom of religion, speech, press, assembly, and petition.
- \_\_\_ 7. The Federal Courts would rule on cases involving international trade.

The authors of the Constitution wanted to be sure that no person or group would seize power and control the American government. To ensure that this would not happen, our United States government, under the Constitution, was divided into three parts: the executive, the legislative, and the judicial. Each of these three branches has a check on the powers of the others. These checks provide a system of balance in our government, and that is why we call the system *checks and balances*.

You may also hear this system referred to as a *separation of powers*. Although not directly mentioned in the Constitution, the first three articles mark the executive, legislative, and judicial responsibilities. It gives some power to each branch of government instead of giving all the power to one branch.

These are the most important checks and balances:

1. **Executive branch** has the power to check the legislative branch by vetoing laws that Congress wants to pass.
2. **Legislative branch** may check the executive branch by passing laws over the veto by a two-thirds vote in each house.
3. **Judicial branch** may check both the legislative and executive by declaring laws unconstitutional.

Obviously, this is not the whole system, but it is the main idea. Other checks and balances include:

**Executive over the judicial branch:** The president appoints all federal judges and may grant pardons or reprieves for those convicted in court.

**Legislative over the executive branch:** The legislative branch must approve appointments that the president makes; the Senate must approve treaties that the president makes, and the legislative branch may investigate the executive branch.

**Legislative over the judicial branch:** The legislative branch must approve the president's choice of judges to the judicial branch and may propose constitutional amendments to overturn judicial decisions.

**Legislative over the executive and judicial branch:** The legislative branch has impeachment powers over federal officers.

**Judicial over the executive branch:** The president cannot fire or remove Supreme Court justices.

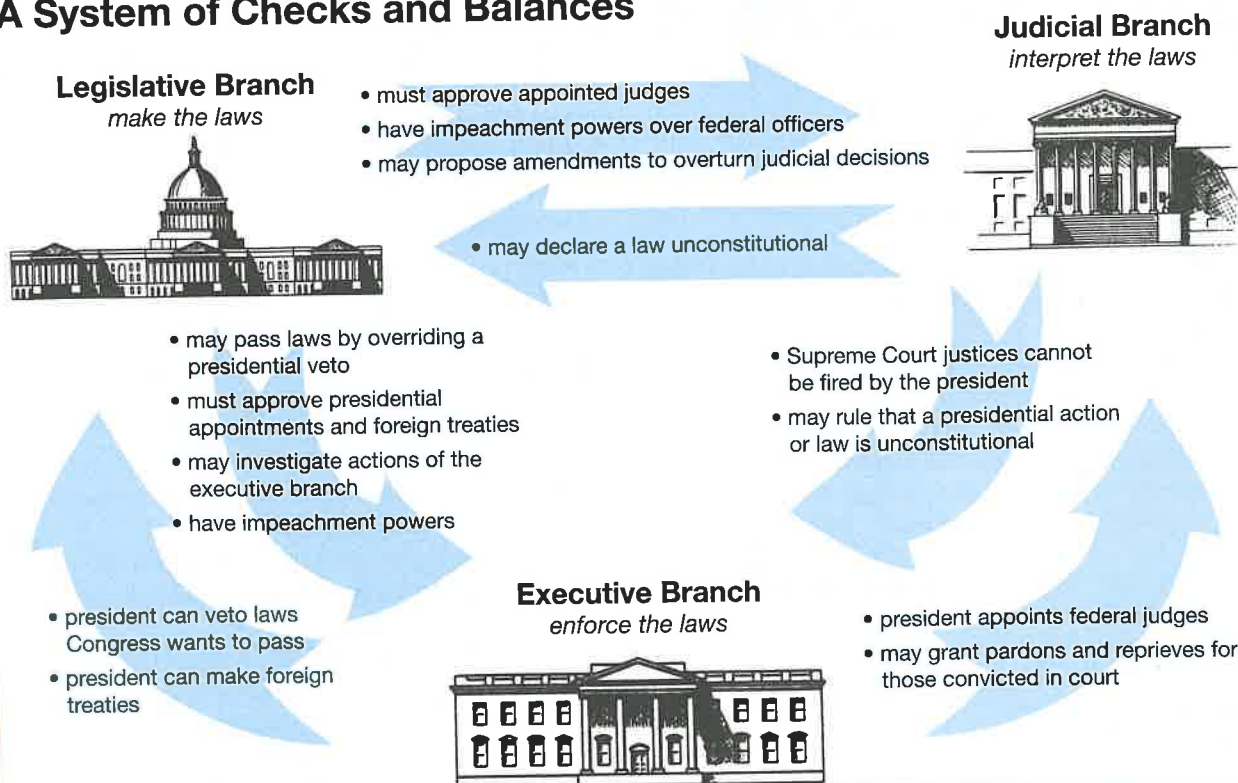
There are other checks and balances in the American government besides those between branches of government. They include:

### Checks in Congress

The Senate and House can check each other by rejecting bills passed by the other. The House has the added check of sole power to start revenue bills.

*continued*

## A System of Checks and Balances



**Checks on the People**

A president is not elected directly by the people; only one-third of the Senate is elected at one time; and judges are not elected by the people.

**Power to the People**

The Declaration of Independence is a clear statement of the American belief that government must serve the people and not the other way around. These ideas guided the writing of the Constitution and the first three words, "**We the People**..." This protects the people from a too-powerful government and grants you select powers. You have the right to elect government members and limit how long government leaders can be in office.

The power to govern belongs to the people (either directly or through representation) is called *popular sovereignty*. The government can only function with the consent of the people.

In addition to the federal government, most state and local governments have the mechanics of a system of checks and balances.

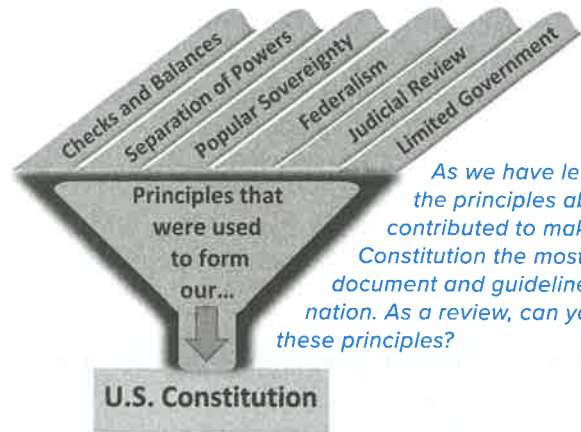
**Federalism**

Another check and balance is the theory of *federalism*, or the sharing of power between the federal, state, and local governments. In many ways, this is a natural division of functions. Local governments handle local affairs; national affairs by the federal government.

While each of the 50 states has its own constitution, all provisions for state constitutions must comply with the U.S. Constitution. For example, a state constitution cannot deny accused criminals the right to a trial by jury, as assured by the U.S. Constitution's Sixth Amendment.

**James Madison**  
*Fight for Checks and Balances*

Known as the "Father of the Constitution," James Madison campaigned vigorously for a system of checks and balances in the governmental framework. In the "Federalists Papers," Madison wrote extensively on this balance of power and how this would control the interests of various groups. Madison argued that the larger the society, and the more diverse interests of its citizens, the more likely each faction would be to thwart the interests of other factions seeking control. These concepts helped lead to the success of the Constitution and its ultimate ratification.



As we have learned, the principles above have contributed to making the Constitution the most powerful document and guideline for our nation. As a review, can you define these principles?

**QUESTIONS**

1. Why is there a system of checks and balances?

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2. Name the three branches of the federal government.

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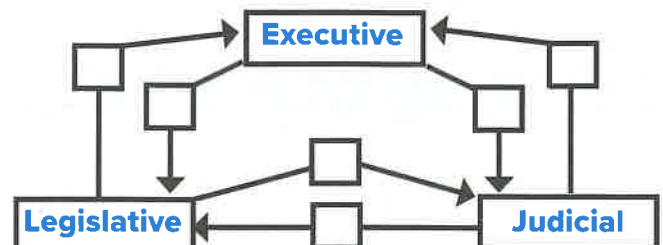


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**TRUE OR FALSE?** Write a **T** or **F** in the space provided.

- 1. The judicial branch has no check on the other branches.
- 2. State constitutions do not need to comply with the U.S. Constitution.
- 3. The theory of federalism is a division of power between the states and federal government.
- 4. There are checks on the people, too.
- 5. The Supreme Court judges are appointed by Congress.
- 6. Once a Supreme Court judge is appointed, he/she may never be removed.
- 7. The president's veto is part of the system of checks and balances.
- 8. The power to govern belonging to the people is called popular sovereignty.
- 9. George Washington was known as the Father of the Constitution.
- 10. The legislative branch has impeachment powers.

**FILL IN THE BOXES (CHECKS & BALANCES)**



- a. president appoints federal judges
- b. must approve appointed judges
- c. may pass laws by overriding a veto
- d. may declare laws from Congress unconstitutional
- e. may veto laws passed by Congress
- f. Supreme Court justices may not be fired

Our constitutional form of government can be changed without revolution or rebellion. The authors of the Constitution, revolutionaries themselves, felt there should be provisions for orderly change.

The amendment process is discussed in Article 5 of the Constitution. To make an amendment to the Constitution, the amendment must be proposed by either the states or Congress and then ratified by the states. Here is a summary of the details:

**AMENDING THE CONSTITUTION**

**Methods of Proposing Constitutional Amendments**

By Congress with a two-thirds vote of both houses.

or

By national convention called by Congress at the request of two-thirds (34) of the state legislatures.

**Methods of Ratifying Constitutional Amendments**

By state legislatures in three-fourths (38) of the states.

or

By state conventions in three-fourths (38) of the states.

**Proposing Amendments**

There are two methods of proposing amendments to the Constitution:

1. Congress may propose amendments approved by a two-thirds majority in each house, or
2. The legislatures of two-thirds of the states may require Congress to summon a constitutional convention to consider amendments.

**Ratifying Amendments**

There are two ways of ratifying amendments to the Constitution:

1. An amendment is official when three-fourths of state legislatures approve it, or
2. When special conventions in three-fourths of the states approve it.

Every amendment except the 21st was approved by using the first method of proposing and ratifying.

**Miscellaneous Constitutional Information**

In Article 4 of the Constitution, debts made under the Articles of Confederation were declared valid under the new government of the Constitution.

Article 6 of the Constitution lists no religious tests for government office. John F. Kennedy was the first Catholic to be elected president, and there has never been a Jewish president. Article 6 requires government officials to take an oath supporting the Constitution.

Amendments to the United States Constitution may be adopted whenever the need arises. The 16th Amendment was passed to allow income taxes after an earlier income tax law was unconstitutional by the U.S. Supreme Court. This is not to say that the U.S. Constitution is changed without much thought and consideration. Since the adoption of the U.S. Constitution in the late 1700s, there have only been 27 amendments. By comparison, Alabama has 799 amendments to its state constitution, which is over 100 years old.

To repeal an existing amendment, there must be another amendment added. There has been only one amendment repealed, the 18th (prohibition). The 18th will remain in the Constitution, but a notation has been added to mention that this has been repealed by the 21st.

**Amendments are Rarely Ratified**

Thousands of amendments have been proposed since the Constitution was written, but only 27 have been ratified. Below are examples of failed amendments:

- Changing the voting age to 16
- Eliminating income tax
- Making English the official language
- Providing moments of silence in schools
- Illegal to desecrate the American flag

What do you think will be the next topic that becomes our 28th Amendment?

**QUESTIONS**

1. Describe the most common process used in amending the Constitution. \_\_\_\_\_  
\_\_\_\_\_
2. Does the Constitution outline religious qualifications for the president? \_\_\_\_\_
3. How many states does it take to ratify an amendment? \_\_\_\_\_
4. What is stated in the 16th Amendment? \_\_\_\_\_  
\_\_\_\_\_
5. How many amendments to the Constitution have been made? \_\_\_\_\_
6. Which article of the Constitution describes the amending process? \_\_\_\_\_
7. When was the last amendment passed and what was the topic? \_\_\_\_\_  
\_\_\_\_\_

On June 14, 1777, less than a year after the Declaration of Independence was signed, the Continental Congress adopted the *Stars and Stripes* as the flag of the United States. Original plans to provide a new star and a new stripe for each new state proved impractical, and it was decided that only a new star would be added with each new state. Today, our flag retains 13 stripes in honor of the 13 original colonies and 50 stars, one for each of the 50 states.



We look upon our flag as a symbol of union, freedom, and justice. Historically, the red of the flag stands for courage, the white for liberty, the blue for loyalty. The number of stars shows our nation's growth, and the flag is not only an emblem but a history of our country, as well.

It should be important to all Americans to fly the flag from their homes on national holidays and other patriotic occasions. When we pledge allegiance to our flag, it is not a pledge to any person or political party, but the United States Constitution and its ideals.

When the flag passes in a parade or during the ceremony of raising or lowering the flag, all persons present should face the flag, stand at attention and salute, and men should remove their hats.

### The Pledge of Allegiance

Thirty-one words that affirm the values and freedom the American flag represents are recited while facing the flag as a pledge of Americans' loyalty to their country.

*"I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."*

### Flag Code Rules

All Americans should treat the country's flag with respect and follow established conduct in the use and display. Some of the main points of the flag code are shown here. Consult a copy of the complete code, found in your library or on the internet, when you have other questions about the flag.

- The flag should be flown only from sunrise to sunset.
- The flag should be hoisted briskly and lowered ceremoniously.
- When displayed against the wall, the union should be on top and to the flag's right, your left.
- The flag may be used to cover a casket, but should not be lowered into the ground.
- In a procession, the flag should always be in the front.
- When shown with flags of states or other groups, the flag should be in the center and highest.

- When shown with flags of other nations, the American flag should not be flown higher than others.
- The flag should never be used as a cover.
- The flag should be displayed daily and especially on national holidays.
- The exact likeness of the flag should never be used for advertising.
- Nothing should be attached to the flag.
- The flag should never be allowed to touch the ground or floor, not be used as a carrying device, nor brush against any objects, nor be used as a drapery of any sort.
- Worn flags should be burned and not thrown in the trash.
- On a speaker's platform, the flag should be displayed at the right if it is on a staff or on the wall behind the speaker if it is flat.
- Flags flown from fixed staffs are placed at half staff to indicate mourning. The flag so used should be first raised to the peak and then lowered to half-staff; it is again raised to the peak before lowering.

Contrary to popular belief, the flag code is not a law with penalties. It is a guide for American citizens on the best etiquette for displaying and honoring the American flag. The Supreme Court has ruled that even those who desecrate the flag by burning or mutilating the flag are merely exercising their rights of free speech and cannot be prosecuted. However, most Americans heed the flag code and treat it very seriously.

From our independence in 1776 until today, many Americans have fought for and died to preserve the ideals of democracy represented by the flag.

### Who Designed the Flag?

Did Betsy Ross design the flag? Probably not. Historians have been unable to find solid evidence that Betsy was involved in either making or designing the flag. Best guess as who did? Probably Francis Hopkinson, a naval flag designer, who billed Congress for that service in 1781.

### QUESTIONS

1. What do the stars of the flag stand for? \_\_\_\_\_
2. What do the stripes of the flag stand for? \_\_\_\_\_
3. What does the red of the flag stand for? \_\_\_\_\_
4. What does the blue of the flag stand for? \_\_\_\_\_

**TRUE OR FALSE?** Write a **T** or **F** in the space provided.

- \_\_\_ 1. Worn flags should be burned, not put in the trash.
- \_\_\_ 2. The flag should be used to advertise only if the products advertised are in good taste.
- \_\_\_ 3. The flag should be in the rear of a procession and centered.
- \_\_\_ 4. The flag should be flown only on holidays.
- \_\_\_ 5. The flag can be displayed on public buildings.

*The Congress, shall have the power to lay and collect taxes..., to pay the debts..., to borrow money..., to coin money...*

—U.S. Constitution, Article 1, Section 8

The Constitution gives Congress the power to manage spending of the federal government. Since Congress must decide how the government will spend money, it makes a budget each year.

The *budget* is the federal government's plan for raising and spending money for a year. Both the executive branch (the president) and the legislative branch (the Congress) get involved. The government's taxing and spending policies are called *fiscal policies*.

While Congress has control over federal taxing and spending, laws passed since 1921 have given the president the responsibility of preparing an annual budget that must be ready in January of each year. This budget is then presented to Congress. Congress then debates possible changes or additions. The houses make numerous changes, but their work must be done by October. The *fiscal year* begins October 1st and ends on September 30th. An example is Fiscal Year 2021, which starts on October 1, 2020, and ends on September 30, 2021.

The best way for a student to study the federal budget quickly is to look at the annual budget graph. This graph is typical of many of the yearly budgets of the past few years. It will give you a quick idea of where the federal government gets its money and where it spends it.

With a government budget now \$4.8 trillion, it is easy to see how government shapes American economics. Economics is the study of how people and countries use their resources to produce, distribute, and consume goods and services. When the government spends its trillion dollars, it affects jobs, businesses, farms, and families. When the government borrows, it affects banks and all those who might also borrow money. When government taxes, it affects how much people will have left to take care of their families. While government activity is not the only factor in the American economy, it is an important one.

**How Much Is The National Debt?**

\$1	one
\$10	ten
\$100	one hundred
\$1,000	one thousand
\$10,000	ten thousand
\$100,000	one hundred thousand
\$1,000,000	one million
\$10,000,000	ten million
\$100,000,000	one hundred million
\$1,000,000,000	one billion
\$10,000,000,000	ten billion
\$100,000,000,000	one hundred billion
\$1,000,000,000,000	one trillion
\$10,000,000,000,000	ten trillion
\$27,000,000,000,000	<b>NATIONAL DEBT</b>

*\*If you divided the national debt by the number of people in the United States, each man, woman, and child would owe more than \$82,000.*

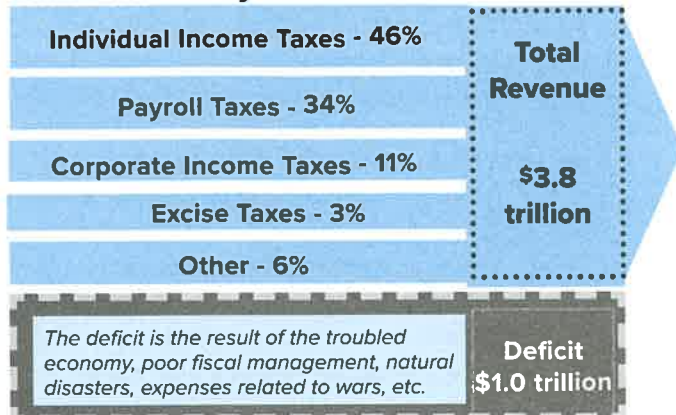
**QUESTIONS**

**FILL IN THE BLANKS**

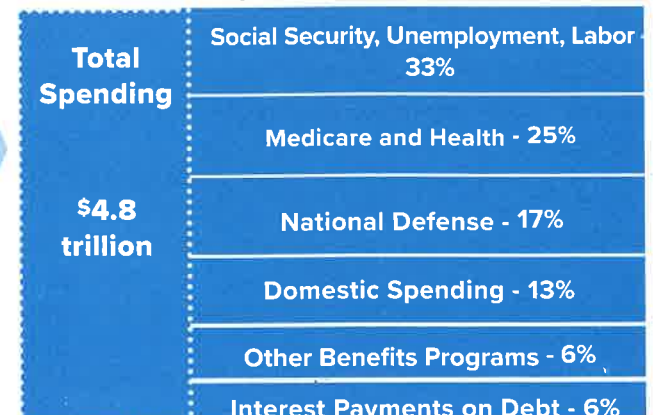
- The Constitution gives the power to manage the spending of the federal government to what body?  
\_\_\_\_\_
- The federal government's plan for raising money and spending for a year is called the \_\_\_\_\_.
- Who prepares the annual budget and then presents it to Congress in January of each year? \_\_\_\_\_
- What taxes provide the federal government with most of its money? (see chart below)  
\_\_\_\_\_
- What month does the fiscal year begin? \_\_\_\_\_
- Indicate how much the government spends on the following (approximate percentage, see chart below):  
Medicare and Health \_\_\_\_\_  
National Defense \_\_\_\_\_  
Social Security, Unemployment, & Labor \_\_\_\_\_  
Interest on Debt \_\_\_\_\_

**RECENT FEDERAL GOVERNMENT RECEIPTS & SPENDING (annually)**

**Where the money comes from:**



**Where the money goes:**



When the U.S. Constitution was written, the authors knew the American economy would be affected by the Constitution. As you saw on the previous page, Congress has powers of taxation, spending, and borrowing. Congress has even more economic powers, such as printing money, regulating commerce, regulating foreign trade, and regulating banking.

There are some economic terms every student of the Constitution should know:

**1. Gross Domestic Product (GDP).** This is one of the most common indicators used to track the health of a nation's economy. It is measured in dollars. It is the total value of all goods and services produced in our country in one year. *Goods* are all the items we make (cars, furniture, clothing, televisions, etc.). *Services* are considered the value of using the labor and knowledge of people (like services of your dentist, local police, auto repair shop, etc.). Today the gross domestic product of the United States is more than \$21 trillion.

**2. National Debt.** The *national debt* is the total amount of money the federal government owes. Currently, the national debt of the United States exceeds \$27 trillion. In 2020 alone, Congress approved \$2.4 trillion to combat the coronavirus and the resulting support to the American people and businesses.

This debt accumulates each year the federal government spends more than it receives. If you look at the chart on the previous page, you will see that the federal government forecasts to receive \$3.8 trillion in revenue and spend \$4.8 trillion. This means it would pay almost \$1 trillion more than it received in taxes. The result would be the national debt increasing by this \$1 trillion shortfall.

**3. The Deficit.** As stated above, the federal government often spends more than it takes in (especially in recent years). The amount of that annual (yearly) debt is called the *deficit*. A *surplus* is the opposite of a deficit and means that the government receives more money than it spends for a particular year. In the fiscal years 1998 through 2001, the federal government recorded a surplus. Since then, we have been in a deficit situation.

### You and the Debt

If you had a part-time job and earned \$2,415 a year and spent \$2,770, you would be in debt. Your deficit would be \$355. To pay off this debt, you would have to borrow \$355. This example relates directly to that of the federal government, with the exception being that they are dealing in billions of dollars. If you were to divide the national debt by the population of the United States, you would see that each person accounts for more than \$82,000 of this debt.

### Government Spending

Why does the government spend more money than it actually has? Well, there are many demands for

government spending in a democracy. We have many needs in this country: national defense, public health, disaster relief, quality education, etc. These are just a few of the items a government needs to provide, and these services are costly. Raising taxes higher and higher to pay for these needs is not very popular with Congress and may actually harm the economy. In a democratic country like ours, the government must try to meet all these popular demands. Sometimes the government cannot cut these "necessary" expenditures, and our debt increases. One of the problems that result from a massive federal deficit is the high cost of borrowing the money to cover the debt. When the government borrows large amounts of money, it must pay interest on that money. If you look at the chart on the previous page, you will see that the interest on the debt accounts for \$288 billion of the national budget. This is the fourth largest expenditure of the federal government.

### The Economic Outlook

In 2020, the global economy endured its deepest recession in 74 years, as the COVID-19 virus pandemic upended lives and livelihoods. The U.S. economy has partially recovered from its worst downturn since the Great Depression. While the virus will stay with us throughout the next several months, the rapid deployment of vaccines will enable a transition to a new post-pandemic economy. Congress passed a \$900 billion stimulus relief package in December 2020 to boost an American health-care system and economy buckling under the weight of the pandemic. In economics, *stimulus* refers to attempts to use monetary or fiscal policy to stimulate (or pump-up) the economy. The relief bill and vaccines' progress should promote an acceleration in GDP over the second half of 2021.

### QUESTIONS

#### FILL IN THE BLANKS / SHORT ANSWER

- Write the following large number:  
a billion \_\_\_\_\_ a trillion \_\_\_\_\_
- What do the initials GDP stand for and what does it mean? \_\_\_\_\_
- Give the current dollar figure for:  
GDP \_\_\_\_\_  
federal deficit \_\_\_\_\_  
national debt \_\_\_\_\_
- When the government borrows money, it must pay this. \_\_\_\_\_
- Each person accounts for how much of the national debt? \_\_\_\_\_
- What is a surplus? \_\_\_\_\_
- What is a recession? \_\_\_\_\_
- What increases when the federal government has a deficit? \_\_\_\_\_

The following outline is for quick review and general reference purposes.

## The Three Branches of American Constitutional Government

### I. LEGISLATIVE BRANCH

#### A. Main Duty — make laws

#### B. Main Body is called Congress

1. Life of Congress begins on January 3rd every odd-numbered year, limited to two years
2. Sessions last from January to late in the year
3. Meets in Capitol Building, Washington, D.C.
4. Powers – See Article 1, Section 8  
Powers denied – See Article 1, Section 9
5. Lawmaking process
  - a. Bills must be passed by both houses and sent to the president for approval
  - b. Bill is law if signed; if not, Congress may attempt to pass by two-thirds vote in each house

#### C. Two Houses

1. House of Representatives
  - a. 435 members divided among the states according to population of each state
  - b. My city or town is in the \_\_\_\_ *Congressional District*
  - c. \_\_\_\_\_ is my representative
  - d. Elected every two years on even-numbered years for two-year terms (take office in January of next year, an odd-numbered year)
  - e. Qualifications: 25 years old, a citizen for seven years, an inhabitant of the state
  - f. Special powers
    - (1) initiate all revenue bills
    - (2) start impeachment proceedings
    - (3) select president if no candidate has Electoral College majority
  - g. Officers
    - (1) Speaker of the House, presently
    - (2) Speaker elected from the House by majority party
    - (3) Minority leader, Majority leader
  - h. Salary
    - (1) House \$174,000
    - (2) Speaker receives \$223,500, plus expense allowances
  - i. Representation
    - (1) each state gets at least one member; membership based on population
    - (2) sessions begin on January 3 and last until late in the year

#### 2. Senate

- a. Two senators from each state, 100 senators
- b. One-third of senators elected every two years for six-year terms
- c. Qualifications: 30 years old, a citizen for nine years, an inhabitant of the state
- d. Senators from my state: \_\_\_\_\_
- e. Special powers
  - (1) approve nominations of president
  - (2) approve treaties made by the president
  - (3) try impeachments
- f. Salaries: \$174,000
- g. Officers
  - (1) President of the Senate is Vice President of the United States
  - (2) Senate selects president pro tempore to act in the absence of the vice president
  - (3) majority and minority leaders

#### D. Lawmaking Process

1. Bill is Introduced by Congress
2. Send to appropriate committee
  - a. Hearings may be held
  - b. Committee acts on bill; if favorably it will most likely come to floor vote, if unfavorably, it will most likely be killed
3. Congress debates and votes
  - a. If favorably acted on in committee and then passed on by the full house, it will be sent to the second house of Congress
  - b. The next house takes similar action to that of the originating house
  - c. If the bill passes without change, it is sent to the president
  - d. If the bill does not pass, the bill is dead
  - e. If they pass in different form, both houses must meet, represented by committees, to work out the differences. The new bill is then returned to both houses and voted upon again
4. Presidential Action
  - a. Before any bill can become law, it must be approved by the president
  - b. If the president vetoes a bill, Congress has the opportunity to pass the bill by two-thirds vote in each house. If it does, then the bill becomes law without the president's approval
  - c. If president decides to do nothing (and Congress is in session), after 10 days the bill will become law

continued



**II. EXECUTIVE BRANCH****A. Main Duty — enforce laws****B. The President of the United States is chief officer**

1. Qualifications: Natural-born citizen, 35 years old, resident of the United States for 14 years
2. Duties: foreign affairs, domestic administration, armed forces, national budget, legislation suggestions, acts on bills (approve or veto), appoints many officials, judicial functions; for complete description of powers, see Article 2

**C. The Vice President**

1. Duties
  - a. President of the Senate
  - b. First in order of presidential succession
  - c. Assigned duties by the president
2. Qualifications are same as president

**D. Salaries**

1. President: \$400,000, plus \$150,000 expenses
2. Vice president: \$230,700, plus expense allowance
3. Cabinet member: \$199,700 salary each

**E. Cabinet, 15 members**

1. Secretary of State
2. Secretary of Defense
3. Secretary of the Treasury
4. Secretary of Agriculture
5. Secretary of Labor
6. Secretary of Commerce
7. Secretary of Interior
8. Secretary of Health and Human Services
9. Attorney General
10. Secretary of Housing & Urban Development
11. Secretary of Transportation
12. Secretary of Energy
13. Secretary of Education
14. Secretary of Veterans Affairs
15. Secretary of Homeland Security

**III. JUDICIAL BRANCH****A. Main Duty — interpret laws, administer justice****B. Court System**

1. Supreme Court
  - a. Nine judges
    - (1) selected by president, approved by Senate
    - (2) serve for life, no special requirements
    - (3) \$213,900 salary; and chief justice salary is \$223,500
  - b. Duties
    - (1) decide if laws brought before it are constitutional

- (2) hear cases of appeal on important matters
2. United States Court of Appeals
  - a. There are 13 courts
    - (1) each with three to nine judges, appointed by the president with Senate approval, for life terms
    - (2) salary about 85 percent of Supreme Court justices
  - b. Duties: hear cases of appeal from lower courts
3. United States District Courts
  - a. There are 94 district courts
    - (1) each court has one to 24 judges, appointed by the president; with Senate approval, for life terms
    - (2) salary about 80 percent of Supreme Court justices
  - b. Duties
    - (1) ordinary trial courts
    - (2) first court of contact on the federal level

**C. The Constitution and the Courts**

1. Courts are established by Article III of the Constitution
2. "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"
3. The power of the courts is extended to all cases arising under the Constitution, laws, and treaties of our nation

**D. Judicial Review**

1. The courts interpret the Constitution, give it new and changing interpretations to meet modern conditions
2. Marbury v. Madison - precedent for judicial review
3. An essential addition to the system of checks and balances

**Amending the Constitution****I. Two Ways of Proposing an Amendment**

- A.** Congress proposes an amendment by two-thirds vote, which is the most common way
- B.** Legislatures of two-thirds of the states require Congress to summon a Constitutional Convention to consider amendments

**II. Two Ways of Ratifying (approving) the Amendment**

- A.** Three-fourths of the state legislatures approve (most common), or
- B.** Three-fourths of special state conventions approve

The numbers in parentheses gives the page number where the answer or additional information may be found.

### Development of the Constitution

1. Who wrote the Declaration of Independence? (4) \_\_\_\_\_
2. When and where was the Declaration signed? (4) \_\_\_\_\_
3. What were the Articles of Confederation? (5) \_\_\_\_\_
4. Briefly describe some of the problems our country experienced under the Articles. (5) \_\_\_\_\_
5. When and where did the Constitutional Convention meet? (6-7) \_\_\_\_\_
6. What major problem had to be solved during the Constitutional Convention between the large states and the small states, and what was the solution? (7) \_\_\_\_\_
7. How did Thomas Jefferson feel about the new Constitution? (9) \_\_\_\_\_
8. What was the purpose of the Preamble to the Constitution? (12) \_\_\_\_\_
9. How many articles does the Constitution have? (13) \_\_\_\_\_
10. Which article gives information about the president? (13,15,29) \_\_\_\_\_
11. Which article tells you how to amend the Constitution? (42) \_\_\_\_\_
12. How many amendments have been made to the Constitution? (13-14) \_\_\_\_\_

### Legislative Branch

13. Explain what is meant by "representative" government. (11,16,18) \_\_\_\_\_
14. Why are there staggered terms of office in the Senate? (17) \_\_\_\_\_
15. What happens if a senator cannot finish a term? (17) \_\_\_\_\_
16. Who is president of the Senate? (17) \_\_\_\_\_  
How many senators are there? (17) \_\_\_\_\_
17. How many senators does each state have? (17) \_\_\_\_\_ How long is the term? (17) \_\_\_\_\_
18. How many times may a senator be re-elected? (17) \_\_\_\_\_
19. What are the qualifications:  
For a senator? (17) \_\_\_\_\_  
For a representative? (18) \_\_\_\_\_
20. Explain the lawmaking process. (20-21) \_\_\_\_\_
21. Explain how sessions of Congress are numbered. (18) \_\_\_\_\_
22. List the powers given to Congress by the Constitution. (16,24) \_\_\_\_\_
23. List the powers denied to Congress. (24) \_\_\_\_\_
24. What is the "full faith and credit" clause? (27) \_\_\_\_\_

continued

25. What is the responsibility of the executive branch? (28-29) \_\_\_\_\_
26. Who are the two most prominent officials in the executive branch? (28) \_\_\_\_\_
27. What are the qualifications to be president and vice president? (28) \_\_\_\_\_
28. How long is the president's term? (28) \_\_\_\_\_ How many terms may he/she serve? \_\_\_\_\_
29. Explain a "pocket veto." (20) \_\_\_\_\_
30. What military powers does the president have? (29) \_\_\_\_\_
31. On a separate piece of paper list the Cabinet positions and briefly explain their duties. (30-31)
32. Which house of Congress must approve presidential appointments? (17,29) \_\_\_\_\_
33. Which house of Congress must approve treaties? (17) \_\_\_\_\_
34. Who may call a special session of Congress? (16,29) \_\_\_\_\_
35. What happens if a president is unable to serve because of illness? (14,28) \_\_\_\_\_
36. What is the Electoral College? (32) \_\_\_\_\_
37. On what date does the president take office? (28) \_\_\_\_\_
38. What are the five areas of presidential duties? (29) \_\_\_\_\_

### Judicial Branch

39. Name the three highest federal courts. (36) \_\_\_\_\_
40. How many Supreme Court judges are there? (36) \_\_\_\_\_
41. How are federal judges selected? (14,36) \_\_\_\_\_
42. How long do federal judges serve? (36) \_\_\_\_\_
43. Explain what judicial review is and how it affects the Constitution. (38-39) \_\_\_\_\_
44. Which court would rule on the constitutionality of state and federal laws? (36) \_\_\_\_\_
45. What is the title of the chief official of the Supreme Court? (36) \_\_\_\_\_
46. Describe the two ways an amendment to the Constitution can be proposed. (42) \_\_\_\_\_
47. Describe the two ways an amendment may be ratified. (42) \_\_\_\_\_
48. List the important checks and balances that have been built into our government. (40-41) \_\_\_\_\_

### Vocabulary

*Define the following terms.*

49. ratify \_\_\_\_\_
50. amend \_\_\_\_\_
51. lobby \_\_\_\_\_
52. treaty \_\_\_\_\_
53. veto \_\_\_\_\_
54. federalism \_\_\_\_\_
55. compromise \_\_\_\_\_

The following test will help you prepare for your final Constitution test. It has questions similar to ones you will find on your final. It is suggested you write your answers on a piece of paper so you can take the test multiple times. You will find the correct answers at the bottom of Page 52.

### MULTIPLE CHOICE

Write the letter of the correct answer in the space provided.

1. \_\_\_\_\_ The president may serve how many terms? a. 1 b. 2 c. 3 d. 4
2. \_\_\_\_\_ What is NOT a rule of the flag code?  
a. worn flags should be thrown in trash c. should be displayed on national holidays  
b. should be in the front of a parade d. exact likeness should not be used in ads
3. \_\_\_\_\_ How many amendments have been added to the Constitution? a. 10 b. 21 c. 27 d. 41
4. \_\_\_\_\_ How many years is the president's term of office? a. 2 b. 4 c. 6 d. 9
5. \_\_\_\_\_ What is the age requirement to become president? a. 18 b. 21 c. 35 d. 45
6. \_\_\_\_\_ After a bill has gone through both houses of Congress successfully, it is sent to:  
a. the President c. the Speaker of the House  
b. the States d. the Supreme Court
7. \_\_\_\_\_ Which amendment gave women who are citizens the right to vote in all elections?  
a. 17th b. 19th c. 22nd d. 27th
8. \_\_\_\_\_ How many U.S. senators come from each state? a. 1 b. 2 c. 3 d. 4
9. \_\_\_\_\_ Each state receives at least \_\_\_\_\_ representative(s) in the U.S. House of Representatives.  
a. 1 b. 2 c. 3 d. 4
10. \_\_\_\_\_ Who may veto a bill proposed by Congress?  
a. the President of the United States c. the Vice President  
b. the Secretary of State d. all Cabinet members
11. \_\_\_\_\_ The president of the Senate is:  
a. the President of the United States c. the Secretary of State  
b. the Speaker of the House d. the Vice President
12. \_\_\_\_\_ Which of these rights is not an unalienable right from the Declaration of Independence?  
a. liberty b. education c. pursuit of happiness d. life
13. \_\_\_\_\_ The Declaration of Independence was written largely by:  
a. Hamilton b. Washington c. Jefferson d. Adams
14. \_\_\_\_\_ The national budget is presented annually to Congress by the:  
a. the Vice President c. the Secretary of State  
b. the Governors d. the President
15. \_\_\_\_\_ There are how many branches of government? a. 1 b. 2 c. 3 d. 4
16. \_\_\_\_\_ The president takes the oath of office on:  
a. January 4th b. January 20th c. November 7th d. September 5th
17. \_\_\_\_\_ In our First Amendment, which is NOT a "freedom"?  
a. freedom of the press c. freedom of speech  
b. freedom of employment d. freedom of religion
18. \_\_\_\_\_ The vote of what group really decides who will be president?  
a. Electoral College c. United Nations  
b. popular vote by the people d. House of Representatives
19. \_\_\_\_\_ What is described in Article 1, Section 8, of the Constitution giving Congress broad powers to write laws about new situations?  
a. war power b. insight clause c. elastic clause d. inventional clause
20. \_\_\_\_\_ Which body has the power to borrow money?  
a. Congress c. Executive Branch  
b. Supreme Court d. State Legislatures

continued

**MATCHING - Three Branches of Government**

*Write the letter of the correct answer in the space provided.*

- |  |                       |
|--|-----------------------|
| ___ 21. Has two houses                             | a. Executive Branch   |
| ___ 22. Is the court system of our country         | b. Legislative Branch |
| ___ 23. Makes the laws                             | c. Judicial Branch    |
| ___ 24. Enforces the laws                          |                       |
| ___ 25. Described in Article 1 of the Constitution |                       |
| ___ 26. Described in Article 3 of the Constitution |                       |

**MATCHING - The United States Congress**

*Write the letter of the correct answer in the space provided.*

- |   |                                     |
|---|-------------------------------------|
| ___ 27. Has a six-year term                         | a. Senate                           |
| ___ 28. Meet in the Capitol Building                | b. House of Representatives         |
| ___ 29. Elected every two years                     | c. Both the Senate and House        |
| ___ 30. Has the vice president as presiding officer | d. Neither the Senate nor the House |
| ___ 31. Has 435 members                             |                                     |
| ___ 32. Approves or rejects treaties                |                                     |
| ___ 33. Passes bills they hope will become laws     |                                     |
| ___ 34. Has 100 members                             |                                     |

**MATCHING - Cabinet Responsibilities**

*Write the letter of the correct answer in the space provided.*

- |                                 |   |
|---------------------------------|---|
| ___ 35. Chief legal officer     | a. Secretary of State                   |
| ___ 36. Manages Social Security | b. Secretary of Defense                 |
| ___ 37. Carries out a war plan  | c. Secretary of Health & Human Services |
| ___ 38. Settles a strike        | d. Attorney General                     |
| ___ 39. Foreign affairs         | e. Secretary of Labor                   |
| ___ 40. Secret Service          | f. Secretary of Homeland Security       |

**TRUE OR FALSE**

*Write a T or F in the space provided.*

- \_\_\_ 41. The Virginia Plan proposed two houses of Congress based on population.
- \_\_\_ 42. The simple definition of democracy is government by the people, directly or through representation.
- \_\_\_ 43. Senators are elected by the vote of the people in their state.
- \_\_\_ 44. One-third of the Senate is elected every two years.
- \_\_\_ 45. The largest U.S. state is Texas (in terms of population) receiving the most electoral votes.
- \_\_\_ 46. The Constitution allows for laws to be made on subjects that did not even exist in 1787.
- \_\_\_ 47. The original 13 colonies included Kentucky.
- \_\_\_ 48. Your state legislature has the same lawmaking scope as the U.S. Congress.
- \_\_\_ 49. Patrick Henry said, "Give me liberty or give me death."
- \_\_\_ 50. Habeas corpus gives a prisoner the right to a fair trial.
- \_\_\_ 51. Ben Franklin was president of the Constitutional Convention in 1787.
- \_\_\_ 52. The building in which the Constitutional Convention met is called Independence Hall.
- \_\_\_ 53. The Declaration of Independence was the nation's first Constitution.

*continued*

- \_\_\_\_\_ 54. Our original Constitution outlawed slavery.
- \_\_\_\_\_ 55. The Bill of Rights are the first 10 amendments to the U.S. Constitution.
- \_\_\_\_\_ 56. The British held the Boston Tea Party to make friends with the colonists.
- \_\_\_\_\_ 57. A U.S. senator may be re-elected only once, serving a maximum of two terms.
- \_\_\_\_\_ 58. The House of Representatives has nothing to do with the impeachment of a president.
- \_\_\_\_\_ 59. Under certain conditions, the House of Representatives selects the president.
- \_\_\_\_\_ 60. A three-fourths vote is required for Congress to pass a bill over the president's veto.
- \_\_\_\_\_ 61. After 10 days, a bill passed by Congress automatically becomes a law if the president doesn't act and Congress is still in session.
- \_\_\_\_\_ 62. Supervising the coining and printing of money is the job of the Treasury Department.
- \_\_\_\_\_ 63. An ex post facto law is a law that makes something illegal after the act has been committed.
- \_\_\_\_\_ 64. Only federal officers may have titles of nobility.
- \_\_\_\_\_ 65. Congress may not tax goods being exported from a state, even if the goods are going to a foreign country.
- \_\_\_\_\_ 66. States must treat the citizens of other states the same way it treats its own citizens.
- \_\_\_\_\_ 67. States can make treaties with foreign countries.
- \_\_\_\_\_ 68. Both federal and state governments can establish courts.
- \_\_\_\_\_ 69. The president can call both houses of Congress into special session
- \_\_\_\_\_ 70. The Articles of Confederation was really our first constitution.
- \_\_\_\_\_ 71. Federalism is the sharing of power by the federal government and state governments.
- \_\_\_\_\_ 72. There are 12 Cabinet positions.
- \_\_\_\_\_ 73. The U.S. Supreme Court justices are appointed by Congress.
- \_\_\_\_\_ 74. The judicial branch has no checks on the other branches.
- \_\_\_\_\_ 75. The U.S. flag should be in the rear of a parade or procession.
- \_\_\_\_\_ 76. The 26th Amendment allows 18-year-olds to vote in federal and state elections.
- \_\_\_\_\_ 77. There are 15 justices on the Supreme Court.
- \_\_\_\_\_ 78. The Declaration of Independence came before the signing of the Constitution.
- \_\_\_\_\_ 79. United States senators receive a higher salary than U.S. representatives.
- \_\_\_\_\_ 80. Cabinet members are elected rather than appointed.

*This is the end of your Federal Unit self-test. Please take the following steps:*

1. Correct your test by using the answers below.
2. Any mistakes you have made should be reviewed, corrected, and studied.
3. You should take the test over, paying particular attention to any previous incorrect answers.

Your number of correct answers: \_\_\_\_\_

Your number of incorrect answers: \_\_\_\_\_

Total = 80

**Answers:** 1. b 2. a 3. c 4. b 5. c 6. a 7. b 8. b 9. a 10. a 11. d 12. b 13. c 14. d 15. c 16. b 17. b 18. a 19. c 20. a 21. b 22. c 23. b 24. a 25. b 26. c 27. a 28. c 29. b 30. a 31. b 32. a 33. c 34. a 35. d 36. c 37. b 38. e 39. a 40. f 41. T 42. T 43. T 44. T 45. F 46. T 47. F 48. F 49. T 50. T 51. F 52. T 53. F 54. F 55. T 56. F 57. F 58. F 59. T 60. F 61. T 62. T 63. T 64. F 65. T 66. T 67. F 68. T 69. T 70. T 71. T 72. F 73. F 74. F 75. F 76. T 77. F 78. T 79. F 80. F