Historical Background

A. Declaration of Independence

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, that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

1. It was adopted July 4, 1776, by the Second Continental Congress.

2. It states the philosophy of the U.S. Government.
   a) "... that all men are created equal ..." means the government guarantees equal protection under the law.
   b) "... governments are instituted among men, deriving their just powers from the consent of the governed ..." means that government is based on a contract between the people and the government.

B. Articles of Confederation

1. It was made operative in 1781, forming a loose alliance among the 13 states (New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.)

2. It did NOT give national government power to levy taxes, regulate interstate commerce, settle disputes between states, or establish national authority or a court system. Therefore, it was a weak document. The need for a stronger central government, giving more power to Congress, led to the reorganization of the government and the creation of our present Constitution.
The United States Constitution

C. The Constitution was ready for ratification (approval) by the states in 1787.

D. The Preamble introduces and explains the purpose of the Constitution.

WE, the PEOPLE of the UNITED STATES, in order to form a more perfect union, establish justice, ensure 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.

1. The Preamble tells the goals or hopes of the country.

2. It states the philosophy that the people give powers to their government.

E. Powers and responsibilities are divided into three branches: Legislative, Executive and Judicial.

F. Article I: The Legislative branch (Congress). It makes laws for all of the United States.

1. The "great compromise" of the Constitutional Convention in 1787 was settled by dividing Congress into two Houses: the Senate and the House of Representatives.

2. House of Representatives: The number of members elected from each state is based on population. This benefits states with large populations because they have more people in Congress to represent their interests. The total number of members in the House of Representatives is 435.

   a) The people of the district in the states have always directly elected their representatives.

   b) Members of the House serve two-year terms and can be reelected.

   c) A member must be at least 25 years of age, must have been a U.S. citizen for seven years, and must live in the state and district s/he represents.

   d) Members elect one representative to be the Speaker of the House (leader or presiding officer).

   e) Members of the House Representatives introduce (initiate) revenue (tax) bills; either body can introduce all other legislation, but only the House may begin the process to raise or lower taxes.

   f) Only the House can impeach (call person for trial to face charges of misconduct in office). Members of House are not subject to impeachment; only members of the executive and judicial branches may be impeached.
3. Originally, Article I contained the following words: "Representatives and direct Taxes (see the 16th Amendment) shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. (see the 14th Amendment)"

   a) The 16th Amendment (change) to the Constitution gave Congress the right to collect income taxes.

   b) b) The 14 Amendment, the citizenship amendment, guaranteed equal rights and privileges to all people, including those who were once slaves and counted (for purposes of the "Great Compromise") as 3/5th of a person.

4. The Senate: This body protects the interests of the small states because two senators are elected from each state giving even the smallest states equal representation. The total number of members in the Senate is 100 (two from each of 50 states).

   a) Originally, each state legislature chose two senators, but now the people in each state elect two senators. (Amendment 17).

   b) Senators serve six-year terms and can be reelected; only 1/3 of the Senate is elected at a time.

   c) A senator must be at least 30 years of age, must have been a U.S. citizen for nine years, and must live in the state s/he represents.

   d) President of the Senate is the Vice President of the United States. The members of the Senate elect a president pro tempore to serve in the Vice President’s absence.

   e) The Senate serves as the jury (tries the impeachment) for anyone in the executive or judicial branch that is accused of a crime or misdemeanor (impeached).

   f) The Senate approves appointments made by the U. S. President.

   g) The Senate approves treaties (agreements) made by the U. S. President.
5. Congress is the House of Representatives and the Senate together.

6. Congress makes policy (laws), appropriates money (revenue, taxes) to carry out the policy and checks on the program to see if it is what Congress intended.

   a) Bills (proposed laws, legislation) are first referred to committees.

   b) Committees are called the "gateways of legislation".

      (1) Bills have little chance of passing without committee approval.

      (2) After committee approval, bills are sent to "the floor" (read before all members) for a vote.

      (3) If a majority (over one-half) of the members of Congress vote for a bill, it is passed to the President.

      (4) If the President signs the bill, it becomes law.

      (5) If the President vetoes (says "no" to) the bill, a 2/3 majority vote in Congress can override the President's veto, and the bill becomes law.

      (6) If the President does not sign a bill within 10 days after Congress adjourns, it is considered a pocket veto.

   c) Some other powers of Congress:

      (1) Raise and support an army

      (2) Declare war

      (3) Collect taxes

      (4) Borrow money

      (5) Pay debts
G. Article II: The Executive branch: The chief officer is the President of the United States.

1. Although people vote for the President and Vice President, it is the Electoral College that actually chooses the President and Vice President. Article 2 of the Constitution mandates that each state appoint electors according to the number of representatives, plus the two state senators. This body was to be named the Electoral College. The number varies according to state population and is set every ten years according to the U.S. Census. The electors for each district of the state are selected by each party, and occasionally by mayoral appointment. In the November general election, the electors for the winning candidate attend the Electoral College Vote in December.

   a) A candidate for President must have been born in the United States (be a natural born citizen) and must have lived in the U.S. at least 14 years.

   b) S/he must be at least 35 years old.

   c) One term of office is four years; in 1951, the 22nd Amendment limited the number of terms to two and the total number of years s/he could serve to ten (a vice president may complete two years of a President’s term in the case of death, retirement, or impeachment.)

2. The President:

   a) Enforces the laws of the United States.

   b) Is Commander in Chief of the Armed Forces.

   c) Has the power to make treaties (agreements or contracts) with other countries if 2/3 of the senators vote for approval. The President has the power of appointment, which means the President

      (1) Appoints ambassadors (people who represent the U.S. in other countries);

      (2) Appoints judges of the Supreme Court.

      (3) Appoints members of the Cabinet (his/her advisors).

   d) Has the power to veto bills passed by Congress

   e) Has the power to pardon anyone except those impeached.

3. The House of Representatives can impeach the President and vice president. The Senate then acts as a jury for the impeachment.
H. Article III: The Judicial branch: This branch interprets laws and decides the constitutionality of laws passed by Congress.

1. The Supreme Court is the highest court of the United States.

2. The President appoints one chief justice and eight justices (total of nine justices) to the Supreme Court.

3. Federal judges and justices are appointed for life; however, they are subject to impeachment.

4. There are no stated requirements for a justice; however, the Senate must approve the appointment.

5. The Supreme Court has original jurisdiction in cases between states. Nearly all of the cases considered by the U.S. Supreme Court come to it from other courts (Federal or state) on appeal. However, the Supreme Court has "original jurisdiction" over several categories of cases. That means that the parties can bring such disputes directly to the Supreme Court.

I. Article IV: Our federal system of government distributes power between a strong central government and the state governments.

1. Both the national and state governments exercise certain powers.

2. All states in the U.S. must have forms of government wherein supreme power is with the citizens who elect government officials to lead and represent them.

Amendments to the Constitution

J. Article V: Amendments can be added to the Constitution by this process:

1. Congress can propose an amendment if 2/3 of both the representatives and senators vote for it.

2. Also, an amendment can be proposed if 2/3 of the state legislatures request a national convention.

3. An amendment is added to the Constitution if it is ratified (approved) by 3/4 of the state legislature.

4. Also, an amendment can be added if conventions of 3/4 of the states vote for it.
K. The first ten amendments, known as the **Bill of Rights**, guarantee civil liberties and due process to all citizens.

L. Summary of Amendments to the Constitution and the dates of ratification:

| Amendment 1: | Freedom of religion, speech, press, assembly, and petition. 1791 |
| Amendment 2: | Right to bear arms. 1791 |
| Amendment 3: | Housing troops prohibited in time of peace. 1791 |
| Amendment 4: | Right to security (no unreasonable search and seizure; warrant required.) 1791 |
| Amendment 5: | Protection for those accused of crime (person doesn’t have to witness against himself, etc.) 1791 |
| Amendment 6: | Rights of the accused (speedy trials, etc.) 1791 |
| Amendment 7: | Right to trial by jury. 1791 |
| Amendment 8: | Protection against excessive bail, etc. 1791 |
| Amendment 9: | Other rights protected. 1791 |
| Amendment 10: | State powers reserved. 1791 |
| Amendment 11: | Protection against (forbids) person suing a state in federal court. 1795 |
| Amendment 12: | Separation of votes for President and Vice President in Electoral College. 1804 |
| Amendment 13: | Slavery abolished (done away with). 1865 |
| Amendment 14: | Citizenship, equal protection of the law and representation to all citizens. Former slaves now count as whole persons. 1868 |
| Amendment 15: | Voting rights protected, unabridged by color or race. 1870 |
| Amendment 16: | Income tax instituted. 1913 |
| Amendment 17: | Election of senators by the vote of the people, not the state legislatures. 1913 |
| Amendment 18: | Prohibition of liquor. 1919 |
| Amendment 19: | Women’s suffrage (voting rights.) 1920 |
| Amendment 20: | January 20 - date for beginning terms of office (called "Lame Duck" amendment, because the politician leaving office has little power) 1933 |
| Amendment 21: | Repeal of 18th Amendment (sale and use of liquor now legal) 1933 |
| Amendment 22: | Two-term limit for the Presidency. 1951 |
| Amendment 23: | Voting rights granted to Washington D.C. (District of Columbia) residents. 1961 |
| Amendment 24: | Poll tax (charging money to vote) prohibited. 1964 |
| Amendment 25: | Transfer of power if President is disabled, etc. (Presidential succession) 1967 |
| Amendment 26: | Right to vote granted to 18 years olds. 1971 |
| Amendment 27: | Laws to raise salaries of Congress not allowed until an election of representatives has taken place. 1992 |
M. Illinois Constitution

1. Illinois became a territory in 1809 and a state in 1818. It was the 21st state to join the union.

2. Illinois has had four constitutions; the latest was adopted in 1970.

3. The Illinois constitution follows model of United States Constitution but has the following features:
   a) The legislative branch is called the General Assembly.
   b) The governor leads the executive branch; s/he has supreme executive power.
      (1) Candidates for governor and lieutenant governor run together and receive one vote.
      (2) The attorney general, the secretary of state, the comptroller, and the treasurer are elected officials.
      (3) The governor has item veto power.

4. The highest court in the state judicial branch is the Illinois Supreme Court.

5. The people elect Illinois judges.

6. The Bill of Rights guarantees citizens of Illinois the same rights (religious freedom, freedom of speech, etc.) as the U.S. Constitution; however, it is included in Article I rather than as amendments. The Illinois Bill of Rights also prohibits invasion of privacy with eavesdropping devices.

7. To register to vote in Illinois, a person must be a U.S. citizen, be at least 18 years old, and have lived in an Illinois district or precinct for 30 days.

8. The Illinois Constitution provides for state income tax.

9. The state of Illinois accepts primary responsibility for financing education and provides for free education through high school level.

10. Illinois has a "closed" primary (voter must declare party affiliation to vote to choose candidates.)
N. Special Vocabulary

1. **Appointive office**: official is not elected.

2. **Checks and balances**: each branch of government limits the powers of the other branches to some degree.

3. **Closed primary**: a primary election in which the voter must declare his/her political party to choose candidates.

4. **Eminent domain**: the right of a government to take private property for public use.

5. **Ex Post Facto law**: a law which makes an act a crime after it has been committed (The act was legal at the time it was committed.)

6. **Filibuster**: a time-consuming speech made to hinder legislation.

7. **Gerrymandering**: redistricting an area so that one political party has an advantage over another.

8. **Habeas corpus**: a writ (legal document) inquiring into the lawfulness of holding a person against his will.

9. **Injunction**: A court order prohibiting a specific course of action.

10. **Lobbying**: citizens apply pressure on legislators either for or against certain bills.

11. **Log rolling**: legislators trading votes with each other to get favorable action on projects of interest to each one.

12. **Mandamus**: A document issued by a higher court ordering a public official or a lower court to perform a specified duty.

13. **Separation of powers**: the legislative, executive, and judicial branches are separate; one branch cannot use powers belonging to another branch. Each branch of government has specific designated powers.

14. **Item veto**: the governor of Illinois has the power to veto (say no) to certain items in a bill (proposed law); the President of the United States does not have this power.
O. United States Flag

1. The Flag is a symbol of (stands for) the United States of America and it should always be shown respect.

2. The Flag has 13 stripes of red and white; the union is in the upper left corner with 50 white stars (one for each state) on a field of blue.

3. Follow these rules of etiquette when displaying the flag:

   a) Although it is customary to display the U.S. Flag from sunrise to sunset, the Flag may be displayed at night for a patriotic effect on special occasions if it is properly lighted.

   b) When the Flag is flown at half-staff, as a sign of mourning, it should first be hoisted to the peak for an instant, then lowered to half-staff position. It should be hoisted to the peak again before lowering it at the end of the day.

   c) The U.S. Flag should never touch anything beneath it.

   d) The Flag should always be free; therefore, it should never be used as drapery, never be drawn back, never be caught in folds.

   e) Although the red, white, and blue colors of the Flag can be used for decorations, the Flag itself cannot be used to decorate.

   f) The Flag should never be displayed upside down (union down) except in the case of distress or emergency.

   g) The U.S. Flag can be mended or dry-cleaned.

   h) During the ceremony of hoisting or lowering the Flag, and when the Flag passes by in a parade, all people should face the Flag, stand at attention, and salute.

   (1) Persons in military uniform should give the military salute.

   (2) Other persons salute by placing the right hand over the heart.
4. These are rules to follow when the U.S. Flag is displayed with other flags:

a) When the U.S. Flag is displayed with another flag against a wall from crossed staffs, the U.S. Flag should be on its own right, and its staff should be in front.

b) The U.S. Flag should be at the highest point and in the center of a group of flags of states, cities, or societies.

c) When flags are displayed on the same halyard, (rope) the U.S. Flag should be at the top. Other flags may be flown below it.

d) The U.S. Flag should be displayed to the speaker's right on a platform.

e) In a procession or a parade, the U.S. Flag should be on the Flag's own right or in the center in front of other flags.

f) When the U.S. Flag is flown with flags of other countries, all staffs and flags are the same height in times of peace.

P. The Pledge of Allegiance

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.

Q. Definitions

Allegiance: Loyalty

Republic: A nation in which the power lies with the citizens who are entitled to vote for officers and representatives responsible to them.

For which it stands: The flag is a symbol of the republic.

Indivisible: Can not be divided. Some states tried to separate from the Union, which led to the Civil War (1861-1865).

Liberty: Freedom

Justice: Fairness