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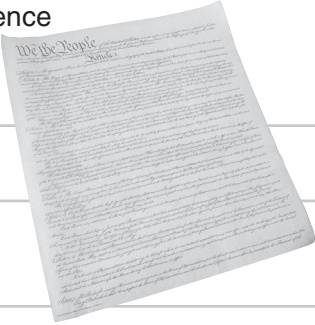
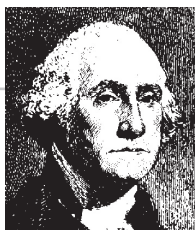


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Listed below are a sampling of the important events that led up to America's independence and the adoption of a new Constitution. You will find the year and the significant event that happened during that time.

1763-1765	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	Colonists reduce their boycott of British goods when they withdraw all of the Townshend Act, except the tax on tea. Boston Massacre occurs when an angry crowd of citizens surround a group of soldiers causing them to open fire.	
1773	With the American colonists and merchants still angry over British tax policies, an uprising called the Boston Tea Party occurs.	
1774	In response to the Boston Tea Party, the Parliament passes several acts to punish Massachusetts. The colonies name delegates to a congress, The First Continental Congress. On September 5th, 12 of the 13 colonies send a total of 56 delegates to meet in Philadelphia, mainly to deal with Britain's actions.	
1775	When the Americans learn the British plan to seize their guns and ammunition, Paul Revere is sent to alert the countryside and gather the Minute Men. An unidentified shot triggers this Battle at Lexington. This starts the American Revolution and also leads to another famous battle, Bunker Hill.	
1776	On July 4th, The Second Continental Congress adopts the Declaration of Independence (written by Thomas Jefferson and a committee). A few days later the Liberty Bell is rung in Philadelphia to call the people to the first public reading of the Declaration.	
1781	The Articles of Confederation are adopted by the states.	
1787	On May 14th, The Constitutional Convention meets in Philadelphia, it lasts until September 17th. Here the delegates reviewed and approved the Constitution.	
1788	Eleven states ratify the Constitution, and it is put into effect. America prepares to operate under this new document.	
1789	On March 4th, 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 6th. He is inaugurated on April 30th. On September 25th, the first ten amendments (Bill of Rights) are adopted by Congress.	

Questions

TRUE OR FALSE?

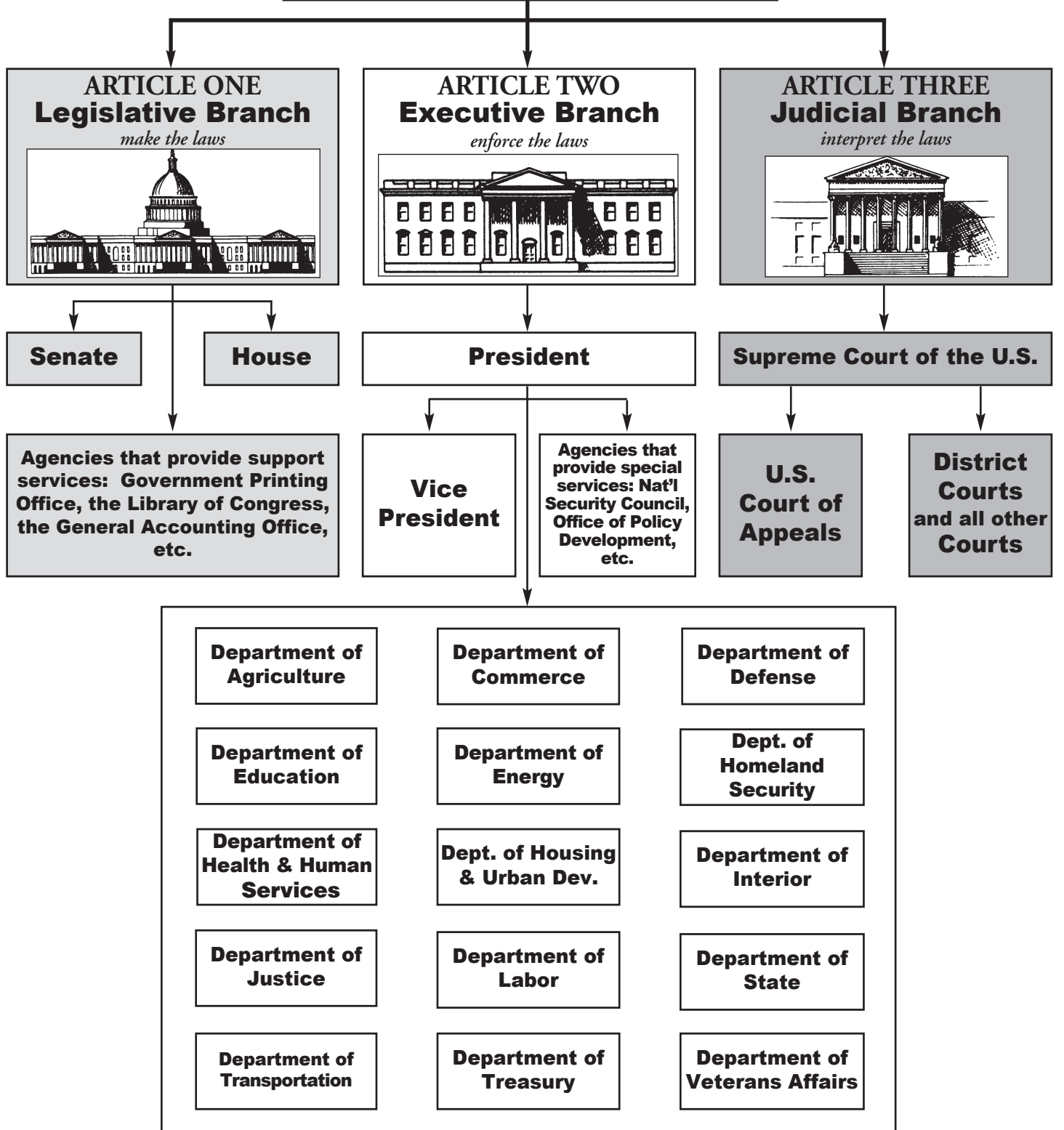
- ___ 1. The Minute Men helped the British at the Battle of Lexington.
- ___ 2. The Boston Tea Party occurred in 1773.
- ___ 3. The colonists especially liked the British Quartering Act and the Sugar Act.
- ___ 4. The Declaration of Independence was adopted by the Second Continental Congress.
- ___ 5. The Bill of Rights was adopted by Congress in 1789.

PUT THE 3 EVENTS IN EACH OF THE 4 QUESTIONS BELOW IN CORRECT CHRONOLOGICAL ORDER, FROM FIRST TO LAST, BY USING THE LETTER OF THE EVENT.

- 1. a. Boston Massacre, b. Declaration of Independence, c. Washington becomes president. ___
- 2. a. Articles of Confederation, b. Boston Tea Party, c. The Constitution ratified by 11 states. ___
- 3. a. England decides on a program of taxation and control of the colonies, b. Constitutional Convention, c. Battle of Bunker Hill. ___
- 4. a. Paul Revere alerts colonists, b. Stamp Act, c. First House of Representatives organized. ___

STUDENTS: NOW YOU WILL BEGIN A STUDY OF THE THREE BRANCHES OF GOVERNMENT AS OUTLINED BELOW. LOOK IT OVER CAREFULLY.

**THE CONSTITUTION
SETS UP THREE BRANCHES**



AFTER YOU REVIEW THIS CHART, BEGIN YOUR STUDY OF THE THREE BRANCHES OF GOVERNMENT ON PAGE 16.

“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

Powers to make laws are given to Congress, consisting of the Senate and House of Representatives. A description of these 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.

Bills, a term for proposed laws, may be started in either House of Congress. However, 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 they may keep members of Congress from considering certain laws. Committees are necessary, however, and rules controlling their behavior and power are determined by Congress.

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. About one out of five bills is taken seriously, and public hearings on the bill may be held. After the committee finishes with a bill, it is reported to the Senate or House favor-

ably 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 bills are passed this way.

If the president does not act at all, the bill becomes a 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*.

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.

Lawmaking and the Three Branches

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



Legislative Branch
Two Houses of Congress

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



Executive Branch
The President

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



Judicial Branch
The Supreme Court and Other 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.

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. Here is a sampling of these 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 established that slaves were not citizens of the United States.
- *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 effective 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.
- *U.S. Term Limits Inc. v. Thornton* (1995): Ruled that neither the states nor Congress could limit terms of the members of Congress.
- *Bush v. Gore* (2000): In a 5 to 4 decision, the court overturns the ruling of the Florida State Supreme Court to perform manual recounts, meaning Bush would be the narrow winner of the presidential election.

- *Grutter v. Bollinger* (2003): Ruled that colleges can, under certain conditions, consider race and ethnicity in admissions.

Constitutional Issues for Debate

There will always be issues that challenge the interpretation of the Constitution. Today, there are several of these issues. Each side of the issue has supporters that believe their view is correct. It is important to research each topic to fully understand the arguments.

- **Public School Prayer:** An issue that continues to be in the news is prayer in public schools. Before 1962, prayer in public schools was allowed, with some schools holding daily prayers. In 1962, the U.S. Supreme Court ruled that such organized prayers in public schools was unconstitutional. The court noted, the prayers amount to a kind of state religion, which is prohibited by the First Amendment. Also related to this argument is the idea of teaching the Bible and religion in public schools.

- **The Pledge of Allegiance:** The reciting of the Pledge of Allegiance in public schools has caused controversy that has reached the Supreme Court on several occasions. The two major arguments center around whether students can be compelled to recite the pledge without infringing on their First Amendment rights and whether the phrase “under God” violates the establishment clause, also from the First Amendment. The high courts continue to support the decision from *West Virginia Board of Education v. Barnette* (1943) allowing schools to recite the pledge with students able to opt out (or cannot force them to recite the pledge).

- **USA Patriot Act:** Passed after the September 11, 2001, attacks, this controversial legislation expands the authority of U.S. law enforcement in fighting terrorist activities. However, critics claim that some portions of this act are unnecessary and infringe upon freedom of speech, human rights, and right to privacy. The provision that is highly contested allows judges to grant government investigators permission to search personal records on the basis for being relevant to an investigation. These included your financial, medical, phone, Internet, or student records. A recent poll indicates that 52 percent of Americans are concerned that their civil liberties are being violated by this act.

- **Flag Burning:** The proposed flag burning (or *desecration*) amendment would give Congress the right to enact laws criminalizing this act. This concept continues to provoke a heated debate over protecting a national symbol while protecting free speech. The most recent attempt to adopt this amendment failed by one vote in the U.S. Senate on June 27, 2006. Opponents said the measure would have curtailed First Amendment rights on speech for the first time since the Bill of Rights were adopted in 1791. Supporters are still encouraged because in 2000 they were four votes short, but now only one.

QUESTIONS

TRUE OR FALSE?

- _____ 1. Public school prayer has never been allowed.
- _____ 2. Schools may require prayer and curriculum on religion.
- _____ 3. The Constitution is always easily interpreted.
- _____ 4. The ruling in the case of *Plessy v. Ferguson* was overturned in 1954.
- _____ 5. The Supreme Court recently overturned a 1943 ruling allowing the recital of the Pledge of Allegiance.
- _____ 6. Several Supreme Court decisions have been overturned by the President of the United States.
- _____ 7. The First Amendment allows for the freedom of religion, speech, press, assembly, and petition.

The authors of the Constitution wanted to be sure that no person or group would seize power and control the American government. To insure 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 responsibilities of the executive, legislative, and judicial branches. 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 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.

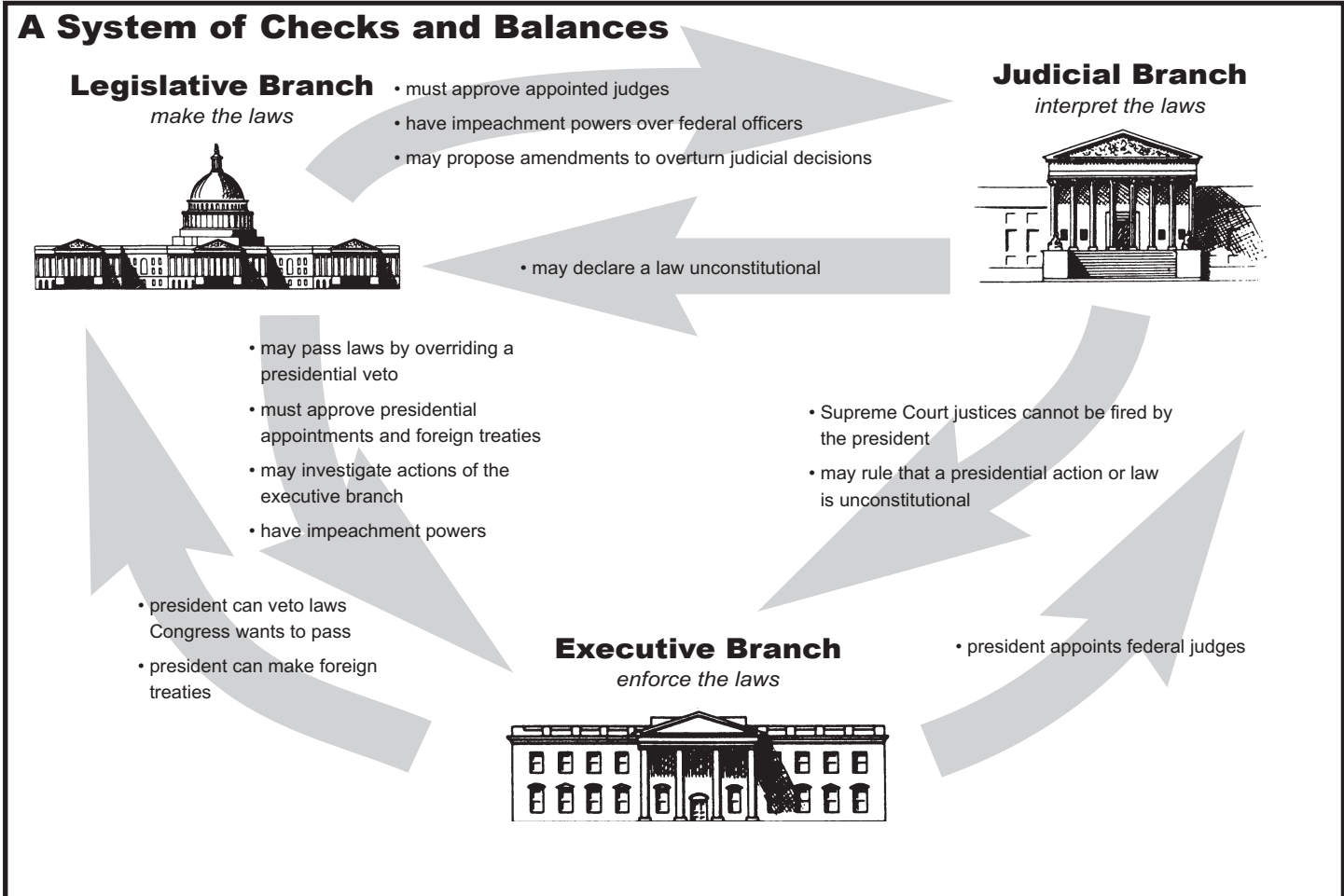
Legislative over the executive branch. The legislative branch must approve appointments that the president makes; the Senate must approve treaties that the president makes; and the legislative branch may investigate the executive branch.

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

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

Judicial over the executive branch. Supreme Court justices cannot be fired by the president.

continued



Outline of Michigan Constitution (1963)

For an overview of the Michigan Constitution and for use as an index to the state constitution, an outline is presented here.

Preamble: *“We the people of the State of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminished to ourselves and our posterity, do ordain and establish this Constitution.”*

Article 1 Declaration of Rights

Section

- 1 Political power
- 2 Equal protection, freedom from discrimination
- 3 Assembly, consultation, instruction, petition
- 4 Freedom of worship, religion
- 5 Freedom of speech and press
- 6 Bearing of arms
- 7 Military under civil power
- 8 Quartering of soldiers
- 9 Slavery and involuntary servitude
- 10 Attainder, ex post facto, contracts
- 11 Searches and seizures
- 12 Habeas corpus
- 13 Conduct of suits in person or by counsel
- 14 Jury trial
- 15 Double jeopardy, bailable offenses
- 16 Bail, fines, punishments, detention of witnesses
- 17 Self-incrimination, due process of law, fair treatment at investigations
- 18 Witnesses, competency
- 19 Libel, truth as defense
- 20 Rights of accused in criminal prosecutions
- 21 Imprisonment for debt
- 22 Treason
- 23 Enumeration of rights not to deny others
- 24 Rights of crime victims
- 25 Marriage
- 26 Affirmative action programs
- 27 Human embryo, stem cell research

Article 2 Elections

Article 3 General Government

Article 4 Legislative Branch

Article 5 Executive Branch

Article 6 Judicial Branch

Article 7 Local Government

Article 8 Education

Article 9 Finance and Taxation

Article 10 Property

Article 11 Public Officers and Employment

Article 12 Amendment and Revision

Schedule and Temporary Provisions

The entire Michigan Constitution can be found in the *Michigan Manual* or at www.michigan.gov. There are also a number of reference books on Michigan history and government that can be found in your school library.

Amending the State Constitution

Amending the constitution may be done in one of three ways:

- 1.** Initiative amendments may be introduced by petitions signed by a specified number of voters.
- 2.** By legislative amendment. Members in either house of the Legislature propose changes. To pass, an amendment must receive a two-thirds vote in each house.
- 3.** Amendments may be proposed by state constitutional conventions. Starting in 1978, and every 16 years after that, voters may decide whether to call a constitutional convention.

Whichever method of proposing an amendment is used, the final step in all cases is the approval by a majority of voters. The process of amending the state Constitution is covered in Article 12.

The current constitution has been amended 28 times since it went into effect on January 1, 1964. Examples of the adopted amendments include allowing a state lottery (1972), providing rights for crime victims (1988), instating term limits for state executive and legislative officials (1992), specifying what can be considered marriage (2004), loosening restrictions on stem cell research (2008).

Questions

In which article of the state constitution would you find information on the following? (Give section number when applicable.)

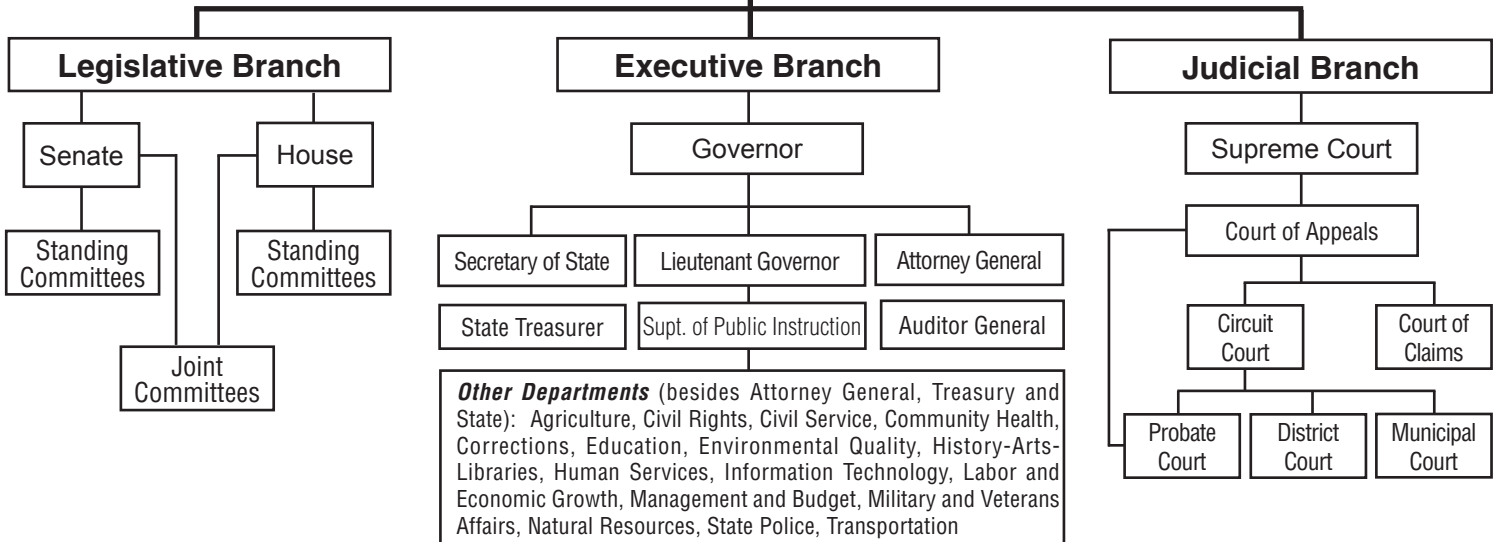
1. Schools _____
2. Rights of individuals _____
3. The governor _____
4. Jury trial _____
5. Religious freedom _____
6. The judicial system _____
7. Revising the state constitution _____
8. The lawmaking process _____
9. Taxes _____
10. Voting _____
11. Medical treatments using stem cells _____

TRUE OR FALSE?

- ___ 1. Voters must approve changes in the state constitution.
- ___ 2. The governor has sole power to call a constitutional convention.
- ___ 3. Both the United States Constitution and Michigan Constitution guarantee the right of freedom of speech.
- ___ 4. The governor or lieutenant governor may change the state constitution.
- ___ 5. Providing an educational system is the duty of state government.
- ___ 6. An amendment to the Michigan Constitution may be proposed in either House of the Legislature.

THE MICHIGAN CONSTITUTION

The Voters of Michigan



Legislative Branch Quick Facts:

The Michigan Legislature is made up of the state Senate and state House of Representatives.

body	members	terms	qualifications	annual salary
Senate	38	4 years (2-term max.)	21 years old, citizen of the United States, resident voter of the district to be represented	\$79,650
House	110	2 years (3-term max.)	21 years old, citizen of the United States, resident voter of the district to be represented	\$79,650

*Legislature convenes in annual sessions at noon on the second Wednesday in January of each year.

Executive Branch Quick Facts:

executive officer	terms	notes	annual salary
Governor	4 years (2-term max.)	30 years old, a qualified voter of the state, a United States citizen, resident of Michigan for at least four years prior to election	\$177,000
Lieutenant Governor	4 years (2-term max.)	same qualifications as governor; voters cast one vote jointly for both governor and lieutenant governor	\$123,900
Secretary of State	4 years (2-term max.)	elected same time as governor; areas of responsibility include handling elections, managing public documents, issuing of drivers' licenses, and keeping of the great seal	\$124,900
Attorney General	4 years (2-term max.)	elected same time as governor; represents the legal interests of Michigan	\$124,900

*State Treasurer, Auditor General, and Superintendent of Public Instruction are appointed officials that also serve as members of the executive branch.

Judicial Branch Quick Facts:

court	overview
Michigan Supreme Court	highest state court, seven judges, eight-year terms with no limit, annual salary of \$164,610
Court of Appeals	hears appeals from circuit courts, four appellate districts, 28 judges, six-year terms with no limit
Circuit Courts	principal trial courts of the state, 57 judicial circuits, 210 judges, six-year terms with no limit
Probate Courts	jurisdiction over wills, estates, etc., 78 courts, 106 judges, six-year terms with no limit
District Courts	hear misdemeanors and small claim cases, 104 district courts, 259 judges