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Shortly after the Declaration of Independence was signed, the first attempt at a national or federal government was made. This attempt was named the *Articles of Confederation*, and it became the basic law for all the colonies during the Revolutionary War.

The Articles of Confederation acted as the first constitution for the United States. The Articles were drawn up by the Second Continental Congress and 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. This was because they 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 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.

At the end of the Revolutionary War, the American government was in serious financial trouble. Soldiers who had served without pay were granted western land certificates in lieu of money, but most had to sell their certificates for money to live on. 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.

**Civil Rights & the Articles of Confederation**

*Civil rights* are those rights which 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 his own 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.” \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

“All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.” — United States Constitution

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 major 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 the 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 are seen often in our newspapers, magazines, and television broadcasts. This is because the work done in this building is very important to every American. The Capitol is the only place our senators and representatives meet to make our laws. Senators and representatives have their offices nearby. If you visit Washington, D.C., you may attend a session of Congress.

### Rules and Privileges

Congress may expel or punish its own 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 certain rules about proper behavior and speech of its members.

Every day, the proceedings of the Congress are printed in *The Congressional Record*. It is a copy of all bills introduced into both houses of Congress and speeches and testimonies before Congress. Members may even have speeches never given printed in the Record. Almost four million copies of the Record are printed every year.

### Role of Congress

Everyday life has been influenced by the decisions of Congress. Their role is to improve the quality of our lives and to strengthen our 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** – national pollution-control laws passed
- **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, requiring car manufacturers to meet minimum safety standards
- **handicapped access** – expanded employment opportunities for the handicapped by passing laws requiring access to the workplace and public spaces

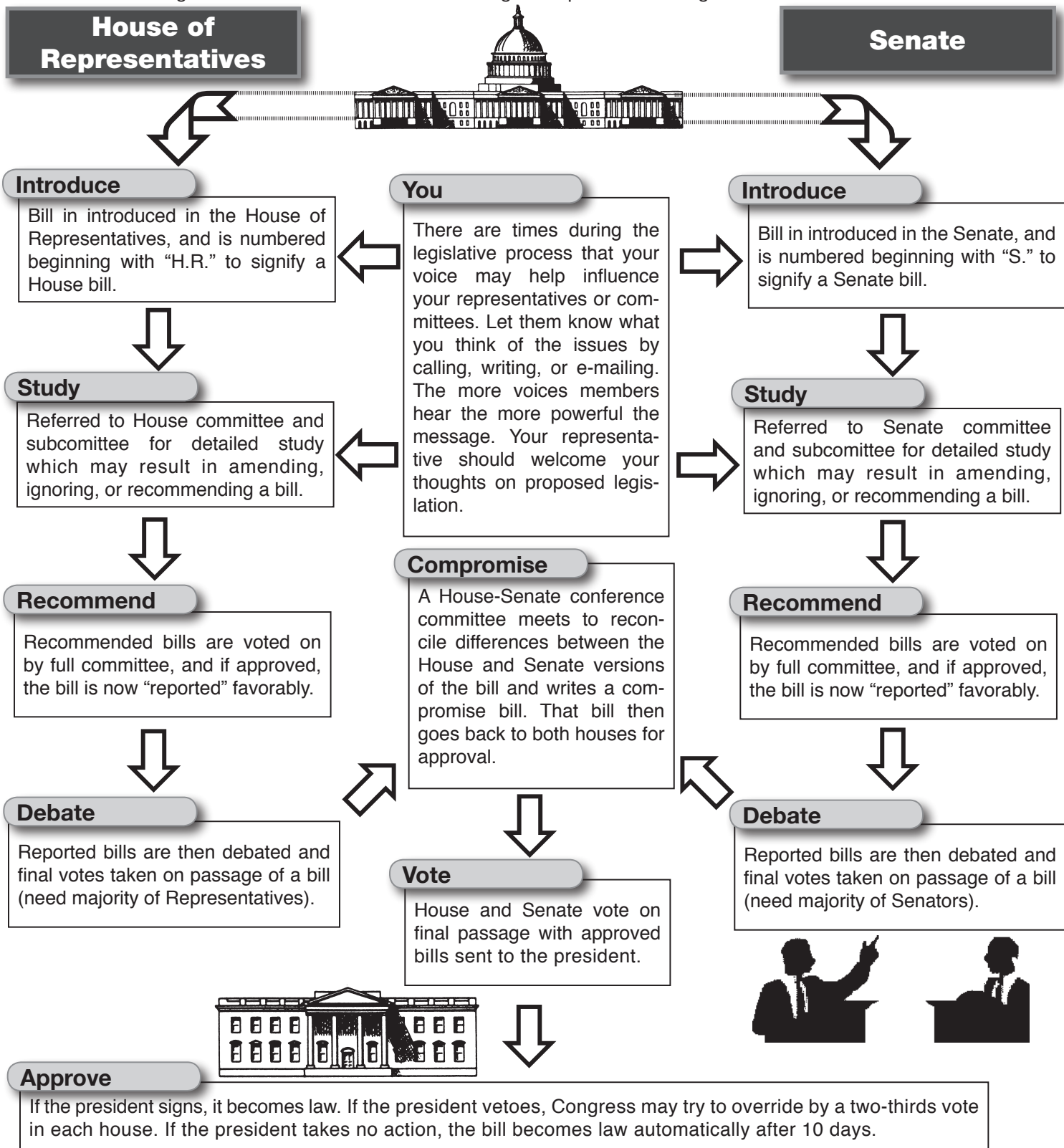
### QUESTIONS

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 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. There are times when members of Congress may not be arrested.
- \_\_\_\_\_ 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.”

Although the chart below shows the lawmaking process it does not reflect how complicated this process actually is. There are many informal conversations and discussions that take place with members of Congress. Each wants to voice their 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 bill, along with the political impacts of the bill. A representative who votes for or against a controversial bill will have that on their voting record. You will also notice how important committees are in the lawmaking process. Committees help make the decision-making process more efficient, effectively discussing the various points of view on a particular subject. More of the lawmaking process is described on Page 21 and follow an actual bill through this process on Page 22.



**Special Notes:**

- Any bill dealing with money must be first introduced in the House of Representatives.
- Thousands of bills are introduced each year with only a small percentage making it into law.

# How the Federal Government and States Divide Powers

## The Constitution Says...



### Certain Powers Belong to the Federal Government - Such As:

- ★ 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



### 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...  
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.

"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 detailed 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 that are not directly covered by the Constitution.

Someone, then, must have the authority to say exactly what the Constitution means and to decide if the government is acting within constitutional limits. Most historians agree that the members at the Constitutional Convention meant 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 had been some discussion of this question after the Constitutional Convention, but nothing had been 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. This case established the precedent for

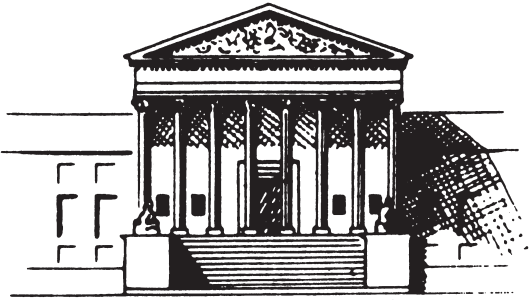
judicial review, an important addition to the system of checks and balances to prevent any one branch of the federal government from becoming too powerful. Judicial review in the United States has been a model for other countries.

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 interpretation of the Constitution 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. In addition the Supreme Court can, and often does, overturn the rulings of lower courts. It is the final authority on the meaning of the Constitution.

**QUESTIONS**

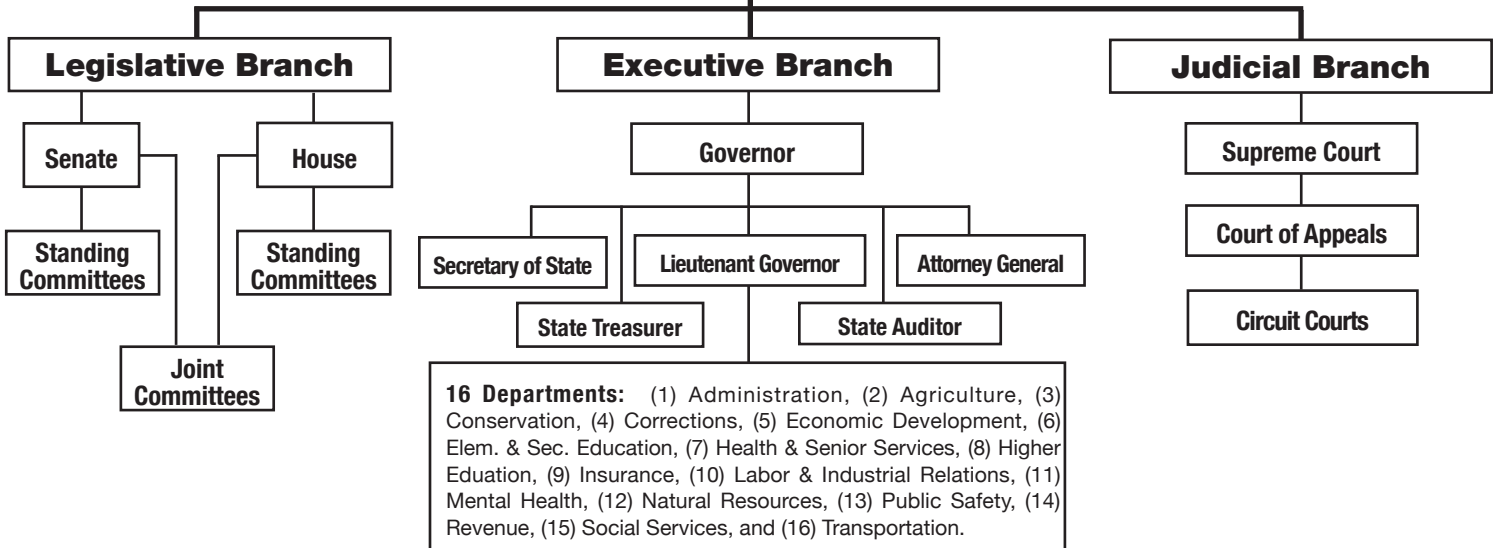
**FILL IN THE BLANKS**

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? \_\_\_\_\_

<b>LEARNING AID</b>		<b>JUDICIAL BRANCH FACT SHEET</b>		
<b>Main Courts</b>	The <i>Supreme Court</i> , <i>Court of Appeals</i> , and <i>District Courts</i> .			
<b>Number of Courts</b>	<i>Supreme Court</i> : 1 <i>Court of Appeals</i> : 13 <i>District Courts</i> : 94			
<b>Number of Judges</b>	<i>Supreme Court</i> : 9 <i>Court of Appeals</i> : 3 to 9 <i>District Courts</i> : 1 to 24			
<b>Supreme Court Salaries</b>	\$223,500 for Supreme Court chief justice \$213,900 for Supreme Court associate justices			
<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 MISSOURI CONSTITUTION**

**The Voters of Missouri**



**Legislative Branch Quick Facts:**

The Missouri General Assembly is made up of the state Senate and state House of Representatives.

body	members	terms	qualifications	annual salary
Senate	34	4 years <i>(2 term max.)</i>	30 years old, qualified voter for 3 years, resident citizen for 3 years, resident of district for 1 year	\$35,915
House of Representatives	163	2 years <i>(4 term max.)</i>	24 years old, qualified voter for 2 years, resident citizen for 3 years, resident of district for 1 year	\$35,915

\*General Assembly meets annually in Jefferson City beginning the first Wednesday after the first Monday in January.

**Executive Branch Quick Facts:**

executive officer	terms	notes	annual salary
Governor	4 years <i>(2 term max)</i>	30 years old, a citizen of the U.S. for 15 years, resident of Missouri for 10 years	\$133,821
Lieutenant Governor	4 years <i>(no term limit)</i>	same qualifications as governor; elected separate from the governor and runs independently	\$86,484
Secretary of State	4 years <i>(no term limit)</i>	elected official, areas of responsibility include elections, business activity of the state, and administrative services	\$107,746
Attorney General	4 years <i>(no term limit)</i>	elected official, represents the legal interests of Missouri	\$116,437
State Treasurer	4 years <i>(no term limit)</i>	elected official, is the state's chief financial officer	\$107,746
State Auditor	4 years <i>(no term limit)</i>	elected official, determines if tax dollars are spent efficiently, economically, and legally	\$107,746

**Judicial Branch Quick Facts:**

court	overview
Missouri Supreme Court	7 judges (Chief Justice & 6 associate justices), governor appoints judges from a list of candidates supplied by a nonpartisan commission, serve 12-year terms with no limit, state's highest court, supervises other state courts
Court of Appeals	divided into 3 districts, intermediate appellate court handling appeals from Circuit Courts, governor appoints judges from a list of candidates supplied by a nonpartisan commission, serve 12-year terms with no limit
Circuit Courts	courts of original civil or criminal jurisdiction, organized into 45 judicial circuits, circuit court judges serve 6-year terms, associate judges serve 4-year terms

**The Governor**

The executive branch of Missouri’s government enforces and administers the law. The governor is the most important officer in the executive branch.

The Missouri Constitution states the governor must be a citizen of the United States for at least 15 years, a qualified voter of the state, a resident of Missouri for at least 10 years prior to the election, and at least 30 years of age. The governor serves a term of four years and may be reelected once. The governor receives a salary of \$133,821. In the event that the governor cannot complete a term, the lieutenant governor becomes governor. If the lieutenant governor is unable to serve, the president pro tempore of the Senate assumes the office. The next in line to assume the office is the speaker of the House.

The governor, besides enforcing and administering the law, also has the important duty of vetoing or approving bills passed by the General Assembly. The governor of Missouri has many other important duties:

- The governor appoints many members of the state government. Some appointments require approval by the Senate. The governor may also remove any of these officials he/she feels is incompetent.
- The governor may grant pardons, commutations, and reprieves, as deemed proper.
- The governor must approve the spending of all federal aid grants, state land purchases, and construction of highways and airports.
- The governor represents the state in interstate relations and at national meetings.
- The governor must spend a great deal of time explaining the goals of the administration to citizens.
- In addition to having the power to veto legislation, the governor influences the lawmaking process by submitting the state budget to the General Assembly.
- The governor may call special sessions of the General Assembly.
- The governor addresses the General Assembly in a State of the State message and other special messages on topics of urgent or desirable legislation.
- The governor is commander-in-chief of the state militia.
- The governor must call for a special election to fill a vacancy in the Senate or House of Representatives.

*The current governor of Missouri is Jay Nixon. Nixon won the 2008 Gubernatorial Election defeating the Republican challenger, Kenny Hulshof. This post will be up for reelection in 2012.*



**Veto**

The governor may take action on bills by:

1. The *regular veto* in which the whole bill is rejected, much like the veto of the President.
2. The *item or reduction veto*. This is for *appropriation* or money bills and means that the governor may approve only some parts of a bill while rejecting others.

The Governor’s Office is similar in some ways to the office of the President of the United States. However, there are some differences. Some of the most important differences are the lack of foreign affairs and national defense in the responsibilities of the governor.

Missouri has had many famous and talented governors and public officials. Harry S. Truman is just one example. The lives of these people make an interesting and worthwhile study. Your local or school library should contain some interesting material on the lives of some of Missouri’s chief executives and officials.

**QUESTIONS**

1. What are the qualifications for governor? \_\_\_\_\_  
\_\_\_\_\_
2. What is the order of succession to the office of governor? \_\_\_\_\_  
\_\_\_\_\_

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

- \_\_\_ 1. The General Assembly cannot be called into special session.
- \_\_\_ 2. The governor may remove an appointed official.
- \_\_\_ 3. The governor has the job of enforcing the law.
- \_\_\_ 4. The governor is the commander-in-chief of the state militia.
- \_\_\_ 5. The governor may only serve two successive terms.
- \_\_\_ 6. The governor is in charge of foreign affairs.
- \_\_\_ 7. The governor cannot grant pardons.
- \_\_\_ 8. The governor’s term of office is four years.
- \_\_\_ 9. The governor may veto only a part of a bill and approve the rest.
- \_\_\_ 10. The governor must be 35 years old or older.

**DEFINE**

1. agency \_\_\_\_\_
2. pardons \_\_\_\_\_
3. militia \_\_\_\_\_
4. succession \_\_\_\_\_
5. reprieves \_\_\_\_\_
6. vacancy \_\_\_\_\_

The following test will help you prepare for your final Missouri 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 a number of times. You will find the correct answers at the bottom of the page.

Hard work on this page will assure you of a better grade on your final exam. Be sure to look up any answers you don't understand or see your teacher for an explanation.

**MATCHING.** Match the person or body in **column A** with the correct branch of state government in **column B**. Put the letter of the correct answer in the space provided.

**Column A**

- \_\_\_\_\_ 1. The governor
- \_\_\_\_\_ 2. The state House of Representatives
- \_\_\_\_\_ 3. The Missouri Supreme Court
- \_\_\_\_\_ 4. Secretary of state
- \_\_\_\_\_ 5. The state Senate

**Column B**

- A. The Legislative Branch
- B. The Judicial Branch
- C. The Executive Branch

**FILL IN THE BLANKS.** Write the correct answer in the space provided.

- \_\_\_\_\_ 6. Who can veto a bill passed by the legislature?
- \_\_\_\_\_ 7. If the governor resigns, who becomes governor?
- \_\_\_\_\_ 8. The chief legal officer in Missouri.
- \_\_\_\_\_ 9. The year Missouri became a state.
- \_\_\_\_\_ 10. The election held before a general election.
- \_\_\_\_\_ 11. The governor of Missouri.
- \_\_\_\_\_ 12. The next presidential election will be held in what year?
- \_\_\_\_\_ 13. How many constitutions has Missouri had?
- \_\_\_\_\_ 14. What is the minimum age to vote?
- \_\_\_\_\_ 15. Hears appeals from circuit courts.

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

- \_\_\_\_\_ 16. Both the Missouri Constitution and the United States Constitution have a Bill of Rights.
- \_\_\_\_\_ 17. The Missouri governor is the commander-in-chief of the state militia.
- \_\_\_\_\_ 18. Bills can start in either house of the state Legislature.
- \_\_\_\_\_ 19. Foreign affairs is one of the duties of state government.
- \_\_\_\_\_ 20. The governor must be 40 years old or older.
- \_\_\_\_\_ 21. Missouri voters must live in the state for two years.
- \_\_\_\_\_ 22. There are 114 counties in Missouri.
- \_\_\_\_\_ 23. The Legislature can override a governor's veto by a two-thirds vote.
- \_\_\_\_\_ 24. There are 34 members of the state Senate.
- \_\_\_\_\_ 25. Most of the minor infractions are handled by the circuit courts.
- \_\_\_\_\_ 26. The current constitution was adopted in 1945.
- \_\_\_\_\_ 27. The capital of Missouri is located in St. Louis.
- \_\_\_\_\_ 28. The lieutenant governor is appointed by the governor.
- \_\_\_\_\_ 29. The governor is responsible for submitting the state budget.
- \_\_\_\_\_ 30. A member of the House of Representatives serves a term of two years.

**Answers:** 1. C 2. A 3. B 4. C 5. A 6. governor 7. lieutenant governor 8. attorney general 9. 1821  
 10. primary election 11. Jay Nixon 12. 2012 13. four 14. 18 years of age 15. court of appeals 16. T 17. T  
 18. T 19. F 20. F 21. F 22. T 23. T 24. T 25. T 26. T 27. F 28. F 29. T 30. T