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Problems and Compromises

The first significant difficulty that the convention faced was the struggle for power between the small and 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. Each state would be represented equally in the Senate, 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 enslaved people 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.

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.

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?

	CONGRESS		PRESIDENT	SUPREME COURT
	HOUSE	SENATE		
<i>How Chosen</i>	Elected	Elected	Elected	Appointed by President
<i>Term of Office</i>	2 Years	6 Years	4 Years	Life or Retirement
<i>Age Req.</i>	25 Years old	30 Years old	35 Years old	None

As described in later units, this chart shows that the Constitution affects elected officials' selection, 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

- 18-year-olds are allowed to vote.
- Abolished slavery.
- States cannot prevent a person from voting based on race.
- All persons born or naturalized in the United States enjoy full rights.
- Gave all women the right to vote.
- Limits the number of presidential terms.
- Guarantees a trial by jury.
- Prohibits unreasonable searches and seizures.
- Prevents "double jeopardy."

B

- a. 4th b. 5th c. 7th d. 13th e. 14th
f. 15th g. 19th h. 22nd i. 26th

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.

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. New York's two Democratic senators are Kirsten Gillibrand (term expires 2025) and Charles Schumer (term expires 2029).



Kirsten Gillibrand Charles Schumer

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.

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. The Constitution established this duty. 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 Senate's presiding officer, 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 Supreme Court chief justice presides over the trial.

Impeachment of U.S. Presidents

Our Founding Fathers wanted impeachment to be a lengthy and complicated process. Removing any official from office is hard, and that is by design. Impeachment has only been used five times against a sitting president. While many U.S. presidents have been threatened with impeachment, Congress has only conducted four presidential impeachment trials, Andrew Johnson (1868), Bill Clinton (1998), and Donald Trump (2019 and 2021). 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.

continued

The Road to the White House

Americans pick their presidents and vice presidents from the candidates presented by the Democratic and Republican parties. People do not vote directly for the president and vice president; instead, the Electoral College allows voters to vote for electors. These electors then cast votes for a specific candidate, a system described in Article 2 of the Constitution.

The responsibility of voters has increased with the growth of our country and government. Even if you are not of voting age, now is the time to get familiar with the process and the importance of voting. You are the future of this country, and your vote determines the fate of leaders' policies and tactics.

Follow this process in the upcoming 2024 Presidential Election.

Campaigning: Activity picks up after each political party chooses a single presidential nominee. Those candidates travel the country, holding rallies and town halls, explaining their views to win potential voters' support.

Debates: There are presidential debates starting in the summer of 2024.

STEP 4 - GAIN VOTER SUPPORT

STEP 5 - GENERAL ELECTION

Voting at the General Election: Every four years, citizens in every state cast their votes for one president and vice president. These voters select groups of electors to represent each state on behalf of the voters.

November 2024 General Election

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		5				



STEP 6 - ELECTORAL COLLEGE

Electoral College System: Each state gets a certain number of electors based on its representation in Congress. A simple majority of the 538 (or 270 votes) is needed to win.



FINISH

(Inauguration Day - January 20, 2025)



START (in Spring 2023)

STEP 1 - IDENTIFY THE CANDIDATES

Incumbent -



Joe Biden - eligible for one more term.

Challengers-

Candidates are identified including former President Donald Trump.



Candidates must be:

- ☒ a natural-born citizen
- ☒ 35-years old
- ☒ Resident for 14 years

STEP 2 - CAUCUSES and PRIMARIES



National Conventions: Both parties have delegates that will choose the nominees for president and vice president. They will also adopt a platform outlining the party's policy priorities and values.

STEP 3 - NATIONAL CONVENTIONS

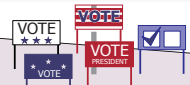
April 2024 NY Presidential Primary Election

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		2				



Primary Elections: A state-level election where party members choose a candidate to represent that political party at the general/presidential election.

Caucuses: Citizens participate in local meetings where members gather votes for their preferred candidate, used to elect delegates to the national party convention.



Democratic National Convention August



Republican National Convention August



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.

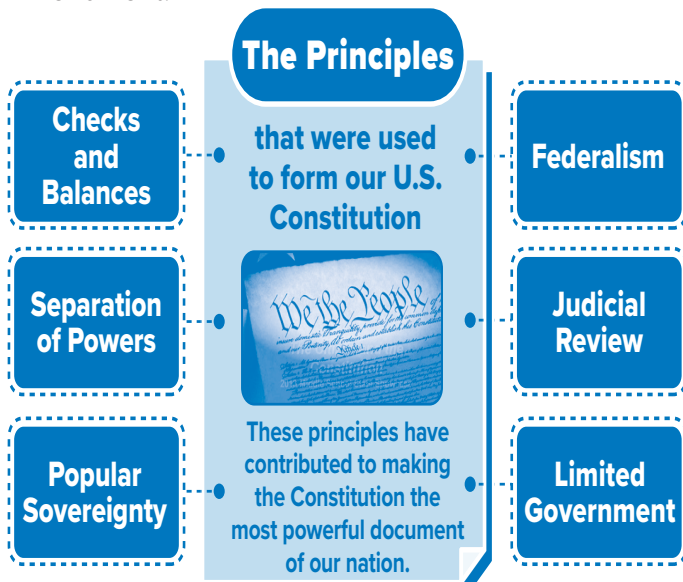
The power to govern belongs to the people (either directly or through representation) is called *popular sovereignty*. The government can only function with the consent of the people.

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.



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?

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, 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.



QUESTIONS

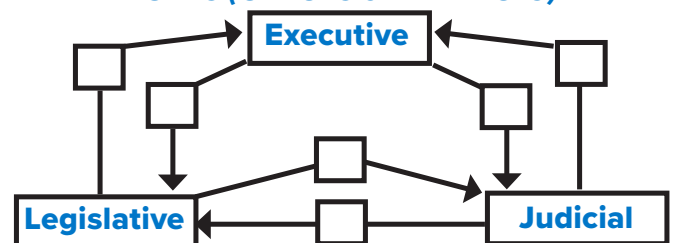
1. Why is there a system of checks and balances?

2. Name the three branches of the federal government.

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

ment is used, the final step in all cases is the approval by a majority of voters. This differs from U.S. Constitution amendments, which do not require voter approval.

Article 20 - When to Take Effect

With amendments adopted by the Constitutional Convention of 1938 and approved by voters on November 8, 1938, this article confirms that this Constitution shall be "in force" from January 1, 1939.

Separation of Powers in New York

The system of checks and balances reinforces the *separation of powers* concept. Not only is power divided, but one branch checks the other branches. For example, the courts have the power to declare laws and executive actions unconstitutional. The governor can veto bills from the Legislature. The Legislature must approve the government's budget and many of the governor's appointments. These are all examples of the constitution's attempts and ultimately of the people to avoid concentrating too much power in one place. The people always retain the right to control government by amending the constitution and rewriting state constitutions.

QUESTIONS

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

1. education _____
2. rights of individuals _____
3. the governor _____
4. jury trial _____
5. religious freedom _____
6. local government taxation _____
7. the judicial system _____
8. revising the constitution _____
9. environment _____
10. voter qualifications _____
11. low income housing _____
12. "Forever Wild" provision _____

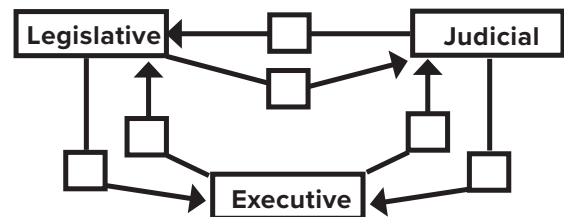
TRUE OR FALSE? Write a **T** or **F** in the space provided.

1. Voters must approve changes in the state constitution. _____
2. The governor may change the state constitution without voter or Legislature approval. _____
3. An amendment to the state constitution may be proposed in either house of the Legislature. _____
4. State constitutions are always shorter and contain fewer details than the U.S. Constitution. _____
5. The New York Bill of Rights contains ten sections or amendments. _____
6. There are 15 executive branch officers listed in the New York Constitution. _____

WHICH CONSTITUTION? To compare and contrast the New York Constitution with the U.S. Constitution, put an "X" next to the details that apply to one or both.

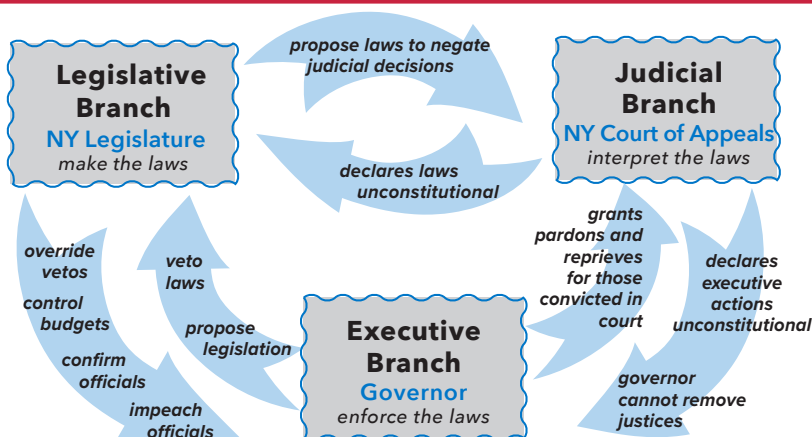
Item	NY	US
Contains freedom of speech		
Establishes federal laws and treaties		
Have a bill of rights		
Government with three branches		
Make laws to govern state's affairs		
Is the "Supreme Law of the Land"		
Utilize the principle of separation of powers		

FILL IN THE BOXES (CHECKS & BALANCES)



- a. governor can grant pardons to those convicted
- b. proposes laws to avoid judicial decision rulings
- c. may pass laws by overriding a governor's veto
- d. may declare laws from the Legislature unconstitutional
- e. may veto laws passed by the Legislature
- f. may declare executive orders unconstitutional

System of Checks and Balances in the State of New York



All state governments are modeled after the federal government and have three branches: executive, legislative, and judicial. The principle guiding federal and state constitutions is the **separation of powers**. The distribution of power with a system of **checks and balances** only allows a single branch of government to have a limited amount of power. Some of the most critical "checks" by the branch are listed in the shaded arrows.

The New York Constitution

Present one was adopted in 1938

New York voters choose our elected officials.

Legislative Branch

makes the laws

New York Legislature

Senate

upper house

63

State senators

Assembly

lower house

150

Assembly Members

Quick Facts

The New York Legislature is made up of the state Senate and state Assembly.

New York Senate

Districts: 63

Term: 2 years

Term limit: none

Salary: \$142,000

Qualifications:

- ▶ U.S. citizen
- ▶ At least 18 years old
- ▶ State resident for at least 5 yrs
- ▶ Live in district for at least 1 yr

New York Assembly

Members: 150

Term: 2 years

Term limit: none

Salary: \$142,000

Qualifications:

- ▶ U.S. citizen
- ▶ At least 18 years old
- ▶ State resident for at least 5 yrs
- ▶ Live in district for at least 1 yr

Executive Branch

enforces the laws

Governor

Executive Officers:

Lieutenant Governor
Secretary of State
Attorney General
State Comptroller
Various Departments
(maximum of 20)

Quick Facts

The New York Constitution provides for 4 executive offices (plus the Secretary of State).

Executive Officers

Number: 4

Term: 4 years

Term limit: none

Qualifications:

- ▶ U.S. citizen
- ▶ At least 30 years old
- ▶ Resident of state for at least 5 years

Salaries:

- ▶ Governor: \$250,000
- ▶ Lt. Governor: \$220,000
- ▶ Sec. of State: \$220,000
- ▶ Atty. General: \$220,000
- ▶ Comptroller: \$210,000

With a few exceptions, the Governor appoints the heads of all State departments and agencies of the executive branch.

Judicial Branch

administers justice

Court of Appeals

Intermediate Appellate Courts

Trial Courts & Other Specific Courts

Quick Facts

Court of Appeals

- ▶ *Final court of appeal for state matters*

Number of justices: 7

Term: 14 years

Appointed by: the governor after review by commission

Justices:

- ▶ Chief Justice is nominated by governor
- ▶ retirement age is 70 for all justices, can be extended
- ▶ Supervises state courts

Appellate Courts

- ▶ *Most appeals are first heard here*

Courts include:

- ▶ Appellate Terms of the Supreme Court
- ▶ Appellate Divisions of the Supreme Court
- ▶ County Courts

Trial Courts

- ▶ *Hear initial cases in most court proceedings*

Courts include:

- ▶ Supreme Court
- ▶ Surrogate's Court
- ▶ Family Court