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The authors of the Constitution could not have imagined that, in 200 years, people would be exploring outer space or going from coast to coast in a few hours. Nor could they have imagined all the changes in daily living that would occur. Today, we claim the protection of the Constitution, written when there were only a few million people in the United States. The Constitution now protects more than 300 million Americans. Almost everything about the United States has changed, except the Constitution. It is truly an outstanding document that has withstood the test of time.

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

Quotes on the Constitution

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

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

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

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

— James Madison

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

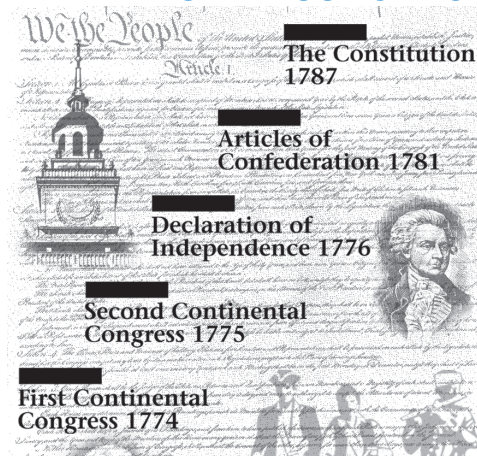
"The Constitution is the guide which I will never abandon." — George Washington

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

The Constitution has lasted because it:

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

STAIRWAY TO THE CONSTITUTION



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

QUESTIONS

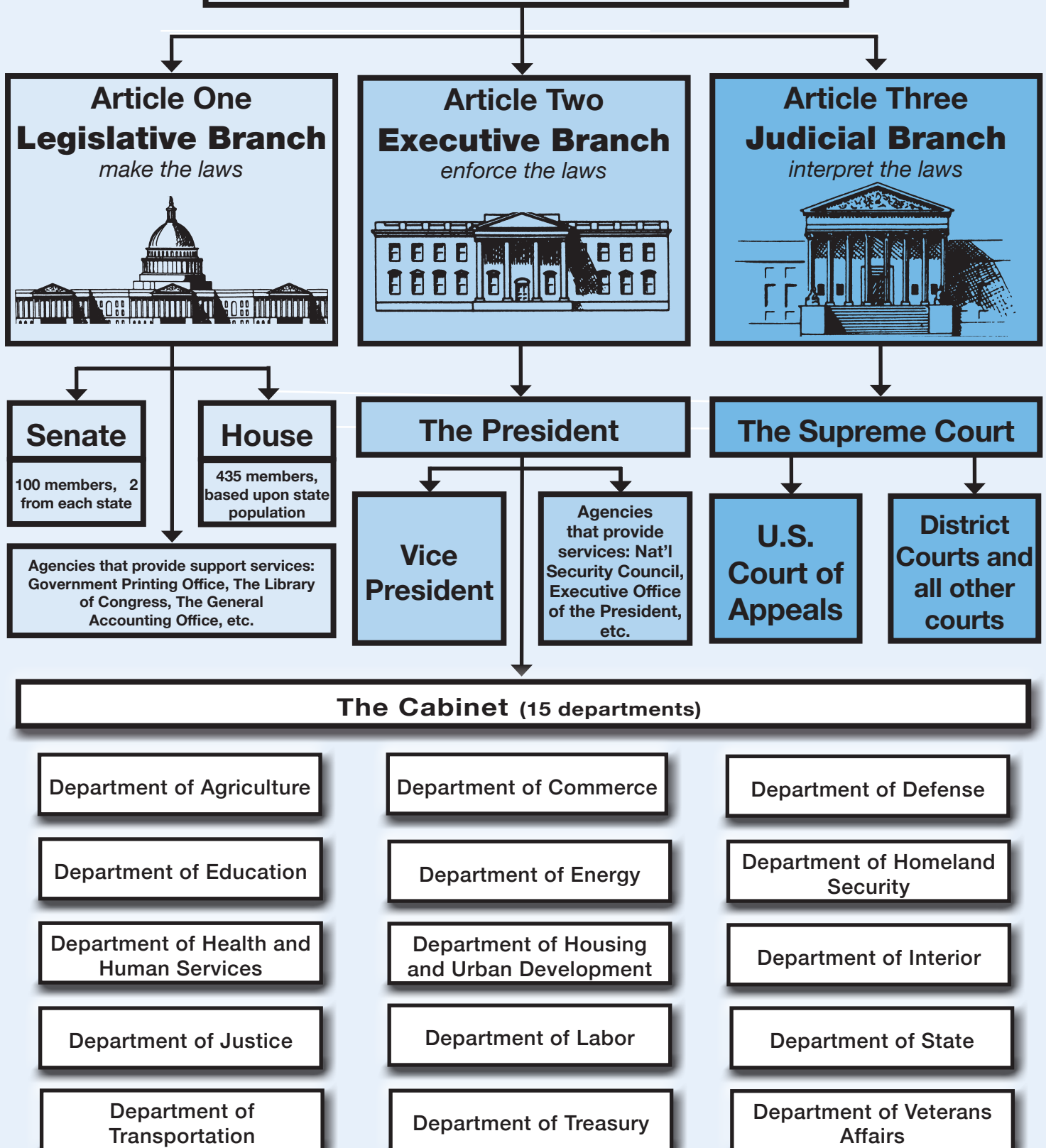
TRUE OR FALSE? Write a **T** or **F** in the space provided.

- ___ 1. Changing the interpretation of the Constitution is what makes our Constitution weak.
- ___ 2. The Constitution allows laws to be made for subjects that did not exist in 1787.
- ___ 3. The Constitution can be changed only through rebellion and revolution.
- ___ 4. The Articles of Confederation were written after the Declaration of Independence.
- ___ 5. Over 500 delegates attended the Constitutional Convention and signed the Constitution.

DISCUSSION OR REPORT TOPICS

1. Should a person be allowed to pass out notices on a street corner in your town if the notices are very unpopular with the people in your town? Why?
2. Should a person be allowed to give a street-corner speech in your town if he/she desires? Why?

The Constitution SETS UP THREE BRANCHES



“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.

How a Bill Becomes Law in Congress

Bills, a term for proposed laws, may start in either house of Congress (Please refer to more of the lawmaking process on Pages 21, 22 and 24). 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 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

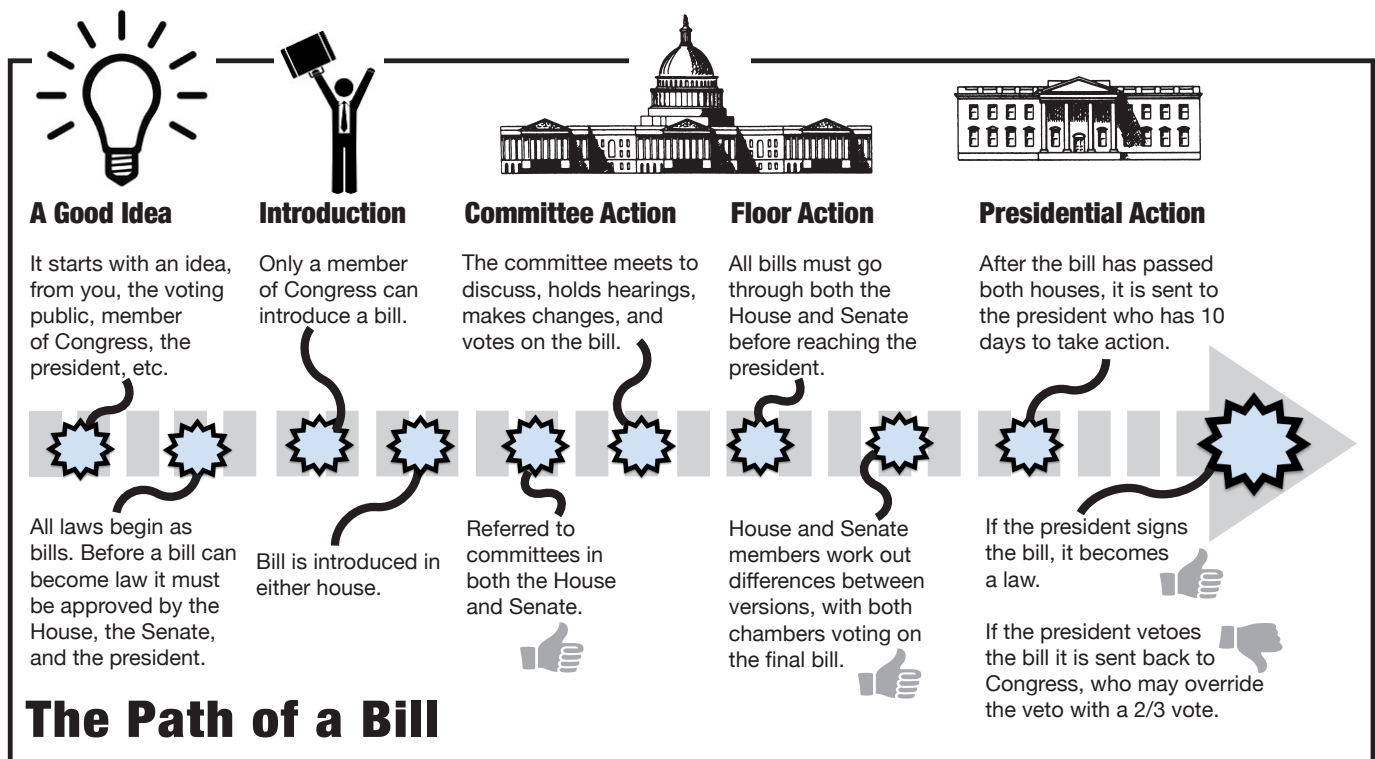
or no chance of being passed into law. Bills that seem unimportant to the committees are ignored. The bills that are taken seriously may have public hearings. After the committee finishes with a bill, it is reported to the Senate or House favorably or unfavorably. The entire Senate or House then votes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

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

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

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



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

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

Each state would get as many "electors" as there were senators and representatives from that state. And, in the 23rd Amendment to the Constitution in 1961, three additional electoral votes were added for the voters of Washington, D.C. That made a total of 538 electors (electoral votes for each state equals the number of representatives plus two for the senators), and a vote of 270 or more would be necessary to select the president. The map below shows the distribution of electoral votes based on the 2010 reapportionment.

Before 1961, the voters in Washington, D.C., didn't get to vote for the president at all. This was not considered fair in the capital of our country.

To summarize, if a candidate gets the most popular (people) votes in the state, the "electors" will then cast

their votes the same way. Thus all the electoral votes for the state will (except for Maine and Nebraska) go to the winner of the state.

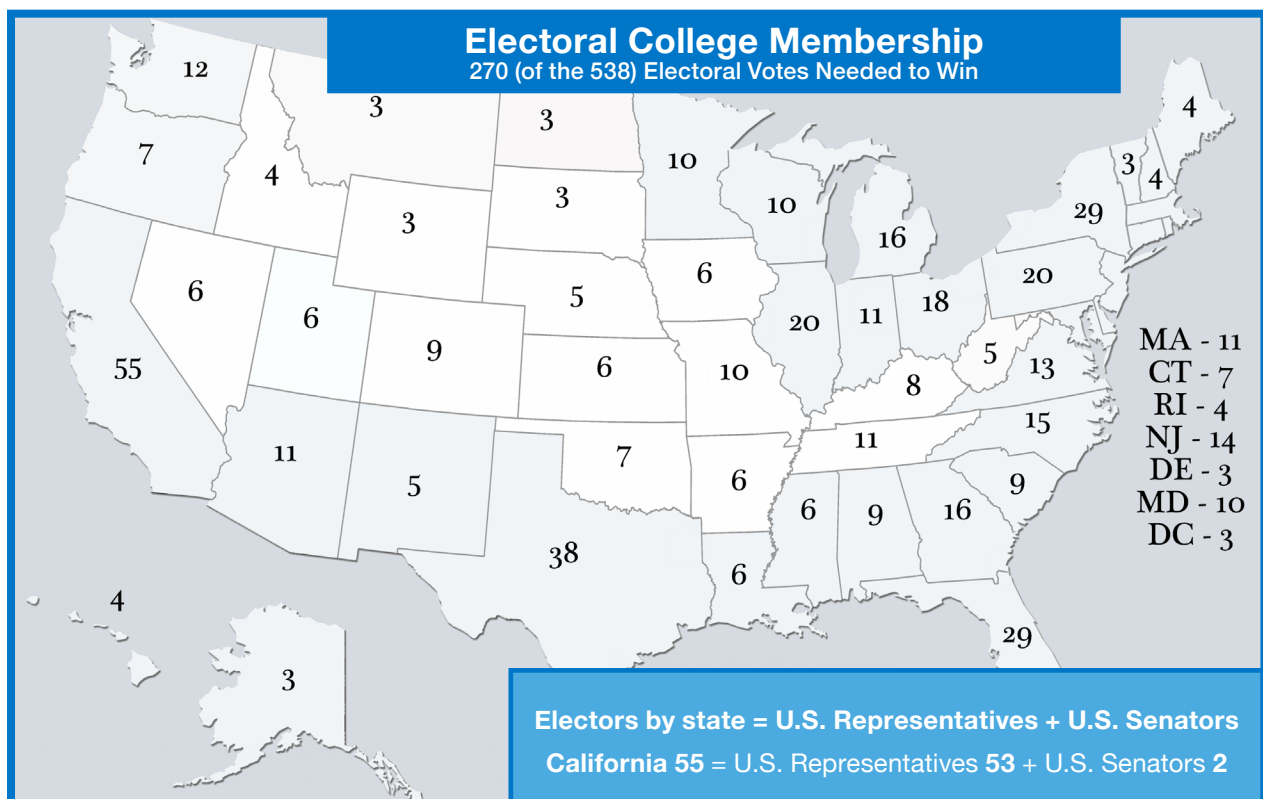
The writers of the Constitution also thought that the Electoral College gave states with a small population more of equal weight in the presidential election.

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

Supporters of the current system say that it has served the nation well and forces candidates to gain broad geographic support rather than concentrating only on large metropolitan areas.

That has not happened very often, but it did occur in 2000 when George W. Bush became president and again recently in the 2016 election. President Trump became president even though Hillary Clinton won a majority of the popular votes. And, because this has happened so recently, Americans are debating the pros and cons of the Electoral College. Since a change in the electoral vote would require a constitutional amendment, change will not come easily.

continued



The Governor

The executive branch of California's government enforces and administers the law. The governor is the chief executive officer of the state and represents all the people of California. He or she works closely with the legislative branch in shaping proposed legislation. The governor must be at least 18 years old and a resident of the state for five years preceding the election and must also be a United States citizen. The governor serves a term of four years, with a limit of two terms. The governor receives a salary of \$190,103. In the event that the governor cannot complete the term, the lieutenant governor becomes governor. If the lieutenant governor is unable to serve, the president pro tempore assumes the office.

The governor, besides enforcing and administering the law, also has the important duty of vetoing or approving bills passed by the Legislature.

The governor of California 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, purchases of state land, 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 Legislature.
- The governor may call special sessions of the Legislature.
- The governor addresses the Legislature 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 Assembly.

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.

California has had many famous and talented governors and public officials. Seventeen governors have served other high offices in government, including one of the most admired presidents in U.S. History, Ronald Reagan. Earl Warren, whose gubernatorial term ended in 1953, went on to become the Chief Justice of the Supreme Court. Movie actor Arnold "The Terminator" Schwarzenegger won a special recall election but could never run for president due to being a *naturalized* citizen. 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 California's chief executives and officials.

RECALL ELECTIONS

The citizens of California are granted the authority to perform a *recall* election by Article 2 of the California Constitution. Recall is a procedure that allows citizens to remove and replace a public official before the end of a term of office. It differs from impeachment where the assembly brings specific charges against an official, and the Senate acts as the jury. Specific grounds for removal are not needed under the recall process. In 2003, California voters successfully recalled Governor Gray Davis using the state budget crisis and statewide energy crisis as main reasons. Previously the voters had initiated 32 gubernatorial recall attempts.

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.

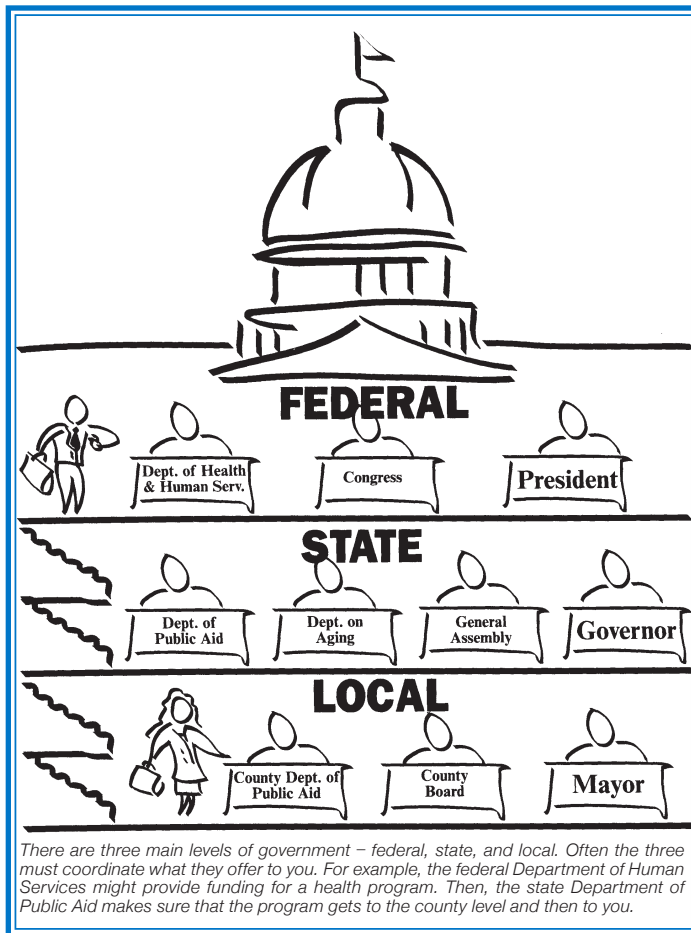
- ___ 1. The Legislature cannot be called into special session.
- ___ 2. The governor may remove an appointed official.
- ___ 3. The governor has the job of enforcing the law.
- ___ 4. The governor is the commander-in-chief of the state militia.
- ___ 5. The governor is appointed by the president.
- ___ 6. The governor is in charge of foreign affairs.
- ___ 7. The governor cannot grant pardons.
- ___ 8. The governor may veto only a part of a bill and approve the rest.
- ___ 9. The governor must be 40 years old or older.
- ___ 10. The governor may serve three terms.

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

Number Bank: 3, 4, 6, 8, 12, 24, 40, 55, 80

- ___ Number of electoral votes for California.
- ___ Days for governor review before becoming law.
- ___ Numbers of senators in the California Legislature.
- ___ A governor's term in years.
- ___ Number of members in the California Assembly.

The 10th Amendment of the U.S. Constitution notes that all powers not delegated to the federal government are given to the states. In order to respond to the needs of its citizens, each state has created these smaller units of government. These legal entities are monitored by the state Legislature, which may abolish them, change them, or give them increased or decreased powers. Local government includes a discussion on counties and special districts. This system of government originated in England.



County Government

There are 58 counties in California. They are subdivisions of the state with important duties. Every resident of California lives in a county. Los Angeles County has the highest population with over 9 million residents compared to Alpine County with only a little more than 1,000 residents.

All counties carry out state policy, playing a vital role in the following areas:

- conduct state-wide elections;
- organize and operate the court system;
- operate the state correctional system;
- manage various health and welfare agencies;
- build and maintain roads.

The above listing is only a sampling of the services provided, with roles of counties continuing to expand.

The county has a governing body called a *board of supervisors*, generally consisting of five members elected to four-year terms. This board is both the legislative and executive body passing all ordinances governing the county. Other elected county officials include the county counsel, public defender, sheriff, treasurer, assessor, welfare director, coroner, public administrator, county board of education, and others.

Special Districts

In order to provide special services for the people of California, a variety of *special districts* (3,400) have been created. Most of these districts perform a single function or job and have not provided by a county or city. The most common type of special district is the *school district* (which may cross the boundaries of other governmental bodies). Examples of the activities covered by special districts would be water utilities, fire protection, recreation and parks, local library services, conservancy districts, harbor and port operations, and hospital services.

Charter Cities & Home Rule Principle

Any California city with a population over 3,500 can become a *charter city* using the *home rule* principal. These cities have the freedom to determine their own type of government. Approximately 25 percent of California's cities choose to design their own form of local government, creating their own city constitution. The Legislature and state Constitution keep their powers in check.

Learning more about your county is an excellent way to develop an understanding of the American political process. Local county officials are always willing to help. Your school or local library also would be an excellent source for material. Good government begins with citizens' interest at the local level.

QUESTIONS

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

- There are 58 counties in California.
- There are more counties than cities.
- Home rule gives power to local government to decide on their form of government.
- Charter cities are not allowed in California.
- Similar local government structure originated in England.
- Most special districts have one specific job.
- Counties carry out state policy.

SHORT ANSWER

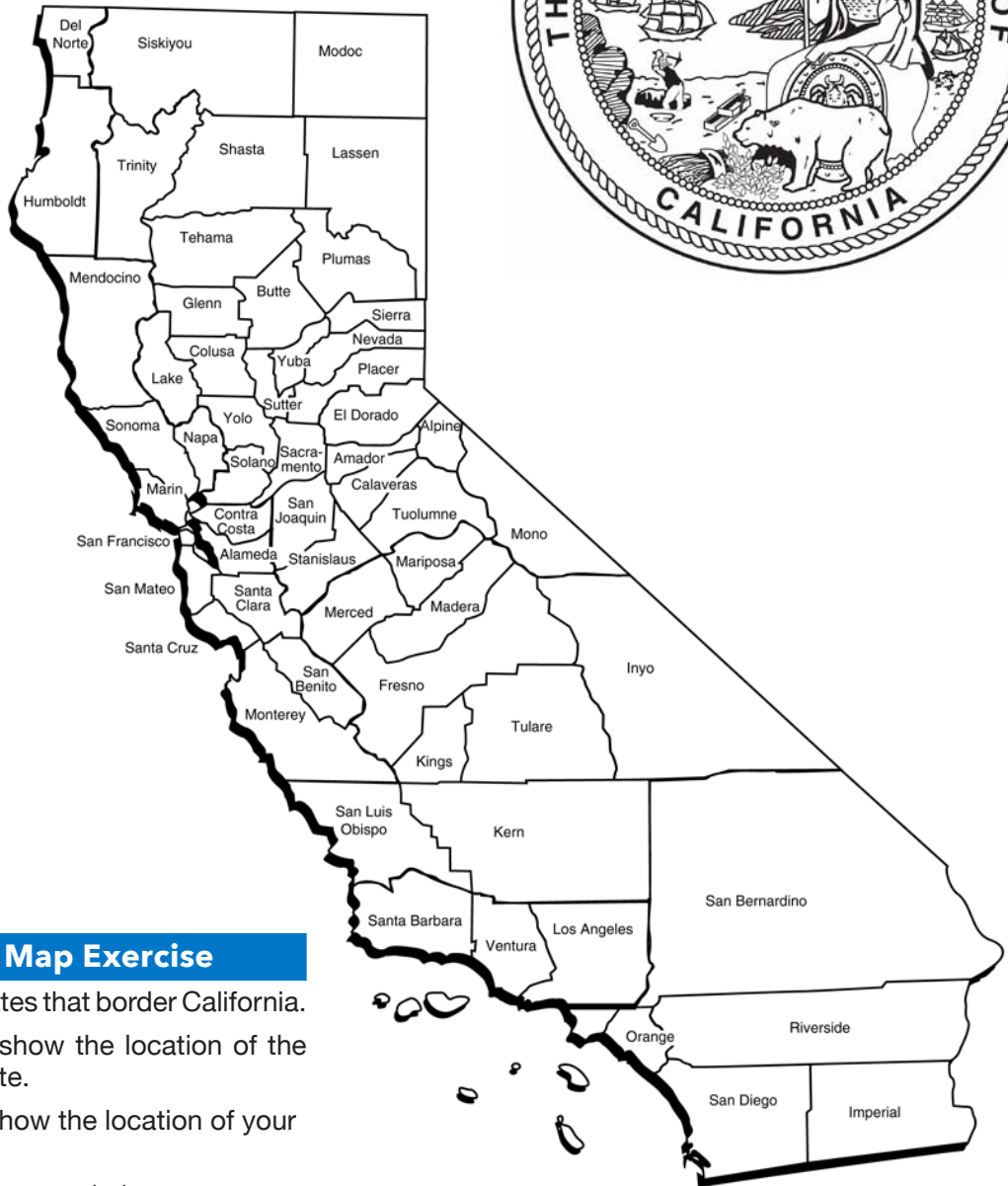
- What county do you live in? _____
- Given an example of a special district? _____
- What are charter cities? _____
- Give an example of a county responsibility. _____

Population and Government

As you have learned from the federal section, each state gets at least one representative and two senators. Based on the 2010 Census, California receives 53 representatives in the United States House of Representatives in Washington, DC. The state is divided into 53 districts, each with one of the representatives (called *congressional districts*). Of course, California has two United States senators who serve the state “at large.” At large means they serve the total state without having their own district. Based on the number of U.S. Representatives and the U.S. Senators, California receives 55 electoral votes ($53 + 2$).

State Seal Exercise

Below is a reproduction of the official *Great Seal of the State of California*. Visit your school or local library to see if you can discover what the various symbols pictured in the seal represent.



California Geography & Map Exercise

1. On the map, identify the states that border California.
2. On the map, identify and show the location of the five largest cities in the state.
3. On the map, identify and show the location of your hometown.
4. On the map, identify the state capital.
5. Identify and shade the county in which you live. How many counties in California?
6. Identify the directions: north, south, east, and west.