

# CONTENTS



## ***Our Federal Constitution - A Student's Guide to the United States Constitution***

Student Welcome.....	2	Unit 16 The Presidential Election .....	35
Unit 1 The American Revolution .....	3	Unit 17 Judicial Branch.....	36
Unit 2 Declaration of Independence.....	4	Unit 18 Judicial Review.....	38
Unit 3 The Articles of Confederation .....	5	<b>LEARNING AID:</b>	
Unit 4 The Constitutional Convention .....	6	<b>Judicial Branch Fact Sheet .....</b>	<b>38</b>
Unit 5 The Bill of Rights .....	9	Unit 19 Interpretation of the	
<b>LEARNING AID:</b>		Constitution .....	39
<b>Important Constitutional Events .....</b>	<b>10</b>	Unit 20 Checks and Balances.....	40
Unit 6 The Strengths of the Constitution ....	11	Unit 21 Changing the Constitution and	
Unit 7 The Preamble and a Look Ahead.....	12	Other Information .....	42
Unit 8 Summary of the U.S. Constitution ....	13	Unit 22 Current and Controversial Issues.....	43
<b>LEARNING AID:</b>		Unit 23 Voting and Elections .....	44
<b>Three Branches of Government Chart .....</b>	<b>15</b>	Unit 24 The American Flag.....	45
Unit 9 Legislative Branch .....	16	Unit 25 The Federal Budget and the	
Unit 10 Lawmaking Process.....	20	Constitution .....	46
<b>LEARNING AID:</b>		Unit 26 The American Economy and the	
<b>Legislative Branch Fact Sheet.....</b>	<b>23</b>	U.S. Constitution .....	47
<b>LEARNING AID:</b>		<b>LEARNING AID:</b>	
<b>Example of a Bill Becoming Law .....</b>	<b>24</b>	<b>Great Seal and Map Exercise .....</b>	<b>48</b>
Unit 11 Other Duties of Congress.....	25	<b>LEARNING AID:</b>	
<b>LEARNING AID:</b>		<b>U.S. Constitution Outline .....</b>	<b>49</b>
<b>Division of Power .....</b>	<b>27</b>	<b>LEARNING AID:</b>	
Unit 12 Congress and the States.....	28	<b>Review Questions: Federal Unit.....</b>	<b>51</b>
Unit 13 Executive Branch .....	29	<b>LEARNING AID:</b>	
Unit 14 The President's Cabinet .....	31	<b>Federal Unit Self-Test .....</b>	<b>54</b>
Unit 15 The Electoral College .....	33	<b>LEARNING AID:</b>	
<b>LEARNING AID:</b>		<b>Your Government and Federal Officials ....</b>	<b>back cover</b>
<b>Executive Branch Fact Sheet .....</b>	<b>34</b>		

The early colonists came to America to find freedom, but had to face many dangers. They became very independent and self-sufficient. At first, England paid little attention to the colonists in America, and the colonists were not strictly controlled by English law and government.

However, after the colonies grew and became important centers of trade, the British imposed restrictions and trade regulations on them. Some of these restrictions put England in a favorable position concerning trade with the colonies. The colonies objected vigorously.

The colonists also objected to the quartering of soldiers, taxation without representation in Parliament and lack of true self-government, among other issues.

People soon banded together and, at the urging of patriotic groups like the *Sons of Liberty*, refused to buy English goods.

Incidents like the *Boston Tea Party* in 1773 added fuel to the revolution. The Boston Tea Party occurred when patriots, disguised as Indians, threw tons of tea into Boston Harbor, because the colonists did not like tax policies of the British. When the British punished the Bostonians, all the colonists were inflamed. Conditions grew worse and, a year after the Boston Tea Party, Patrick Henry shouted:



Patrick Henry

*"The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty, or give me death!"*

Henry's speech became one of the best-known pre-revolutionary speeches.

### First Continental Congress

Colonial leaders decided to call a meeting to discuss how to win their rights. They were more interested in fair treatment than in independence. The *First Continental Congress* met at Carpenters' Hall in Philadelphia,

Pennsylvania, in 1774, with delegates from 12 of the 13 colonies. Georgia did not send representatives but agreed to support any plans made at the meeting. The delegates sent their complaints to the king, but British colonial policy did not change. Although they wanted their rights,



Carpenters' Hall

delegates did not dream they would soon have the responsibility of conducting a war. The colonial leaders also imposed an *embargo* (agreement prohibiting trade) on British trade and goods.

### Second Continental Congress

The First Continental Congress adjourned in late October 1774, but agreed to convene the following May. By then the *American Revolution* had begun. In the spring of 1775, British soldiers were sent to Lexington, Massachusetts, to seize the guns and ammunition of the colonists and arrest colonial leaders Samuel Adams and John Hancock. It was Paul Revere who warned the Minutemen to meet British soldiers at Lexington, where, an unidentified shot started the war.

The *Second Continental Congress* met a few weeks later in May 1775, again in Philadelphia. Many of the same 56 delegates who attended the first meeting were in attendance, including one from each of the 13 colonies. These delegates had first come hoping for peace, but soon, more and more leaders called for complete separation from Great Britain.

Many critical actions were discussed and decided. The Second Continental Congress assumed the powers of a central government. An army and a navy were organized, and money was issued. General George Washington was chosen to lead the army. The Second Continental Congress became the nation's first government and continued to meet until the Articles of Confederation took effect in 1781.

Six years after the fighting began in Lexington, the British surrendered to General Washington at Yorktown, Virginia. The Americans had won their fight for independence.

### QUESTIONS

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

- \_\_\_ 1. The only objection the colonists had toward British rule concerned trade regulations.
- \_\_\_ 2. When the First Continental Congress met, the members wanted to declare war against England.
- \_\_\_ 3. Patrick Henry did not want to see the war begin.
- \_\_\_ 4. The Sons of Liberty supported the colonists' cause.
- \_\_\_ 5. The English colonists were closely governed from the time of the earliest settlements.
- \_\_\_ 6. The Boston Tea Party occurred because of a tax dispute.
- \_\_\_ 7. Samuel Adams and John Hancock were colonial leaders.
- \_\_\_ 8. Patrick Henry said, "Give me liberty, or give me death!"
- \_\_\_ 9. The First Continental Congress met in 1774.
- \_\_\_ 10. Each of the 13 colonies had a representative at the Second Continental Congress.
- \_\_\_ 11. George Washington led the American Army in the Revolution.
- \_\_\_ 12. The British won the American Revolution.

The Constitution consists of the Preamble, seven original articles, and 27 amendments. This summary will aid you in gaining an overview of the Constitution or as an index to finding the particular portion of the Constitution that you wish to study. You will find a copy of the entire Constitution in the back of your history book or in the library. Free copies of the federal Constitution and your state constitution are available from the secretary of state in your state capital or on the internet.

### The Seven Articles

The main body of the Constitution is the seven Articles. The Articles establish the branches of federal government and explain how the government works. The Articles are the guide to how the federal government interacts with the citizens, states, and people of the country.

**Article 1 – Legislative Branch** - Outlines the legislative branch, lawmaking requirements for Congress, the elastic clause, and forbidden powers. It is the longest article in the Constitution.

**Article 2 – Executive Branch** - Explains the presidential and vice presidential duties, terms of office, succession, impeachment, oath of office, and specific executive powers.

**Article 3 – Judicial Branch** - Addresses the judicial powers of the United States, the Supreme Court and other courts, and specifics about judges. It also defines treason.

**Article 4 – States and the Union** - Discusses how the states fit in with the plan of the federal government. It sets requirements for new states and requirements of the federal government in respect to states.

**Article 5 – Amendments** - This article outlines how to amend the Constitution.

**Article 6 – United States Constitution Supreme** - Makes it clear that the federal Constitution is the supreme law of the land.

**Article 7 – Ratifying Procedure** - Explains how the Constitution was ratified.

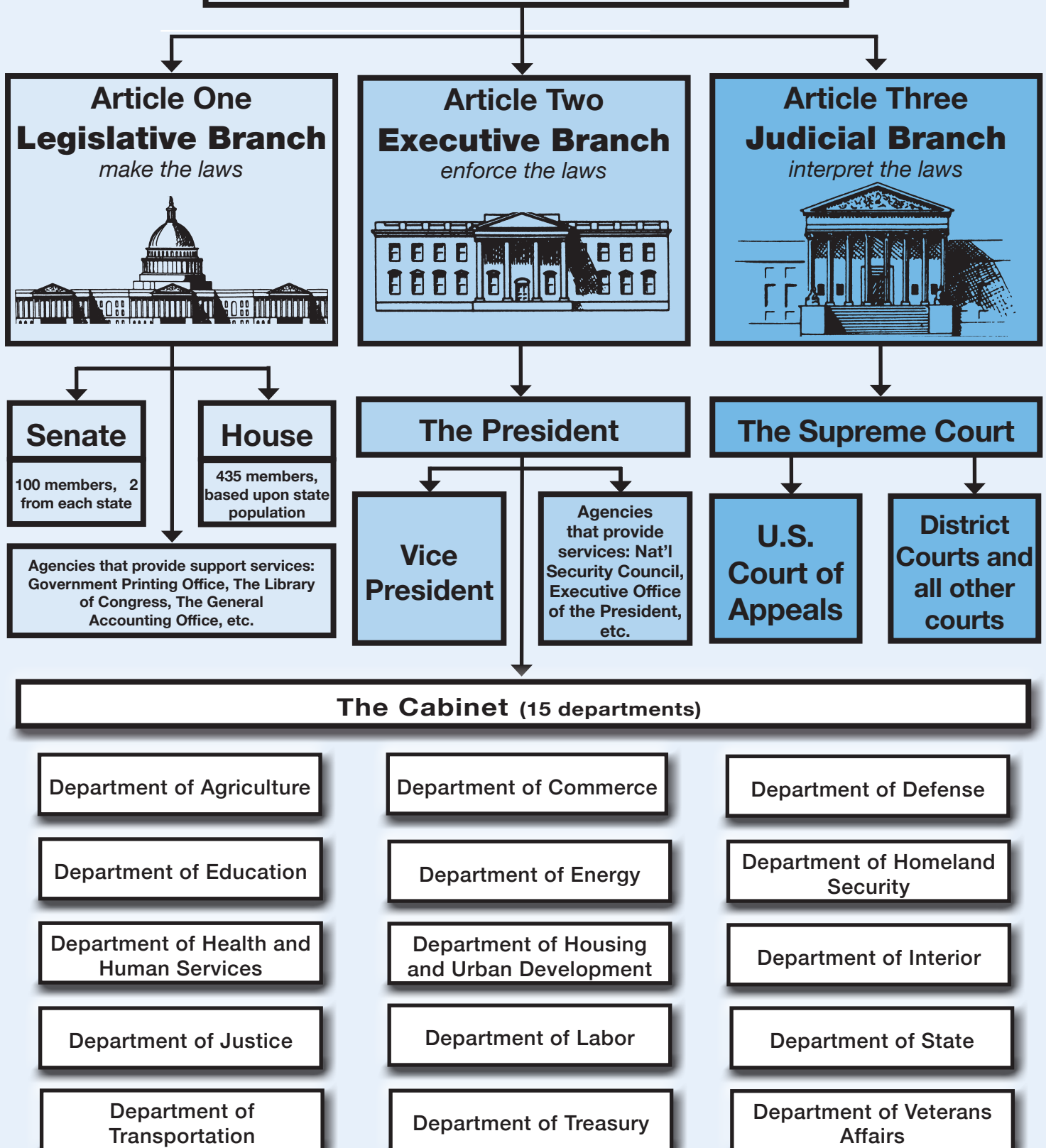
### The 27 Amendments

The first 10 amendments were adopted in 1791 and are known as the *Bill of Rights*. A summary of each additional amendment is preceded by the year it was adopted.

No.	Year Adopted	Summary
1st	Bill of Rights - 1791 - First 10 Amendments	Freedom of expression, religion, speech, press, assembly, and petition.
2nd		Protects the rights of individual citizens to keep and bear arms. Establishes a militia that is necessary for a free state.
3rd		Prohibits soldiers from temporarily residing (quartering) in private homes during peace time without getting the permission and consent of the owner.

No.	Year Adopted	Summary
4th	Bill of Rights - 1791 - First 10 Amendments	Protects people from unreasonable searches and seizures by the government.
5th		No person tried without the grand jury indictment or punished twice for same offense. Prohibits being a witness against yourself and guarantees due process of law.
6th		Rights of accused in criminal cases, including legal representation and a fair and speedy trial.
7th		Guarantees a trial by jury.
8th		Insures that punishments for crimes are not excessive, cruel, or unusual.
9th		People retain rights not listed in the United States Constitution.
10th		Power not given to the federal government is given to the people or states (very important for state government).
11th	1795	Individual cannot sue a state in federal courts.
12th	1804	Repeals part of Article 2, Section 1, of the Constitution. Electoral College must cast separate ballots for president and vice president. In 1800, there was difficulty when Thomas Jefferson and Aaron Burr received the same amount of votes in the Electoral College, even though the electors meant Burr's votes to be for the position of vice president. The election had to go to the House of Representatives where Jefferson won, thanks to support of Alexander Hamilton. This helps explain why Hamilton and Burr later dueled and Hamilton was killed.
13th	1865	Abolished slavery and involuntary servitude.
14th	1868	All persons born or naturalized in the United States enjoy full rights. This was done to protect the rights of freed slaves and minorities after the Civil War, but it applies equally to all Americans. This amendment also made certain rules concerning the southern states after the Civil War.
15th	1870	Protects the rights of Americans to vote in elections. States cannot prevent a person from voting because of race, creed, or color. The right to vote is known as <i>suffrage</i> .

# The Constitution SETS UP THREE BRANCHES





## QUESTIONS

## FILL IN THE BLANKS / SHORT ANSWER

1. In Congress, where are bills sent for consideration?  
\_\_\_\_\_
2. What is the president's role in lawmaking?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. What is a pocket veto? \_\_\_\_\_
4. Which group of Congress has more members, the Senate or House? \_\_\_\_\_
5. After a bill has passed the two houses of \_\_\_\_\_, it is sent to the \_\_\_\_\_.

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

- \_\_\_\_\_ 1. The Congress vetoes laws.
- \_\_\_\_\_ 2. The Supreme Court helps in making laws.
- \_\_\_\_\_ 3. Bills may start in either house of Congress.
- \_\_\_\_\_ 4. Revenue bills start in the Senate.
- \_\_\_\_\_ 5. A three-fourth vote is necessary for Congress to override a president's veto.
- \_\_\_\_\_ 6. The president can declare laws unconstitutional.
- \_\_\_\_\_ 7. Lobbies are illegal in Washington, D.C.

- \_\_\_\_\_ 8. After a law is passed, if it is in conflict with the Constitution, it can be made void by the Supreme Court.

**WHICH BRANCH?** Answer **Executive (E)**, **Legislative (L)**, or **Judicial (J)** branch.


- \_\_\_\_\_ 1. Makes the country's laws.
- \_\_\_\_\_ 2. Enforces the country's laws.
- \_\_\_\_\_ 3. Tries cases under the laws.
- \_\_\_\_\_ 4. Is the court system of the country.
- \_\_\_\_\_ 5. Has two houses.
- \_\_\_\_\_ 6. The president is the head of this branch.
- \_\_\_\_\_ 7. The Supreme Court is the chief body.
- \_\_\_\_\_ 8. Members are not elected.
- \_\_\_\_\_ 9. Uses pocket veto.
- \_\_\_\_\_ 10. Uses joint committees.

**LAWMAKING BY THE NUMBERS.** Choose the correct number from the number bank that matches the statement.**Number Bank:** 1/2, 2/3, 1, 2, 4, 6, 8, 10, 50, 100, 435

- \_\_\_\_\_ Lawmaking in this Article of the Constitution.
- \_\_\_\_\_ President has this many days to take action.
- \_\_\_\_\_ Number of U.S. senators in Congress.
- \_\_\_\_\_ Number of U.S. representatives in Congress.
- \_\_\_\_\_ A U.S. representative's term in years.
- \_\_\_\_\_ Fraction of votes Congress needs to override a veto.

## LEARNING AID

## LEGISLATIVE BRANCH FACT SHEET

Main Body	Congress, consisting of a Senate and House of Representatives	
Membership	Senate: 100 House of Representatives: 435	
Terms of Office	Senate: 6 years House of Representatives: 2 years	
Salaries	Senate: \$174,000    majority and minority Leaders, president pro tempore: \$193,400 House of Representatives: \$174,000    speaker of the House: \$223,500	
Requirements	Senate: 30 years old, a citizen for 9 years, resident of the state represented. House of Representatives: 25 years old, a citizen for 7 years, resident of the state represented.	
Officers	Senate: President of the Senate (Vice President of the United States), president pro tempore, majority leader, minority leader. House of Representatives: speaker of the House, majority leader, minority leader.	
Meeting Place	Capitol Building, Washington, D.C.	
Duties	Main duty of the legislative branch is to make laws.  Senate: Pass bills, decide guilt of impeached federal officers, approve presidential appointments, approve treaties.  House of Representatives: Pass bills, charge federal officers in impeachment cases, select president when no candidate has a majority in the Electoral College, start all revenue bills.  Joint Duties: Raise, borrow, and coin money; have defense powers; control immigration; grant copyrights and patents; control commerce; govern Washington, D.C.; investigate executive branch.  Forbidden Powers: No ex post facto laws, no suspension of habeas corpus, no tax on exports, no title of nobility, no bill of attainder, no mid-term pay raises.	
Article Number	Article 1 of the U.S. Constitution	

*"The judicial power of the United States, shall be vested in one supreme court, and in such inferior courts..."*  
— Article 3, Section 1 of the United States Constitution

The main purpose of the judicial branch is to interpret the laws and administer justice. Many of the details of this branch may be found in Article 3 of the Constitution. The judicial branch consists of a system of federal courts.

While the people elect the executive and legislative branches, members of the judicial branch are appointed by the president and confirmed by the Senate. Each federal judge holds office for life and may be removed only by impeachment. There are no expressed qualifications for federal judges in the Constitution.

### Power of the Judicial Branch

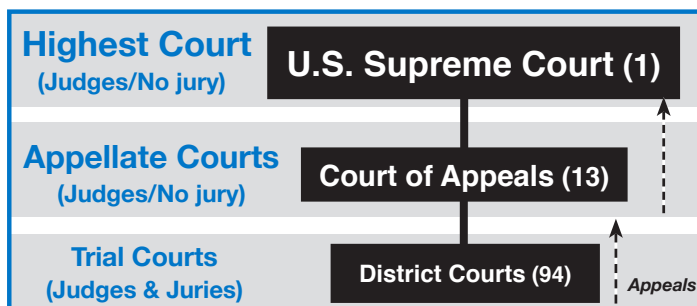
The power of the judicial branch through the courts is extended to all cases arising under the Constitution, laws, and treaties of the United States, and in some other special cases (see Article 3, Section 2). Every person accused of wrongdoing has the right to a fair trial before a competent judge and a jury of one's peers.

Under the Constitution, the courts protect the rights of all citizens and guarantees justice based on law. The philosophy of our law (often referred to as jurisprudence) relies heavily on past precedent. Courts will review cases that were previously decided when analyzing a new case brought to the courts. The decision of similar cases will mostly be the same as courts utilize this past precedent.

Most court cases fall into two categories, **criminal** or **civil** cases. Most crimes are a violation of state law, not federal law, and thus would be prosecuted in the state court system. Only crimes that break a law of the U.S. government will be prosecuted in the federal courts.

In criminal cases, the court decides if an accused person is guilty or innocent of a crime. Examples of federal crimes include bank robbery, counterfeiting, kidnapping, and financial fraud. In civil cases, the court settles disputes between two parties. Civil cases that may be heard in federal court include questions over federal law, suing for civil rights and first amendment violations, and resolving disputes (over \$75,000) between parties from different states.

There are three major types of federal courts:



### The Supreme Court

**"Equal Justice Under Law"** - These words, written above the main entrance to the Supreme Court Building, express the ultimate responsibility of the Supreme Court of the United States. The unique position of the Supreme Court is the result of the strong commitment of the American people to the *Rule of Law* and constitutional government. The Supreme Court ensures democracy and the importance of the oldest written Constitution still in force.

A primary duty of the *justices* (judges) of the Supreme Court is to decide whether state and federal laws are constitutional and whether actions by lower courts or other governmental agencies are constitutional. This power is not given to the Supreme Court directly by the Constitution, but precedence and tradition have given the court this power. It also hears cases of appeal from lower courts, providing a federal matter, such as copyright, kidnapping, or counterfeiting, is involved. In some special cases, the court hears the matter directly.

There are nine Supreme Court justices with one justice serving as *chief justice*. The Constitution does not stipulate the number of Supreme Court justices; the number is set instead by Congress. Court justices receive a salary of \$213,900. The chief justice receives a salary of \$223,500. Six justices make a quorum, and a majority is necessary for a decision. The court meets in the U.S. Supreme Court Building in Washington, D.C. Typically the court conducts its annual term from the first Monday of October until late June the following year.

The current nine members are listed below.

	Supreme Court Justice	Type of Justice	President Who Nominated
1.	John Roberts, Jr.	Chief Justice	G.W. Bush (R)
2.	Clarence Thomas	Associate Justice	G.H. Bush (R)
3.	Ruth Bader Ginsburg	Associate Justice	Clinton (D)
4.	Stephen G. Breyer	Associate Justice	Clinton (D)
5.	Samuel A. Alito Jr.	Associate Justice	G.W. Bush (R)
6.	Sonia M. Sotomayor	Associate Justice	Obama (D)
7.	Elena Kagan	Associate Justice	Obama (D)
8.	Neil Gorsuch	Associate Justice	Trump (R)
9.	*Vacancy due to retirement of Anthony Kennedy	Associate Justice	*Trump has nominated Brett M. Kavanaugh

The most recent appointments to the Supreme Court include Neil Gorsuch in April of 2017 along with the latest opening created by the retirement of Anthony Kennedy in July of 2018. President Trump has nominated Brett M. Kavanaugh to fill the Kennedy vacancy, awaiting Senate confirmation.

## 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 members of government and limit how long government leaders can be in office.

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

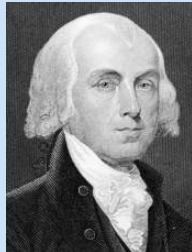
In addition to the federal government, most state and local governments have the mechanics of a system of checks and balances.

## Federalism

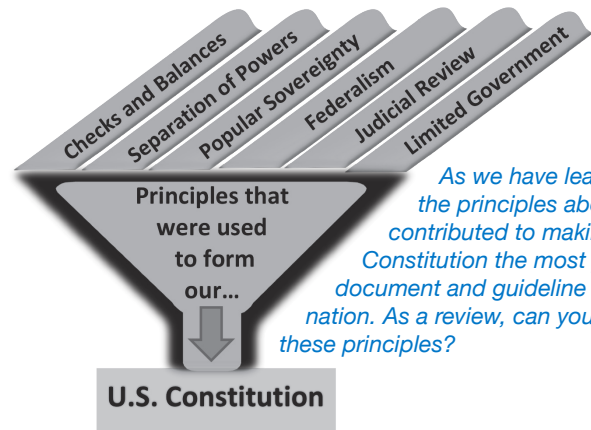
Another check and balance is the theory of *federalism*, or the sharing of power between the federal, state, and local governments. In many ways, this is a natural division of functions. Local affairs are handled by local governments; national affairs by the federal government.

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.

### James Madison (1751-1836)



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, and the more diverse interests of its citizens, 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

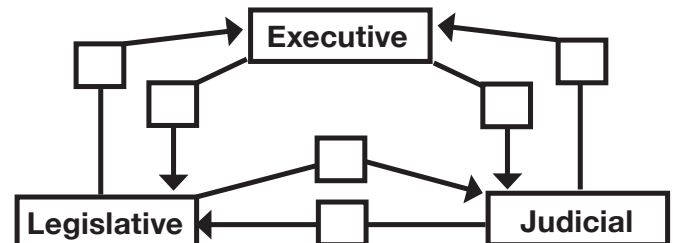
1. Why is there a system of checks and balances?

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

The following test will help you prepare for your final 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 multiple times. You will find the correct answers at the bottom of Page 55.

**MULTIPLE CHOICE**

*Write the letter of the correct answer in the space provided.*

1. \_\_\_\_\_ The president may serve how many terms? A. 1 B. 2 C. 3 D. 4
2. \_\_\_\_\_ What is NOT a rule of the flag code?  
A. worn flags should be thrown in trash C. nothing should be attached to the flag  
B. should be in the front of a parade D. exact likeness should not be used in ads
3. \_\_\_\_\_ How many amendments have been added to the Constitution? A. 10 B. 21 C. 27 D. 41
4. \_\_\_\_\_ How many years is the president's term of office? A. 2 B. 4 C. 6 D. 9
5. \_\_\_\_\_ What is the age requirement to become president? A. 18 B. 21 C. 35 D. 45
6. \_\_\_\_\_ After a bill has gone through both houses of Congress successfully, it is sent to:  
A. the President C. the Speaker of the House  
B. the States D. the Supreme Court
7. \_\_\_\_\_ Which amendment explains that the president may serve only two terms?  
A. 17th B. 19th C. 22nd D. 27th
8. \_\_\_\_\_ How many U.S. senators come from each state? A. 1 B. 2 C. 3 D. 4
9. \_\_\_\_\_ Each state receives at least \_\_\_\_\_ representative(s) in the U.S. House of Representatives.  
A. 1 B. 2 C. 3 D. 4
10. \_\_\_\_\_ Who may veto a bill proposed by Congress?  
A. the President of the United States C. the Vice President  
B. the Secretary of State D. all Cabinet members
11. \_\_\_\_\_ The president of the Senate is:  
A. the President of the United States C. the Secretary of State  
B. the Speaker of the House D. the Vice President
12. \_\_\_\_\_ Which of these rights is not an unalienable right from the Declaration of Independence?  
A. liberty B. education C. pursuit of happiness D. life
13. \_\_\_\_\_ The Declaration of Independence was written largely by:  
A. Hamilton B. Washington C. Jefferson D. Adams
14. \_\_\_\_\_ The national budget is presented annually to Congress by the:  
A. the Vice President C. the Secretary of State  
B. the Governors D. the President
15. \_\_\_\_\_ There are how many branches of government? A. 1 B. 2 C. 3 D. 4
16. \_\_\_\_\_ The president takes the oath of office on:  
A. January 4th B. January 20th C. November 7th D. September 5th
17. \_\_\_\_\_ In our First Amendment, which is NOT a "freedom"?  
A. freedom of the press C. freedom of speech  
B. freedom of employment D. freedom of religion
18. \_\_\_\_\_ The vote of what group really decides who will be president?  
A. Electoral College C. United Nations  
B. popular vote by the people D. House of Representatives
19. \_\_\_\_\_ What is described in Article 1, Section 8, of the Constitution giving Congress broad powers to write laws about new situations?  
A. war power B. insight clause C. elastic clause D. inventional clause
20. \_\_\_\_\_ Which body has the power to borrow money?  
A. Congress C. Executive Branch  
B. Supreme Court D. State Legislatures

*continued*