# Declaration of Independence (Background)

**Year written: 1776**

**Authors:**

* **Thomas Jefferson**
* **John Adams**
* **Benjamin Franklin**

## Purposes:

1st section: Announce intent to break away from England.

2nd section: Provide “political rationale” / “logic” to justify independence.

Cites “**basic human rights**”

States governments are created to serve the people who create them.

3rd section: List specific grievances / complaints against King George and Parliament.

4th section: Cite attempts made by Americans to resolve their differences with British.

5th section: Conclusion - The colonies assert their right to declare their independence.

**Underlying Philosophy:** “**LIBERTY**” (freedom) **>** “**ORDER**” (laws, regulations)

**Is the Declaration of Independence part of the constitution? NO! Neither a part nor a section of the Constitution**

# the Constitutional Convention

## Background

* Name the United States’ first document of government: **Articles of Confederation**
* **Underlying Philosophy**: “**LIBERTY**” (freedom) **>** “**order**” (laws, government regulations)
* Features of the first “**national”** government:
  + “**Confederation**:” **association** of states in which a “national” government has **(excessive OR limited)** powers.
  + **Structure**:
    - It had a “legislative branch” that could **enact** laws.
    - It **did not** include an “executive branch” that could **enforce** laws.
    - It **did not** include a “judicial branch” to **interpret** laws.
* **Weaknesses** of the first national government under the Articles of Confederation:
  + There was no way to **enforce** laws passed by the Congress (national legislature).
  + There was no way to settle disputes between or among different **states**.
  + There was no way to settle disputes between or among **citizens** of different **states.**
  + Congress did not have the power to **tax**: Congress could only “**ask**” states to contribute money.
  + **Both** the national government and the states could issue “**currency**” (**money**): this made it very confusing and difficult to conduct business transactions.
  + Congress could not regulate **trade** between or among the states or with foreign nations.

## The Constitutional Convention

* Date: **Summer, 1787**
* Location: **Philadelphia**, Pennsylvania
* Purposes:
  + **Original**: Consider amendments to the Articles of Confederation
  + **Eventual**: Write an entirely new Constitution
* “Consensus” or “Shared” feelings:
  + A **stronger** national government was needed.
  + Some method was needed to “**control**” this more **powerful** government.
  + The average citizen must be **involved** in the new national government but at the same time not have too much **power**.
  + **Underlying Philosophy**: “**ORDER**” (laws, government regulations) **>** “**liberty**” (freedom)
* **Key Individual** at the Convention: **James Madison** of Virginia.
  + Known as the “Father of the Constitution.”
  + Main **Contribution**: Proposals became the “**agenda**” / **issues** discussed at the convention.

## Key “Conflicts” and “Compromises

### Distribution of Power: Who Does What?

### Representation in the Legislature

States with **large** populations favored representation based on **population**.

States with **small** populations favored **equal** representation for each state.

### Slavery, Representation and Taxation

Views of **southern states:**

* Slaves **should** be counted to determine representation.
* Slaves **should not** be counted for purposes of taxation.

Views of **northern states**:

* Slaves **should not** be counted to determine representation.
* Slaves **should** be counted for purposes of taxation.

### Compromise Solutions to Conflicts

#### The Federal System

**Reserved powers:** those that remained with the states.

**Delegated powers**: those that the states given / assignedto the new national government.

**Concurrent powers:** those that would belong to boththe states and the new national government.

#### The “Great Compromise”

Create a “bicameral” or 2 branch or house legislature

House of Representatives: representation based on **population**

**Senate**: each state would have (#) **two** members regardless of population.

#### Compromise Solution

How many slaves would count as a white for **both** representation and taxation? 3/5ths

# Structure of the U. S. Constitution

**Section Definition Key Numbers**

|  |  |  |
| --- | --- | --- |
| Section | Definition | Key Numbers |
| Preamble | introduction and goals | **six goals for new gov’t**   * **form a more perfect union** * **establish justice** * **insure domestic tranquility** * **provide for common defense** * **promote general welfare** * **secure blessing of liberty** |
| Articles | original sections | **seven in total** |
| Amendments | additions and changes | **27 to date**  **1-10: Bill of Rights** |

# Basic Principles of U. S. Government

## Separation of Powers: Who Does What?

|  |  |
| --- | --- |
| **L** | **Legislative Branch** |
| **E** | **Executive Branch** |
| **J** | **Judicial Branch** |

1. **\_\_\_\_\_L** Make laws.
2. **\_\_\_\_\_L** Enacts (passes) taxes.
3. **\_\_\_\_\_E** Enforce laws.
4. **\_\_\_\_\_E** “Suggests” new laws.
5. **\_\_\_\_\_E** Appoints federal judges.
6. **\_\_\_\_\_J** Decides the meaning of a law.
7. **\_\_\_\_\_J** Decides if a law is constitutional.
8. **\_\_\_\_\_ E** Appoints federal administrators.
9. **\_\_\_\_\_ E** Carries out U.S. foreign policy.
10. **\_\_\_\_\_ L** Removes federal officials from office.
11. **\_\_\_\_\_ L** Decides how tax money is spent.

## Definitions

|  |  |
| --- | --- |
| **A** | **Amendment Process** |
| **B** | **Checks and Balances** |
| **C** | **Concurrent Powers** |
| **D** | **Delegated Powers** |
| **E** | **Democracy** |
| **F** | **Federal Supremacy** |
| **G** | **Federal System** |
| **H** | **Impeachment Process** |
| **I** | **Judicial Review** |
| **J** | **Republic** |
| **K** | **Reserved Powers** |
| **L** | **Separation of Powers** |
| **M** | **Elastic Clause** |

1. **\_\_\_\_g** Format or “plan” for government in which powers are divided between a national (central) government and state governments.
2. **\_\_\_\_d** Powers, like declaring war, that belong only to the national (central) government.
3. **\_\_\_\_k** Powers, like setting marriage and divorce laws, that belong only to the states.
4. **\_\_\_\_c** Powers, like taxation, that belong to both the national (central) government and the states.
5. **\_\_\_\_l** The powers needed for governing are divided into separate legislative, executive, and judicial branches within any level of government (national or state).
6. **\_\_\_\_b** Each branch of government limits the powers of the other branches.
7. **\_\_\_\_i** The accepted authority of the U. S. Supreme Court to rule on the “constitutionality” of both federal (national) and state laws.
8. **\_\_\_\_j** The technical name for the type of government in the United States, one in which voters elect representatives who, in turn, enact or pass laws.
9. **\_\_\_\_a** Procedure for making changes in the U. S. Constitution.
10. **\_\_\_\_h** Procedure for removing federal office holders from their government position / office.
11. **\_\_\_\_m** Measure that allows the Congress to pass very specific laws (i.e. building aircraft carriers) in order to carry out its general duties / responsibilities (i.e. raise and maintain the nation’s armed forces.
12. **\_\_\_\_f** The U.S. Constitution and federal laws have higher authority than state or local laws.

## Delegated, Reserved, and Concurrent Powers: Who Does What?

|  |  |
| --- | --- |
| **D** | **Delegated Powers**  **Federal Gov’t** |
| **R** | **Reserved Powers**  **State Gov’t** |
| **C** | **Concurrent Powers**  **Shared between Fed & State** |

1. **\_\_\_\_\_ C** Borrow money.
2. **\_\_\_\_\_ C** Establish courts.
3. **\_\_\_\_\_ D** Coin / print money.
4. **\_\_\_\_\_ R** Set marriage and divorce laws.
5. **\_\_\_\_\_ R** Conduct elections.
6. **\_\_\_\_\_ D** Set standard weights and measures.
7. **\_\_\_\_\_ D** Make treaties with foreign nations.
8. **\_\_\_\_\_ D** Create a postal system.
9. **\_\_\_\_\_ D** Declare war.
10. **\_\_\_\_\_ R** Provides a system of education
11. **\_\_\_\_\_ C** Enforce laws.
12. **\_\_\_\_\_ R** Regulate “intrastate” trade (within a state).
13. **\_\_\_\_\_ D** Establish armed forces.
14. **\_\_\_\_\_ C** Propose amendments to the Constitution.
15. **\_\_\_\_\_ C** Collects taxes
16. **\_\_\_\_\_ R** Ratify (approve) amendments.
17. **\_\_\_\_\_ D** Regulate “interstate” trade (trade that crosses state borders).

## Checks and Balances

| Situation | Blank is checking Blank  Use L, E, J or States |
| --- | --- |
| President vetoes bill passed by Congress. | **E** is checking **L** |
| Congress overrides a presidential veto. | **L** is checking **E** |
| Congress approves presidential appointments to the Executive and Judicial branches. | **L** is checking **E** |
| President calls a special session of Congress. | **E** is checking **L** |
| Congress impeaches and tries the President. | **L** is checking **E** |
| The President “suggests” a new law. | **E** is checking **L** |
| Congress approves a treaty (an agreement with another country made by the President.) | **L** is checking **E** |
| Supreme Court declares a federal law “unconstitutional.” | **J** is checking **L** and **E** |
| Congress impeaches, convicts, and removes a federal judge. | **L** is checking **J** |
| President “pardons” (frees) a person found guilty in a federal court trial | **E** is checking **J** |
| Congress and states pass a new amendment to overturn a Supreme Court decision. | **L** and **states** are checking **J** |
| President appoints a justice to the Supreme Court | **E** is checking **J** |

# Legislative Branch

Official name: **Congress**

Key Feature: It is “**bicameral”** which means **it has two branches or houses.**

## Basic Responsibilities:

* Enact **laws**
* Create **federal \_courts**
* Admit new **states.**
* Declare **war**
* Govern federal **territories**
* Set **naturalization** (citizenship) requirements.

## Comparison: U. S. House and U. S. Senate.

|  |  |  |
| --- | --- | --- |
|  | House of Reps | Senate |
| # Of members | **435** | **100** |
| Representation for each state | **based on census (population count taken every 10 years)** | **two per state** |
| How selected | **voters of a congressional district** | **voters statewide** |
| Term of office | **2 years** | **six years** |
| % Elected every 2 years | **100%** | **33% 1/3** |
| Age requirement | **25 years old** | **30 years old** |
| Residency requirement | **Live in state** | **Live in state** |
| Presiding officers | **Speaker of the house** | **Vice President**  **President Pro-Tempore** |
| Special (“Sole”) powers / responsibilities | **Impeach (accuse) officials of wrong doing**  **Elect president when Electoral College fails to**  **Start all revenue (tax) bills** | **Try (hear) impeachment cases**  **Approve presidential appointments**  **Approve treaties (agreements with other nations)** |

## The Law - Making Procedure: Key Facts

# The Executive Branch

## Members

Mentioned in Constitution:

* **President**
* **Vice-President**

**Cabinet**:

* Created out of **need** and continued by **tradition**.
* **Not** mentioned in the Constitution.
* Duties
  + Help **enforce** laws.
  + **Advise** the President.

## Terms

President:

* (#) **four** years.
* (#) **two** full terms.
* Maximum of (#) **ten** years.

Cabinet:

* as agreed upon by **president** and **cabinet member**.

## Duties of the President

* Supervise the **enforcement** of laws.
* **Commander in Chief** of the **armed forces.**
* Prepare a **State of the Union** message **once** a year.
* Negotiate **treaties** with foreign nations.
* Appoint **federal judges, ambassadors and executive branch** officials.
* Recommends an annual **federal budget.**
* **Suggest** bills and laws to Congress
* **Approve** bills from Congress
* **Veto** bills sent from Congress

## Presidential Succession

### 25th Amendment

Fills vacancies in the office of **Vice-President**. This person immediately goes to the **top or head** of the succession list.

## Election and Selection of Executive Branch members

### President:

* 1st attempt: by **Electoral College.** If it fails, then
* 2nd attempt: by the **House of Representatives**
* **Never** by **popular (peoples’)** direct vote**!!!!!!**

### Cabinet:

* Nominated by **President**.
* Approved by **Senate**

## Key Electoral Vote Numbers.

|  |  |  |
| --- | --- | --- |
| Current Electoral Votes | | |
| IL = 20 | MO = 10 | NY = 29 |
| WI = 10 | IN = 11 | TX = 38 |
| IA = 6 | CA = 55 | FL = 29 |

* Total of number of Electoral Votes nationwide: (#) **538**
* “Formulas” for determining the number of Electoral Votes for each state:
  + # of **U.S. Representatives\_**+ # of **U.S. Senators** = # Electoral votes
* Fewest Number of Electoral votes a state can have: (#) **three**
* # of Electoral Votes needed to win the Presidency in the Electoral College: (#) **270 (simple majority)**

# The Judicial Branch of Government

## The Federal Court System

### Top: The Supreme Court

* (#) **nine** judges / justices since 1869
  + fewest ever: (#) **six**; most ever: (#) **ten**
* possesses **Original Jurisdiction** (first hearing rights) in:
  + cases involving disputes between **states**
  + cases involving other **countries**
* possesses **Appellate Jurisdiction** in that it can:
  + “review” decisions of lower **federal** and **state** courts.
  + exercise **Judicial Review**: rule on the **constitutionality** of federal and state **laws.**
* **Most important power:** Has the final authority to interpret the Constitution.

### Middle: Federal Appellate Courts

* Number: (#) **thirteen** courts with a total of (#) **thirty-nine** judges.
* possess “appellate jurisdiction” in that they can “review” decisions of federal **district** courts.

### Bottom: Federal District Courts

* Number: (#) **eighty-nine** covering the U.S., WDC, Puerto Rico, Virgin Is., Guam & Marianas Is.
* possess **Original Jurisdiction**: most federal cases **start** here.

### Selection Process

* Nominated by **President**
* Approved by **Senate**
* **Term of Office: Life** 
  + **Why? To remove judges from politics**

### Removal:

* Get **Impeached** and **convicted** of a crime
* Decide to **Resign**
* **Die** in office

# The Amendment Process and the Amendments

## The Amendment Process

* **Step #1: Proposal Step #2:Ratification**
  + by **two-thirds** (fraction) of the congress or by **three-fourths** (fraction) of the **states.**
  + by **two-thirds** (fraction) of each branch of **Congress.**

## The AmendmentS

**Amendments #1 - 10**: The **Bill of Rights**

Purpose: protect **individuals** from the **government**

### Key Principles of Bill of Rights:

|  |  |
| --- | --- |
| Amend’t | Main Ideas in Amendment |
| 1 | Freedom of **Religion**  Freedom of **Speech**  Freedom of the **Press**  Right to **Assemble**  Right to **Petition** |
| 2 | Right to “bear arms” (keep **weapons**) for purpose of militia service. |
| 3 | No forced **quartering** of troops in home in peacetime. |
| 4 | No illegal **searches** or **seizures** of property. |
| 5 | Right to Trial  Do not have to **testify** against self in court (self incrimination)  Can’t be tried twice for the same offence: **Double** **jeopardy**  Depriving you of life, liberty, or property without: **Due** **process**  Can’t take property without just compensation: **Eminent Domain** |
| 6 | Right to know **charges against you**  Right to “face” (know) **accusers**  **Prompt** and **Public** trials.  Right to **legal counsel** (a **lawyer**)  Right to force witnesses to testify in your behalf |
| 7 | Choice of a **jury** trial. |
| 8 | No excessive **bail**  No **cruel** or **unusual** punishments. |
| 9 | Rights not expressed in the constitution  Right to **privacy** |
| 10 | Powers not granted to the federal government are reserved for the states or people  (States’ Rights) |

### Key Principles in Amendments #11 - 27

|  |  |
| --- | --- |
| Amend’t | Main Ideas in Amendment |
| 11 | Residents of another **state** or **country** cannot sue a state in federal court. |
| 12 | Separate Electoral College ballots for **President** and **Vice-President** |
| 13 | Abolished **slavery** |
| 14 | Granted **citizenship** and accompanying rights to minorities. |
| 15 | Prohibited discrimination in **voting** based on race or color. |
| 16 | Congress was given the authority to enact **income** taxes |
| 17 | Direct election of **Senators:** by the **people of a state** rather than by  **state legislature** |
| 18 | **Prohibition:** banned manufacture, sale, and transportation of **alcoholic** beverages. |
| 19 | Gave **women** the right to vote. |
| 20 | Set **January 20** instead of March 4 as inauguration day for President. |
| 21 | Canceled the (#) **Eighteenth** Amendment. |
| 22 | Limits a person to (#) **ten** years total as president. (Two full terms and up to two years of someone else’s term.) |
| 23 | Residents of **Washington D.C.** (city) made eligible to vote in presidential elections. |
| 24 | States cannot enact **poll taxes** for **voting** |
| 25 | Vacancy in office of **Vice-President** will now be filled. **ALSO**:  Procedure for temporary transfer of presidential powers to **Vice-President** |
| 26 | **Eighteen** year old can vote. |
| 27 | Congress can enact but not accept **pay increases** during current session of Congress. |

# Voting

## Types of Elections

* **Primary** elections: **Nominate** candidates for office.
* **General** election: **Elect** public officeholders.
* **Referendum**
  + “Yes / No” vote on a specific proposal.

## Election Dates

* Primary elections: anytime **prior** to general election. In **March** in Illinois.
* General elections: First **Tuesday** after first **Monday** in **November**

## Voter Qualifications

* Age requirement **eighteen**
* Citizenship requirement: **native-born** or **naturalized**
* Registration: Must be assigned a **precinct** (voting site) prior to an election.
  + Location: Near one’s place of **residence**
  + “**Reregistration**” is **not required** prior to each election: Only when one **changes** his/her **permanent** address.
* Citizens serving time in prison **(can OR cannot )** vote.

## Representation

* Deemack High school is in the 18th district for the U.S. House of Representatives
* Per the 2010 census, Illinois has 18 representatives in the U.S. House of Representatives
* Illinois has how many senators? 2

# Illinois Constitution Information

## Introduction

* **Date Illinois became a state: 1818**
* **Effective Date** of the current Illinois Constitution: **1970**
* **Previous** Illinois constitutions:
  + 1818-1848
  + 1848-1870
  + 1870-1970

### Structure: Two main sections

|  |  |  |  |
| --- | --- | --- | --- |
| **The Preamble**: | | | states the **purposes** of Illinois state government |
| **The Articles**: | | | **Fourteen** (14) in all |
|  | **1st -** State of Illinois **“Bill of Rights:”** | | twenty provisions / guarantees |
|  | 2**nd - Separation of Powers:** | |  |
|  |  | **Legislative Branch**: | **The General Assembly** (bicameral: State House and State Senate) |
|  |  | **Executive Branch**: | Governor and other state executive officials. |
|  |  | **Judicial Branch**: | **State Supreme Court, State Appellate Courts, Circuit courts** |
|  | **3** | | **Voting & Elections** |
|  | **4** | | **State Legislature (Bicameral)** |
|  | **5** | | **State Executive** |
|  | **6** | | **State Judicial** |
|  | **7** | | **Local Government** |
|  | **8** | | **Finance** |
|  | **9** | | **Revenue** |
|  | **10** | | **Education** |
|  | **11** | | **Environment** |
|  | **12** | | **Militia** |
|  | **13** | | **General Provisions** |
|  | **14** | | **Constitutional Revision** |

## Legislative Branch

* **Name**: **General Assembly**
* **Required meetings**: **once** a year

|  |  |
| --- | --- |
| **Structure**: **“Bicameral”**   * **State House of Representatives: 118 members** * **State Senate: 59 members** | Terms of Office:   * State Representative: **2 years** * State Senator: **4 years;** staggered elections: **one half** elected every **two years** |
| Qualifications:   * age: 21 * residency: live in the legislative district one represents * citizenship: U.S. citizen | Responsibilities:   * Enact laws * Checks and Balances: Can **override** a governor’s **veto** by a **3/5’s** (**60%**) vote |

## Executive Branch

### Qualifications

* Age: 25 years old
* Residency: 3 years in the state

### Terms of Office

* **four** years
* Elected in **even-numbered, non-presidential election years** (1998, 2002, 2006, etc)
* **No limits** on **number to terms** that can be served (unlike the U.S. President).

### Duties

* Carry out state laws
* Sign or veto bills
* Call special sessions of General Assembly
* Command the IL National Guard in peacetime

### Veto Powers of Governor: (Checks and Balances)

* **Regular Veto**: can veto an entire bill
* **Amendatory Veto:** governor can make **specific changes** in a bill after it has passed the General Assembly.
* **Item Veto**: governor can **reduce** the amount of **money** appropriated in a revenue bill.

### Veto-Override Rules

* Number of days governor has to consider a veto: **sixty (60)**

## Judicial Branch

### Structure

* Top: **State Supreme Court (7 judges)** - hears final appeals of cases
* Middle: **State Appellate Courts** - **reviews** decisions of state **circuit courts**
* Bottom: **Circuit Courts** - general **trial courts**

### Qualifications

* Education: Law degree
* Registration: Licensed to practice law in Illinois
* Residency: Live in the judicial district he/she represents

### Terms

* **Key Point: Illinois judges are elected, not appointed.**
* Supreme Court: **10 years**
* Appellate Courts: **10 years**
* Circuit Courts: **six years.**

### Reelection: Retention Ballots

* Judges must receive a “**YES**” vote from at least **60%** of the voters voting in the election.

### Major Responsibilities

* Conduct trials involving state laws.
* Interpret state laws.
* Rule on the constitutionality of state laws (**checks and balances**).
* State Supreme Court reviews decisions of lower state courts.