

# Constitution Study Guide



of the  
**United States**  
and the  
**State of Illinois**

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## TABLE OF CONTENTS

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<b>Part One: The Declaration of Independence</b> .....	1
Declaring Independence .....	1
Excerpts from the Declaration of Independence .....	2
<b>Part Two: The U.S. Constitution</b> .....	5
U.S. Constitution Outline.....	5
Writing the Constitution: Introduction.....	6
Writing the Constitution: The Federal System and Separation of Powers .....	12
Article I: The Legislative Branch.....	17
How a Bill Becomes a Law .....	29
Article II: The Executive Branch .....	34
Article III: The Judicial Branch.....	41
Checks and Balances.....	47
Articles IV–VII.....	51
The Amendments.....	57
<b>Part Three: The U.S. Flag</b> .....	67
Displaying the Flag.....	67
<b>Part Four: The Illinois Constitution</b> .....	71
Introduction .....	71
Articles I–III .....	73
Article IV: The State Legislative Branch .....	77
Article V: The State Executive Branch.....	84
Article VI: The State Judicial Branch.....	89
Articles VII–XIV .....	95
<b>Part Five: Glossary</b> .....	103
<b>Part Six: Answers</b> .....	111

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## TO THE STUDENT

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The materials contained in this Study Guide cover all of the topics found on the constitution test. You will be studying the Declaration of Independence, the United States Constitution, the U.S. flag, and the Illinois Constitution. If you study these materials, you will be able to successfully pass the constitution test.

This Study Guide is divided into lessons. Each lesson includes specific directions to assist you. Most lessons begin with a list of vocabulary words and their definitions. This vocabulary will help you understand the reading portion of the lesson, which is called the "Explanation."

There is a "Vocabulary Quiz" at the end of each lesson over the terms in the lesson. Each lesson also contains a "Focus Your Reading" quiz after the "Explanation" section. This quiz has questions about the reading portion of the lesson. All answers to the "Vocabulary Quiz" and the "Focus Your Reading" quiz are found in Part Six of this Study Guide.

If you complete all of the lessons in this Study Guide, you will be prepared to take the constitution test. This test consists of 60 multiple-choice questions. You must have a minimum of 30 answers correct in order to pass the test.

Good luck!

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**PART ONE:  
THE DECLARATION OF INDEPENDENCE**

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**Declaring Independence**

**Explanation**

*Directions:* Read the following information to get a better understanding of the Declaration of Independence. Read to find the answers to the “Focus Your Reading” questions.

America declared its independence from England on July 4, 1776. One of the main authors of the Declaration of Independence was Thomas Jefferson. Three important topics in the Declaration of Independence are explained below:

1. One topic was the statement of the theory of American Government. This theory is the one on which the U.S. Constitution is based, which is that the government works for its citizens; the citizens do not exist for the good of the government.
2. Another major topic was the listing of wrongs done to Americans by the English government. These statements were needed to show the world that the American people had good reasons for overthrowing the English government in America.
3. The most basic idea of our government found in the Declaration of Independence is that government derives its power from the people.

**Excerpts from the Declaration of Independence:**

**Paragraph 1 – Preamble**

**Paragraph 2 – Philosophy of Government**

**Paragraph 3 – Actual Declaration of Separation**

**The Declaration of Independence**

*Action of Second Continental Congress, July 4, 1776*

*The unanimous Declaration of the thirteen United States of America*

*WHEN in the Course of human Events*, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them, a decent Respect to the Opinions of Mankind requires that they should declare the causes which impel them to the Separation.

*WE* hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient Causes; and accordingly all Experience hath shewn, that Mankind are more disposed to suffer, while Evils are sufferable, than to right themselves by abolishing the Forms to which they are accustomed. But when a long Train of Abuses and Usurpations, pursuing invariably the same Object, evinces a Design to reduce them under absolute Despotism, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security. Such has been the patient Sufferance of these Colonies; and such is now the Necessity which constrains them to alter their former Systems of Government. The History of the present King of Great-Britain is a History of repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid World.

*WE*, therefore, the Representatives of the UNITED STATES OF AMERICA, in GENERAL CONGRESS, Assembled, appealing to the Supreme Judge of the World for the Rectitude of our Intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly Publish and Declare, That these United Colonies are, and of Right ought to be, FREE AND INDEPENDENT STATES; that they are absolved from all Allegiance to the British Crown, and that all political Connection between them and the State of Great-Britain, is and ought to be totally dissolved; and that as FREE AND INDEPENDENT STATES, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which INDEPENDENT STATES may of right do. And for the support of this Declaration, with a firm Reliance on the Protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

**Focus Your Reading**

*Directions:* Answer the following questions. Check your answers in the answer section.

1. What are two main topics covered in the Declaration of Independence?

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2. What is the theory of American government?

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3. What was the date on which the Declaration of Independence became effective?

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4. Who was one of the main authors of the Declaration of Independence?

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**PART TWO:  
THE U.S. CONSTITUTION**

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**U.S. Constitution Outline**

**PREAMBLE**

**ARTICLE I      Legislative Branch – Its function is to make the laws.**

- Section 1      Congress
- Section 2      House of Representatives
- Section 3      Senate
- Section 4      Elections
- Section 5      Rules of Order
- Section 6      Pay, Privileges
- Section 7      How bills become laws
- Section 8      Powers of Congress
- Section 9      Powers forbidden to the Congress
- Section 10     Powers forbidden to the States

**ARTICLE II     Executive Branch – Its function is to enforce, to execute, and to carry out the laws.**

- Section 1      Election
- Section 2      Powers
- Section 3      Duties
- Section 4      Impeachment

**ARTICLE III    Judicial Branch – Its function is to interpret the laws.**

- Section 1      Federal courts, judges
- Section 2      Jurisdiction
- Section 3      Treason

**ARTICLE IV    Relations Among the States**

- Section 1      States' rights, full faith and credit
- Section 2      Citizenship rights
- Section 3      Admitting new states
- Section 4      Guarantees to states

**ARTICLE V     Amending the Constitution**

**ARTICLE VI    Supreme Law of the Land**

**ARTICLE VII   Ratification**

**AMENDMENTS**



## **Writing the Constitution: Introduction**

### **Vocabulary**

*Directions:* Study the words and their definitions. Take the “Vocabulary Quiz.” Check your answers in the answer section. Refer to the vocabulary as needed when reading the “Explanation” which follows.

**Note:** The “Glossary” may contain additional information on some of the lessons’ vocabulary words.

**1. Central, national, federal government**

All these words refer to the government in Washington, DC, which is headed by the President.

**Special note:** Central, national, and federal are used interchangeably throughout the Study Guide. All refer to the government located in Washington, DC.

**2. Congress – Article I, Section 1**

The Senate and the House of Representatives make up the Congress. The Congress is the lawmaking branch of the federal government.

**3. Legislative Branch – Article I**

The lawmaking branch of the federal government (Congress).

**4. Executive Branch – Article II**

The branch of the federal government which has the responsibility to enforce or execute the laws (President, Vice President, and the Cabinet).

**5. Judicial Branch – Article III**

The branch of the federal government which has the task of interpreting the laws and the Constitution (the court system).

**6. Amendment – Article V**

An addition or change to the U.S. Constitution.

**7. Separation of Powers**

Separating the power of government among the three branches:  
(1) Legislative, (2) Executive, and (3) Judicial.

**Explanation**

*Directions:* Read the following information to get a better understanding of the writing of the Constitution. Read to find the answers to the “Focus Your Reading” questions.

The first plan of government for the United States was written in 1777, but was not ratified until 1781. This plan was called the Articles of Confederation. The plan failed because it gave too little power to the federal government and too much power to each state. The states failed to work together, and the U.S. government was too weak. In May 1787, Congress met in Philadelphia to try again to write a plan of government for the United States. This meeting is often called the Philadelphia Constitutional Convention of 1787.

This time the Congress planned to make the national government stronger than all the state governments. The Constitution was written in 1787; was ratified in 1788; and went into effect on March 4, 1789. James Madison is known as the “Father of the Constitution.”

At the time of the writing of the Constitution, there were thirteen states. The men who wrote the Constitution agreed that it would become the “law of the land” when only nine states accepted it.

Some of the states accepted the document quickly, but some delegates wanted guarantees of personal freedoms. It was agreed to add amendments to the Constitution so that more states would ratify it.

The Constitution is divided into three parts:

1. ***The Preamble.*** The first part is a one-sentence introduction called the Preamble. The Preamble contains no laws, but it restates the main idea that Thomas Jefferson had set forth the Declaration of Independence. The Preamble emphasizes that the power of government is derived from the people. The government is to be the servant of the people, not the master of the people:

*We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.*

2. ***The Articles.*** The second part of the Constitution is seven separate articles. Each article gives the plan for a part of the government:

Article I: The Legislative Branch (makes the laws)  
Article II: The Executive Branch (enforces the laws)  
Article III: The Judicial Branch (interprets the laws)  
Article IV: Relations Among the States  
Article V: Amending the Constitution  
Article VI: Supreme Law of the Land  
Article VII: Ratification (or approval)

3. ***The Amendments.*** The third part of the Constitution consists of the amendments. As had been promised, the first Congress to meet after the Constitution became law added ten amendments to the Constitution. These first ten amendments are called the Bill of Rights. They guarantee personal freedoms to you and each American. The Bill of Rights went into force on December 15, 1791.

Since the addition of the Bill of Rights, 17 additional amendments have been added to the Constitution.

## Vocabulary Quiz

*Directions:* Put the letter of the correct definition in the blank in front of the word it defines. Check your answers in the answer section.

- |          |                            |    |  |
|----------|----------------------------|----|--|
| _____ 1. | Central, national, federal | a. | President, Vice President, and the Cabinet   |
| _____ 2. | Congress                   | b. | The Senate and the House of Representatives  |
| _____ 3. | Legislative Branch         | c. | The courts and judges make up this branch of the federal government                      |
| _____ 4. | Executive Branch           | d. | The lawmakers (Congress) make up this branch of the federal government                   |
| _____ 5. | Judicial Branch            | e. | Names for the main government of the United States; this government is in Washington, DC |
| _____ 6. | Amendment                  | f. | A change to the Constitution   |

**Focus Your Reading**

*Directions:* Answer the following questions. Check your answers in the answer section.

1. What was the name of the first plan of government for the United States?

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2. What was wrong with this plan of government?

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3. In what year was the constitutional convention held?

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4. Where was the constitutional convention held?

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5. What is the main idea upon which the U.S. government is founded (stated in the Declaration of Independence and in the Preamble)?

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6. How many articles are there in the Constitution?

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7. When did we get the first ten amendments?

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8. Why are the first ten amendments so important to you?

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9. Name the three parts of the Constitution.

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10. What are three terms often used to refer to the government in Washington, DC?

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## **Writing the Constitution: The Federal System and Separation of Powers**

### **Vocabulary**

*Directions:* Study the words and their definitions. Take the “Vocabulary Quiz.” Check your answers in the answer section. Refer to the vocabulary as needed when reading the “Explanation” which follows.

**1. Federal system of government (Federalism)**

This is the system of government designed by the writers of the Constitution. It is a union of states under a central government. The central government is the most powerful. This central government is separate from the governments of the states.

**2. Delegated powers – Article I, Section 8**

These 18 powers are enumerated (listed) in the Constitution. They are the powers given to the federal lawmakers (Congress).

**3. Reserved powers – 10<sup>th</sup> Amendment**

These are powers not given to Congress. If these powers are not forbidden to the states, the 10<sup>th</sup> Amendment says they belong either to the states or to the people.

**4. Implied powers – Article I, Section 8, Clause 18**

These powers are not stated in the Constitution, but are “hinted at” in Article I. These are the powers Congress assumes in order to carry out the delegated powers. This clause is sometimes called the “necessary and proper” clause or the “elastic” clause.

## **Explanation**

*Directions:* Read the following information to get a better understanding of the federal system and separation of powers in the federal government. Read to find answers to the “Focus Your Reading” questions.

The men who wrote the Constitution designed the federal system of government. This system divided the powers of government between the national (federal) government and the state governments. This system is also called “federalism.” The powers given to the federal government are called delegated powers (Article I, Section 8). The states were allowed to keep some powers, and these are called reserved powers (10<sup>th</sup> Amendment).

*What are the 18 powers delegated to the Congress?* Powers delegated to the federal government are of two types: (1) expressed powers and (2) implied powers.

- (1) There are 17 expressed powers in Article I. These are sometimes called enumerated powers because they are listed and can be counted.

After listing the 17 expressed powers, the writers of the Constitution knew that they had not thought of every power the Congress might need. Thus, they added a clause at the end of the enumeration of these powers. This clause is often called the “necessary and proper” or “elastic” clause.

- (2) The “necessary and proper” or “elastic” clause states, in part, that Congress shall have the power to “make all laws necessary and proper for carrying into execution the foregoing (17 expressed) powers.” The powers assumed by Congress as a result of this clause are called implied powers.

*What are reserved powers?* The powers reserved to the states are those not enumerated as belonging to the U.S. Congress. The 10<sup>th</sup> Amendment is the last amendment in the Bill of Rights. It states that if a power is not given to Congress by the Constitution nor prohibited to the states, the power belongs to the states or to the people.



For example, since the Constitution does not mention education, marriage, divorce, or voter qualifications (other than age), each state may make laws governing them.

*What is the separation of powers?* The writers of the Constitution did not want any of the three branches of the national government to become too powerful. To keep any one branch of the government from becoming too strong, the writers divided the powers of the federal government among the three. The three branches of the federal government are (1) the Legislative (Article I), (2) the Executive (Article II), and (3) the Judicial (Article III). This division into three branches is called the “separation of powers.”

### **Vocabulary Quiz**

**Directions:** Put the letter of the correct definition in the blank in front of the word it defines. Check your answers in the answer section.

- |  |   |
|--|---|
| _____ 1. Federal system of government (federalism) | a. Powers not given to the federal government by the Constitution         |
| _____ 2. Delegated powers                          | b. State governments united under one stronger central government         |
| _____ 3. Reserved powers                           | c. Powers “hinted” at by the “necessary and proper” clause of Article I   |
| _____ 4. Implied powers                            | d. Eighteen powers listed in Article I; powers given to the U.S. Congress |

**Focus Your Reading**

*Directions:* Answer the following questions. Check your answers in the answer section.

1. What is the federal system of government?

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2. Article I (The Legislative Branch) gives \_\_\_\_\_ (number) powers to the U.S. Congress.

3. Where does Congress get the authority to use powers other than the ones listed in Article I?

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4. How does each state get its power?

---

---

5. How many branches are there in the federal government?

---

6. What are the names of the branches?

---

7. What is the division of powers within the federal government most often called?

---

8. Which article describes and explains the Legislative Branch (Congress)?

---

9. Which article describes and explains the Executive Branch (the President and advisors)?

---

10. Which article describes and explains the Judicial Branch (the courts and judges)?

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## **Article I: The Legislative Branch**

### **Vocabulary**

*Directions:* Study the words and their definitions. Take the “Vocabulary Quiz.” Check your answers in the answer section. Refer to the vocabulary as needed when reading the “Explanation” which follows.

**1. Compromise**

In a disagreement, both sides may “give” a little so a settlement can be reached. This “giving” and the resulting settlement are called a compromise.

**2. Impeachment – Article I, Section 2, Clauses 5-7**

To accuse a public official of breaking the rules which state how one should act while in office. The House of Representatives accuses federal officials of breaking the rules. If the House of Representatives has enough evidence against the officials, they are put on “trial.” The Senate is the jury in the “trial.”

**3. Census – Article I, Section 2**

A counting of the population of the United States every ten years.

**4. Apportionment – Article I, Section 2**

The determination of the number of members each state is allowed in the U.S. House of Representatives. This determination must be made every ten years after each census. Each state gets a portion of the total 435 representatives. The number of representatives each state gets is based on the portion of the total U.S. population that lives in each state. Currently, one representative represents approximately 645,000 people.

**For example:** If Illinois has 4% of the total U.S. population living here, then Illinois gets to elect 4% of the members of the House of Representatives.

- 5. Concurrent**  
These are the powers both the state and federal governments have at the same time. An example is the power to tax.
- 6. Habeas Corpus – Article I, Section 9**  
A writ of habeas corpus (to have the body of evidence) is a court order that requires that a prisoner be brought before a judge to determine if he or she is being held lawfully. Here, the prisoner must be told the reason for his or her arrest.
- 7. Bill of Attainder – Article I, Section 9**  
In England, a bill of attainder was an act of Parliament (England's legislative body). By it, people could be tried and judged "guilty" without a jury, court, or witnesses. When England ruled America, bills of attainder were used by the English against the Americans. Our Constitution forbids the use of bills of attainder.
- 8. Ex post facto – Article I, Section 9**  
A law passed after the fact or after an act was committed. People may not be punished for what they did before that law was passed.
- 9. Bicameral**  
Means "two houses." The two houses of Congress (the Senate and the House of Representatives) make up the Legislative Branch. When the writers of the Constitution made the "Great Compromise," the result was a bicameral legislature. The Senate is sometimes referred to as the "upper house" and the House of Representatives as the "lower house."
- 10. Eminent domain – 5<sup>th</sup> Amendment**  
A governmental body taking private property for public use and giving a fair price for the property.

**11. President pro tempore – Article I, Section 3**

The Vice President of the United States leads the Senate. When he or she cannot attend meetings of the Senate, an elected temporary leader is in charge. The elected temporary leader of the Senate is the President pro tempore. The President pro tempore is in line to succeed to the Presidency following the Vice President and Speaker of the House of Representatives.

**12. Lay – Article I, Section 8, Clause 1**

An imposing and collecting of a tax.

**13. Great Compromise – Article I, Sections 2 and 3**

Known as the Connecticut Compromise, it was proposed by Roger Sherman. The compromise states that the Legislative Branch would have two houses: (1) the upper house is the Senate comprised of two Senators from each state and (2) the lower house is the House of Representatives whose membership is based on population.

**14. Coin – Article I, Section 8, Clause 5**

To make coins or paper money.

**Explanation**

*Directions:* Read the following information to get a better understanding of the Legislative Branch of the federal government. Read to find the answers to the “Focus Your Reading” questions.

Article I explains the laws governing the Legislative Branch of the federal government. The Legislative Branch is called Congress. Congress is made up of the Senate and the House of Representatives. It is Congress’s duty to make the laws for our nation. The Constitution requires the Congress to meet at least once each year.

*What was the “Great Compromise”?* The Philadelphia Constitutional Convention in 1787 had to settle several arguments among the states. The small states wanted to keep the powers they had under the Articles of

Confederation. The large states thought they needed more power than the small states because they had more people. The small states wanted as much power as the large ones. A compromise was worked out when the large and small states agreed they would divide the lawmaking branch into two houses:

- The large states were satisfied by the creation of the House of Representatives. In the House, members are elected on the basis of each state's population; thus, the large states were given more representatives.
- The small states were satisfied because of the creation of the Senate. In the Senate, each state was allowed two senators. Thus, the interests of the small states were protected in the Senate.

*How do we elect senators and representatives?* The lawmakers in each state decide how the elections for the U.S. Congress shall be conducted. Until 1913, the lawmakers in each state elected the U.S. Senators. The 17<sup>th</sup> Amendment changed this. The people of each state now directly elect their senators.

*How many senators does each state have?* Each state has two senators.

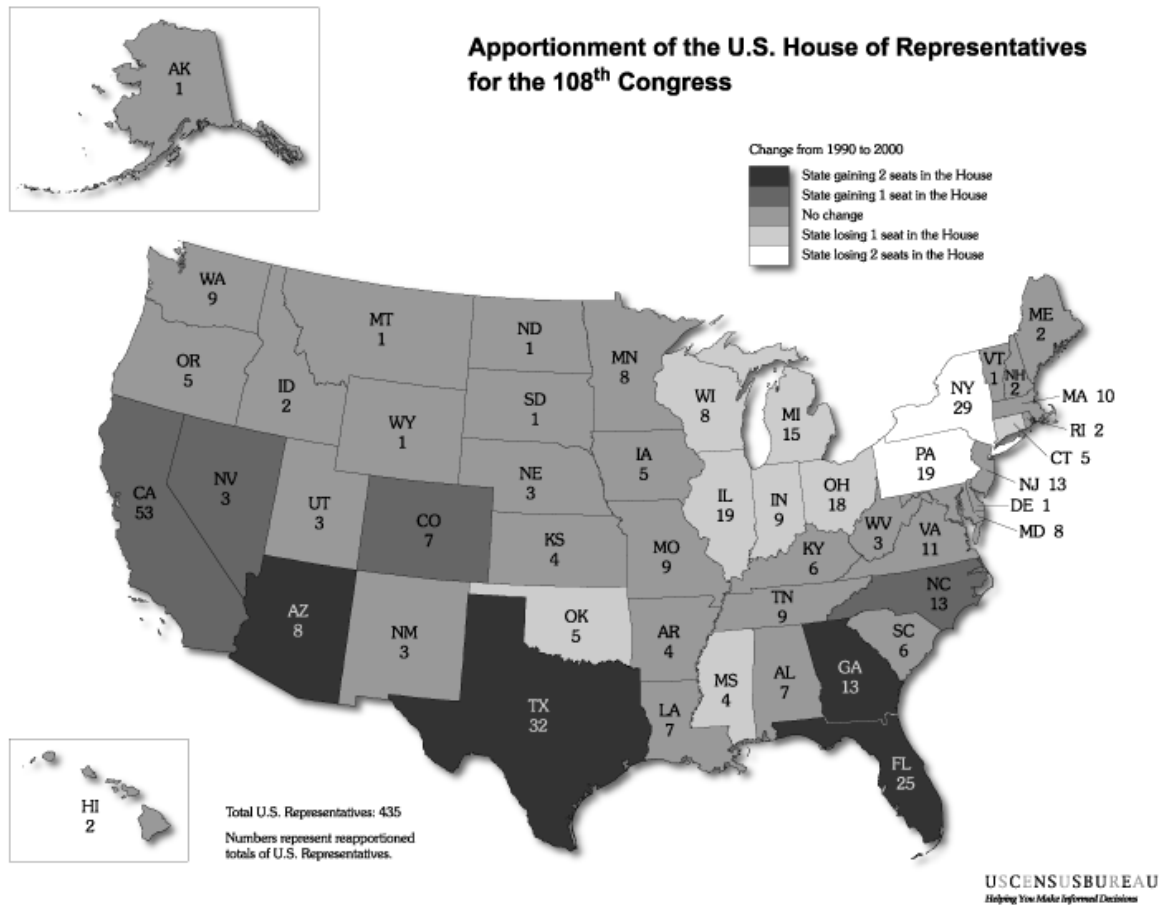
*How many representatives does each state have?* Since 1790, the population of the U.S. has been counted every ten years. This counting is called a census. After the census, the House member seats are apportioned or divided among the states. This division is based on each state's population. This is called apportionment. After each census, the numbers will change. By action of Congress, the membership of the U.S. House of Representatives is set at 435.

## A Comparison of Senators and Representatives

	Senators	Representatives
What is the minimum age?	30	25
What is the total number?	100	435
What is the length of term?	6 years	2 years
Where must he or she live?	In the state he or she represents	
How long must he or she have been a U.S. citizen?	9 years	7 years
How are seats apportioned?	2 per state	% total U.S. population living in the state
What is the function in impeachment proceedings?	Acts as jury if the House presents enough evidence to try the official	Accuses the official
Who is the leader?	a. Vice President of the U.S. b. President pro tempore	Elected speaker



This is an example of how the U.S. House of Representatives is apportioned after a census.



*What are the powers of Congress?* The Legislative Branch (Congress) has 18 powers delegated to it by the U.S. Constitution. These are referred to as the delegated powers. Here are some of the most important powers:

- Lay and collect taxes
- Borrow money
- Regulate trade
- Coin (make) money
- Fix the standards of weights and measures
- Set up the courts lower than the Supreme Court (The Constitution established only the Supreme Court.)

- Declare war (The President cannot declare war; only the Congress can. The President does direct the actions of the military during the war, however. The President is Commander-in-Chief of the Armed Forces.)
- Raise and support an army
- Give the President the power and the authority to call the National Guard into immediate active military service
- Set up post offices

The Legislative Branch also has “implied powers”; the Congress uses these powers to make laws that will allow it to carry out the 17 delegated or expressed powers.

*What power does Article I give the President?* Article I gives the President the power to approve or veto the bills passed by Congress.

*What are concurrent powers?* The state and federal governments have some of the same powers that can be used at the same time. These are called concurrent powers. One example is the power to tax. In the U.S. Constitution, we have a graduated income tax; and in Illinois, we have a nongraduated income tax.

Another concurrent power is the right of eminent domain. Both the state and federal governments may take a citizen’s property to use for the good of the public. The government must give the person a fair price for the property. An example is the government’s taking a person’s land to build a highway.

*What is Congress forbidden to do?* Article I, Section 9, forbids Congress from doing certain things. Three of the most important are (1) to suspend the privilege of writs of habeas corpus, (2) to issue bills of attainder, and (3) to pass ex post facto laws.

- (1) A writ of habeas corpus is a prisoner's guarantee that he or she will be taken into court and be told why he or she was arrested.
- (2) A bill of attainder was a legislative act in England, carried on in the 13 colonies, which allowed people to be punished without trial.
- (3) An ex post facto law is a law that makes an act a crime after it has been committed. People may not be punished for what they did before that law was passed.

*What must Congress do?* Article I, Section 5 states that Congress must keep a record of the words spoken during its meetings. This publication is called *The Congressional Record*.

The Congress must judge if elected senators and representatives are qualified. They decide if their elections have been held properly. Both houses of Congress can vote to expel a member if two-thirds of the total membership agree. Remember, senators and representatives are not impeached because they are involved in the impeachment process.

*Who leads the Congress?* The House of Representatives elects a Speaker who is the leader of the House. The Senate's leader is the Vice President of the United States. The Senate must also elect a leader to serve when the Vice President is absent. This elected temporary leader is called the President pro tempore.

Both the Senate and House of Representatives elect other officers which they need in order to conduct business. These jobs are not named in the Constitution.

## Vocabulary Quiz

*Directions:* Put the letter of the correct definition in the blank in front of the word it defines. Check your answers in the answer section.

- |                                 |   |
|---------------------------------|---|
| _____ 1. Compromise             | a. To accuse a public official of doing wrong while in office                                       |
| _____ 2. Impeach                | b. Count of people in the U.S. taken every ten years  |
| _____ 3. Apportionment          | c. "to have the body of evidence"   |
| _____ 4. Census                 | d. "after the fact"   |
| _____ 5. Concurrent             | e. Having two houses  |
| _____ 6. Writ of habeas corpus  | f. If this government power is used, the taking of property must be accompanied by a fair price     |
| _____ 7. Bill of attainder      | g. Leader of the Senate when the Vice President of the U.S. cannot be present at meetings           |
| _____ 8. Ex post facto law      | h. At the same time   |
| _____ 9. Bicameral              | i. Giving each state the number of representatives it deserves based on the population of the state |
| _____ 10. Eminent domain        | j. An act of Parliament which allowed a person to be punished without a trial, jury, or witnesses   |
| _____ 11. President pro tempore | k. Each side "gives" a little in an argument  |
| _____ 12. Lay                   | l. Imposing and collecting a tax  |

**Focus Your Reading**

*Directions:* Answer the following questions. Check your answers in the answer section.

1. What was the “Great Compromise” which the large and small states created?

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2. Why did the creation of the Senate help satisfy the small states?

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3. Who elected senators before 1913?

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4. Who conducts the elections for Congress?

---

5. Who determines if elected senators and representatives meet the proper qualifications?

---

6. What is a census?

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7. How often do we apportion the membership of the House of Representatives?

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8. Who is the leader of the House of Representatives?

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9. Who is the leader of the Senate?

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10. What are the qualifications for senators?

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11. What are the qualifications for representatives?

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12. List five powers that the Constitution has given to the Congress.

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13. What is the power given to the President in Article I?

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14. Congress is forbidden to do what three things?

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15. What is an ex post facto law?

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16. What is a bill of attainder?

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17. What is a writ of habeas corpus?

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18. How often does the Congress have to meet?

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## **How a Bill Becomes a Law (Article I, Section 7)**

### **Vocabulary**

*Directions:* Study the words and their definitions. Take the “Vocabulary Quiz.” Check your answers in the answer section. Refer to the vocabulary as needed when reading the “Explanation” which follows.

1.     **Bill**  
A proposed law.
  
2.     **Appropriation bill**  
A proposed law which will involve spending taxpayers’ money. All bills calling for money to be spent *must* start in the House of Representatives.
  
3.     **Presidential veto**  
The President sends a bill back to Congress with a message that states that he objects to the bill and why he objects to it.
  
4.     **Pocket veto**  
If the President does not sign or veto a bill within ten weekdays after he receives it, the bill becomes law without his signature. If Congress adjourns within the ten weekdays, however, the President, by taking no action, can kill the bill.
  
5.     **Filibuster**  
A stalling tactic used by the U.S. senators to delay or prevent Senate action on a measure.
  
6.     **Lobbyists**  
People who are paid by certain groups (e.g., oil companies, tobacco companies) to talk to congressional members or committees about their group’s point of view on certain laws. Lobbyists are people who try to influence members of Congress.



## **Explanation**

*Directions:* Read the following information to get a better understanding of the way in which a bill becomes a law. Read to find the answers to the “Focus Your Reading” questions.

*Where can proposed laws (bills) begin?* Most bills can be introduced in either house of Congress. The only type of bill that cannot be introduced by either house is an appropriation bill. This is a bill which involves spending taxpayers’ money. Appropriation bills *must* begin in the House of Representatives.

*What happens after a law is proposed?* If a bill is first presented by a representative in the House, it is sent to a House committee which will study the bill. The committee will then recommend to approve or reject the bill. If the committee recommends that the bill be approved, it is then read before the House members. The bill may be changed by the House members, returned to the committee for changes, or approved. Then the bill is read again before House members, and a vote is taken. If a majority (one more than half) of the voting members approve, the bill is passed.

After the bill passes the House, it is sent to the Senate. The bill goes to a Senate committee. If the Senate committee decides to change the bill, senators and representatives work together to resolve differences. They then return the bill to both houses for approval. When both houses have approved the bill, it is sent to the President. A bill can also begin in the Senate (except appropriation bills), and then be sent to the House following the same procedures as a bill originating in the House.

*What can the President do to the bill?* The President can do one of these things:

- (1) He may sign the bill and it then becomes a law.
- (2) He may refuse to sign the bill and return it to the house in which it began, together with his objections. This objection to a bill with a message is called a Presidential veto.
- (3) He may keep the bill without doing anything. One of two things will happen:
  - If the President does not sign or veto a bill within ten weekdays after he receives it, the bill becomes law without his signature.
  - If Congress adjourns within the ten days (Sundays not included), the President, by taking no action, can kill the bill. This is called a pocket veto.

*What can Congress do if the President vetoes a bill?* If Congress wants to, it can make a vetoed bill a law if two-thirds of both houses of Congress agree. This is called “overriding a Presidential veto.”

## Vocabulary Quiz

*Directions:* Put the letter of the correct definition in the blank in front of the word it defines. Check your answers in the answer section.

- |                             |  |
|-----------------------------|--|
| _____ 1. Bill               | a. The President rejects a bill and sends a message to Congress giving his reasons                   |
| _____ 2. Appropriation bill | b. A bill which is a plan to spend taxpayers' money  |
| _____ 3. Presidential veto  | c. People who want to influence members of Congress to pass certain laws                             |
| _____ 4. Pocket veto        | d. A senator's method of delaying the Senate's voting on a bill                                      |
| _____ 5. Filibuster         | e. A proposed law  |
| _____ 6. Lobbyists          | f. The President does not sign a bill within ten days (Sundays not included) after Congress adjourns |

**Focus Your Reading**

*Directions:* Answer the following questions. Check your answers in the answer section.

1. Which house of Congress must begin bills that involve spending taxpayers' money?

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2. How may a senator delay the vote on a bill?

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3. How much time does the President have to veto a bill?

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4. What is a Presidential veto?

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5. What is a pocket veto?

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6. People who work for groups that want to affect the way members of Congress vote are referred to as what?

---

## **Article II**

### **The Executive Branch**

#### **Vocabulary**

*Directions:* Study the words and their definitions. Refer to the vocabulary as needed when reading the “Explanation” which follows.

**1. Cabinet – Article II, Section 2**

The Cabinet is made up of the President’s advisors. The President appoints members of the Executive departments to help him “execute” the laws. They have an important role in determining executive policy, and they meet only at the request of the President.

**2. Electoral College – Article II, Section 1, and the 12<sup>th</sup> Amendment**

People in each state who are chosen by the voters of the state. These people are to elect the President and Vice President.

**3. Majority**

One more than half.

#### **Explanation**

*Directions:* Read the following information to get a better understanding of the Executive Branch of the federal government. Read to find the answers to the “Focus Your Reading” questions.

Article II concerns how the Executive Branch of the federal government shall operate. The Executive Branch has two elected officials: the President and Vice President. The Executive Branch also includes Executive departments. The heads of these departments are appointed by the President, and they serve as his advisors. They meet only at the request of the President. George Washington established the practice of having the heads of each of the Executive departments serve in a group as his advisors. These advisors are called the Cabinet. The Executive departments, their heads, and their duties are listed on the next page.

<b>Title</b>	<b>Department</b>
Secretary of State	Deals with foreign countries
Secretary of Treasury	Plans U.S. spending, IRS, U.S. Mint
Secretary of Defense	Looks after the nation's defense
Attorney General	Sees that the laws work
Secretary of the Interior	Plans the use and conservation of land, water, national parks
Secretary of Agriculture	Deals with farm programs
Secretary of Commerce	Deals with business, census, patents
Secretary of Labor	Deals with the workforce
Secretary of Health and Human Services	Promotes health and human welfare activities
Secretary of Housing and Urban Affairs	Supervises housing programs
Secretary of Transportation	Supervises the nation's transportation systems
Secretary of Energy	Coordinates energy programs
Secretary of Education	Deals with the educational system

*What is the duty of the Executive Branch?* The Executive Branch's duty is to make sure that the laws of the Constitution and the laws made by Congress are followed. The President and Vice President are responsible for this "execution" of the laws. The President appoints, with the approval of the Senate, the members of the Executive departments to help carry out the laws.

*When are the President and Vice President chosen?* The Constitution states that Congress may choose the date of the election of the President and Vice President. Congress decided that the election should be held on the first Tuesday after the first Monday in November of every fourth year.

*What are the qualifications to be President or Vice President?* The President or Vice President must be (1) at least 35 years old, (2) a natural-born citizen (born in the United States or one of its territories), and (3) a resident of the U.S. for at least fourteen years of his life (any fourteen years of his life).

*What is the Electoral College?* It is the body that actually elects the President and Vice President. Each state has as many presidential electors as it has senators and representatives in Congress. There are 538 electors—the persons representing 100 senators and 435 representatives. The other three electors represent the citizens of Washington, DC, as provided by the 23<sup>rd</sup> Amendment.

*Who chooses the Electoral College?* When citizens vote in the Presidential elections, they are actually voting for electors. The electors from each state form the Electoral College. The winning electors meet in December (the Monday following the second Wednesday) in their state capitals to vote for the President and Vice President. Their votes are sent to Washington, DC, to be counted during a joint session (meeting of both houses) of Congress.

*Whose names are on the ballots?* Most states, including Illinois, choose to put only the names of the political party candidates on the ballot.

*Who gets each state's electoral votes?* The candidate who wins the majority of the citizens' votes in the state gets *all* the states' electoral votes. (Maine is the only state that does not give the winner all the votes.) There have been only a few times when the states' electors did not all vote for the candidate who won the most popular votes.

*What happens to your vote?* If you vote for the Democratic, Republican, or Independent party's candidate, you are actually voting for electors who will vote for your candidate in December. These electors will get to vote if their candidate wins most of the citizens' votes in the state.

*Which candidate wins the Presidential election?* The candidate who receives a majority (270 out of 538) of the electoral votes is the President.

*What happens if no candidate for President receives a majority of the electoral votes?* The House of Representatives chooses the President from among the three people who received the most votes from the Electoral College. Only twice in history has the House chosen the President: Thomas Jefferson in 1801 and John Quincy Adams in 1825.

*What is the term of office for the President?* Article II, Section 1, of the U.S. Constitution states, "The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years . . . ."

The Eightieth Congress (1947) submitted a proposed amendment to the state legislatures, and ratification took place in 1951. The 22<sup>nd</sup> Amendment states the following:

No person shall be elected to the office of President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once.



Therefore, the maximum time one person can serve as President is ten years.

*Under what conditions can the President be removed from office?* All civil officers of the United States are subject to impeachment (excluding members of Congress and military officers). Constitutional authority to impeach (formal accusation) is vested solely in the U.S. House of Representatives. The power to try impeachment cases resides within the U.S. Senate: “The President, Vice President, and all civil officers of the U.S., shall be removed from office on impeachment for conviction of treason, bribery, or other high crimes and misdemeanors” (Article II, Section 4).

*What is Presidential succession?* According to the Constitution, “In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President . . .” (Article II, Section 1). The Presidential Succession Act of 1947 provides a line of succession in the following order:

Speaker of the House, President pro tempore of the Senate, Secretary of State, Secretary of the Treasury, Secretary of Defense, Attorney General, and the Secretaries of the Interior, Agriculture, Commerce, Labor, Health and Human Services, Housing and Urban Development, Transportation, Energy, and Education.

According to the 20<sup>th</sup> Amendment, if the President-elect is not able to assume office on Inauguration Day, the Constitution provides that the Vice President-elect shall become President.

*What are some of the President's powers?* The President of the United States has the power to nominate ambassadors and to nominate judges to the federal courts. He is the Commander-in-Chief of the Armed Forces; can make treaties (with consent of two-thirds of the Senate); can grant pardons and reprieves; can call Congress into special session; and can recognize foreign countries and governments. Article I (The Legislative Branch) also gives the President the power to approve or veto laws made by Congress.

**Focus Your Reading**

*Directions:* Answer the following questions. Check your answers in the answer section.

1. Who actually elects the President and Vice President?

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2. Must a candidate win a majority of both the Electoral and popular vote?

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3. If no candidate received a majority of the Electoral votes, who chooses the President from the top three candidates?

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4. What branch of the federal government is given the power to declare war?

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5. Who is the Commander-in-Chief of the Armed Forces (directs military operations) during a war?

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6. What are three requirements that the President and Vice President must meet in order to be elected?

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7. How can Congress punish Executive and Judicial Branch officials for committing wrongs?

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8. In impeachment actions, the \_\_\_\_\_ accuses the official of wrongdoing. The \_\_\_\_\_ tries the official.

9. What branch of the federal government deals with foreign nations?

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10. Who can make treaties?

---

11. Who must approve treaties?

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12. How long can the President serve?

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13. When does the Cabinet meet?

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## **Article III**

### **The Judicial Branch**

#### **Vocabulary**

*Directions:* Study the words and their definitions. Take the “Vocabulary Quiz.” Check your answers in the answer section. Refer to the vocabulary as needed when reading the “Explanation” which follows.

**1. Appeal**

In law, appeal means to refuse to accept the decision of a trial court and to apply to have the case heard again in a higher court.

**2. Appellate court**

A court which hears appeals from a lower court.

**3. Original jurisdiction**

A court has original jurisdiction if it is the first court where a case is tried. In the federal court system, the District Courts have only original jurisdiction, and the Circuit Courts of Appeals have only appellate jurisdiction. The Supreme Court has both original and appellate jurisdiction.

**4. Treason**

Fighting or working against your own country during wartime.

**5. Espionage**

The practice of spying for a foreign power during times of peace.

## **Explanation**

*Directions:* Read the following information to get a better understanding of the Judicial Branch of the federal government. Read to find the answers to the “Focus Your Reading” questions.

Article III states the powers and duties of the Judicial Branch. The Judicial Branch has the power to hear cases, judge cases, and give decisions on the cases which deal with the breaking of laws made by Congress.

*What are the federal courts?* There are three types of federal courts. These courts hear cases that involve the breaking of federal laws. The Supreme Court was the only court created by the Constitution. The Constitution gives Congress the power to create other courts. Congress created two other types of federal courts: (1) the U.S. District Courts (trial courts) and (2) the U.S. Circuit Courts of Appeals (appellate courts).

Congress has the power to decide the number of Supreme Court justices. Currently, there are nine Supreme Court justices.

*How are all the federal judges chosen?* The President nominates all federal judges. The Senate must approve the judges the President chooses before they can take office (Article II, Section 2).

*How long do federal judges serve?* They may keep their jobs as long as they live if they have “good behavior.” They can retire at age 70 if they want to. They can be removed only through the impeachment process (Article III, Section 1).

*Where must a trial be held?* A trial must be held in the state in which the crime was committed (Article III, Section 2).

*What is treason?* Treason against the United States is the only crime that is defined in the Constitution. Treason is defined as (1) levying war against the United States and (2) adhering to their enemies, giving them aid and comfort (Article III, Section 3). Treason may be committed only in

wartime. In times of peace, the process of working against our country is called espionage.

*What evidence is needed in order to prove treason has been committed?* Two witnesses to the act must testify in open court, or the accused person must admit his or her guilt in open court (Article III, Section 3).

*What is the federal court system?*

Name	How many courts/judges?	What are the powers of each court?
<b>U.S. Supreme Court</b>	One court/nine members (Eight associate justices, one chief justice)	Has original jurisdiction in cases involving states and foreign countries.  Hears cases appealed from the federal Court of Appeals and from the state courts.
<b>U.S. Circuit Courts of Appeals</b>	Thirteen courts/ approximately 160 judges	Hear cases appealed from the U.S. District Courts.  Have no original jurisdiction.
<b>U.S. District Courts</b>	Approximately 100 courts	Hear cases involving the breaking of laws written by Congress, laws in the Constitution, or cases between citizens of two different states.

### **Vocabulary Quiz**

*Directions:* Put the letter of the correct definition in the blank in front of the word it defines. Check your answers in the answer section.

- |                                |   |
|--------------------------------|---|
| _____ 1. Appeal                | a. The court where a case is first tried  |
| _____ 2. Appellate Court       | b. Spying for a foreign power during times of peace   |
| _____ 3. Original jurisdiction | c. To refuse to accept the decision of a lower court, and to apply to have the case heard in a higher court |
| _____ 4. Treason               | d. A court which hears appeal cases   |
| _____ 5. Espionage             | e. Fighting or working against your own country during times of war   |

**Focus Your Reading**

*Directions:* Answer the following questions. Check your answers in the answer section.

1. How many courts did the Constitution create?

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2. Who decides the number of Supreme Court Justices (judges)?

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3. How many types of federal courts are there?

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4. In what kinds of cases does the Supreme Court have original jurisdiction?

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5. What three types of cases do U.S. District Courts try?

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6. What types of cases do the U.S. Circuit Courts of Appeals try?

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7. Where must a trial be held?

---

8. What is treason?

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9. What evidence must be given if a person is to be convicted of treason?

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10. How many Supreme Court justices are there?

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11. How long do federal judges serve?

---

12. How may federal judges lose their jobs?

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## Checks and Balances

### Vocabulary

*Directions:* Carefully read and study the following words and definitions. Refer to the vocabulary as needed when reading the “Explanation” which follows.

**1. Judicial Review**

A constitutional principle by which the Supreme Court and all federal courts can determine if Congress, the President, or other courts have violated the Constitution. Today, the principle is usually thought of as the process by which the Supreme Court determines if a law is constitutional. The Constitution does not—in specific language—mention or describe this principle. Many scholars think there was no need to do so because it was clearly implied by those who drafted the Constitution.

**2. *Marbury v. Madison* (1803)**

This Supreme Court case established the principle of judicial review. John Marshall was the Chief Justice who wrote the court’s opinion.

**3. Checks and Balances**

Each branch of the government is subject to a number of constitutional checks by either or both of the other branches. In other words, each branch has certain powers with which it can check the operations of the other two.

### Explanation

*Directions:* Read the following information to get a better understanding of the Checks and Balances system of the federal government. Read to find the answers to the “Focus Your Reading” questions.

The Constitution separates the powers of the federal government into three branches. It also provides that the three branches should check and balance each other so that no one branch will have more power than the other.

*How does the Legislative Branch check the Executive Branch?*

- The Senate can accept or reject the President's treaties and appointed federal judges, ambassadors, and cabinet members.
- The Congress can accept or reject the President's nomination of a Vice President when there is a vacancy in that office, according to the 25<sup>th</sup> Amendment.
- The Congress can override the President's veto by a two-thirds vote.
- The Congress can remove the President, Vice President, or other Executive Branch officials from office through the impeachment process.

*How does the Legislative Branch check the Judicial Branch?*

- The Congress can remove federal judges through the impeachment process.
- The Senate must approve the appointment of judges.

*How does the Executive Branch check the Legislative Branch?*

The President can veto the laws that Congress makes.

*How does the Executive Branch check the Judicial Branch?*

The Executive Branch appoints federal judges.

*How does the Judicial Branch check the Legislative Branch?*

The Supreme Court can declare laws made by Congress unconstitutional. This principle called judicial review was not given to the Supreme Court by the Constitution. It was established during the Supreme Court case, *Marbury v. Madison*.

*How does the Judicial Branch check the Executive Branch?*

- The Judicial Branch can declare Presidential acts unconstitutional.
- In a Presidential impeachment case, the Chief Justice of the Supreme Court is the presiding judge of the trial in the Senate.

**Focus Your Reading**

*Directions:* Answer the following questions. For the first six, give one example of each branch's check on the other branches. Check your answers in the answer section.

1. Legislative checks Executive:

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2. Legislative checks Judicial:

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3. Executive checks Legislative:

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4. Executive checks Judicial:

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5. Judicial checks Legislative:

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6. Judicial checks Executive:

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7. What is judicial review?

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8. What case established the Supreme Court's power of judicial review?

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## **Articles IV–VII**

### **Concerning the States Amending the Constitution Supreme Law of the Land Ratification**

#### **Vocabulary**

*Directions:* Study the words and their definitions. Refer to the vocabulary as needed when reading the “Explanation” which follows.

- 1. Extradition – Article IV, Section 2**  
The governor of one state authorizes a person’s return to the state where he or she has been accused of a crime. The governor of the accusing state must request the person’s return.
- 2. Republican form of government – Article IV, Section 4**  
A government where the power to govern comes from the people.
- 3. Amendment – Article V**  
An addition or change to an original document.
- 4. Supreme Law of the Land – Article VI**  
The Constitution stands above all other forms of law in the United States, including acts of Congress and treaties.
- 5. Ratification – Article VII**  
To approve or confirm; give official sanction to.

## **Explanation**

### **Article IV: Concerning the States**

*Directions:* Read the following information to get a better understanding of the way states work together under the federal government. Read to find the answers to the “Focus Your Reading” questions.

*How does the Constitution ensure that the states will work together?*

The Constitution states the following:

- All states must honor the laws, records, and court rulings of the other states (Full Faith and Credit clause).
- A U.S. citizen can travel from state to state without giving up his or her personal rights.
- A citizen of one state may become the citizen of another state by moving to and living in that state. Each state requires that a person live within the state for at least some period of time in order to qualify to vote.
- If a person breaks a law and flees to another state, the governor of the state where the law was broken can request that the lawbreaker be sent back for prosecution. This process is called extradition.

*What does the Constitution say about creating new states?*

It states the following:

- Only Congress can admit new states into the union.
- A new state cannot be created by joining other states together unless the legislatures of the states involved and the U.S. Congress agree.

*What will the federal government do for the states?*

The federal government will do the following:

- Make sure each state has a government of the people (a republican form of government).
- Protect each state if the country is at war.
- Send soldiers to a state when the state legislature or governor asks for them.

## **Article V: Amending the Constitution**

*Directions:* Read the following information to get a better understanding of the way the Constitution can be amended. Read to find the answers to the “Focus Your Reading” questions.

*How can the Constitution be amended?* There are two steps to be followed when the Constitution is being amended.

*What is the first step?* The first step is that the amendment must be proposed. Two groups have the power to start the amendment process:

- (1) Two-thirds of both houses of Congress can vote to propose an amendment.
- (2) Two-thirds of the state legislatures can ask Congress to call a national constitutional convention. This convention will write the amendments and propose that they be accepted.

*What is the second step?* The amendments must be ratified (approved) by either of the following:

- (1) Three-fourths of the state legislatures (38 states)
- (2) Three-fourths of the state legislatures call conventions, and the conventions approve the amendments.

All 27 of the amendments to the U.S. Constitution have been proposed by two-thirds of both houses of Congress and ratified by three-fourths of the state legislatures.



## **Article VI: Supreme Law of the Land**

*Directions:* Read the following information to get a better understanding of the Constitution as the highest law in the land. Read to find the answers to the “Focus Your Reading” questions.

*What is the Supreme law of the land?* Article VI ensures that the U.S. Constitution, federal laws, and U.S. treaties will be obeyed before all other laws.

The Constitution states the following principles:

- The Constitution, national laws made by Congress, and U.S. treaties are the highest laws.
- All state and federal officials shall uphold the Constitution.
- If a state law conflicts with the federal law, the federal law takes precedence.

In addition, Article VI states that no one shall have to pass a religious test in order to work as a government officer in the United States.

## **Article VII: Ratification**

*Directions:* Read the following information to get a better understanding of the way the Constitution took effect. Read to find the answers to the “Focus Your Reading” questions.

*When would the Constitution become the highest law of the land?* Article VII states that the Constitution would be law when nine states approved it (two-thirds of the thirteen original states). The U.S. Constitution was written in 1787, ratified in 1788, and went into effect in 1789.

**Focus Your Reading**

*Directions:* Answer the following questions. Check your answers in the answer section.

1. What is extradition?

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2. How can you become a citizen of another state?

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3. Who must approve changing a state's boundary?

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4. What type of government does the Constitution guarantee each state?

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5. According to Article VI, what is the Supreme Law of the land?

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6. How may an amendment to the Constitution be proposed?

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7. How may an amendment to the Constitution be ratified (approved)?

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8. How many of the original 13 states had to approve the Constitution before it became law?

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## The Amendments

**Amendment** – an addition or change to the original document. The first ten amendments are referred to as the Bill of Rights.

Amendment 1	Five Freedoms
Amendment 2	Right to keep and bear arms
Amendment 3	Quartering of soldiers
Amendment 4	Freedom from search
Amendment 5	Protection of the accused
Amendment 6	Rights of the accused
Amendment 7	Trial by jury
Amendment 8	No excessive fines
Amendment 9	Other rights retained
Amendment 10	Reserved or residual powers
Amendment 11	States exempted from suits
Amendment 12	Election of the President
Amendment 13	Prohibits slavery
Amendment 14	Citizen rights
Amendment 15	Right to vote
Amendment 16	Federal income tax
Amendment 17	Election of senators
Amendment 18	Prohibition
Amendment 19	Women's suffrage (right to vote)
Amendment 20	Lame Duck amendment
Amendment 21	Repeal of prohibition
Amendment 22	Limits Presidential term
Amendment 23	Washington, DC, right to vote
Amendment 24	No poll tax
Amendment 25	Presidential disability
Amendment 26	18-year-olds' right to vote
Amendment 27	Congressional pay raises

## **Vocabulary**

*Directions:* Study the words and their definitions. Take the “Vocabulary Quiz.” Check your answers in the answer section. Refer to the vocabulary as needed when reading the “Explanation” which follows.

**1. Suffrage**

The right to vote—The 15<sup>th</sup> Amendment guarantees to the former male slaves the right to vote (1870). Women were given the right to vote in the 19<sup>th</sup> Amendment (1920). The 23<sup>rd</sup> Amendment gives the residents of Washington, DC, the right to vote in Presidential elections (1961). The 24<sup>th</sup> Amendment permitted citizens to vote regardless “of failure to pay any poll tax or other tax” (1964). The 26<sup>th</sup> Amendment allows 18-year-olds to vote (1971).

**2. Due process of law**

Guarantees that no person shall be deprived of life, liberty, or property without a fair trial and equal protection of the laws (5<sup>th</sup> Amendment).

**3. Poll tax**

This is a tax that must be paid in order for a person to vote. The 24<sup>th</sup> Amendment bans the poll tax in national elections.

**4. Self-incrimination**

To make yourself look guilty of a crime through your own statements or answers (5<sup>th</sup> Amendment).

**5. Bail**

An accused person’s property which the court keeps to be assured that the accused person will return for his or her trial (8<sup>th</sup> Amendment).

**6. Warrant**

An order from a judge that states a person’s house may be searched or people may be arrested (4<sup>th</sup> Amendment).

- 7. Civil War Amendments**  
The 13<sup>th</sup> Amendment prohibits slavery, the 14<sup>th</sup> Amendment defines citizens' rights, and the 15<sup>th</sup> Amendment gives the right to vote to former male slaves.
- 8. Prohibition**  
The 18<sup>th</sup> Amendment states that the manufacture, transportation, and sale of alcoholic beverages is illegal.
- 9. Grand jury**  
A jury composed of 12 to 23 persons who listen to witnesses and then decide if an indictment (a charge or an accusation) should be issued against the defendant. An indictment is a formal complaint as indicated in the 5<sup>th</sup> Amendment.
- 10. Popular election**  
The word "popular" in this amendment means that the people elect the senators. Prior to this amendment, senators were elected by the state legislatures (17<sup>th</sup> Amendment).
- 11. Petition**  
To ask that something be done (1<sup>st</sup> Amendment).
- 12. Militia**  
Citizen army (2<sup>nd</sup> Amendment).
- 13. Double jeopardy**  
A defendant cannot be tried twice for the same crime (5<sup>th</sup> Amendment).
- 14. Eminent domain**  
A legal process by which a governmental body can take private property for use by the public after giving a fair price for that property (5<sup>th</sup> Amendment).
- 15. Petit jury**  
A trial jury with 12 jurors.

## **Explanation**

*Directions:* Read the following information to get a better understanding of the amendments to the Constitution. Read to find the answers to the “Focus Your Reading” questions.

The first ten amendments to the Constitution are the Bill of Rights. They were added to the Constitution to clearly guarantee each citizen his or her rights. They went into effect in 1791.

*What rights does the 1<sup>st</sup> Amendment guarantee?* The 1<sup>st</sup> Amendment guarantees that you are free to choose a religion, to print your ideas, to make speeches, to meet with others in a peaceful manner, and to petition the government.

*May you own a gun?* The 2<sup>nd</sup> Amendment states “a well-regulated militia (citizen army) being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.”

*In peacetime, must you keep soldiers in your home?* The 3<sup>rd</sup> Amendment guarantees that you will not be forced to have soldiers living in your home during peacetime.

*Can your property be searched?* Yes, but the 4<sup>th</sup> Amendment guarantees that you and/or your property will not be searched without a warrant (an order from a judge).

*What rights does the 5<sup>th</sup> Amendment guarantee?* The 5<sup>th</sup> Amendment guarantees the following: (1) the right to not say anything against yourself in court (self-incrimination), (2) the right to a grand jury, (3) protection against double jeopardy, (4) due process of law, and (5) eminent domain (guarantees a fair price for private property taken for public use).

*If you are accused of a crime, how will the 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> Amendments protect you?* The 6<sup>th</sup> Amendment guarantees you a speedy and public trial. The 7<sup>th</sup> Amendment guarantees you a trial by jury, and the 8<sup>th</sup> Amendment guarantees that you will not have to post an “excessive” bail. It also guarantees that you will not be given a “cruel and unusual” punishment.

*What does the 9<sup>th</sup> Amendment guarantee?* The Constitution gives you certain rights, but it would be impossible to list all of them. The 9<sup>th</sup> Amendment states that if a right is not mentioned in the Constitution, this does not mean that you do not have this right.

*How do the states get their power?* The 10<sup>th</sup> Amendment guarantees that all powers not delegated to the federal government nor forbidden to the states belong to the states or the people (Reserved Powers clause). Some examples are establishing marriage and divorce laws, establishing voter qualifications (except age), buying and selling liquor, chartering and regulating intrastate corporations, and establishing public school systems.

*What does the 11<sup>th</sup> Amendment (1798) state?* The 11<sup>th</sup> Amendment says that cases against a state government cannot be tried in federal court.

*What did the 12<sup>th</sup> Amendment (1804) change?* The 12<sup>th</sup> Amendment changed the role of the Electoral College. When the Constitution was first written, it required the Electoral College to vote for two people, either of which could become President. Now, the Electoral College is required to vote for one person for President along with his or her Vice President.

*What were the Civil War Amendments?* The 13<sup>th</sup> Amendment (1865) abolished slavery, and the 14<sup>th</sup> Amendment (1868) made former male slaves U.S. citizens. The 14<sup>th</sup> Amendment states “that all persons born or naturalized in the U.S., and subject to the jurisdiction thereof, are citizens of the U.S.” It extended the right of due process of law to all citizens. It guaranteed equal protection under the laws to all citizens. The 15<sup>th</sup> Amendment (1870) gave former male slaves the right to vote.



*Why was the Brown v. Board of Education case important?* In 1954, the 14<sup>th</sup> Amendment of the Constitution was applied to the case of *Brown v. Board of Education*. This famous case argued that black schools were not equal to white schools. The 14<sup>th</sup> Amendment guarantees equal protection to all. The Supreme Court agreed that the segregated schools were not equal and declared them to be unconstitutional. The historical significance of this case is that it overturned the 1896 U.S. Supreme Court ruling *Plessy v. Ferguson* (see the “Glossary”).

*What tax did the 16<sup>th</sup> Amendment (1913) establish?* The 16<sup>th</sup> Amendment gives Congress the power to lay and collect taxes on incomes (graduated tax).

*Who elects U.S. senators?* The 17<sup>th</sup> Amendment (1913) allows the people to elect U.S. senators. Before 1913, the senators from each state were elected by the legislature of that state.

*What were the 18<sup>th</sup> (1919) and 21<sup>st</sup> (1933) Amendments?* The 18<sup>th</sup> Amendment outlawed liquor (prohibition); the 21<sup>st</sup> Amendment repealed the 18<sup>th</sup> Amendment, making liquor legal again.

*Which amendment allowed women to vote?* The 19<sup>th</sup> Amendment (1920) gives suffrage to women.

*How did the 20<sup>th</sup> (1933) and the 22<sup>nd</sup> (1951) Amendments affect the President?* The 20<sup>th</sup> Amendment changed the date the President takes office to January 20. The 22<sup>nd</sup> Amendment states that no person shall be elected to the office of President for more than two terms or ten years.

*What did the 23<sup>rd</sup> Amendment (1961) give the citizens of Washington, DC?* It gives them the right to vote for the President and Vice President. They are also given three electoral votes.

*What did the 24<sup>th</sup> Amendment (1964) outlaw?* The 24<sup>th</sup> Amendment makes poll taxes illegal. This guarantees the right to vote regardless of failure to pay voting or other taxes.

*What power did the 25<sup>th</sup> Amendment (1967) give the President?* The 25<sup>th</sup> Amendment gives the President the power to appoint, with Congressional approval, a Vice President if the elected Vice President is unable to serve or if there is a vacancy. It also permits the President to temporarily step aside due to illness or other reasons. It also provides a means by which a disabled President may be temporarily removed from office when he or she is not able or not willing to give up the office.

*What did the 26<sup>th</sup> Amendment (1971) give to 18-year-old citizens?* The 26<sup>th</sup> Amendment gives 18-year-old citizens the right to vote.

*How did the 27<sup>th</sup> Amendment (1992) affect congressional pay raises?* The 27<sup>th</sup> Amendment prohibits midterm pay raises. It states that no pay raises for the senators and the representatives of the U.S. Congress “shall take effect, until an election of representatives shall have intervened.” Congressional pay raises take effect in the term following the next general election.

## Vocabulary Quiz

*Directions:* Put the letter of the correct definition in the blank in front of the word it defines. Check your answers in the answer section.

- |                             |  |
|-----------------------------|--|
| _____ 1. Suffrage           | a. A tax which voters must pay   |
| _____ 2. Due process of law | b. Guarantees that no person shall be deprived of his or her rights without a fair trial and equal protection  |
| _____ 3. Poll tax           | c. Money given to the court by the accused person to guarantee the court that the person will return for trial |
| _____ 4. Self-incrimination | d. A judge's order granting a search of property or an arrest  |
| _____ 5. Bail               | e. The right to vote   |
| _____ 6. Warrant            | f. A person making him- or herself seem guilty   |
| _____ 7. Militia            | g. To ask that something be done   |
| _____ 8. Grand Jury         | h. Selling alcoholic beverages is illegal  |
| _____ 9. Petition           | i. Issues indictments  |
| _____ 10. Prohibition       | j. An army of a state's citizens   |

**Focus Your Reading**

*Directions:* Answer the following questions. Check your answers in the answer section.

1. Which amendments make up the Bill of Rights?

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2. Which amendment guarantees the rights of free speech, free press, peaceful assembly, the right to petition, and freedom of religion?

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3. What does the 5<sup>th</sup> Amendment guarantee you?

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4. What do the 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> Amendments guarantee a person who has been arrested?

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5. What were the Civil War Amendments?

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6. What was involved in the *Brown v. Board of Education* case?

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7. Which amendment made the Bill of Rights apply to all citizens, including former slaves?

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8. Which amendment gives women the right to vote?

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9. Which amendment gives 18-year-old citizens the right to vote?

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**PART THREE:  
THE U.S. FLAG**

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**Displaying the Flag**

**Explanation**

*Directions:* Read the following information to get a better understanding of the proper manner of displaying the U.S. flag. Read to find the answers to the “Focus Your Reading” questions.

*How should the U.S. flag be displayed when flown with the flags of two or more nations?* When flags of two or more nations are flown (during peacetime) on separate staffs, the staffs should be of the same height. The flags should be approximately the same size. No country is to be honored more than any other country.

*How should the U.S. flag be carried in a procession?* When carried in a procession, the U.S. flag should be to the marching right. If there is a line of flags, the U.S. flag should be in front of the center of that line.

*How should the U.S. flag be flown with the local, city, or state flags on the same staff?* When flown with the local or state flags, the U.S. flag should be at the peak.

*When should the U.S. flag be displayed?* It should be flown from sunrise to sunset, at night with a light, and should be displayed on state and national holidays.

*When should the U.S. flag be flown upside down?* The U.S. flag should never be flown upside down except as a signal of distress.

*What should the U.S. flag touch?* The U.S. flag should always be allowed to hang free. It should never be allowed to touch anything below it. It should never be draped over the hood, top, sides, or back of a vehicle.

**Focus Your Reading**

*Directions:* Answer the following questions. Check your answers in the answer section.

1. How should the U.S. flag be displayed with the flags of other nations?

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2. How should the U.S. flag be carried in a procession?

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3. Should the U.S. flag be allowed to touch anything?

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4. When should the U.S. flag be displayed upside down?

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5. What is the proper position for the U.S. flag when it is displayed on a staff with the flags of cities or states?

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6. When should the U.S. flag be displayed?

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## **How to Respect the U.S. Flag**

1. Do not permit disrespect.
2. Do not dip the flag to any person or any thing.
3. Do not display the flag with the union down except as a signal of distress.
4. Do not place any other flag or pennant above or to the right of the flag.
5. Do not let the flag touch the ground or trail in water.
6. Do not place any object or emblem of any kind on or above the flag.
7. Do not use the flag as a drapery in any form whatever.
8. Do not fasten the flag in such a manner as will permit it to be easily torn.
9. Do not drape the flag over the hood, top, sides, or back of a vehicle, train, or boat.
10. Do not display the flag on a float in a parade except from a staff.
11. Do not use the flag as a covering for a ceiling.
12. Do not use the flag as a portion of a costume or of an athletic uniform.
13. Do not put lettering of any kind upon the flag.
14. Do not use the flag in any form of advertising nor fasten any advertising to the staff from which the flag is flying.
15. Do not display, use, or store the flag in such a manner as will permit it to be easily soiled or damaged.





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**PART FOUR:  
THE ILLINOIS CONSTITUTION**

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**Introduction**

The present Illinois Constitution was ratified (approved) by the voters in 1970. Illinois has had four Constitutions since it became a state: 1818, 1848, 1870, and 1970.

The state government is organized very much like the federal government. It is helpful to compare and contrast the Illinois Constitution to the U.S. Constitution when you are studying the Illinois Constitution.

The Illinois Constitution provides for areas of government over which the federal government has little control. The power to govern these areas is reserved to the states by the U.S. Constitution (10<sup>th</sup> Amendment). Some of these important areas are local governments, taxation, public education, elections, and voting.

The following exercises and explanations will help you understand the Illinois Constitution.

## **Illinois Constitution Outline**

Preamble

Article I Bill of Rights

Article II The Powers of the State

Article III Suffrage and Election

Article IV Legislative Branch

Article V Executive Branch

Article VI Judicial Branch

Article VII Local Government

Article VIII Finance

Article IX Revenue

Article X Education

Article XI Environment

Article XII Militia

Article XIII General Provisions

Article XIV Constitutional Revision

## **Articles I–III:**

### **The Bill of Rights The Separation of Powers Voting and Elections**

#### **Vocabulary**

*Directions:* Study the words and their definitions. Refer to the vocabulary as needed when reading the “Explanation” which follows.

1. **Discriminate**  
To unfairly favor one person, one group, or one thing.
2. **Felony**  
A serious crime such as burglary or murder; commonly those crimes which are punished by more than one year in prison.
3. **Handicap**  
Something that hampers a person, a disadvantage, a hindrance.

#### **Explanation**

*Directions:* Read the following information to get a better understanding of the first three articles of the Illinois Constitution. Read to find the answers to the “Focus Your Reading” questions.

#### **Article I: The Bill of Rights**

*What is the Bill of Rights for Illinois citizens?* Article I contains the Bill of Rights for Illinois citizens. There are 24 guaranteed rights.

*What is in the Bill of Rights?* The Bill of Rights in the Illinois Constitution makes the same guarantees to Illinois citizens as the U.S. Constitution does to all U.S. citizens. The Illinois Constitution, like most states, goes into more detailed rights; for example, (1) that citizens will not be discriminated against because of their sex or physical or mental handicaps, and (2) that the citizens’ right to arms is “subject only to the police power, the right of the individual citizen to keep and bear arms shall not be infringed.”

## **Article I - Bill of Rights**

Section 1	Inherent and Inalienable Rights
Section 2	Due Process and Equal Protection
Section 3	Religious Freedom
Section 4	Freedom of Speech
Section 5	Right to Assemble and Petition
Section 6	Searches, Seizures, Privacy, and Interceptions
Section 7	Indictment and Preliminary Hearing
Section 8	Rights after Indictment
Section 9	Bail and Habeas Corpus
Section 10	Self-Incrimination and Double Jeopardy
Section 11	Limitation of Penalties after Conviction
Section 12	Right to Remedy and Justice
Section 13	Trial by Jury
Section 14	Imprisonment for Debt
Section 15	Right to Eminent Domain
Section 16	Ex Post Facto Laws and Impairing Contracts
Section 17	No Discrimination in Employment and the Sale or Rental of Property
Section 18	No Discrimination on the Basis of Sex
Section 19	No Discrimination Against the Handicapped
Section 20	Individual Dignity
Section 21	Quartering of Soldiers
Section 22	Right to Arms
Section 23	Fundamental Principles
Section 24	Rights Retained

## **Article II: Separation of Powers**

*What is in Article II?* Article II separates the state government's power into three branches: the Legislative, the Executive, and the Judicial.

## **Article III: Voting and Elections**

*Who can vote?* The determination of eligibility requirements for voting is the responsibility of the states (except for voting age). In Illinois, to be eligible to register to vote, a person must be (1) a U.S. citizen, (2) 18 years of age or older at the time of the next election, and (3) a resident in an Illinois election precinct for at least thirty days prior to the election.

*Who cannot vote?* "A person convicted of a felony, or otherwise under sentence in a correctional institution or jail, shall lose the right to vote, which right shall be restored not later than upon completion of sentence" (Section 2).

*What is a General Election?* The term "General Election" refers to the election involving members of the General Assembly. In Illinois, these elections are held every two years (Section 6). This date conforms with the date set by the federal government in order to save money by consolidating elections.

*What is a Primary Election?* The Primary Election is a party election that nominates candidates for office. Each political party selects candidates for the various local or state offices.

**Focus Your Reading**

*Directions:* Answer the following questions. Check your answers in the answer section.

1. Where is the Bill of Rights in the Illinois Constitution?

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2. The Illinois Constitution guarantees freedom from discrimination on the basis of a person's sex. It also guarantees that people with certain handicaps will not be discriminated against. What handicaps are listed?

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3. What group of people is not allowed to vote in Illinois?

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4. What are the qualifications to register to vote in Illinois?

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## **Article IV: The State Legislative Branch**

### **Vocabulary**

*Directions:* Study the words and their definitions. Take the “Vocabulary Quiz.” Check your answers in the answer section. Refer to the vocabulary as needed when reading the “Explanation” which follows.

**1. General Assembly – Article IV, Section 1**

The General Assembly is the name of the Legislative Branch of the State of Illinois. The Senate and the House of Representatives make up the General Assembly—a bicameral (two-house) legislature. Members are elected from legislative and representative districts.

**2. Bill – Article IV, Section 7**

A proposed law.

**3. General Election – Article III, Section 6**

A General Election is held on the first Tuesday after the first Monday in November of even-numbered years. Members of Congress, state officers, members of the Illinois General Assembly, judges, and some county offices are elected. The President is elected at the General Election that is held every four years in the year divisible by four.

**4. Appropriation – Article IV, Section 8**

The authority to spend state monies.

**5. Minority party – Article IV, Section 6**

The political party that does not have a majority in the Senate or House.

**6. Override – Article IV, Section 9**

When three-fifths of each house in the General Assembly vote to pass legislation that has been vetoed by the Governor.



7. **Compact – Article IV, Section 3**  
A term used in legislative redistricting. Each district should be as densely (heavily) populated as possible.
8. **Contiguous – Article IV, Section 3**  
In legislative redistricting, each district should consist of areas next to each other.
9. **Legislative District – Article IV, Section 2**  
There are 59 legislative districts (sometimes referred to as senatorial districts) in Illinois. There is one senator elected to the General Assembly from each legislative district.
10. **Representative District – Article IV, Section 2**  
Each legislative district is divided into two representative districts. There are 118 representative districts, with one representative elected from each district.
11. **Item Veto – Article IV, Section 9, Clause d**  
The power given to the Governor permitting him or her to veto items of an appropriation bill while signing the remaining sections into law.

### **Explanation**

*Directions:* Read the following information to get a better understanding of the Illinois Legislative Branch. Read to find answers to the “Focus Your Reading” questions.

*What is Article IV?* “The legislative power is vested in a General Assembly consisting of a Senate and House of Representatives.” It is a bicameral (two-house) legislature.

Members of the Illinois General Assembly are elected from districts. Senators are elected from legislative (senatorial) districts and state representatives are elected from representative districts within the legislative district. After each ten-year census, the General Assembly is required to redistrict the legislative and representative districts. The Constitution requires that districts be compact, contiguous, and substantially equal in population.

*How is the legislature organized?* The Senate is composed of 59 members. One is elected from each of the 59 legislative districts in Illinois.

*How many people represent you in the General Assembly?* Each person in Illinois lives in a legislative (senatorial) district and in a house (representative) district. One senator and one representative will represent each person in the Illinois General Assembly.

*What are the requirements to be a member of the Illinois General Assembly?* In order to be a member of the Illinois General Assembly, a person must be (1) a U.S. citizen; (2) at least 21 years of age; and (3) for two years prior to the election or appointment, a resident of the district which he or she represents.

*Who are the presiding officers of the General Assembly?* The Illinois State Senate elects one of its members as president. The President of the Senate presides over its sessions and is usually the leader of the majority party.

The presiding officer of the Illinois House of Representatives is the Speaker. Members of the House elect one of its members to that position. Usually, but not always, the Speaker is the leader of the majority party.

*Who determines if a member of the General Assembly is properly elected and qualified to serve?* "Each house shall determine the rules of its proceedings, judge the elections, returns and qualifications of its members and choose its officers" (Section 6, Clause d).

*How are laws passed?* A bill (a proposed law) must pass both houses of the General Assembly. For the bill to pass, it must be approved by a majority vote in each house. After a bill is passed, it is sent to the Governor. If the Governor signs (approves) a bill, it becomes law. Every bill passed by the General Assembly must be presented to the Governor within thirty calendar days after its passage.

*What is the Governor's veto authority?* If the Governor does not approve the bill, he or she has the authority to veto (reject) it. The Governor returns the bill, along with his or her objections, to the house where the bill began.

*What special veto power does the Governor have?* "The Governor may reduce or veto any item of appropriations in a bill presented to him." In other words, the Governor may veto one or more items in an appropriation bill without vetoing the entire bill. This is called the power of the item veto. The President of the U.S. does not have this power.

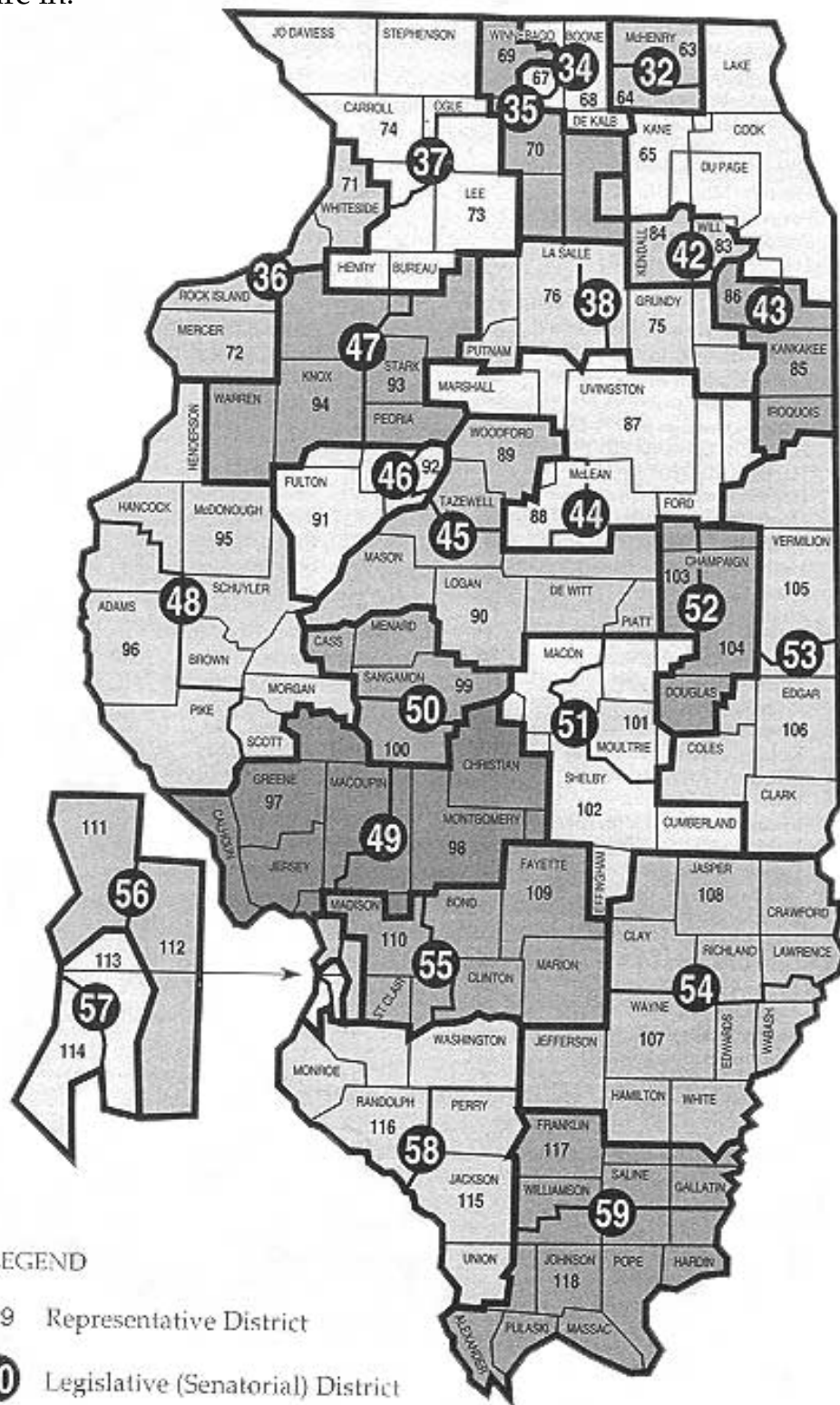
*How can the Governor's veto be overridden?* By a three-fifths vote in each house.

*What "check" does the Legislative Branch have on the Executive and Judicial Branches?* The House has the sole power to conduct legislative investigations to determine the existence of cause for impeachment (wrongdoing) by a member of both the Executive and Judicial Branches. The House has the authority to impeach (bring charges), and the Senate has the sole power to try impeachment cases involving state officers. If the Governor is tried, the Chief Justice of the Illinois Supreme Court shall preside. The official is not removed from office until he or she is proven guilty of the charges by a two-thirds vote of the senators elected.

*Does the legislature have the authority to remove one of its own members from office?* Each house has the authority to expel one of its own members. That action can only take place by means of a vote of two-thirds of the members elected to that house. Members of the General Assembly are not subject to impeachment proceedings.

*Who can call a "special session" of the General Assembly?* The Governor may call a special session to convene the General Assembly. To do this, the Governor issues a proclamation which states the purpose of the session.

The following is an example of the current legislative and representative districts. Keep in mind that they change every ten years after the Census results are in.



## Vocabulary Quiz

*Directions:* Put the letter of the correct definition in the blank in front of the word it defines. Check your answers in the answer section.

- |                           |  |
|---------------------------|--|
| _____ 1. General Assembly | a. A proposed law  |
| _____ 2. Bill             | b. Legislative Branch of state government of Illinois                      |
| _____ 3. General Election | c. Authority to spend state funds  |
| _____ 4. Appropriation    | d. Party that does not have a majority in the House or Senate              |
| _____ 5. Minority party   | e. Election held every two years in even-numbered years                    |
| _____ 6. Contiguous       | f. The General Assembly can pass a bill over the objection of the Governor |
| _____ 7. Compact          | g. Next to each other  |
| _____ 8. Override         | h. Densely populated   |

**Focus Your Reading**

*Directions:* Answer the following questions. Check your answers in the answer section.

1. What is a legislative district? A representative district?

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2. What is a bicameral legislature?

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3. How are bills enacted into laws?

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4. Who can call a special session of the legislature?

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5. What special veto power does the Governor have?

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6. Does the legislature have the power to “check” the Executive and Judicial Branch officials?

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7. Who must decide if the General Assembly members are properly elected and qualified to serve?

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## **Article V: The State Executive Branch**

### **Vocabulary**

*Directions:* Study the words and their definitions. Take the “Vocabulary Quiz.” Check your answers in the answer section. Refer to the vocabulary as needed when reading the “Explanation” which follows.

1.     **Chief Executive Officer**  
The Governor.
  
2.     **“Supreme Executive Power” – Article V, Section 8**  
The Governor has the supreme executive power and is responsible to see that the laws of the state are followed.
  
3.     **Executive Officers – Article V, Section 1**  
The elected executive officers are Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.
  
4.     **Reprieve – Article V, Section 12**  
The Governor may grant a reprieve, which is to postpone the punishment or penalty to someone who is held in custody.
  
5.     **Pardon – Article V, Section 12**  
The Governor may grant a pardon, which is completely forgiving a crime; it erases any punishment entirely.
  
6.     **Commutation – Article V, Section 12**  
A reduction of punishment issued by the Governor.
  
7.     **Malfeasance – Article V, Section 10**  
Wrongdoing or misconduct.
  
8.     **Gubernatorial Succession – Article V, Section 6**  
In the event of a vacancy in the office of the Governor (death or resignation), the order of succession to the Office of Governor will be the following: the Lieutenant Governor, the Attorney General, and then the Secretary of State.

## **Explanation**

**Directions:** Read the following information to get a better understanding of the Executive Branch. Read to find the answers to the “Focus Your Reading” questions.

Article V of the Illinois Constitution relates to the Executive Branch. The Executive Branch has six elected officers and some appointed officers. To be eligible for the elected positions, a person must be (1) a U.S. citizen, (2) at least 25 years of age, and (3) a resident of Illinois for three years preceding the election. Except for the Governor and the Lieutenant Governor, the six elected officers do not have to be from the same political party. There are no general requirements for the appointed officers.

*Who are the elected officials and what are their duties?*

**Governor:** The Governor’s duties include, but are not limited to, the following: responsible for “carrying out” the laws of the state; signing or vetoing bills; sending messages to the General Assembly; calling special sessions of the General Assembly; nominating some executive officers (with the approval of the State Senate); commanding the Illinois National Guard in peacetime; and granting reprieves, pardons, and commutations.

**Lieutenant Governor:** The Lieutenant Governor performs the duties and exercises the powers that may be delegated to the office by the Governor and those prescribed by law. If the office of Governor becomes vacant, the Lieutenant Governor becomes Governor.

**Attorney General:** The Attorney General is the chief legal officer of the state.

**Secretary of State:** The Secretary of State maintains the official records of the acts of the General Assembly and the official records of the Executive Branch as required by the law. The office also has the responsibility of issuing driver and auto licenses. In addition, the Secretary of State is the head librarian for the state and keeps the Great Seal of the State of Illinois.



**Comptroller:** The Comptroller maintains the state's central fiscal (financial) accounts and orders payments into and out of the funds held by the Treasurer.

**Treasurer:** The Treasurer is responsible for the safekeeping and investment of monies and securities deposited in the office. Upon order of the Comptroller, the Treasurer is also responsible for the disbursement of monies.

*What is the scope of the Governor's power of appointment?* The Governor nominates all officers whose election or appointments are not provided for by the Constitution or by law. Nominations must be approved by a majority vote of the State Senate.

*What is the scope of the Governor's power of removal?* The Governor may remove for incompetence, neglect of duty, or malfeasance (wrongdoing or misconduct) in office, any officer who he or she has appointed.

*How do some of the Governor's powers differ from those of the President of the United States?* The President of the U.S. has the power to do the following:

- Nominate all members of the Executive Branch; the Governor of Illinois can only nominate *some* Executive Branch officials.
- Nominate all federal judges; judges in Illinois are not nominated or appointed by the Governor.

The Governor of Illinois has the power of the item veto which the President of the U.S. does not.

## Vocabulary Quiz

*Directions:* Put the letter of the correct definition in the blank in front of the word it defines. Check your answers in the answer section.

- |                                    |  |
|------------------------------------|--|
| _____ 1. Chief Executive Officer   | a. Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer |
| _____ 2. "Supreme Executive Power" | b. Governor  |
| _____ 3. Executive Officers        | c. Power granted to the governor   |
| _____ 4. Reprieve                  | d. Complete forgiveness of a crime   |
| _____ 5. Malfeasance               | e. Postponement of punishment  |
| _____ 6. Commutation               | f. Wrongdoing  |
| _____ 7. Pardon                    | g. Reduction of punishment   |

**Focus Your Reading**

*Directions:* Answer the following questions. Check your answers in the answer section.

1. Do the elected officers of the Executive Branch have duties described for them in the constitution?

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2. Do all elected officials have to be from the same political party?

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3. The Constitution authorizes the Governor to nominate some officers who serve in the Executive Branch. The State Senate must approve them. Does the Governor have the authority to remove any of those officers?

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4. What qualifications are necessary for a person to be eligible to serve as an elected state executive officer?

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## **Article VI: The State Judicial Branch**

### **Vocabulary**

*Directions:* Study the words and their definitions. Take the “Vocabulary Quiz.” Check your answers in the answer section. Refer to the vocabulary as needed when reading the “Explanation” which follows.

1.     **Original jurisdiction – Article VI, Section 4**  
A court hearing a case for the first time.
  
2.     **Writ**  
A formal legal document ordering or prohibiting some action.
  
3.     **Revenue – Article VI, Section 4**  
Cases dealing with tax matters.
  
4.     **Mandamus – Article VI, Section 4**  
A writ in which a person asks the court to order a public officer to carry out his or her duties.
  
5.     **Prohibition – Article VI, Section 4**  
A person asks the Supreme Court to forbid a lower court from trying a case that should be tried in some other court. For example, John Doe does not want Judge Parker to hear his case because Judge Parker has a vested interest in the case. Judge Parker refuses to excuse himself from the case, so John can go to the Supreme Court requesting a writ prohibiting Judge Parker from hearing the case.
  
6.     **Habeas Corpus – Article VI, Section 4**  
A writ requiring that a person held in custody must be brought before a court to determine the legality of his or her detention.

## **Explanation**

*Directions:* Read the following information to get a better understanding of the Judicial Branch. Read to find the answers to the “Focus Your Reading” questions.

The Judicial Branch concerns the courts and judges for the State of Illinois. This branch interprets the laws and decides if people have followed the laws.

*How many types of courts are there in the state court system?* Illinois has a three-court system, much like the federal court system. The three types of courts are the Supreme Court, Appellate Courts (appeals), and Circuit Courts (trial).

*How are judges chosen in Illinois?* Except for the associate judges, judges are elected in Illinois. Associate judges are appointed by the Chief Circuit Judge of the district in which they will serve.

*What is a judicial district? How many are there in Illinois?* A judicial district is an area of the state that has the same court and judges. There are five judicial districts in Illinois.

*What is original jurisdiction?* A court hearing a case for the first time.

*What courts in Illinois have original jurisdiction?*

- “Circuit Courts shall have original jurisdiction in all justiciable matters except when the Supreme Court has original and exclusive jurisdiction . . .” (Section 9).
- “The Supreme Court may exercise original jurisdiction in cases relating to revenue, mandamus, prohibition or habeas corpus . . .” (Section 4).

*What is the state court system?*

<b>Court</b>	<b>How many courts/judges?</b>	<b>What are the powers of each court?</b>	<b>Term</b>
Illinois Supreme Court	One court, seven members	Has original jurisdiction in only four types of cases: 1. revenue 2. mandamus 3. prohibition 4. habeas corpus  Hear other cases on appeal from either the appellate or circuit courts	Ten years; elected
Appellate Courts	Nine courts, 27 judges	Hear cases appealed from the circuit courts in the same judicial district	Ten years; elected
Circuit Courts	21 circuit courts, 146 circuit judges, and 202 associate judges	These are the main trial courts.	Circuit Judges: Six years; elected  Associate Judges: Four years; appointed



**JUDICIAL DISTRICTS FOR THE ELECTION OF SUPREME COURT JUSTICES AND APPELLATE COURT JUDGES**

### **Vocabulary Quiz**

*Directions:* Put the letter of the correct definition in the blank in front of the word it defines. Check your answers in the answer section.

- |                                |   |
|--------------------------------|---|
| _____ 1. Original jurisdiction | a. Ordering a public officer to carry out his or her duties                         |
| _____ 2. Writ                  | b. Brings a person before a court to determine the legality of his or her detention |
| _____ 3. Revenue               | c. Forbids a lower court from trying a case that should be in another court         |
| _____ 4. Mandamus              | d. A formal legal document  |
| _____ 5. Prohibition           | e. Cases dealing with tax matters   |
| _____ 6. Habeas corpus         | f. Hearing a case for the first time  |



**Focus Your Reading**

*Directions:* Answer the following questions. Check your answers in the answer section.

1. How many types of courts does Illinois have?

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2. What are the types of courts in Illinois?

---

3. How are judges chosen in Illinois?

---

---

4. How many judicial districts are there in Illinois?

---

5. What is original jurisdiction?

---

---

6. What two courts in Illinois have original jurisdiction?

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**Articles VII–XIV**  
**Local Government**  
**Finance**  
**Revenue**  
**Education**  
**Environment**  
**Militia**  
**General Provisions**  
**Constitutional Revision**

**Vocabulary**

*Directions:* Study the words and their definitions. Take the “Vocabulary Quiz.” Check your answers in the answer section. Refer to the vocabulary as needed when reading the “Explanation” which follows.

1. **Ordinance – Article VII, Section 10**  
A law passed by a government unit smaller than the state government.
  
2. **Fiscal year – Article VIII, Section 2**  
A fiscal year deals with recordkeeping concerning money. It is a 365-day period that does *not* usually begin on January 1. The first day of the fiscal year is the first day of recordkeeping. The records concerning the money are finished on the 365<sup>th</sup> day. The fiscal year for government offices in Illinois begins on July 1 and ends the next year on June 30.
  
3. **Audit – Article VIII, Section 3**  
An official examination of the books and records which tell about the spending and receiving of money.
  
4. **Appropriation – Article VIII, Section 2**  
A plan the legislature makes to spend taxpayer money.
  
5. **Revenue – Article IX, Section 1**  
The money the government receives from taxes and fees. The General Assembly has the exclusive power to raise revenue.

6. **Nongraduated income tax – Article IX, Section 3**  
The State of Illinois has a nongraduated income tax. The federal government has a graduated tax. Illinois' tax is a flat rate tax. The state cannot pass a graduated income tax.
7. **Personal property – Article IX, Section 5**  
Household goods, furniture, motor vehicles, machinery and factory parts, money, stocks, and bonds.
8. **Bond – Article IX, Section 9**  
A certificate which shows that someone or some organization owes you money. For example, you give the state money in exchange for a bond. The bond shows that the state owes you that money.
9. **Environment – Article XI, Section 2**  
"Each person has the right to a healthful environment (your surroundings) . . . ."
10. **Militia – Article XII, Section 1**  
Citizens who can be called for military service. The Illinois State Militia "consists of all able-bodied persons residing in the state except those exempted by law." The people of the State of Illinois are considered to be members of the inactive militia.
11. **Illinois National Guard – Article XII, Section 3**  
The name of the active militia in Illinois.
12. **Civilian – Article XII, Section 1**  
A person who is not in the military.
13. **Bribery – Article XIII, Section 1**  
Offering or giving a reward to someone in order to get him or her to do something (usually illegal) that you want done.
14. **Perjury – Article XIII, Section 1**  
Swearing that something is true when you know it is not.
15. **Auditor General – Article VIII, Section 3**  
The Auditor General is appointed by the General Assembly to a ten-year term. He or she audits the state's finances at the end of the fiscal year.

## **Explanation**

*Directions:* Read the following information to get a better understanding of Articles VII–XIV of the Illinois Constitution. Read to find the answers to the “Focus Your Reading” questions.

### **Article VII: Local Government – Municipalities, units of local government, and school districts**

*What are the local governmental units in Illinois?* The State of Illinois is divided into 102 counties, each with its own government. Other local governmental units are municipalities, townships, special districts, and units. “Municipalities means cities, villages, and incorporated towns” (Section 1).

*What powers do local governmental units have?* Units of local government have limited powers to govern. Local governments may pass ordinances to protect the health, safety, morals, and welfare of their people. They may license businesses and occupations, tax, and borrow money.

*When there is a conflict, whose power is greater?* The state’s powers are greater than those of local governmental units.

### **Article VIII: Finance**

*How is taxpayer money spent?* Government money must be used for public purposes. Only the legislature has the authority to tell how public money shall be spent. Each year, the Governor reports to the legislature about the money coming into the state treasury. The Governor’s office prepares a budget which tells how he or she thinks the money should be spent. The Governor’s budget cannot plan to spend more money than he or she thinks the state will be getting.

*Who appropriates taxpayer money?* After the Governor recommends a budget to the General Assembly, the General Assembly decides how the money will actually be spent.

*How is the state’s spending of taxpayer money checked?* The Constitution says that the state’s spending must be audited at the end of each fiscal year by the Auditor General. All government agencies in Illinois must use a bookkeeping system similar to that of all other agencies.

## **Article IX: Revenue**

*What is one of the major taxes citizens in Illinois must pay? What tax has been outlawed?* The Constitution of 1970 creates a nongraduated income tax for Illinois citizens. The personal property tax was abolished on January 1, 1979.

*What property is not to be taxed?* Certain property is not to be taxed, including: (1) property owned by the state; (2) property owned by the local governments and school districts; and (3) property used by agricultural societies, schools, churches, cemeteries, and nonprofit groups such as hospitals.

*If people do not pay their taxes, how do they lose their property?* Real estate cannot be sold for unpaid taxes without first having a judicial hearing. The court must rule to take the property, but the person must be warned first. The owner can buy back the property within a two-year period.

*How can the state raise money?* The state may sell bonds in order to raise money.

## **Article X: Education**

*What is the goal of education in the state?* A fundamental goal “is the educational development of all persons to the limits of their capacities” (Section 1).

*What is the state’s responsibility for education?* “Education in public schools through the secondary level shall be free.” By law, the General Assembly may provide for other free education: “The State has the primary responsibility for financing the system of public education” (Section 1).

*Who plans the state’s educational program?* A State Board of Education plans the state’s educational program. The State Board of Education appoints a chief state educational officer.

*Can the state spend taxpayer money for religious purposes?* The General Assembly, counties, cities, towns, townships, and school districts cannot appropriate any public funds for secular (religious) purposes.

### **Article XI: Environment**

*What are your rights?* The state and its citizens have the responsibility of keeping the environment (surroundings) healthful. The General Assembly is to make laws to enforce this right to a healthful environment.

### **Article XII: Militia**

*Who belongs to the state militia?* “The State militia consists of all able-bodied persons residing in the State except those exempted by law” (Section 1). This is the inactive militia consisting of citizens of the state.

“The General Assembly shall provide by law for the organization, equipment, and discipline of the militia in conformity with the laws governing the armed forces of the United States” (Section 3). “The Governor is commander-in-chief of the organized militia” (Section 4). The Illinois National Guard is the active militia.

### **Article XIII: General Provisions**

*Who cannot hold a public office in Illinois?* A person convicted of a felony, bribery, perjury, or other serious crimes cannot hold an office created by the Constitution.

*What is meant by a “statement of economic interests”?* “All candidates for or holders of state offices and all members of a Commission or Board created by the Constitution shall file a verified statement of their economic interests, as provided by law” (Section 2).

*What is an oath of office or affirmation for public officials?* Each elected officeholder must take an oath or affirmation to uphold both the U.S. and the Illinois Constitutions. Some religions do not allow adherents to swear oaths, but permit them to affirm. Both oaths and affirmations are solemn promises.

*How can public transportation be funded?* Article XIII states that using the state’s money for public transportation is legal.

#### **Article XIV: Constitutional Revision**

*How often must voters decide if a convention to change the Constitution is needed?* At least every twenty years the voters in the state must decide if a convention to change the Constitution is needed. If a Constitutional convention does meet and changes are suggested, these changes must be approved by the voters.

*Who else may suggest amendments to the Constitution?* The General Assembly may suggest that amendments may be needed to the Constitution. The voters must also approve any amendments suggested by the General Assembly. Proposed amendments are ratified (approved) and become effective when they are approved by a three-fifths vote of those persons voting on the amendment at a General Election.

*What part of the Constitution is the General Assembly forbidden to amend?* The General Assembly cannot propose changes that will affect its own structure or procedures (Article IV). The voters cannot make changes in Article IV that will take away the powers of the General Assembly.

*What role does the General Assembly play in approving an amendment to the U.S. Constitution?* The affirmative vote of three-fifths of the members elected to each house are needed to ratify (approve) an amendment.

## Vocabulary Quiz

*Directions:* Put the letter of the correct definition in the blank in front of the word it defines. Check your answers in the answer section.

- |                                   |  |
|-----------------------------------|--|
| _____ 1. Ordinance                | a. A paper which shows that someone owes you money   |
| _____ 2. Fiscal Year              | b. Name of the militia in Illinois   |
| _____ 3. Audit                    | c. A plan to spend taxpayer money  |
| _____ 4. Appropriation            | d. Household goods and furniture, automobiles, and money   |
| _____ 5. Revenue                  | e. A law passed by a city or village government  |
| _____ 6. Nongraduated income tax  | f. People not in the military  |
| _____ 7. Personal property        | g. Money that the government gets from taxes and fees  |
| _____ 8. Bond                     | h. Body of people who can be called into active military service   |
| _____ 9. Environment              | i. Examination of books and records about spending/receiving money   |
| _____ 10. Militia                 | j. A 365-day period for which a government or organization plans the use of its funds                          |
| _____ 11. Illinois National Guard | k. A type of tax that is a flat tax on incomes   |
| _____ 12. Civilians               | l. Swearing something is true when you know that it is not true  |
| _____ 13. Bribery                 | m. Checks the state's accounts   |
| _____ 14. Perjury                 | n. All of a person's surroundings  |
| _____ 15. Auditor General         | o. Offering compensation to someone in order to get him or her to do something (usually illegal) you want done |



**Focus Your Reading**

*Directions:* Answer the following questions. Check your answers in the answer section.

1. If there is a conflict between a state law and a county ordinance, which should you follow?

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2. Are Illinois citizens required to pay a graduated income tax to the state?

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3. How much time is a person given to pay his or her taxes before finally losing his or her property?

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4. Is all real estate property in Illinois taxed?

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5. What does the Illinois Constitution say concerning the cost of public education?

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6. Who is the commander-in-chief of the Illinois National Guard?

---

7. Is it legal for taxpayer money to be used for public transportation?

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8. Can the Illinois General Assembly alone pass an amendment to the Illinois Constitution?

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## **PART FIVE: GLOSSARY**

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**Abolish:** To do away with.

**Act:** A statute; a law.

**Affirmation:** A solemn declaration to tell the truth.

**Amendment:** An addition or change to an original document.

**Apportionment:** The seats in the U.S. House of Representatives are apportioned (divided) according to population among the 50 states. The census is taken every ten years to determine each state's population. Because of shifts in population, some states gain seats while others lose seats. The total number of members in the U.S. House of Representatives does not change. The law sets the number at 435.

**Appropriation:** Monies set aside for a specific use.

**Articles of Confederation:** The name of the first Constitution of the United States, which was adopted by the original thirteen states. The Articles of Confederation were in effect from 1781-1789.

**Bicameral:** A legislature composed of two houses. The U.S. Congress and the Illinois General Assembly are bicameral legislatures, both having a Senate and a House of Representatives.

**Bill:** A proposed law.

**Bill of Attainder:** A legislative act that inflicts punishment without judicial trial. The U.S. Constitution forbids both the state and federal governments from enacting bills of attainder.

***Brown v. Board of Education (Topeka, KS):*** A 1954 U.S. Supreme Court decision that reversed *Plessy v. Ferguson*. In this decision, the court struck down the laws of four states requiring or allowing separate public schools for white and black students. The Supreme Court unanimously held that segregation by race in public education is unconstitutional.

**Cabinet:** By custom and tradition, the heads of major Executive departments are Cabinet members; they meet at the request of the President.

**Census:** An official count of the population. The census is taken every ten years. The first census was in 1790.

**Checks and Balances:** Each branch of the government is subject to a number of constitutional checks by either or both of the other branches or, in other words, each branch has certain powers with which it can check the operations of the other two.

**Citizenship:** The 14<sup>th</sup> Amendment of the U.S. Constitution defines citizenship as “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside . . . .”

**Civil:** Anything to do with a citizen.

**Coin:** To make coins or paper money.

**Commission:** A group of people officially appointed to perform specified duties.

**Concurrent:** Happening at the same time.

**Congressional Record:** A printed record of what is said and done in Congress each day.

**Connecticut Compromise:** At the Constitutional Convention, Roger Sherman of Connecticut proposed a compromise to solve the issue of how large and small states should be represented in the new Congress. The convention agreed to representation in proportion to the population in the House of Representatives and equal representation of the states in the U.S. Senate. The compromise also specified that all revenue bills must originate in the House. The overall agreement became known as the “Great Compromise.”

**Constitution:** A written document describing a system of fundamental laws and principles that defines the nature, functions, and limits of a government.

**Convene:** To meet.

**Decennial:** Every ten years.

**Delegated powers:** The powers that the U.S. Constitution gives to Congress to make the laws.

**Democracy:** Government by the people, exercised either directly or through elected representatives.

**Due process of law:** One of the most important constitutional guarantees. Both the state and federal governments must follow prescribed procedures and standards.

**Elastic clause:** Article I, Section 8, of the U.S. Constitution lists the powers of Congress. It then authorizes Congress “to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States . . . .” This is the “elastic” clause, also known as the “necessary and proper” clause.

**Election day:** The first Tuesday after the first Monday in November in even numbered years.

**Electors:** One who elects.

**Electoral College:** An elected body of electors who cast ballots for the President and Vice President. Each state gets the same number of electors as the number it has representing it in Congress (Article II, Section 1). There are a total of 538 electoral votes, which includes three electoral votes for the District of Columbia.

**Eminent domain:** Both the state and federal governments may take private property for use by the public after paying a fair price.

**Equal protection of the law:** States are forbidden “to deny to any person within their jurisdiction the equal protection of the laws” (14<sup>th</sup> Amendment; IL Article I, Section 2).

**Ex post facto:** After the fact.

**Federalism:** A system of government in the United States by which political authority is divided between both the state and national governments.

**Felony:** A serious crime.

**Full Faith and Credit clause:** “Full faith and credit” means every state must accept every other state’s laws, vital records, deeds, court records, and court decisions.

**Great Compromise:** See Connecticut Compromise.

**Habeas corpus:** A court order (writ) requiring that a person held in custody must be brought before a court to determine the legality of his or her detention.

**Illegal:** Against the law.

**Impeachment:** A formal accusation brought against Executive and Judicial officers by the House of Representatives.

**Implied powers:** Powers suggested or understood without being openly or directly expressed in the “necessary and proper” clause (U.S. Constitution Article I, Section 8, Clause 18).

**Inferior courts:** A term in the U.S. Constitution meaning courts created by the Congress that are “lower” than the Supreme Court.

**Item veto:** The power given to the Governor permitting him or her to veto items of an appropriation bill while signing the remaining sections into law.

**Judicial review:** The authority of the courts to decide if laws are Constitutional or not. The *Marbury v. Madison* case established the principle of judicial review in 1803.

**Lame Duck:** An officeholder who has failed to be reelected but whose term is not yet over.

**Lay:** To impose, like a tax.

**Legislative redistricting:** “In the year following each Federal decennial census year, the General Assembly by law shall redistrict the Legislative Districts and the Representative Districts.”

**Levying:** To wage war.

**Majority:** One more than half.

**Mandamus:** A writ commanding that a specified thing be done.

*Marbury v. Madison:* See judicial review.

**Militia:** State army.

**Misdemeanor:** Wrongdoing; a less serious crime than a felony.

**Nomination:** A process of selecting a person to be the candidate for public office.

**Oath:** A promise to tell the truth

**Original jurisdiction:** A court hearing a case for the first time.

**Petition:** To ask that something be done.

**Petit jury:** A trial jury consisting of 12 jurors.

***Plessy v. Ferguson:*** An 1896 case in which the U.S. Supreme Court upheld a Louisiana law requiring the segregation of whites and blacks on passenger trains. It held that the law did not violate the “Equal Protection clause” because the separate facilities for blacks were “equal” to those for whites.

**Preamble:** An introduction to a document.

**Privileges and immunities:** The U.S. Constitution guarantees privileges and immunities (basic civic rights and freedoms) only to citizens of the United States.

**Pro tempore:** For the time being.

**Quorum:** The minimum number of members of an organization who must be present to conduct official business.

**Ratification:** The action of officially confirming or accepting a treaty, a constitution, or a constitutional amendment.

**Reprieve:** A delay.

**Republican form of government:** A system of government by which people govern themselves. This does not imply a political party.

**Reserved powers:** “The powers not delegated to the United States by the Constitution, nor prohibited by it to states, are reserved to the states respectively, or to the people . . .” (10<sup>th</sup> Amendment).

**Revenue:** Monies coming in.

**Separation of Powers:** A constitutional principle that distributes power among the three branches of government.

**Sovereignty:** Complete independence and self-government.

**Staff:** Another name for a flagpole.

**State of Union Address:** The Constitution states, “He (the President) shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration, such measures as he shall judge necessary and expedient” (Article II, Section 3). Soon after the beginning of each congressional session, the President delivers this address before both houses of Congress, members of the Cabinet, Supreme Court, and the foreign diplomatic corps. In his address, the President reports on the condition of the nation, in terms of foreign and domestic affairs, and suggests legislation. The Governor gives an annual “State of the State” address.

**Suffrage:** The right to vote.

**Treason:** Levying war against the United States or giving aid and comfort to its enemies.

**Treaty:** An agreement, usually between different nations.

**Unanimous:** All voters vote the same way.

**Veto:** The power of a chief executive to reject a bill.

**Writ:** A formal legal document ordering or prohibiting some action.





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## **PART SIX: ANSWERS**

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### **Declaration of Independence**

#### **Answers: Focus Your Reading**

1. Two topics covered in the Declaration of Independence are as follows:
  - (1) The theory of American government
  - (2) The listing of the wrongs done to the Americans by the English government
2. The theory of American government is that the government's power is given to it by the people.
3. July 4, 1776, was the date that the Declaration of Independence became effective.
4. Thomas Jefferson was one of the major writers of the Declaration of Independence.

### **Writing the Constitution: Introduction**

#### **Answers: Vocabulary Quiz**

- |      |      |
|------|------|
| 1. e | 4. a |
| 2. b | 5. c |
| 3. d | 6. f |

#### **Answers: Focus Your Reading**

1. The first plan for the U.S. government was the Articles of Confederation.
2. The Articles of Confederation failed because each state had too much power and the federal government had too little power.
3. The Convention met in 1787.
4. It was held in Philadelphia.
5. The theory of American government is that the powers of government rest with the people.
6. There are seven articles in the U.S. Constitution.
7. The first Congress that met after the signing of the U.S. Constitution, in 1791 wrote the Bill of Rights (the first ten amendments).

8. The first ten amendments guarantee personal freedoms to each American citizen.
9. The three parts of the Constitution are (1) the Preamble, (2) the Articles, and (3) the Amendments.
10. National, federal, and central are terms used to refer to the government in Washington, DC.

### **Writing the Constitution: The Federal System and Separation of Powers**

#### **Answers: Vocabulary Quiz**

- |      |      |
|------|------|
| 1. b | 3. a |
| 2. d | 4. c |

#### **Answers: Focus Your Reading**

1. A federal system of government has several states united under one central government. The central government is the strongest government.
2. Article I gives 18 delegated powers to the U.S. Congress.
3. Congress gets additional powers from the “necessary and proper” clause of Article I.
4. Each state gets its power from the 10<sup>th</sup> Amendment. It says that all powers not delegated to the U.S. Congress nor prohibited to the states belong to the states or the people.
5. There are three branches in the federal government.
6. The three branches in the federal government are the Legislative, Executive, and Judicial.
7. The division of powers among the three branches of the federal government is called the separation of powers.
8. Article I: The Legislative Branch – Describes and explains the lawmaking process.
9. Article II: The Executive Branch – Describes and explains the execution of the laws.
10. Article III: The Judicial Branch – Describes and explains interpreting the laws.

## Article I: The Legislative Branch

### Answers: Vocabulary Quiz

- |      |      |      |       |
|------|------|------|-------|
| 1. k | 4. b | 7. j | 10. f |
| 2. a | 5. h | 8. d | 11. g |
| 3. i | 6. c | 9. e | 12. l |

### Answers: Focus Your Reading

1. The “Great Compromise” was the creation of Congress during the Constitutional Convention. Congress was to be made up of the Senate and the House of Representatives. In the Senate, the small states were given as many members as the large states. In the House, the large states received more representation.
2. The small states liked the idea of the Senate because all states were equally represented there.
3. Until 1913, each state’s lawmakers elected the senators from their state. The representatives have always been elected by the people.
4. Each state is responsible for conducting the elections that choose the people who will represent the state in Congress.
5. Both the House of Representatives and the Senate determine if their members have met the legislative qualifications and if they have been properly elected.
6. A census is a counting of the U.S. population every ten years.
7. The House of Representatives is reapportioned every ten years after each census.
8. The leader of the House is called the Speaker of the House. He or she is a member of the House and is elected by the other members.
9. The Senate leader is the Vice President of the United States. When he or she must miss a meeting, an elected temporary leader leads the Senate. This elected temporary leader is called the President pro tempore.
10. Senators must be 30-years-old and have been U.S. citizens for nine years. They do not have to be natural-born citizens, but they must live in the state they represent.

11. Representatives must be 25-years-old and have been U.S. citizens for seven years. They do not have to be natural-born citizens, but they must live in the state they represent.
12. Some important powers of Congress are to raise and support an army, collect taxes, borrow money, regulate trade, coin money, set up courts lower than the Supreme Court, declare war, fix the standards of weights and measures, and set up post offices.
13. Article I gives the President the power to approve or veto the laws which Congress makes.
14. Three important things that Congress cannot do are the following: (1) suspend writs of habeas corpus, (2) issue bills of attainder, and (3) pass ex post facto laws.
15. An ex post facto law makes an act a crime after it has been committed. People may not be punished for what they did before that law was passed.
16. A bill of attainder was a legislative act in England that allowed a person to be punished without a trial. Bills of attainder are illegal in the United States.
17. A writ of habeas corpus (to have the body of evidence) is a court order that requires that a prisoner be brought before a judge to determine if he or she is being held lawfully; the prisoner must be told the reason for his or her arrest.
18. At least once each year.

## How a Bill Becomes a Law

### Answers: Vocabulary Quiz

1. e            4. f
2. b            5. d
3. a            6. c

### Answers: Focus Your Reading

1. Only the House of Representatives may introduce appropriation bills (bills that involve the spending of the taxpayers' money).
2. A senator may give a long speech that will prevent the Senate from voting on a bill. This action is called a filibuster.
3. The President has ten days in which to veto a bill.
4. The Presidential veto power occurs when the President rejects a bill. The President sends the bill back to the house where it began within ten days (Sundays not included) of receiving the bill. He also sends a message to Congress that gives his reasons for rejecting the bill.
5. A pocket veto occurs when the Congress adjourns within ten days (Sundays not included), and the President, by taking no action, kills the bill. If the President does not sign or veto a bill within ten days (Sundays not included) after he receives it, the bill becomes law without his signature.
6. A lobbyist is the name given to individuals who try to influence the way members of Congress vote.

## Article II: The Executive Branch

### Answers: Focus Your Reading

1. The Electoral College actually elects the President and Vice President.
2. A candidate for President must win only a majority of the Electoral votes; he or she does not have to win a majority of the popular votes.
3. If no candidate receives a majority (more than half) of the Electoral votes, then the House of Representatives chooses the President from the three candidates who received the most Electoral votes.

4. The Legislative Branch (Congress) has the power to declare war.
5. The President is the Commander-in-Chief of the Armed Forces.
6. The requirements to be President are that he or she must be (1) a natural-born citizen, (2) at least 35 years old, and (3) a U.S. resident for fourteen years.
7. The Congress can punish Executive Branch officials who have committed wrongs against the government by holding an impeachment hearing and trial.
8. In impeachment actions, the House of Representatives accuses the official of wrongdoing, and the Senate tries the official. If the Senate finds the official "guilty," the official loses his or her office in the government.
9. The Executive Branch deals with foreign nations.
10. The President can make treaties with foreign nations.
11. Two-thirds of the senators present at the meeting must approve treaties made by the President.
12. The President can serve no more than two four-year terms and no more than an additional two years of another President's term; therefore, no President can serve more than ten years.
13. At the request of the President.

### **Article III: The Judicial Branch**

#### **Answers: Vocabulary Quiz**

1. c                      4. e
2. d                      5. b
3. a

#### **Answers: Focus Your Reading**

1. The Constitution created one court, the U.S. Supreme Court.
2. Congress sets the number of Supreme Court Justices (judges).
3. There are now three types of federal courts: (1) the U.S. Supreme Court, (2) the U.S. Circuit Courts of Appeals, and (3) the U.S. District Courts.
4. The Supreme Court has original jurisdiction in cases that involve the states and in cases which involve foreign countries.

5. The U.S. District Courts try cases that involve breaking a law written by Congress, laws in the Constitution, or between the citizens of two different states. They do not hear appeals.
6. The U.S. Circuit Courts of Appeals hear cases that were not settled in the U.S. District Courts. No cases begin in the U.S. Circuit Courts of Appeals.
7. A trial must be held in the state in which the crime was committed.
8. Treason is fighting or working against the United States during time of war.
9. If a person is to be convicted of treason, two witnesses must testify in open court or the accused must confess in open court.
10. There are nine Supreme Court Justices: eight associates and the Chief Justice.
11. Federal judges serve for life as long as they have “good behavior.” They can retire at age 70.
12. Federal judges may lose their jobs if Congress completes an impeachment action against them.

## **Checks and Balances**

### **Answers: Focus Your Reading**

1. The Legislative checks the Executive:
  - The Senate accepts or rejects the President’s treaties and the appointments of federal judges, ambassadors, and cabinet members.
  - Congress accepts or rejects the President’s choice of a Vice President.
  - Congress can pass a law over the President’s veto, and Congress can remove Executive Branch officials through an impeachment trial.
2. The Legislative checks the Judicial:
  - Congress can remove federal judges through impeachment.
  - The Senate accepts or rejects the appointment of federal judges.



3. The Executive checks the Legislative:
  - The President can approve or veto the laws that Congress makes.
4. The Executive checks the Judicial:
  - The President appoints federal judges.
5. The Judicial checks the Legislative:
  - The Supreme Court can declare a law that Congress makes unconstitutional.
6. The Judicial checks the Executive:
  - The Chief Justice of the Supreme Court serves as the judge in an impeachment trial of the President.
  - The Supreme Court may declare an action by the President unconstitutional.
7. Judicial review is the principle that allows the Supreme Court to decide if laws made by Congress do or do not follow the Constitution.
8. The case *Marbury v. Madison* established the Supreme Court's principle of judicial review. (The principle of judicial review was not given to the Supreme Court by the Constitution.)

## **Articles IV-VII**

### **Answers: Focus Your Reading**

1. Extradition is the process by which the governor of a state returns a person to the state where he or she has been accused of a crime. The governor of the accusing state must request the person's return.
2. You can become a citizen of another state by moving to the state and living there.
3. A state's boundaries may be changed only if the state legislature and Congress agree.
4. The Constitution guarantees that each state shall have a republican form of government (a government in which the powers come from the people).
5. Article VI states that the U.S. Constitution, laws made by the Congress, and U.S. treaties are the supreme laws of the land.

6. Two-thirds of both houses of Congress may propose an amendment; two-thirds of the state legislatures may ask Congress to call a convention that will propose the amendment.
7. An amendment must be ratified (approved) by either three-fourths of the state legislatures or three-fourths of the state conventions.
8. Nine states had to approve the Constitution before it could become law.

## **The Amendments**

### **Answers: Vocabulary Quiz**

- |      |      |       |
|------|------|-------|
| 1. e | 5. c | 8. i  |
| 2. b | 6. d | 9. g  |
| 3. a | 7. j | 10. h |
| 4. f |      |       |

### **Answers: Focus Your Reading**

1. The first ten amendments to the Constitution make up the Bill of Rights.
2. The 1<sup>st</sup> Amendment guarantees the right of free speech, peaceful assembly, free press, free choice of religion, and the right to petition.
3. The 5<sup>th</sup> Amendment guarantees protection from self-incrimination, the right to a grand jury, protection against double jeopardy, due process of law, and eminent domain.
4. The 6<sup>th</sup> Amendment guarantees a speedy trial and a lawyer, the 7<sup>th</sup> Amendment guarantees a trial by jury, and the 8<sup>th</sup> Amendment guarantees a person will not have to give an excessive bail. The 8<sup>th</sup> Amendment also guarantees that punishments will not be cruel and unusual.
5. There are three amendments that are referred to as the Civil War Amendments: (1) the 13<sup>th</sup> Amendment abolished slavery, (2) the 14<sup>th</sup> Amendment gave U.S. citizenship to former slaves and guaranteed due process of law and equal protection under laws to all citizens, and (3) the 15<sup>th</sup> Amendment gave the former male slaves the right to vote.

6. In the case of *Brown v. Board of Education*, segregated schools were judged to be unequal. Since the 14<sup>th</sup> Amendment guarantees equality to all, the segregated schools were declared unconstitutional.
7. The 14<sup>th</sup> Amendment applied the Bill of Rights to all citizens, including former slaves.
8. Women were given the right to vote by the 19<sup>th</sup> Amendment (1920).
9. The 26<sup>th</sup> Amendment gives 18-year-old citizens the right to vote (1971).

## **Displaying the Flag**

### **Answers: Focus Your Reading**

1. When the U.S. flag is displayed with the flags from other nations, it should be at the same height as the other flags. It should be approximately the same size.
2. When the U.S. flag is carried in a procession, it should be to the marching right. If there is a line of flags, it should be to the front and center of the line.
3. The U.S. flag should be allowed to fall free. It should not touch anything beneath it. It should not be draped on any vehicle.
4. The U.S. flag should not be displayed upside down except as a distress signal.
5. When the U.S. flag is displayed on a staff with the flags of states, cities or localities, the U.S. flag should be at the peak.
6. The U.S. flag can be flown from sunrise to sunset, on state and national holidays, and at night with a light.

## **Illinois Constitution: Articles I-III**

### **Answers: Focus Your Reading**

1. Article I is the Bill of Rights in the Illinois Constitution.
2. The Illinois Constitution guarantees citizens that they will not be discriminated against because of a physical or mental handicap.
3. Persons convicted of a felony are not allowed to vote while in prison.

4. To be eligible to register to vote in Illinois you must be (1) a U.S. citizen, (2) 18 years of age or older at the time of the election, and (3) have lived in an election precinct for at least 30 days prior to the election.

**Illinois Constitution:  
Article IV: The State Legislative Branch**

**Answers: Vocabulary Quiz**

- |      |      |
|------|------|
| 1. b | 5. d |
| 2. a | 6. g |
| 3. e | 7. h |
| 4. c | 8. f |

**Answers: Focus Your Reading**

1. Members of the Illinois General Assembly are elected from districts. One state senator is elected from each of the 59 legislative districts, and one House member is elected from each of the 118 representative districts.

State Senate: 59 members

House of Representatives: 118 members

2. A bicameral legislature is a two-house legislature such as the Illinois General Assembly and the U.S. Congress.
3. A bill (a proposed law) must pass both houses of the General Assembly. For a bill to pass, it must be approved by a majority vote in each house. After a bill is passed, it is sent to the Governor within thirty calendar days. If the Governor signs (approves) a bill, it becomes law. If the Governor does not approve of the bill, he or she vetoes it. The Governor returns the bill, along with his or her objections, to the house where the bill began.
4. The state constitution authorizes the Governor to convene the General Assembly in a special session. The Governor issues a proclamation, and it states the purpose of the session.

5. The Governor may veto one or more items in an appropriation bill without vetoing the entire bill. This is called the power of item veto.
6. The House has the sole power to conduct legislative investigations of the Executive and Judicial Branches. The House has the authority to impeach (bring charges). The Senate has the sole power to try impeachment cases involving state officers.
7. Each house of the General Assembly determines the rules of its proceedings and judges the elections, returns, and qualifications of its members.

**Illinois Constitution:  
Article V: The State Executive Branch**

**Answers: Vocabulary Quiz**

- |      |      |
|------|------|
| 1. b | 5. f |
| 2. c | 6. g |
| 3. a | 7. d |
| 4. e |      |

**Answers: Focus Your Reading**

1. Yes, the six elected officials in the Executive Branch have duties that are described in Article V of the Constitution.
2. No, only the Governor and the Lieutenant Governor must be of the same political party.
3. Yes, the Governor may remove any officer whom he or she has appointed for incompetence, neglect of duty, or malfeasance while in office.
4. To be eligible to hold the office of Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, or Treasurer, a person must be (1) a U.S. citizen, (2) at least 25 years old, and (3) a resident of this state for three years preceding his or her election.

**Illinois Constitution:  
Article VI: The State Judicial Branch**

**Answers: Vocabulary Quiz**

- |      |      |
|------|------|
| 1. f | 4. a |
| 2. d | 5. c |
| 3. e | 6. b |

**Answers: Focus Your Reading**

1. Illinois has three types of courts. The federal government also has three types.
2. The three types of Illinois courts are the Supreme Court, Appellate (appeals) Courts, and Circuit (trial) Courts.
3. With the exception of the associate judges who are appointed, judges are elected in Illinois. In the federal courts, the President appoints all judges.
4. There are five judicial districts in Illinois.
5. Original jurisdiction is when a court hears a case for the first time.
6. The Supreme Court and the Circuit Courts have original jurisdiction.

**Illinois Constitution:  
Articles VII-XIV**

**Answers: Vocabulary Quiz**

- |      |       |       |
|------|-------|-------|
| 1. e | 6. k  | 11. b |
| 2. j | 7. d  | 12. f |
| 3. i | 8. a  | 13. o |
| 4. c | 9. n  | 14. l |
| 5. g | 10. h | 15. m |

**Answers: Focus Your Reading**

1. A state law should be followed before a county ordinance.
2. Illinois requires its citizens to pay a nongraduated income tax.
3. A person has two years to pay his or her taxes before finally losing his or her property.

4. Certain property in Illinois (such as church property) is not taxed.
5. "Education in public schools through the secondary level is to be free."
6. The Governor is Commander-in-Chief of the Illinois National Guard in peacetime.
7. Public money can be used for public transportation.
8. The General Assembly alone cannot pass amendments to the Constitution. The voters of Illinois must approve the amendments.

**Illinois Community College Board**  
401 East Capitol Avenue  
Springfield, Illinois 62701-1711

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