

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

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

### Famous Constitutional Quotes

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

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

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

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

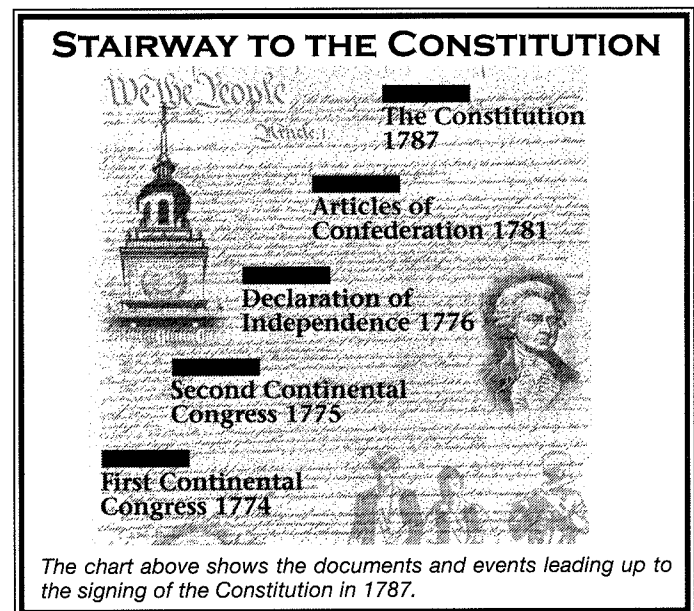
*"Our new Constitution is now established, and has an appearance that promises permanency; but in this world nothing can be said to be certain, except death and taxes."* — Ben Franklin

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

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

### The Constitution has lasted because it:

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



### QUESTIONS

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

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

### DISCUSSION OR REPORT TOPICS

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

**The Preamble**

The Preamble to the United States Constitution comes at the beginning of the document and explains the goals of the Constitution.

*“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.”*

The six reasons for the new government are clearly stated, and the phrase “a more perfect Union” refers to the hope that the Constitution would do a better job than the Articles had done.

**A Look Ahead**

In this book you will see the terms federal, national, and central. They all refer to our United States government in Washington, D.C. Our Constitution is a federal constitution. States also have constitutions, but for now we are studying only the federal Constitution.

In the following pages, you will see that the government has three branches: *executive, legislative, and judicial*. You will learn what the president does, how laws are made, how the courts protect us, and many other things about our government. You will also learn how the three branches check each other’s powers.

The Constitution can be understood by students who carefully study it. You will probably find you are able to read and understand many parts of the Constitution yourself. Surely you will find, if you listen to your teacher’s directions and instructions, that you are easily able to understand the portions of the Constitution explained in this book. Interesting facts about the Constitution include that it is written on four sheets of paper approximately 28 3/4 inches by 23 5/8 inches, it has 4,543 words including signatures, and it is the oldest and shortest written constitution of any major government in the world.

As you study, refer to a copy of the Constitution to see the exact wording of each section. You will learn about your state government at the end of this study.

**Preserving the Constitution**

On December 13, 1952, the Constitution and the Declaration of Independence were sealed in helium-filled cases, placed in wooden crates, and transported by an armored car to the National Archives Exhibition Hall in Washington, D.C. Escorting the documents down Pennsylvania and Constitution avenues were two tanks and four servicemen carrying machine guns. Two days later, at a formal ceremony, President Harry Truman declared, *(on the top of the next column)*

*“We are engaged here today in a symbolic act. We are enshrining these documents for future ages. This magnificent hall has been constructed to exhibit them, and the vault beneath, that we have built to protect them, is as safe from destruction as anything that the wit of modern man can devise. All this is an honorable effort, based upon reverence for the great past, and our generation can take just pride in it.”*

Today, the Declaration of Independence, Constitution and Bill of Rights, collectively known as the *Charters of Freedom*, are on public display at the National Archives Building in Washington, D.C.



*The four pages of the Constitution are displayed at The Rotunda for the Charters of Freedom at the National Archives Building.*

**QUESTIONS**

1. What are the six goals in the Preamble?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
2. What are some of the words used that refer to the United States government? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
3. What are the three branches of government? \_\_\_\_\_  
 \_\_\_\_\_
4. What is the meaning of the phrase “a more perfect Union”? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**DEFINITION PROJECT**

On a separate piece of paper, list and define key words to know if one is to understand the Preamble.

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

### The Seven Articles

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

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

**ARTICLE 2 – EXECUTIVE BRANCH** - Explains the presidential and vice presidential duties, terms of office, succession, impeachment, oath of office, and specific executive powers.

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

**ARTICLE 4 – STATES AND THE UNION** - Discusses how the states fit in with the plan of the federal government. It sets requirements for new states and requirements of the federal government in respect to states.

**ARTICLE 5 – AMENDMENTS** - This article outlines how to amend the Constitution.

**ARTICLE 6 – UNITED STATES CONSTITUTION SUPREME** - This important part of the Constitution makes it clear that the federal Constitution is the supreme law of the land.

**ARTICLE 7 – RATIFYING PROCEDURE** - Explains how the Constitution was ratified.

### The 27 Amendments

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

- 1st** – Freedom of religion, speech, press, assembly, and petition.
- 2nd** – Right to bear arms; refers to state militias.
- 3rd** – Housing of soldiers.

**4th** – No unreasonable search or arrest.

**5th** – No person tried without grand jury indictment or punished twice for same offense. Prohibits being a witness against yourself and guarantees due process of law.

**6th** – Rights of accused in criminal cases.

**7th** – Trial by jury.

**8th** – No excessive bail or cruel punishment.

**9th** – People retain rights not listed in the Constitution.

**10th** – Power not given to the federal government is given to the people or states (very important for state government).

**11th** – 1795 – Individual cannot sue a state in federal courts.

**12th** – 1804 – Repeals part of Article 2, Section 1, of the Constitution. Electoral College must cast separate ballots for president and vice president. In 1800, there was difficulty when Thomas Jefferson and Aaron Burr received the same amount of votes in the Electoral College, even though the electors meant Burr's votes to be for the position of vice president. The election had to go to the House of Representatives where Jefferson won, thanks to the support of Alexander Hamilton. This helps explain why Hamilton and Burr later dueled and Hamilton was killed.

**13th** – 1865 – Abolished slavery.

**14th** – 1868 – All persons born or naturalized in the United States enjoy full rights. This was done to protect the rights of freed slaves and minorities after the Civil War, but it applies equally to all Americans. This amendment also made certain rules concerning the southern states after the Civil War.

**15th** – 1870 – States cannot prevent a person from voting because of race, creed, or color.

**16th** – 1913 – Income tax amendment.

**17th** – 1913 – Provides for popular election of United States senators. Repeals part of Article 1, Section 3. In the past, senators were elected by state legislatures.

**18th** – 1919 – Prohibition. No alcoholic beverages to be bought or sold in the United States.

**19th** – 1920 – Woman suffrage. Some states had already given women the right to vote in some elections. This amendment gives all women, who are U.S. citizens, the right to vote in all elections.

**20th** – 1933 – Changed the date the president takes office from March 4th to January 20th (four-year term). Also changed the start of Congress to January 3rd and ended old second session (end of Lame Duck Congress).

**21st – 1933** – Repealed prohibition and voided the 18th Amendment (the only amendment to repeal another amendment).

**22nd – 1951** – No person shall be elected to the office of president more than twice.

**23rd – 1961** – Gave residents of Washington, D.C., the right to vote in presidential elections.

**24th – 1964** – Anti-poll tax amendment. Forbids taxing voters before they may vote in national elections.

**25th – 1967** – Established the process by which an ailing president may pass the duties of office to the vice president and for the filling of the vice president's office, when vacant.

If the president notifies Congress of being unable to serve, the vice president becomes president until the president once again feels able to serve. If, in the judgment of the majority of the Cabinet and the vice president, the president is not able to serve, the vice president will become president until the president can serve. Prolonged disputes over this amendment are settled by Congress.

Any vacancy in the vice presidency is filled by an appointment made by the president, with approval by a majority of both houses of Congress.

In 1973, we saw the first use of the 25th Amendment. Vice President Spiro Agnew became the second vice president ever to resign. President Richard Nixon proposed Gerald Ford as vice president, and he was approved by both houses of Congress.

**26th – 1971** – 18-year-olds are allowed to vote in federal and state elections.

**27th – 1992** – Prohibits Congress from voting itself mid-term pay raises.

**SELECTION COMPARISONS**

How Chosen	CONGRESS		PRESIDENT	SUPREME COURT
	HOUSE	SENATE		
	Elected	Elected	Elected	Appt. by President
Term of Office	2 Years	6 Years	4 Years	Life or Retirement
Age Req.	Minimum 25	Minimum 30	Minimum 35	None

*\*As described in the next paragraph, this chart shows that the Constitution affects how elected officials are selected, the terms they serve, and the minimum age requirements.*

**Hidden Meanings in the Constitution**

The Constitution is filled with hidden techniques and ideas. An example is the chart of election prescribed by the Constitution. It uses different ways to choose some officers, different lengths of term, and different age requirements. While the president is elected like the members of the Senate and the House, the Electoral College, not the people, actually elect the president. And while the Senate and House are both elected by the people, senators are elected by vote of all people in the state. Representatives are elected by people from one area of the state. Federal judges are not to be elected by the people at all. These are just some examples.

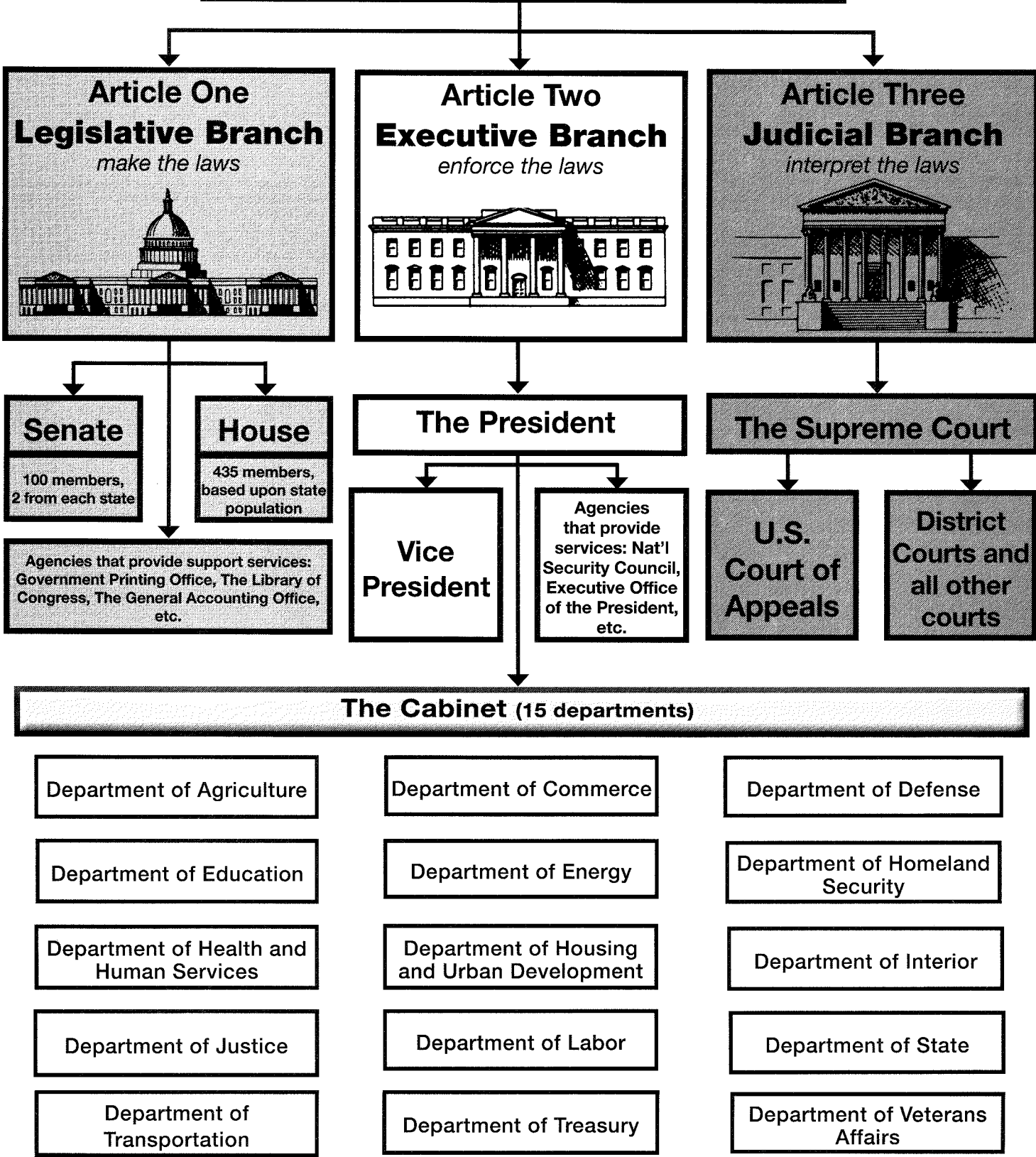
**QUESTIONS**

**SHORT ANSWER**

- Which amendment repealed another? \_\_\_\_\_
- Which part of the Constitution tells how to amend the Constitution? \_\_\_\_\_
- Name the part of the Constitution where would you find:  
 executive branch \_\_\_\_\_  
 legislative branch \_\_\_\_\_  
 judicial branch \_\_\_\_\_
- Where would you look to find the goals of the Constitution? \_\_\_\_\_
- The Constitution has a Preamble, \_\_\_\_\_ original articles, and \_\_\_\_\_ amendments.
- The First Amendment was passed in \_\_\_\_\_, and the last was passed in \_\_\_\_\_.
- Where would you find information concerning the states and their relationship with the federal government? \_\_\_\_\_
- Where would you look to find how the Constitution was adopted? \_\_\_\_\_
- Which article of the Constitution makes it clear that the Constitution is the supreme law of the land? \_\_\_\_\_
- Which amendment gives 18-year-old women the right to vote? \_\_\_\_\_
- Which amendment established rules to fill vacancies in the vice presidency? \_\_\_\_\_
- Which amendments are called the Bill of Rights? \_\_\_\_\_
- Which amendment limits the number of presidential terms? \_\_\_\_\_
- Which amendment abolished slavery in 1865? \_\_\_\_\_
- Federal judges are appointed by the \_\_\_\_\_.

Students: You are now ready to study the three branches of government as outlined below.

# The Constitution SETS UP THREE BRANCHES



*"All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."* — United States Constitution

The legislative branch of government is described in Article 1 of the Constitution. The legislative branch is the first branch mentioned in the Constitution. Its major duty is to make our country's laws.

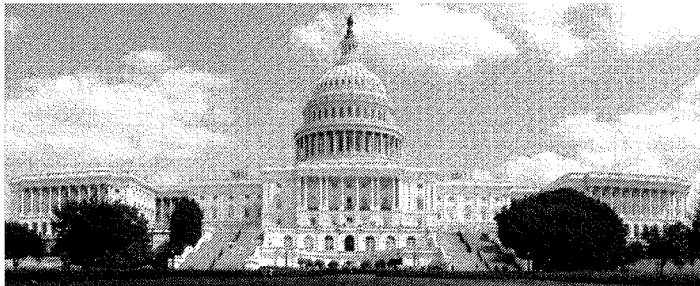
### The Congress

The legislative branch of our federal government is called the *Congress*. It consists of the Senate and the House of Representatives. Every citizen is represented in Congress by two U.S. senators from their particular state, and one U.S. representative from their congressional district. That is why our form of government is referred to as a *representative government*. The citizens of our great country delegate authority to elected representatives. Although we have more direct representation by our senators and representatives, the same principle is adopted by many executive and judicial offices.

Agencies that provide support services for Congress are also considered part of the legislative branch. They include the Library of Congress, the Congressional Budget Office, the Government Printing Office, and the General Accounting Office.

The term of Congress begins on the third day of January every odd-numbered year, and lasts for two years. The Constitution says that during this two-year term "Congress shall assemble (meet) at least once in every year. . ." There is so much business before the Congress these days that the meetings or sessions last almost all year. *Special sessions* of Congress may be called by the President of the United States.

Congress meets in the *Capitol Building* in Washington, D.C. Both the Senate and the House meet there, but in different chambers. Pictures of the Capitol Building (see below) are seen often in our newspapers, magazines, and television broadcasts. This is because the work done in this building is very important to every American. The Capitol is the only place our senators and representatives meet to make our laws. Senators and representatives have offices nearby. If you visit Washington, D.C., you may attend a session of Congress.



*The Capitol Building - The Meeting Place of Congress*

Every day, the proceedings of the Congress are printed in *The Congressional Record*. It is a copy of all bills introduced into both houses of Congress and speeches and testimonies before Congress. Members may even have speeches never given printed in the *Record*. Almost four million copies of the *Record* are printed every year.

### Role of Congress

Everyday life has been influenced by the decisions of Congress. Their role is to improve the quality of our lives and to strengthen our nation. The following are a few of the acts of Congress:

- **air safety** – created the Federal Aviation Agency (FAA), which assures commercial air safety
- **banking** – established insurance policies, which guarantee deposits made in banks
- **clean air** – passed national pollution-control laws
- **family leave** – granted unpaid leave to workers for up to 12 weeks to deal with family issues
- **labor wages** – created the concept of a federal minimum wage and votes periodic raises
- **automobile safety** – passed laws to promote auto safety by requiring car manufacturers to meet minimum safety standards
- **handicapped access** – expanded employment opportunities for the handicapped by passing laws requiring access to the workplace and public spaces

### QUESTIONS

1. What is the major duty of the legislative branch? \_\_\_\_\_
2. What is the major body in the legislative branch? \_\_\_\_\_
3. What two houses make up the legislative branch? \_\_\_\_\_
4. What is representative government? \_\_\_\_\_

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

- \_\_\_\_\_ 1. The President of the United States has the power to call Congress into special session.
- \_\_\_\_\_ 2. Congress meets in many of our major cities.
- \_\_\_\_\_ 3. The Library of Congress is part of the legislative branch.
- \_\_\_\_\_ 4. Congress must meet at least twice every year.
- \_\_\_\_\_ 5. The president makes the rules for Congress.
- \_\_\_\_\_ 6. Congress meets in the Capitol Building in Washington, D.C.
- \_\_\_\_\_ 7. The daily record of Congress is called "The Capital Journal."

**The Senate**

The Senate of the United States is discussed in Article 1, Section 3, of the Constitution.

The Senate has 100 members: two from each of the 50 states. As you recall, there was a dispute between the small states and the large states at the Constitutional Convention. The Senate was designed to calm that dispute by making all states equal. Every state, regardless of size, has two members. Illinois' two senators are Democrat Dick Durbin (term expires 2021) and Republican Mark Kirk (term expires 2017). Durbin was reelected to a fourth term during the 2014 General Election.

Of the 100 senators, one-third are elected every two years for six-year terms. Terms are staggered this way so only one-third of the Senate goes out of office at any one time. This assures us the Senate will have experienced members at all times. Each one-third of the Senate is called a *class*. All senators serve six-year terms.

<b>U.S. Senate Chart of Election</b>			
<i>class</i>	<i>have served</i>	<i>years to serve</i>	<i>comments</i>
1	0	6	just elected
2	2	4	elected 2 years ago
3	4	2	elected 4 years ago
	6	0	were just up for reelection and were reelected or replaced by class 1

Senators may be reelected for an unlimited number of terms. This is not uncommon; many have had long careers.

**Salary and Qualifications**

A senator receives a salary of \$174,000 and an expense allowance. A senator must be at least 30 years old, a United States citizen for at least nine years, and a resident of the state he/she represents in the Senate.

**Vacancies**

If a Senate vacancy occurs, the governor of the state affected makes a temporary appointment until the next election. This appointment is a very important duty for the governor.

**Officers of the Senate**

The Vice President of the United States is the *president of the Senate*. This is established by the Constitution. Since the vice president is the second highest official in the executive branch of government and the Senate is part of the legislative branch, this is one way in which the two branches are drawn closer.

Although the vice president is the presiding officer of the Senate, this official may not debate or vote except in the case of a tie. The Senate also elects one of its own members to be *president pro tempore*. The president pro tempore serves in the absence of the vice president. There are also Senate *majority* and *minority leaders*. The Senate majority and minority leaders and the president pro tempore receive a salary of \$193,400.

**Senate Duties**

The Senate passes *bills* (a term for proposed laws) it hopes will become laws according to a plan you will read about shortly. According to this plan, the House of Representatives must also pass the bill before it is sent to the president for approval.

The Senate has the important job of approving treaties made by the president. It also approves the selection of certain federal officers by the president. The Senate is the jury in cases of *impeachment*. If a president is tried for impeachment, the chief justice of the Supreme Court presides over the trial. The Senate has sat in 15 impeachment cases. The earliest was in 1799 when U.S. Senator William Blount of Tennessee had charges dropped. The latest was in 1999 when the U.S. Senate acted as the jury in the impeachment trial of President Bill Clinton. The Senate found him not guilty.

**Electing Senators**

The 17th Amendment changed the way we elect senators. If you look at Article 1, Section 3, of the Constitution, you will see state legislatures originally had the power to elect senators. A look at the 17th Amendment will show that the people of the states now have that power.

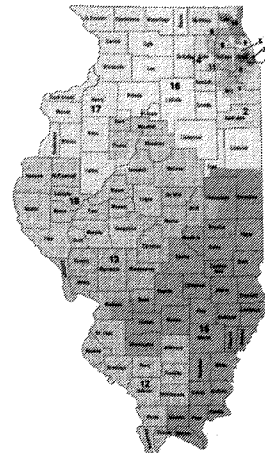
**The House of Representatives**

The House of Representatives is discussed in Article 1, Section 2, of the Constitution. The House of Representatives has 435 members from the various states. This number is fixed by law. Each state is given its share of the 435 members according to population. Going back to the Constitutional Convention, we can see this house of Congress favored the large states in their dispute with the small states, since large states receive more members.

**Congressional Districts**

Illinois receives 18 U.S. Representatives to the U.S. House from the 18 legislative districts shown.

What district are you located in and who is your representative?



*continued*

Each state has at least one representative and the largest state has more than 50 members. Illinois has 18 representatives in the U.S. House of Representatives. In 2010, Illinois lost one representative due to results of the census. Voters elect representatives from their state district. Senators are not elected by district, since they represent the entire state.

All members of the House of Representatives are elected every two years for two-year terms. They are elected at the general election held in their states in November of even-numbered years. They take office on January 3rd of the odd-numbered years. Representatives may be elected an unlimited number of times.

### Salary and Qualifications

A representative receives a salary of \$174,000 and an expense allowance. A representative must be at least 25 years of age, a U.S. citizen for at least seven years, and an inhabitant of the state he/she represents. A vacancy in the office of a representative is filled by a *special election* called by the governor of the state affected.

### House Officers

The presiding officer of the House of Representatives is the speaker of the House, elected by the majority party. Texas Democrat Sam Rayburn was elected to the office of speaker 10 times. Before his death in 1961, he served as speaker during the terms of presidents Franklin Roosevelt, Harry Truman, Dwight Eisenhower, and John Kennedy. Following the Democrats' majority win in the 2006 congressional elections, Nancy Pelosi became the first woman speaker of the House. The speaker's salary is \$223,500, plus an expense allowance. There is also a House minority and House majority leader elected from the minority and majority parties. Both receive a salary of \$193,400.

### House Duties

The House passes bills it hopes will become laws. The Senate must pass the same bills before they are sent to the president for final approval. All bills for revenue must start in the House. The House has sole power of impeachment against any federal officer. After the House brings charges of impeachment, the Senate decides the case. The House also has the important duty of selecting a president if no candidate has a majority in the Electoral College.

### Rules and Privileges

Congress may expel or punish its own members. It makes the rules about its procedures and keeps records of all meetings. Members are privileged from arrest while going to or coming from Congress or while attending a session. However, if they commit a

criminal offense, they may be arrested. A member of Congress may not be sued for what he or she says in Congress, but Congress may make certain rules about proper behavior and speech of its members.

### Women in Government

Many representatives and senators have been women, distinguishing themselves in the service of their government. It has become apparent women can take their rightful position of high responsibility along with men in the government of the United States. The 2014 midterm elections marked a new milestone for women in American politics. For the first time in the nation's history, the number of women in Congress will reach 100.

### The House and Congress Number

Congress gets a new number each time the House of Representatives starts a new term. Therefore, every two years we have a new Congress. For example, the House that began its term in 2013 was the 113th Congress. In 2015, the 114th Congress will meet, and in 2017, the 115th Congress will begin.

### Census

Article 1 of the Constitution requires that a *census* (count) of our country be taken every 10 years. The census most recently took place in 2010, with the next census taking place in 2020. This count is managed by a government agency called the *U.S. Bureau of the Census*. The census serves many purposes. The three most important being:

1. The census tells us about the makeup of our large American population and how the government and businesses might serve the population. Your state and local governments will use this information to plan for schools, hospitals, roads, and more.
2. It tells the federal government how federal money should be divided among the states and local areas.
3. The government uses this information to outline voting districts in each state and decide how many state and U.S. representatives each state receives. Adjustments to legislative districts based upon population changes is called *reapportionment*. Reapportionment leads to *redistricting*, the redrawing of Congressional district boundaries.

The 2010 census showed that the population in the United States grew to more than 308 million people from the 281 million recorded in 2000. The main impact of this count was the resulting changes in the number of U.S. representatives by state (thus a change in electoral votes by state). The U.S. population continues a decades-long growth trend toward the south and the west.



**QUESTIONS**

**SENATE/HOUSE COMPARISON.** Fill in the blank with *Senate, House, both* or *neither*.

1. Approves or rejects treaties. \_\_\_\_\_
2. Starts all revenue bills. \_\_\_\_\_
3. Passes bills they hope will become laws. \_\_\_\_\_
4. Has 100 members. \_\_\_\_\_
5. Designed to favor small states. \_\_\_\_\_
6. Has 435 members. \_\_\_\_\_
7. Are elected by the people of the entire state. \_\_\_\_\_
8. Has speaker for chief officer. \_\_\_\_\_
9. Approve nominations made by the president. \_\_\_\_\_
10. The Vice President of the United States is the chief officer. \_\_\_\_\_
11. Has sole power of impeachment. \_\_\_\_\_
12. Decides the case in impeachment. \_\_\_\_\_
13. Elected every two years. \_\_\_\_\_
14. Meet in the Capitol Building. \_\_\_\_\_
15. Has vacancies filled by appointment of the governor. \_\_\_\_\_
16. Discussed in Article 1, Section 3. \_\_\_\_\_
17. Where Congress gets its number. \_\_\_\_\_
18. Congress consists of: \_\_\_\_\_

**SPECIFICS ABOUT THE SENATE (PAGES 17 & 18)**

1. How many senators are there? \_\_\_\_\_
2. How many from each state? \_\_\_\_\_
3. How long is a Senate term? \_\_\_\_\_
4. How many, fraction and approximate number, are elected every two years? \_\_\_\_\_
5. What are the qualifications for a senator? \_\_\_\_\_  
\_\_\_\_\_
6. Name four duties of the Senate. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Who is the presiding officer of the Senate? \_\_\_\_\_  
\_\_\_\_\_
8. Each third of the Senate is called a \_\_\_\_\_.
9. What is the salary of a senator? \_\_\_\_\_
10. Name one of the two senators from your state.  
\_\_\_\_\_

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

- \_\_\_\_ 1. Senators must be men.
- \_\_\_\_ 2. The governor fills a temporary vacancy in the office of senator.
- \_\_\_\_ 3. The makeup of the Senate favors the large states.
- \_\_\_\_ 4. The 16th Amendment changed the way we select a senator.
- \_\_\_\_ 5. A senator may be reelected an unlimited number of times.
- \_\_\_\_ 6. There are times when members of Congress may not be arrested.

**PROJECTS**

1. The late President Kennedy's book *Profiles in Courage* will tell you something about famous senators. Read about one of them in this book and report to class.
2. Prepare a wall chart explaining the one-third Senate selection plan and add the reasons for the plan.
3. Write a brief report on the two senators from your state.
4. Write a brief report on the present speaker of the House.

**SPECIFICS ABOUT THE HOUSE (PAGES 17 & 18)**

1. What are the qualifications for a representative?  
\_\_\_\_\_  
\_\_\_\_\_
2. In which article and section of the Constitution will you find information about the House? \_\_\_\_\_
3. Who is the speaker of the House of Representatives?  
\_\_\_\_\_
4. How many representatives are there? \_\_\_\_\_
5. How many representatives does your state have?  
\_\_\_\_\_
6. What is the present number of Congress? \_\_\_\_\_
7. What happens if there is a vacancy in the House?  
\_\_\_\_\_
8. What is the salary of a representative? \_\_\_\_\_

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

- \_\_\_\_ 1. All representatives are men.
- \_\_\_\_ 2. Representatives serve two-year terms.
- \_\_\_\_ 3. Each state must have at least four representatives.
- \_\_\_\_ 4. Representatives take office on January 1st.
- \_\_\_\_ 5. The House has nothing to do with impeachment.
- \_\_\_\_ 6. Under certain conditions the House selects the President of the United States.
- \_\_\_\_ 7. The vice president is a valuable link between the executive branch and the legislative branch.
- \_\_\_\_ 8. Representatives may be reelected for an unlimited number of terms.
- \_\_\_\_ 9. Senators are elected from the state as a whole; representatives are elected from districts in the state.
- \_\_\_\_ 10. The number of Congress changes every six years.
- \_\_\_\_ 11. All revenue bills must start in the House.
- \_\_\_\_ 12. The population of a state affects the number of representatives it receives.
- \_\_\_\_ 13. The next census will take place in 2017.

“Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes law, be presented to the President of the United States...” — United States Constitution

Powers to make laws are given to Congress, consisting of the Senate and House of Representatives. A description of these powers can be found in Article 1 of the Constitution.

In both houses of Congress, no business may be transacted without a *quorum*. A quorum in each house is a majority of its members. A majority is one-half plus one.

**How a Bill Becomes Law in Congress**

*Bills*, a term for proposed laws, may start in either house of Congress (Please refer to more of the lawmaking process on Pages 21, 22 and 24). However, bills for revenue must begin in the House of Representatives (see Article 1, Section 7). After a bill is introduced, it is given a number and usually referred to a *special committee*. There are 16 Senate committees and 24 House committees, plus four special or select Senate committees.

In a committee, detailed studies are made of the bill and hearings may be held. A committee may amend, rewrite, recommend passage, or ignore a bill. It is possible to pass some bills without committee approval, but this seldom happens. Some people feel these committees are too powerful and they may keep members of Congress from considering certain laws. Committees are necessary, however, and rules controlling their behavior and power are determined by Congress.

Thousands of bills are introduced during a session of Congress. Four out of five of these bills have little or

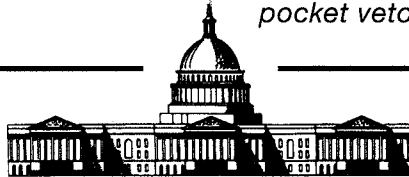
no chance of being passed into law. Bills that seem unimportant to the committees are ignored. About one out of five bills is taken seriously, and public hearings on the bill may be held. After the committee finishes with a bill, it is reported to the Senate or House favorably or unfavorably. The entire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

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

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

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

If the president does not act at all, the bill becomes a law automatically in 10 days, providing Congress is still in session. If Congress adjourns before the 10-day period is up and the president has not acted on the bill, it is automatically vetoed. This is called a *pocket veto*.



**A Good Idea**

It starts with an idea, from you, the voting public, member of Congress, the President, etc.

**Introduction**

Only a member of Congress can introduce a bill.

**Committee Action**

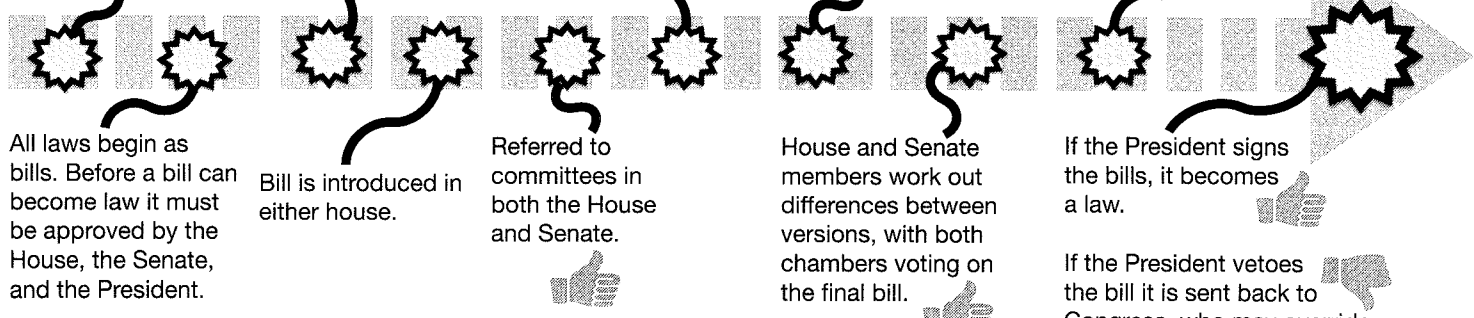
The committee meets to discuss, holds hearings, make changes, and vote on the bill.

**Floor Action**

All bills must go through both the House and Senate before reaching the President.

**Presidential Action**

After the bill has passed both houses, it is sent to the President who has 10 days to take action.



All laws begin as bills. Before a bill can become law it must be approved by the House, the Senate, and the President.

Bill is introduced in either house.

Referred to committees in both the House and Senate.

House and Senate members work out differences between versions, with both chambers voting on the final bill.

If the President signs the bills, it becomes a law.

If the President vetoes the bill it is sent back to Congress, who may override the veto with a 2/3 vote.

**The Path of a Bill**

**Lawmaking and the Three Branches**

A bill is introduced, sent to committee, then voted on. If passed in committee and then on floor of house, it is sent to other house.



**Legislative Branch**  
Two Houses of Congress

The president may sign the bill, and it will be a law, or veto it. If there is a veto, Congress may try to pass it over the veto by a two-thirds vote.



**Executive Branch**  
The President

The courts see that justice is administered under the law. The Supreme Court may declare laws unconstitutional.



**Judicial Branch**  
The Supreme Court and Other Courts

After Congress (legislative branch) has passed a bill and the president (executive branch) has signed it into law, it is the president's duty to enforce the law. The courts (judicial branch) then interpret it and administer justice under it. The Supreme Court may rule whether or not the law is constitutional. Please refer to the chart above.

Follow an actual bill through this process on Page 24.

**What are Federal Laws?**

There are different types of laws. Federal laws apply to everyone in the United States. States and local laws apply to people who live or work in a particular state, county, or municipality. The U.S. Constitution divides the power to make laws between the federal and state government.

The federal government is responsible for some types of laws, such as those pertaining to national defense, currency, interstate commerce, patents, and so forth. State and local governments may not pass these kinds of laws, nor may they pass laws that conflict with federal laws. One example is the 14th Amendment to the U.S. Constitution, which insures the Bill of Rights are applicable to all states. You will learn more about the differences between federal, state, and local laws in the upcoming units of this book.

**Member of Congress: Typical Day**

A member of Congress may have a typical day something like this:

- 7:00 a.m. Breakfast with the family, the only time they will see each other until late that evening.
- 8:00 a.m. Trip to the office, to go over e-mail and postal mail with an assistant. The mail may be heavy if a critical issue is pending.
- 10:15 a.m. Meet with party members considering action on a bill that will come before Congress.
- 10:30 a.m. House Ethics Committee meeting. This committee, which is his/her most important committee assignment, may be discussing new allegations of concern to Congress. Both senators and representatives may have more than one committee assignment.
- 11:00 a.m. A party caucus (meeting) takes place.
- noon Lunch with other members from his/her home state. Congressional business is discussed.
- 1:30 p.m. On the way to the house floor, he/she is stopped by the majority leader for a brief discussion of important bills.
- 1:40 p.m. Remains on the floor for the entire afternoon House of Representatives session, voting on legislation.
- 3:30 p.m. Short conference with other lawmakers concerning a defense bill.
- 3:45 p.m. Lobbyist John Jones comes to the office seeking aid favorable to their organization.
- 5:00 p.m. A reporter calls for an interview concerning the House Ethics Committee.
- 7:00 p.m. Home for dinner. After dinner reads hometown newspapers, reads topics on social media, and works on a speech to be delivered the next day.

## The Politics of Lawmaking

Although the charts on the previous pages show the lawmaking process, it does not reflect how complicated this process actually is. There are many informal conversations and discussions that take place with members of Congress. Each wants to voice his or her position, learn what arguments opponents will use, and make the necessary adjustments to help get a bill passed. Members of Congress must understand the president's view on the bill, along with the political impacts of the bill. A representative who votes for or against a controversial bill will have that on his or her voting record.

There are several terms that you should research that involve strategy and agreements that lawmakers use. These include *filibustering*, *logrolling*, *pork barrel spending*, and *pigeonholing* to name a few.

## Lobbies in Washington, D.C.

Our lawmakers in Congress feel the effect of *political action committees* (PACs), special interest groups and lobbies. PACs and special interest groups are individuals interested in certain goals. Lobbies are the active parts of these groups that seek to influence our legislators.

Lobbies are controlled by law and most operate legally. Some even provide helpful service to legislators by informing them how certain groups feel about important issues. However, a legislator must be careful that these lobbies do not exert too much influence over him or her and that views of other Americans are not overlooked.

It is the right and duty of organized groups to let their legislators know of their opinions on legislative matters, but it is important to keep these groups within proper bounds.

Lobbyists are hired by companies involved in such areas as finance and banking, construction, defense, organized labor, health care, transportation, and energy. The specific topics may involve gun politics, proper use of the environment, immigration, energy sources, and regulations surrounding the banking industry.

## Liberals, Conservatives and Extremists

Often when reading about Congress and politics you will find the terms *liberal*, *conservative*, or *extremist*. A *liberal* is someone who believes the national government should be very active in helping individuals and communities promote health, education, justice, and equal opportunity. Twentieth-century presidents who would be known as liberals include Democrats Franklin D. Roosevelt and John F. Kennedy.

A *conservative* is someone who believes that the role of government in society should be very limited and that individuals should be responsible for their own well-being. Twentieth-Century presidents who would be known as conservatives include Republicans Richard Nixon and Ronald Reagan.

Both conservatives and liberals have played a large part in the success of our nation. Both liberal and conservative views have merit, and the honest political debate between them has been good for our country. In many instances, workable compromises between the two views have been found.

An *extremist* is someone who stops at nothing to get his or her political way. They would ruin the reputations of political enemies, lie, cheat, steal, or even kill. The 1995 bombing in Oklahoma City and the 9/11 events are examples of extremist activity. Extremism is a threat to our Constitution, laws, and society. There is no justification for extremism.

## The Internet and Lawmaking

The Internet is now the primary source for learning about legislation and contacting members of Congress. One way to find your legislators' official social media contacts is through their websites. Social media, of course, does not replace the traditional methods of constituent communications but some – particularly, Twitter, Facebook, blogs, and YouTube – is now essential for public officials.

These new means of communicating allow for quicker sharing of information, which may include:

- position taking: their position on a policy or issue;
- upcoming schedule: events of interest to constituents;
- direct responses to citizens: allows quick response to citizens' questions or concerns.

## Your Participation in Lawmaking

The U.S. government is the basis for participatory democracy, which Abraham Lincoln described as a government made "of the people, by the people, and for the people." Under the Constitution, U.S. citizens have the right to influence public policy and lawmaking.

You may voice your opinions through written letters or email, which are the most popular method of communicating with your representative. The following are suggestions for writing an effective letter:

- state the purpose of your letter in the first few sentences;
- be polite and concise, include key information, and use examples to support your position;
- keep the letter short, one page is ideal, and discuss only one issue per letter or email;
- give your full name, organization (if one) and address.

**QUESTIONS**

**FILL IN THE BLANKS**

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

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

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

- \_\_\_\_\_ 7. Lobbies are illegal in Washington, D.C.
- \_\_\_\_\_ 8. After a law is passed, if it is in conflict with the Constitution, it can be made void by the Supreme Court.

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

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


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

**Number Bank:** 1/2, 2/3, 1, 2, 4, 6, 8, 10, 50, 100

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

**LEARNING AID**

**LEGISLATIVE BRANCH FACT SHEET**

<b>Main Body</b>	Congress, consisting of a Senate and House of Representatives	
<b>Membership</b>	Senate: 100 House of Representatives: 435 (18 from Illinois)	
<b>Salaries</b>	Senate: \$174,000 House of Representatives: \$174,000	
<b>Terms of Office</b>	Senate: 6 years House of Representatives: 2 years	
<b>Requirements</b>	Senate: 30 years old, a citizen for 9 years, resident of the state represented. House of Representatives: 25 years old, a citizen for 7 years, resident of the state represented.	
<b>Officers</b>	Senate: President of the Senate (Vice President of the United States), president pro tempore, majority leader, minority leader. House of Representatives: Speaker of the House, majority leader, minority leader.	
<b>Meeting Place</b>	Capitol Building, Washington, D.C.	
<b>Duties</b>	Main duty of the legislative branch is to make laws. Senate: Pass bills, decide guilt of impeached federal officers, approve presidential appointments, approve treaties. House of Representatives: Pass bills, charge federal officers in impeachment cases, select president when no candidate has a majority in the Electoral College, start all revenue bills. Joint Duties: Raise, borrow and coin money; have defense powers; control immigration; grant copyrights and patents; control commerce; govern Washington, D.C.; investigate executive branch. Forbidden Powers: No ex post facto laws, no suspension of habeas corpus, no tax on exports, no title of nobility, no bill of attainder, no mid-term pay raises.	
<b>Article Number</b>	Article 1 of the U.S. Constitution	

Below is an example of a bill that was enacted by Congress in October 2002. The Help America Vote Act addressed problems with voting systems and voter access that became apparent during the 2000 Presidential Election. This law mandated that all states and local governments upgrade their election procedures, including voting machines, registration process, and training of election officials.

### Summary of the Help America Vote Act of 2002

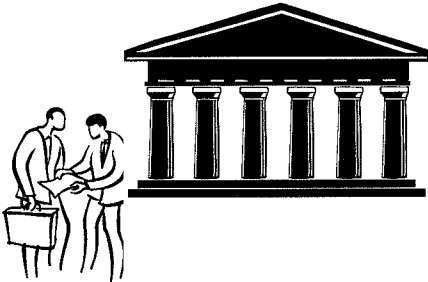
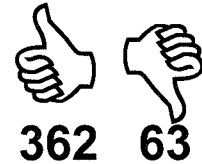
#### HR-3295 Help America Vote Act of 2002

*An act to establish a program to provide funds to states to replace punch-card voting systems, to establish the Election Assistance Commission, to assist in the administration of federal elections....*

**1** - On November 14, 2001, the bill is introduced by its sponsor, Representative Robert Ney of Ohio. The bill is given number H.R. 3295 and is titled Help American Vote Act of 2002 (or HAVA).

**2** - The bill is referred to several committees, including the Subcommittee on House Administration, for closer study. On December 10, 2001, this committee reports the bill out favorably, sending it to the House of Representatives for debate and vote.

**3** - On December 12, 2001, the bill passes the House by roll call vote. The totals are 362 Yeas (approves), 63 Nays (rejects), and 9 did not vote. The bill is now sent to the Senate for its review and approval.



**4** - On April 11, 2002, the bill passes the Senate. However, a conference committee is created to work out differences between the Senate and House versions of the bill.

**5** - The differences are now resolved and on October 10, 2002, the House votes and approves the bill by a margin of 357 to 48. A few days later, the identical version of the bill is approved by the Senate by a vote of 92 to 2. On October 23, 2002, the bill is presented to the president.

**6** - Bill H.R. 3295 is reviewed and signed into law by President Bush on October 29, 2002. The bill completes its journey by turning into **Public Law Number 107-252**. From introduction to passage, this act took almost 12 months!



**Research Project:** In the spirit of Thomas Jefferson, information from the Library of Congress may be found at <http://thomas.loc.gov>. THOMAS was launched in January 1995 at the inception of the 104th Congress. The leadership of the 104th Congress directed the Library of Congress to make federal legislative information freely available to the public. Your assignment is to either (1) research an existing public law or (2) track a bill sponsored by someone from your state. In either case, write the name of the bill or law, a brief description, the names of the sponsor and co-sponsor, the current actions of a current bill or timeline of an existing law (similar to the summary above), and finally, explain whether you support the bill or law. Report your findings to the class.