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## STUDY GUIDE: CIVICS AND THE CONSTITUTION

### HISTORY OF THE CONSTITUTION:

In 1781, the United States was governed by the Articles of Confederation. The Articles granted independence to the states, but lacked the power to make the states work together to solve national problems. Each state began to act like a separate country. Many different currencies were used in the various states. Neighboring states taxed the goods obtained from another state. At the conclusion of the Revolutionary War it became apparent that this form of government would not work. Congress suggested that each of the 13 states send delegates to a convention to revise the Articles of Confederation. It was later decided that they replace the Articles with a new set of rules called the Constitution.

### THE CONSTITUTIONAL CONVENTION:

55 delegates met May 25, 1787 in Independence Hall in Philadelphia. Rhode Island was the only state that did NOT send delegates, because it did not want national interference in its affairs.

George Washington served as president of the convention. Benjamin Franklin was 81 years old, and the oldest delegate.

### IMPORTANT PEOPLE WHO ATTENDED THIS CONVENTION:

1. Alexander Hamilton from New York
2. James Madison from Virginia (called the father of the constitution because of his contributions.)
3. Governor Morris from Pennsylvania (after the ideas were established, Morris wrote most of the constitution)

Points of argument during the convention:

1. The number of representatives that could be sent from each state.

The large states favored the VIRGINIA PLAN, devised chiefly by James Madison, which said representation should be based upon state population.

The small states favored the NEW JERSEY PLAN, suggested by William Patterson, which proposed that all states have equal representation, regardless of population.

A delegate from Connecticut (Roger Sherman) proposed the CONNECTICUT COMPROMISE which suggested establishing two houses: the Senate where representation would be equal for each state, and the House of Representatives where representation would be based upon state population. THIS WAS CALLED A BICAMERAL LEGISLATURE.

2. How slaves should be counted for representation since they were not actual citizens. It was agreed that only 3/5 of the slaves could be counted toward representation.

### **RATIFICATION OF THE CONSTITUTION:**

When 9 states had ratified the constitution, the constitution would take effect, and become the law for all.

DELAWARE was the first state to ratify it on Dec. 7, 1787. NEW HAMPSHIRE was the ninth state, and the last one necessary for ratification, on June 21, 1788.

FEDERALISTS worked hard to get the constitution ratified.

ANTI-FEDERALISTS argued that the new constitution gave too many rights to the President and the Senate. They wanted to ensure the rights of the individual. George Mason and Patrick Henry of Virginia were staunch ANTI-FEDERALISTS.

To solve the problem between the Federalists and the Anti-Federalists, the Bill of Rights, the first ten amendments to the Constitution, was accepted.

GEORGE WASHINGTON WAS ELECTED AS THE FIRST PRESIDENT OF THE UNITED STATES, and was inaugurated on April 30, 1789.

### **THE CONSTITUTION IS COMPOSED OF THREE DIFFERENT SECTIONS:**

1. Preamble
2. 7 Articles
3. 27 Amendments

THE PREAMBLE: The preamble begins, "We the people of the United States." It states the 6 reasons for writing the constitution.

1. To form a more perfect Union
2. To establish justice
3. To ensure domestic tranquility (make peace within the country)
4. To provide for the common defense
5. To promote the general welfare (to help people be happy and productive)
6. To secure the blessings of liberty to ourselves and our posterity (to make sure the people in the nation and their descendants maintain their freedom)

## **THE ARTICLES:**

1. Article 1 deals with the LEGISLATIVE BRANCH.

Congress makes all the laws for the nation. Congress is composed of two houses: the House of Representatives and the Senate, and is thus a bicameral (2 house) legislature.

**THE HOUSE OF REPRESENTATIVES:** Members of the House are elected for two year terms by citizens within their own state. The number of representatives sent from each state is determined by that state's population. Each state receives at least one representative. The number of representatives in the House is limited to a total of 435. These representatives select their own leader, called the Speaker of the House, who presides over the meetings. If a vacancy occurs in the House, the governor from that state must call a special election to fill that seat

The House has the sole power to bring impeachment charges against a government official.

## **QUALIFICATIONS FOR A MEMBER OF THE HOUSE OF REPRESENTATIVES:**

1. Must be 25 years of age or older.
2. Must have been a citizen of the U.S. for 7 years.
3. Must be a resident of the state from which he or she is elected.

**THE SENATE:** The Senate is composed of two senators from each state who have been selected by the voters of their respective states for a 6 year term. The total number of Senators in the Senate is 100.

The Vice-President of the United States serves as the president of the Senate and resides over the meetings. He can not vote unless there is a tie. (Although the President may assign other duties to the Vice-President, this is the only duty assigned to the Vice-President in the Constitution.) The Senators select a Pro-Tempore who presides in the Senate when the Vice-President is absent.

The Senate tries all impeachment cases that have been established by the House of Representatives. 2/3 of the Senators must agree to impeachment before a person is found guilty.

## **QUALIFICATIONS FOR A SENATOR:**

1. Must be 30 years of age or older.

2. Must have been a U.S. citizen for at least 9 years.
3. Must be a resident of the state from which he or she was elected.

CONGRESSIONAL ELECTIONS: Held on the Tuesday following the first Monday in November of the even-numbered years.

### **HOW BILLS BECOME LAWS:**

1. A bill for raising revenue can originate in only the HOUSE OF Representatives, but other bills may start in either House.
2. The bill must be passed by BOTH Houses with a majority vote.
3. The bill is then sent to the President who either signs the bill or vetoes it. If it is signed, it becomes a law. If it is vetoed, it is sent back to Congress and discussed again. If 2/3 of both Houses of Congress still vote for the bill after the President's veto, the bill becomes a law without the President's signature.

The President has 10 days (not counting Sundays) to study a bill. If he keeps it for more than 10 days without signing or vetoing it, and Congress is still in session and not adjourned, the bill automatically becomes a law. If Congress adjourns before the ten-day period ends, the bill is dead. THIS IS CALLED A POCKET VETO.

Article I, Section 8 outlines the Powers Granted to Congress:

1. To levy and collect taxes.
2. To borrow money on the credit of the United States.
3. To pass laws concerning trade between the U.S. and other countries, and between states within our country.
4. To make laws determining how citizens of other countries become U.S. citizens (naturalization), and to create laws governing bankruptcy.
5. To make and govern the use of money.
6. To pass laws punishing people who make counterfeit money or government bonds.
7. To establish post offices and roads.
8. To pass laws, such as copyrighting and patents, that protect artists and inventors.
9. To establish Federal courts other than the Supreme Court.
10. To punish piracy and felonies on the seas.
11. To make war.
12. To raise and support armies.
13. To provide a navy.
14. To make rules for all the armed forces.
15. To determine how and when the citizens from the states will be called into the militia.
16. To organize and arm the fighting militia.
17. To make laws for the District of Columbia and for arsenals and forts under Federal control.
18. THIS IS THE ELASTIC CLAUSE: Congress also has the powers to pass all laws necessary to carry out the responsibilities stated within the Constitution. (It is called the Elastic Clause because it can be stretched to meet the changing needs of the nation.)

Article I, Section 9 lists the Powers denied to the Federal Government

1. Congress could not stop anyone or any state from bringing African slaves into the country before the year 1808. In 1808, CONGRESS BANNED IMPORTING SLAVES.
2. Cannot suspend the policy of HABEAS CORPUS: the court order that says a prisoner must be given a hearing to decide whether that person should be released or held captive and charged with the crime.
3. Cannot pass an EX POST FACTO LAW: make an act a crime after the crime has been committed.
4. No tax or duty can be imposed on items exported from one state to another.
5. Cannot make laws concerning trade that favor one state over another state.
6. Government money cannot be spent without consent of Congress.
7. No titles of nobility can be issued by Congress.

Article I, Section 10 lists the Powers denied to the States:

1. States cannot make their own money, make treaties with other countries, or punish people without a fair trial.
2. States cannot tax goods leaving or entering their boundaries.
3. States cannot tax ships entering their ports, keep an army or navy, or make war except when invaded.

Article II: deals with the EXECUTIVE BRANCH. It outlines the terms of the President and Vice-President, the method of selecting these officials, necessary qualifications, the salaries, methods for correcting vacancies in these positions, and the Oath or Office.

Article III: deals with the JUDICIAL BRANCH. It establishes the Supreme Court as the highest court of the land, and gives the President the power to appoint the Supreme Court Justices, with the approval of Congress. These judges hold office until retirement, or death.

It defines treason as an act in which a citizen makes war on the U.S. or aids an enemy of the U.S. To be convicted of treason, the person must confess to the crime, or at least two witnesses must give testimony. Family members of the guilty person may not be punished.

Article IV: deals with state records. It says that the records or court decisions made in one state must be accepted in all states. A person charged with a crime in one state must be returned to that state for trial if requested by the governor of that state. THIS IS CALLED EXTRADITION.

No new states can be formed from a part of another state.

The United States government must see that each individual state:

- 1.) Has a republican form of government
- 2.) Is protected from invasion
- 3.) Receives help in cases of riots or other disorders (when requested by the governors.)

Article V: deals with amending the Constitution. Amendments may be proposed by 2/3 vote of both Houses. Amendment propositions must then be approved by 3/4 of the individual states. NO AMENDMENT CAN TAKE AWAY EQUAL REPRESENTATION IN THE SENATE.

Article VI: deals with the supremacy of the Federal Laws. If a state is in conflict with a national law, it is the national law that must be followed. All government officials must take an oath of office, which promises they will support the U.S. Constitution. No person can be required to take a religious test or practice a particular religion in order to hold a public office.

Article VII: deals with Ratification of the Constitution. It says that the Constitution will be accepted when 9 of the 13 states have voted to accept it.

## **THE AMENDMENTS:**

The first 19 Amendments are called the Bill of Rights.

Amendment 1: Grants freedom of religion, speech, press, assembly, and petition.

Amendment 2: Grants all states and citizens the right to bear arms.

Amendment 3: Grants that the government cannot force people to have soldiers in their homes.  
(Quartering of Soldiers.)

Amendment 4: The government may not arrest a person without good cause, or search a house without a warrant issued by a judge.

Amendment 5: Deals with rights of the accused, and says that no person be tried for the same crime twice. No person can be forced to give evidence against themselves. Nobody can be executed, fined, or imprisoned except as punishment after a fair trial.

Amendment 6: Grants that a person must be given a fair jury trial in the district in which the crime was committed, and that a lawyer must be provided for the accused.

Amendment 7: In lawsuit cases that involve property of more than \$20, the case may be tried before a jury.

Amendment 8: Protection from Excessive bail or punishment for a crime.

Amendment 9: Says that the Constitution cannot list all the rights of all the people, but this doesn't mean that they don't have these rights.

Amendment 10: If Powers are not given to the Federal government in the Constitution, they can't be denied to the states or the citizens.

Amendment 11: No federal court may try a case where a state is being sued by another state or by a foreign power.

Amendment 12: Describes the present day procedure for electing the President and the Vice-President.

Amendment 13: Abolishes slavery in all states.

Amendment 14: All persons born or naturalized in the United States were recognized as citizens, and awarded privileges of all other citizens. African Americans were recognized as citizens of the United States and also of the state in which they reside.

Amendment 15: African American suffrage: African Americans, and citizens of other races were given the right to vote. (This meant males only)

Amendment 16: Granted Congress the power to levy and collect income taxes.

Amendment 17: Stated the present method of electing senators and listed the qualifications for office.

Amendment 18: Prohibition. Forbade people to make, sell, or transport liquor.

Amendment 19: Women suffrage. Gave women the right to vote.

Amendment 20: CALLED THE LAME DUCK AMENDMENT. This moved the date at which the newly elected officials take office, closer to the actual election day.

Amendment 21: This repealed the 18<sup>th</sup> Amendment about Prohibition, and allowed the making, selling, and transportation of liquor.

Amendment 22: Limited the President to 2 terms.

Amendment 23: Allows citizen of the District of Columbia to vote in Presidential elections, but not for Congress members.

Amendment 24: Forbids forcing citizens to pay a poll tax before they can vote in an election.

Amendment 25: Establishes the order of succession to the Presidency, as listed earlier. It also provided for the filling of a vacancy in the Vice-Presidency. The President shall select a majority approval of both houses of Congress.

Amendment 26: 18 year olds were given the right to vote.

Amendment 27: Tells senators and representatives that any changes in their salaries will not take effect until after the next election.