

Basic Civics EOC Review

The **Enlightenment** was a European intellectual movement in the 18th century that (among other things) questioned the traditional authority of aristocrats and monarchs.

John Locke – natural rights are life, liberty and property. Governments' main purpose is to protect natural rights. People have a right to revolt against governments that do not protect natural rights. According to John Locke, the authority of any legitimate government comes from the **consent of the governed**. John Locke's ideas greatly influenced Thomas Jefferson when he was drafting the Declaration of Independence.

Montesquieu – government should have a **separation of powers** (power divided into three branches of government so that no one branch would have too much power) – the separation of powers would allow for the different branches to have **checks and balances** against each other.

Social contract - implied agreement among people; defines rights/duties/limitations of governed & government. Government protects the people's natural rights and, in return, the people support the government.

The **Magna Carta** was the 1215 A.D. document that theoretically limited the power of the English king.

The **Mayflower Compact** was the agreement among most of the men aboard the Mayflower to form a government once ashore.

English Bill of Rights - a government document that expanded the powers of the English **Parliament** and expanded the rights of the people, as well as further limited the rights of the king; written by the members of the English Parliament in 1689

Common Sense - a pamphlet published by **Thomas Paine** in 1776 to convince the American colonists to support becoming independent from England

The **French and Indian War** was fought between the British and the French (and their respective Native allies) mostly over control of the Ohio River Valley. It became part of the much larger Seven Years' War and ended with the French losing Canada and Florida to the British.

Proclamation of 1763 – colonists were banned from owning or settling land west of the Appalachian Mountains.

Stamp Act – The British were deep in debt after the war and the colonists paid less in taxes than people in Britain. To raise money, they passed a tax on all official documents, newspapers, pamphlets and even playing cards. The colonists thought this was unfair because they had no representatives in Parliament (**no taxation without representation**). The **Stamp Act Congress** met in New York and called for a **boycott** of British goods (boycott – refusing to buy things as a means of pressuring someone to do something). The British repealed the tax but passed the **Declaratory Act** which stated that they could tax the colonists if they wanted to.

Boston Tea Party - 1773 protest of the Tea Act that involved colonists "disguised" as Mohawk Indians dumping crates of Tea into Boston Harbor. It led to Parliament passing the **Intolerable Acts** and eventually to the Revolutionary War.

On July 2nd, 1776, the **Second Continental Congress** voted to declare independence. On July 4th they finished editing the **Declaration of Independence** and sent it to the printer. **Thomas Jefferson** was the primary author of the Declaration and in it (inspired by **John Locke**) he declared that men were created equal, that they had unalienable rights including **life, liberty and the pursuit of happiness**, that the purpose of government was to protect these rights, that the power to govern comes from the **consent of the governed** and that people had a right to revolt against governments that did not protect their rights.

The first constitution of the United States was the **Articles of Confederation**. The government it created was a single branch, a **unicameral legislature** called the Confederation Congress. It was very weak – the Confederation Congress even **lacked the power to tax**. The weakness became very evident when it could do nothing about **Shays' Rebellion** in Massachusetts. This led to the **Constitutional Convention**.

The Constitutional Convention was in Philadelphia in 1787. The **Constitution of 1787** is the framework for the current government of the United States.

The purpose of the document was explained in the **Preamble**: *We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, 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 Constitution sets up a **Federal system** that divides power between the central (Federal) government and the state governments. The powers that only the Federal government has, such as minting money and declaring war, are known as **enumerated powers** (sometime called delegated or expressed powers). State

government powers, such as running elections or school systems, are called **reserved powers**. **Concurrent powers** are powers that both the Federal and state governments have, such as levying taxes and enforcing laws.

The Federal government is divided into **three branches**:

Congress (legislative branch) – makes the laws

President (executive branch) – enforces the laws

Federal Courts (judicial branch) – interprets the laws (Federal judges serve a "lifetime" term - during good behavior)

The **separation of power** into these branches of government creates a system of **checks and balances**.

Each branch of government has some power over the actions of the others. Congress can pass a bill, but the President can veto it. Congress can override a veto, but the Federal courts can rule that the law is unconstitutional. The President has the power to nominate (hire) Federal judges, but the Senate must confirm the judges (agree to hire them) before they take office.

Article 1 – Creates the legislative branch. The Congress is a **bicameral legislature**. The lower house is the House of Representatives and the upper house is the Senate.

The **House of Representatives** has **435 members**. The most powerful member is the **Speaker of the House**. Members of the House must be at least **25 years old**, minimum 7 years of citizenship, and they must live in the state they represent. Members serve **2-year terms**. The districts they represent are **apportioned to the states by population** (Florida has 27). Reapportionment occurs after every **census** – the number of congressional districts in each state may increase or decrease based on changes in population. The census occurs every ten years (2020 is the next one).

The **Senate** has **100 members**. The most powerful senator is the **Majority Leader**. Senators must be at least **30 years old**, minimum 9 years of citizenship, and they must live in the state they represent. Senators serve 6-year terms, but the terms are staggered so that 1/3 of the Senate is up for reelection every 2 years. **Each state gets 2 senators** regardless of size or population.

Article 1 has a list of powers granted to the Congress. These are the **enumerated powers** (sometimes called delegated or expressed powers). It also states that Congress can pass laws "which shall be necessary and proper" to carry out the enumerated powers. This **"necessary and proper" clause** is sometimes called the **elastic clause** because it is seen to imply that Congress has many more powers than those specifically listed. The commerce clause - enumerated power to regulate interstate commerce (buying and selling things across state lines) - has also been used to greatly increase the **implied powers** of the Congress.

Congress makes the law. Proposed laws (**bills**) must be approved with identical language by both houses of Congress. The bill is then **sent to the President**. If the President signs it, it becomes a law. If the President **vetoes** it (says no) then it does not unless the Congress **overrides the President's veto**. This requires a **2/3 vote in each house** of Congress and is thus very hard to do. In 8 years, Congress only overrode one veto by President Obama.

In addition to making law, Congress watches over the executive branch (oversight) and makes sure its members are following the law. Congress can fire high government officials (including the President and Federal judges) through impeachment. **Impeachment** starts when the House passes articles of impeachment with a **majority vote**. This is like charging someone with a crime. Then a trial is held in the Senate. If at least **2/3 of the Senate** votes to do so, the official is removed from office. Two Presidents have been impeached by the House, but neither was removed by the Senate. President Nixon resigned to avoid impeachment.

Article 2 – Creates the executive branch. The executive branch of the Federal government is headed by the **President** of the United States. Almost all of the Federal government is part of the executive branch. Police agencies (FBI, ATF, ICE, etc.), regulatory agencies (FDA, EPA, FAA, etc.), and the military are all part of the executive branch. There are 15 executive departments (State Department, Justice Department, Defense Department, etc.) and a number of independent agencies in the executive branch. In addition to managing their departments, the heads of the departments serve (along with a few other officials) as the President's **Cabinet** and advise the President on what actions to take. Cabinet members, along with many other highly ranking officials including all Federal judges, are hired by being **nominated** by the President and being **confirmed** by the Senate.

The President (and Vice President) must be **at least 35 years old**, must be a **natural born citizen**, and must have lived in the U.S. for at least **14 years**. Presidents serve **4-year terms** and cannot be elected to more than **2 terms** or serve as President for more than **10 years**. Members of Congress are elected by the **popular vote**, but Presidents and Vice Presidents are elected by the **electoral vote**. After the 12th Amendment, Presidents and Vice Presidents run on a "ticket" and must win a majority of the electoral vote to win the **Electoral**

College. If no ticket wins a majority (more than 50%), the House of Representatives elects the President and the Senate elects the Vice President. The number of electoral votes is equal to the number of members of Congress (Florida has 29 – 27 house members plus 2 senators) plus the 3 electoral votes granted to the District of Columbia by the 23rd Amendment. The total number of electoral votes is **538**, so it takes **270** to win. The President actually has several jobs. The President is the **head of the executive branch** and thus is in charge of enforcing the law. The President is also the **Head of State** – the ceremonial leader of the country. And the President is the **Commander-in-Chief** of the armed forces, though only the Congress has the power to declare war. The President is also in charge of diplomacy – our relationships with other countries.

Article 3 – Creates the judicial branch. More specifically, it creates the **US Supreme Court**. The number of justices on the Supreme Court (currently 9) and the other levels of the Federal court system are set by statutory law, not the Constitution. That means it is a law created by Congress in the normal way and is not part of the Constitution. The judicial branch interprets the law and exercises the power of **judicial review**. The court case **Marbury v. Madison** is usually credited with giving the power of judicial review to the Federal courts. Judicial review is the idea that the courts have the power to decide if a law follows the Constitution or violates it. If they find a law to be unconstitutional, it voids the law – meaning it cannot be enforced.

We currently have three levels in the **Federal court system**. The lowest courts are district courts. This is the level that decides guilt or innocence and determines the facts of the case. At the next level are the appeals courts. People who lose their case in a district court can appeal the decision by claiming that the district court misinterpreted the law or that their rights were violated. People who lose at the appeals court (appellate court or Circuit Court of Appeals) can appeal to the Supreme Court. So, the three levels, from lowest to highest, are the **US District Courts, the US Circuit Court of Appeals, and the US Supreme Court**.

All Federal judges serve **lifetime appointments** but can be impeached by the Congress. That means that Federal judges have their jobs until they retire (quit), die, or are impeached (fired). Because removal by **impeachment requires a 2/3 vote in the Senate**, it is very rare. Only 8 judges have been convicted and removed by the Senate.

Some of the basic **types of law**: Constitutional, criminal, civil, and military. **Constitutional law** is about deciding if a law or action is allowed by the Constitution. **Criminal law** deals with and determines punishments for people who break the law. **Civil law** is when people sue each other (example - if someone damages your property, you can sue them to make them pay to fix it). **Military law** involves people in the military. In addition to following normal laws, members of the military must follow the UCMJ (Uniform Code of Military Justice).

Important Supreme Court Cases: **Marbury v. Madison** (1803) - courts have the power of judicial review; **Plessy v. Ferguson** (1896) - segregation is legal (separate but equal); **Brown v. Board of Education** (1954) - segregation unconstitutional (at least in schools); **Gideon v. Wainwright** (1963) - you have a right to an attorney, even in state court; **Miranda v. Arizona** (1966) - you must be informed of your rights; **In re Gault** (1966) - children have the same due process rights as adults; **Tinker v. Des Moines** (1968) - students have 1st Amendment rights when at school; **United States v. Nixon** (1974) - executive privilege is not unlimited and the President must follow the law; **Hazelwood School District v. Kuhlmeier** (1987) - students' free speech rights are not unlimited; **Bush v. Gore** (2000) - stopped the recount in the 2000 election and made Bush president.

Article 4 – contains the **full faith and credit clause** (states must honor each other's court decisions, contracts, etc.), says that states can't discriminate against citizens of other states, and that states must extradite (return) criminals wanted by other states. It also says that Congress has the power to admit new states, control any US territory, and promises that states will have a republican form of government and be protected from invasion or insurrection (rebellions against the authority of the state like Shays' Rebellion).

Article 5 - **how to amend** (change) the Constitution. Amendments can be proposed by Congress (**2/3 vote in both houses**) or if 2/3 of the state legislatures ask for it, a convention for proposing amendments will meet. Any proposed amendment must be approved by **3/4 of the states** (either 3/4 of state legislatures or 3/4 of ratification conventions).

Article 6 - the Constitution is the **highest law of the land** and "**no religious Test shall ever be required as a Qualification to any Office or public Trust**".

Article 7 – Once 9 states ratify the Constitution, it goes into effect.

Federalists wrote and supported the **ratification** of the new Constitution. They believed that the government under the Articles of Confederation was too weak.

Antifederalists opposed the ratification of the Constitution. They feared that the Federal government would be too powerful and threaten people's liberty (freedom). They especially criticized its lack of a bill of rights.

Federalists' promise to quickly add a bill of rights helped them swing enough votes in the state ratifying conventions to ratify the Constitution. Alexander Hamilton, James Madison and John Jay wrote a series of essays (sometimes called the **Federalist Papers**) to convince New York to ratify the Constitution.

Bill of Rights – the first 10 Amendments to the Constitution.

1st Amendment – freedom of speech, press, religion, assembly, and to petition the government for a redress of grievances.

2nd Amendment – right to bear arms.

4th Amendment – protection against unreasonable search and seizure.

5th Amendment – protection against self-incrimination (you can't be forced to testify against yourself) and double jeopardy (once you are found innocent of a crime, you can't be charged with it again), and a right to due process (being treated fairly).

6th Amendment – right to a speedy, public trial by jury, right to an attorney (lawyer), right to be told what crime you are accused of and to face your accusers.

8th Amendment – protection against excessive bail, excessive fines, and cruel and unusual punishment.

13th Amendment – abolished slavery.

14th Amendment – birthright citizenship, and a due process clause that has led to the Bill of Rights being applied to the states.

15th Amendment – Citizens have a right to vote no matter their "*race, color, or previous condition of servitude*".

19th Amendment – Women's suffrage (right to vote)

24th Amendment – abolished (got rid of) poll taxes. Basically, this Amendment banned charging people money to allow them to vote. Poll taxes had been used to discriminate against poor people and ethnic minorities.

26th Amendment – you can vote when you are 18

There are 27 total Amendments to the US Constitution.

There are two ways to be a citizen: natural born and naturalized.

Two ways to be a "**natural born citizen**" - law of soil and law of blood. **Law of soil** - If you are born in a US State or US territory (except American Samoa), you are a citizen (with one tiny exception). **Law of blood** – If at least one of your parents is a US citizen who meets the residency requirement, you can be born anywhere and still be a natural born citizen.

An **immigrant** is someone who is a citizen of a foreign country who moves to this country. The process for an immigrant to become a citizen is called **naturalization**. To become a naturalized citizen, an immigrant must meet certain residency requirements, be of good moral character (no law breaking) and pass a few tests, including a civics test.

Duties of citizenship are things you must do or face punishment. They include paying taxes, serving on juries, and obeying laws. **Responsibilities of citizenship** are things you should do, but you will not risk arrest if you don't. They include voting, participating in government and being an informed and active citizen.

Florida has 67 counties and the same three branches of government as the Federal government.

Governor – head of the executive branch of Florida's government. The governor must be at least 30 years old.

The governor's term of office is 4 years and they are limited to 2 terms in office.

The Florida legislature is bicameral. The lower house is the House of Representatives and the upper house is the Senate. There are 120 members of the Florida House and 40 members of the Florida Senate. Both house members and senators must be at least 21 years old. Members of the Florida House serve 2-year terms and member of the Florida Senate serve 4-year terms. No one is allowed to serve more than 8 years in either house of the Florida Legislature.

The lowest courts in Florida are the **county and municipal courts** (they handle mostly misdemeanors (minor law violations) and small lawsuits (less than \$15,000)). The next highest level is the **circuit courts** (they handle serious felony cases and larger lawsuits). Even higher is the **Florida District Court of Appeals**. The highest court in the state is the **Florida Supreme Court**. The Florida District Court of Appeals and the Florida Supreme Court works much like the Federal versions – they only handle appeals involving questions of law, rights violations, etc.