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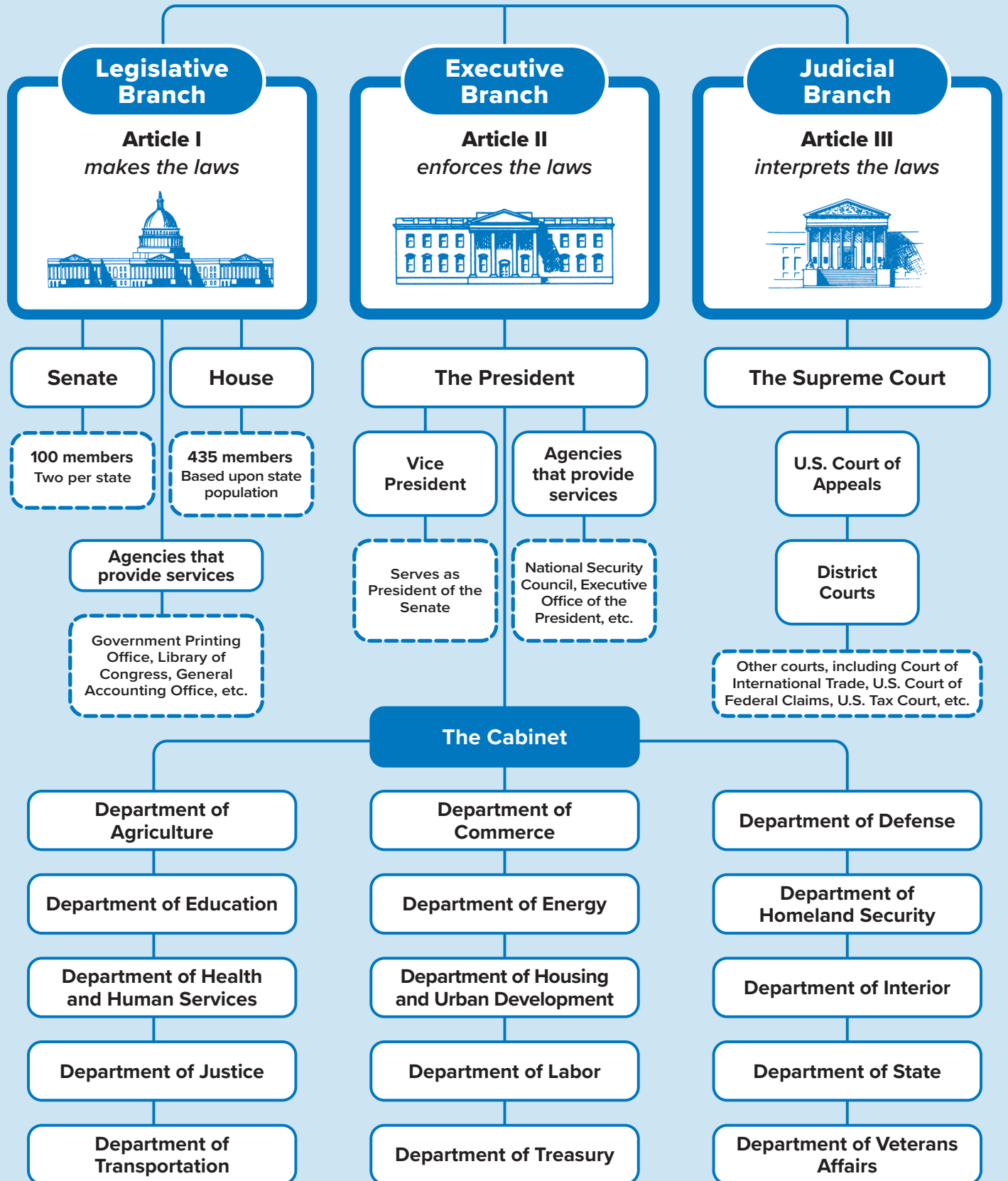
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The Constitution sets up three branches.



Lawmaking and the Three Branches

Legislative Branch

Congress



- 1 A bill is introduced.
- 2 Bill is sent to committee.
- 3 Bill is voted on.
- 4 If passed in committee and on floor of house, it is sent to the other house.

Executive Branch

President



- A The president may sign the bill, and it will become law.
- B Or the president may veto the bill.
- C Congress can override a veto with a two-thirds vote.

Judicial Branch

Supreme Court and other courts



- ✓ The courts see that justice is administered under the law.
- ✓ The Supreme Court declares laws unconstitutional through **judicial review**.
- ✓ Ensures each branch recognizes limits of its power.

must enforce the law. The courts (judicial branch) then interpret and administer justice under it. The Supreme Court may rule whether or not the law is constitutional.

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 governments.

The federal government is responsible for some types of laws, such as those about 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 ensures that the Bill of Rights applies 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

Whether they are in Washington, D.C., or their congressional districts, members of Congress spend most of their time working. Members work long hours, up to 70 hours a week, when Congress is in session. Members endure unequalled public scrutiny and sacrifice family time to fulfill work responsibilities.

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

- 7:00 a.m.** Breakfast with the family is the only time they will see each other until late that evening.
- 8:00 a.m.** Trip to the office to review e-mail and postal mail with an assistant. The mail may be substantial 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 crucial committee assignment, may discuss new allegations of concern with 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 or 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.** Conduct a short conference call concerning a defense bill with other lawmakers.
- 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, he or she reads hometown newspapers and social media topics and works on a speech to be delivered the next day.

The current court has a 6-3 advantage for conservatives based on presidential nominations. Six justices, including the chief justice, were nominated by Republican presidents, including three by President Donald Trump. Democratic presidents appointed three justices (including the newest, Justice Ketanji Brown Jackson).

These nine Justices have views and beliefs that may align with the Democratic (liberal) or Republican (conservative) parties. As we have studied, federal courts are often called the “guardians of the Constitution” because their rulings protect the rights and liberties guaranteed by the Constitution. The Supreme Court Justices interpret and apply the law through fair and impartial judgments to resolve disputes.

The Constitution dictates that all federal judges, including justices appointed to the Supreme Court, serve for life, but they can retire. Thomas, appointed in 1991, is the longest-serving justice on the court.

Court of Appeals

The United States has 13 *courts of appeal*, one court in each of the 12 federal circuits that divide the country, and one *Court of Appeals for the Federal Circuit*, which has nationwide jurisdiction to hear appeals in specialized cases.

Their primary job is to hear cases of appeal from lower courts and determine whether the law was applied correctly. The appellate courts do not retry cases or hear new evidence. They do not hear witnesses testify.

Appeals courts consist of three or more judges and do not use a jury. These judges are appointed for life by the president and confirmed by the Senate.

These courts were created in 1891 to relieve the Supreme Court of the significant burden of cases appealed from the district courts. As we previously learned, the Supreme Court hears only a small number of cases. That means the decisions made by the 12 Circuit Courts of Appeals across the country and the Federal Circuit Court are the last word in thousands of cases.

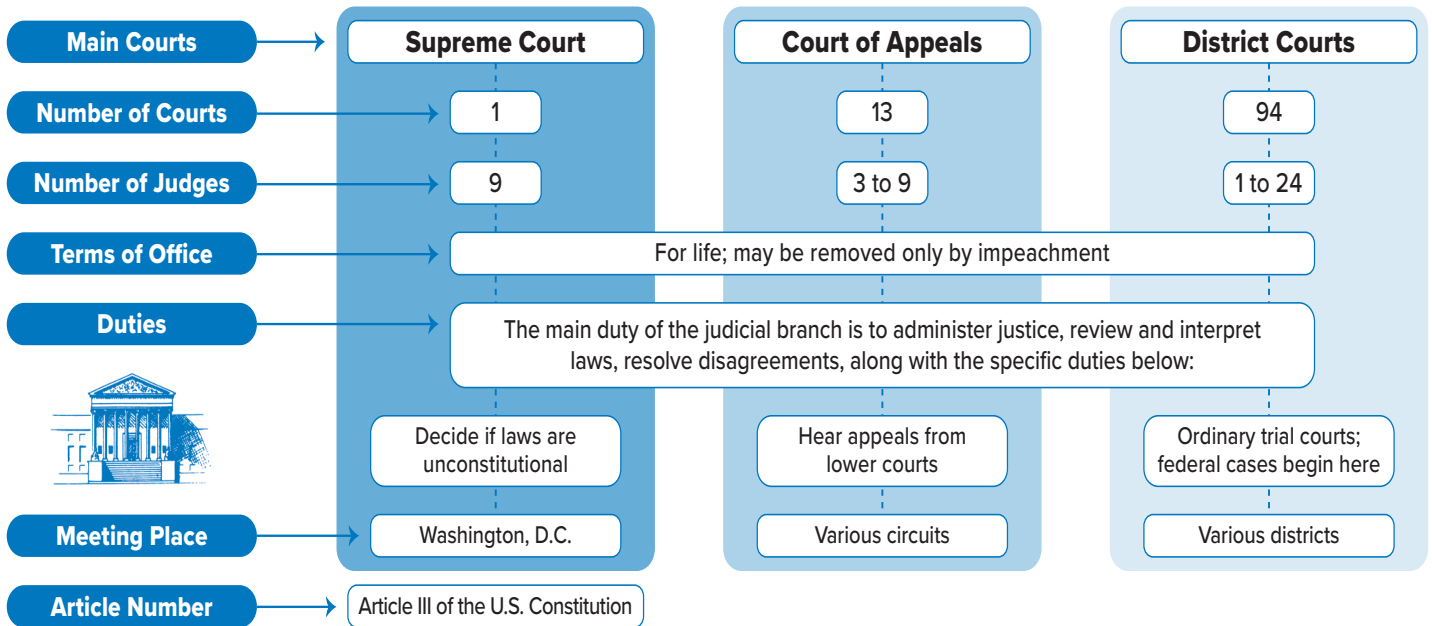
District Courts

There are 94 *district courts* in the United States. Most people would contact a U.S. District Court if involved in a federal legal issue. The district courts are the ordinary trial courts in the federal system. Almost all cases heard in the federal system begin here.

Each court has one to 24 judges. Trial courts include the district judge who tries the case and a jury that decides the case. Each district court judge is appointed by the president and confirmed by the Senate for a life term.

There is at least one district court in each state and the District of Columbia. Each district includes a U.S. bankruptcy court as a unit of the district court. Four territories of the United States have U.S. district courts that hear federal cases, including bankruptcy cases: Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands.

Judicial Branch Fact Sheet



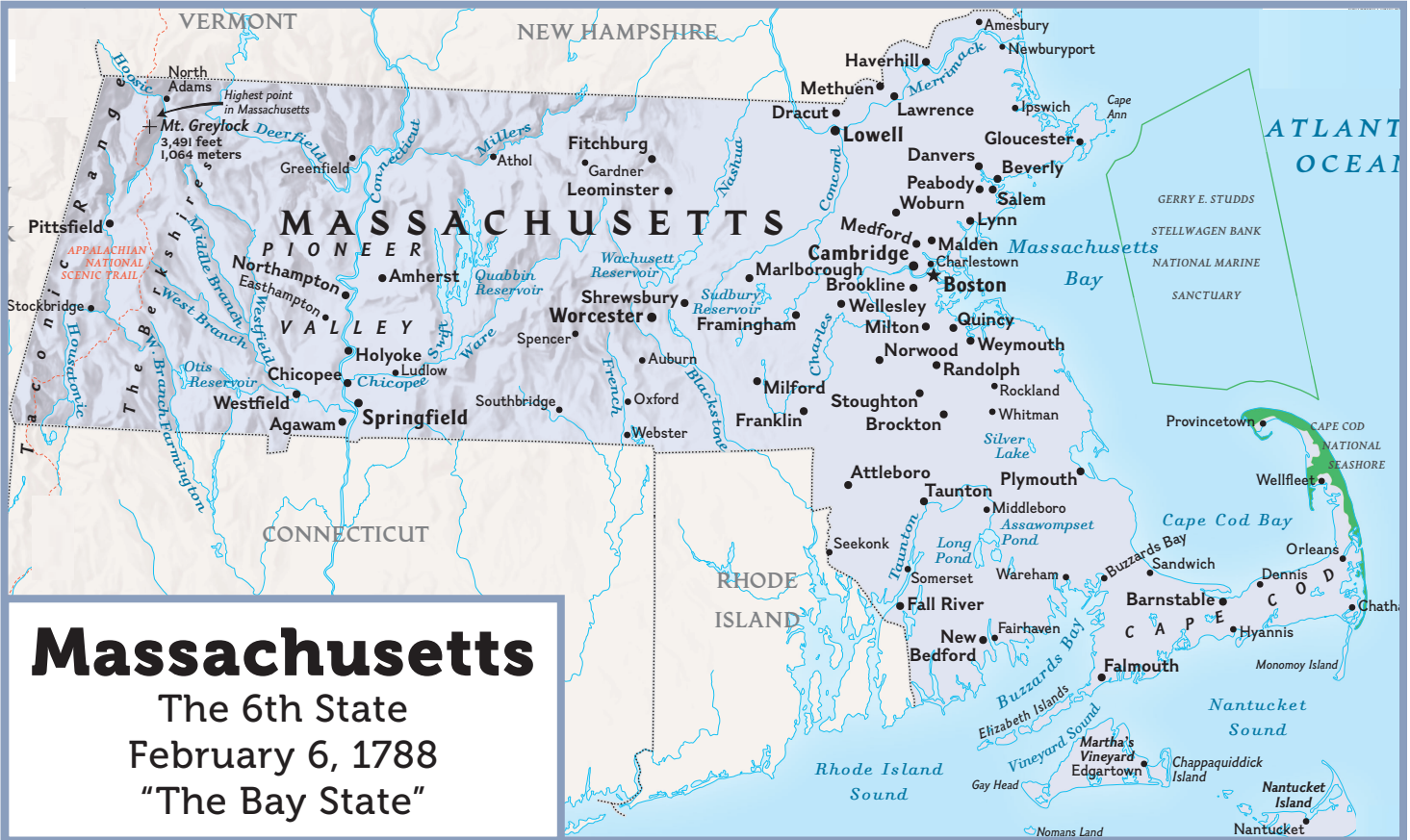
The following test will help you prepare for your final Constitution test. It has questions similar to ones you will find on your final. It is suggested you write your answers on a piece of paper so you can take the test multiple times. You will find the correct answers at the bottom of Page 54.

MULTIPLE CHOICE

Write the letter of the correct answer in the space provided.

1. _____ The president may serve how many terms? a. 1 b. 2 c. 3 d. 4
2. _____ What is NOT a rule of the flag code?
a. worn flags should be thrown in trash c. should be displayed on national holidays
b. should be in the front of a parade d. exact likeness should not be used in ads
3. _____ How many amendments have been added to the Constitution? a. 10 b. 21 c. 27 d. 41
4. _____ How many years is the president's term of office? a. 2 b. 4 c. 6 d. 9
5. _____ What is the age requirement to become president? a. 18 b. 21 c. 35 d. 45
6. _____ After a bill has gone through both houses of Congress successfully, it is sent to:
a. the President c. the Speaker of the House
b. the States d. the Supreme Court
7. _____ Which amendment gave women who are citizens the right to vote in all elections?
a. 17th b. 19th c. 22nd d. 27th
8. _____ How many U.S. senators come from each state? a. 1 b. 2 c. 3 d. 4
9. _____ Each state receives at least _____ representative(s) in the U.S. House of Representatives.
a. 1 b. 2 c. 3 d. 4
10. _____ During the Constitutional Convention of 1787, the Great Compromise resolved a conflict over?
a. presidential power c. representation in Congress
b. number of free states d. taxes on imports
11. _____ The president of the Senate is:
a. the President of the United States c. the Secretary of State
b. the Speaker of the House d. the Vice President
12. _____ Which of these rights is NOT an unalienable right from the Declaration of Independence?
a. liberty b. education c. pursuit of happiness d. life
13. _____ The Declaration of Independence was written largely by:
a. Hamilton b. Washington c. Jefferson d. Adams
14. _____ The national budget is presented annually to Congress by the:
a. the Vice President c. the Secretary of State
b. the Governors d. the President
15. _____ There are how many branches of government? a. 1 b. 2 c. 3 d. 4
16. _____ The president takes the oath of office on:
a. January 4th b. January 20th c. November 7th d. September 5th
17. _____ In our First Amendment, which is NOT a "freedom"?
a. freedom of the press c. freedom of speech
b. freedom of employment d. freedom of religion
18. _____ The vote of what group really decides who will be president?
a. Electoral College c. United Nations
b. popular vote by the people d. House of Representatives
19. _____ What is described in Article 1, Section 8, of the Constitution giving Congress broad powers to write laws about new situations?
a. war power b. insight clause c. elastic clause d. inventional clause
20. _____ Which body has the power to borrow money?
a. Congress c. Executive Branch
b. Supreme Court d. State Legislatures

continued



Massachusetts Facts and Statistics

Entered Union	February 6, 1788	Origin of Name	From Massachusetts tribe, whose name is translated to "near the great hill."	Current Constitution	Constitution of 1780 (state operates under the original constitution)
State Motto	"Ense Petit Placidam Sub Libertate Quietem" - ("By the Sword We Seek Peace, But Peace Only Under Liberty.")	Nicknames	Most common is "The Bay State" or "The Old Bay State," others include "Old Colony State" and "Puritan State"	State Population	7,029,917 (2020 Census)
Federal Representation	9 - US Representatives, 2 - US Senators, 11 - Electoral votes	Land Area	8,257 square miles	Top 5 Largest Cities	Boston, Worcester, Springfield, Cambridge, Lowell
No. of Counties	14	State Capital	Boston	State Portal	mass.gov
State Berry	Cranberry	State Tree	American Elm	State Song	"All Hail to Massachusetts" by Arthur Marsh
State Flower	Mayflower	State Dog	Boston Terrier	State Fish	Atlantic Cod
State Bird	Chickadee	State Mineral	Babingtonite	State Dessert	Boston Cream Pie
State Insect	Ladybug	State Parks	107 with 150,000 acres	Longest River	Charles River - 80 miles

GEOGRAPHY EXERCISES

1. Circle the highest point in Massachusetts. What is the elevation? _____
2. On the map, identify the Charles River (with a "CR"), the Cape Cod Bay (with a "CC"), and Nantucket Sound (with a "NS").
3. Identify the five largest cities in Massachusetts by placing the number 1-5 on the cities location.
4. Where is the state capital located? _____
5. Name the bordering state west of Massachusetts. _____
6. Name one city that is on the shore of the Massachusetts Bay. _____
7. Draw the route of the Appalachian Trail through Massachusetts.
8. Name one of the reservoirs in Massachusetts. _____

The Massachusetts Constitution

(operating under the original Constitution from 1780)

Massachusetts voters choose our elected officials.

Legislative Branch

makes the laws

Massachusetts General Court

Senate

House

40
State
senators

160
House
Members

Quick Facts

The Massachusetts Legislature is made up of the state Senate and state House of Representatives.

Massachusetts Senate

Members: 40

Term: 2 years

Term limit: none

Salary: \$73,655

Qualifications:

- ▶ U.S. citizen
- ▶ At least 18 years old
- ▶ State resident for at least 5 yrs
- ▶ Live in district when elected
- ▶ Registered voter of the state

Massachusetts House

Members: 160

Term: 2 years

Term limit: none

Salary: \$73,655

Qualifications:

- ▶ U.S. citizen
- ▶ At least 18 years old
- ▶ Live in district for at least 1 yr
- ▶ Registered voter of the state

Executive Branch

enforces the laws

Governor

Executive Officers:

Lieutenant Governor
Secretary of the Commonwealth
Attorney General
Treasurer and Receiver-General
Auditor of the Commonwealth
Governor's Council
Various Departments

Quick Facts

The Massachusetts Constitution provides for 6 executive offices

Executive Officers

Number: 6

Term: 4 years

Term limit: none

Qualifications:

- ▶ U.S. citizen
- ▶ At least 18 years old
- ▶ Registered voter of the state
- ▶ Resident of state for at least 7 years (Gov. and Lt. Gov) or 5 years (Sec., Treasurer, Auditor) when elected

Salaries:

- ▶ Governor: \$222,185
- ▶ Lt. Governor: \$198,165
- ▶ Sec. of Cmwith.: \$178,695
- ▶ Atty. General: \$185,378
- ▶ Treasurer: \$189,560
- ▶ Auditor: \$190,989

With a few exceptions, the Governor appoints the heads of all State departments and agencies of the executive branch.

Judicial Branch

administers justice

Supreme Judicial Courts

Appeals Court

Trial Courts & Other Specific Courts

Quick Facts

Supreme Judicial Court

- ▶ Final court of appeal for state matters

Number of justices: 7

Appointed by: the governor with consent of Governor's Council

Justices:

- ▶ Chief Justice is nominated by governor
- ▶ retirement age is 70 for all justices
- ▶ Supervises state courts

Appeals Court

- ▶ Most appeals are first heard here

Justices:

- ▶ 1 Chief Justice
- ▶ 24 Associate Justice
- ▶ Panel of 3 rules on appeals

Trial Courts

- ▶ Hear initial cases in most court proceedings

Courts include:

- ▶ Superior Court
- ▶ District Court
- ▶ Probate & Family Court
- ▶ Juvenile Court

1

Every state law starts with an idea.



The lawmaking process starts with an idea from you, the voting public, a state legislator, a government agency, etc.

2

The bill is introduced.



A bill may start out in either the House or the Senate of the MA General Court. Each bill must be read by title three different days in each chamber before it can be passed.

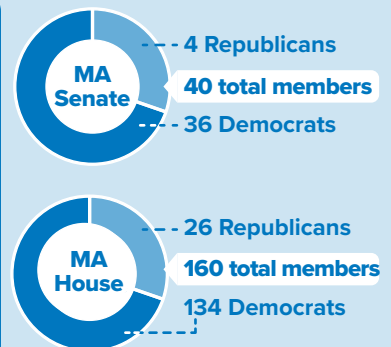
3

Your state legislators at work, discussing and debating



When the bill is first filed, it is assigned a bill number and read to the Legislature for the first time. Senators and representatives meet in small groups to research, discuss, and make changes to the bill.

The state lawmaking process uses committees much like the federal government. Here the bill may have changes (amendments), get killed, get passed, have public hearings, or require more debate. Lobbyists may also meet with lawmakers.



4

The General Court keeps favorable bills moving.

Approved by committee

If a majority vote favors the bill, it moves forward.



Second reading to the full legislative body
Amendments can still be proposed.



Third and final reading

After the final debate, the chamber votes on the bill. A simple majority is needed: 21 in the Senate, 81 in the House.



Approval from the other house

Bills that are approved move to the other chamber, following the same process.



Approval from the other house

Once both chambers agree on the same version of the final bill, it is signed by the speaker and Senate president, then sent to the governor.

5

Governor's action



When the bill reaches the governor, he or she has 10 days to take action. This may involve the following actions:



Approving the bill by signing it into law



Vetoing with recommendations for changes



Vetoing it absolutely



Doing nothing and the bill will automatically become law after the 10-day period

If a bill is vetoed, it can become law if both chambers of the General Assembly vote with a two-thirds (2/3) majority to override the governor's veto. This would require a vote of 27 in the Senate and 107 in the House.

** Most bills are effective within 30-90 days unless designated as an emergency*

“...the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.” — Massachusetts Constitution, Part the First, Article 30

The judicial branch of government in Massachusetts administers justice and interprets the laws. It is composed of a system of courts. The Massachusetts Constitution defines the courts’ responsibilities, the qualifications of judges, and the duties of the three-level court system, which involves the *trial courts*, *Appeals Court*, and *Supreme Judicial Court*.

Criminal and Civil Cases

All courts handle both *criminal* and *civil* cases. A criminal case involves a violation of a law for which there is a fine or other penalty like a prison sentence or probation. Criminal cases range from relatively minor offenses, such as traffic infractions, to serious ones, such as robbery or murder. These typical crimes are classified as *felonies*, *misdemeanors*, or *infractions*.

Felonies – Serious crimes that often are punishable by a state prison sentence or even death in the most extreme cases.

Misdemeanors – A lesser offense than a felony. It is punishable by fine or incarceration for less than a year in a city or county jail rather than in a state penitentiary.

Infractions – These are not punishable by jail or prison time but rather by a fine. The most common infractions are traffic violations.

Civil cases are brought against individuals or organizations by other individuals or organizations. In some civil cases, the plaintiff seeks money damages to be paid by the defendant. In other kinds of civil cases, the parties ask the court to take a certain action, such as to dissolve a marriage, decide the custody of minor children, review property rights, or stop someone from doing something.

Now that you are familiar with the type of court cases, it is time to learn more about the courts themselves.

The Massachusetts court system is structured in a hierarchy, with the Supreme Judicial Court at the top, followed by the Appeals Court, and several trial courts that handle cases at the first level. This structure allows for an organized approach to handling cases of varying complexity and ensures that appeals and judicial oversight are available.

Trial Courts

Cases start in 1 of the 7 trial court departments (District Court, Superior Court, Boston Municipal Court, Housing Court, Juvenile Court, Land Court, and Probate and Family Court) and are first decided there. The case is started in the court with subject matter and geographic jurisdiction over the issues and parties involved.

District Courts are the workhorse of the court system, with a chief justice and 157 associate justices managing the 62 courts (or divisions) in cities and towns throughout the Commonwealth. District Courts handle less severe criminal cases (such as misdemeanors), small claims, and civil cases involving smaller monetary amounts. They also handle preliminary hearings for more serious criminal cases. When a case proceeds to trial, the “finder of fact” will either be a jury or a judge; when a jury is waived, and the judge decides the case, that is called a bench trial. The District Courts also have Small Claims Sessions for civil matters up to \$7,000. Small claims are heard by a clerk magistrate instead of a judge. Some district courts have special sessions for veterans, homeless, and substance abuse matters.

Superior courts are general trial courts for significant civil and criminal cases exceeding district courts' limits. Because of this, superior courts are less hectic than district courts but tend to involve more complex cases. There are 20 superior courts in Massachusetts located in all 14 counties, administered by 1 chief justice and 81 associate justices.

After a verdict or judgment, the appellate process begins. However, there is no appellate process if a defendant who was charged with a crime is acquitted. The *double jeopardy clause* of the Massachusetts Constitution prevents the government from appealing an acquittal.

Appeals Court

The Appeals Court is the Commonwealth's intermediate appellate court, reviewing the decisions of the trial courts. It consists of a chief justice and 24 associate justices, who sit in panels of three to hear cases.

Unlike a trial court case, the Appeals Court does not re-litigate the facts, hear from witnesses, or allow the introduction of new evidence. Instead, it examines the record from the Trial Court to determine whether a legal error influenced the judgment there. Decisions from the Appeals Court can be appealed to the Supreme Judicial Court (SJC), but the SJC has discretionary authority to decide which cases it will review.

