

# Constitution Review

## U.S. and Illinois Constitution

This review is provided for prospective graduates of Elgin Community College. Successful completion of the Constitution test is required by state law. This legislation provides that:

“No certificate issued after July 1, 1953 shall be renewed for the first time unless the person holding the certificate passes an examination to the satisfaction of the certifying authority upon the provisions and principles of the Constitution of the United States and of the State of Illinois.”

“American patriotism and the principles of representative government as enunciated in the American Declaration of Independence, the Constitution of the United States of America, the Constitution of the State of Illinois, and the proper use and display of the American flag, shall be taught in all public schools and other education institutions supported or maintained in whole or part by public funds. No student shall receive a certificate of graduation without passing a satisfactory examination upon such subjects.”

“Instruction shall be given in all such schools and institutions in the method of voting at elections by means of the Australian Ballot system and the method of the counting of votes for candidates.”

Included in this handout are partial copies of the Declaration of Independence, the Constitution of the United States, and the Constitution of the State of Illinois.

To make the most of the STUDY GUIDE (purchased at the ECC Book store), you should obtain a complete copy of the three documents listed above.

Visit this website for more information - Constitution study guide for Illinois Constitution test - <http://www.adultbasiced.org/constitution>

**Events leading to the Declaration.** Friction between the American Colonies and Britain had been building for more than 10 years before the Declaration was adopted. During that period, the colonies had asked Britain for a larger role in making decisions that affected them, especially in the area of taxation. In 1765, the British Parliament passed the Stamp Act, which required the colonists to pay a tax on newspapers, legal and business documents and various other items. The colonists protested so strongly against this “taxation without representation” that Parliament repealed the act in 1766.

Parliament then passed a law stating it had the right to legislate for the colonies in all matters. In 1767, it placed a tax on certain goods imported into the colonies. But colonial opposition led Parliament to remove these taxes in 1770 – except for the tax on tea. In 1773, angry colonists boarded British ships in Boston Harbor and dumped their cargoes of tea overboard. Parliament then passed a series of laws to punish Massachusetts. These laws led the colonies to unite against what they called the Intolerable Acts.

**The Continental Congress.** In 1774, delegates from all the colonies except Georgia met in Philadelphia at the First Continental Congress. The delegates adopted an agreement that bound the colonies not to trade with Britain or to use British goods. They also proposed another meeting the next year if Britain did not change its policies before that time.

But Britain held to its policies, and the Second Continental Congress was called. The delegates met in Philadelphia’s State House (now Independence Hall) on May 10, 1775. By that time, the Revolutionary War in America had already begun, with battles between Massachusetts colonists and British troops. Congress acted swiftly. It voted to organize an army and a navy and to issue money to pay for the war. Many delegates now believed that independence from Britain was the only solution. But others disagreed. Early in July, Congress therefore sent a final, useless appeal to Britain’s King George III to remedy the colonies’ grievances.

For more information see: Richard B. Morris, about this article and the explanatory notes with the Declaration, and his book [The American Revolution: A Brief History](#)

The independence movement grew rapidly early in 1776. The English writer Thomas Paine spurred the movement with his electrifying pamphlet *Common Sense*. This work presented brilliant arguments for the freedom of the American colonies. More and more Americans came to agree with the patriot Samuel Adams, who asked, “Is not American already independent? Why not then declare it?”

On June 7, 1776, Richard Henry Lee of Virginia introduced the resolution in Congress “That these United Colonies are, and of right ought to be, free and independent States...” On June 10, Congress voted to name a committee to write a declaration of independence for the delegates to consider in case they adopted Lee’s resolution. The committee, appointed the next day, consisted of John Adams, Benjamin Franklin, Thomas Jefferson, Robert R. Livingston, and Roger Sherman. Jefferson’s associates on the committee asked him to draft the declaration. Jefferson completed the task in about two weeks. Franklin and Adams made a few minor literary changes in Jefferson’s draft.

**Adoption of the Declaration.** On July 2, Congress approved the Lee resolution. The delegates then began to debate Jefferson’s draft. A few passages, including one condemning King George for encouraging the slave trade, were removed. Most other changes dealt with style. On July 4, Congress adopted the final draft of the Declaration of Independence.

The Declaration, signed by John Hancock as president of Congress, was promptly printed. It was read to a large crowd in the State House yard on July 8. On July 19, Congress ordered the Declaration of Independence to be *engrossed* (written in beautiful script) on parchment. Congress also ordered that all its members sign the engrossed copy. Eventually, 56 members of Congress signed.

**The Importance of the Declaration** was that it magnificently expressed the thoughts of all patriots. It

thus did not contain new ideas. The Declaration actually reflected ideas on social and political justice held by various philosophers of the time, especially the English philosopher John Locke. Yet the eloquent language of the document stirred the hearts of the

Signers of the Declaration of Independence

---

American people. It also aroused people in Europe to make their governments more democratic. Over the years, many newly emerging nations have looked to the Declaration's language to word their own declarations of Independence.

Fifty-six members of the Continental Congress signed the engrossed parchment copy of the Declaration. Most members signed on August 2, 1776. The rest signed on later dates. **World Book** has a biography of each signer. The signers, in alphabetical order, were:

John Adams (Mass.)	John Hancock (Mass.)	Thomas Lynch, Jr. (S.C.)	Edward Rutledge (S.C.)
Samuel Adams (Mass.)	Benjamin Harrison (Va.)	Thomas McKean (Del.)	Roger Sherman (Conn.)
Josiah Bartlett (N.H.)	John Hart (N.J.)	Arthur Middleton (S.C.)	James Smith (PA.)
Carter Braxton (Va)	Joseph Hewes (N.C.)	Lewis Morris (N.Y.)	Richard Stockton (N.J.)
Charles Carroll (Md.)	Thomas Heyward, Jr. (S.C.)	Robert Morris (PA.)	Thomas Stone (MD.)
Samuel Chase (Md.)	William Hopper (N.C.)	John Morton (PA.)	George Taylor (PA.)
Abraham Clark (N.J.)	Stephen Hopkins (R.I.)	Thomas Nelson, Jr. (Va.)	Matthew Thornton (N.H.)
George Clymer (PA.)	Francis Hopkinson (N.J.)	William Paca (MD.)	George Walton (Ga.)
William Ellery (R.I.)	Samuel Huntington (Conn.)	Robert T. Paine (Mass.)	William Whipple (N.H.)
William Floyd (N.Y.)	Thomas Jefferson (Va.)	John Penn (N.C.)	William Williams (Conn.)
Benjamin Franklin (Pa.)	Francis Lightfoot Lee (Va.)	George Read (Del.)	James Wilson (Pa.)
Elbridge Gerry (Mass.)	Richard Henry Lee (Va.)	Caesar Rodney (Del.)	John Witherspoon (N.J.)
Button Gwinnett (Ga.)	Francis Lewis (N.Y.)	George Ross (Pa.)	Oliver Wolcott (Conn.)
Lyman Hall (Ga.)	Philip Livingston (N.Y.)	Benjamin Rush (Pa.)	George Wythe (Va.)

With this document the American Colonies declared their freedom from British rule. The Second Continental Congress, a meeting of delegates from the colonies, adopted the Declaration on July 4, 1776. This date has been celebrated ever since as the birthday of the United States.

The Declaration of Independence ranks as one of the greatest documents in human history. It eloquently expressed the colonies' reason for proclaiming their freedom. The document blamed the British government for many abuses. But it also stated that all people have certain rights, including the right to change or overthrow any government that denies them their rights. The ideas expressed so majestically in the Declaration have long inspired freedom-loving people throughout the world.

## The Declaration of Independence

The Declaration of Independence can be divided into four parts: (1) The Preamble; (2) A Declaration of Rights; (3) A Bill of Indictment; and (4) A Statement of Independence. The text of the Declaration is printed in boldface. It follows the spelling and punctuation of the parchment copy. But unlike the parchment copy, each paragraph begins on a new line and is indented. The paragraphs printed in lightface are not part of the Declaration. They explain the meaning of various passages or give examples of injustices that a passage mentions.

In Congress, July 4, 1776. The unanimous Declaration of the thirteen United States of America.

### {The Preamble}

**When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. -**

This paragraph tells why the Continental Congress drew up the Declaration. The members felt that when a people must break their ties with the mother country and become independent, they should explain their reasons to the world.

### {A Declaration of Rights}

**We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.-**

The signers of the Declaration believed it was obvious that "all men" are created equal and have rights that cannot be taken away from them. By "all men" the signers meant people of every race and both sexes. The rights to "Life" included the right to defend oneself against physical attack and against unjust government. The right to "Liberty" included the right to criticize the government, to worship freely, and to form a government that protects liberty. The "pursuit of Happiness" meant the right to own property and to have it safeguarded. It also meant the right to strive for the good of all people, not only for one's personal happiness.

**That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of governed. -**

The Declaration states that governments exist to protect the rights of the people. Governments receive their power to rule only through agreement of the people.

**That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evince a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.-**

People may alter their government if it fails in its purpose. Or they may set up a new government. People should not, however, make a revolutionary change in long-established governments for unimportant reasons. But they have the right to overthrow a government that has committed many abuses and seeks complete control over the people.

### {A Bill of Indictment}

**Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.-**

The Declaration states that the colonists could no longer endure the abuses of their government and so must change it. It accuses King George III of inflicting the abuses to gain total power over the colonies. The document then lists the charges against him.

**He has refused his Assent to Laws, the most wholesome and necessary for the public good.-**

All laws passed by the colonial legislatures had to be sent to Great Britain for approval. George rejected many of the laws as harmful to Britain or its empire.

**He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.-**

## CONSTITUTION OF THE UNITED STATES

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.

### Article I.

**Section 1.** 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.

**Section 2.** The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.]\* The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they

shall by Law direct. The number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

**Section 3.** The Senate of the United States shall be composed of two Senators from each State, [chosen by the Legislature thereof,]<sup>†</sup> for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; [and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting

of the Legislature, which shall then fill such Vacancies.]<sup>‡</sup>

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment, and Punishment, according to Law.

**Section 4.** The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.

---

\* Changed by section 2 of the Fourteenth Amendment

---

† Changed by the Seventeenth Amendment.

---

‡ Changed by the Seventeenth Amendment

The Congress shall assemble at least once in every Year, and such Meeting shall be [on the first Monday of December...]

### **Amendment I.\***

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

### **Amendment II.**

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

### **Amendment III.**

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

### **Amendment IV.**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the

---

\* The first ten Amendments (Bill of Rights) were ratified effective December 15, 1791

place to be searched, and the persons or things to be seized.

## **BILL OF RIGHTS**

### **Amendment V.**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

### **Amendment VI.**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense

### **Amendment VII.**

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-

examined in any Court of the United States, than according to the rules of the common law.

### **Amendment VIII.**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

### **Amendment IX.**

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

### **Amendment X.**

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

### **Amendment XI.<sup>†</sup>**

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

---

<sup>†</sup> The Eleventh Amendment was ratified February 7, 1795

## **Amendment XII.\***

The Electors shall meet in their respective states, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate; - The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; - The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the person having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. [And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President-]\* The person having the greatest number of votes as

Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

## **AMENDMENT XIII.†**

**Section 1.** Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

**Section 2.** Congress shall have power to enforce this article by appropriate legislation.

## **AMENDMENT XIV.‡**

**Section 1.** All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**Section 2.** Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding

Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

**Section 3.** No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

**Section 4.** The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

---

† The Thirteenth Amendment was ratified December 6, 1865.

‡ The Fourteenth Amendment was ratified July 9, 1868

---

\* The Twelfth Amendment was ratified June 15, 1804

# CONSTITUTION OF THE STATE OF ILLINOIS

Adopted in Convention at Springfield, September 3, 1970  
Ratified by the People, December 15, 1970  
In force July 1, 1971

## PREAMBLE

We, the People of the State of Illinois – grateful to Almighty God for the civil, political and religious liberty which He has permitted us to enjoy and seeking His blessing upon our endeavors – in order to provide for the health, safety and welfare of the people; maintain a representative and orderly government; eliminate poverty and inequality; assure legal, social and economic justice; provide opportunity for the fullest development of the individual; insure domestic tranquility; provide for the common defense; and secure the blessings of freedom and liberty to ourselves and our posterity – do ordain and establish this Constitution for the State of Illinois.

## ARTICLE I Bill of Rights

### Section 1. INHERENT AND INALIENABLE RIGHTS

All men are by nature free and independent and have certain inherent and inalienable rights among which are life, liberty and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed.

### Section 2. DUE PROCESS AND EQUAL PROTECTION

No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws.

### Section 3. RELIGIOUS FREEDOM

The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed, and no person shall be denied any civil or political right, privilege or capacity, on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the State. No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference be given by law to any religious denomination or mode of worship.

### Section 4. FREEDOM OF SPEECH

All persons may speak, write and publish freely, being responsible for the abuse of that liberty. In trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense.

### Section 5. RIGHT TO ASSEMBLE AND PETITION

The people have the right to assemble in a peaceable manner, to consult for the common good, to make known their opinions to their representatives and to apply for redress and grievances.

### Section 6. SEARCHES, SEIZURES, PRIVACY AND INTERCEPTIONS

The people shall have the right to be secure in their persons, houses, papers and other possessions against unreasonable searches, seizures, invasions of privacy or interceptions of communications by eavesdropping devices or other means. No warrant shall issue without probable cause, supported by affidavit particularly describing the place to be searched and the persons or things to be seized.

### Section 7. INDICTMENT AND PRELIMINARY HEARING

No person shall be held to answer for a criminal offense unless on indictment of a grand jury, except in cases in which the punishment is by fine or by imprisonment other than in the penitentiary, in cases of impeachment, and in cases arising in the militia when in actual service in time of war or public danger. The General Assembly by law may abolish the grand jury or further limit its use.

No person shall be held to answer for a crime punishable by death or by imprisonment in the penitentiary unless either the initial charge has been brought by indictment of a grand jury or the person has been given a prompt preliminary hearing to establish probable cause.

### Section 8. RIGHTS AFTER INDICTMENT

In criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation and have a copy thereof; to meet the witnesses face to face and to have process to compel the attendance of witnesses in his behalf; and to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed.

### Section 9. BAIL AND HABEAS CORPUS

All persons shall be bailable by sufficient sureties, except for capital offenses and offenses for which a sentence of life imprisonment may be imposed as a consequence of conviction where the proof is evident or the presumption great. The privilege of the writ of habeas corpus shall not be suspended except in cases of rebellion or invasion when the public safety may require it. (As amended by the Third Amendment to the Constitution. Approved November 2, 1982, effective November 23, 1982.)

### Section 10. SELF-INCRIMINATION AND DOUBLE JEOPARDY

No person shall be compelled in a criminal case to give evidence against himself nor be twice put in jeopardy for the same offense.

### Section 11. LIMITATION OF PENALTIES AFTER CONVICTION

All penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship. No conviction shall work corruption of blood or forfeiture of estate. No person shall be transported out of the State for an offense committed within the State.

### Section 12. RIGHT TO REMEDY AND JUSTICE

Every person shall find a certain remedy in the laws for all injuries and wrongs which he receives to his person, privacy, property or reputation. He shall obtain justice by law, freely, completely, and promptly.

### Section 13. TRIAL BY JURY

The right of trial by jury as heretofore enjoyed shall remain inviolate.

# A Constitutional Outline

A constitution grants and limits governmental powers. Both our national and state constitutions provide for the separation of powers between the executive, legislative, and judicial branches; a checks and balances system; and a bill of rights.

## CONSTITUTION OF THE UNITED STATES

The present constitution, the nation's second, was drafted in 1787. It is a general statement of fundamental principles.

The national government is federal, that is, powers are divided between the nation and the fifty states.

The national government, exercises delegated and implied powers, and shares concurrent powers with the states.

The chief functions of Congress are to: provide for the national defense, manage the social security system, maintain foreign relations, administer the postal service, and manage the economy.

The LEGISLATURE, called Congress, meets at least once each year and has two houses called the Senate and the House of Representatives. The Senate consists of 100 senators, two from each state and with six year terms of office. The Senate consents to treaties and Presidential appointments. The House of Representatives has 435 members, apportioned according to each state's population. Representatives are elected to two year terms. The House of Representatives introduces revenue bills and has the power of impeachment.

The EXECUTIVE branch is centralized in the office of the President who is elected for a 4 year term by the Electoral College and is not eligible for more than two terms. A Presidential veto may be overridden by a two-thirds vote in each house. The President appoints cabinet members to head the executive departments.

The JUDICIARY consists of federal judges who are appointed by the President with the consent of the Senate. Federal judges are appointed for life terms. Basic trial courts are called district courts. There is one Supreme Court with the power of judicial review.

The Constitution of the United States is usually amended through a proposal by 2/3 of each house and the ratification by 3/4 (39) of the state legislatures. (See Article 5 of the US Constitution for more details.)

# A Constitutional Outline

(continued)

## CONSTITUTION OF ILLINOIS

The present Illinois constitution, the state's fourth, was drafted in 1970. It is more detailed with many specific provisions.

The state government is unitary. The local governments only have powers that are granted by the state except for certain home rule municipalities and counties.

The state government exercises residual or reserved powers and shares concurrent powers with the national government.

The chief functions of the state constitution include: education, highways, health, welfare, marriage and divorce laws, conduct of elections, supervision of local governments, and administration of justice.

The LEGISLATURE, called the General Assembly, meets at least once each year. The Senate consists of 59 members each with four year terms. The House of Representatives has 118 members, one elected from each of the state's 118 districts. Each representative is elected for a two year term. Both houses are based on population. A majority vote of the elected membership is necessary to pass bills.

The EXECUTIVE branch is divided among six officials, all popularly elected for four year terms. The six officials are: Governor, Lt. Governor, Secretary of State, Treasurer, Comptroller, and Attorney General. The Governor has both an amendatory veto and a reduction veto which may be over-ridden by a three-fourths vote in each house. The Governor also appoints directors of the Code departments.

In the JUDICIARY branch all judges are popularly elected. There is a circuit court basic trial court as well as one Supreme Court of seven judges who are elected for ten year terms. The Supreme Court has the power of judicial review.

The state constitution is amended through proposal by a 3/5 vote of each house of the General Assembly and by ratification of 3/5 of those voting on the amendment or by a majority of those voting at the election.

## **THE CONSTITUTION OF ILLINOIS**

### **1. The Powers and Limitations of Government**

The first Constitution of Illinois was adopted in 1818 upon our admission into the Union. Our present constitution, the state's fourth, was adopted in 1970. Like the Constitution of the United States, it divides the powers of government into three branches: the legislative branch which makes the law, the executive branch which enforces the law, and the judicial branch which interprets the law. This arrangement is known as the separation of powers. Each of these branches has the power to check the other two if they exceed their proper authority. This is known as the check and balances system.

The State Constitution is longer than the national document and places more restrictions upon legislative authority. Unlike the U.S. Constitution, Illinois' contains a heritage of Jacksonian Democracy by providing for the popular election of judges and six members of the executive branch.

The Preamble emphasizes the role of government on promoting "legal, social, and economic justice" and the elimination of "poverty and inequality". The traditional protections against arbitrary government action are found in Article I, The Bill of Rights. In addition to listing the guarantees of freedom of expression and the rights of person accused of crime, all persons are guaranteed freedom from discrimination in housing and employment on the basis of race, color, creed, national origin, sex, and mental or physical handicap.

### **2. Suffrage and Elections**

Qualified voters in state and local elections are those citizens who (1) are at least 18 years of age; (2) have been permanent residents of the state for at least thirty days; and (3) are registered. A State Board of Elections has general supervision over the administration of the registration and elections laws.

The principles of the Australian ballot system, in use in Illinois since 1891, provide for (1) a uniform ballot printed or machine arranged by government authority; (2) the listing of all opposing candidates on the sample ballot or machine; and (3) voting in secret. If paper ballots are used, the voter must place a cross within the candidates' squares or party circle. The lines may extend beyond the squares or circle, but they must intersect within them.

Candidates for state office are nominated in a primary. Voters in the primary must declare their party affiliation before receiving a ballot. Judges and University of Illinois trustees are nominated at the party convention.

General elections are held on the Tuesday following the first Monday in November in even-numbered years. Beginning in 1978, all members of the executive branch will be elected at the same time. The Governor and President will therefore be elected at separate times.

### **3. Legislature**

The legislative power is vested in a General Assembly consisting of a Senate and House of Representatives elected by the voters from 59 legislative districts. The Senate is composed of 59 members, one from each of the Legislative Districts. Senators serve four-year terms. The House of Representatives is composed of 118 members elected for two-year terms. One Representative is elected in each of the 118 Legislative Districts. Each political party must nominate at least two candidates for the House in each of these districts.

In the year following each Federal decennial census (1971, 1981, etc.) the General Assembly redraws the Legislative Districts. They must be compact, contiguous and substantially equal in population. If no redistricting plan is in effect by June 30<sup>th</sup>, a bipartisan Legislative Redistricting Commission must be formed for this purpose.

The General Assembly convenes at least once each year and is a continuous body during the term for which members of the House are elected. The House elects, from among its members, a Speaker to preside over its sessions. The Senate chooses from among its members a President of the Senate as presiding officer.

Bills may originate in either House, but may be amended or rejected by the other. A bill must be read by title on three different days in each House. No bill can become law unless it has the approval of the majority of the members elected in each House. This means a minimum of 60 votes in the House and 30 in the Senate. The General Assembly cannot pass a special or local law when it would be possible to pass a general law instead. If the Governor does not approve or veto a bill within 50 days, it becomes law. The Governor may reduce or veto any item or appropriations in a bill. This is called the reduction veto.

The General Assembly may override a veto by three-fifths vote of each house. If the governor returns a bill with specific recommendations for change or with a reduction veto, however, the specific recommendations or reduced item may be accepted by a simple majority vote of the members elected.

The legislative branch may check the executive by conducting investigations and withholding funds, and the Senate may disapprove the Governor's nominees for Code Department directorships.

#### **4. The Executive**

Although the Constitution declares the Governor to be the "supreme executive powers" in the State of Illinois, his power to enforce the law is more limited than the President's. In the first place, local prosecutors, called State's Attorneys, are elected on the county level and not appointed by the Governor. The President appoints the U.S. attorneys throughout the United States. Secondly, in addition to the Governor and Lt. Governor, Illinois voters directly elect the Attorney General, Secretary of State, Comptroller, and Treasurer. Unlike the Governor, the President appoints his cabinet members and they are responsible to him.

All members of the executive branch serve four-year terms. To be eligible for office, they must be U.S. citizens, at least 25 years old, and residents of the state for three years preceding their election. Beginning in 1978, the Governor and Lieutenant Governor will run as a team and will therefore be of the same political party. The other elected executives may not be of the Governor's party.

The Governor does have the power to appoint directors of the Code Departments, which administer many of the state's services and regulations. He also has the authority to rearrange the responsibilities of the agencies responsible to him. If the reorganization contravenes an existing statute, the order is subject to rejection by either house of the General Assembly.

The Lieutenant Governor performs duties delegated to him by the Governor or prescribed by law. In the event the office of Governor becomes vacant, the Lieutenant Governor assumes the position. The Attorney General serves as legal advisor and court representative for all officers and agencies of the executive branch. The Secretary of State keeps the official records of the acts of the legislative and

executive branches. He currently licenses drivers, registers motor vehicles, and issues corporation charters. The Comptroller checks to make sure all money going into and out of the treasury is authorized by law. The Treasurer safeguards funds deposited with him and disburses funds upon an authorization for the Comptroller.

The Governor is a major policy maker who can influence legislation, even though he cannot introduce bills. (1) He can recommend measures in a message to the General Assembly at the beginning of each annual session. (2) He can veto bills. (3) The Governor every year prepares and sends to the General Assembly a balanced budget covering all state agencies.

In addition to his executive and legislative powers, the Governor has the judicial power to grant reprieves, commutations, and pardons after conviction for all offenses against the State of Illinois. The Governor is commander-in-chief of the organized militia and may call them out to enforce the laws, suppress insurrection, or repel invasion.

## **5. The Courts**

The judicial power is vested in a Supreme Court, Appellate Courts and Circuit Courts. The basic trial court for all criminal and civil cases is the Circuit Court. Circuit Judges are elected on a partisan ballot for six-year terms. In each judicial circuit, or court district, the Circuit Court Judges appoint a Chief Judge from among their number to exercise administrative authority over his court. They also appoint Associate Judges to hear traffic, misdemeanor, and small claims cases.

Most appeals from the Circuit Courts to the Appellate Courts, one in Cook County and four downstate. There must be a least three judges in each appellate district. Appellate Judges are elected on a partisan basis for ten-year terms.

The Supreme Court, the court of last resort, consists of seven judges, three from Cook County and four from downstate. Supreme Court Judges are elected on a partisan basis for ten year terms. General administration and supervising authority over all courts is vested in the Supreme Court and exercised by the Chief Justice. The Supreme Court may assign a judge temporarily to any court.

All judges must be U.S. citizens, licensed attorneys, and resident of the district which elect them. Their salaries cannot be reduced during their terms of office. A Judicial Inquiry Board receives, investigates, or initiates complaints against the official misconduct of judges. A Courts Commission hears these complaints and has the power to discipline or remove a judge for misconduct or for inability to perform his duties.

Before his term of office expires, a judge may file a declaration of candidacy to succeed himself. At the election his name is submitted to the voters on a special judicial ballot, without party designation, on the sole question whether he should be retained in office. If three-fifths of the voters approve his retention, he is given another full term.

## **6. Finance and Revenue**

The General Assembly determines the purposes for which state funds are to be spent, but it cannot authorize spending more money in any fiscal year than it expects to receive from all sources. No state or local funds can be used for any church or sectarian purpose. An Auditor General is elected by three-fifths

vote of the General Assembly for a term of ten years. He audits the state's funds and performs other fiscal investigations.

The General Assembly has the power to place taxpayers or objects of taxation into classifications for taxing purposes, but each class must be taxed uniformly. Exemptions, such as homestead exemptions from property taxes and exemptions on food from the sales tax, are allowable. A graduated income tax is prohibited. The corporate income tax can never exceed the individual income tax by more than 8 to 5 ratio.

## **7. Local Government**

Under the preceding Constitution, local governments possessed only those powers which the state chose to give them. The 1970 Constitution grants home rule powers to any municipality with more than 25,000 population and to any county which has an elected chief executive officer. Smaller municipalities may have home rule if the people so choose by referendum. Any municipality or county, by referendum, may elect not to have home rule powers. Townships, school districts, counties without elected chief executive officers, and special districts have only those powers granted by laws enacted by the General Assembly.

Home Rule municipalities and counties may exercise power and perform any function pertaining to its government structure and affairs. The General Assembly, however, by a three-fifths vote may limit or deny home rule powers to home rule units, and by simple majority may limit or deny them any power that is exercised concurrently or exclusively by the state. The General Assembly may impose debt limitations.

## **8. Functions of Government**

The state must provide a system of free public education for all persons through the secondary level to the limits of their capacities. A State Board of Education determines policies, makes plans, evaluates programs, and recommends financing. The Board appoints a chief state educational officer.

It is the duty of the state to maintain a healthful environment. The state can provide for, aid, and assist public transportation. The state can grant, amend, dissolve and extend corporation charters by general law.

The main functions of the State of Illinois at the present time, measured by the amount of funds spent for them, are highways, welfare, education, health, and public safety.

## **9. Constitutional Revision**

The question of whether to call a Constitutional Convention must be submitted to the people for a vote at least once every twenty years. To initiate a convention called by the General Assembly, a three-fifths vote of the elected members of each house is required. A convention can be called only if three-fifths of the voters voting on the issue, or a majority voting in the election, approve.

Amendments proposed by the General Assembly require a three-fifths vote of the elected members in each house. Proposed amendments must be submitted to a public referendum. Approval depends on either a three-fifths majority of those voting on the questions or a majority of those voting in the election when the referendum is held. Amendments to more than three articles cannot be proposed at any one time. Amendments to the legislative article may be proposed by petition.

## Specimen Questions

1. The minimum of votes required to pass a bill in the Illinois House of Representatives is A) 51, B) 76, C) 69, D) 60.
2. School districts in Illinois derive their powers primarily from: A) the state, B) the U.S. Constitution, C) Congress, D) the courts.
3. What power is possessed by the Governor of Illinois, which the President of the United States does not have? A) reduction veto, B) power to appoint prosecuting attorneys, C) power to draw up an executive budget, D) power to appoint the Attorney General.
4. Which of these must originate in the House of Representatives? A) a treaty with a foreign country, B) a bill for raising revenue, C) a bill for governing the District of Columbia, D) a bill to reorganize the executive branch.
5. Which of these judges in Illinois are appointed? A) Circuit Judges, B) Associate Judges, C) Appellate Judges, D) Supreme Court Judges.
6. All proposed amendments to the Constitution of Illinois must finally be approved by: A) the United States, B) the Supreme Court, C) the voters of Illinois, D) A State Constitutional Convention.
7. About how many of the United State Senators are elected on the general elections held in even-numbered years? A) one-third, B) one-half, C) all of them, D) one-fourth.
8. Amendments to the U.S. Constitution may be proposed by: A) the President, B) two-thirds vote of both houses of Congress, C) three-fourths vote of both houses of Congress, D) the House of Representatives only.
9. The term of office of a member of the Illinois House of Representatives is: A) two years, B) four years, C) six years, D) three years.
10. Which of the following best illustrates the principle of representative government found in the U.S. Constitution: A) the Cabinet, B) the court system, C) Congress, D) an Independent regulatory commission.
11. The Declaration of Independence states that: A) men have certain rights that cannot be denied by government, B) slavery should not exist in America, C) both men and women should have the right to vote, D) government should be by the consent of the people who own property.

## How to Display the Flag

Respect your flag and render it the courtesies to which it is entitled by observing the following rules, which are in the accordance with the practices approved by leading flag authorities:

The national flag should be raised and lowered by hand. It should be displayed only from sunrise to sunset, or between such hours as may be designated by proper authority. Do not raise the flag while it is furled. Unfurl, then hoist quickly to the top of the staff. Lower it slowly and with dignity. Place no objects on or over the flag. Various articles are sometimes placed on a speaker's table covered with the flag. This practice should be avoided.

When displayed in the chancel or a platform in a church, the flag should be placed on a staff at the clergyman's right; other flags to his left. If displayed in the body of the church, the flag should be at the congregation's right as they face the clergyman.

Do not use the flag as a portion of a costume or athletic uniform. Do not embroider it upon cushions or handkerchiefs nor print it on paper napkins or boxes.

1. When displayed over the middle of the street, the flag should be suspended vertically with the union (blue field) to the north in an east/west street, or to the east in a north/south street.
2. When displayed with another flag from crossed staffs, the flag of the United States of America should be on the right (the flag's own right) and its staff should be in front of the staff of the other flag.
3. When it is to be flown at half-mast, the flag should be hoisted to the peak an instant and then lowered to the half-mast position. Before lowering the flag for the day, it should be raised to the peak again. Half-mast means flying the flag at the height one-half the distance between the top and the bottom of the staff. On Memorial Day, display at half-mast until noon only, then hoist to the top of the staff.
4. When flags of states or cities or pennants of societies are flown on the same halyard with the flag of the United States of America, the latter should always be at the peak. When flown from adjacent staffs, the Stars and Stripes should be hoisted first and lowered last.
5. When the flag is suspended over a sidewalk from a rope, extending from house to pole at the edge of the sidewalk, the flag should be hoisted out from the building toward the pole, union first.

6. When the flag is displayed from a staff projecting horizontal or at any angle from the window sill, balcony, or front of a building, the union of the flag should go clear to the peak of the staff (unless the flag is to be displayed at half-mast).
7. When the flag is used to cover a casket, it should be so placed that the union is at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground.
8. When the flag is displayed in a manner other than by being flown from a staff, it should be displayed flat, whether indoors or out. When displayed either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right, that is, to the observer's left. When displayed in a window, it should be displayed in the same way, that is, with the union to the left of the observer in the street. When festoons, rosettes, or drapings are desired, bunting of blue, white and red should be used, but never the flag.
9. When carried in a procession with another flag or flags, the Stars and Stripes should be either on the marching right, or when there is a line of other flags, our National flag may be in front of the center of that line.
10. When a number of flags of states or cities or pennants of societies are grouped and displayed from staffs with our National flag, the latter should be at the center or at the highest point of the group.
11. When the flags of two or more nations are displayed, they should be flown from separate staffs of the same height and the flags should be of approximately equal size. International usage forbids the display of flags of one nation above that of another nation in time of peace.
12. When the flag is passing in parade, uniformed persons give the military salute, men and women place their right hands over their hearts.

A federal law provides that a trademark, cannot be registered which consists of, or comprises among other things, "the flag, coat-of-arms or other insignia of the United States, or any simulation thereof."

Take every precaution to prevent the flag from becoming soiled. It should not be allowed to touch the ground, nor to brush against objects.

When the flag is used in unveiling a statue or monument, it should not be used as a covering of the object to be unveiled. If it is displayed on such occasions, do not allow the flag to fall to the ground, but let it be carried aloft to form a feature of the ceremony.

On suitable occasions, repeat this pledge to the flag:

“I pledge allegiance, to the flag, of the United States of America, and to the Republic, for which it stands, one Nation, under God, indivisible, with liberty and justice for all.”

