Constitutional Foundations Final Exam Study Sheet

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| The Branches of Government |
| What are they? | **What do they do?** | **Who makes up each branch?** | **How long do they serve?** | **How are they chosen?** | **How do the branches check each other?** |
| Legislative | Makes laws | Congress(House & Senate) | House: 2-year termsSenate: 6-year terms | By people | Impeach President or override vetoes |
| Executive | Enforces laws | President | 2 terms (8 years) | By Electoral College | Vetoes laws |
| Judiciary | Defines laws | Supreme Court | For life(can resign) | By President | Declare government actions unconstitutional |

**Checks and Balances**

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| Situation | Who has the power? | Who is being checked? |
| A federal judge has been accused of taking bribes and might be impeached. | Legislative | Judicial |
| The judge has been removed from his position and a new one must be appointed. | Executive | Judicial |
| The new judge has been appointed and now she needs to be confirmed. | Legislative | Judicial |
| A bill that would take away summer vacation is vetoed. | Executive | Legislative |
| The veto is overridden. | Legislative | Executive |
| Is this law Constitutional? | Judicial | Legislative & Executive |
| Canada has invaded Minnesota, but Congress is on vacation! Call them back! | Executive | Legislative |
| The President wants to give Michigan to Canada! Can he be impeached? | Legislative | Executive |
| A treaty with Canada has to be ratified. | Legislative | Executive |

Vocabulary

**Adjourn:** to bring a meeting to an end

**Bicameral:** a legislative body made up of two parts or chambers

**Capitalism:** an economic system in which people and businesses own and control production

**Compromise:** a settlement of differences in which each side gives up some of its demands

**Defendant:** the person against whom a complaint is made

**Democracy:** a form of government in which people hold the power

**Exports:** goods sold and shipped to foreign countries

**Grievance:** a complaint

**Imports:** goods brought from foreign countries

**Majority Rule:** a belief that a majority will be just more often than they will be unjust

**Partisan:** a person that votes by the party line

**Pigeonhole:** to set aside a bill that is no longer being considered

**Plaintiff:** in civil law, the party who brings a suit or some other legal action against another (the defendant) in court

**Platform:** a political party’s statement of ideas, policies, and beliefs

**Precedent:** a court decision that stands as an example to be followed in the future

**Ratify:** to approve

**Republic:** a form of government in which the people elect their representatives

**Rider:** unrelated provision added to an important bill so that it will “ride” through legislative process

**Swing Voters:** those voters who have not yet decided which candidate they will support at the start of the campaign and who are open to persuasion by either side

**Term:** an assigned period of time for an elected official to serve

**Veto:** to reject a proposed law

**Whip:** assistants to the floor leaders in the House and Senate

Concepts

Be able to explain the following terms and their significance:

**General**

Articles of Confederation

* Formed by 2nd Continental Congress
* Congress couldn’t raise taxes
* One state = one vote
* Congress couldn’t regulate trade
* No executive or judiciary
* Changes required unanimous consent

Bill of Rights

* Protect basic rights
* Helped Anti-Federalists agree to ratification (compromise)
* 10 amendments added on to Constitution

Duty v. Responsibility

* Duty – a legal obligation; there is no choice (ex. obeying the law, paying taxes)
* Responsibility – a moral obligation; there is a choice (ex. voting)

Federalism

* System of government with a division of power between national government and several smaller governments
* Each level has its own laws and officials
* Each level has powers others do not

Federalists v. Anti-Federalists

* Federalist – a person who favored the Constitution
* Anti-Federalist – a person who favored state and individual rights

Free Enterprise System

* The U.S. economy is based on the free enterprise system
	+ Also called capitalism
* Based on competition
	+ Between workers
	+ Between businesses
* Government does not make most economic decisions

Full Faith and Credit

* Laws, records, lawsuits, and certain licenses from one state are valid in all other states
	+ A person cannot flee to another state to avoid a lawsuit
	+ Birth certificates, most marriage licenses, and records of ownership are recognized by all states

Privileges and Immunities

* Forbids any state from discriminating against people from other states
	+ Citizens may move or travel to any other state
	+ Citizens can buy, rent, and sell property in any state
	+ Residents of one state can be employed in another state
	+ States can set requirements for holding office and can charge higher fees to people from other states

Extradition

* Legal process of returning a fugitive to a state where they are charged with a crime
	+ In most cases, a state turns over a fugitive without delay
	+ Extradition can be challenged for a few reasons

Supremacy Clause

* Supremacy Clause: “This Constitution, and the Laws of the United States… shall be the supreme Law of the Land”
* The Supreme Court can decide if federal, state, and local laws are constitutional

Interstate Compacts

* Agreements between two or more states
* Must be approved by Congress
* E.g., Port Authority of New York & New Jersey controls transportation between the two states
* E.g., certain law enforcement databases are shared by all 50 states

Limited Government

* A government that has certain restrictions and gives certain rights to individuals
* The principle that government has only those powers given to it by the people
* Rule of Law – the principle that government must obey the law
* Colonists didn’t want government to take away basic rights (ex. freedom of speech)

Magna Carta

* “Great Charter”; a document that grants rights
* 1215
* King had to ask nobles’ advice
* Nobles had to agree to raise taxes
* Right to trial by jury
* Parliament

New Jersey v. Virginia Plan

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| --- | --- |
| New Jersey Plan | Virginia Plan |
| * Favors smaller states
* Unicameral Congress
* One state = one vote
* Congress imposes taxes & regulates trade
* Executive branch w/ more than one person
 | * Favors larger states
* Strong central government
* 3 branches
* Bicameral Congress
* House of Reps members elected from each state (by population)
* Senate members chosen by House
* Congress chooses executive & judiciary
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Connecticut Compromise

* President chooses judiciary
* Bicameral Congress
* House Reps by population, 2 Senators per state

Political Parties

* A group of people that tries to control the government by getting its candidates elected
* Republicans – conservative (less government control, more individual responsibility)
* Democrats – liberal (less concerned about government control, more open to change)

Popular Sovereignty

* Basic principle of American government in which the people hold all of political power
* “We the People…” (Preamble)

Presidential Government

* Form of government in which executive & legislative branches are separate & equal (U.S.)

Parliamentary Government

* A form of government in which the executive branch is made up of a prime minister and his or her cabinet and is part of the legislature (U.K.)

Separation of Powers

* The division of government into 3 branches – legislative, executive, judicial
* Articles I, II, III of Constitution

Social Contract Theory

* A population in a given place (territory) gave up as much power to a government as needed to promote the well-being of all. In doing so, they created a sovereign state.
* People living in a certain place gave up some power to a government
* In exchange, government promotes everyone’s well-being

**Legislative**

Continuous Body

* A government body whose seats are never up for election all at the same time
* Senate (not House) is a continuous body – 1/3 of senators elected every 2 years

Filibuster

* An effort to keep talking long enough to prevent a vote on a bill
* Permitted in the Senate, but not in the House
* Record for filibuster by single senator: former Sen. Strom Thurmond (SC): 24 hrs., 18 min.

Gerrymandering

* Unfair drawing of district lines, giving a party or group the advantage
* States must draw district boundaries to include a similar population in each district
* *Wesberry v. Sanders*: Supreme Court said that each person’s vote should be worth the same

Midterm (Off-year) Elections

* An election for Congress that takes place between presidential election years

Pigeonhole

* To set aside a bill that is no longer being considered
* Most bills are rejected by committees and pigeonholed

President of the Senate

* The leading officer of the Senate; the Vice President of the United States
* VP breaks ties in the Senate & fills in for the President if needed

President *pro tempore*

* The member of the Senate chosen to take the place of the Vice President when he is absent

Speaker of the House

* The leading officer of the House of Reps, chosen by and from the majority party in the House

Special Session

* A session called to deal with an emergency
* If Congress needs to meet after they have adjourned, President may ask for a special session

**Executive**

Commander-in-Chief

* Head of the armed forces
* Immediate control of the military

Electoral College

* Each state would choose presidential electors (one for each senator & representative)
* Each elector would cast 2 electoral votes, for 2 different people
* How it used to be: most votes = president, 2nd most = vice president
* How it is now: most votes = president, President chooses Vice President
* Senators + Representatives = Electoral Votes

Pocket Veto

* (If the President does not sign the bill within 10 days, it automatically becomes a law)
* If Congress adjourns within the 10 days and the President does not sign the bill, it dies

Presidential Succession

* Vice President becomes President
	+ Not originally in the Constitution (1967: 25th Amendment)
	+ Presidential Succession Act of 1947
		- Vice President, Speaker of the House, President *pro tempore*, Secretary of State

Requirements for President

* Natural born citizen
* At least 35 years old
* Resident of the U.S. for at least 14 years

**Judicial**

Judicial Activism

* Open to considering changing values and circumstances

Judicial Restraint

* Considering the Constitution, the intent of the law, and precedent

Judicial Review

* Courts can declare laws and actions (local, state, federal) unconstitutional
* Lower courts also exercise this power
* Supreme Court is the final authority on the meaning of the Constitution

Original Jurisdiction

* The court hears a case first (Supreme Court and district courts)

Appellate Jurisdiction

* The court hears a case on appeal from a lower court (Supreme Court and appeals courts)

Supreme Court Actions

* Supreme Court can choose to approve the case and do nothing
* Can also disapprove and change something
* Can also to send the case back to the lower court

Supreme Court Opinions

* Majority opinion: the official decision of the court, which explains its reasoning
* Concurring opinion: written by a justice who agrees with the official decision, and wants to explain his/her own reasoning
* Dissenting opinion: written by a justice who disagrees with the official decision, and wants to explain his/her own reasoning

**Short Answer**

The Bill of Rights

The Bill of Rights is the name for the first ten amendments to the U.S. Constitution, which protect our basic rights. It was created in order to help the Anti-Federalists agree to ratify the Constitution, as they were worried about whether or not their rights would be respected under the new plan for government.

Compromise (Virginia and New Jersey Plans)

Compromise is when each side of an issue gives up something in order to come to an agreement. The Virginia Plan was created by the larger states with a strong central government in mind. This government would have three branches, legislative, executive, and judiciary, and the legislature would be bicameral. In this legislature, the representatives would be elected from each state according to population, and the senators would be chosen by the representatives. The New Jersey Plan was created by the smaller states, and had only a unicameral legislature. Each state would get one member in Congress – one vote. Since each plan benefitted only the large states or the small states, they met in the middle. The Connecticut Compromise reflects our government today, in which the President chooses the judiciary branch (justices) and Congress is bicameral, in which the number of representatives is determined according to each state’s population, and each state receives two senators, so part of each plan was incorporated into the new plan, the compromise.

**Essay**

How a Bill Becomes a Law

A bill starts out as an idea. That idea spreads and develops and grows, and eventually the founder of that idea calls the local representative. This representative thinks that this is a great idea, and the idea is now a bill. It is sent to the House of Representatives, where it is given a number and a short title. The bill is read, printed, and distributed to the representatives. Next, it advances on to committee. A standing committee decides that the bill is important enough for floor consideration, and passes it on. The House Rules Committee sets a day for the discussion of the bill on one of the five House calendars. It is presently on the floor (figuratively, not literally), in which it is read for a second time. The representatives read, debate, and vote on the bill. The bill has passed! It now moves on to the Senate and the process starts almost from the very beginning.

The bill is introduced in the Senate, and moves on to the next step, in which the floor leaders schedule the debate. The bill is on the floor again, but in the Senate this time. The bill is passed, and moves on to conference committee. This committee settles the differences between the versions of the bill passed by the two houses, and both vote again. The bill now moves on to the Oval Office. The President signs the bill into law. The bill is, as of this moment, a law!