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**AP U.S. GOVERNMENT AND POLITICS**

**Unit 1- Constitutional Democracy – Review Packet**

The U.S. Constitution arose out of important historical and philosophical ideas and preferences regarding popular sovereignty and limited government. Compromises were made during the Constitutional Convention and ratification debates, and these compromises have frequently been the source of conflict in U.S. politics over the proper balance between individual freedom, social order, and equality of opportunity.

The first semblance of a national government created after independence was a state centered, decentralized system that reflected a fear of a powerful central government. Yet, the lack of powers held by the weak national Congress, coupled with each state’s independent and often conflicting actions, raised concerns with such key actors as James Madison and Alexander Hamilton as to whether the Articles of Confederation were able to protect the new nation. The weaknesses led to a call for change and a decision to host a convention to revise the Articles. The convention itself was a triumph of negotiation, collaboration, and compromise, extending beyond the delegates’ original mandate. It led to the creation of a new constitution that granted more centralized authority, while dispersing powers among three branches in the national government, and reserving powers and authority to the states to govern within their borders.

The group that favored the new federal Constitution, the Federalists, argued that the constitutional separation of powers and checks and balances would protect people from governmental tyranny and unify the nation. The Federalists also argued that although the Constitution lacked a specific listing of rights, it protected civil liberties in general by limiting the national government to powers that were enumerated. By contrast, the Anti-Federalists argued against the new federal system, claiming that the new Constitution would erode the sovereignty of the states, the prominence of local self-government, and their inherited liberties, as it lacked a specific listing of rights needed to protect the people from the national government. The Federalists, after James Madison’s eventual concurrence, promised the Anti-Federalists that they would support the addition of a bill of rights once the Constitution was ratified. The Constitution was ratified in 1788 although the last state, Rhode Island, did not ratify it until 1790. The Bill of Rights, the first ten amendments to the U.S. Constitution, was ratified in 1791.

More than 200 years later, the compromises that were necessary for the Constitution’s ratification, and in some instances led to ambiguity, continue to fuel debate and sometimes even conflict over how best to protect liberty, equality, order, and private property.

**Essential Questions**

* How did the founders of the U.S. Constitution attempt to protect individual liberty, while also promoting public order and safety?
* How have theory, debate, and compromise influenced the U.S. Constitutional system? N
* How does the development and interpretation of the Constitution influence policies that impact citizens and residents of the U.S.?

**Big Idea #1: A balance between governmental power and individual rights has been a hallmark of American political development.**

**Ideas the U.S. Government is Based**

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| **Terms** | **Definition** |
| Natural Rights (and the 3 natural rights)  | John Locke-Rights inherent in human beings-not dependent on government1. Life
2. Liberty
3. Property
 |
| Popular Sovereignty  | A belief that ultimate power resides in the people |

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| Republicanism | A form of government in which people elect representatives to create and enforce laws |
| Social Contract  | An agreement between the people and their government signifying their consent to be governed |

**American Democratic Ideals Reflected in Documents**

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|  | Author(s) | Describe Purpose | Explain the Main Ideas |
| Declaration of Independence | JeffersonAdamsFranklinShermanLivingston | Justified the break from Britain and stated reasons for independence | All men are created equalInalienable rights |
| U.S. Constitution  | James MadisonConstitutional Convention | Supreme Law of the Land | Outlines the structure of the three branches of government |

**Theories of Representative Democracy**

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|  | **Definition**  | **Examples in Major Government Institutions**  | **Examples in U.S. Government Policy Decisions**  | **Examples in U.S. Events** | **Examples in U.S. Debates on Policy**  |
| Participatory Democracy  | All members of a group or community participate in decisions | -Town Hall Meetings-Initiatives and referendums in state and local gov’t  | -House of Representatives initially directly elected by the people | -Iowa Caucuses | -Presidential town hall events |
| Pluralist Democracy | A model of democracy that stresses vigorous competition among various interests in a free society  | -Interest Groups-Media | -Lack of new gun regulations despite public opinion polls due to NRA influence.-Lack of movement on social security reform due to AARP influence. | -Federalist #10, -Rise of lobbying and the role of money in campaigns | -Cable news networks, talk radio, internet websites favoring multiple different ideologies |
| Elite Democracy | The privileged classes acquire the power to decide by a competition for the people’s votes and have substantial freedom between elections to rule as they see fit | -Electoral College-Background of Supreme Court justices | -Senate initially directly elected by state legislatures | -Background and wealth of major politicians/cost of campaigns | -Tax debate as it relates to corporations, wealthy individuals. -Liberal vs. conservative divide on social welfare. |

**Special Note:** The three models of representative democracy continue to be reflected in contemporary institutions and political behavior and can take several forms along this scale.

**Special Note:** The debate between the Federalist No. 10 and Brutus No. 1, reflect the tension between the broad participatory model and the more filtered participation of the pluralist and elite models.

**Big Idea #2 The Constitution emerged from the debate about the weaknesses in the Articles of Confederation as a blueprint for limited government.**

**Views on Central Government and Democracy**

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| **Define: FACTION** | Political groups that agree on objectives and policies; the origins of political parties |
| **Federalist** | **Anti-Federalists**  |
| Foundational Document: Federalist 10, Federalist 51Author: Madison, Hamilton, Jay (Publius)Main Idea(s) (reasons to ratify constitution) They believed the Constitution was the best way to deal with “the tyranny of the majority” by creating three branches of government having distinctive and separate powers | Foundational Document: Brutus 1Author: Robert Yates Main Idea(s) (reluctance to ratify constitution) Believed that the Constitution gave too much political, economic, and military control. They wanted a decentralized governmental structure that granted most power to the states |

**Article of Confederation and its Weaknesses**

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|  | Description Incidents and Challenges | Description of the Long-term Challenge  |
| Shay’s Rebellion | Impoverished farmers in Massachusetts lost their farms because they were unable to pay taxes. They challenged the government by staging an uprising that the government could not stop because they did not have the power to form an army.  | Made leaders realize the need to revise the Articles of Confederation because they could not raise or maintain an army, there was no national court system or national currency, Congress could not regulate commerce among the states. |
| Power to Tax | Inability to collect taxes. Politely asked for $3 million from the states only to receive 1%.  | Made leaders realize that taxes needed to be collected in a more firm manner if they were planning on receiving them.  |

**Compromises at the Constitutional Convention**

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|  | Description of the the Compromise  |
| Great (Connecticut) Compromise | Virginia Plan: “large state” proposal for the new constitution, calling for proportional representation in both houses of a bicameral Congress. New Jersey Plan: called for equal representation of each state in Congress regardless of the state’s population. Great (Connecticut) Compromise: agreement by states at the Constitutional Convention for a bicameral legislature with a lower house in which representation would be based on population and an upper house in which each state would have two senators |
| Electoral College | Presidential electors from each state, number of electors is based on the state’s population. The number of electors for each state equals the number of senators and representatives that state has in Congress. The candidate with a majority of the electoral votes is elected to office. If no candidate receives a majority, the House of Representatives determines the outcome of the election.  |
| Three-Fifths Compromise | Adopted at the Constitutional Convention, every five slaves would count as three people for representation and tax purposes |
| Compromise on the importation of slaves | The South stated that if slaves were banned, they would not ratify the Constitution. It was decided that Congress could not ban the Slave Trade until 1808. |

**Special Note:** Compromises deemed necessary for adoption and ratification of the Constitution.

**Amendment Process**

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| What does it mean to Formally Amend the Constitution?  | Following the steps laid out in the Constitution |
| What does it mean to Informally Amend the Constitution?  | By judicial interpretation |
| **Which Article describes the Formal Amendment Process** | Article V |
| **2 Ways to Formally Amend** | **Propose a Constitutional Amendment** | **Ratify a Constitutional Amendment** |
|  | 1. 2/3 of each house can vote to propose an amendment
 | 1. ¾ of each house can vote to approve a proposed amendment
 |
|  | 1. 2/3 of the state legislatures can vote to propose a constitutional convention to propose an amendment
 | (2) special elections are held in each state to choose delegates to ratification conventions and the ¾ of those conventions vote to approve a proposed amendment |

**Special Note:** Debates about self-government during the drafting of the Constitution necessitated the drafting of an amendment process.

**Political Negations and Compromise and the Development of the Constitutional System**

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| **Explain how each of the following scenarios are debated, balancing rights of individuals, state powers, and national powers.**  |
| * Government surveillance resulting from the federal government’s response to the 9/11 attacks.
 | U.S. Patriot Act-weakens important civil liberties and protections of American citizens-allows federal officials greater authority in tracking and intercepting communications. More active border patrol, etc.  |
| * Role of the federal government in public school education.
 | NCLB Act incorporates increased accountability for states, school districts, and schools; greater choice for parents and students, more flexibility for states and local educational agencies in the use of federal education dollars“Race to the top” program-encouraged states through grants to satisfy certain educational policies such as performance-based standards for teachers and principals.  |

**Special Note:** The debate over the role of the central government, the powers of state governments, and the rights of individuals remains at the heart of present-day constitutional issues about democracy and governmental power.

**Special Note:** The compromises necessary to secure ratification of the Constitution left some matters unresolved that continue to generate discussion and debate today.

**Big Idea #3 The Constitution created a competitive policy-making process to ensure the people’s will is represented and that freedom is preserved.**

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| **Terms** | **Definition** |
| Separation of Powers  | Constitutional division of powers among the legislative, executive, and judicial branches, with the legislative branch making law, the executive applying and enforcing the law, and the judiciary interpreting the law |
| Checks and Balances  | A system that allows each branch of government to limit the powers of the other branches in order to prevent abuse of power |

**Federalist No. 51**

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| **Author** | James Madison |
| **Main ideas** | Separation of PowerChecks and Balances |
| **Explain how majority abuse is prevented** | By dividing the government into two distinct levels-state government and national government |
| **Explain how public policy is influenced by checks and balances and other stakeholders** | Multiple access points for stakeholders and institutions to influence public policy flows from the separation of powers and checks and balances. |

**Special Note:** Impeachment, removal, and other legal actions taken against public officials deemed to have abused their power reflect the purpose of checks and balances.

**Impeachment and Removal of a President**

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| **Reasons for impeachment:** | 1. Treason
2. Bribery
3. Other high crimes and misdemeanors
 |
| **Step 1:****House of Representatives** | **Step 2:****Senate** |
| Explain the House of Representatives role in checks and balance. The house accuses and brings the charges | Explain the Senate’s role in checks and balances. They are the jury |
| Votes Needed to impeach: Simple Majority | Votes needed to remove: 2/3 majority |
| During the formal Senate trial, who is the presiding judge?  | The chief justice of the Supreme Court |
| Explain how impeachment and removal represents the Constitutional system of government.  | Checks and balances |

**Big Idea #4 Federalism reflects the dynamic distribution of power between national and state governments.**

**Federalism**

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| **Expressed/Enumerated****(National Powers)** | **Concurrent****(Shared Powers)** | **Reserved****(State Powers)** |
| Definition:Powers explicitly given to Congress in the Constitution | Definition:Powers held jointly by the national and state government | Definition:Powers not specifically granted to the federal government or denied to the states belong to the states and the people |
| List: (Provide at least 5)-powers to levy taxes-power to regulate commerce and currency-power to declare war and raise an army-authority over the U.S. Navy-power to allow foreigners to become citizens | List:Collect tax and borrow moneySet up court systemCreate laws to maintain health, safety, and welfareSet minimum wageCharter banks | List:Regulate tradeMarriage lawsConduct electionsEstablish local governments |
| **Implied****(National Powers)** |
| Definition: Powers inferred from the express powers that allow Congress to carry out its functions |
| Explain: A power that is not explicitly granted by the Constitution but is implied by the necessary and proper clause to be delegated for the purpose of carrying out the enumerated powers |

**Special Note:** Societal needs affect the constitutional allocation of power between the national and state governments.

**Grants, Incentives, and Aids**

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| **Term** | **Define** | **Example** |
| Grants | Programs through which Congress provides money to state and local governments on the condition that the funds be employed for purposes defined by the federal government | Aid to families with dependent children |
| Incentives | An alternative to command-and-control, with market-like strategies such as rewards used to manage public policy  | Marijuana, Minimum Wage |
| Federal Revenue Sharing |  |  |
| Mandates | Terms set by the national government that states must meet whether or not they accept federal grants | Americans with Disabilities |
| Categorical Grants | Federal grants that can be used only for specific purposes, or “categories,” of state and local spending. They come with strings attached, such as nondiscrimination provisions | Head Start Program |
| Block Grants | Federal grants given more or less automatically to states or communities to support broad programs in areas such as community development and social services | Community Development Block GrantLocal Law Enforcement Block Grant |
| Explain how grants, incentives, and aid programs meet federal societal changes **AND** balance power.  | Federal grants, incentives and aid programs give states freedom to implement social programs to advance disadvantaged groups. Power is balanced between the federal and state governments (example: welfare) |

**Special Note:** Categorical grants have increased federal power because the states must comply with the regulations.

**Balance of Power between National and State Governments**

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|  | **Describe** | **Explain importance in a federal system**  |
| 10th Amendment  | Power reserved to the states | Provides for the general idea of Federalism |
| 14th Amendment | Granted citizenship to all persons born or naturalized in the U.S. including former slaves | Freed slaves |
| Commerce Clause | Gives Congress the power to regulate all business activities that cross state lines or affect more than one state or nation | Deals with the balance of power between federal and state government |
| Necessary and Proper Clause | Allows Congress to make all laws that are “necessary and proper” to carry out the powers of the Constitution.  | Possibly the most important clause |

**Special Note:** Interpretation of Constitutional powers is at the heart of the debate over the balance of power between the national and state governments.

**National and State Power Balance of Power**

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| **Court Case** | **Year** | **Brief description of the case and outcome** | **Constitutional principles** |
| *McCulloch v. Maryland*  | 1819 | Congress creates 2nd Bank of the U.SMaryland imposes taxes on the 2nd Bank of the U.S.Bank cashier McCulloch refused to pay the taxDid Congress have the authority to establish a bank?Did Maryland interfere with Congressional powers?-Congress has implied powers through the necessary and proper clause and Maryland violated the Supremacy Clause by interfering legitimate Congressional actions | -Implied powers-Necessary and Proper (Elastic) Clause-Supremacy Clause-10th Amendment-Reserved powers |
| *United States v. Lopez*  | 1995 | Congress passed the Gun Free School Zone ActLopez carried a gun on school grounds and was caughtHe was charged locally and then federally under the GFSZA and local charges droppedIs the Gun Free School Zone Act an unconstitutional violation of the commerce clause?Yes, possessing a gun in a school zone is a criminal act and not an act of commerce-criminal laws are specifically reserved for the states | -Commerce Clause-Necessary and Proper (Elastic) Clause-10th Amendment-Reserved powers |
| Explain how how the appropriate balance of power between national and state governments has been interpreted differently over time. | Articles of Confederation and Pre-Constitution favored states. The Constitution increases federal power, Marshall Court interprets law to further increase federal power, dual federalism in the pre-Civil War era under Tawney creates more of an equal balance between state and federal power. New Deal and the Great Depression and through WWII leads to a vast increase in federal responsibilities continuing through an era of cooperative federalism until the 1980s under Reagan where New Federalism and devolution begin a sway back towards the states. Today is marked by the effects of devolution while still having larger federal government involvement in recent initiatives such as health care. |

**Special Note:** The balance of power between the national and state governments has changed over time based on U.S. Supreme Court interpretation

**Policy-Making: Distribution of power**

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| **Task:** For each of the following columns, explain how the distribution of power impacts policy making. Be sure to include the influence of stakeholders and institutions involved, i.e. President, Interest Groups, Congress, etc. |
| **Legislative** | **Executive** | **Judicial** | **National Power** | **State Power** |
| Constitutional guarantee of power via Article I and Congress. Areas of policy emphasis include financial in the sense of revenue, spending, coining of money, regulation of financial institutions etc. Also emphasis on foreign policy via appropriations funding, declaration of war, the Senate’s “advise and consent” power etc.  | Constitutional guarantee of power via Article II via the Presidency. In recent years presidents have taken on a much greater role in foreign and domestic policy.Increased informal power through the President’s use of the bully pulpit, the media, executive orders, signing statements, and greater persuasion of Congress | Constitutional guarantee of power via Article III and the federal courts.Serves as the umpire between disputes between the legislative and executive branches with the Supreme Court being the ultimately authority on these types of disagreements. | Through fiscal federalism the national government has increased its power over the states by increasing the amount of conditions of aid attached to federal grants that states very much wish to acquire.As the role of the presidency has increased so too has the power of the national government over the states in that Presidents are more willing to use the various powers granted to them in order to achieve their policy agenda. | States have looked in recent years to regain power via legislation designed to limit the scope of federal authority.Furthermore, from an investigatory sense state attorney generals have asserted this power more and more by litigating cases involving federal law in court. |

**Special Note:** National policy-making is constrained by the sharing of power between and among the three branches and state governments.