

Final Exam Review

Section 1: Origins of the Constitution

Dictatorship: exists where those who rule cannot be held responsible to the will of the people.

Sovereignty in the United States belongs to the people.

All governments have an interest in order and control.

Absolute freedom exists only in a state of anarchy.

Confederacy: independent states who create a limited (weak) central government.

Representative Democracy: the rule of the people their elected officials.

Key weaknesses of the Articles of Confederation: no executive branch, no power to tax, equal voting rights for states regardless of size, no national court system.

The New Jersey Plan favored small states; the Virginia Plan favored big states; the Connecticut Compromise or "Great Compromise" was adopted, because it balanced the demands of both the large and small states in the national legislature.

The Anti-Federalists opposed the ratification of the Constitution because it lacked a Bill of Rights.

Declaration of Independence: the first document that expressed the idea that people had the right to abolish an abusive and unresponsive government.

Magna Carta: first document that limited the powers of rulers.

"The Federalist" was a convincing commentary on the meaning of the Constitution in favor of ratification.

Federalism: the idea that the power of government should be divided among a central government and several state and local governments.

Checks and Balances: each branch of government is subject to a number of constitutional restraints by one of the other branches.

Separation of Powers: the powers of the national government are divided equally among the three branches of government.

Section 2: The Legislative Process

Conference Committees: committees that resolve differences between House and Senate versions of bills or resolutions.

United States Senate:

Qualifications: 30 years old, 9 years citizen of the United States, resident of the State they represent.

Six year terms

Represent the entire state they are from

Can filibuster or hold the floor by continuously talking to block legislation

House of Representatives:

Qualifications: 25 years old, 7 years a citizen of the United States, resident of the state they represent.

Two year terms

Represent approximately 600,000 people

Speaker of the House is elected by the majority party

All bills that involve revenue start in the House

Elects a President if no candidate receives a majority of electoral votes

Article I, Section 8: the powers of Congress- right to coin money, right to declare war, right to raise an army and navy, right to approve all appointments and treaties (except the vice president), right to override a Presidential veto by 2/3 majority in both houses.

Gerrymandering: drawing district boundary lines to favor one group of people over another.

Reapportionment: district boundaries are redrawn every ten years because the Constitution requires it and because of population shifts between states.

Legislative Immunity: members of Congress are immune from court action because of any speech they make in Congress and are immune from arrest for small crimes during a session.

How a bill becomes law after passage in both houses:

The President signs it

President allows the bill to become law by "laying it on the table" for ten days

Congress overrides a Presidential veto

Necessary and Proper Clause: allows Congress to make any law it wants, if it is determined to be necessary for the operation of government.

Arizona's State Legislature: made up of 60 members in the House of Representatives and 30 members in the Senate.

Initiative: a way the citizens of a state can propose their own laws without having to go through the state legislature.

Referendum: a way the citizens of a state can defeat legislation passed by the state legislature.

Section 3: The Executive Branch

President of the United States

Qualifications: 35 years old, natural born citizen, and 14 years a resident of the United States

Duties: Chief Citizen, Chief Administrator, Chief Legislator, Chief of Party, Chief of State, Commander in Chief, Chief Diplomat

Limited to two terms and a maximum of ten years in office by the 22nd Amendment

Electoral College

Made up of the number of members in the House of Representatives (435) plus the number of Senators (100) plus three more members that represent territories for a total of 538 electoral votes. 270 out of 538 votes are needed to become president.

The electoral votes for each state are calculated by the number of representatives in the house from that state and the number of senators from that state. Arizona, for example, has 7 representatives in the house and 2 in the senate for a total of 9 electoral votes. It is winner-take-all in all 50 states. If no candidate gets 270 of the 538 votes needed, then the election goes to the House of Representatives, where each state gets one vote to decide who becomes President.

Order of Succession: President, Vice-President, Speaker of the House, Senate Pro Tempore, Secretary of State, Secretary of Defense.

Compensation: \$400,000 annual salary, 132 room mansion, a resort hideaway (Camp David), a personal yacht, and a \$50,000 annual expense account for clothing.

Impeachment: the House of Representatives brings impeachment charges and the Senate tries the case

Treaties: the President negotiates all treaties, but they must be ratified by the Senate

Arizona: the executive branch consists of the Governor and his/her cabinet, the Secretary of State, and the Attorney General, which is also the order of succession. Unlike the President, the Governor can be recalled by a vote of the people of Arizona.

Section 4 The Judicial Branch

Judicial Review: established in the case of *Marbury v. Madison* in 1803 and it gave the courts the right to declare laws of the government unconstitutional

Rule of Four: four justices of the Supreme Court must agree to hear a case before it is presented to the entire court.

Justices of the Supreme Court:

Are appointed by the President and confirmed by the Senate

Appointed for life, during good behavior
Can be removed by impeachment for criminal behavior

Dual Court System: exemplifies the concept of federalism in that there are national, state, and local courts

The United States Circuit Courts of Appeal have jurisdiction over the Federal District Courts

Amicus Curiae: refers to a “friend of the court” or an expert witness who has nothing material to do with the case.

Decisions of the Supreme Court: written in two forms- Concurring (in agreement) and Dissenting (in disagreement)

Concurrent Jurisdiction: means that a case may involve both the federal and state courts

Supremacy Clause: states that the United States Constitution is the supreme law of the land.

Section 5 The Bill of Rights

They are the first ten amendments to the Constitution

They were written to protect the rights of Americans against abuse by their government and to assure the ratification of the Constitution. They are not the only rights a citizen is entitled to.

1st Amendment: free religion, speech, press, assembly, and petition. Guarantees free speech, press, religion, assembly, and petition only to the point where it does not infringe on the rights of others. For example, yelling “fire” in a movie theater is unprotected speech, because of the danger such speech might bring. Also, your right to peaceful assembly does not apply anywhere or anytime. There are limits to where and when.

2nd Amendment: the people’s right to have guns in order to form a militia

3rd Amendment: forbids the government to house soldiers in private homes, except in cases of lawful national emergency.

4th Amendment: protects against unreasonable search and seizures without probable cause (reasonable grounds to believe a crime has been committed). It has the Exclusionary Rule, which prohibits the state from presenting evidence that has been gathered illegally by the police.

5th Amendment: includes due process and the Miranda Rights (right to remain silent and get legal representation). used by citizens to avoid self-incrimination, provides for due process by the legal system, and provides for just compensation for damages inflicted on your property.

6th Amendment: state must present evidence to a Grand Jury in order to get an indictment, and your right to have an “impartial” jury

8th Amendment: no excessive fines or bails and no cruel and unusual punishment.

14th Amendment: the “equal protection” amendment has been used to apply certain parts of the Bill of Rights to the states. Example: *Brown v. Board of Education, Topeka, KS* in 1954

Section 6 American Political Landscape

Two party system: evolved from the conflict between the Anti-Federalists and the Federalists over the ratification of the Constitution

Amendments that affected voting:

- 15th- color removed as a restriction
- 19th- gender removed as a restriction
- 26th- age lowered to 18

Conservatives: those who believe that every individual should be responsible for his/her own well being, and that government should force all welfare recipients to go to work.

Liberal: those who believe that we have a shared responsibility for each other and government should involve itself in social well being

Moderates: those who have views that are taken from both the right and left of the political spectrum

Primary vs. General Election: primary elections serve to select the candidates from within a party who will run later in the general election for the office that is actually up for grabs.

Closed Primary: only those individuals who are registered in a particular party may participate in that party’s primary

Open Primary: any individual who is a registered voter can participate, regardless of party affiliation.

Minor Parties:

- Tend to be absorbed by the two main parties
- Are issue driven
- Have voters who cannot participate in state primaries

Sociological factors that influence voting:

- Age
- Race
- Gender
- Income
- Education
- Occupation

Poll taxes, literacy tests, and grandfather clauses were used historically to keep African Americans from voting

Interest Groups: serve to influence public policy.

Political Action Committees (PACs): serve to raise funds for political campaigns

Lobbyists: one who works to represent special interest groups and seeks to influence lawmakers in Congress.

Media: informs the public about government activity