**Final Exam  - Government**

**Natural Rights Philosophy**

            John Locke

                        Life, Liberty, and Property

**Purposes of Government:**

1. Maintain Order

2. Provide Services

3. Resolve Conflict

4. Promote Values

***Articles of the Confederation* -** the first form of government the United States would have.  It lacked power and was unable to function efficiently because of certain fundamental weaknesses:

* *Weakness* -No provision made for an executive branch

Result - no president to enforce the laws passed by Congress

* *Weakness* - No judicial branch of government

Result - no federal courts to settle disputes between states or residents of different states

* *Weakness* - Congress did not have the power to tax - it could only request funds from the state

Result - never had enough money to run the government or to meet financial obligations

* *Weakness*- Congress lacked the power to regulate trade among states or with foreign powers

Result - Foreign nations refused to negotiate commercial agreements with the US because Congress was unable to enforce them.

***Accomplishments of the Confederation*:**

1. It led the American people through the last phase of the Revolution and negotiated the Treaty of Paris
2. It kept the 13 states together until they were ready to accept a stronger plan of union.
3. It laid the foundation for America=s westward expansion

***Constitutional Convention:***

A convention was called to discuss ways and means of improving the national government.  Although reluctant at first, the congress finally endorsed the idea and called a conference.  All states but Rhode Island agreed to attend.  This conference became known as the Constitutional Convention and it convened at Independence Hall in Philadelphia in May of 1787.  Originally supposed to just rewrite the Articles of Confederation, but soon they decided to write a whole new one.

*Delegates:*

* George Washington - elected President of the convention
* Benjamin Franklin - 81 years old - diplomat and philosopher whose intellect and wit helped settle many disagreement
* James Madison - called The *Father of the Constitution*, because he kept a detailed record of the proceedings at the conference
* Alexander Hamilton - felt the powers of the national government be strength
* Gouverneur Morris - prepared the final draft of the Constitution.
* Roger Sherman - introduced the Great Compromise and the only person to sign the Declaration of Independence, Articles of Confederation, and the Constitution

***Guiding Principles of the Constitution:***

            Liberty vs. Order

            Rights of the Accused

            Unity vs. Diversity

            Individual Rights vs. the Sovereignty of the nation

            Dangers and Benefits of and Energetic Government

            Capital Punishment vs. The Constitution

*Constitutional Compromises:*

Problem  #1.  Representation in Congress.  The large states favored the*Virginia Plan.*This called for representation in Congress to be based on population.  The small states, fearful of being outvoted in Congress because of their limited population, supported the*New Jersey Plan*.  This proposed that each state have equal representation.

Solution: *The Great Compromise*.  The problem was solved by creating a Congress consisting of two houses.  (Bi-cameral legislature).  In the upper house, the *Senate*, each state was to be represented equally by two senators.  In the lower house, the *House of Representatives*, each state was to be represented on the basis of population.

Problem #2.  To obtain maximum representation but minimum taxation, the Southern states proposed that (a) slaves be counted as part of the population in determining representation in the House of Representatives, and (b) slaves not be counted for the purpose of direct taxation by the federal government.  The Northern states completely opposed this plan.

Solution: *The Three-fifths Compromise.*The problem was solved by providing that five slaves be counted as three persons for both representation and direct taxation

*Features of the Constitution*

*Preamble -*the purposes and intentions of the Constitution

*Separation of Powers*

Legislative Branch of Government

Duty:                           **To make the laws**

Structure:        A Congress of two houses

A.  Senate B two members from each state (100 at present)

B.  House of Representatives B members from each state based on population.  One for each five hundred thousand people.  (435 at present)

Executive Branch of Government

Duty:               **To enforce the laws**

Structure:        A President to serve as the Chief Executive

A Vice-President

A Cabinet - made up of special advisors and executive assistants over different department and many administrative agencies to assist the President in carrying out the laws.

Judicial Branch of Government

Duty:                           **To interpret the laws**

Structure:        A Supreme Court (9 Supreme Court Justices)

Lower federal courts (13 court of appeals and 94 district courts)

*Checks and Balances:*The framers set up a system of checks and balances.  This system gives each       branch of government the power to prevent another branch from becoming too powerful

*Legislative Checks*

Congress can check the President by refusing to appropriate money for an executive department.  It can also refuse to authorize the creation of new administrative agencies and can abolish existing ones.  It can check the Judiciary by its power to create or abolish lower federal courts.  Congress can impeach federal judges.(impeach means to charge with wrongdoing).

                                                            The Senate and House of Representatives can check each other, since a bill must be passed by both houses before it becomes a law.

Senate can reject a treaty made by the President  (A 2/3 vote is required to ratify a treaty).  It can also reject presidential appointments by majority vote.  (By 1 vote).  The Senate also holds the trial when a President is impeached.

House of Representatives has the power to impeach the President.

*Executive Checks*

Presidents can check Congress with their power to veto bills.  (Congress may override presidential vetoes by a 2/3 vote of both houses.)  Presidents can check the courts with their power to appoint federal judges (with the approval of the Senate).  They may also pardon persons convicted in criminal courts.

*Judicial Checks*

The judiciary can check the other two branches by declaring acts of Congress and actions of the President *unconstitutional* (contrary to the Constitution).  This power is called*judicial review.*

*Division of Powers*: Although the writers of the Constitution aimed to create a strong central government, they were equally determined to provide adequate authority to the states.  The states gave up certain specific powers to the national government.  These are called **enumerated or delegated powers.**The states retained other powers for themselves.  These are called **residual or reserved** powers.  The central government takes care of matters that effect the nation as a whole*,*and the states were to concern themselves with local affairs.  This system of government is known as a federal system of government.

*Powers delegated to the Federal Government****(enumerated or delegated)***

1.  To levy and collect taxes uniformly throughout the country

2.  To borrow money

3.  To coin money and regulate its value

4.  To establish post offices and post roads

5.  To regulate interstate and foreign business

6.  To control the seat of the national government and protect federal property

7.  To declare war

8.  To make treaties with foreign nations

9.  To raise and support armies - to provide and maintain a navy

          10.  To establish rules for the naturalization of aliens

          11.  To make all laws necessary and proper for carrying out the foregoing powers.  (These are called implied powers because they are not listed, only assumed, and allows the federal government to stretch its powers beyond those specifically given to it and is therefore called the elastic clause.)

*Powers reserved to the States****(residual or reserved)***

1.  To provide for a system of education

2.  To make laws on marriage and divorce

3.  To establish voting qualifications

4.  To provide for local government

5.  To pass laws for the health, safety, and welfare of the people

6.  To punish crimes within the state

7.  To regulate business within the state

8.  To construct roads, bridges, parks, and other public works within the state

*Concurrent Powers* - these are powers that both the state and federal government can do                             at the same time.   Both may collect taxes, borrow money, and establish courts

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*Powers denied to both the Federal and State Governments*

1.  To grant titles of nobility

2.  To pass an *ex post facto law* - a laws that punishes a person for a past action that was not unlawful at the time it was committed.

3.  To pass a *bill of attainder* - a law that deprives a person of his or her civil rights without a trial.

*Amending the Constitution*

One of the basic weaknesses of the Articles of Confederation was the extreme difficulty of changing or amending it.  The Founders overcame this weakness and made the Constitution a flexible document, capable of changing with the changing times. The Constitution can be amended in four ways.  The method most frequently used is to have an amendment proposed by a two-thirds vote of both houses of Congress and then to have it ratified by the legislatures of the states.

*Bill of Rights*

The first 10 amendments, together known as the Bill of Rights, were added to the Constitution in 1791.  These amendments guarantee people the following:

1.  **Guarantees of Basic Personal Rights:**

Freedom of speech, press and religion; the right to assemble peaceably and to request the government to correct abuses.

2.  **Military Guarantees:**

Freedom to form a militia; protection against the lodging of soldiers in private homes in time of peace.

3.  **Legal Guarantees:**

Assurance of the right of trial by jury in both criminal and civil cases; protection against excessive bail, excessive fines, and cruel punishment; protection against loss of life, liberty or property without due process of law; security against unreasonable searches and seizures of persons and property; fair compensation for property seized by the government.

**Capitalism** - an economic system in which investment in and ownership of [the](http://dictionary.reference.com/browse/the) means of production, distribution, and exchange of wealth is made and maintained chiefly by private individuals or corporations, especially as contrasted to cooperatively or state-owned means of wealth.

**Socialism** - a [theory](http://dictionary.reference.com/browse/theory) or system of [social organization](http://dictionary.reference.com/browse/social+organization) that advocates [the](http://dictionary.reference.com/browse/the) vesting of the ownership and control of the means of production and distribution, of capital, land, etc., in the community as a whole.

**Communism**- a [theory](http://dictionary.reference.com/browse/theory) or system of social organization based on [the](http://dictionary.reference.com/browse/the) holding of all property in common, actual ownership being ascribed to the community as a whole or to the state.

***Monarchy***  The office of the head of state is a hereditary position

***Feudalism***  is a political system based on the rule of local lords bound to a monarch by ties of loyalty

***Absolute Monarchy***  When the member of royalty has almost complete power

***Constitutional Monarchy***  When the leader is primarily a ceremonial head of state and the real power lies in the constitution

***Republic***  a country in which the government=s authority comes only from the people.

***Classical Republic*** B In Ancient Greece  city-states allowed all adults to participate in government decisions

***Democracy***  rule by the people

***Dictatorship***  Power is concentrated in the hands of a single person, or a small group of people

***Autocracy***  This means rule by one.

***Oligarchy***  This means rule by a few.

***Authoritarian***  This is when rulers only answer to themselves, not to the people

***Totalitarian***  When a system of government in which a leader  exercises a tremendous amount of control over it=s citizens= lives

***Despotism*** -- When rulers seek complete control over all aspects of citizens= lives, including political, religious, social, cultural, and even personal activities.

***Unitary System***  All legal power is held by the national, or central, government

***Federal System***  When powers are divided among national, state, and local governments.

***Confederal System***  When independent states join together to accomplish common goalsB there may be no central government

***Presidential System***  A system of government in which the legislative and executive branches operate independently of one another

***Parliamentary System***  A system of government in which power s concentrated in a legislature.

Requirements to be President - Term - 4 years

- 35 years old

- Natural born citizen

- live in the country for 14 consecutive years

Requirements to be Senator - Term - 6 years

- 30 years old

- Resident of a State

- 9 years a citizen

Requirements to be a Representative - Term - 2 years

- 25 years old

- Inhabitant of a state

- 7 years a citizen

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| *Schenck*  *v.*  *United*  *States* | Was the right to free  expression absolute, or  could limits be placed on freedom of speech in time of war? | “words could be weapons” This decision established the “clear and present danger test” for limiting speech. |
| *Mapp*  *v.*  *Ohio* | Did the 14th Amendment  require States to prohibit  the admission of illegally  obtained evidence in court? | No man is to be convicted on unconstitutional evidence. |
| *Texas*  *v.*  *Johnson* | Is burning the American   flag a protected form  of (symbolic) political  speech? Was a Texas  law providing punish-  ment for such desecration  a constitutional exercise  in State power? | The Court that burning a flag with political purpose was protected under the freedom of speech. |
| *Roe*  *v.*  *Wade* | Could States limit a woman’s ability to ter-minate a pregnancy in the first three months? | The ruling made abortion legal in the first trimester. |
| *Miranda*  *v.*  *Arizona* | Was a confession admissible in court if the defendant had not received adequate warning of his or her constitutional rights? | All defendants must be warned of their rights when being arrested. |
| *Brown*  *v.*  *Board of*  *Education of*  *Topeka* | Was segregation by race  in public schools a fundamental violation of the Equal Protection Clause of the 14th Amendment? | Segregation in the public schools has no place, and it overturned the Separate but equal doctrine established by the Plessy v. Ferguson case. |