**Government and Citizenship - Study Guide**

***John Locke’s Natural Rights***

Life, Liberty, and Property

***Declaration of Independence***

Thomas Jefferson – Author

Inalianable Rights – Life , liberty, and Pursuit of happiness

***Social Contract*** – One in which a reasonable individual is willing to give up some of their rights in order to gain security and protection.

Aspects or components of Social Contract in the United States:

1. All men are created equal

2. Inalianable rights – life, liberty, pursuit of happiness

3. Governments are instituted among men

4. Based on the consent of the governed

***Republic*** - a govt. in which citizen’s rule through their elected representatives

**Representative Democracy**- When people elect representatives to conduct the business of government

**Federal System** - When power is divided among national, state, and local governments.

**Confederal System** - When independent states join together to accomplish common goals.

***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 Americas westward expansion

***Constitutional Convention****:*

A convention was called to discuss ways and means of improving the national government. All states but Rhode Island agreed to attend. 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 with helped settle many disagreements 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 strengthened

***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. (**Bicameral 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*** *–* states the purposes and intentions of the Constitution

***Separation of Powers –****Creation of three branches of government with different powers*

Legislative Branch of Government

Duty: To make the laws

Structure: A Congress of two houses

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

B. House of Representatives 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 courts of appeal 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 (give) money for an executive department. It can also refuse to authorize the creation of new administrative agencies and can abolish (get rid of) 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***: Powers divided between the federal and state governments. This system of government is known as a federal system of government, or federalism.

*Powers delegated to the Federal Government known as (****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 known as (****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* - powers that both the state and federal government can do at the same time. Both may collect taxes, borrow money, and establish courts.

*Powers denied to both the Federal and State Governments – neither can do*

1. Grant **titles of nobility**

2. 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. Pass a ***bill of attainder*** a law that deprives a person of his or her civil rights without a trial.

**Amending the Constitution:** The Constitution may be formally **amended**(Changed) in four ways – the purpose is the increase or decrease the power of the national government, to expand the electorate and its power, to reduce the electorate’s power, and to limit state government power. 1. Amendments may be proposed by a 2/3 vote of each house of Congress and ratified by at least ¾ of the state legislatures. (all but one amendments have been added through this process). 2. Amendments may be proposed by a 2/3 vote of each house of Congress and ratified by specially called conventions in at least ¾ of the states. (This method was used once – for the 21st Amendment that repealed Prohibition).

*Adoption of the Constitution*

September of 1787, the Constitution was completed and sent to the states for ratification (adoption). The approval of nine states was necessary before the new plan of government could be put into effect. The issue of ratification touched off a great debate among the people and divided the nation into two factions. The *Federalists* supported the Constitution and the *Anti-Federalists* opposed it. Merchants, manufacturers, large landholders, professionals, and government bondholders were generally Federalists. They stood to benefit from the establishment of a strong central government capable of regulating commerce , maintaining law and order, and stabilizing the nations finances. Anti-Federalists included small farmers, frontier settlers, city laborers, debtors, and others who believed that the states should retain maximum power, and independence. The Anti-Federalists argued that the Constitution granted the federal government too much power and that it made no provision for safeguarding the fundamental rights of the people. New York faced the greatest opposition. *Alexander Hamilton, James Madison, and John Jay* wrote letters to newspapers in which they analyzed the Constitution, answered criticisms and urged the people to support ratification. These letters were later published and became known as the *Federalist Papers*. It was still unanimously adopted by all 13 states by the time the government was in full swing.

***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.