



Chapter 4 Foundations of American Democracy



Although the Enlightenment philosophers are important for their influence on the framers of the Constitution, they are not directly tested on the AP U.S. Government and Politics Exam.

CONCEPTS

- Why did the Articles of Confederation fail?
- What was the immediate impact of Shays' Rebellion?
- What motivated the framers of the Constitution? Were they elitists or pragmatists?
- Why did the framers create a republican form of government?
- Why did the framers create a federal system of government?
- What is the purpose of checks and balances and the separation of powers?
- Why are plurality systems democratic but unstable?

ENLIGHTENMENT PHILOSOPHIES

The framers of the Constitution lived in a unique time when new ideas on how government should be organized and run challenged conventional wisdom regarding the roles of people and their governments. The Enlightenment was an 18th-century philosophical movement that began in Western Europe with roots in the Scientific Revolution. The focus was on the use of reason rather than tradition to solve social dilemmas.

Major Enlightenment Philosophers

Thomas Hobbes: Hobbes's famous work *Leviathan* (1660) argued that if humans were left to their own devices, chaos and violence would ensue. In a state of nature, life would be "solitary, poor, nasty, brutish, and short." He argued that the best way to protect life was to give total power to an absolute monarch because man cannot be trusted to rule himself.

John Locke: While Hobbes was concerned primarily with the protection of life, Locke went further and argued in his *Second Treatise on Civil Government* (1690) that liberty and property also needed to be respected. According to Locke, life, liberty, and property were natural rights granted by God; it was the duty of all governments to respect and protect these rights. If the government did not, Locke contended, the citizens have the right of revolution.

Charles de Montesquieu: Montesquieu was a French philosopher who greatly influenced the founders. His *De l'Esprit des Lois* (*The Spirit of the Laws*, 1748) advocated for the separation of power into three branches of government.

Jean-Jacques Rousseau: Rousseau argued in *The Social Contract* (1762) that the only good government was one that was freely formed with the consent of the people. This consent was shown by a powerful agreement among people.

Enlightenment philosophers favored democracy over absolute monarchy. Here are some of the forms a democracy can take:

- **Participatory democracy** emphasizes broad participation in politics and civil society by citizens at various levels of socioeconomic status.
- **Pluralist democracy** implies organized group-based activism by citizens with common interests all striving for the same political goals.
- An **elite democracy**, on the other hand, would discourage participation by the majority of citizens and cede power to the educated and/or wealthy.

The American Founding Fathers were most politically influenced by Enlightenment thought in their promotion of Republicanism. Republicanism espouses individual liberty and God-given rights, believes that all governmental power is derived from the people, rejects aristocracy, and encourages broad-based civic participation in political affairs. American Republicanism is characterized by **representative democracy**, the principle of elected officials representing a group of people, as in the U.S. Congress and state legislatures. Direct democracy is not the primary mode of governance in the United States, although many states do allow for referendums (direct voting by the people). Also, most towns in New England still require a direct vote by the people on budgetary and legislative matters. Perhaps the stability of the American system of democracy is its use of diverse systems at different levels of government.

Many Enlightenment philosophers promoted the idea of **popular sovereignty**, the notion that the authority of a government is created and sustained by the consent of its people, through their elected representatives. Benjamin Franklin once said, “In free governments, the rulers are the servants and the people their superiors and sovereigns.”

The Declaration of Independence

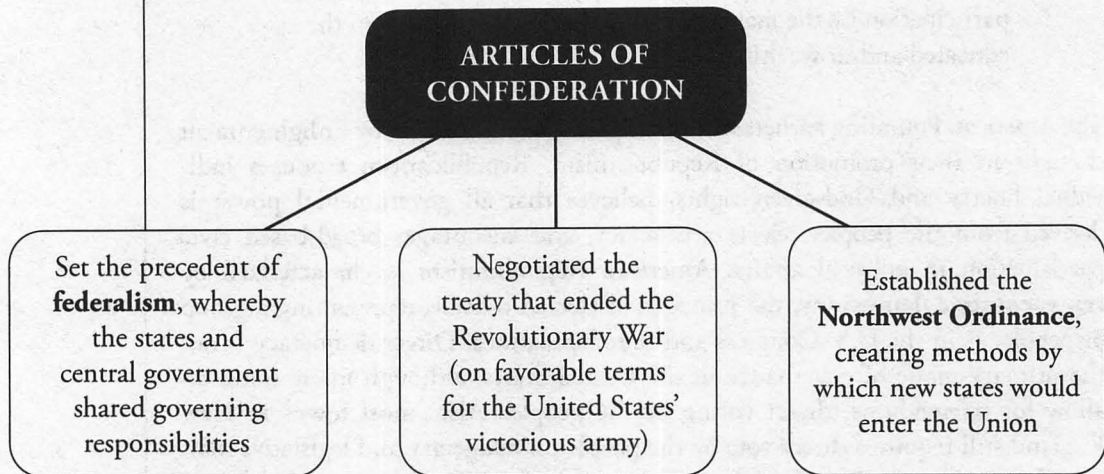
Although the American colonies and Great Britain had already been involved in armed conflict for more than one year, the Declaration of Independence was a formal declaration of war between the two groups. The majority of the document outlines the various injustices perpetrated by King George III against the colonies, which author Thomas Jefferson uses to explain why the colonies are declaring their independence. Not only a foundational document for the United States, in the following centuries other nations would use it as a template when declaring their independence from colonial powers.



You can read the Declaration of Independence in full at <https://www.archives.gov/founding-docs/declaration>.

THE WEAKNESSES OF THE ARTICLES OF CONFEDERATION

The first government of the newly born United States of America was formed under the **Articles of Confederation**, the predecessor to the Constitution. These Articles were informally followed from 1776 to 1781 when they were ratified and so named. The government under the Articles achieved some notable accomplishments, including the following:



However, the Articles of Confederation suffered from insurmountable weaknesses that placed the newly independent states at risk. The year 1783 was the official end of the American Revolution and the post-revolution transitional period was marked by states being wholly unprepared to manage their own affairs. By 1787, trade between the states was in decline, the value of money was dropping, potential threats from foreign enemies were growing, and there was the real threat of social disorder from groups within the country. The inability of the state of Massachusetts to effectively deal with **Shays' Rebellion**, a six-month rebellion in which more than 1,000 armed farmers attacked a federal arsenal to protest the foreclosure of farms in the western part of the state, was a major concern at the Constitutional Convention. The nation's leaders began to see the necessity of a stronger central government, as Shays' Rebellion frightened the statesmen and exposed the weakness of the Articles of Confederation.



Review Source Documents

Many students mix up the Constitution with the Declaration of Independence. Be sure to read through the Constitution (found on page 269) and the Declaration of Independence a few times before your exam.

The federal government under the Articles:

- could not draft soldiers
- was completely dependent on the state legislatures for revenue—the federal government was not permitted to tax citizens
- could not pay off the Revolutionary War debt
- could not control interstate trade
- had no Supreme Court to interpret law
- had no executive branch to enforce national law
- had no national currency

- had no control over import and export taxes imposed between states
- needed unanimity to amend the Articles
- needed approval from 9 out of 13 states to pass legislation (69% majority)

These deficiencies of the Articles of Confederation were the direct causes for calling a convention. But amending the articles became so difficult that James Madison did not have difficulty persuading the other delegates that a complete rewrite was necessary. The result was the **Constitution**, and the convention came to be known as the **Constitutional Convention**.

The Constitutional Convention

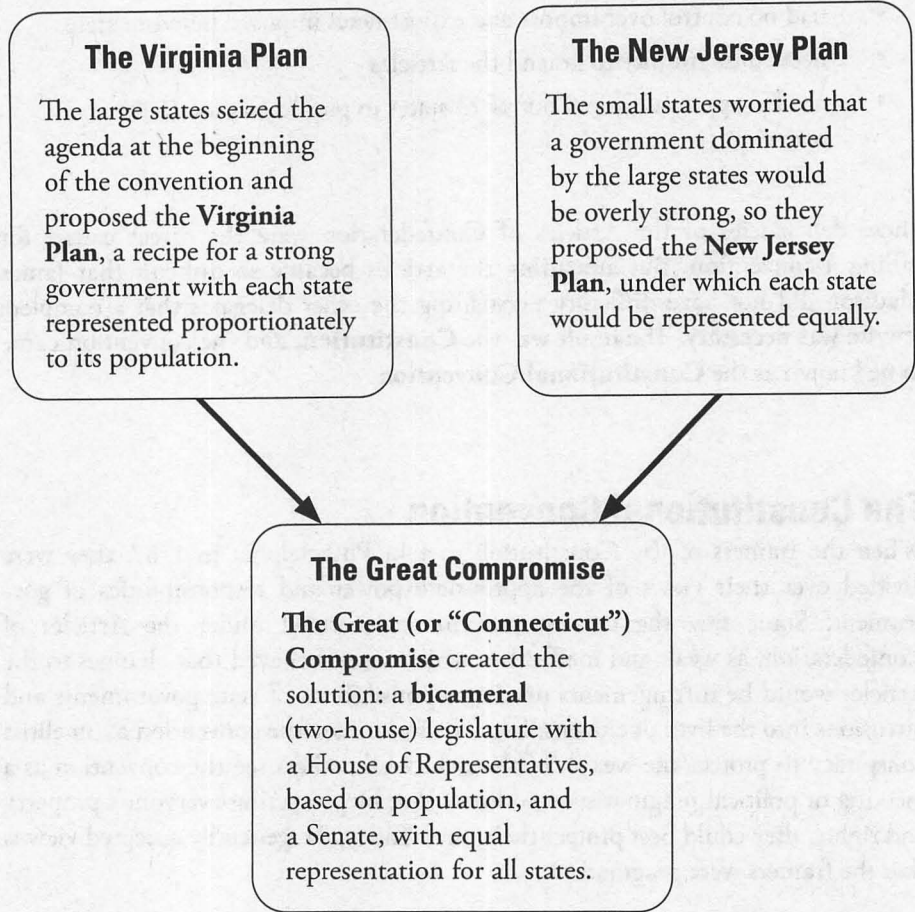
When the framers of the Constitution met in Philadelphia in 1787, they were divided over their views of the appropriate power and responsibilities of government. Some saw the current government, formed under the Articles of Confederation, as weak and ineffective, while others believed that changes to the Articles would be infringements on the responsibilities of state governments and intrusions into the lives of citizens. Some historians see the convention as an elitist conspiracy to protect the wealth of the rich, while others see the convention as a meeting of political pragmatists who knew that by protecting everyone's property and rights, they could best protect their own. Today, the generally accepted view is that the framers were pragmatists.

The delegates agreed that a stronger central government was necessary but were fearful of the corrupting influences of power. How to control the federal legislature was a central theme at the convention. The two main plans presented at the convention resulted in a compromise.



**Compromises,
Compromises**

Each state had its own interests to pursue and protect, which led to some key issues being temporarily tabled so as to ratify the Constitution. For instance, despite moral objections, delegates at the Constitutional Convention agreed that the international slave trade could not be ended until at least 1808. And while southern states—who heavily relied on foreign trade—opposed tariffs being placed by Congress on exported goods, they did concede a tax on imports, something that would be a major issue of contention down the road when determining states’ rights.



Another major conflict arose over the representation of enslaved people. (Remember that enslaved people could not vote then.) Northerners felt that enslaved people should not be counted when determining each state’s number of electoral votes, while Southerners disagreed. The “solution” was the infamous **Three-Fifths Compromise**, in which the decision was made that enslaved people would count as three-fifths of a person when apportioning seats in the House of Representatives.

Under the Articles of Confederation, there was no executive authority to enforce laws. The framers of the Constitution corrected that problem by addressing the issue of a chief executive, or president. Under the Constitution, the executive is the enforcer of law and a second check on the power of the legislature. Before bills become law, they require presidential approval, and the president has the power to veto acts of the legislature. However, presidential power is not absolute. Congress can override a presidential veto if two-thirds of both houses of the legislature vote to do so.

In order to arbitrate disputes between the Congress and the president, between states, and between the states and the central government, the framers created the Supreme Court.

Despite all of the compromises that were reached at the convention, acceptance of the Constitution was by no means assured. It had to be submitted to the states for ratification. Supporters and opponents of the Constitution broke into two camps, **Federalists** and **Anti-Federalists**. Alexander Hamilton, James Madison, and John Jay wrote a series of newspaper articles supporting the Constitution, collectively known as *The Federalist Papers*. These essays are the primary source for understanding the original intent of the framers. They were designed to persuade the states of the wisdom of a strong central government coupled with autonomous political power retained by the states.

The Anti-Federalists opposed the creation of a stronger national government, arguing that a Constitution would threaten citizens' personal liberties and effectively make the president a king. Keep in mind that only 12 years prior, these people had declared independence from Britain, and many were fearful that a large government would recreate that same state of tyrannical control from which they had just escaped.

The opposition to the Constitution centered on the lack of a **Bill of Rights** that would protect the rights of individuals from government infringement. Once the Federalists guaranteed that a Bill of Rights would be added to the Constitution immediately after ratification, opposition diminished, and the Constitution became the foundation of American government.

***The Federalist Papers* and Anti-Federalist Dissent**

Brutus No. 1

Basic Philosophy—Brutus No. 1 was the first publication that began the series of essays known as the *Federalist* and *Anti-Federalist Papers*. In Brutus No. 1, the anonymous author posed a series of questions about and critiques of the then-proposed Constitution. Main critiques included that the proposed national government had too much power, a standing army could diminish liberty, and representatives would not truly represent the people.

Major Dissent—*The Federalist Papers* were an attempt to answer the questions and assuage the concerns posed by Brutus and other Anti-Federalist writers.

Federalist No. 10

Basic Philosophy—James Madison addressed the dangers of factionalism and how to protect minority factions in a nation founded on majority rule. Madison argued that a large republic ensures multiple factions so as to avoid any one faction taking control, which could lead to a suppression of minority opinion.

Major Dissent—Anti-Federalists argued that Madison's claims were naïve, as a nation with multiple factions would never form the "perfect union" proclaimed in the Constitution. Anti-Federalists believed that no nation larger than one of the



You can read Brutus No. 1 in full at <http://teachingamericanhistory.org/library/document/brutus-i>.



You can read Federalist No. 10 in full at <http://teachingamericanhistory.org/library/document/federalist-no-10/>.



You can read Federalist No. 51 in full at <http://teachingamericanhistory.org/library/document/federalist-no-51/>.



You can read Federalist No. 70 in full at <http://teachingamericanhistory.org/library/document/federalist-no-70/>.



You can read Federalist No. 78 in full at <http://teachingamericanhistory.org/library/document/federalist-no-78/>.

states could survive for long. They believed that states' separate interests would tear them apart, as happened during the American Civil War.

Federalist No. 51

Basic Philosophy—James Madison argued that separation of powers and checks and balances would guarantee that no one faction would take total control of the national government. Also, separation of powers would make the national government more efficient, as each branch had specific responsibilities.

Major Dissent—Anti-Federalists claimed that there was no perfect way to separate powers and that eventually, one branch of government would hold more power.

Federalist No. 70

Basic Philosophy—Alexander Hamilton argued that the Executive Branch should consist of a single person, a president. Hamilton looked to the British monarchy as an example; the king had significant power but was checked by the House of Commons. Hamilton went a step further by proposing term limits as another check on the executive's power. (Term limits were not set until the ratification of the Twenty-Second Amendment in 1951.)

Major Dissent—Anti-Federalist critics claimed that with executive power vested in one person, only the president's "minions" would influence him. Other Anti-Federalists were alarmed at the prospect of giving control of the military to a single person.

Federalist No. 78

Basic Philosophy—Alexander Hamilton addressed Anti-Federalist critiques on the power of the federal judiciary by arguing that under the Constitution, the judicial branch would have the least amount of power. Even so, Hamilton reaffirmed that the Judicial Branch would have the power of judicial review, acting as a check on Congress.

Major Dissent—Anti-Federalists argued that a federal judiciary would overshadow the states' judicial systems, making state courts all but powerless. Also, Anti-Federalists claimed that federal judges' lifetime appointments could lead to corruption.

THE CONSTITUTION AS AN INSTRUMENT OF GOVERNMENT

The Constitution is vague and skeletal in form, containing only about 5,000 words. It was intended to be a blueprint for the structure of government and a guide for guaranteeing the rights of citizens. It was written to allow change, anticipating unknown needs of future generations, through amendments that require widespread support. The branches of government have all grown and evolved since the ratification of the Constitution.

- The first three articles of the Constitution set up the threefold separation of powers that are the **legislative**, **executive**, and **judicial** branches. More on that in a few pages.
- The **necessary and proper clause** of the Constitution (Article I, Section 8) allows Congress to “make all laws” that appear “necessary and proper” to implement its delegated powers. This is also called the **elastic clause**. For example, there is nothing in the Constitution that creates the Federal Reserve System, which is the central bank for the United States. Neither is there any mention of a cabinet in the executive branch. The Federal District Courts and the Courts of Appeals were both created by congressional elaboration.
- The Constitution states “The executive power shall be vested in a President of the United States of America.” This statement has given presidents the power to issue **executive orders**, which have the same effect as law and bypass Congress in policy making. Executive orders are not mentioned in the Constitution. Presidents use this power as part of the enforcement duties of the executive branch. **Executive agreements** between heads of countries have many of the same elements as treaties. These agreements bypass the ratification power of the Senate but are not mentioned in the Constitution. An extreme example of an executive order is Executive Order 9066, in which Franklin D. Roosevelt ordered people removed from a military zone. It was no coincidence that these people were Japanese American and German American. This order paved the way for all Japanese Americans on the West Coast to be sent to internment camps for the duration of World War II. A much smaller number of German Americans and Italian Americans were also sent to internment camps under executive order.
- When the Supreme Court decided the case of *Marbury v. Madison* in 1803, it drastically increased its own power by granting itself the ability to overturn laws passed by the legislature. This new power is known as **judicial review**.
- Finally, custom and usage have changed the system to meet differing needs. The political party system, with its organization, technology, and fund-raising capabilities, was created from custom and usage. The rules used in Congress were also created from custom and usage.

You can find the full text of the Constitution in this book (page 269).

Federalism

Central to the Constitution is the idea that the United States government is a federal government. The term **federalism** describes a system of government under which the national government and local governments (state governments, in the case of the United States) share powers. Other federal governments include Germany, Switzerland, and Australia. Contrast this with a **confederation**, a system in which many decisions are made by an external member-state legislation; decisions on day-to-day matters are not taken by simple majority but by special majorities, consensus, or unanimity—and changes to the Constitution require unanimity. But let's get back to federalism for now.

The Supreme Court (which we'll discuss in depth later) handed down a few important decisions concerning the relationship between the national government and local governments. Know these two, in particular, for your exam:

- **Essential Case: *McCulloch v. Maryland* (1819)** The court ruled that the states did not have the power to tax the national bank (and, by extension, the federal government). This decision reinforced the supremacy clause of the Constitution, which states that the Constitution “and the laws of the United States which shall be made in pursuance thereof...shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.”
- **Essential Case: *United States v. Lopez* (1995)** The case arose after a challenge to the Gun-Free School Zones Act of 1990, which banned possession of handguns on school property. The Court held that the Commerce Clause did not extend to the regulation of the carrying of handguns.

Powers Under Federalism

Delegated, or Enumerated, Powers

Delegated, or enumerated, powers are those that belong to the national government only. These powers include

- printing money
- regulating interstate and international trade
- making treaties and conducting foreign policy
- declaring war

Reserved Powers

Powers that belong exclusively to the states are called **reserved powers**. According to the **Tenth Amendment**, these powers include any that the Constitution neither specifically grants to the national government nor denies to the state governments. These powers are not listed in the Constitution; in fact, they are made up of all powers not mentioned in the Constitution. These powers include

- the power to issue licenses
- the regulation of intrastate (within the states) business
- the responsibility to run and pay for federal elections

Concurrent Powers

Concurrent powers are those that are shared by federal and state governments. These powers include

- the power to collect taxes
- the power to build roads
- the power to operate courts of law
- the power to borrow money

The Constitution specifies which powers are denied to the national government and which powers are denied to the states. Those powers are listed on the next page.

The Constitution also obliges the federal government to guarantee the states a republican form of government and protection against foreign invasion and domestic rebellion. The federal government must also prevent the states from subdividing or combining to form new states without congressional consent. The states, in turn, are required by the Constitution to accept the court judgments, licenses, contracts, and other civil acts of all the other states.

The precedent set by *McCulloch v. Maryland* requires conflicts between federal law and state law to be resolved in favor of federal law. State laws that violate the Constitution, federal laws, or international treaties can be invalidated through the supremacy clause.

The Tenth Amendment

The Tenth Amendment defines the relationship between the states and the national government under the concept of federalism. It states that when powers are not defined or delegated by the Constitution, the states have reserved power to make their own individual judgments—so long as they do not infringe on the explicit rules of the Constitution and the federal government. State issues such as the death penalty, speed limit, and drinking age are within the jurisdiction of the states to decide so long as they do not contradict the Constitution.

The nature of federalism has changed over time. For the first part of the nation's history, the federal and state governments remained separate and independent. What little contact most Americans had with government occurred on the state level, as the national government concerned itself primarily with international trade; the construction of roads, harbors, and railways; and the distribution of public land in the West.

The Federal Government Does Not Have the Power to

- suspend the writ of *habeas corpus* (which protects against illegal imprisonment), except in times of national crisis
- pass *ex post facto* (retroactive) laws or issuance of bills of attainder (which declare an individual guilty of a capital offense without a trial)
- impose export taxes
- use money from the treasury without the passage and approval of an appropriations bill
- grant titles of nobility

The State Governments Do Not Have the Power to

- enter into treaties with foreign countries
- declare war
- maintain a standing army
- print money
- pass *ex post facto* (retroactive) laws or issuance of bills of attainder (which declare an individual guilty of a capital offense without a trial)
- grant titles of nobility
- impose import or export duties

Most federal government programs, such as those to aid the poor, clean the environment, improve education, and protect the handicapped, are administered through the states. The federal government pays for these programs through grants-in-aid, which are outright gifts of money to the states. Some politicians prefer to tie strings to the grants, ensuring that the federal government maintains control over the money. Others want no strings attached, leaving decisions about how the grant money is to be used to state and local governments, who they believe know how best to spend it.

Those who favor federal power like **categorical grants**, aid with strict provisions from the federal government on how it may be spent. Those committed to states' rights like **block grants**, which permit the state to experiment and use the money as they see fit. In the final analysis, however, the federal government can use a number of techniques, including direct orders and preemption, to force the states to abide by federal law. The federal government can also use a crossover sanction, which requires a state to do something before a grant will be awarded. An example would be to raise the drinking age to 21 before federal highway money to build state roads is released.

Advantages of Federalism

- **Mass participation:** Constituents of all ages, backgrounds, races, and religions can participate by voting on both local and national issues.
- **Regional autonomy:** States retain some rights and have choices about public policy issues such as gun control, property rights, abortion, and euthanasia.
- **Government at many levels:** Politicians are in touch with the concerns of their constituents.
- **Innovative methods:** States can be laboratories for government experimentation, to see if policies are feasible.

Disadvantages of Federalism

- **Lack of consistency:** Differing policies on issues like gun control, capital punishment, and local taxes can clog the court system and create inequality in states.
- **Inefficiency:** Federalism can lead to duplication of government and inefficient, overlapping, or contradictory policies in different parts of the country.
- **Bureaucracy:** Power can be spread out among so many groups that it can result in corruption and a stalemate.



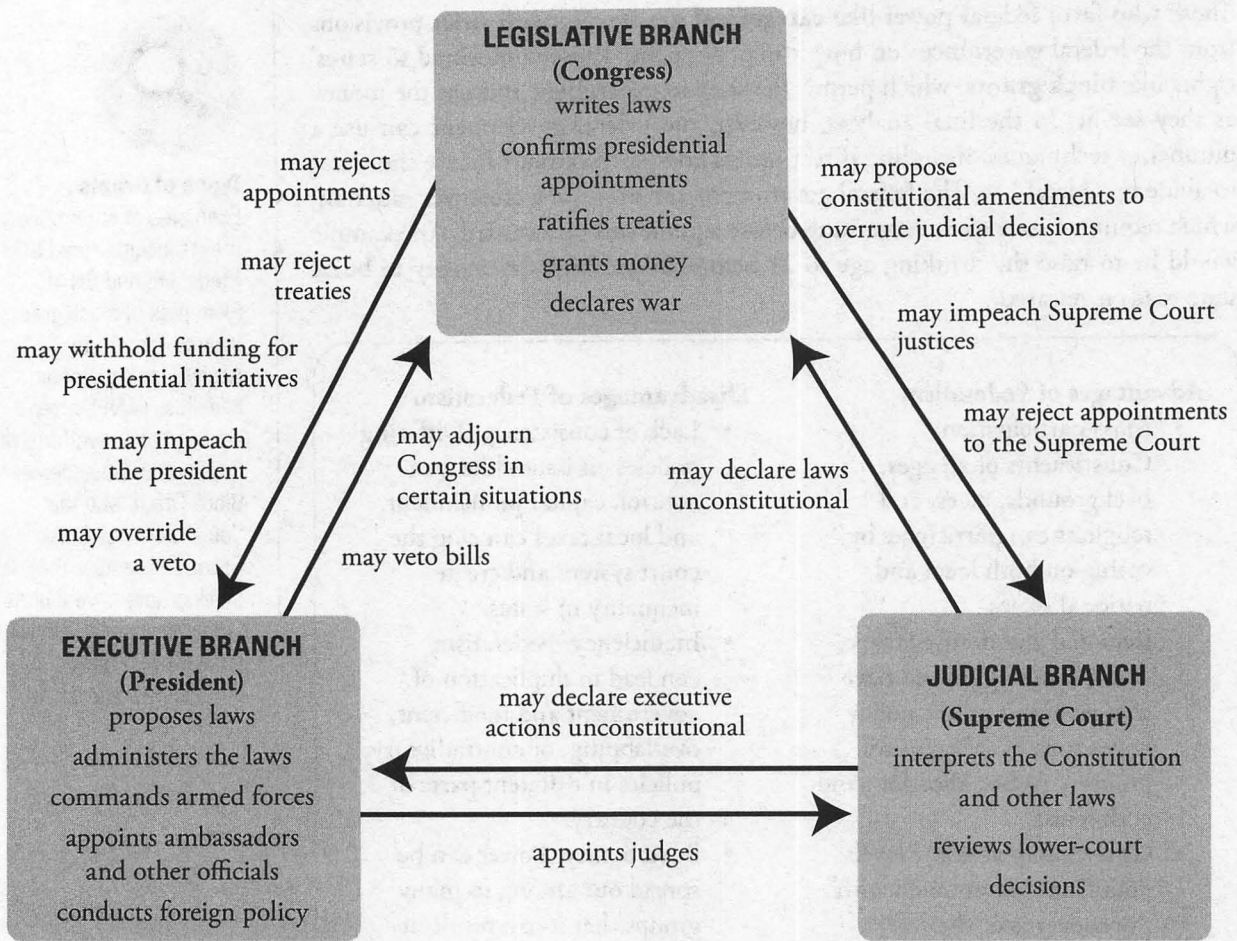
Types of Grants

Examples of categorical grants include Head Start, Medicaid, and SNAP. Examples of block grants include Temporary Assistance for Needy Families (TANF), often referred to as welfare, the Community Development Block Grant, and the Social Services Block Grant. Remember that block grants have a broad range of eligible activities typically addressing a general problem area.

Separation of Powers

The framers of the Constitution decided that no one faction of the government should be able to acquire too much power. To prevent this, they borrowed the concept of the **separation of powers** from the French political philosopher **Charles de Montesquieu**. The framers delegated different but equally important tasks to the three branches of government. The **legislative branch** (Congress) makes the laws; the **executive branch**, led by the president, enforces the laws; and the **judicial branch** interprets the laws.

Separation of powers also prevents a person from serving in more than one branch of the government at the same time. For example, a congressperson (legislative branch) may not simultaneously be either a judge (judicial branch) or a cabinet member (executive branch). If a congressperson were appointed to one of these positions, he or she would first have to resign his or her seat in Congress.



The System of Checks and Balances

The system of **checks and balances** is another constitutional safeguard designed to prevent any one branch of government from becoming dominant. The system of checks and balances requires the different branches of government to share power and cooperate with one another to accomplish anything of importance.

- **Nomination of federal judges, cabinet officials, and ambassadors.** The president chooses nominees for these positions. However, the president's nominees must be approved by the Senate.
- **Negotiation of treaties.** The president is empowered to negotiate treaties. No treaty can go into effect, however, until it is approved by two-thirds of the Senate.

- **Enactment of legislation.** Only Congress may pass laws. However, the president has the power to **veto**, or reject, legislation. The president's veto power encourages the legislature to consider the president's position on a law, and to negotiate with the president to prevent a veto. Congress can also check the president's veto by **overriding** the veto, but to do so it must pass the same law with a two-thirds majority in both houses (a congressional override is difficult, but not impossible). If Congress succeeds in overriding the president's veto, the legislation becomes law regardless of the president's position. Finally, the courts may determine the constitutionality of the law. Thus, the courts have the power to overturn laws passed by Congress and approved by the president (only on constitutional grounds, however; judges may not overturn laws simply because they don't like them).



Under "Enactment of legislation," to the left, note the use of the word *encourages*. As can be seen with regards to President Obama's support of the Affordable Care Act, the legislative bodies still have the freedom to choose their own approach to a law.

AMENDMENT PROCESS

One reason that the Constitution has lasted more than 200 years is that it is flexible. (Think of the elastic clause!) Many of its provisions require interpretation, allowing the document to become more conservative or progressive as the times warrant. Furthermore, the Constitution can be changed through **amendments** (the addition of provisions to the document).

To amend the Constitution, a proposed amendment must be introduced to both houses of Congress and approved by a two-thirds majority in each. The amendment is then passed on to each of the 50 state legislatures. Three-fourths of the state legislatures must **ratify** (approve) the amendment for it to become part of the Constitution. The states themselves are allowed to determine the number of votes required to ratify an amendment. Most states require a simple majority of their legislatures, but seven states require either three-fifths or two-thirds majorities. Also, rather than use the state legislatures, Congress can mandate that each state use a **ratifying convention**, with delegates expressly elected to vote on the proposed amendment. This method was once used to ratify the Twenty-First Amendment, which ended Prohibition in 1933.

The Constitution allows for a second means of amendment. Two-thirds of the state legislatures could petition Congress to call a **constitutional convention**. Because no constitutional convention has ever taken place, nobody knows for certain how extensively conventioners would be allowed to alter the Constitution. Could they rewrite it entirely, or would they be restricted to amendments mentioned specifically in their petitions for a convention? Fear that a constitutional convention could attempt drastic alterations has persuaded many state legislators to oppose any call for a convention. There are ongoing movements in many states to call a constitutional convention to add a balanced budget amendment to the Constitution. While 29 state legislatures have approved a convention, the movement has not yet met the bar of 34 states required to call the convention.

Proposal Methods	Ratification Methods
<ul style="list-style-type: none"> Proposed amendment wins $\frac{2}{3}$ majority in the House and Senate. Used for all 27 amendments. 	<ul style="list-style-type: none"> $\frac{3}{4}$ of all state legislatures approve of the amendment. Used 26 times (not for Twenty-First Amendment).
<ul style="list-style-type: none"> A constitutional convention is called by $\frac{2}{3}$ of state legislatures. Any amendment can now be proposed at the convention. This method has never been used. 	<ul style="list-style-type: none"> $\frac{3}{4}$ of special state-ratifying conventions approve the amendment. Used only once, for the Twenty-First Amendment (repeal of prohibition).

STATE AND LOCAL GOVERNMENTS

The Constitution does not stipulate the form state governments must take. The states are instead free to form whatever governments they choose, provided that the government is defined by a state constitution and that the constitution is approved by Congress. However, most state governments are structured after the federal government.

All states have an executive branch led by a **governor**, whose duties to the state are similar to the president's duties to the nation. Governors direct state executive agencies, which oversee areas such as education, roads, and policing. They command the state National Guard and may grant **pardons** and **reprieves**. Most have the power to appoint state judges, with the "advice and consent" of one of the state's legislative bodies. Governors have veto power over acts of the state legislature.

All states but one have bicameral legislatures modeled after the House of Representatives and the Senate. In the same way that Congress enacts federal law, the state legislatures enact state law. The legislatures have the power to **override** the **gubernatorial veto** (the word *gubernatorial* means *relating to the governor*). Governors have many of the same executive powers as presidents. However, many governors may use a **line-item veto** to reject only parts of bills. Presidents were denied this power by the Supreme Court under the ruling that a federal line-item veto would take too much power away from the legislative branch.

All states also have state judiciaries to interpret state law. These judicial systems consist of trial courts and appeals courts, as does the federal judiciary. They hear both criminal cases (in which an individual is accused of a crime) and civil cases (in which disputing parties can sue to receive compensation).



An Exception

Nebraska has a unicameral legislature, meaning that the state has one legislative chamber or house.

CHAPTER 4 KEY TERMS

Thomas Hobbes

Leviathan

John Locke

Second Treatise on Civil Government

Charles de Montesquieu

De l'Esprit des Lois

Jean-Jacques Rousseau

The Social Contract

Participatory democracy

Pluralist democracy

Elite democracy

Representative democracy

Popular sovereignty

Articles of Confederation

Federalism

Northwest Ordinance

Shays' Rebellion

Constitution

Constitutional Convention

Virginia Plan

New Jersey Plan

The Great (or "Connecticut")

Compromise

Bicameral

Three-Fifths Compromise

Federalists

Anti-Federalists

The Federalist Papers

Bill of Rights

Legislative branch

Executive branch

Judicial branch

Necessary and proper clause
(elastic clause)

Executive orders

Executive agreements

Judicial review

Confederation

Delegated/enumerated powers

Reserved powers

Tenth Amendment

Categorical grants

Block grants

Separation of powers

Checks and balances

Amendments

Ratify

Ratifying convention

Governor

Pardons

Reprieves

Override

Gubernatorial veto

Line-item veto

Chapter 4 Drill

See Chapter 9 for answers and explanations.

Questions 1 and 2 refer to the passage below.

The United States in Congress assembled shall never engage in a war, nor grant letters of marque or reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine States assent to the same.

—The Articles of Confederation, 1781

- Which of the following statements best illustrates the central idea of this excerpt from the Articles of Confederation?
 - States kept their sovereignty under the Articles of Confederation.
 - States had the authority to declare war without the approval of the national government.
 - Congress was the only branch of government.
 - A majority of states had to agree on major decisions affecting the new nation.
- The excerpt best supports which of the following arguments?
 - The Articles of Confederation created a strong national government.
 - The Articles of Confederation gave more power to Congress than to the states.
 - The Articles of Confederation created an inefficient national government.
 - The Articles of Confederation gave Congress a different set of powers than those in the Constitution.
- Which of the following is an accurate comparison between the New Jersey Plan and the Virginia Plan?

	Virginia Plan	New Jersey Plan
(A)	Equal representation in Congress	Representation in Congress based on population
(B)	Bicameral legislature	Unicameral legislature
(C)	Supported by smaller states	Supported by larger states
(D)	President elected by the people	President elected by the Electoral College
- Which of the following is American federalism most clearly exemplified by?
 - A system of checks and balances among the three branches of the national government
 - A process by which international treaties are completed
 - The special constitutional status of Washington, D.C.
 - The Tenth Amendment to the Constitution
- Which of the following statements best illustrates the significance of Shays' Rebellion in American history?
 - It led to the overthrow of British rule.
 - It scared American elites, leading to the adoption of the Constitution.
 - It led to the enactment of slavery in the South.
 - It narrowly avoided overthrowing the government of Vermont.
- Which of the following decided the issue of the representation of enslaved people?
 - Three-Fifths Compromise
 - Connecticut Compromise
 - Commerce and Slave-Trade Compromise
 - Bill of Rights

Summary

- Remember that the Articles of Confederation were ultimately too weak to serve as a viable governing constitution for the new nation.
- Know the important philosophers that influenced the framers: Hobbes, Locke, Montesquieu, and Rousseau.
- The Constitutional Convention in Philadelphia resulted in a new governing document that sought to balance the autonomy of the states with a stronger federal government.
- The vagueness of some sections of the Constitution, along with elements like the elastic clause, makes the document adaptable to changing times.
- The United States, through the Constitution, was the first nation to practice federalism: a balance of power between the states and the federal government.
- In keeping with the principles of Montesquieu, the Founders created a government split into three branches and gave each branch the power to check the other two.
- Many powers that are not formally declared in the Constitution have been taken on by the president and Congress—you should be aware of this “unwritten Constitution.”
- Know a bit about how state and local governments function and how they interact with the federal government.

REFLECT

Respond to the following questions:

- For which content topics discussed in this chapter do you feel you have achieved sufficient mastery to answer multiple-choice questions correctly?
- For which content topics discussed in this chapter do you feel you have achieved sufficient mastery to discuss effectively in an essay?
- For which content topics discussed in this chapter do you feel you need more work before you can answer multiple-choice questions correctly?
- For which content topics discussed in this chapter do you feel you need more work before you can discuss effectively in an essay?
- What parts of this chapter are you going to re-review?
- Will you seek further help, outside of this book (such as a teacher, tutor, or AP Students), on any of the content in this chapter—and, if so, on what content?