

UNIT ONE

THE UNITED STATES CONSTITUTION

AP AMERICAN GOVERNMENT STUDY GUIDE
THE CONSTITUTION

TYPES OF GOVERNMENT

TYPE	DESCRIPTION
MONARCHY	Power is vested in hereditary Kings and queens who govern in the interest of all.
TOTALITARIANISM	Power resides in a leader who rules according to self-interest.
OLIGARCHY	The right to participate in government is conditioned on the possession of wealth, social status, military position, or achievement.
DEMOCRACY	The rule of the many.
DIRECT DEMOCRACY	Members of the society (polity) meet and make decisions with majority rule.
REPRESENTATIVE DEMOCRACY (REPUBLIC/ INDIRECT DEMOCRACY)	Members of the society vote for representatives who make decisions on the behalf.
<p>-Government: is the institution through which policy is made and enforced. -Public Policy: Anything the government decides to do.</p>	

PHILOSOPHICAL ORIGINS OF AMERICAN GOVERNMENT

PHILOSOPHER	DESCRIPTION
THOMAS HOBBS (1588--1679)	Humanity was naturally at war. We need government (Monarchy) necessary to restrain huanity's bestial tendencies. Life without government was a "state of nature".
JOHN LOCKE (1632--1704)	Natural law is the law of God. Under natural law people were born free and equal. Law is acknowledged through human sense and reason. He also argued for rights (Life, Liberty, Property) and obligated people to rebel against kings that did not respect the right of the governed. (Social Contract Theory)
JEAN--JACQUES ROUSSEAU (1712--1778)	The social contract: it is the agreement of free and equal people to abandon certain natural rights in order to find freedom in a single body politic committed to the general good.
MONTESQUIEU (1689--1755)	Argued for the separation of powers in the government.
<p>--The philosopher most likely to be on the AP test is John Locke. His words greatly influenced Thomas Jefferson as he wrote the Declaration of Independence.</p>	

THE CONSTITUTION

ROOTS OF A NEW NATION

PHASE	DESCRIPTION
<p>ENGLISH COLONIES FORM</p>	<ul style="list-style-type: none"> • In the early 17th century, colonists came to the New World for economic opportunity and to escape religious persecution. • Most colonists agreed the king ruled by divine right. The monarch gave colonists much more freedom (such as self-government, religious practices, economic organization) than subjects at home (because they were across the ocean and there were no things like planes, phones, or internet). Things were ok for like 140 years.
<p>ENGLAND ENHANCES THE CONTROL ON THE COLONIES (Starting in 1760's)</p>	<ul style="list-style-type: none"> • England increases taxes (sugar act, stamp act) and restricts settlement (proclamation of 1783). They increased taxes to pay for the Seven Years War (French and Indian War was a segment that took place in North America). They restricted settlements to prevent having to pay for future conflicts with Indian tribes and European rivals. • England and the colonies would go back and forth for years regarding this new control. England would back down on some things and crack down on others. King George III pushed for the Intolerable Acts (shutting down Boston Harbor until the tea was paid for from the Boston Tea Party) and reinforcing the Quartering Act (forced colonists to give food and shelter to redcoats).
<p>THE COLONISTS' FIRST STEPS TOWARDS INDEPENDENCE</p>	<ul style="list-style-type: none"> • STAMP ACT CONGRESS: Representatives met in 1765 to draft a document listing how their rights were violated (They thought they deserved representation in parliament). • SONS OF LIBERTY/ DAUGHTERS OF LIBERTY: Some boycotts were successful in English citizens applying pressure to parliament. • COMMITTEES OF CORRESPONDENCE: Kept each other aware of developments with Britain (Do we really appreciate cell phones?) • FIRST CONTINENTAL CONGRESS: 56 delegates came together so they could iron out their differences with Britain. They drafted a Declaration of Rights and Resolves (which included the right to petition and assembly, trial by peers, freedom from a standing army, and a selection of representative councils to levy taxes). • BATTLES OF LEXINGTON & CONCORD: The redcoats are coming, the redcoats are coming...to get our weapons. This was in 1775 and was the start of the Revolutionary War. • SECOND CONTINENTAL CONGRESS: Olive Branch Petition (last chance britain). It also put George Washington in charge of army (just in case they needed an army). • DECLARATION OF INDEPENDENCE: bye-bye british control

AP AMERICAN GOVERNMENT STUDY GUIDE
THE CONSTITUTION

DECLARATION OF INDEPENDENCE

SECTIONS	DESCRIPTIONS
FIRST PARAGRAPH	God gives people the right to break away from a government.
SECOND PARAGRAPH	<ul style="list-style-type: none"> • All men are created equal. • Life, liberty, and the pursuit of happiness. • It is ok to abolish a government
27 PARAGRAPHS	27 reason they hate King George.
LAST COUPLE PARAGRAPHS	The United States of America declare that the colonies are free and independent states.
<p>--Thomas Jefferson was the primary author along with the rest of the committee of five which includes Benjamin Franklin, John Adams, Robert Livingston and Roger Sherman.</p>	

SUMMARY OF AMERICA'S GOVERNMENTS

GOVERNMENT	YEARS	DESCRIPTION
SECOND CONTINENTAL CONGRESS	1775--1781	Unofficial government. It handled the creation the declaration of independence, and the handling of the revolutionary war until an official government was created.
ARTICLES OF CONFEDERATION	1781--1789	This government came into effect with about 2 years left of the Revolutionary war. It was an official document written out much like today's Constitution. It did not last because it was viewed as weak.
THE CONSTITUTION	1789-Today	Was written at the Constitutional Convention in 1787. Is called a living document (because it can be changed) so it has been around for over 200 years.
<p>--Some books make a big deal that the Second Continental Congress was our truly first government because it raised an army (funded by donations by the states). Other books point out that the Articles of Confederation is the first government. So... know them both and be able to tell what they are looking for. If it is an FRQ I would write about how both have been viewed as the first government.</p>		

THE CONSTITUTION

THE ARTICLES OF CONFEDERATION: GOVERNMENT SET-UP

MAIN TOPIC	DESCRIPTION
SOVEREIGNTY	The nation was considered a “firm league of friendship” . Each State had ultimate authority within its territory.
PASSING LAWS	It took 9 out of 13 states to agree to pass a law.
AMENDMENTS	To amend the articles took all 13 States in agreement.
SELECTION/PAYMENT OF DELEGATES	Each State could pay and send up to 7 representatives or delegates but they only had one vote per State.

THE ARTICLES OF CONFEDERATION: STRENGTHS & WEAKNESSES

PROS/CONS	MAIN TOPIC	DESCRIPTION
STRENGTHS	MAKE PEACE	Ended the Revolutionary War (Treaty of Paris).
	POST OFFICE	Got mail delivered (that was like the only form of communication)
	NEGOTIATE WITH INDIAN TRIBES	Acted as one nation for foreign disputes
WEAKNESSES	TAX ISSUE	National government could not tax and only asked for money. (States said “no” often)
	MONEY ISSUES	National government did coin money (not strong). So States would make their own money. States also would make agreements with other nations (This is usually viewed as a national power).
	NO EXECUTIVE	There was no branch to enforce laws passed by Congress.
	NO JUDICIAL	States would fight about borders. Who wins?
	DID NOT RESPECT NATIONAL DECISIONS	State would ignore the Treaty of Paris by allowing citizens to postpone paying debts to Britain and not giving land back to loyal supporters of Britain.
	SHAYS REBELLION	The national government tried to raise funds to pay for a militia to put down a rebellion in Massachusetts but failed. A militia paid by private citizens stepped up.

THE CONSTITUTION

CONSTITUTIONAL CONVENTION: FRAMERS' CHARACTERISTICS

GENERAL TOPIC	DESCRIPTION
PURPOSE OF CONVENTION	They were supposed to revise the Articles of Confederation, but they just made up a new government instead.
12/13 STATES ATTENDED	Rhode Island did not show up.
PRESIDING OFFICER	George Washington was unanimously voted the presiding officer. He was a beloved war hero. Everyone wanted him to become the nation's president.
FATHER OF THE CONSTITUTION	All of the framers (55 delegates) are called the founding fathers. But James Madison is referred to as the Father of the Constitution. His buddy Thomas Jefferson, who was serving as ambassador in France, sent him a lot of European books on government.
OLDEST MEMBER	Benjamin Franklin: 81 years old with experience drafting the Declaration of Independence, the Articles of Confederation, and the Treaty of Paris. (Although the framers agreed not to talk about the document until it was finished they always kept people with Franklin because he was drinker with a big mouth)
POLITICAL EXPERIENCE & BACKGROUND OF THE DELEGATES	<ul style="list-style-type: none"> • Most were in their 20's or 30's • ¾ had served in the Continental Congress • Several helped draft their state constitutions • 8 Signed the Declaration of Independence • 21 fought in the Revolutionary War • 17 owned slaves (George Washington, George Mason, & John Rutledge) • 31 went to college • 34 Lawyers • 7 Governors

CONSTITUTIONAL CONVENTION: COMPROMISES (SHORT VERSION)

COMPROMISE	DESCRIPTION
THE GREAT COMPROMISE (Connecticut Plan)	Bicameral (2--house) Legislature: The House of Representatives (directly elected) would be based on population. The Senate (chosen by state legislatures) would be equal for each state.
THE 3/5'S COMPROMISE	5 slaves would count as 3 people when determining the population of a state for congressional representation.
--They also agreed that Congress could stop the importation of slaves for 20 years after the Constitution was ratified. Also to have an extradition clause that addressed how states would handle runaway slaves. Also agreed to having a single president.	

THE CONSTITUTION

CONSTITUTIONAL CONVENTION: COMPROMISES (DETAILED VERSION)

THE PROBLEM	ONE SIDE WANTED	THE OTHER WANTED	THE COMPROMISE
<p align="center">THE REPRESENTATION OF THE STATES IN CONGRESS</p>	<p>Virginia Plan: Powerful central government with 3 branches.</p> <p>Two--house legislature with one house elected directly by the people, the other chose from persons nominated by the state legislatures.</p> <p>A legislature with the power to select the executive and judiciary.</p>	<p>New Jersey Plan: Strengthening the Articles, not replacing them.</p> <p>Creating a one--house legislature with one vote for each state and with representatives chosen by state legislatures.</p> <p>Giving Congress the power to raise revenue from duties and imports and from postal service fees.</p> <p>Creating a Supreme Court with members appointed for life by the executive officers.</p>	<p>THE GREAT COMPROMISE (CONNECTICUT PLAN):</p> <p>Bicameral Legislature: (2 house legislature)</p> <p>1) House of Representatives had members based on population (also directly elected by the people).</p> <p>2) The Senate would have members equal for each state.</p> <p>Dividing power between the nation and state governments, national power would be supreme.</p> <p>3 branches of government</p>
<p align="center">COUNTING SLAVES WHEN DETERMINING REPRESENTATION IN CONGRESS</p>	<p>People in the South wanted to count slaves as people when determining how many seats their state got in the House of Representatives</p>	<p>People in the North were like slaves can't vote so they should not be used in determining the number of seats the state gets in the House of Representatives.</p>	<p>THE 3/5'S COMPROMISE:</p> <p>Five slaves would count as 3 people when determining population of a state for congressional representation. (This gave the South 47% of the House of Representatives)</p>
<p>--They also agreed that Congress could stop the importation of slaves for 20 years after the Constitution was ratified. Also to have an extradition clause that addressed how states would handle runaway slaves. Also compromised on having a single president.</p>			

AP AMERICAN GOVERNMENT STUDY GUIDE
THE CONSTITUTION

BASIC PRINCIPLES OF THE CONSTITUTION

BASIC PRINCIPLE	DESCRIPTION
SEPARATION OF POWERS	Power is separated between 3 branches: -Legislative Branch: creates laws -Executive Branch: enforce (executes) laws -Judicial Branch: interprets laws
CHECKS AND BALANCES	Each branch can check the power of the other branches (Example: President can veto a bill passed by Congress)
FEDERALISM	The division of government between the national government and the state governments.
POPULAR SOVEREIGNTY	Authority comes from the people.
LIMITED GOVERNMENT	The government can only do some things. The constitution even tells the government things it can not do.
JUDICIAL REVIEW	The Supreme Court can declare government acts unconstitutional (this is also an example of checks and balances).
-All books stress the importance of the top three. The others only appear in some books. KNOW THE TOP THREE! -Judicial Review is not written in the Constitution but the Supreme Court said it is in the structure in <i>Marbury v Madison</i> 1803.	

CHECKS & BALANCES (DETAILED EXAMPLES OF THIS PRINCIPLE)

LEGISLATIVE BRANCH	EXECUTIVE BRANCH	JUDICIAL BRANCH
CHECKS THE EXECUTIVE BY: -impeaching president -refusing to confirm nominees -refusing to approve treaties --override presidential veto by a 2/3s vote of both houses CHECKS THE JUDICIAL BY: --change number & jurisdiction of federal courts -impeach federal judges -propose amendments	CHECKS THE LEGISLATIVE BY: -veto legislation -call congress into special session --implement (or fail to) laws passed by Congress CHECKS THE JUDICIAL BY: -appoint federal judges -refuse to implement decisions	CHECKS THE LEGISLATIVE BY: --rule federal laws are unconstitutional --rule state laws are unconstitutional CHECKS THE EXECUTIVE BY: --declare executive actions are unconstitutional --chief justice presides over impeachment trial
Learn these now. There will tons of questions on the AP test concerning checks and balances. Plus you have to know all this information for our unit that covers government institutions.		

AP AMERICAN GOVERNMENT STUDY GUIDE
THE CONSTITUTION

ARTICLES WITHIN THE CONSTITUTION

ARTICLE	MAIN TOPIC	IMPORTANT ITEMS
PREAMBLE	Purpose of Government	-establishing justice -insuring domestic tranquility -providing for the common defense -promoting the general welfare -securing the blessings of liberty
ARTICLE I	The Legislative Branch	-enumerated powers --necessary and proper clause (implied powers)
ARTICLE II	The Executive Branch	-presidential qualifications -presidential roles (jobs)
ARTICLE III	The Judicial Branch	-created the Supreme Court --empowered Congress to create inferior courts
ARTICLE IV	Relations among States	-full faith and credit clause -extradition -privileges & immunities clause
ARTICLE V	Amendment Process	-two ways to propose -two ways to ratify
ARTICLE VI	National Supremacy	-supremacy clause (national supremacy) --although states do have power (reserved powers)
ARTICLE VII	Ratification Process	Nine (out of 13) state conventions approving Constitution needed
-The AP test expects you to know which Article you can find specific items.		

AP AMERICAN GOVERNMENT STUDY GUIDE

THE CONSTITUTION

RIGHTS FOUND IN THE ORIGINAL CONSTITUTION

MAIN TOPIC	DESCRIPTION
NO SUSPENDING HABEAS CORPUS	Habeas Corpus is when a person under arrest is brought before a judge (chance to show unlawful detention). The Constitution says it can only be suspended during wartime.
NO EX POST FACTO LAWS	A law that gives a consequences for actions already committed.
NO BILL OF ATTAINDERS	A law that declares a person or group guilty and gives them consequences (no trial or anything).
NO RELIGIOUS QUALIFICATIONS	There is no religious qualification in order to run for office.
ENTITLEMENT OF PRIVILEGES & IMMUNITIES	States cannot discriminate against people from other states.
RIGHT TO JURY TRIAL	For federal crimes, people have the right to a jury trial.
--People were upset that there was not originally a bill of rights, but the rights listed above were stated throughout the original constitution.	

METHODS FOR AMENDING THE CONSTITUTION

PROPOSE/ RATIFY	WAY	DESCRIPTION
PROPOSE	$\frac{2}{3}$ Vote of both houses of Congress.	It has been used for 27 amendments.
	$\frac{2}{3}$ Vote of national convention on request of $\frac{2}{3}$ of state legislatures.	It has never been used.
RATIFY	Passage by $\frac{3}{4}$ of state legislatures.	It has been used 26 times.
	Passage by $\frac{3}{4}$ of of special state conventions.	It has been used 1 time.
-Note that this amendment process reflects federalism (national government and state government both have power). -The only amendment ratified by special state conventions was the 21st amendment which repealed prohibition.		

THE CONSTITUTION

RATIFICATION OF THE CONSTITUTION: WHEN IS IT IN EFFECT

MAIN TOPIC	DESCRIPTION
ACCORDING TO THE CONSTITUTIONAL CONVENTION	Article VII stated that the Constitution would be the Supreme Law of the Land when 9 states ratified it at State Conventions.
ACCORDING TO THE ARTICLES OF CONFEDERATION	The articles stated that all 13 states had to approve changes to the government. Some scholars argue that the Constitution was an illegal document until all States agreed to ratify it in 1790.

RATIFICATION OF THE CONSTITUTION: BY THE NUMBERS

STATE	DATE	FOR	AGAINST
Delaware	December 1787	30	0
Pennsylvania	December 1787	46	23
New Jersey	December 1787	38	0
Georgia	January 1788	26	0
Connecticut	January 1788	128	40
Massachusetts	February 1788	187	168
Maryland	April 1788	63	11
South Carolina	May 1788	149	73
New Hampshire	June 1788	57	47
Virginia	June 1788	89	79
New York	July 1788	30	27
North Carolina	November 1789	194	77
Rhode Island	May 1790	34	32

--Nine State did ratify the constitution but was it enough? New York and Virginia had yet to ratify and they homed 40% of the nation.
 --Two groups or parties formed: The **federalists** (supporters) debated the **anti-federalists** (opponents).
 --Rhode Island ratified the Constitution one year after George Washington became the first president of the United States.
 -The last states only ratified when the federalists promised to add a bill of rights (federalist papers also influenced some).

AP AMERICAN GOVERNMENT STUDY GUIDE

THE CONSTITUTION

FEDERALISTS VERSUS ANTI-FEDERALISTS

GROUP	OPINION ON THE RATIFICATION OF THE CONSTITUTION	KEY MEMBERS
FEDERALISTS	They supported it because they saw a need for a strong central government.	--James Madison --Alexander Hamilton --John Jay
ANTI-FEDERALISTS	They opposed it because they thought the government would be too strong and the people would not have enough power.	--Patrick Henry --George Mason
<p>--The federalists will end up winning the ratification battle. But the Anti--federalists were a key component in the new government amending the constitution to include the bill of rights.</p> <p>--These two groups will evolve into our nation's first political parties which would disagree about how much power the national government should possess.</p>		

THE FEDERALIST PAPERS

ESSAY	DESCRIPTION	SUMMARY
FEDERALIST #10	Factions (interested groups in the government) would be limited in this new government because it is a republic (representative democracy) and not a direct democracy.	Factions are limited in a republic.
FEDERALIST #51	<p>"Tyranny of the majority" is controlled due to:</p> <ul style="list-style-type: none"> --Separation of Powers (3 separate branches) --Checks and Balances (presidential veto, judges for life) --Bicameral legislature (House and Senate) --Federalism (Division of National and State Governments) 	Tyranny will be stopped because power is divided.
<p>--The federalist papers (a collection of 85 essays written by James Madison, Alexander Hamilton, and John Jay) is always on the test. You must know what these two essays are about!!!</p> <p>--These papers convinced many people to favor the new constitution being ratified.</p>		

THE CONSTITUTION

BILL OF RIGHTS

AMENDMENT	DESCRIPTION
AMENDMENT I	-Freedom of Speech -Freedom of Religion -Freedom of press -Freedom to Assembly -Freedom to protest (or petition)
AMENDMENT II	-Right to bear arms
AMENDMENT III	--No quartering of troops
AMENDMENT IV	--No unreasonable searches or seizures
AMENDMENT V	-Indictment --Double jeopardy -Protection against self incrimination --Due process (from national government)
AMENDMENT VI	-Speedy public trial with jury of peers -Cross examination -Right to defense counsel
AMENDMENT VII	-Lawsuits and juries
AMENDMENT VIII	--No cruel and unusual punishments --No excessive fines
AMENDMENT IX	-Listing rights here doesn't deny others
AMENDMENT X	-Delegated and reserved powers
<p>Anti--federalists only agreed to ratify the new constitution with the promise that this new government would add a bill of rights to protect citizens liberty.</p>	

