

## Constitutional Underpinnings of the U.S. Government

### Constitutional Underpinnings of the U.S. Government:

What is the constitutional basis of separation of powers?

It can be found in several principles, such as the separation of government into three branches, the conception that each branch performs unique and identifiable functions, and the limitation of personnel to a specific branch.

### Constitutional Underpinnings of the U.S. Government:

How does Article VI of the Constitution establish the supremacy of the federal government?

Article VI states that the Constitution and the laws of the United States are the supreme law of the land. The Court ruled in *McCulloch v. Maryland* (1819) that federal laws are supreme over state laws, and when a state law comes into conflict with a federal law, the federal law prevails. This has come to be called the supremacy clause.

### Constitutional Underpinnings of the U.S. Government:

What are the differences between categorical grants and block grants?

Categorical grants, including project grants and formula grants, are federal aid that meets the criteria of a specific category and have strings attached, such as requirements to obtain the funds. Block grants go to states and local communities for more general purposes, with fewer strings attached. States have greater control over block grants.

### Constitutional Underpinnings of the U.S. Government:

What are John Locke's arguments in the *Second Treatise on Civil Government*?

Locke argued that humans, in the state of nature, were born equal and that they possessed natural rights that no king had the power to void. The consent of the governed is the only true basis of a king or sovereign's right to rule. Therefore, a chief executive, according to Locke, is limited by this social contract with the governed.

Constitutional Underpinnings of the  
U.S. Government:

How do the characteristics of a totalitarian system differ from a democratic system?

In a totalitarian system, government retains unlimited powers for the benefit of elite rulers.

The government has total control over the people and the economy. In a democracy the government is limited by law, representatives are chosen by the people, dissent is tolerated, and citizen membership in autonomous groups is allowed.

Constitutional Underpinnings of the  
U.S. Government:

What are the provisions of the New Jersey Plan?

The plan proposed a unicameral legislature with one vote for each state, a weak executive elected by Congress, and a national judiciary appointed by the executive. The New Jersey Plan represented the interest of the smaller states.

Constitutional Underpinnings of the  
U.S. Government:

What are the criticisms of unfunded mandates?

Unfunded mandates are where states are forced to pay for programs that are required by federal law yet not funded by federal dollars. This forces states to either raise taxes or cut services to citizens. The decision regarding how citizens are taxed or supported is taken out of the states' hands by the federal government.

Constitutional Underpinnings of the  
U.S. Government:

What are the full faith and credit and privileges and immunities clauses of Article IV of the Constitution?

Article IV of the Constitution requires that states must recognize each other's laws and legal proceedings, or grant each other full faith and credit. The privileges and immunities clause refers to the fact that states may not discriminate against citizens of other states.

Constitutional Underpinnings of the  
U.S. Government:

What is the most common method of amending the Constitution?

The most common way to amend the Constitution is for a bill to pass by a two-thirds majority vote of each house of Congress and then be ratified by three-fourths of the state legislatures. This method has been used twenty-six times to amend the Constitution.

Constitutional Underpinnings of the U.S. Government:

What is the constitutional basis of implied powers?

The necessary and proper clause of Article I, Section 8 of the Constitution, also known as the elastic clause, stretches Congress's powers to make laws that help it carry out its enumerated powers.

Constitutional Underpinnings of the U.S. Government:

What were the achievements under the Articles of Confederation?

The Treaty of Paris, signed with Great Britain in 1783, formally recognized the independence of the United States. The second accomplishment was the Northwest Ordinance of 1787, which established the principle that the territories could enter the union as states on an equal basis with the older states.

Constitutional Underpinnings of the U.S. Government:

What is pluralist theory?

In the U.S., which has a political system of widely scattered resources, government is mainly concerned with a competition among groups. Policy results when the group with the dominant interest prevails.

Constitutional Underpinnings of the U.S. Government:

What are Thomas Hobbes' arguments in *Leviathan*?

Hobbes believed that humans are basically selfish, individualistic, and constantly at war with each other. Therefore, people need an institution to govern them and to maintain order. Hobbes argued for a single ruler, even a strong monarch, to protect the rights of the weak against the wishes of the strong.

Constitutional Underpinnings of the U.S. Government:

What are the four principal parts of the Declaration of Independence, and to whom is it addressed?

The Declaration of Independence is addressed to King George III of Great Britain, and has four parts. The first part is the preamble of introduction, the second is the theory of republican government, the third is the list of grievances (a collection of 27 complaints) and the fourth is the formal declaration of independence.

Constitutional Underpinnings of the U.S. Government:

What are examples of checks and balances between the legislative and executive branches?

The president appoints cabinet members, but the Senate has the authority to confirm appointments. The president sends troops into combat, but Congress declares war. The president can negotiate treaties, but only the Senate can ratify a treaty. The House of Representatives can bring impeachment charges against the president, and the Senate holds impeachment trials and votes on removal.

Constitutional Underpinnings of the U.S. Government:

What is the devolution revolution?

The devolution revolution describes the tendency of the federal government to place responsibility for how grant money is spent in the hands of the states. There is an emphasis on solving problems at the state and local levels, rather than at the federal level.

Constitutional Underpinnings of the U.S. Government:

How did the doctrine of dual federalism develop?

The Supreme Court decision in *Gibbons v. Ogden* (1824) reaffirmed the concept of federal supremacy over interstate trade and state supremacy over intrastate trade. This created dual federalism. The national government has subsequently intruded into matters once reserved for the states, and dual federalism can hardly be said to exist any longer.

Constitutional Underpinnings of the U.S. Government:

How does the power of judicial review act as a check on the legislative and executive branches?

John Marshall expanded the Supreme Court's power in the landmark 1803 *Marbury v. Madison* decision by writing that it was the duty of the Supreme Court to "say what the law is" and declare laws passed by Congress, and acts of the executive, invalid if they are in contradiction with the Constitution.

Constitutional Underpinnings of the U.S. Government:

What is the Lame Duck Amendment?

This term refers to the Twentieth Amendment, which sets the end of the president and vice president's term on January 20, and the end of senators' and representatives' terms on January 3. Officials who will not be assuming office in the new term and would therefore be ineffectual proposing legislation are known as lame ducks.

Constitutional Underpinnings of the  
U.S. Government:

Which theory of government claims that small groups of individuals and/or businesses dominate the policy making process in their own interests.

Elitism is the theory of government that claims that small groups of individuals dominate policy making.

Constitutional Underpinnings of the  
U.S. Government:

Of all of the articles, which *Federalist Paper* was the most famous and significant?

*Federalist* No. 10. In this article, James Madison explained how a republic would minimize the effect of divisive political factions by dividing power among several different parties. This action would negate the effect of a single faction operating alone.

Constitutional Underpinnings of the  
U.S. Government:

What are legislative vetoes? Are they constitutional?

Legislative vetoes are a method by which Congress, in either one or both houses, blocks a proposed executive action. Vetoes are frequently used for presidential reorganization plans of the executive branch. These vetoes were declared unconstitutional in *INS v. Chadha* (1983), when the Supreme Court decided that they violated the doctrine of separation of powers.

Constitutional Underpinnings of the  
U.S. Government:

List at least three methods of informally amending the Constitution.

Legislative actions are those in which Congress passes laws that alter or clarify the meaning of the Constitution. Executive actions entail the use of presidential power and that can change the meaning of the Constitution. Judicial review or interpretation occurs when the judiciary interprets the Constitution and rules on cases that then become law.

Constitutional Underpinnings of the  
U.S. Government:

What are the differences among power, authority and legitimacy?

Power is the ability of one person to get another person to act in accordance with the first person's intentions. Authority is the right to use power. People accept decisions made by people with the authority to make those decisions, which is the legitimate use of power, or legitimacy.

Constitutional Underpinnings of the U.S. Government:

What is the social contract theory of government?

The social contract theory is one of the basic principles of constitutional government in the U.S. It is based on the philosophies of Thomas Hobbes, John Locke and Jean-Jacques Rousseau. It holds that people are free and equal and possess natural rights, and that they give up some of their natural freedoms in exchange for protection and services from the government.

Constitutional Underpinnings of the U.S. Government:

What is hyper-pluralism?

Hyper-pluralism is the idea that the U.S. contains so many groups that represent so many different interests that there is a virtual deadlock of government action.

Constitutional Underpinnings of the U.S. Government:

What were the three central arguments against ratification of the Constitution put forth by the Anti-Federalists?

First, the Anti-Federalists supported states rights and feared a strong central government. Second, they believed that the Constitution would create an elite economic class that would abuse individual rights. Finally, they wanted fewer limits on popular participation in the political process.

Constitutional Underpinnings of the U.S. Government:

How has the principle of separation of powers prevented presidents from successfully having their judicial nominees confirmed?

The Constitution grants the president the power to appoint federal judges and the Senate the power to confirm the nominations. The Senate uses a filibuster to delay or prevent votes on judges. Since it takes sixty votes to bring an issue to a vote and end debate, the majority party needs sixty members out of one hundred to effectively confirm the president's nominees.

Constitutional Underpinnings of the U.S. Government:

How did the Three-Fifths Compromise balance the interests of the northern and southern states?

The North wanted slaves counted for taxation but not representation, and the south wanted slaves counted for representation but not taxation. The compromise resolved this issue by stating that each state would count three-fifths of its slave population for purposes of determining both representation and taxation.

Constitutional Underpinnings of the U.S. Government:

What is the basic difference between direct democracy and representative democracy?

In a direct democracy, all citizens participate, meet, and make decisions about public policy issues. In a representative democracy (also known as a republic), citizens elect representatives to make public policy decisions in the citizens' interests.

Constitutional Underpinnings of the U.S. Government:

What were the provisions of the Virginia Plan offered at the Constitutional Convention?

The Virginia Plan was based on three principles. These included a strong national legislature with two chambers, one to be chosen by the people and one chosen by the lower house; a strong national executive to be chosen by the national legislature; and a national judiciary to be appointed by the legislature. This plan appealed primarily to the larger states, as it benefited their interests most.

Constitutional Underpinnings of the U.S. Government:

What powers are denied to the government by the Constitution?

The powers denied to the federal government are contained in Article I, Section 9 of the Constitution. They include suspending the writ of habeas corpus, passing a bill of attainder or ex post facto law, levying taxes on exports and granting titles of nobility.

Constitutional Underpinnings of the U.S. Government:

How are the functions of the executive and legislative branches separate in regard to lawmaking?

The executive sets the legislative agenda through addresses to the people, dealings with the party leaders in Congress, and introducing new initiatives. Congress introduces new legislation, passes it through the committee systems and to the floors of both houses for votes, and then to the president's desk. If vetoed, Congress may pass the bill into law with a two-thirds majority in both houses.

Constitutional Underpinnings of the U.S. Government:

How are vacancies in the Senate filled?

If a senator dies or resigns while in office, the governor of that senator's home state has the power to appoint a replacement. This is usually a political process, resulting in an appointment from the political party of the governor, regardless of the political party of the senator who died or resigned.

Constitutional Underpinnings of the U.S. Government:

What major issue divided large and small states at the Constitutional Convention? How was it resolved?

Equitable representation for large and small states in the legislature. Large states pushed for representation determined by population; small states wanted equal representation for every state. The Great Compromise (also known as the Connecticut Compromise) created a bicameral national legislature.

Constitutional Underpinnings of the U.S. Government:

How did Shays' Rebellion demonstrate the weaknesses of the Articles of Confederation?

Daniel Shays led an armed rebellion of debtors in western Massachusetts that the state militia was unable immediately to control. The event forced state governments to acknowledge the need for a stronger central government that could exert stronger controls over its citizens.

Constitutional Underpinnings of the U.S. Government:

How are the functions of the legislative, executive and the judicial branches separated and checked in the Constitution?

According to Article III of the Constitution, Congress has the power to establish lower courts. According to Article II, the Senate has the power to confirm presidential appointment of all federal and Supreme Court judges. *Marbury v. Madison* (1803) established the precedent of judicial review, giving the Supreme Court the power to decide if state and federal laws are constitutional.

Constitutional Underpinnings of the U.S. Government:

What is the intergovernmental lobby?

State and local governments act as any other groups in the policymaking process when it comes to hiring lobbyists to try to advance their interests and gain access to federal policymakers. School districts, cities, states, police chiefs and hospitals also hire lobbyists to represent and advance their interests.

Constitutional Underpinnings of the U.S. Government:

What are the differences among categorical grants, block grants, and revenue sharing?

Categorical grants are for specific purposes and often require local matching funds. Block grants are devoted to general purposes with few restrictions. Revenue sharing requires no matching funds and allows much greater freedom in spending decisions.



Constitutional Underpinnings of the  
U.S. Government:

What are three examples of concurrent powers?

Both federal and state governments make laws for their citizens. Both federal and state governments have the power to tax, to maintain courts, to define crimes, and to appropriate private property for public use (eminent domain). The states may also exercise any power that the Constitution does not reserve for the national government.

Constitutional Underpinnings of the  
U.S. Government:

What is the theory of democratic centralism?

Several leaders at the top of government solicit public opinion on a general policy question, consider the options, and then make a decision (in accordance with or against the wishes of the public) that is in the best interests of that public. In this way, the policy choice of this leadership is implemented, and the façade of democracy is preserved.

Constitutional Underpinnings of the  
U.S. Government:

In his book, *The Prince*, Niccolo Machiavelli gave what famous advice to the prince of Florence, Italy?

In what has been called the theory behind the practice of modern American politics, Machiavelli advised the prince of Florence that "it is better to be feared than to be loved," and that the appearance of being an honest, trustworthy ruler is more important than actually being an honest, trustworthy leader.