COLONIAL AMERICA AND THE CONSTITUTION

* Handouts :
	+ Map of the USA (recto) / vocabulary list (attached, verso)
	+ List of states and their abbreviations
		- Pre-Columbian America :
			* “Pre-Columbian America” refers to the period before Christopher Columbus “discovered” America in 1492.
				+ Columbus was not the first to discover North America. In fact, Columbus landed in the Caribbean islands (present-day Bahamas).
				+ North America was first visited by the two norse explorers Leif Eriksson and Bjarni Herjolfsson around the year 1000 AD.
				+ The Italian Amerigo Verspucci (from whence comes the term “America”) first landed in North America in the latter half of the 1490s.

At this time, North America was inhabited by Native Americans, who most historians believe were descended from Asians who crossed the frozen Bering Strait and settled throughout modern-day Canada, the US, and Mexico about 20,000-40,000 years ago.

About 1-5 million Native Americans lived in the modern US, 20 million in Mexico.

Most tribes were nomadic and practiced nature religions (a form of spirituality that holds the forces of nature in reverence).

The tribes were wholly independent of one another.

Natives Americans are usually called Indians, because this was the name Colombus gave them when he arrived. He mistakenly thought that he had landed in the East Indies.

During the next century, Spain was the main colonial power, settling a number of colonial towns in the Americas and the Caribbean.

The English defeated the Spanish Armada (navy) in 1588, so then the French and English were more easily able to settle in North America.

Early settlements :

Lost Colony ⇨ 1585 ; settled by Sir Walter Raleigh on Roanoke Island (modern NC) ; when more English came in 1590, the colony had disappeared.

Jamestown ⇨ 1607 ; funded by the Virginia Company, a joint-stock company (a group of investors who bought the right to establish plantations in the New World from the English king) ; English gentlemen were ill-suited for the wilderness that was Virginia, and they only survived due to the strict rule of their boat’s captain (Captain John Smith : “He who will not work shall not eat”) and the help of the neighboring Powhatan Indians. Main crop was tobacco, which enjoyed enormous success in England. Tobacco depletes the soil and requires huge amounts of land, so its cultivation encourages expansion into the fabric of the country. Tobacco also requires a large work force, so many of the early settlers (75%) came from England as indentured servants, agreeing to work for five to seven years in return for free passage, food, lodging, and a small piece of property in the New World. The House of Burgesses was established in 1619 ; it was the first governing body set up in the colonies, in which any property-holding white male could vote.

Plymouth ⇨ Puritans/Separatists (believed that the Anglican Church was corrupt) left England to avoid religious persecution ; first went to Holland, then in 1620 they set sail for Virginia aboard the Mayflower. The ship went off course and landed in modern MA, but the Pilgrims decided to settle there because winter was approaching. While still on board the Mayflower, the Pilgrims signed the Mayflower Compact, an agreement establishing a basic legal system for the colony. The Pilgrims were also helped by the local Indians, called the Pokanokets.

Massachusetts Bay ⇨ 1629 ; established by a second group of Puritans called Congregationalists, who believed in communal government that served the needs of their Church. This colony was larger than Plymouth, but the Congregationalists were not tolerant of other religions in their colony.

Connecticut, Maryland, New York, Pennsylvania, Carolinas (North and South Carolina) ⇨ proprietary colonies, that is, they were initially owned by one person who usually received the land as a gift from the king. Later they reverted to royal colonies ; that is, their ownership was taken over by the king.

Slavery in the early colonies :

* Widespread use of African slaves began in 1619 when colonists coming from Caribbean settlements came to the Carolinas to grow sugar.
* More laborers were needed as the colonists began to farm larger areas of land with rice, sugar, tobacco, and indigo.
* More and more slaves were brought from Africa to work on the plantations because they were less likely to escape (did not know the land, were culture-shocked, difficult to communicate, etc.)
* By 1790, there were approximately 700,000 African slaves in the United States.
	+ The Age of Salutary Neglect (1650-1750) :
		- Salutary neglect ⇨ Although England regulated trade and government in its colonies, it interfered in colonial affairs as little as possible. Thus the colonies became more independent and developed the beginnings of an autonomous economy and culture.
			* + Regulation of trade ⇨ Navigation Acts (1651-1673) ⇨ Basically required the colonists to only buy goods from England, to sell certain of its products only to England, and to import non-English goods only through English ports (i.e. to pay duty to the English government). The colonists did not protest against these acts because were still entirely dependent upon England for trade and military protection.
				+ Influence of England on colonial governments ⇨ every colony had a governor that was appointed by either the king or the proprietor of the colony.
* As a sign of growing independence, however, every colony except Pennsylvania had a bicameral legislature (law-making body made of two houses) consisting of a lower house of elected, white, male property-holders, and an upper house of advisors to the governor.
* Between 1700 and 1750, the population in the colonies increased by nearly one million people (275,000 to 1,207,000).
* Regional differences between the early colonies.
	+ - * + New England ⇨ business mainly centered on imports ; farming was mainly for subsistence (survival, not for profit) ; extremely religious (Puritanism).
				+ Middle Colonies (New York, Pennsylvania, New Jersey) ⇨ more diverse populations of immigrants; economy based on farming the fertile soil of the region ; New York City and Boston were major trade centers.
				+ Chesapeake ⇨ diversified farming economies (tobacco but also grains).
				+ Lower South (Carolinas) ⇨ produced cash crops such as tobacco and rice, and depended heavily on slave labor.
* In the eighteenth century, Enlightenment ideals began to disseminate from Europe, and colonists began to carefully reconsider their relationship with England.
	+ Events leading to the Revolutionary War (1750-1776) :
* Seven Years’ War (Br.) / French and Indian War (US) (1754-1763) ⇨ inevitable result of colonial expansion ; as English colonists tried to expand farther west, the French tried to prevent them in order to protect their profitable trade in fur and timber ; in 1756 England officially declared war on France. The Native Americans joined the French because, based upon early battles during the war, they thought that the French would win. In the end, England prevailed, and France was forced off the North American continent, ceding its holdings in America and Canada.
* Acts resulting from the French and Indian War ⇨ King George III of England and his prime minister, George Grenville, decided to pass a series of acts (laws), making the American colonists replenish the English debt accrued during the war.
	+ - * + Sugar Act (1764) ⇨ established a number of new taxes on the colonists, including one on molasses (sugar).
				+ Currency Act (1764) ⇨ forbade the colonies to issue paper money.
				+ Stamp Act (1765) ⇨ required all legal documents and licenses to bear an official stamp, for which the colonists had to pay. The Stamp Act was repealed before it took effect (1766).
				+ Declaratory Act (1766) ⇨ established the English government’s right to tax and pass laws over the colonies.
				+ Townshend Acts (1768?) ⇨ taxed goods imported directly from Britain ; established new courts in the colonies that were loyal only to the English monarch ; suspended NY’s legislature because it refused to comply with a law requiring the colonists to supply English troops. The MA assembly sent a letter to other colonial assemblies asking for a united protest against the acts.
* Rise of Anti-English Sentiment :
* Boston Massacre (1770) ⇨ As part of the Townshend Acts, the English stationed large amounts of troops outside of Boston. While they were there to “keep the peace”, the colonists resented their presence. On March 5, 1770, colonists threw rock-filled snowballs at the soldiers, who retaliated by shooting into the crowd. They killed five colonists, and the propaganda (persuasive, subjective journalism) that followed portrayed the English soldiers as having fired into an innocent crowd. This incident encouraged anti-English feeling.
* Boston Tea Party (1773) ⇨ In response to the English government’s having granted the East India Tea Company a monopoly (exclusive market) on tea in the colonies, a group of colonists, poorly disguised as Native Americans, dumped 342 chests of tea, worth approximately £10,000, into the Boston harbor. The English government responded by passing the Coercive Acts (Br.) / Intolerable Acts (US), which closed Boston’s harbor to all but essential trade until the colonists paid for the tea. These acts also tightened English control over the MA government, and required colonists to quarter (house) British soldiers.
	+ Steps towards Independence :
* First Continental Congress (1774) ⇨ all colonies except GA sent representatives to discuss their grievances against the English government, to develop a strategy for addressing those grievances, and to formulate a colonial position on the proper relationship between the royal government and the colonial governments. Most importantly, the Congress set limits on what kind of English interference they would accept.
* Battles of Lexington and Concord (April 1775) ⇨ attempts by English soldiers to subdue the revolutionary movement in America ; the revolutionary minutemen (so-called because they were prepared to go to battle with a minute’s notice) inflicted numerous casualties on the Redcoats (British soldiers) and forced them to retreat.
* Second Continental Congress (1775) ⇨ established a Continental Army (headed by George Washington), printed paper money, and created government offices to supervise the colonies.
* *Common Sense* ⇨ a pamphlet written by Thomas Paine that advocated colonial independence and argued for a republic over a monarchy. It was a huge success with the colonists, who decided to fight for their independence.
* Declaration of Independence (July 4, 1776) ⇨ the Second Continental Congress commis-sioned Thomas Jefferson to write a Declaration of Independence, enumerating the colonies’ grievances and laying out the principle of individual liberty and the fundamental responsibility of the government to serve the people. The Declaration marks the official beginning of the Revolutionary War.
* Revolutionary War (1776-1782) :
	+ As soon as the Declaration of Independence was signed, the states began writing their own constitutions (written plans of government).
	+ Articles of Confederation (1777) ⇨ Written by the Continental Congress as the first plan for a national government of the United States and approved in 1781.
		- * + The Articles of Confederation had some success.
				+ Their negotiation ended the Revolutionary War.
				+ Government land could be sold to settlers, thus encouraging expansion into territories with lower populations.
				+ Enacted the Northwest Ordinance (1787), which set regulations under which a territory could apply for statehood. This ordinance also contained a bill of rights guaranteeing trial by jury, freedom of religion, and freedom from excessive punishment. It also abolished slavery in the Northwest territories.
				+ Established a precedent for American federalism, an idea that the national and state governments can share powers.
				+ On the other hand, the Articles of Confederation contained several major flaws.
				+ The federal government depended entirely on the states to enforce national laws.
				+ The national government was not given the power to tax the citizens nor to regulate trade.
				+ Amendments (changes, corrections) to the Articles required the unanimous consent of all the states.
				+ The lack of a national currency.
				+ The Articles clearly tried to prohibit the national government from gaining too much power over the states, instead of creating a national government that could function effectively.
				+ By 1787, it was clear that the Articles of Confederation were not going to provide an effective central government.
* Constitutional Congress (1787) ⇨ Delegates from the states assembled in order to try to work out a better way to govern the new country.
	+ - New Jersey Plan ⇨ some of the delegates wanted only to revise the Articles of Confederation by fixing those parts that were hindering the effective government of the colonies. They believed that all states should have equal representation in the US government.
		- Virginia Plan ⇨ called for an entirely new and stronger central government based on the principle of checks and balances. The Virginia Plan also advocated representation in the US government based upon the population of the states.
		- The Convention lasted for four months and produced the United States Constitution (drafted by James Madison, “the father of the Constitution”), which most closely resembled the Virginia Plan.
		- The ideology of the Constitution was heavily influenced by Enlightenment philosophers John Locke and Charles de Montesquieu.
		- The major components of the Constitution are :
			* + The establishment of a bicameral legislature, with the lower house (the House of Representatives) elected by the people and the upper house (the Senate) elected by the state legislatures. This was called the Great Compromise, in that there was a compromise between the New Jersey Plan and the Virginia Plan for each state’s representation in the national government.
				+ A method for counting slaves among the populations of Southern states, even though those slaves would not be citizens. This was called the Three-fifths Compromise, meaning that three-fifths of a state’s slave population would be counted towards Congressional representation and taxation.
				+ The establishment of three branches of government (legislative, executive, judicial) with the power of checks and balances over one another (a scheme of self-monitoring to avoid one branch from having more power over the others).
* Some of the states were afraid to ratify (approve) the Constitution, because they feared that it gave the federal government too much power. These people were called anti-federalists. They were also unwilling to ratify the Constitution because there was no bill of rights guaranteeing certain freedoms to individual citizens.
* The federalists (those in favor of the Constitution) promised that a bill of rights would be added to the Constitution soon after it went into effect. The federalists gained popular support by publishing the Federalist Papers, which were written and published anonymously by James Madison, Alexander Hamilton, and John Jay. These papers outlined how the national government would be more effective under the Constitution, while the states would still retain a measure of autonomy.
* The Constitution was ratified in 1788, and went into effect in 1789.
* The Bill of Rights, or the first ten amendments to the Constitution, was added in 1791.

* + The United States Constitution (1789) :
		- Preamble ⇨ outlines the goals of government under the Constitution.
		- Article I (the legislative branch, “Congress”) ⇨ describes the powers of Congress and the method for electing members of Congress.
		- Article II (the executive branch) ⇨ describes the powers of the president, the method for choosing a president and vice-president, and the executive departments that serve under the president and vice-president.
		- Article III (the judicial branch) ⇨ describes the powers and structure of the federal court system.
		- Article IV (interstate relations) ⇨ requires the states to recognize the acts of each others’ courts and governments. Also includes provision for the admission of new states.
		- Article V (amending the constitution) ⇨ describes how the Constitution may be amended.
		- Article VI (federal supremacy clause) ⇨ describes the Constitution as the “supreme law of the land”, meaning that state judges must uphold the Constitution, even if that means violating state law.
		- Article VII (ratification procedure) ⇨ requires the ratification of nine states (out of 13) before the Constitution could come into effect.
		- Amendments
		- Bill of Rights ⇨ The first ten amendments to the Constitution. It guarantees Americans certain basic rights, such as the freedom of religion, freedom of speech, freedom of the press, freedom of assembly, freedom to petition the government, right to bear arms, right to a trial, and protection against excessive punishment or fines, among others.

*\*\*Gleaned from Tom Meltzer, High School Review : US History & Government (New York : Random House Inc., 1999).*

# COLONIAL AMERICA AND INTRODUCTION TO THE CONSTITUTION : TERMS AND NAMES

Native Americans (“Indians”)

C. Columbus / L. Eriksson / B. Herjolfsson / A. Vespucci

Spanish Armada

Sir Walter Raleigh / Roanoke Island / Lost Colony

Jamestown / Virginia Company (“joint-stock company”)

Captain John Smith / Powhatan

Tobacco

indentured servitude (indentured servants)

House of Burgesses

Plymouth

Puritans / Separatists / Pilgrims

Anglican Church (Church of England)

Mayflower / Mayflower Compact

Pokanokets

Massachusetts Bay Colony

Congregationalists

Connecticut / Maryland / New York / Pennsylvania / Carolinas

proprietary colonies vs. royal colonies

slavery

indigo

Age of Salutary Neglect (1650-1750)

Navigation Acts (1651-1673)

governor

bicameral legislature

New England (NH, MA, RI, CT)

subsistence farming

Middle Colonies (NY, NJ, PA)

Chesapeake (DE, MD, VA)

Lower South (NC, SC, GA)

grains

Age of Enlightenment

Revolutionary War (1750-1776)

Seven Years’ War (*Br.*) / French and Indian War (*US*) (1754-1763)

Canada

King George III / George Grenville

acts

Sugar Act (1764) / molasses

Currency Act (1764)

Stamp Act (1765)

Declaratory Act (1766)

Townshend Acts (1768)

Boston Massacre (1770)

propaganda

Boston Tea Party (1773)

East India Tea company / monopoly

Coercive Acts (*Br.*) / Intolerable Acts (*US*) (1773)

to quarter

First Continental Congress (1774)

Battle of Lexington / Battle of Concord

minutemen / Redcoats

Second Continental Congress (1775)

Continental Army / George Washington

Thomas Paine, *Common Sense*

Declaration of Independence (July 4, 1776) / Thomas Jefferson

Revolutionary War (1776-1782)

Franco-American Alliance (1778)

Benjamin Franklin / Treaty of Paris (1782)

Articles of Confederation (1777/1781)

Northwest Ordinance (1787) / federalism

amendments

Constitutional Congress (1787)

New Jersey Plan / Virginia Plan

James Madison

John Locke / Charles de Montesquieu

Congress / House of Representatives / Senate

Great Compromise

Three-Fifths Compromise

branches: legislative / executive / judicial

checks and balances

ratification (v., *to ratify*)

Anti-Federalists vs. Federalists

Bill of Rights

Federalist Papers (Madison / Alexander Hamilton / John Jay)

United States Constitution (1789)

Preamble / Articles

interstate relations

federal supremacy clause

## US CONSTITUTION (1789) : INTRODUCTION & LEGISLATIVE BRANCH

* Handouts :
	+ Vocabulary list (attached)
	+ Constitution – summary
	+ Checks and balances (attached ; recto) / Distribution of powers (attached ; verso)
		- Three main goals :
			* Define and limit the powers of the national government.
			* Define the relationship between the national government and the state governments.
			* Guarantee basic rights to citizens of the United States.
				+ Basic Concepts :

Philosophy ⇨ Based on the Enlightenment philosophy of John Locke. In his book *Two Treatises on Civil Government*, Locke argued that :

People are born with “natural rights” to life, health, liberty, and property.

People create governments to protect these rights.

Because governments can protect their rights, people agree to obey their governments. Locke called the agreement the “social contract.”

Locke challenged the “divine right” of monarchs, that is to say that the power to rule was given directly from God.

Governmental power should be divided among different officials to create a system of checks and balances.

Freedom of religion should be a protected right of the people.

The people have the right to revolt against an unjust government.

Federalism ⇨ A system of government under which the national government and local governments (in this case, state governments) share powers.

* US system similar to those in Canada, Switzerland, and Australia.
* US system different from those in Great Britain and France (centralized governments, in which the national government retains all real power).
	+ Division of power ⇨ some powers belong exclusively to the national government (delegated/enumerated powers), some specifically to the states (reserved powers), and some are shared (concurrent powers).
		- Delegated/enumerated powers
			* + Printing money
				+ Regulating interstate and international trade
				+ Making treaties and conducting foreign policy
				+ Declaring war
				+ With these powers come certain obligations.
* Guarantee the states a republican form of government and protection against foreign invasion and domestic rebellion.
* Prevent states from subdividing or combining to form new states without Congressional consent.
	+ Reserved powers
		- * + The power to issue licenses
				+ The regulation of intrastate business
				+ With these powers come certain obligations.
				+ Accept the court judgments, licenses, contracts, and other civil acts of the other states (full faith and credit clause)
				+ May not refuse police protection or access to its courts to a US citizen simply because he or she lives in another state (privileges and immunity clause)
				+ Must return fugitives to the states from which they have fled (extradition)
	+ Concurrent powers
		- * + Collection of taxes
				+ Building roads
				+ Operating courts of law
				+ Borrowing money
* The Constitution also specifies which powers are denied to the national government and which powers are denied to the states.
	+ Powers denied the federal government
		- * + Suspension of writ of *habeas corpus* (which states that a person cannot be kept in prison unless a judge or magistrate has ruled that it is lawful for that person to be held) except in times of national crisis
				+ Passage of *ex post facto* (retroactive) laws or issuance of Bills of Attainder (which declare an individual guilty of a capital offense without a trial)
				+ Imposition of export taxes
				+ Use of money from the US Treasury without the passage and approval of an appropriations bill (a bill reserving a specific amount of money for a specific purpose)
				+ Granting titles of nobility
* Powers denied the state government
	+ - * + Entrance into treaties with foreign countries
				+ Declaration of war
				+ Maintenance of a standing army
				+ Printing money
				+ Passage of *ex post facto* laws or issuance of Bills of Attainder
				+ Granting titles of nobility
				+ Imposition of import or export duties
* Federal Supremacy Clause ⇨ All conflicts between federal and state law must be resolved in favor of federal law; state laws that violate the Constitution, federal laws, or international treaties can be invalidated through this clause.
* Separation of powers
	+ - Members of the Constitutional Convention were concerned with preventing any one part of the government from having too much power.
		- They borrowed Charles de Montesquieu’s idea of separation of powers, meaning that they delegated different but equally important tasks to each of the three branches of government.
			* + Legislative branch (Congress) ⇨ makes laws
				+ Executive branch (President) ⇨ enforces laws
				+ Judicial branch (court system) ⇨ interprets laws
* Members of one branch of government cannot concurrently serve in another branch of government.
* Checks and balances
	+ - Prevents any individual person or any branch of government from taking control of the government.
		- Describes the way in which different branches of government share powers in order to prevent any one branch from becoming too powerful.
		- Requires the different branches to cooperate with each other in order to accomplish anything of importance.
		- Examples
			* + Passage of laws ⇨ only Congress can pass laws. The President may veto (reject) Congressional legislation, so that Congress must consider the President’s point of view and must negotiate with the President. Congress may check (override) the President’s veto but must do so with a two-thirds majority in both houses (difficult, but not impossible). Courts have the power to determine whether the law is constitutional, and may overturn (nullify) the law.
				+ Nomination of federal judges, cabinet officials, and ambassadors ⇨ the President chooses nominees for these positions. The President’s nominees, however, must be approved by the Senate.
				+ Negotiation of treaties ⇨ the President is empowered to negotiate treaties. The treaty must be approved by two-thirds of the Senate before it can go into effect.
* Structure of the Constitution :
	+ Preamble ⇨ outlines the goals of government under the Constitution.
	+ Article I (the legislative branch, “Congress”) ⇨ describes the powers of Congress and the method for electing members of Congress.
	+ Article II (the executive branch) ⇨ describes the powers of the president, the method for choosing a president and vice-president, and the executive departments that serve under the president and vice-president.
	+ Article III (the judicial branch) ⇨ describes the powers and structure of the federal judiciary.
	+ Article IV (interstate relations) ⇨ requires the states to recognize the acts of each others’ courts and governments. Also includes provision for the admission of new states.
	+ Article V (amending the constitution) ⇨ describes how the Constitution may be amended.
	+ Article VI (federal supremacy clause) ⇨ describes the Constitution as the “supreme law of the land”, meaning that state judges must uphold the Constitution, even if that means violating state law.
	+ Article VII (ratification procedure) ⇨ requires the ratification of nine states (out of 13) before the Constitution could come into effect.
	+ Amendments
		- Bill of Rights ⇨ The first ten amendments to the Constitution. They guarantee Americans certain basic rights, such as the freedom of religion, freedom of speech, freedom of the press, freedom of assembly, freedom to petition the government, right to bear arms, right to a trial, and protection against excessive punishment or fines, among others.
* Preamble ⇨ “We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”
* Made up of the United States Congress.
* Congress is divided into two houses.
	+ House of Representatives.
		- * + Most responsive and most accountable to the general public.
				+ Representation determined by state population ; elected by the people of individual states.
				+ Representatives are elected by the residents of the district (political region) of the state he or she represents.
				+ Representatives must be at least twenty-five years old, a citizen of the United States, and a resident of the district he or she represents.
				+ The House is presided over by the Speaker of the House.
				+ Chosen by the House membership.
				+ Usually a member of the majority party.
				+ Elections for the House of Representatives are held every two years ⇨ frequent elections were meant to ensure that House members always considered their constituents (those they represent) when voting on bills.
				+ Only the House can introduce legislation that is designed to raise revenues (money) for the federal government.
* Senate
	+ - * + Each state has two senators.
				+ Originally chosen by their home state’s legislature; as of 1913, Senators are now chosen by direct election by all the citizens of the state he or she represents.
				+ A senator must be at least thirty years old, a citizen of the United States, and a resident of the state he or she represents.
				+ Senators serve for six years.
				+ One-third of the Senate is elected every two years.The Senate is presided over by the vice president of the United States. He is called the president of the Senate.
				+ Vice president of the US (president of the Senate) votes only if there is a tie vote.
				+ If the vice president of the US is not in attendance, the Senate chooses another member to preside over it. This member is called the *president pro tempore* (“temporary president”).
* Procedures for passing laws
	+ - In order for a bill (formal, written proposal for a new law) to become a law, it must first be approved by both houses of Congress and the president.
		- This procedure is not laid out in the Constitution. It developed as Congress worked out the most effective and expedient way of performing its job and has since become traditional.
		- The bill is introduced to Congress.
			* + A member of Congress introduces (proposes) a law. This member is usually called the bill’s sponsor.
* The bill is sent to committee.
	+ - * + Congress considers thousands of bills during each session. Because it is impossible for each congressperson to become an expert on the issues concerning each bill, Congress breaks up into smaller groups, called committees.
				+ Each committee has its field of expertise.
* Some committees : agriculture, armed services, commerce, labor.
	+ - * + The committee considers a bill and makes a report.
				+ If the report is unfavorable, the bill is said to “die in committee”.
				+ If the report is favorable, the bill is returned to the house in which it originated.
		- The bill is considered by the entire house.
			* + This step includes floor debate, in which members of Congress are allowed to comment/discuss/debate the merits and/or weaknesses of a bill.
				+ The bill is then put to a vote by the entire membership of the house in which the bill originated. If a majority approves the bill, it is then sent to the other house to undergo the entire process again.
* The bill is sent to the president for approval.
	+ - * + If the bill is approved by a majority of both houses, the bill is sent to the president.
				+ The president can either sign the bill into law or reject the bill using his veto power.
				+ A two-thirds majority of both houses is required to override a presidential veto. Congress rarely overrides a presidential veto. More often, Congress and the president attempt to negotiate a compromise bill, after which the new bill returns to Congress to begin the process all over again. Other times, the bill simply dies.
				+ If the end of a Congressional session is approaching, the president may exercise a pocket veto.
				+ Without actually rejecting the law, the law is simply ignored. If the president fails to approve a bill passed during the last ten days of a Congressional session, the bill does not become law.
* Powers of Congress
	+ Both Houses of Congress share certain powers.
		- * + Introduce and pass new laws.
				+ Create federal courts below the Supreme Court.
				+ Print and regulate US currency.
				+ Regulate international and interstate commerce.
				+ Set and collect taxes.
				+ Raise an army and navy.
				+ Establish citizenship requirements for immigrants.
				+ Create and maintain post offices.
				+ Enforce copyright law.
				+ Govern the nation’s capital (Washington, DC).
* Other powers belong exclusively to one house or the other.
	+ - * + Only the House of Representatives may introduce bills to raise government revenue (e.g., tax bills).
				+ Only the Senate approves presidential nominations for ambassadors, judges, and the Cabinet (the president’s advisors).
				+ Only the Senate approves treaties, by a two-thirds majority. The House does not vote on treaties.
				+ Each house is free to create its own rules for procedure.
* The “elastic clause”
	+ - Congress is free to pass laws that are considered “necessary and proper” to the performance of its duties. This clause is called “elastic” because it allows Congress to stretch its powers beyond those that are specifically listed in the Constitution and claim implied powers.
		- Examples of the elastic clause in practice
			* + Congress is free to pass laws that are considered “necessary and proper” to the performance of its duties. This clause is called “elastic” because it allows Congress to stretch its powers beyond those that are specifically listed in the Constitution and claim implied powers.
				+ Examples of the elastic clause in practice
* Establishment of a federal bank during the 1790s to help regulate and strengthen the economy.
* Federal regulation of telephone, television, and radio communications.

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### US CONSTITUTION : INTRODUCTION & LEGISLATIVE BRANCH : TERMS AND NAMES

United States Constitution (1789)

John Locke, Two Treatises on Civil Government / “social contract”

divine right

checks and balances

federalism

centralized governments

division of power

delegated/enumerated powers

reserved powers

concurrent powers

full faith and credit clause

privileges and immunity clause

extradition

writ of *habeas corpus*

*ex post facto* (retroactive) laws

Bills of Attainder

appropriations bill

titles of nobility

duties

federal supremacy clause

Charles de Montesquieu

separation of powers

veto (=reject)

check (=override)

overturn (=nullify)

treaty

Preamble : *“We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”*

Articles I-VII

interstate relations

ratification

Bill of Rights

United States Congress

House of Representatives

district

Speaker of the House

majority party

Democratic Party (democrats)

Republican Party (republicans)

constituents

revenues

Senate

direct election

Vice President of the United States

president *pro tempore*

bill

introduction of a law

sponsor

committee

floor debate

compromise bill

pocket veto

copyright law

Cabinet

“elastic clause”

implied powers

federal bank

#### DISTRIBUTION OF POWERS

##### National v. State Government

**Table 1**. Some powers specifically granted by the Constitution.

|  |  |  |
| --- | --- | --- |
| To the National Government (“delegated/enumerated powers”) | To both the National and the State Governments (“concurrent powers”) | To the State Governments(“reserved powers”) |
| * To coin money
* To conduct foreign relations
* To regulate commerce with foreign nations and among states
* To provide an army and a navy
* To declare war
* To establish courts inferior to the Supreme Court
* To establish post offices
* To make laws necessary and proper to carry out the aforementioned powers
 | * To tax
* To borrow money
* To make and enforce laws
* To establish courts
* To charter banks and corporations
* To spend money for the general welfare
* To take private property for public purposes, with just compensation
 | * To establish local governments
* To regulate commerce within a state (intrastate commerce)
* To conduct elections
* To ratify amendments to the federal Constitution
* To take measures for public health, safety, and morals
* To exert powers the Constitution does not delegate to the national government or prohibit the states from using
 |

**Table 2**. Some powers specifically denied by the Constitution.

|  |  |  |
| --- | --- | --- |
| To the National Government | To both the National and the State Governments | To the State Governments |
| * To tax articles exported from one state to another
* To violate the Bill of Rights
* To change state boundaries
 | * To grant titles of nobility
* To permit slavery (Amendment XIII)
* To prevent citizens the right to vote because of race, color, or previous servitude (Amendment XV)
* To deny citizens the right to vote because of sex
 | * To tax imports or exports
* To coin money
* To enter into treaties
* To impair obligations or contracts
* To abridge the privileges or immunities of citizens or deny due process and equal protection of the law (Amendment XIV)
 |

#### CHECKS AND BALANCES

“Checks and balances” describes the way in which different branches of the United States government share powers in order to prevent any one branch from becoming too powerful. The system prevents any individual person or any branch of government from taking control of the government. It requires the different branches to cooperate with each other in order to accomplish anything of importance.

|  |  |  |
| --- | --- | --- |
|  | LEGISLATIVE BRANCH*Congress makes laws.** Only Congress can pass laws.
* Congress may override presidential veto.
* The Senate must approve presidential nominations for federal judges, Cabinet officials, and ambassadors.
* The Senate must approve any treaties that the President negotiates.
* Only Congress may declare war.
* Congress may impeach, try, and remove a president or federal judge for serious crimes.
* Congress may create courts that are necessary for the Judicial Branch to carry out its duties.
* Congress may establish age and citizenship requirements for federal judges.
 |  |
| 🡽🡿 |  | 🡾🡼 |
| EXECUTIVE BRANCH*The President enforces laws.** President may recommend laws to Congress.
* President may veto bills before they become laws.
* President signs bills that Congress has passed to make new laws.
* President chooses federal judges, Cabinet officials, and ambassadors.
* President negotiates treaties.
* President may deploy troops and determine military strategy without the consent of Congress.
* President may grant pardons and reprieves to those found guilty of federal crimes.
 | 🡸🡺 | JUDICIAL BRANCH*The federal court system (Supreme Court) interprets laws.** The courts determine the constitutionality of laws, and may overturn (nullify) any law they deem unconstitutional.
 |

JUDICIAL BRANCH AND THE UNITED STATES COURT SYSTEM

* Defined and discussed in Article III of the Constitution :
* Judicial branch is responsible for interpreting the law.
* Only court that the Constitution specifically mentions is the Supreme Court.
* Constitution does not indicate the structure of the federal court system. It empowers Congress to create those courts that are necessary.
* The federal courts are called the guardians of the Constitution because their rulings protect the rights and liberties guaranteed by the Constitution.
* Through fair and impartial judgments, the federal courts interpret and apply the law to resolve disputes.
1. Types of cases heard by federal courts :
* Criminal trials.
	+ 1. Determine the guilt or innocence of defendants accused of breaking federal law.
		2. A criminal proceeding is initiated by the government, usually through a US attorney’s office in coordination with a law enforcement agency.
* Lawsuit / civil suits.
	+ Decide complaints brought by one person against another.
		- * + Examples :
				+ Slander.
				+ Wrongful death.
				+ Malpractice.
* Usually award damages (money ; placing financial liability).
	+ Appeals cases.
		1. Do not directly concern guilt or liability.
		2. Pertain to the fairness of the original trial and/or the constitutionality of the law applied in the original trial.
* Federal court system : levels :
* Bankruptcy courts.
	+ Federal courts have exclusive jurisdiction over bankruptcy cases.
		- * + Bankruptcy cases cannot be filed in state court
		- District court.
		1. District courts are the trial courts of the federal court system.
		2. The district courts hear nearly all categories of federal cases, including both civil and criminal matters.
		3. There are two special trial courts that have nationwide jurisdiction over certain types of cases.
			- * Court of International Trade ⇨ addresses cases involving international trade and customs issues.
				* United States Federal Court of Claims ⇨ jurisdiction over most claims for financial claims (money damages) against the United States, disputes over federal contracts, unlawful seizure of private property by the federal government, and a variety of other claims against the US government.
		4. If they do not agree with the outcome of the case, litigants (those involved with civil suits) or defendants (people defending themselves in criminal trials) may appeal the outcome of their cases.
		5. 94 in the US
			- * At least one district in each state, the District of Columbia (Washington, D.C.), and Puerto Rico (a US territory).
				* Three other territories of the US have district courts that hear federal cases.
* Virgin Islands.
* Guam.
* Northern Mariana Islands.
	+ - Circuit court.
		1. Also called Courts of Appeals.
		2. Hear appeals from the district courts located within their circuits, as well as appeals from decisions of federal administrative agencies.
		3. 12 regional circuits in the US, and one federal circuit (total of 13 circuits).
		- Supreme court.
			* Highest court of appeals in the US.
				+ History of the Supreme Court and the federal court system :

The Constitution does not elaborate upon the exact powers of the Supreme Court nor the organization of the judicial branch as a whole. Therefore, Congress and the justices (judges who are members of the Supreme Court) decided how to develop the federal court system and the body of federal law.

The Supreme Court was officially established by the Judiciary Act of 1789.

* + 1. Since it was the first bill introduced to the Senate, it is obvious that the establishment of a federal court system was an important priority for the new government (that is to say, the new government under the Constitution).
* Congress determines how many Supreme Court justices there are.
* The Supreme Court was initially composed of one chief justice (head justice) and five associate justices (other Supreme Court judges).
	+ Since 1869, the Supreme Court has consisted of nine justices.
		- The Supreme Court first met on February 1, 1790 in New York City. New York was then the capital of the United States.
			* Today, the Supreme Court building is in Washington, D.C., which is the current capital of the United States.
				+ The first chief justice of the Supreme Court was John Jay (1790-1795).
				+ Since the formation of the Court in 1790, there have been only 16 chief justices and 97 associate justices, with justices serving for an average of 15 years.
		1. Some justices, though, have served for over 30 years.
* The Constitution considers that the independence of the federal court system is essential to ensuring fairness and equal justice for all citizens of the United States. The Constitutions promotes judicial independence in two major ways :
	+ Federal judges are appointed for life, and they can be removed from office only through impeachment and conviction by Congress for “treason, bribery, or other high crimes and misdemeanors”.
		- * + Can rule without fear of popular passions.
		- The Constitution states that the compensation (pay) of federal judges cannot be reduced by the president or Congress.
			* Can rule without fear of political influence.
				+ Federal judges :

Nominated by the President ; approved by the Senate.

Process of appointment

President proposes a nominee.

* + - * + The names of potential nominees are often recommended by senators or sometimes members of the House who are members of the president’s political party.
* Senate Judiciary Committee holds hearings to determine its recommendation to the entire Senate.
	+ - * + Usually, a president’s nominee is approved. Only in rare cases is the president’s nominee rejected by the Senate.
	+ A federal judge is appointed for life (“good behavior”).
	+ The Constitution makes no age or citizenship requirements for federal judges.
		1. ? Senators, representatives, and president.
		2. Constitution grants Congress the power to establish these requirements.
* Jurisdiction ⇨ Supreme Court :
	+ Jurisdiction
		1. The power that a court of law has to carry out legal judgments or enforce laws.
		2. The area in which a particular court and system of laws has authority.
* Original jurisdiction (power to act as a trial court).
	+ Trials involving ambassadors and disputes between the states.
		- Appellate jurisdiction (power to act as an appeals court).
		1. Will hear appeals only when all other opportunities to appeal have been exhausted.
		2. If a case is submitted to the Supreme Court as an appeal, there are three things that can happen :
			- * In the vast majority of appeals, the Court refuses to hear the case.
* In this case, the decision of the lower court stands (remains valid).
	+ - * + The Supreme Court reviews the decision of the lower court.
				+ Four justices must agree to this review (“rule of four”).
				+ The Court issues a writ of certiorari (legal document used to request the court transcripts of a case).
				+ The Court rules in cases that are “real and adverse”.
* “Real and adverse” ⇨ involves an actual legal dispute.
* Does not rule in hypothetical cases.
	+ 1. Limits on cases heard before the Supreme Court.
			- * Liking or disliking a law is not sufficient reason to bring a case before the Supreme Court.
* This type of case would be hypothetical, not “real and adverse.”
	+ - * + Petitioner (person who brings the case) must have a vested interest (i.e., be directly affected) in the outcome of the case.
* Such petitioners are said to have standing before the Court.
	+ Only court that has both original and appellate jurisdiction.
		1. All other federal courts have either original or appellate jurisdiction, but not both.
* Supreme Court : procedures :
* A term (session) of the Supreme Court begins, by law, on the first Monday of October. Even though it officially lasts until the first Monday of October of the following year, the term is usually finished by late June or early July.
	+ 1. The term is divided between sittings (when the justices hear cases and deliver opinions) and recesses (when the justices consider business before the Court and write opinions).
		2. Sittings and recesses rotate at approximately 2-week intervals.
		3. As many as 24 cases may be argued at one sitting.
		4. During the recess periods, the justices study the argued and forthcoming cases and work on their opinions.
		5. Each week the justices also evaluate more than 130 petitions seeking review of judgments of state and federal courts to determine which cases are to be granted a full review with oral arguments by attorneys.
* If a case is heard by the Supreme Court, each side is normally allowed thirty minutes to argue its case.
* Since the majority of cases involve the review of a decision of some other court, there is no jury and no witnesses are heard.
1. Landmark Supreme Court cases :
* *Marbury v. Madison* (1803).
	+ 1. Established the Supreme Court’s power called judicial review.
		2. Judicial review is the right of the Supreme Court to judge the constitutionality of laws.
			- * Not specifically granted by the Constitution.
* *Fletcher v. Peck* (1810).
	+ 1. First case in which the Supreme Court overturned a state law on constitutional grounds.
		2. Established the Supreme Court’s right to apply judicial review to state laws.
			- * Previously, judicial review had only applied to federal law.
* *McCulloch v. Maryland* (1819).
	+ 1. The Supreme Court ruled that the states did not have the right to tax the National Bank and, by extension, the federal government.
		2. Reinforced the supremacy clause of the Constitution.
* *Gibbons v. Ogden* (1824).
	+ 1. Supreme Court ruled that the state of New York could not grant a monopoly to a steamship company to operate on an interstate waterway.
		2. Increased federal power over interstate commerce by implying that anything concerning interstate trade could potentially be regulated by the federal government.
* *Dred Scott v. Sandford* (1857).
	+ 1. Declared that slaves were the property of their masters, whether they lived in a free state or not.
		2. Heightened tensions between the North and the South, leading to the Civil War (1861-1865).
* *Plessy v. Ferguson* (1896).
	+ 1. Supreme Court ruled that “separate but equal” facilities for different races were legal.
		2. “Separate but equal” refers to an approximately one hundred year period after the Civil War during which races in the United States were kept separate by laws that provided that races should have “separate, but equal” facilities.
* *Schenck v. United States* (1918).
	+ 1. Set limits on freedom of speech.
		2. Established the “clear and present danger” test ⇨ speech that puts either individual citizens or the United States in “clear and present danger” is not protected by the Constitution.
			- * Shouting “Fire!” in a theater.
				* Schenck had distributed leaflets encouraging young men to protest World War I by ignoring their draft notices. Therefore, he put the US in “clear and present danger” because the absence of soldiers would have threatened national security.
* *Near v. Minnesota* (1931).
	+ 1. Previously, the freedom of the press and the freedom of speech were only protected under federal laws.
		2. In this case, the Court ruled that a state cannot stop a person from publishing or expressing a thought, except in rare cases
* *Brown v. Board of Education of Topeka (KS)* (1954).
	+ 1. Brought by the NAACP (National Association for the Advancement of Colored People) for Linda Brown (a black school-aged child).
		2. Overturned the “separate but equal” standard as it applied to education.
		3. Court ruled that “separate education facilities are inherently unequal.”
		4. Went towards the desegregation of schools, although the South still found ways to avoid it.
* *Gideon v. Wainwright* (1963).
	+ 1. Supreme Court ruled that all people accused of a crime have the right to legal representation by a lawyer.
		2. If a defendant in a felony trial cannot afford to pay for an attorney, the court will provide one for free.
* *Miranda v. Arizona* (1966).
	+ 1. Supreme Court ruled that, upon arrest, a suspect (someone who is suspected of a crime) must be advised of his or her right to remain silent and right to an attorney.
		2. All police recite a list of rights when arresting a suspect. These are called Miranda Rights after *Miranda v. Arizona*.
* *San Antonio (TX) Independent School District v. Rodriguez* (1973).
	+ 1. In 1968, a group of low-income parent sued the city of San Antonio, because they believed that the city’s wealthy areas had better schools.
		2. The Court ruled that the Constitution does *not* compel government to provide services like education to the people; rather, it places boundaries on government action regarding these services.
* *Rowe v. Wade* (1973).
	+ 1. Decriminalized abortion in the United States.
		2. However, it is up to individual states to set limits on abortion within each state.
* *United States v. Nixon* (1974).
	+ 1. President Richard Nixon asked that he be granted presidential immunity (freedom from prosecution) during a case brought against him.
		2. The Court refused his request, saying that immunity in this case would be an abuse of his power.
		3. The House impeached Nixon, and Nixon resigned the post of president rather than being expelled from office.

# UNITED STATES SUPREME COURT

The Supreme Court is the only court that the Constitution specifically mentions. The Supreme Court is the highest court in the United States. It is the only court in the United States that has both *original jurisdiction* and *appellate jurisdiction*.

The term of the Court begins, by law, on the first Monday in October and lasts until the first Monday in October of the next year. Usually, however, the Supreme Court is finished hearing that year’s cases in late June or early July. Approximately 7000 petitions are filed with the Court in the course of a term, but the Court only accepts to hear about 100 cases. In addition, some 1200 applications of various kinds are filed each year that can be acted upon by a single justice.

Since 1869, the Supreme Court has consisted of nine members (Chief Justice and eight Associate Justices).

Current members:

1. Chief Justice: William H. REHNQUIST
2. Associate Justices :
	* 1. John Paul STEVENS
		2. Sandra Day O’CONNOR
		3. Antonin SCALIA
		4. Anthony M. KENNEDY
		5. David H. SOUTER
		6. Clarence THOMAS
		7. Ruth Bader GINSBURG
		8. Stephen G. BREYER

## APPEALS PROCESS : FEDERAL COURT SYSTEM

|  |  |  |
| --- | --- | --- |
|  | SUPREME COURT |  |
|  | 1. One in the United States.
2. Only excepts petitions for cases in which all other possibilities for appeals have been exhausted.
3. Hears both appeals and certain types of trials.
 |  |
| 🡹 |
|  | **CIRCUIT COURT (“Courts of Appeals”)** |  |
|  | 1. Thirteen in the United States.
2. Accepts appeals of decisions first tried in a district court.
3. Exclusively an appeals court.
 |  |
| 🡹 |
| **DISTRICT COURT** |
| 1. Ninety-four in the United States.
2. Hear all categories of federal cases, including both civil and criminal matters.
3. Exclusively a trial court.
 |

## JUDICIAL BRANCH & THE US COURT SYSTEM : NAMES AND TERMS

Article III / Supreme Court

federal court system / federal law

guardians of the Constitution

criminal trials

guilt / innocence

law enforcement agency

lawsuits / civil suits

-slander

-wrongful death

-malpractice

-damages (=financial liability)

appeals cases

constitutionality

bankruptcy courts / bankruptcy

district court (=trial court)

civil cases / criminal cases

Court of International Trade

customs

United States Federal Court of Claims

financial claims

unlawful seizure of private property

litigants / defendants

district

US territory

-Puerto Rico

-Virgin Islands

-Guam

-Northern Mariana Islands

circuit court / Courts of Appeals

regional circuit / federal circuit

justices

Judiciary Act of 1789

chief justice / associate justices

John Jay (chief justice, 1790-1795)

judicial independence

compensation

Senate Judiciary Committee

“good behavior”

original jurisdiction / appellate jurisdiction

trial court

to stand (i.e., a court decision)

“rule of four”

writ of certiorari

“real and adverse” cases / hypothetical cases

petitioner

vested interest

standing

term

sittings / recesses

opinions

argued and forthcoming cases

petitions

oral arguments

jury / witnesses

*Marbury v. Madison* (1803)

judicial review

constitutionality

*Fletcher v. Peck* (1810)

*McCulloch v. Maryland* (1819)

supremacy clause

*Gibbons v. Ogden* (1824)

monopoly

steamship company

interstate waterway / interstate commerce / interstate trade

to regulate (n. regulation)

*Dred Scott v. Sandford* (1857)

free state / Civil War (1861-1865)

*Plessy v. Ferguson* (1896)

“separate but equal”

*Schenck v. United States* (1918)

“clear and present danger” test

draft notices

*Near v. Minnesota* (1931)

*Brown v. Board of Education of Topeka (KS)* (1954)

NAACP (National Association for the Advancement of Colored People)

Linda Brown

desegregation

*Gideon v. Wainwright* (1963)

legal representation

*Miranda v. Arizona* (1966)

suspect

right to remain silent / Miranda Rights

*San Antonio Independent School District v. Rodriguez* (1973)

*Rowe v. Wade* (1973)

to decriminalize

abortion

*United States v. Nixon* (1974)

presidential immunity

# US CONSTITUTION : EXECUTIVE BRANCH

* Handouts :
* Vocabulary list (attached ; recto) / The Cabinet of the President of the United States (attached ; verso)
* How a United States President is elected (attached ; recto) / Presidents of the United States (1776-2003) (attached ; verso)

* Defined by Article II of the United States Constitution :
* Responsible for enforcing laws.
* Led by the President of the United States.
	+ - President must be a native-born American.
		- President must be at least 35 years old.
		- President must have resided in the United States for at least 14 years before serving as president.
* President serves four-year terms.
	+ Amendment XXII ⇨ established limits on how long a president may serve (two 4-year terms, or a total of ten years).
		- Theory vs. Reality :
			* All presidents have been men.
			* All presidents have been white.
			* All presidents have been Christian, and all but one (John F. Kennedy) were Protestant.
			* Nearly all presidents have been extremely well-educated.
			* Nearly all presidents have been relatively wealthy before taking office.
			* Nearly all presidents have had extensive political careers and have held high offices such as state governor, US senator, or vice president.
			* Some presidents were also high-ranking military heroes.
				+ Electing a president :

To run a successful campaign, a presidential candidate needs the endorsement of a major political party (since 1853, Democratic or Republican).

* + - Candidates for nomination run in primary elections, which help the political parties determine who they will nominate as their party’s candidate at their national conventions. Primary elections are held throughout the spring and early summer of an election year.
		- A candidate is nominated at the party’s national convention based on the results of the primary elections; that is to say, each party nominates the candidate it believes will win the presidential election. National conventions traditionally take place during the summer preceding the election.
* The general election is always held on the first Tuesday after the first Monday of November, in years divisible by four.
	+ - Voters vote for the candidate of their choice.
		- The winner is *not* chosen by the popular vote (direct election), but instead by the Electoral College.
			* + Electoral College ⇨ A state has as many electors as it has members of Congress (i.e., 2 + number of representatives). Collectively, they are called the Electoral College.
				+ Each political party with a candidate submits a list of electors (individuals who have pledged support for that party’s candidate) to each state legislature.
				+ The candidate with the most votes in each state wins the support (in the form votes) of that state’s electors.
* In most states (48), the candidate with the most popular votes wins the *full* support of the state’s electors.
	+ - * + The Electoral College never meets as a body. Instead, the electors of the winning political party gather in each state capital shortly after the election and cast votes for the candidate with the largest number of popular votes.
				+ A presidential candidate needs a simple majority of the total number of electoral votes to win the election. If no candidate receives a majority, then the election is decided by the House of Representatives.
				+ The fifty states and the District of Columbia are allowed one vote each. The winner is chosen by simple majority.
		- From 1824-2000, the winner of the popular vote and the electoral vote were the same. This tradition was broken in 2000 in the presidential race between George W. Bush and Al Gore.
* Powers of the presidency :
	+ To some extent, the powers of the president vary from president to president. Popular presidents, such as Franklin Roosevelt and Ronald Reagan, used their popularity to influence Congress. Other presidents tried to expand their powers by reinterpreting the Constitution, forcing Congress to accept their interpretations or challenge them.
	+ The president is usually more powerful when his or her own political party controls Congress.
	+ Certain presidential powers are determined by Constitutional limits and by traditions of the institution.
		- Commander-in-Chief of the armed forces.
			* + The power to deploy (send) troops.
				+ The power to determine military strategy.
				+ The power to set the United States on a course towards war without the consent of Congress.
* Vietnam (1960s-1970s)
* Kuwait (1990)
* Head of foreign policy.
	+ - * + Visits heads of state to negotiate treaties and other important issues.
				+ Oversees international negotiations that are handled by the State Department and other executive offices.
				+ Agreements need approval by Congress, but Congress usually allows the president a great amount of freedom in negotiations.
				+ May make executive agreements with foreign nations, which do not require Congressional approval but have the same force as treaties.
				+ Chooses US ambassadors to foreign nations.
				+ Subject to approval by the Senate.
* Chief legislator.
	+ - * + Signs the bills that Congress passes (“signs a bill into law”).
				+ Veto power means that Congress must consider the president’s position on a bill.
				+ Can recommend legislation to Congress.
				+ May convene Congress (ask Congress to meet when it is not in session).
* Chief executive.
	+ - * + Leader of federal law enforcement. Directly controls :
				+ Federal Bureau of Investigation (FBI)
				+ Bureau of Alcohol, Tobacco, and Firearms (ATF)
				+ Environmental Protection Agency (EPA)
				+ Many other enforcement and regulatory agencies.
				+ Leader of offices and councils of national and of specialized importance. Examples :
				+ Council on Environmental Quality
				+ National Security Council
				+ Office of Faith-Based and Community Initiatives
				+ Office of Homeland Security
				+ Office of National AIDS Policy
				+ Office of National Drug Control Policy
				+ Office of Science and Technology Policy
				+ President’s Foreign Intelligence Advisory Board
				+ Advised by the Cabinet.
				+ The Cabinet includes, by law, the vice-president and the heads of 15 executive departments.
				+ Leaders of the most important executive departments are called secretaries (e.g., Secretary of Defense, Secretary of Agriculture, Secretary of State).
				+ Cabinet nominations must be approved by the Senate.
				+ Department of Agriculture ⇨ founded in 1862 under President Abraham Lincoln ; assists farmers and ranchers ; maintains national forests ; makes sure that food is safe ; promotes nutrition ; provides food aid to needy people outside of the United States.
				+ Department of Commerce ⇨ promotes job creation, economic growth and development, and improved living standards for all Americans.
				+ Department of Defense ⇨ created in 1947 in the tradition of the War Department (formed in 1789) ; oversees US Army, Navy, Marine Corps, and Air Force.
				+ Department of Education ⇨ established in 1980 by Congress by the Department of Education Organization Act ; ensures equal educational opportunities for all Americans.
				+ Department of Energy ⇨ fosters a secure and reliable energy system that is environmentally and economically sustainable ; maintains nuclear weapons ; supports science and technology.
				+ Department of Health and Human Services ⇨ protects the health of all Americans ; provides essential human services, such as medical research, protection against infectious disease, food and drug safety, assistance to low-income families, prevention of child abuse and domestic violence, and treatment and prevention of substance abuse.
				+ Department of Homeland Security ⇨ Established in September 2001 in response to the 9/11 terrorist attacks ; develops and coordinates a comprehensive national strategy to strengthen protections against terrorist threats or attacks in the United States.
				+ Department of Housing and Urban Development ⇨ created by US Housing Act of 1937 (i.e., during the Great Depression) ; ensures safe and sanitary homes for all Americans ; creates opportunities for home ownership ; provides housing assistance for low-income families ; helps the homeless population.
				+ Department of the Interior ⇨ in charge of US relations with Native Americans ; parks, fishing, and wildlife; land, water, and mineral resources ; human resources.
				+ Department of Justice ⇨ department established in June 1870, although the head office of attorney general had been a Cabinet position since 1789 ; enforces the law in the public interest ; protects citizens against criminals ; ensures healthy competition of business ; safeguards consumers ; enforces drug, immigration, and naturalization laws.
				+ Department of Labor ⇨ created by Congress in 1913 “to foster, promote, and protect the welfare of working people, to improve their working conditions, and to enhance their opportunities for profitable employment.”
				+ Department of State ⇨ main agency for US foreign affairs ; maintains diplomatic relations with 180 foreign countries ; conducts negotiations and concludes agreements and treaties with foreign countries.
				+ Department of Transportation ⇨ established by Congress in October 1966 to “serve the United States by ensuring a fast, safe, efficient, accessible, and convenient transportation system…”
				+ Department of Treasury ⇨ promotes prosperous and stable American and world economies ; manages the government’s finances ; safeguards the nations financial system.
				+ Department of Veterans’ Affairs ⇨ established in March 1989 in the tradition of the Veteran’s Administration ; provides federal benefits (educational, monetary, medical, etc.) to veterans and their dependants.
				+ Cabinet Rank Members ⇨ not required by law to be in the Cabinet, but chosen by the current president to have the same level of importance as the secretaries of the Cabinet departments.
				+ Current Cabinet Rank Members
* Vice President
* Chief of Staff, White House ⇨ in charge of the staff that works in the White House (president’s official residence in Washington).
* Administrator, Environmental Protection Agency ⇨ established in July 1970 ; protects human health and safeguards the national environment.
* Director, Office of Management and Budget ⇨ assists the president in the development and execution of his or her policies and programs.
* Director, Office of National Drug Control Policy ⇨ established in 1988 ; establishes policies, priorities, and objectives for the nation’s drug control program ; tries to reduce illegal drug use, the production and distribution of illegal drugs, and deal with drug-related crime, violence, and health consequences.
* United States Trade Representative ⇨ established in 1962 ; creates growth and raise living standards by opening markets abroad and maintaining an open-market policy at home ; promotes laws that defend the rights of US workers, farmers, and businessmen ; creates worldwide opportunities for economic development and technological progress.
	+ - * + Nominates federal judges, including Supreme Court justices.
				+ Nominations require approval by the Senate.
* Chief of State.
	+ - * + Ceremonial role.
				+ Appears at important national and international events as the representative of the United States.
* Other powers and roles of the president :
	+ - * + Grants pardons (to those accused of crimes) and reprieves (to those found guilty of crimes) to people under national jurisdiction.
				+ Leader of his or her own political party.
		- Can use that power to influence members in Congress to support his or her own programs.
* Voice of the American people.
	+ Only government officer elected by the entire nation.
		- Order of Succession :
			* The order of succession is not written in the Constitution. It was determined by the Succession Act of 1947.
			* If the president dies in office or otherwise becomes incapable of performing the duties of office, the vice president assumes the presidency.
			* If the president is *temporarily* incapacitated (as when Ronald Reagan underwent surgery during his presidency), then the vice president becomes the acting president.
			* Amendment XXV allows the president to appoint a new vice president should the office become vacant through death or resignation.
		- Both houses of Congress must approve the president’s choice for vice president.
* In the unlikely event that neither the president nor the vice president is able to perform the role of president, the order of succession is :
	+ - Speaker of the House
		- President *pro tempore* of the Senate
		- Secretary of State
		- Secretary of Defense
		- Attorney General
		- Other Cabinet officials
* Impeachment of the president :
	+ Impeach ⇨ accuse the president of the United States of a crime.
	+ The Constitution gives Congress the power to remove a president for “treason, bribery, or other high crimes and misdemeanors.”
	+ Process of impeachment.
		- House of Representatives must bring formal charges against the president.
			* + A simple majority vote is required.
* President is tried before the Senate.
	+ - * + Chief Justice of the United States Supreme Court presides over the trial.
				+ Two-thirds majority vote is required for a conviction (find guilty).
		- If the President is found guilty, he or she is removed from office.
* History of impeachment in the United States
	+ Andrew Johnson.
		- * + He was found not guilty, but he had no real political power for the rest of his presidency.
* Richard Nixon.
	+ - * + Resigned to avoid certain impeachment.
* Bill Clinton.
	+ - * + Impeached but not removed from office.
	+ The impeachment process allows Congress to remove other civil (nonmilitary) officials of the federal government as well.
		- History of non-presidential impeachment
			* + Seven federal judges have been removed from the bench.

HOW A UNITED STATES PRESIDENT IS ELECTED

|  |  |  |  |
| --- | --- | --- | --- |
| **TIME****SEQUENCE** |  |  |  |
|  |  |  |  |
| Spring/early summer of election year |  | **PRIMARY****ELECTIONS** |  |
|  |  | Voters in each state cast preliminary votes for candidates from different political parties.  |  |
|  |  |  |  |  |  |  |
|  |  | 🡸 |  |  | 🡺 |  |
|  | **REPUBLICAN NATIONAL CONVENTION** |  | **DEMOCRATIC NATIONAL CONVENTION** |
| Summer | Based on the outcome of the primary elections, a convention of party representatives from every state nominates candidates for president and vice president. |  | Based on the outcome of the primary elections, a convention of party representatives from every state nominates candidates for president and vice president. |
|  | 🡻 |  | 🡻 |
|  | **STATE REPUBLICAN HEADQUARTERS** |  | **STATE DEMOCRATIC HEADQUARTERS** |
| Before election | The Republican Party in each state chooses electors who promise to vote for the party’s candidate for president and vice president. |  | The Democratic Party in each state chooses electors who promise to vote for the party’s candidate for president and vice president. |
|  |  |  |  |  |  |
|  | **BALLOT BOX** |
| Election day(second Tuesday after the first Monday in November) | When the voters cast their vote for a presidential nominee, this is called the **popular vote**. The victorious party is the one that receives the majority of the popular vote in the state.  |
|  | 🡻 |
| December | If party wins… | 🡺 | The electors of the victorious party of each state assemble at their state capital and vote separately for their party’s presidential and vice presidential candidates. This is the **electoral vote**. | 🡸 | If party wins… |
|  |  |  |  |
|  |  | 🡻 |  |
|  |  | Certified copies of these electoral votes are sent to the president of the United States Senate. |  |
|  |  | 🡻 |  |
|  |  | The president of the Senate counts the electoral votes in the presence of both houses of Congress. |  |
|  |  | 🡻 |  |
| January |  | To be elected, a candidate must receive at least a majority of the electoral vote. |  |

**THE CABINET OF THE PRESIDENT OF THE UNITED STATES**

The *Cabinet* is the circle of the President’s advisors. It includes, by law, the vice-president and the heads of fifteen executive departments. All Cabinet nominations must be approved by the Senate.

The leaders of the most important executive departments are called *secretaries* (e.g., Secretary of Defense, Secretary of Agriculture, Secretary of State). The fifteen executive departments are :

1. Department of Agriculture
2. Department of Commerce
3. Department of Defense
4. Department of Education
5. Department of Energy
6. Department of Health and Human Services
7. Department of Homeland Security
8. Department of Housing and Urban Development
9. Department of the Interior
10. Department of Justice
11. Department of Labor
12. Department of State
13. Department of Transportation
14. Department of Treasury
15. Department of Veterans’ Affairs

The president may also elevate other officials to the level of a Cabinet official. These officials are called *Cabinet Rank Members*. Under the current administration, the Cabinet Rank Members are :

* + Chief of Staff, White House
	+ Administrator, Environmental Protection Agency
	+ Director, Office of Management and Budget
	+ Director, Office of National Drug Control Policy
	+ United States Trade Representative

**US CONSTITUTION : EXECUTIVE BRANCH : TERMS AND NAMES**

President of the United States

Amendment XXII

endorsement

primary elections

candidate

general election

popular vote

Electoral College

electors

electoral votes

Washington, D.C. (District of Columbia)

Franklin Delano Roosevelt

Ronald Reagan

Roles:

-Commander-in-Chief of the armed forces

-Head of foreign policy

-Chief legislator

-Chief executive

-Chief of State

deploy (send) troops

Vietnam / Kuwait

heads of state

executive agreements

veto power

convene

federal law enforcement

Federal Bureau of Investigation (FBI)

Bureau of Alcohol, Tobacco, and Firearms (ATF)

Environmental Protection Agency (EPA)

regulatory agencies

Cabinet

executive departments / secretaries

-Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Justice, Labor, State, Transportation, Treasury, Veterans’ Affairs

attorney general

Cabinet Rank Members

Supreme Court justices

pardons

reprieves

national jurisdiction

order of succession

Succession Act of 1947

acting president

Amendment XXV

impeachment

-“treason, bribery, or other high crimes and misdemeanors”

Chief Justice of the United States Supreme Court

conviction

President Andrew Johnson

President Richard Nixon

President Bill Clinton

civil (nonmilitary) official

**INTERSTATE RELATIONS, AMENDMENTS, FEDERAL SUPREMACY CLAUSE, AND THE “UNWRITTEN CONSTITUTION”**

* Handout :
* Vocabulary list (attached)
* Interstate relations (relations between the states) :
* Described in Article IV of the Constitution.
* The federal government is obliged to provide to the states…
	+ - A republican form of government.
		- Protection against foreign invasion and domestic rebellion.
* The federal government must not allow states to divide or combine without the consent of Congress.
* “Full faith and credit clause”.
	+ The states are required to accept the court judgments, licenses, contracts, and other civil acts of all the other states.
		- “Privileges and immunities clause”.
		- A state may not refuse police protection or access to its courts to a US citizen simply because he or she is not a resident of that state.
* Extradition.
	+ States must return fugitives to the states from which they have fled for arrest and trial.
* One reason that the Constitution has lasted for over 200 years is that it is flexible :
* In order to be effective, the Constitution needs to be interpreted. Therefore, according to what is needed at a given time, it may be interpreted more conservatively or more liberally.
* Judicial review has extended the interpretive power of the courts.
	+ - Judicial review ⇨ the power of the Supreme Court to judge the constitutionality (adherence to the spirit of the Constitution) of federal and state laws.
* The elastic clause has allowed Congress to interpret the extent of its Constitutional powers.
	+ - Elastic clause ⇨ section of the Constitution that allows Congress to make laws that are “necessary and proper” to the performance of its duties.
* The Constitution can be changed through amendment (the addition of provisions, or changes, to the document itself).
	+ Amendment Process :
		- Described in Article V of the Constitution.
		- Two processes for amending the Constitution.
		- Process 1.
		- The proposed amendment is introduced to both houses of Congress and approved by a two-thirds majority in each.
		- The proposed amendment is passed to each of the fifty state legislatures (law-making bodies).
		- Three-fourths of the states must ratify (approve) the amendment for it to be added to the Constitution.
			* + The states themselves are allowed to determine how many votes are required to ratify an amendment.
				+ Most states require a simple majority of their legislatures.
				+ Seven states require either three-fifths or two-thirds majorities.
* Process 2.
	+ - Two-thirds of the state legislatures petition Congress to call a constitutional convention.
		- This process has never occurred.
			* + Since this has never occurred, no one knows for certain how drastically a constitutional convention could alter the Constitution.
* Bill of Rights :
	+ The first ten amendments, added to the Constitution in 1791.
	+ A list of basic rights of every United States citizen.
	+ Amendment I
		- Guarantees the fundamental principles of liberty and justice which lie at the base of all civil and political institutions of the United States.
		- Freedom of religion.
			* + The government may not interfere with an individual’s right to practice his or her faith.
				+ Congress may not establish an official church of the United States nor give a particular faith or sect preferential treatment over others.
* This constitutional provision is usually called separation of church and state.
	+ Freedom of speech and freedom of the press.
		- * + Congress may not pass a law that prevents citizens from expressing their opinions, either in speech or in writing.
				+ Congress has places some limits on this freedom.
				+ *Schenk v. United States* (1918) ⇨ “clear and present danger” test
				+ Obscenity and child pornography are not protected.
				+ Speech intended to incite violence is not protected.
				+ Speech (libel) and writing (slander) intended to falsely damage another person’s reputation is not protected.
				+ However, and perhaps most importantly, the freedom to criticize the government and its policies *is* protected.
* Freedom of assembly and freedom to petition the government.
	+ - * + The Constitution protects the citizens’ right to assemble peacefully, to hold rallies and demonstrations, and to ask the government for changes in policy.
				+ Rallies and demonstrations that encourage or incite violence, however, are *not* protected.
* Amendment II
	+ - Protects the citizens’ right to bear arms.
		- Controversial amendment.
			* + The Constitution says that the citizens’ right to bear arms is necessary to keeping a well-regulated militia for the security of each state.
				+ This language is vague, and it is controversial whether the Constitution protects citizens’ right to bear arms under *all* circumstances or *only* if citizens serve in “well-regulated militias.”
* Amendment III
	+ - Written in response to British practices of quartering (housing) soldiers, which, when the citizens were colonists, had burdened and alienated them from England.
		- This amendment states that citizens cannot be forced to quarter a soldier during peacetime, and only under certain circumstances during war.
* Amendment IV
	+ - This amendment protects all citizens’ right against unreasonable search and seizure of property.
		- In order for the police to search private property, they must first go before a judge and explain :
			* + Where they want to search.
				+ What they are looking for, specifically.
				+ If there is probable cause (i.e., the judge is convinced that the search is likely to produce evidence of a crime), then he or she issues a search warrant (limits where the police may search and what they may take as evidence).
* Amendment V
	+ Right to a trial.
		- * + The government may not imprison someone without first trying and convicting them (due process).
* Right against self-incrimination.
	+ - * + A defendant (person accused of a crime) cannot be forced to provide information that could be used to prosecute him or her.
				+ A defendant cannot be forced to testify at his or her own trial.
				+ A jury cannot infer guilt simply because the defendant does not testify.
				+ *Miranda v. Arizona* (1966) strengthened these protections by requiring the police to inform suspects of their rights at the time of arrest (“Miranda Rights”).
* Protection against double jeopardy.
	+ - * + Once a person has been acquitted of a criminal charge, the government may not try him again on the same charge.
				+ A “not guilty” verdict is permanent.
* Amendment VI
	+ - Right to a “speedy and public trial”.
			* + The trial of a defendant must be held in a reasonable amount of time after the arrest and must be held in public (unless the defendant waives, or voluntarily gives up, this right).
* Right to an indictment.
	+ - * + Criminal charges must be brought before a court of law in order for the government to arrest a person for a crime.
				+ A defendant has the right to know what accusations have been made against him or her.
* Right to a defense attorney (lawyer).
	+ - * + A defendant has the right to be represented in court by an attorney.
				+ *Gideon v. Wainwright* (1962) ⇨ if the defendant cannot pay an attorney, the court must provide an attorney for him or her.
* Amendment VII
* In almost all cases, defendants have the right to a trial by jury.
	+ - * + Jury ⇨ group of twelve citizens who have no vested interest in the case (i.e., are not affected in any way by the outcome of the case). They also may not know the defendant or any other parties (people) involved in the case.
	+ Amendment VIII
		- Protection against excessive bail (an amount of money temporarily paid to the court to gain a person’s freedom in the time between his or her arrest and trial).
			* + Most defendants are not held in jail between arrest and trial. They are allowed to return home, usually with the requirement to pay bail.
				+ Bail should be set at an amount large enough to guarantee that the defendant will return to court on his or her trial date.
				+ If the defendant returns to court for his or her trial, bail is returned at that time.
				+ If the defendant does not return to court for his or her trial, the defendant forfeits (loses) bail.
				+ Bail cannot be set at a high amount as a means of preventative detention (keeping likely criminals in jail even though they have not been convicted of a crime).
* The US justice system is founded on the presumption of innocence (a defendant is presumed innocent until proven guilty by the government in a court of law). Therefore, a person cannot be presumed guilty and kept in jail preventatively.
	+ - * + A court may deny bail to defendants if…
				+ It strongly suspects the defendant will flee the country.
				+ It considers the defendant poses probable threats to public safety (i.e., they are extremely likely to commit more crimes if allowed to leave prison).
* Protection against excessive punishment or fines.
	+ - * + The Constitution requires that the punishment for a crime is not excessive in relation to the nature of that crime (“punishment fits the crime”).
				+ Punishments that are thought to be cruel or unusual can serve as a reason to appeal the case to a higher court.
				+ Controversial ⇨ some people think that capital punishment is cruel and unusual. However, it is the right of the states to determine whether or not capital punishment is allowed in individual states.
	+ Amendment IX.
		- Put simply, this amendment states that any rights that are not specifically granted by the Constitution should not necessarily be denied to citizens.
			* Amendment X.
				+ Sometimes called the “reserved powers amendment”.
				+ Reserved powers ⇨ powers that belong exclusively to the states.
* Limits federal control over the states by giving any powers that are not specifically granted to the federal government under the Constitution to state and local governments.
	+ Other important amendments :

* + - Amendment XIII (1865)
			* Abolished slavery.
				+ Amendment XIV
		- After the Civil War, the federal government wanted to make sure that the liberty of freed slaves would not be limited by the states.
		- States may not make laws that limit the rights of citizens as they are explained in the Constitution.
		- All people must be treated equally under the law.
* Amendments concerning voting rights.
	+ Amendment XV (1870)
		- * + Granted voting rights to all males over the age of 21.
* Amendment XVII (1913)
	+ - * + Changed the way US senators were chosen for each state (from the state legislatures to direct election).
		- Amendment XIX (1920)
			* + Granted voting rights to women.
		- Amendment XXIII (1961)
			* + Allowed residents of Washington, D.C. (the national capital) to vote in presidential elections.
* Amendment XXIV (1964)
	+ - * + Outlawed poll taxes (taxes that voters must pay to vote).
* Amendment XXVI (1971)
	+ - * + Lowered the voting age from 21 to 18.
* Amendment XVI (1913)
* Authorized Congress to impose and collect a federal income tax (tax on citizens’ yearly salaries).
* Amendments XVIII (1919) and XXI (1933)
	+ - Began and ended Prohibition (a period during which the manufacture and sale of alcohol was prohibited, or forbidden, in the US).
		- Amendment XVIII is the only amendment that has been repealed (nullified).
* Amendment XXII (1951)
	+ - Limits the number of years a president may serve in office.
		- A president may serve two four-year terms, or a total of ten years.
* Amendment XXV (1967)
	+ - Described how a new vice president should be chosen if the current vice president could not fulfill his or her duties.
		- States that the vice president may serve as acting president if the president is temporarily unable to perform his or her duties.
* Amendment XXVII (1992)
* If Congress votes itself a salary increase, that increase cannot take effect until *after* the next election.
	+ Federal supremacy clause :
		- Described by Article VI of the Constitution.
		- Section of the Constitution that requires all conflicts between state and federal law to be resolved in favor of federal law.
		- State constitutions that violate the US Constitution, federal laws, or international treaties can be invalidated through the supremacy clause.
		- Basically, it makes the Constitution the “supreme law of the land”.
			* The “unwritten Constitution” :
				+ Aspects of the US system of government that are not mentioned in the Constitution.
				+ Judicial review.

The power of the Supreme Court to determine the constitutionality of laws.

* + - * + Federal law ⇨ *Marbury v. Madison* (1803)
				+ State law ⇨ *Fletcher v. Peck* (1810)
* Political parties and political conventions.
	+ - The men who wrote the Constitution disliked political parties and hoped that they would not develop in the United States.
		- Political parties did develop, however, and are an integral (important) part of the way US politics function.
		- Political conventions (meetings) have played an important role in US politics ever since the early 1800s.
			* + Parties choose their presidential candidates every four years.
				+ Draw up a party’s platform (a list of its political objectives).
* The presidential Cabinet.
	+ - Cabinet ⇨ circle of the president’s advisors, made up of the secretaries (heads) of fifteen executive departments, the vice president, and Cabinet Rank Members.
		- The Constitution mentions executive departments, but does not require the president to meet with them as a group to seek their advice.
		- President George Washington established the tradition and every president since him has followed it.
* Presidential limits
	+ - Before President Franklin D. Roosevelt, the two-term limit on the presidency was traditional.
		- Roosevelt served more than two terms because the country did not want to change presidents before and during World War II.
		- After Roosevelt, the two-term limit was added to the Constitution by Amendment XXII.

# INTERSTATE RELATIONS, AMENDMENTS, FEDERAL SUPREMACY CLAUSE, & THE “UNWRITTEN CONSTITUTION” : NAMES AND TERMS

interstate relations

Article IV

republican

foreign invasion / domestic rebellion

“full faith and credit clause”

“privileges and immunities clause”

extradition

fugitives

judicial review / constitutionality

elastic clause

amendment

Article V

legislature / to ratify

constitutional convention

Bill of Rights

freedom of religion

separation of church and state

freedom of speech

freedom of the press

*Schenk v. United States* (1918) / “clear and present danger” test

obscenity / child pornography

libel / slander

freedom of assembly

freedom to petition the government

right to bear arms

well-regulated militia

to quarter

peacetime

right against unreasonable search and seizure of property

party platform

Cabinet

President George Washington

President Franklin D. Roosevelt

two-term limit

right to a trial

due process

right against self-incrimination

defendant

*Miranda v. Arizona* (1966) / “Miranda Rights”

double jeopardy

“not guilty” verdict

right to a “speedy and public trial”

right to an indictment

right to a defense attorney

*Gideon v. Wainwright* (1962)

right to a trial by jury

parties

protection against excessive bail

to forfeit

preventative detention

presumption of innocence

protection against excessive punishment or fines

“punishment fits the crime”

capital punishment

“reserved powers amendment”

direct election

poll taxes

federal income tax

Prohibition

to repeal

acting president

Federal supremacy clause

Article VI

“supreme law of the land”

“unwritten Constitution”

political parties / political conventions

party platform

Cabinet