

U.S. FEDERAL GOVERNMENT

THE CONSTITUTION

- A constitution is a set of principles upon which a nation is politically organized.
- The U.S. has had two constitutions: The Articles of Confederation and Perpetual Union (1777) and the Federal Constitution (1789).
- The Federal Constitution outlined the structure of the U.S. federal government; it gave more power than the Articles of Confederation and Perpetual Union, but reserved many powers for the states.
- It was submitted to the states for their consideration in 1787; it was ratified between 1787 and 1790.
- It has been the law of the land since March 4th, 1789.

FEDERALISM

- Federalism is the system where a large national government shares power with smaller state governments.
- The division of powers is detailed in the Constitution.
- Federal and state governments exercise power over individuals.

THE SENATE

- Prior to the adoption of the 17th Amendment to the Constitution in 1913, senators were appointed by state legislatures; since then, they have been elected by the people.
- Senators serve six-year terms; terms are staggered so that every two years, one-third of U.S. senators come up for reelection.
- There are 100 senators, two from each state; less populated states are just as powerful as large states.
- As in Congress, there are Majority and Minority leaders.
- In the event of a tied vote in the Senate, the Vice-President (who also serves as President of the Senate) casts the deciding vote to break it.

THE LEGISLATURE

- Members of the House of Representatives are elected by the people every two years.
- States are awarded House seats according to their populations.
- There are 435 seats in the House; the party that holds a majority of seats (218) controls the House.
- At the beginning of each Congress (January following a biannual election, in November), each party elects its House leaders.
- The Majority House leader also becomes Speaker of the House, and controls the legislative agenda.

PRIMARY

- A primary is held before a general election to nominate party candidates.
- In state Presidential primaries, most and the party members vote to send delegates to the party's national convention (summer before election).
- Presidential candidates try to secure support from delegates (convention is held before a party convention).
- Some states use caucuses; delegates are chosen at a series of meetings, beginning at precinct and ending at state convention.

THE JUDICIARY

- The Supreme Court, traditionally composed of nine justices, is outlined in Article III of the Constitution. "The judicial power of the United States shall be vested in One Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish."
- All justices are appointed and have no term limits.
- Although the Supreme Court was conceived of as a separate power, the President does have a lasting effect on the nation, since appointed justices can remain on the bench indefinitely.
- The Senate can refuse a nomination (such as Robert Bork in 1987).
- For the most part, the Judiciary committee allows a President the influence to bring as he recognizes the importance of balance.

JUDICIAL REVIEW

"The power vested in the American courts of justice of pronouncing a statute to be unconstitutional forms one of the most powerful barriers that has ever been devised against the tyranny of political assemblies." - Alexis de Tocqueville



- It is the power of the Supreme Court to declare an act of Congress or a Presidential act unconstitutional.
- First applied in *Marbury vs. Madison* (1803).
- Used sparingly until the 1950s when it was used against the New Deal; it has been used more commonly since then.

CHECKS & BALANCES

- "The power of government should be so divided and balanced among several bodies of magistracy, as that none could transcend their legal limits, without being effectively checked and restrained by the others." - Charles de Montesquieu.
- The Constitution is a system of checks and balances that prevents one branch of government from attaining absolute power.
- It allows the President to veto legislation from Congress.
- It permits the Congress to override a Presidential veto, null Presidential appointments, and refuse to ratify treaties.
- It gives the Supreme Court the authority to declare acts of Congress or by the President as unconstitutional.

SEPARATION OF POWERS

"There can be no state where the legislative and executive powers are united in the same person, or if the power of judging be not separated from the legislative and executive powers." - James Madison

BRANCHES OF THE U.S. FEDERAL GOVERNMENT

Legislative	Congress (House of Representatives and the Senate)
Executive	The Presidency
Judicial	The federal court system

Notes: The three branches of government are based on the principle of separation of powers. There is also a federal bureaucracy that implements policies that are enacted by the legislative and executive.

American Federal Government Study Guide

Arlen Henderson



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