**Mr. Carpenter 1/20/15**

**Terms**

**Introduction, Constitution, and Federalism**

**Democracy –**Government by the people, both directly or indirectly, with free and frequent elections.

**Direct democracy –** Government in which citizens vote on laws and select officials directly.

**Representative democracy –** Government in which the people elect those who govern and pass laws; also called a republic.

**Constitutional democracy –** A government that enforces recognized limits on those who govern and allows the voice of the people to be heard through free, fair, and relatively frequent elections.

**Constitutionalism –** The set of arrangements, including checks and balances, federalism, separation of powers, rule of law, due process, and a bill of rights, that requires our leaders to listen, think, bargain, and explain before they act or make laws. We then hold them politically and legally accountable for how they exercise their powers.

**Statism –** The idea that the rights of the nation are supreme over the rights of the individuals who make up the nation.

**Popular consent –** The idea that a just government must derive its powers from the consent of the people it governs.

**Majority rule –** Governance according to the expressed preferences of the majority.

**Majority –** The candidate or party that wins more than half the votes cast in an election.

**Plurality –** Candidate or party with the most votes cast in an election, not necessarily more than half.

**Theocracy –** Government by religious leaders, who claim divine guidance.

**Articles of Confederation –** The first governing document of the confederated states drafted in 1777, ratified in 1781, and replaced by the present Constitution in 1789.

**Annapolis Convention –** A convention held in September 1786 to consider problems of trade and navigation, attended by five states and important because it issued the call to Congress and the states for what became the Constitutional Convention.

**Constitutional Convention –** The convention in Philadelphia, May 25 to September 17, 1787, that debated and agreed upon the Constitution of the United States.

**Shays’s Rebellion –** Rebellion led by Daniel Shays of farmers in western Massachusetts in 1786-1787, protesting mortgage foreclosures. It highlighted the need for a strong national government just as the call for the Constitutional Convention went out.

**Bicameralism –** The principle of a two-house legislature.

**Virginia Plan –** Initial proposal at the Constitutional Convention made by the Virginia delegation for a strong central government with a bicameral legislature dominated by the big states.

**New Jersey Plan –** Proposal at the Constitutional Convention made by William Paterson of New Jersey for a central government with a single-house legislature in which each state would be represented equally.

**Connecticut Compromise –** Compromise agreement by states at the Constitutional Convention for a bicameral legislature with a lower house in which representation would be based on population and an upper house in which each state would have two senators.

**Three-fifths compromise –**Compromise between northern and southern states at the Constitutional Convention that three-fifths of the slave population would be counted for determining direct taxation and representation in the House of Representatives.

**Federalists –** Supporters of ratification of the Constitution and of a strong central government.

**Antifederalists –** Opponents of ratification of the Constitution and of a strong central government, generally.

**The Federalist –**Essays promoting ratification of the Constitution, published anonymously by Alexander Hamilton, John Jay, and James Madison in 1787 and 1788.

**Natural law –** God’s or nature’s law that defines right from wrong and is higher than human law.

**Separation of powers –** Constitutional division of powers among the legislative, executive, and judicial branches, with the legislative branch making law, the executive applying and enforcing the law, and the judiciary interpreting the law.

**Checks and balances –** Constitutional grant of powers that enables each of the three branches of government to check some acts of the others and therefore ensure that no branch can dominate.

**Divided government –** Governance divided between the parties, especially when one holds the presidency and the other controls one or both houses of Congress.

**Direct primary –** Election in which voters choose party nominees.

**Initiative –** Procedure whereby a certain number of voters may, by petition, propose a law or constitutional amendment and have it submitted to the voters.

**Referendum –** Procedure for submitting to popular vote measures passed by the legislature or proposed amendments to a state constitution.

**Recall –** Procedure for submitting to popular vote the removal of officials from office before the end of their term.

**Marbury v. Madison -** A landmark case in United States law and the basis for the exercise of judicial review in the United States, under Article Three of the United States Constitution. The case resulted from a petition to the Supreme Court by William Marbury, who had been appointed as Justice of the Peace in the District of Columbia by President John Adams shortly before leaving office, but whose commission was not delivered as required by John Marshall, Adams's Secretary of State. When Thomas Jefferson assumed office, he ordered the new Secretary of State, James Madison, to withhold Marbury's and several other men's commissions. Marbury and three others petitioned the Court to force Madison to deliver the commission to Marbury. The Supreme Court denied Marbury's petition, holding that the statute upon which he based his claim was unconstitutional.

**Judicial review –** The power of a court to refuse to enforce a law or a government regulation that in the opinion of the judges conflicts with the U.S. Constitution or, in a state court, the state constitution.

**Writ of mandamus –** Court order directing an official to perform an official duty.

**Impeachment –** Formal accusation by the lower house of legislature against a public official, the first step in removal from office.

**Executive order –** Directive issued by a president or governor that has the force of law.

**Executive privilege –** The power to keep executive communications confidential, especially if they relate to national security.

**Impoundment –** Presidential refusal to allow an agency to spend funds that Congress authorized and appropriated.

**Devolution revolution –**The effort to slow the growth of the federal government by returning many functions to the states.

**Federalism –** Constitutional arrangement in which power is distributed between a central government and subdivisional governments, called states in the United States. The national and the subdivisional governments both exercise direct authority over individuals.

**Dual federalism (layer cake federalism) –** Views the Constitution as giving a limited list of powers—primarily foreign policy and national defense—to the national government, leaving the rest to the sovereign states. Each level of government is dominant within its own sphere. The Supreme Court serves as the umpire between the national government and the states in disputes over which level of government has responsibility for a particular activity.

**Cooperative federalism –** Stresses federalism as a system of intergovernmental relations in delivering governmental goods and services to the people and calls for cooperation among various levels of government.

**Marble cake federalism –** Conceives of federalism as a marble cake in which all levels of government are involved in a variety of issues and programs, rather than a layer cake, or dual federalism, with fixed divisions between layers or levels of government.

**Competitive federalism –** Views the national government, 50 states, and thousands of local governments as competing with each other over ways to put together packages of services and taxes. Applies the analogy of the marketplace: we have some choice about which state and city we want to “use”, just as we have choices about what kind of telephone service we use.

**Permissive federalism –** Implies that although federalism provides “a sharing of power and authority between the national and state governments, the state’s share rests upon the permission and permissiveness of the national government.”

**“Our federalism” –** Championed by Ronald Reagan, presumes that the power of the federal government is limited in favor of the broad powers reserved to the states.

**Unitary system –** Constitutional arrangement that concentrates power in a central government.

**Confederation –** Constitutional arrangement in which sovereign nations or states, by compact, create a central government but carefully limit its power and do not give it direct authority over individuals.

**Express powers –** Powers the Constitution specifically grants to one of the branches of the national government.

**Implied powers –** Powers inferred from the express powers that allow Congress to carry out its functions.

**Necessary and proper clause –** Clause of the Constitution (Article 1, Section 8, Clause 3) setting forth the implied powers of Congress. It states that Congress, in addition to its express powers has the right to make all laws necessary and proper to carry out all powers the Constitution vests in the national government.

**Inherent powers –** The powers of the national government in foreign affairs that the Supreme Court has declared do not depend on constitutional grants but rather grow out of the very existence of the national government.

**Commerce clause –** The clause in the Constitution (Article 1, Section 8, Clause 1) that gives Congress the power to regulate all business activities that cross state lines or affect more than one state or other nations.

**Federal mandate –** A requirement the federal government imposes as a condition for receiving federal funds.

**Concurrent powers –** Powers that the Constitution gives to both the national and state governments, such as the power to levy taxes.

**Full faith and credit clause –** Clause in the Constitution (Article 4, Section 1) requiring each state to recognize the civil judgments rendered by the courts of the other states and to accept their public records and acts as valid.

**Extradition –** Legal process whereby an alleged criminal offender is surrendered by the officials of one states to officials of the state in which the crime is alleged to have been committed.

**Interstate compact –** An agreement among two or more states. Congress must approve most such agreements.

**National supremacy –** Constitutional doctrine that whenever conflict occurs between the constitutionally authorized actions of the national government and those of a state or local government, the actions of the federal government will prevail.

**Preemption –** The right of a federal law or a regulation to preclude enforcement of a state or local law or regulation.

**Centralists –** People who favor national action over action at the state and local levels.

**Decentralists –** People who favor state or local action rather than national action.

**State’s rights –** Powers expressly or implicitly reserved to the states.

**Categorical-formula grants –** Congress appropriates funds for a specific purpose, such as school lunches or for building airports and highways. These funds are allocated by formula and are subject to detailed federal conditions, often on a matching basis; that is, the local government receiving the federal funds must put up some of its own dollars. Categorical grants, in addition, provide federal supervision to ensure that the federal dollars are spent as Congress wants.

**Project grants –** Congress appropriates a certain sum, which is allocated to state and local units and sometimes to nongovernmental agencies, based on applications from those who wish to participate. Examples are grants by the National Science Foundation to universities and research institutes to support the work of scientists or grants to states and localities to support training and employment programs.

**Block grants –** These are broad state grants to states for prescribed activities—welfare, child care, education, social services, preventive health care, and health services—with only a few strings attached. States have greater flexibility in deciding how to spend block grant dollars, but when the federal funds for any fiscal year are gone, there are no more matching federal dollars.

**Direct orders –** A technique of Congress to establish federal regulations. Direct orders must be complied with under threat of criminal or civil sanction. An example is the Equal Employment Opportunity Act of 1972, barring job discrimination by state and local governments on the basis of race, color, religion, sex, and national origin.

**Cross-cutting requirements –**A technique of Congress to establish federal regulations. Federal grants may establish certain conditions that extend to all activities supported by federal funds, regardless of their source. The first and most famous of these is Title VI of the 1964 Civil Rights Act, which holds that in the use of federal funds, no person may be discriminated against on the basis of race, color, or national origin. More than 60 cross-cutting requirements concern such matters as the environment, historic preservation, contract wage rates, access to government information, the care of experimental animals, and the treatment of human subjects in research projects.

**Crossover sanctions –** A technique of Congress to establish federal regulations. These sanctions permit the use of federal money in one program to influence state and local policy in another. For example, a 1984 act reduced federal highway aid by up to 15 percent for any state that failed to adopt a minimum drinking age of 21.

**Total and Partial Preemption -** A technique of Congress to establish federal regulations. Total preemption rests on the national governments power under the supremacy and commerce clauses to preempt conflicting state and local activity. Building on this constitutional authority, federal law in certain areas entirely preempts state and local governments from the field. Sometimes federal law provides for partial preemption in establishing basic policies but requires states to administer them. Some programs give states an option not to participate, but if a state chooses not to do so, the national government steps in and runs the program. Even worse from the state’s point of view is mandatory partial preemption, in which the national government requires states to act on peril of losing other funds but provides no funds to support state action.

**Creative federalism –** During the Great Society, the marble cake approach of intergovernmental relations.

**Fiscal federalism –** Through different grant programs, slices up the marble cake into many different pieces, making it even more difficult to differentiate the functions of the levels of government.

**“Necessary and proper” clause –** Clause in the Constitution that states that “Congress should have the power to make all laws necessary and proper for carrying into execution the foregoing powers. . . .” This clause is also known as the elastic clause as is a major and significant power of Congress, granting Congress the ability to interpret its lawmaking ability in a broad manner.

**Linkage institutions –** The means by which individuals can express preferences regarding the development of public policy.

**Photo ops –** Photo opportunities set up by the candidates. The media have been accused of simplifying complicated political issues by relying on photo ops to explain them to the public.

**Sound bites –** 30-second statements on the evening news shows. The media have been accused of simplifying complicated political issues by relying on sound bites to explain them to the public.