

US Government Exam Review Answer Key

Chapter 1 Principles of Government

1. **Government** is the institution which makes and enforces **public** policy.
2. What are the three basic powers that every government has in its possession?
 - A. **legislative - authority to write bills which may become law**
 - B. **executive - authority to enforce laws**
 - C. **judicial - authority to interpret the law**
3. Below are the four defining characteristics of a State. Fill in the missing element:
 - A. population
 - B. territory
 - C. sovereignty
 - D. **government**
4. **True**/False: The theory that underlies modern democracy in the last three centuries is designed to challenge the idea that those of royal birth have the absolute authority to rule.
5. Where can a person find a stated expression of the broader purposes of American government? (Hint: it is the opening paragraph to the United States Constitution)
The preamble to the US Constitution is where a person can find the broad purpose of American government spelled out.
6. As it related to the *geographic distribution of power* which of the following is a type of government that seeks to divide power between a central and local governments?
 - A. Unitary
 - B. **Federal**
 - C. Confederate
- A. In a **Unitary** system of government all the political powers are concentrated at the national level.
- B. In a **Confederate** system of government the bulk of political power is concentrated in regional governments, leaving the central government weak.
7. **The idea that the state was created voluntarily by a free people is part of which theory on the origins of government?**
 - A. evolutionary theory
 - B. Divine Right Theory
 - C. Force Theory
 - D. **Social Contract Theory**
8. Government can be defined by three sets of distinct relationships which are listed below. Fill in the missing information.
 - (A) Who can **participate** in the governing process.
 - (B) The **geographic** distribution of the governmental power within the state.

- (C) The relationship between the **legislative** (lawmaking) and the **executive** (law-executing) branches of the government.
9. **True**/False. The US has a Presidential system of democracy because the Chief Executive is elected separately from the legislature.
- (A) In a **Parliamentary** type of democracy the Chief Executive is called a Prime Minister and is chosen from the legislature.
10. **True**/False. The US economic system is said to be a *mixed economy* due to the fact that it includes free markets principles that are regulated by government regulatory agencies.

Chapter 2 Origins of American Government

11. The North American British colonies are said to have inherited 3 basic concepts of government from Britain itself. Which of those three is missing below?
- A. Representative Government
- B. **limited** Government
- C. Ordered Government
- D. In the space below, explain the difference between a Royal Charter, a Proprietary Charter, and a regular Charter.

A Royal Charter was used in 8 out of the 13 colonies. It gave the King the greatest amount of control over the colonies. Proprietary charters were used in 3 of the original colonies such as Pennsylvania. In a Proprietary colony the king gave someone permission to oversee the colony and essentially have a large hand in governing. A regular charter colony was charter the gave the colonists the greatest amount of self-rule. Only two states used this type of charter. **NOTE: DUE TO THE 3000 MILES IN BETWEEN LONDON AND NORTH AMERICA, ALL OF THE COLONIES DID OPERATE WITH A SUBSTANTIAL DEGREE OF SELF GOVERNANCE.**

12. What is the significance of such historic landmarks documents such as the *Magna Carta*, *Petition of Right*, and the *English Bill of Rights*?
- The historic landmark documents listed above all contains elements of limited government which would later influence the writing of the US Constitution, particularly the Bill of Rights.*

- A. What was the name of Benjamin Franklin's first proposal that would have brought about greater colonial unity had it been accepted by the crown at the outbreak of the French and Indian War?
- Ben Franklin's proposal was called the Albany Plan of Union and is one of the earliest examples of an event the brought the colonies towards a bit more unity in spite of the fact that it wasn't approved by the Crown.

13. The **Declaration** of **Independence** includes the foundational American concepts that people have natural rights and have the right to abolish forms of government that are abusive.
- It also stresses the people are endowed by their **creator** with certain unalienable **rights**.
 - What does most of the Declaration of Independence (the document itself) go on to criticize?

- The Declaration spends 2/3rds of itself enumerating all the wrongs done to the colonies by the British Crown.*
14. Ben **Franklin** was the oldest member of the Constitutional Convention which he claimed produced a governing document that was near perfect as possible considered the varied interests of those in attendance.

15. What were the *Federalist Papers*?

The Federalist Papers were a series of newspaper articles written in the state of New York between 1787-1789 urging New Yorkers to ratify the newly proposed Constitution. These articles, written by such notable Framers as Alexander Hamilton, give readers some insight into the reasoning behind our nation's Constitution.

16. The first document that established the first national government for the United States was called the Articles of Confederation. In the space below list some of the key weaknesses of government that existed under this model of government:

- No power to tax, no national court system, one delegate per state regardless of population, no power to regulate interstate trade, amendments possible only with unanimous consent, 9/13 needed to pass a law...

A. What was the original purpose for the gathering of state delegates in Philadelphia in 1787?

The original purpose for the gathering of delegates in Philadelphia in 1787 was to revise the Articles of Confederation.

B. The Constitution convention officially ended on September 17, 1787. Afterwards, it was sent to the states where it needed to be ratified by at least 3/4ths of the states before becoming law.

C. Those who favored ratification of the Constitution were called Federalists. Those who were opposed to it were called Anti-Federalists. (The Anti-Federalists were upset that the Constitution did not contain protection of Civil Liberties, gave the President too much power, was written in secrecy, amongst other complaints)

D. True or False. The Bill of Rights was ratified during the same year as the Constitution in 1789. (The Bill of Rights was not ratified until 1791, two years after the ratification of the Constitution)

17. What were some of the major issues that were debated at the Constitutional Convention? (What was the difference between the Virginia Plan vs. the New Jersey Plan?)

Framers debated several ideas at the Constitutional Convention including how the states should be represented in the national legislature, how slaves should be counted for both representation and taxation, taxing exports, and the slave trade. The Virginia Plan favored representation based on population. The New Jersey Plan favored representation by membership in the Union.

Chapter 3 The Constitution

18. Briefly describe the following characteristics of the United States Constitution?

A. popular sovereignty - the power of the government is derived through the will of the people

B. limited government - the government is not all powerful

C. separation of powers - the three powers of government were divided into three separate branches of government

19. A *formal amendment* requires that at least **3/4ths** of the states ratify the proposed amendment in order for it to become law.
- How many times has the Constitution been amended? **27**
 - What is a *formal amendment*? **A formal amendment is an actual written change to the Constitution.**
 - Where have all of the formal amendments been proposed? **They have been proposed by Congress. (Note: The President has NO official role in the formal amendment process)**
 - What do we call the first 10 amendments to the US Constitution? **The first 10 amendments to the US Constitution are called the Bill of Rights. They were added at the insistence of the Anti-Federalists.**
 - Describe how the formal amendment process exemplifies the principle of federalism?
All amendments to the Constitution must be proposed at the national level, but ratified at the state level. The shared responsibility is an expression of federalism at work.
20. **Informal Amendments** are the process by which over time many changes have been made in the Constitution which have not involved any changes in its written word. Example: The President's cabinet.
21. List some of the various ways that Congress can informally amend (change) the Constitution without formally amending the document:
- passing basic legislation**
 - adding meaning to the "skeletal" portions of the Constitution**
 - exercising many of the various powers that are enumerated in the Constitution.**
- A. What is the name of the introduction to the U.S. Constitution? **The introduction to the Constitution is called the Preamble which spells out the general purpose of the U.S. government.**
- B. Explain how "rule of law" holds the government accountable to the people? **Under the Rule of Law everyone is expected to be subject to the laws of the land. If government officials break the law they are subject to prosecution and obviously subject to being voted out of office.**

Chapter 4 Federalism

22. True/**False**. Under the US concept of *Federalism* all laws must be uniform across the entire nation, with absolutely no variation allowed between states on matters of local concern. **(The very idea of Federalism allows local governments to have control over matters of local concern.)**

Fill in the appropriate terms for each of the following definitions as they relate to powers given to the National government:

Expressed Powers - Those powers directly given to it in Constitution. Mainly Article I Section 8

Implied Powers - Powers not expressly stated in the Constitution, but are reasonably suggested and authorized through *elastic clause* (Art. I Sec. 8 Clause 18)

Inherent Powers - These powers belong to the National Government because it is a government of a sovereign state in the world community. Few in number, mainly involve issues of naturalization and immigration policy.

A. Define the following.

categorical grants: money given by the national government to the states for specific purposes with many strings attached.

block grants: money given by the national government to the states for general purposes. States can choose to spend the money as they best see fit. Less strings attached.

project grants: money applied for by states and local communities to be used for a specific stated purpose. i.e. street beautification projects, after school programs, etc.

B. **True or False.** Under the Constitutional clause known as *privileges and immunities*, no State can draw unreasonable distinctions between its own residents and those person who happen to live in other states.

C. Define: Full Faith and Credit: **Under Full Faith and Credit each state is expected to respect and uphold the legality of other states' civil laws...i.e. marriage and driver's licenses.**

D. What is the difference between an “exclusive power” compared to a “concurrent power” as it applies to Federalism? **An exclusive power is one that can only be exercised by the Federal government, whereas a concurrent power can be exercised by the Federal and the State governments.**

Chapter 10-12 Congress

23. What is the *theoretical* explanation as to why the US Congress is bicameral? (Think tea cups)

Theoretically the Senate should be the place where bills are given more deliberate consideration due to the fact that Senators serve 6 year terms and can therefore afford to make decisions that might be temporarily unpopular with voters, but forgotten before the next election. The House is the microwave oven of the Legislature, whereas the Senate is the crock pot. *IN THEORY.*

24. A term of Congress lasts for **2** number of years.

25. The United States House of Representatives has **435** number of members, while the US Senate has a total of **100** members.

26. **True/False.** The process of redistricting Congressional Districts after a national census is the responsibility of State Legislatures.

27. True/**False.** A Senator serves for 6 years between elections, while a member of the House serves for 4 years between elections. **(Members of the House of Representatives serve for 2 year terms) (Note: A member of the Senate serves for 3 terms between elections, whereas members of the house are up for re-election at the end of each term)**

28. According to the Constitution, the official presiding officer in the US Senate is the responsibility of the **VICE PRESIDENT**. (Hint: Joe Biden)

29. Define the responsibilities of the following Congressional offices:

Majority/Minority Leader: **Majority leader must steer bills through their respective chamber of the legislature. The minority leader must coordinate the defense against the majority party's bills. Essentially trying to influence legislation by calling the public's attention to aspects of bills they might find unfavorable.**

Majority/Minority Whip: **The whips jobs is to maintain party discipline. Essentially, working to ensure that party members don't side with the opposition if at all possible**

30. Most often members of Congress are chosen to be committee chairpersons based on their **Seniority** (in other words the number of years that they have been in their respective chamber of Congress)
31. **True**/False. Committees in Congress exist for numerous reasons, the most primary of which is to divide the massive numbers of bills that are introduced in each chamber for further consideration.
32. **Standing** committee is a permanent committee, whereas a **Conference** committee is where bills are sent to iron out differences before being sent to the President.
33. Who is allowed to introduce bills in either the House or the Senate?
Individual members of Congress are the only ones allowed to introduce bills in either the House or the Senate.
- A. What is *cloture*? **Cloture is the 60 votes needed in order to end a filibuster and bring a bill to a vote.**
 B. In the House the Rules Committee places a bill on the calendar. Who has this responsibility in the Senate?
The Majority Leader has the responsibility of placing a bill on the calendar in the Senate.

Chapter 13-14 The Executive Branch

34. Presidents are allowed to serve no more than **10** years according to the 22nd Amendment. During the last two years of a President's time in office he/she is often times referred to as a **lame duck**.
34. When the President gives his/her State of the Union Address he/she is serving in the capacity of Chief **Legislator**. (Know and think about the various roles that a President is asked to play while in office)
35. What are the formal qualifications a person must have in order to become President of the United States?
- 35 years old
 - natural born citizen
 - resided in the US at least 14 years
36. What have been some of the traditional *informal qualifications* that a person needs to be President:
- charisma
 - spouse
 - religion
 - education
 - prior experience
 - gender
 - race*
37. The nation's first **Primary** is held in **New Hampshire** during Presidential election years, whereas the nation's first **Caucus** is held in Iowa during the same year.
38. True/**False**. In the past 30 years the Executive Branch has remained relatively the same in regards to the amount of power it has compared to the other branches of government.
39. One of the major flaws with **electoral college** is that a candidate can win the **popular** vote, but lose the **electoral** vote, thereby losing the election.
40. The power of *clemency* gives a President the authority to grant a *reprieve*, *pardon*, *clemency*, or *amnesty* to any person who has been convicted of committing a **Federal** crime, not a state crime.
41. The President has the power to issue executive orders. An **executive order** is a directive, rule, or regulation that has the effect of law.

42. Which of the following government officials is not appointed by the President?
- (a) Supreme Court justices
 - (b) Cabinet members and their top aides
 - (c) Speaker of the House
 - (d) ambassadors and other diplomats
43. The power of recognition is exercised when the President, acting for the United States, acknowledges the legal existence of another sovereign state.
44. What are the four things a President can do with a bill that is sent to the White House by Congress?
- 1. veto the bill
 - 2. sign the bill into law
 - 3. ignore the bill and let it fail if Congress has adjourned
 - 4. ignore the bill and it automatically becomes law after 10 days not counting Sunday

Chapter 18 The Federal Judiciary

45. What are the three levels of Federal Courts?

District, Appellate, Supreme Court. The district courts make up the bulk of the Federal Court System. The Appellate Courts or Courts of Appeal are next. The Supreme Court, the nation's highest court, has the ultimate say on matters pertaining to Judicial Review

46. There are 9 members of the Supreme Court.
47. The current Chief Justice is John Roberts.
48. The Supreme Court is said to have both *original* and *appellate jurisdiction*, whereas the Court of Appeals only has appellate jurisdiction and the District Courts have original jurisdiction.
49. In order for a case to come before the Supreme Court at least 4 justices must agree to hear the case before issuing a writ of certiorari.
50. Define the following:
- A. Majority Opinion: ultimate description of the majority of the court, setting precedent for the interpretation of the US Constitution going forward.
 - B. Concurring Opinion: a member of the majority adding their own perspective in their personal analysis of the issue at hand in a case.
 - C. Dissenting Opinion: written from the perspective of the court's minority members. Doesn't create or establish precedent. However, it may influence future considerations on similar matters before the court.

Chapter 19 Civil Liberties: First Amendment Freedoms:

51. What are the Bill of Rights and when were they added to the US Constitution?

The Bill of Rights are the first 10 amendments of the US Constitution. They were added in 1791 after they were ratified by 3/4th of the states.

52. What government were the Bill of Rights originally meant to apply?

Originally the Bill of Rights only applied to the National government and not the states. However, most state constitutions contained many (BUT NOT ALL) of the liberties protected by the Bill of Rights.

53. What is the difference between a civil liberty and a civil right?

Civil Liberties are protections against government. They are guarantees of the safety of persons, opinions, and property from arbitrary acts of government. Civil Rights are positive acts of government that seek to make Constitutional guarantees a reality for everyone.

54. What are the five basic civil liberties that are laid out in the 1st amendment?

- A. speech
- B. religion
- C. assembly
- D. petition
- E. press

55. Explain the Process of Incorporation and how this changed the legal landscape of the United States in 20th century?

The Process of Incorporation is the method by which the Supreme Court has nationalized many, if not most, of the provisions of the Bill of Rights. The 14th amendment has been interpreted to allow the Supreme Court to be able to require states to uphold various aspects of the Bill of Rights on a provision by provision basis.

56. What are the two clauses in the 1st amendment that pertain to religion?

The two clauses that the 1st amendment has that pertain to religion are the freedom of exercise and the establishment clause.

57. In what ways did the decision in *McCormick v. Board of Education* change the establishment clause as it related to religious instruction in public schools?

The decision in *McCormick v. Board* stated that the establishment clause disallowed public schools from having religious class taught in school that sought to proselytize to students.

58. Which of the following cases ended school sponsored prayer?

- A. *Everson v. New Jersey* (1947) B. *McCormick v. Board* (1948) C. *Engel v. Vitale* (1962)

59. What is the Lemon Test and how has it provided a basic model for schools when approaching the topic of religion?

1. the law must have a secular purpose
2. the law must neither inhibit nor promote religion
3. the law must avoid excessive entanglement with religion

60. How and why did the Supreme Court reverse its decision of *Minersville v. Gobitis* when it decided *West Virginia v. Barnette*?

The case of *Minerville v. Gobitis* the court ruled that the school can require a student to say the pledge and that a person's freedom of exercise did not apply to required acts of demonstrable patriotism. Following the decision a wave a violent attacks against Jehovah's Witnesses spread across the US. In an effort to address the violence and distance the US from its WWII enemy (Nazi Germany) the court reversed its decision in *West Virginia v. Barnette*.

61. **True** or False. Students are allowed to hold after school religious meetings provided it is not organized and/or led by the school itself according to the Equal Access Act of 1984.

62. What are the two primary functions of Freedom of Speech and Press within a democratic society?

1. guarantee everyone the right to freedom of expression
2. guarantee all persons a free and wide ranging point of views for consideration

63. What types of speech are NOT protected by the First Amendment?

1. slander
2. libel
3. obscenity

64. What is sedition and what is treason?

Sedition is attempting to overthrow the government by force or disrupt its lawful activities through the use of violent actions. Treason is giving aid to the nation's enemies in wartime.

65. Explain how the constitutional definition of sedition changed from *Schenck vs. US* (1919) to *Dennis v. US* (1952) to *Yates v. US* (1957).

In *Schenck* the court decided that sedition happens when there is a "clear and present danger". This applied to Charles Schenck distribution of pamphlets urging young men to avoid the draft during WWII. In *Dennis* the court lowered the bar for sedition when it declared that "advocacy of ideas" was enough to be convicted of sedition. After several years of government witch hunts the courts raised the standard for sedition in *Yates* by distinguishing between "advocacy of ideas" and "advocacy of action", claiming the only the former served to represent true sedition.

66. Explain some of the forms of symbolic speech that are protected by the 1st amendment and some forms of symbolic speech that are not protected.

Symbolic speech is protected in the form of flag burning and political speech for students. However, burning draft cards, promoting illegal activities at school, and using burning crosses as an act of intimidation is not protected.

Chapter 20: Civil Liberties – Protecting Individual Rights

67. In what amendments is due process mentioned in the Constitution?

Due process is mentioned expressly in the 5th and the 14th amendments.

68. Match the terms with their correct definitions:

Term	Matching column	Definitions
substantive due process	B	A. the how of government action
procedural due process	A	B. the what of government action

69. What is police power and what are some examples of it found in society?

Police power is the authority of each State to act to protect and promote the public health, safety, morals, and general welfare...in other words the power to safeguard the wellness of its people

70. Explain how the majority on the Supreme Court decided that marital privacy was a natural right and protected by the Constitution in the case of Griswold v. Connecticut.

In Griswold the court ruled that marital privacy is a natural right protected by the Constitution. It arrived at this conclusion in spite of the fact that privacy is NOT specifically mentioned in the Constitution. The Court inferred the right to privacy by stating that it is openly intended throughout numerous parts of the Bill of Rights. More over, the court mentioned the 9th amendment which guarantees unenumerated rights and the 14th amendment's guarantee of due process of law.

71. True/False. Privacy is specifically mentioned in the US Constitution.

72. True/False. A person's right to privacy has most controversially been applied to the privacy of one's belonging in a bag or purse. (ABORTION IS THE MOST CONTROVERSIAL MATTER)

73. True/False. In the case of Roe v. Wade abortion, a woman's right to terminate a pregnancy, was deemed as something protected by the right to privacy.

74. What is the *exclusionary rule*?

The exclusionary rule states that evidence gained as the result of an illegal act by police cannot be used at the trial of the person from whom it was seized. (see Mapp v. Ohio)

75. **True/False.** After the decision in *Fuhrman v. Georgia* (1972) many states adopted laws that created a two step process for administering the death penalty. One to determine innocence/guilt and the other to determine if the death penalty was merited.

76. Define: *double jeopardy*

Prohibition against double jeopardy means that once a person has been tried for a crime, he or she cannot be tried again for that same crime.

77. Define: writ of *habeas corpus*

The writ of habeas corpus, sometimes called the writ of liberty, is intended to prevent unjust arrests and imprisonments. The writ of habeas corpus cannot be suspended “unless when in Cases of Rebellion or Invasion the public safety may require it.”

78. **True or False.** Habeas corpus can be denied during wartime as the needs of society are thought to outweigh the rights of the individual.

79. **True/False.** The only crime that is expressly included in the Constitution is the crime of Treason.

80. In the space below define treason as it is described in the Constitution: (page 588)

Treason can consist of two things: (1) levying war against the United States (2) “adhering to their Enemies, giving them Aid and Comfort”. NO person can be convicted of the crime “unless on the Testimony of two witnesses to the same overt Act, or on Confession in open court.”