

## **APGOVPOL**

### **Chapter 2: The U.S. Constitution**

#### **Key Words and Terms, Defined**

**Anti-Federalists:** opponents of the Constitution at the time when the states were contemplating its adoption; they argued that the Constitution was a class-based document, that it would erode fundamental liberties, and that it would weaken the power of the states

**Articles of Confederation:** the first constitution of the United States, adopted by the Congress in 1777 and enacted in 1781; it established a national legislature, the Continental Congress, but most authority rested with the state legislatures

**Bill of Rights:** the first ten amendments to the U.S. Constitution, drafted in response to the concerns of Anti-Federalists; these amendments define such basic liberties as freedom of religion, speech, and press, and offer protections against arbitrary searches by the police and being held without talking to a lawyer

**checks and balances:** an important part of the Madisonian model designed to limit government's power by requiring that power be balanced among the different governmental institutions; these institutions continually check one another's activities; this system reflects Madison's goal of setting power against power (see also separation of powers)

**Connecticut Compromise:** the compromise reached at the Constitutional Convention that established two houses of Congress; the House of Representatives, in which representation is based on a state's share of the U.S. population, and the Senate, in which each state has two representatives

**consent of the governed:** according to John Locke, the required basis for government; the Declaration of Independence reflects Locke's view that governments derive their authority from the consent of the governed

**constitution:** a nation's basic law; it creates political institutions, assigns or divides powers in government, and often provides certain guarantees to citizens; constitutions can be either written or unwritten

**Declaration of Independence:** the document approved by representatives of the British North American colonies in 1776 that stated their grievances against the British monarch and declared their independence

**Equal Rights Amendment:** a constitutional amendment passed by Congress in 1978 and sent to the state legislatures for ratification, stating that "equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex." Despite substantial public support and an extended deadline for ratification, the amendment failed to acquire the necessary support from three-fourths of the state legislatures (or ratifying conventions)

**factions:** interest groups arising from the unequal distribution of property or wealth that James Madison attacked in Federalist No. 10; today's parties or interest groups are what Madison had in mind when he warned of the instability in government caused by factions

**Federalists:** supporters of the ratification of the newly-written U.S. Constitution at the time that states were contemplating its ratification; also, the name of the first political party that developed in the United States during the 1790s

**Federalist Papers:** a collection of 85 articles written by Alexander Hamilton, John Jay and James Madison under the pen name "Publius" to defend the Constitution in detail; collectively, these papers are second only to the U.S. Constitution in characterizing the framers' intent

judicial interpretation: a major informal way in which the Constitution is changed by the courts as they balance citizens' rights against those of the government (see also judicial review)

judicial review: the power of the courts to determine whether acts of Congress, and by implication the executive branch, are in accord with the U.S. Constitution; judicial review was established by John Marshall and his associates in *Marbury v. Madison* (1803)

limited government: the idea that certain things are out of bounds for government because of the natural rights of citizens; limited government was central to John Locke's philosophy in the seventeenth century, and it contrasted sharply with the prevailing view of the divine rights of monarchs

*Marbury v. Madison*: the 1803 Supreme Court case in which Chief Justice John Marshall and his associates first asserted the right of the Supreme Court to determine the meaning of the U.S. Constitution; this decision established the Court's power of judicial review over the acts of Congress, in this case the Judiciary Act of 1789

natural rights: rights inherent in human beings, not dependent on governments, which include life, liberty and property; the concept of natural rights was central to English philosopher John Locke's about government, and was widely accepted among America's founding fathers; Thomas Jefferson echoed Locke's language in drafting the Declaration of Independence

New Jersey Plan: the proposal at the Constitutional Convention that called for equal representation of each state in Congress regardless of the state's population

republic: a form of government that derives its power, directly or indirectly, from the people; those chosen to govern are accountable to those whom they govern; in contrast to a direct democracy, in which people themselves make laws, in a republic people select representatives who make the laws; representative democracy

separation of powers: an important part of the Madisonian model that requires each of the three branches of government – legislative, executive, and judicial – to be relatively independent of the others so that one cannot control the others; power is shared among these three institutions (see also checks and balances)

Shays' Rebellion: a series of attacks on courthouses by a small band of farmers led by Captain Daniel Shays to block foreclosure proceedings by bankers

unwritten constitution: the body of tradition, practice and procedure that is as important as the written constitution; changes in the unwritten constitution can change the spirit of the Constitution; political parties and national party conventions are a part of the unwritten constitution of the United States

U.S. Constitution: the document written in 1787 and ratified in 1788 that sets forth the institutional structure of U.S. government and the tasks these institutions perform; it replaced the Articles of Confederation

Virginia Plan: proposal at the Constitutional Convention that called for representation of each state in Congress in proportion to that state's share of the U.S. population

writ of habeas corpus: a court order requiring jailers to explain to a judge why they are holding a prisoner in custody