

## American History Final Review

-does not include the reasons the north, middle, and southern colonies came.

**Aim 1: How did the colonists lay the foundation for democracy in America?**

1. **Mayflower Compact**- The Pilgrims were traveling by their ship, the *Mayflower*, in the direction of Virginia, but instead it landed in New England. Before leaving the ship, the Pilgrims signed an agreement where they created a civil government and pledged loyalty. This was the Mayflower Compact. It said that the purpose of government in America was to have "just and equal laws for the general good of the colony." This document was an important because it lay the foundation for the development of the American system of democratic government.

2. **New England Town Meeting**- the colonies met to try take steps in making a representative democracy.

3. **Fundamental Orders of Connecticut**- In the spring of 1638, 3 Connecticut towns choose representatives and met at Hartford. Someone said there that the foundation of authority is laid in the free consent of the people. It was considered the 1st constitution of Connecticut (Connecticut is named "The Constitution State")

4. **Toleration Act of 1649**- This was known as the Maryland Toleration Act. The Calverts, who founded Maryland, needed to attract settlers. This was made to protect the Catholics from the Puritans and Pilgrims. It gave the Christians freedom of worship and religion.

5. **House of Burgesses**-This served as the first representative body in Colonial America. The first meeting was in Jamestown on July 30, 1619. 2 citizens, burgesses, from each of Virginia's 11 districts met together. They wanted to raise taxes and make laws, but the English governor had the right to veto any legislation that the House of Burgesses passed. This was also a step taken to make a representative democracy.

6. **Direct Democracy vs. Indirect Democracy**-Direct democracy is when citizens govern themselves, indirect is when elected officials have the power to govern the citizens.

1. **How were these governments democratic? How were they limited? How were they set up?**

The north set up a government that resembled a democracy. This is where everyone participates in government. They had the Mayflower Compact for equal laws, yet they were intolerable. The northern lifestyle was controlling. For example, they had to wear austere clothing, plain hairstyles, and children were watched in church. The church and state were connected.

In the middle colonies there was a representative assembly. William Penn needed to be tolerant because he needed to attract people. The middle colonies had meetings together and united.

In the southern colonies, they also had representatives for government. Many people owned property so representatives were good. They were Christian, but it wasn't a main focus.

**Aim 2: How did the French and Indian War (a.k.a. 7 Years War) cause tension and change the relationship between the British and the colonists?**

1. **Mercantilism**- This is an economic system in which nations seek to increase their wealth and power by obtaining large amounts of gold and silver and by establishing a favorable balance of trade. This is when more goods are sold than purchased. A nation's ultimate goal is to become self sufficient. The key to this process was to establish colonies because the colonies provided products and raw materials. England was able to go to New England and use their forests instead of buying them from another nation. The nation also used the colonies as a market to sell the goods that were produced.

2. **Salutary Neglect**- In the years after 1688, England was forced to focus attention of France and away from its colonies. As long as the colonies were still exporting raw material and importing manufactured goods, England saw little reason to devote much attention to them. Ironically though, England ushered in the new policy of salutary neglect. This increased control on the colonies on paper, but really it was loosening its hold. English officials lightly enforced new measures. Salutary=beneficial. England relaxed its enforcement of most regulations as long as the colonists continued economic loyalty.

3. **Navigation Acts**- By the mid 1600s, the American colonies were fulfilling their mercantilist role. They were exporting and importing, yet not everything went to England. Some lumber and tobacco went to Spain, France, and Holland. England viewed this as an economic threat. According to the mercantilist theory, any wealth that was going from the mother country's colonies to another nation came at the expense of the mother country. The English Parliament tightened control of colonial trade by passing the Acts of Trade and Navigation. The Navigation acts were:

- a. no country could trade with the colonies unless the goods were shipped in either colonial or English ships.
- b. All vessels had to be manned by crews that were at least  $\frac{3}{4}$  English. Only English ships were able to travel between the colonists.
- c. The colonies could only export certain products like tobaccos, sugar, and later rice, molasses, and furs-but only to England. All goods imported to countries other than England were heavily taxed by the English first.
- d. almost all goods traded between the colonies and England first have to be unloaded at an English port. This gave jobs to English dockworkers and money to the English treasury in the form of import taxes and the goods.

4. **Treaty of Paris 1763**- During the French and Indian War (1745-1763) Great Britain and France fought to gain control of North America. The Indians fought for the French side, and the colonists, Iroquois, and British soldiers fought for the British. The treaty was signed Feb 10, 1763 by Great Britain, France, Spain, and Portugal to end the French and Indian War. The bulk of conquered territories were restored to their pre-war owners.

5. **New Colonial Policy**- After the French and Indian War, the colonies need to pay for England's repercussions. England makes new acts and laws that were bad for the colonies.

**What was the British policy towards colonists prior to 1763? How and why did that change?**

Before 1763, there was a policy of salutary neglect. ON paper it stated that colonial control needed to be stricter, but in reality this was not practiced. As long as the colonists fulfilled their duties to England, like exporting raw materials and importing manufactured goods, England did not bother them too much. After

1763, this changed. After the French and Indian War, the British were in debt. The British thought that they were 'protecting' the colonists in the war, and therefore it is the colonies' responsibility to pay back the war debt. The colonists had hoped to actually gain land in the west after the war, but instead this land was given to the Iroquois. Mercantilism was enforced more than ever because England needed the money. There were acts and laws that were made against the colonists. This furthered the tension against the British. At first the colonies were divided, but now they were united against Britain.

### Aim 3: The Road to Revolution

1. **Proclamation Line of 1763**-After the French and Indian War, England created a proclamation line that banned all settlement west of the Appalachian Mountains. This land was given to the Native Americans. The colonists were not allowed to cross the boundary line and this greatly angered them. Ironically, this undermined British authority because they couldn't enforce the line. Colonists continued to move onto Native American land.

2. **Sugar Act**- In 1764 was made to enforce 3 things.

- a. It cut in  $\frac{1}{2}$  the duty on foreign-made molasses. The English hoped that the colonists would pay a lower tax rather than risk arrest by smuggling.
- b. It placed duties on certain imports that had not been taxed before.
- c. It strengthened the enforcement of the law allowing prosecutors to try smuggling cases in a sympathetic court rather than colonial court. There a single judge would decide the verdict rather than many sympathetic juries.

The colonial merchants complained that the Sugar Act would reduce their profits. Many charged that the British government was violating their rights. Merchants and traders claimed that the government had no right to tax colonists because the colonists had elected no representatives to the body. In the end, many grumbled but few actually protested. It was an economic act and an indirect tax. This meant that when the goods arrived at the dock, they were already taxed.

3. **Currency Act**-In 1764, the English prohibited the colonies from issuing any paper form of currency. Gold and silver had to be used. It was an economic act.

4. **Quartering Act**-In 1765, the English government forced private homes to host soldiers. This was good to keep an eye on the colonists to make sure they made the taxes. It was a social act.

5. **Stamp Act**-In 1765, the stamp act was passed. This was the first tax that affected colonists directly because it levied on goods and services. Previous taxes, like the sugar act, were indirect. This was direct. The stamp act required that the colonists purchase special stamped paper for every legal document, license, newspaper, pamphlet, and almanac. There were "stamp duties" on dice and playing cards. The elite people hated it because of what it symbolized, but really the average person did not know about it. It was a political act because the British were now imposing laws on the colonists without their consent. The colonists that disobeyed the stamp act were tried in vice-admiralty courts where they were tried. The colonists lost respect for the King's officeholders in America. They also realized that the British interests were not identical to theirs.

6. **Stamp Act Congress**- This was the colonist response to the Stamp Act. It was a social response. 9/13 delegates from the colonies met to discuss what their situation was. They wrote their grievances down as well as wrote letters to the king and organized petitions.

7. **Non-Importation Act**- The colonists made this act to protest the stamp act. It was an economic response. They boycotted the British goods.

8. **Sons of Liberty**-When the colonists heard about the stamp act, the colonists united in defiance. Boston shopkeepers, artisans, laborers organized a secret resistance group called the Sons of Liberty. One of the founders was **Samuel Adams**. He was a very powerful and influential political activist. The Sons of liberty harassed customs workers, stamp agents, and sometimes royal governors. They used mob threats and demonstrations. This forced stamp agents to resign. They prevented any stamps from being sold and eventually it was repealed, but on the same day the Declaratory act was issued.

9. **English Bill of Rights**-

10. **Townshend Acts**- A year after the stamp act, Charles Townshend was appointed the new minister. He decided that an indirect tax should be placed on imports like glass, lead, paint, and paper as they came into the colonies from Britain.

11. **Writs of Assistance**-This gave the British the right to search homes and ships without a warrant. This was a social.

12. **Boston Massacre**-During 1770, there was major competition over jobs between colonists and poorly paid soldiers. On March 5, 1770, a fistfight broke out over jobs. That evening a mob gathered in front of the customs house and they taunted the guards. A snowball was thrown at the guards. When Crispus Attucks appeared, the British army erupted. They fired and killed Attucks and 4 others. Samuel Adams called it a massacre for propaganda. It was really provoked by the colonists and the British soldiers were just following orders. The animosity was building up. The British were beginning to feel nervous and afraid.

13. **Colonial Propaganda**-After the Boston Massacre Paul Revere used picture that showed the British soldiers fighting innocent colonists to stimulate colonial responses. The colonists were galvanized and furious.

14. **Committees of Correspondence**- Massachusetts and Virginia set this up to communicate with other colonies about threats to American liberties. They discussed future plans on how to react.

15. **Tea Act**- In early 1773, the British East India Company had the official monopoly on tea imports. They had been greatly affected by the colonial boycotts. The company was close to bankruptcy. To save it, a tea act was proposed. This granted the company the right to sell tea to the colonies free of the taxes that colonial tea sellers had to pay. This meant that colonial merchants were cut out of the trade. The East India Company was now able to sell its tea directly to consumers for less. They hoped the colonist would buy the cheaper tea, but instead they protested.

16. **Boston Tea Party**-This was the response of the colonists to the tea act. Tea had arrived in Boston, but Governor Hutchinson was unsure whether to enforce the tea act or not. He decided to enforce it. On Dec. 16, 1773 at moonlit, a group of Boston rebels disguised themselves as Native Americans. They went to Griffin's Wharf in Boston harbor where 3 British tea ships were docked. They dumped 15,000 pounds of tea into the sea. When the colonist heard about what happened, the ones that were law abiding were upset.

This was gesture politics. It was a political reaction and it made a statement. It was a challenge to the British rule.

17. **Intolerable Acts**-This was the British reaction to the Boston Tea Party. King George III was infuriated that British property had been destroyed. In 1774, the intolerable acts had been passed to punish the colonists. One law shut down the Boston Harbor because the colonists refused to pay for the damaged tea.

18. **First Continental Congress**- The first continental congress was in 1774, and the 2nd was in 1775. At the 1st meeting, 56 delegates met in Philadelphia to draw up a declaration of colonial rights. They defended the colonies' right to run their own affairs. They said that if the British used force against the colonists, they should fight back. They decided that they needed to meet a second time, which led to the second continental congress.

19. **Second Continental Congress**- At the second meeting, there were many debates because some colonists were militant radicals and were prepared to fight for independence. Others were more moderate and wanted peaceful reconciliation with Britain. John Adams suggested that maybe each colony should set up its own government and then the congress should declare them each independent. They also mentioned that the Continental Army needed a leader. George Washington was appointed. The Congress also authorized the printing of paper money to pay the troops and organized a committee to deal with foreign nations. They sent the Olive Branch Petition to the king, asking for harmony to return to Britain and the colonists.

## People

**Samuel Adams**- He was one of the leaders of the Sons of Liberty

**Patrick Henry**- During the Stamp Act, individual colonies organized responses. In Virginia, the lower house adopted several resolutions that were organized by Patrick Henry. These resolutions stated that Virginians could only be taxed by the Virginia assembly, meaning their own representatives.

**Did the colonies initially want to separate from Great Britain? How can you see this from their responses to the British?**

They were many that didn't mind being under the British rule at first.

**What did the colonists demand from the British?**

**Why did the British feel it was appropriate to charge the colonists with such high taxes?**

They believed that the French and Indian War was fought to protect the colonies, and therefore it was their responsibility to pay for the damages.

**Aim 4: How did Thomas Paine's Common Sense convince the moderates to declare independence?**

**Moderates**- they were on the fence- they were in the middle between the Patriots and Loyalists. **George Washington, John Adams, Ben Franklin, and Thomas Jefferson** were moderates.

**Radicals/Whigs**- These were the ones that wanted a revolution. **Samuel Adams and Patrick Henry** were radicals. Thomas Paine was also a radical.

**Conservatives**-

**Tories/Loyalists**- they were against the war and still felt loyal to Britain.

**Thomas Paine**- He wrote Common Sense.

### Why was it written anonymously?

There were 2 reasons. One-Paine wanted people to read it objectively. He didn't want them to form an opinion based on who wrote it. Two- He didn't want the British to find out. If they found out, he could be killed for treason.

### What was Paine attempting to accomplish?

His goal was to get the colonists to declare independence. He said that there was never a more worthy cause "sun never shone on a more worth cause." He also said that future generations will have to deal with it- It's not only their lives, but also their children's. It was for the entire world that they were going to have a revolution.

### What were some of the arguments used by the moderates to remain loyal to the Crown? How did Paine discount those reasons?

The moderates had 3 main arguments, and he answered them.

- 1- Economically, Americans need Britain- He responded, "As long as Europe eats, America will make money." How? Europe buys food from the U.S.
2. America needs England for protection because they are a superpower-He responded that really France and Spain are not our enemies, they were only our enemies because we were colonies that belonged to Europe. If we separate, we won't need protection because we won't have enemies!
3. Britain is America's mother country- we feel allegiance to them- He responded that A- shame on England they do not treat us like children! B- Europe is not England C- many who care about England were persecuted from England.

### How did he appeal to their consciences?

He wrote the Crisis

### Aim 5: How did Jefferson justify and inspire the colonists to separate from England with the Declaration of Independence?

1. **John Locke**- He was from the Enlightenment. The thinkers from this movement stressed reason and logic. They believed that humans could progress and develop a better society. He said that people enjoyed "natural rights" that were life, liberty, and property. He also said that people come together in a social contract- and agreement in which the people consent to obey the government=**consent of the governed**. The **purpose of government** is to protect their natural rights, by being a limited government. But if it becomes too tyrannical, then people have the **right to revolution**.

1. **Equality Clause**-

2. **Limited government**- there is minimal intervention by the government into people's personal liberties.

### 1. How did Jefferson's theory of government mirror Locke's ideas?

He said that they are entitled to life, liberty, and pursuit of happiness. They were called unalienable rights.

### 2. How did the declaration serve as an inspiration to others?

French Revolution, South American independence in early 1800s, and Latin American countries

3. What is Jefferson's chief complaint against the Crown? How can that be seen through the list of grievances?

The chief complaint was that their unalienable rights were taken away from them. He wrote that they had taxation without representation and the British were also controlling commerce.

4. Is the purpose of the Declaration only to separate from England? Explain

Aim 6: Fighting the war: How did the colonists win against the British superpower? How did the British lose?

1. Advantages and Disadvantages

Advantages of British:

- a. better trained military
- b. number 1 navy in the world
- c. divided population in America (many opposed the war)

Advantages of colonists

- a. defending their own territories=**home field advantage**
- b. fighting for their own cause
- c. the French and Indian war gave the Americans experience
- d. The French supported them

Disadvantages of British

- a. use of mercenaries=**Hessians**, German hired soldiers- they didn't care if the British won or not
- b. 3,000 miles apart from Britain, making it hard to resupply
- c. did not know about the rugged terrain

Disadvantages of Colonists

- a. not well trained
- b. poorly armed
- c. lack of \$-the money-**Continental**- it was worthless.

What were some of the problems on the home front while fighting the war?

The soldiers were hungry and the weather was bitter. At Valley Forge many soldiers died because of the harsh conditions. Congress had little money for supplies. After the French joined us, Congress was optimistic that they paid very little attention to Washington's plead for supplies.

What was the British fighting strategy? Where did they do wrong?

They were stuck in the old ways of fighting a war where you line up and shoot. The colonists knew that they need Guerilla Warfare- with surprise attacks and camouflage.

George Washington- he was the General of the Army

1. **Saratoga**- this was the turning point of the war- We had no money and we needed the French help. They finally saw us winning and agreed.

2. **Yorktown**- the British surrendered and this was the end of the war

3. **Treaty of Paris 1783**- Britain accepted our independence and sovereignty. It set the new boundaries. There was no set time of when the British soldiers to leave=**no set time table** and that became a problem later for Adams. The British did not attempt to protect the land interests of their Native American allies. The Americans agreed that the British creditors could collect debts owed to them by Americans. They also promised to allow Loyalists to sue in state courts for recovery of their losses.

**Aim 7: How did the Articles of Confederation/also known as the critical period/ create chaos?**

Why did they create such a weak national government? There were many debates as to how to practice republicanism- the idea that governments should be based on the consent of the people. They limited the powers of government leaders, guaranteed specific rights for citizens like freedom of speech, religion, and the press. In general liberty of equality was emphasized. They wanted to create fear of a centralized authority rather than have an effective central government.

1. **League of Friendship**-This was another name for the **Articles of Confederation**-it was a loose confederation of states. In the Articles of Confederation there were 2 levels of government that shared fundamental powers. State governments were supreme in matters and the national government was supreme in others. The delegates called this a confederation, or alliance. The national government had the power to declare war, make peace, or sign treaties. It could borrow \$, set standards, establish a postal service, and deal with Native American people. But, the Articles never created a separate executive department to enforce the acts of Congress or a national court system to decide the meaning of laws.

**How did the government fail to provide for security, stable economy, foreign affairs, and legislation?**

Security- there was no army

Stable economy- each state coined its own money. There was no national currency, which made it harder for trade. There was also a problem between creditors (lenders of money) and debtors (the borrowers). After the war, the wealthy people who had lent money to the states wanted high taxes so that the states would be able to pay them back. However, high taxes put many farmers in debt, and creditors sued farmers' in court.

Legislation- it took 9 out of 13 votes to pass a law, which made it harder. It was a **unicameral legislature**- there was only one branch of government- congress. Also each state, regardless of the population, had only one vote in Congress.

Foreign affairs- the states had a lack of concern for national problems. The U.S. could not repay its debts to British merchants and would not compensate the loyalists for their property losses. Spain also was on the U.S. borders, wanting to expand. In 1784 Spain closed the Mississippi River to American navigation.

**Land Ordinance of 1785**- The Confederation Congress faced the question of how to govern the public lands west of the Appalachians. Also there was a question if the people from the 13 colonies could just move out to the west. The land ordinance divided the land into squares. Some squares were designated for public schools and other things, while others were sold.

**Northwest Ordinance of 1787**- This set requirements for the admission of new states in the west. There were 3 requirements

- a. Congress had to appoint a territorial governor and judges
- b. When a territory had 5,000 voting residents, the settlers could write a temporary constitution and elect their own government.
- c. When the total population of a territory reached 60,000, the settlers could write a state constitution, which had to be approved by Congress beforehand.

**Shay's Rebellion**-Daniel Shay was a veteran of the Revolutionary War, and when he returned to his home he was taxed greatly, but had no money. Creditors had wanted them to be taxed to repay their lending, but the farmers did not want to loose their farms. Shay organized an army that marched through the snow. This caused George Washington to get mad because it made the country look bad. This showed that it was time to set up a national government.

### Aim 8: The Constitutional Convention: How did the farmers compromise to create balanced government?

**Virginia Plan**- Virginian delegates and James Madison tried to solve one of the big issues that the delegates faced - giving fair representation to both large and small states. Madison proposed the Virginia Plan. This created a bicameral, two house, legislature with membership based on each state's population. The voters would elect the members of the lower house, who would then elect members of the upper house. Both houses would vote for the country's President and judges.

**New Jersey Plan**- This was created by William Patterson. Delegates that were from smaller states objected to the Virginia Plan because it gave more power to states with larger populations. This plan said that states that there should only be a single house of congress where every state had equal votes. This way, the smaller states would get control of Congress if they voted together, even if they were only 25% of the population.

**Great Compromise**-Roger Sherman suggested this compromise. This made a two house Congress to satisfy the big states and the smaller ones too. Each state would have equal representation in the Senate (upper house). The size of the population of each state would determine the number of representatives for the House of Representatives (lower house). This plan satisfied the supporters of government by the people because it allowed voters to participate directly in choosing the representatives. This plan also satisfied those who wanted to defend state's rights because it preserved the state's legislature power.

**3/5 Compromise**- The Great Compromise had settled the representation based on population, but now there was a question whether slaves should be counted as people. Southern states wanted to include slaves in the population for votes because they had many slaves. Northern states, who had very few slaves, argued against counting the slaves as part of the population. Not counting them would give the northern states more representatives than the southern states in the House of Representatives. The 3/5 compromise settled this problem. For every 5 slaves, 3 were counted as representation.

**Commerce Compromise**- The north wanted tariffs on exports and imports, but the south wanted no tariffs. The compromise was that there would be tariffs only on imports, not exports.

**Intrastate vs. interstate commerce**- intrastate is within a state; interstate is between two other states. The power to have control over interstate commerce has been a topic of issue. It is unsure whether the power is under the state's rights or federal.

### Aim 9: What is the scope of Congressional Power?

**Elitist vs. Populist**- There are two ideas of who should be in government- elitists or populists. The Elitist idea is those who have greater education and are 'smarter' should be in government. The Populist idea is that everyday, common people should be representatives. Congress is a balance between the elitists and populists. The Senate has more elitists, and the House of Representatives has more populists.

**17th Amendment**- This stated that senators should be elected by the people rather than appointment by state legislature.

**Elastic clause-** This is the "necessary and proper" clause that is stretched sometimes to give powers that were not necessarily written in the constitution. It can get out of control though when the national government assumes too many powers and the states are not left with any.

**What are the different qualifications for each house?**

**Senate:** -30 years of age,  
- a citizen of the United States for 9 years  
-reside in the state he or she represents at the time of election.

**House of Representatives:** -25 years of age  
-citizen for 7 years  
- reside in the state he or she represents at the time of election.

How can the senate be seen as more elitist and the House as populist?

**Habeas Corpus-** This is a court order that requires authorities to bring a person held in jail before the court to determine why he or she is being jailed.

**Bill of attainder-** This is an act of legislature declaring a person or group guilty of a crime and punishing them without a trial. The Constitution forbids the national and federal government from enacting bills of attainder.

**Ex Post Facto Law-** It changes the legal consequences of acts committed or legal statuses prior to the enactment of a law. For example, if something was legal a few years ago, and it became illegal today, people can't be arrested now for doing the thing since it was legal back then.

**Nobility-** A government where the leader gets to rule by heredity or there are in rule for a lifetime. Granting titles of nobility is a denied power.

Basic Powers of Congress:

1. coin \$
2. declare war
3. determine citizenship
4. regulate interstate commerce
5. copy right laws
6. levying and collecting taxes
7. maintain a post office
8. establish a federal court system
9. elastic clause- can do anything to uphold 1-8

**Checks on the Executive Branch**

- can override a presidential veto
- can approve funding for presidential programs
- can impeach and remove president
- SENATE approves or rejects treaties
- SENATE confirms or rejects federal appointments

### Checks of the Judicial Branch

- can establish lower federal courts
- SENATE can confirm or reject appointment of judges
- impeach and remove federal judges

-tax bills start in the house

**Federalism**- the state and central governments function separately.

**Amendment 10**- anything that is not listed in the constitution for the national government, is reserved for the state governments and people.

**Delegated Powers**- given to national government

**Reserved Powers**- for the state governments

**Concurrent Powers**-both state and national

**Denied Powers**- power not allowed to anyone

Examples

**Declare war**-delegated

**Taxes**- concurrent

**Issue drivers license**-reserved

**Marriage**-reserved

**Pass an ex post facto law**-denied

**Provide for security**-?

**Borrow money**-concurrent

**Establish and maintain courts**-concurrent

**Aim 10: How does a bill become a law?**

**Lobbyists**- It is an effort designed to influence usually over elected officials and government authorities. It can be public and private actions. Example- mass demonstrations.

**Interest groups**- They are an organized collection of people who seek to influence political decisions and policy. They are like a lobby group.

**Constituents**-These are people in a political unit/district that vote to represent someone

**Committees**-in congress, there are committees that focus on different topics and bills related to those topics

**Chairmanships**-these are the leaders of the committees. They are determined by which political party has the majority in congress. For example- if the Republicans have a majority in Congress, all the chairmanships will be Republican.

**Why is passing a bill such a long and arduous process? Is that good/bad?**- It's bad in the sense if a bill needs to get passed right away, it will take time. But it's good in that it's well thought out.

**Conference committee**-Suppose the house is writing a bill, and the senate is writing a similar bill. A conference committee is then conducted to bring those 2 different bills into one bill. After that one bill has to be passed by each of the houses separately.

**Presidential veto**-The president doesn't want to pass a bill

**Overriding veto**-congress will pass the bill, even if the president vetoed it. To do this 2/3 of house is needed. And 2/3 senate is needed.

**Ratify treaty**- simple majority from senate

**Override veto**- 2/3 from senate, 2/3 from house

**Impeach president** (charging)- simple majority from house

**Conviction of impeachment** (trial)-2/3 senates

**Vote when there's an electoral problem** (if a candidate does not get 270/538 electoral votes)-2/3 house for president, 2/3 senate vice president

**Constitutional amendment**- 2/3 senate, 2/3 house

**Aim 11: The Electoral College. How can a candidate win the popular vote and lose the electoral vote and the electoral vote?**

### 2 conflicts

1. Big state vs. little state- big states get more electoral votes
2. Elitist vs. populist- the people who are voting for the electors are the populist, but the electors voting for the president are the elitists

**Compromise**- we don't vote for president, we vote for electors who then vote for president  
Each state's electors are based on the number of representatives that the state has in the house by 2 for senators. Within a state, if a party has a majority, that party takes all the electoral votes- winner takes all. The electors vote in December in each state's capital. If there is no majority between the electors (no 270/528), then the house has a 2/3 vote for president, and senate has 2/3 vote for vice president.

### Criticism

1. Subvert popular vote- the people are undermined because the electors can technically vote for whoever they want, even though they should vote for the person the popular vote wanted
2. Disproportionate power to smaller states- the ratio of population to electoral college votes is bigger in smaller states than in larger states

### Positive

1. Minority interests represented- candidates like to get minority groups on their side, and when they are elected they will do things for the minority group
2. States rights represented- there are individual state elections, and then winner takes all the Electoral College votes from that state election.

**Can it be changed, how?** The Electoral College could be changed by an amendment, but this probably won't happen because the big states will not want to give up their power of having more Electoral College votes, and small states will not want to give up their right of having representation based in population.

### Aim 12: What is the President's role?

The President is affected by:

1. how powerful and capable he is
2. time period that they are running in
3. they have a good vision for America

### His powers

1. He's the **commander in chief** for the military, but congress has to declare war. **The War Powers** act says that a President can use the military for 60 days, without a formal declaration of war by congress. If the president requests 30 more days, it is allowed even if congress does not agree to it.
2. Foreign policy- he's the most influential of the three branches. The senate must approve treaties with 2/3 vote
3. legislature- can the president order a law to be passed? No, he can use persuasion. He needs public approval. It depends which party has majority in congress. In his state of the union he will discuss the bill maybe. When he vetoes a bill, he can line item veto- meaning just veto a part of the bill. It is difficult to override by congress because 2/3 in each house is needed.
4. Judicial- he has the power to pardon, he nominates justices to the Supreme Court, - this is important because they serve for life. Senate needs to confirm
5. Administrative- he picks cabinet members and executes laws. He also sets up bureaucracies.

### Aim 13: What is the role of the Supreme Court?

**Original jurisdiction**- this is when a case is first heard in the Supreme Court, without having to go through lower courts first

### Does the Supreme Court here all cases?

No, only ones dealing with whether something is unconstitutional.

### How do they decide on a case?

4/9 vote whether they want the case-**rule of four**

### What value do they have?

The Supreme Court's decision will affect the outcome of other cases in the future based on what was decided.

**Appellate jurisdiction**-the power of a court to review decisions and change the decision of lower courts. There is usually a new trial.

**Majority opinion**-to get a decision need 5/9 majority

**Dissenting opinion**- against the majority

**Concurring opinion**- agree with the majority, but they have different reasons

**Precedent**- Whatever the Supreme Court decides, will affect other cases in the future

**Qualification to serve as justice**-none, the President picks

**Loose vs. strict construction**- the Supreme Court decides which powers are for the state (strict) or national government (loose)

### Aim 14: Ratifying the Constitution

**Federalist papers**- These were papers justifying the logic of the constitution. This is the only document we have that explains our constitution. This convinced people to sign it explaining that a strong national government was needed. It was written for New York, because NY was a big state where people saw little benefit for a strong government that might add to their tax burden. Under the Articles of Confederation, NY had greater freedom. **John Jay, Madison, and Hamilton** wrote it.

**What were the anti-federalists?** - They wanted state governments over a national government. They were scared that their rights wouldn't be protected, and they wanted a bill of rights in the constitution to make sure.

**Objections to the constitution?** Anti-federalists believed that their own rights would not be protected. How did the federalist papers attempt to ratify the constitution? Is explained the separation of powers and balance of powers.

Bill of rights- 1st 10 amendments

1. **Religious and political freedom**- congress can't pass a law establishing a religion, prohibiting exercise of religion, abridging freedom of speech or of the press, or right to assemble, right to petition the government for a redress of grievances
2. **right to bear arms**- well regulated militia for the security of a free state, the right of people bearing arms should not be infringed
3. **Quartering troops**- no soldier in time of peace be quartered in a house without the consent of the owner, now in time of war
4. **search and seizure**- the right of people to be secure in their homes, papers, and should have unreasonable searches and citizens. A warrant is needed but only given under probable cause. Exclusionary rule- can't use something against someone without a warrant.
5. **right of accused persons**- no person should be held to answer for a capital or otherwise infamous crime-except in land or naval forces, actual service in time of war, or public danger. A person can not be subjected for the same offense to be twice but in jeopardy. A person is not to be a witness for himself. Private property will not be taken away for public use without a reason. "I take the 5th amendment"-right to remain silent.
6. **Right to a speedy, public trial**-when arrested, the accused has the right to a speedy and public trial. He is allowed to have assistance in defending him, like a lawyer. When the person can't afford a lawyer, he should be provided with one.
7. **Trial by jury in civil cases**- when sued, and the value of controversy is over \$20, there is trial by jury
8. **Limits of fines and punishments**-excessive bail (money paid in-between the actual arrest and trial), should not be required. The money should be given back after appearing in court. No excessive fines, or unusual punishments. Bail bondsman- lends the bail money to people.
9. **rights of people**- the enumeration of the constitution of certain rights should not deny other rights
10. **powers of states and people**- any powers not delegated to the national government, is reserved for state governments.

Aim 15: How does the first Amendment provide a balance between the individual and society?

Five freedoms-speech, religion, assembly, petition, press

Bill of privileges-

Religion

-establishment

-free exercise

speech

1. shouting fire-can't shout fire in theaters

2. public awareness-

3. advertising- cant advertise against drafts in times of war

4. obscenity-

5. symbolic speech-flag burning is allowed

press-

pentagon papers-this is a top secret US government report on the history of the internal planning and policy making process within the government about the Vietnam War.

assembly-

petition- can petition against government for grievances

**Engel vs. Vitale**- During the time of communism, the New York board of regents decided that in the morning, students should say a brief prayer. Engel (he parents) filed a lawsuit against the public schools saying that it was a violation of the 1st amendment right with freedom of religion-time out of school was being taken away for this prayer. They said it was a establishing a religious code. The courts decided it was unconstitutional.

**Schenck vs. U.S.** - Schenck circulated a flyer against the draft. There was a question whether he had the first amendment right to free speech. Supreme Court decided that he did not have the right. The judge wrote that "clear and present danger" was going to result. During a time of war, things said during peace may be restricted in times of war for the benefit of the country. In this Supreme Court decision, the individual rights are restricted.

**Aim 16: How does the Constitution protect the rights of the accused?**

**Unreasonable searches and seizures**- In order to search someone's house, a reasonable reason-**probable cause**- is needed to get a warrant. If something is found in a person's house, it can not be used against them unless they had a warrant to begin with=**exclusionary rule**. This is protected by the 4th amendment.

**Mapp vs. Ohio**- The Cleveland Police found out that Mrs. Mapp was hiding something in her house. They went to her house and demanded entrance. She refused to allow them in because they did not have a search warrant. They forcibly opened her door and she demanded to see the warrant. They waved a piece of paper in front of her. They then arrested her, but as they did that they found pictures of porn in her basement. At court, her attorney stated that she couldn't be charged since the warrant was not real. This was a fourth amendment right. Supreme Court ruled in her favor

**Double jeopardy**- this says that no one can be tried for the same thing twice. This is protected by the 5th amendment.

**Trail by jury**- this is guaranteed by the 7th amendment.

**No excessive bail**- protected by the 8th amendment

**Right to a attorney**- protected by the 6th amendment

Gideon vs. Wainright- Clarence Wainright broke into a pool hall in Florida and stealing beer, wine, and change from vending machines. He was very poor and could not afford a lawyer. He asked for one, and he was denied. He was sentenced 5 years of prison. He wrote in jail to the Supreme Court that he was denied a 6th amendment right- assistance of a council for defense. The Supreme court then tried him a second time, and this time he was acquitted.

**Miranda rights**- In **Miranda vs. Arizona**-Ernesto Miranda stole \$8 from a bank worker and was charged with armed robbery. He had been previously known for a record for robbery, rape, and burglary. When he was arrested, he admitted to the robbery and a previous rape he did 11 days before the robbery. After the conviction, his lawyer stated that he was not aware of what rights he had and did not no that he didn't have to **self incriminate** himself. The Supreme Court said that according tot eh 6th amendment, he should be able to know his rights, and the case was retried. He was later jailed again, but based on other evidence. The Miranda rights are when the police read all the rights to someone when they are arrested.

**Right to confront witnesses**- the attorney can cross examine

**Speedy and public trial**- protected by amendment 6

**"Cruel and unusual punishment"**- protected by amendment 8

The Constitution protects the rights of a defendant from the first step of being searched, from being questioned, to suspected, to arrest.

**Aim 17: How did Washington's administration set the precedent for a strong national government?**

**Cabinet**-Washington picked cabinet members to be heads of different departments. They are his advisors. This was in the "unwritten constitution." The Secretary of state was **Thomas Jefferson**. The Secretary of Treasury was **Hamilton**. **Edmund Randolph** was the Attorney General (head lawyer) and the Secretary of War was **Henry Knox**. They were from different states, representing different opinions.

**How did Washington set up his government?**

He picked a cabinet for advisors. This set a precedent for the future. He knew that he needed a stable government. He needed to put the government in effect, stable the economy, and show that he has power.

**Judiciary Act of 1789**-This stated that judges had to be picked and to set up courts according to the constitution.

**What were some of the economic problems that the young nation had to deal with?**

After the Revolutionary War, the US was in national debt. A decision was needed whether each state would pay off their debt individually, or would the nation do it together. There was also the problem with speculators. The continental congress had created a currency called continentals. The speculators (investors) bet that even though the continentals were worthless during the war, they would be worth something after. They decided to invest in them. But now after the war, a decision was needed whether the government would replace a dollar for a dollar of continentals, or a smaller amount. For the national

debt, Hamilton proposed a national bank. He thought that when a national paid back debt together, they were uniting. He also said that by borrowing money, they were going to establish good credit.

**Whiskey Rebellion**- There had been an excise tax on whiskey from the west. The Western farmers wanted to rebel, so Washington himself went to crush the rebellion. It was important that Washington sent the message that everyone needs to have faith in the government. Things that have light and transient causes are not worth rebelling over.

**How and why did Jefferson disagree with the different elements of Hamilton's plan?** Jefferson did not like the idea of a national bank. He was a strict constructionist and did not think that it was in the constitution to create it. As far as national bank, Jefferson knew that some states had smaller debts than others and it was unfair to them to pay off more than they have to.

**Jay's Treaty**- This was between the US and England over land control and Native Americans.

**Pinckney's Treaty**- This was between the US and Spain. It defined the boundaries with the US and Spanish colonies. It gave the US navigation rights on the Mississippi River.

#### **Aim 18: How did political parties develop in America?**

**Federalist**- They believed in **loose construction**=loose interpretation of the constitution. They believed that the **elitists** (the smarter, educated people) should run the government. They wanted a central government. They wanted an economy that was more industrial. They were pro-British. **Hamilton** and **Adams** were federalists.

**Democratic-Republican**- They believed in **strict construction**=strict interpretation of the constitution. They believed that the **populists** (common people) should run the government. They wanted a government where each state has control, not a national. They wanted an economy that was more agricultural/ agrarian. **Jefferson** was a Democratic-Republican. They were pro-French.

#### **Aim 19: How did the problems with foreign affairs lead to the emergence of political parties?**

**Domestic policy**- policy within the country. We set up the national bank within our country.

**Foreign Policy**- dealing with other countries- The Democratic Republicans wanted to support the French in their Revolution. The Federalist wanted to support the British.

**Farewell address**- Washington said for domestic policy, to avoid political parties. They were still a young country and they needed everyone to stick together. For foreign policy, "friendship with everyone, entangling **alliances** with none. =**isolationism**. He wanted the US to be friends with other countries, and to be on good terms with them, yet he doesn't want to be pulled into European affairs. Washington knew that they were too young and couldn't afford going to war.

**How did the Federalists (led by Adams) and the Democratic-Republicans) disagree with American involvement in the French Revolution?** The Democratic-Republicans wanted the French as allies, and the Federalists did not want to help them. The Democratic-Republicans were upset when we signed Pinckney's treaty because we made a treaty with Spain, meaning we broke our alliance with France. Adams sent low officials to the French foreign minister, **Talleyrand**. The French demanded a \$250,000 bribe to see him. This became known as the **x, y, z affair**. The Americans were upset at the French and had anti- French feelings.

**Alien and Sedition Acts**- Adams wanted to make it harder to become a citizens. He raised the number of years from 5 to 14. This was the Neutralization Act. The President can deport aliens if they are a threat was the **Alien Act**. The **Sedition act** was you can't write anything against the government that was "seditious." This was a direct violation of the first amendment. The Federalists passed these laws because they knew immigrants were likely to vote Democratic-Republican. They claimed that these acts were to "save them from France." The fact that Adams let them pass was his greatest blemish.

**Kentucky-Virginia Resolutions**- This was written by Jefferson and Madison. It said that any state can nullify and determine whether something is unconstitutional- "nullification theory."

### Aim 20: How did the Marshall court strengthen the federal government?

**Marbury vs. Madison**- Right before Adams left his office, he appointed midnight judges to the courts in order to leave Federalists in office. Marbury asked Madison to sign his papers, saying that it was written in the Judiciary Act, in order to be a judge, but Madison refused. Marshall was the chief justice and had to decide this case. He had a problem either way. If he were to make Madison sign the papers, it would make him look federalist, and it will look like he's making a decision based on his own political party. He needs to show that the Supreme Court is blind to political parties. The country would hate him if he acted just because he was too a federalist. Also, if he forces Madison to sign it, he technically has no power to enforce it because Jefferson is higher than him. On the other hand, If he doesn't make Madison sign in, it will make the Supreme Court look weak and that he's giving into the Republicans. In the end, Marshall declared that Marbury's claim based on the Judiciary Act was unconstitutional. He said that it says no where in the constitutional that the Supreme Court has the power to force Madison to sign the papers. This decision gave the power of **judicial review** to the Supreme Court- courts can determine weather something is unconstitutional or not.

**McCulloch vs. Maryland**- The Maryland government placed heavy taxes on the Bank of the US in Maryland because they did not like the bank. They Maryland government wanted to open local banks. McCulloch was the bank manager and he refused to pay the taxes. They went to court and there were a few Questions- 1. Was the bank of the US constitutional? 2. Which has more power- the state or federal? 3. And can a state tax a federal building?

Answers- 1- the BUS was constitutional since the federal government has enumerated powers through the elastic clause in the constitution. 2+3. The Federal is more supreme- when needed, they can execute through the elastic clause. The federal has powers, and the states get the reserved rights. The people signed the constitution, agreeing that the federal is supreme to the people Marshall said "the power to tax, is the power to destroy". Marshall gave the national bank the power.

**Gibbons vs. Ogden**-Ogden was given by NY state exclusive rights to ferry across the harbor. Gibbons has been given federal permission to operate in the waters. Ogden brought him to court because the state government gave him the right to have monopoly over the waters and now he has unfair competition for business. The question was who controls the waters- federal or state? According to the interstate commerce clause, the power is given to the federal government to control the waters. If the federal is not supreme, then the government is being limited. This showed that that interstate is more than just traffic, but it covers many things.

**Dartmouth College vs. Woodward**- Dartmouth was given a charter, agreement, by the British government before the war. They were allowed to settle on the property and have their college. Now after the war, New Hampshire wanted to take the college and make it public. They wanted to convert it into a state

college. The question is can a state nullify a contract made between 2 parties? Marshall answered that the contract was to be preserved. He wanted to make sure that the British are respected too. He wanted to make sure that there is a stable economy and that all contracts are preserved and protected.

### Aim 21: Was Jefferson's election really revolutionary?

**Aaron Burr**- During the election of 1800, Jefferson and Burr won the same number of votes in the electoral college. The House had to decide who was to become the next President. Hamilton had campaigned for Jefferson and this angered Burr. They had a duel together, and he ended up killing Hamilton.

**Louisiana Purchase**- Napoleon of France had been busy conquering Europe. He wanted Louisiana Territory off his back. Jefferson was at first hesitant because he was a strict constructionist, but he knew that it would be great for the country to double this land size. He would have felt better if there had been an amendment. In this he was revolutionary.

**Tripoli War**- pirates were attacking from Algeria and Tunisia and seizing American ships. Tripoli wanted a higher bribe to stop attacking the ships. Jefferson stopped the bribes, and Tripoli declared war. Jefferson sent ships to blockade Tripoli.

**Embargo Act**- there was conflict overseas, so Jefferson created the Embargo Act, making trade with Europe forbidden. This was a federalist action because he was saying the government can get involved.

**Gallatin**- He was the secretary of state and had a similar philosophy like Hamilton. He knew that Jefferson was wrong about not wanting the national bank.

**"We are all Republicans, we are all Federalists"**-This was appropriate for Jefferson because during his presidency, he made federalist actions, and republican actions. As a republican, he decreased the influence of the national bank. He also decreased the army. As a federalist, he didn't completely eliminate the national bank, and he passed the Embargo Act.

### Aim 22: How did the conflict over free trade lead to the war of 1812?

**Free trade**- The US was put into a situation where they needed to support the French or the British. If they were to trade with the French, the British would attack our ships, and if we traded with the British, the French would attack our ships. We wanted free trade to trade with whoever we wanted.

**How did the embargos lead to industrialization in America?** By not being able to trade with other countries, it was forcing America itself to manufacture its own goods.

**Impressments of sailors**- the British were seizing our ships in the middle of the waters and kidnapping Americans into their navy. This upset the US because it showed that the British did not think of us as a real country, but one that they can take advantage of. They did not respect us. This was a cause for the war of 1812.

**Chesapeake**- The British supplied the native Americans with arms. This was a cause for the war of 1812.

**War Hawks-** Henry Clay and John Calhoun were very pro-war. They heard about the glory of the revolution, and wanted war again, but they really did not know about the hardships that were involved.

**Why were the Federalists opposed to the war?** They were pro-British.

**Andrew Jackson-** he was the general of the US army during the war. When he was fighting the battle of New Orleans, he was unaware that the war was already over.

**Treaty of Ghent-** this settled the boundaries between Canada and the US

**Aim 23: Was the era of Good Feelings an appropriate term for Monroe's Presidency?**

**Monroe-** he was elected unanimously as President.

**Nationalism vs. sectionalism-** There was intense nationalism, yet Sectionalism, loyalty for a section, began. The north and south began to differ in what was best for each of them.

**Why there was an "era of good feeling?"** there was intense nationalism and only one party rule.

**What 3 actions did the government take in 1816 to strengthen the nation's economy?**

Henry Clay proposed the **American system** which had 1. further the strength of the national bank, 2. raise the tariff, and 3. Develop national transportation like **national roads** and the **erie canal**. This would strengthen industry and improve countrywide communication. The south was not happy with furthering the national bank and raising the tariff, they tolerated it for the better of the country. They resented it though, and it was the beginning of the feelings for sectionalism and the civil war.

**Aim 24: How did the Era of Good feelings influence Monroe's foreign policy?**

**What boundary agreements did the Americans make with the British?** We made treaties over the borders with Canada by the Great Lakes and the Northwest.

**Why did Monroe Issue the Doctrine?** The US wanted to avoid wars, and stated that the Europeans can not interfere in the Western Hemisphere, and the US will not interfere with them. If Europe does interfere, it will be considered a threat to national security.

**Manifest Destiny-** It was believed that from God, the US had the right to expand.

**John Quincy Adams-** He was Monroe's secretary of state. He formulated the Monroe Doctrine and was pro-nationalism.