

AP GOVERNMENT EXAM 1 STUDY RESOURCES

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OVERVIEW OF GOVERNMENT:

- I. Legislative Branch, AKA Congress, authorized by Article I of the Constitution.
- II. Executive Branch, which hosts the President, his cabinet, and White House staff, authorized by Article II of the Constitution.
- III. Judicial Branch, consisting of District, Appellate, and Supreme Courts, authorized by Article III of the Constitution.
- IV. The Bureaucracy, unofficial fourth branch of govt., which hosts agencies such as the EPA, FCC, FAA, etc.

FEDERALISM & ECONOMICS:

- Federalism: principles of government's involvement and cooperation with the country:
 - **Layer-cake, or dual, federalism**, does not allow state and federal governments to share powers or authority; they remain separated in ability.
 - **Marble cake federalism** allows for both federal and state governments to share various powers and work together, which is what the United States is built on.
 - **Fiscal federalism**; the impact of government acting as “big brother” in the American economy. The federal government provides various grants-in-aid:
 - **Categorical grants** are given for sole purposes and do not let the recipient government decide what to use the funds for. These include two main types of categorical grants: **Formula grants**, which are awarded based on recipient qualifications, (Student loan forgiveness) and **Project grants**, which are awarded based on a competition process. (NASA awarded lunar lander contract to SpaceX after competition with Blue Origin.)
 - **Block grants** are the other primary type of grants, which are distributed for general purposes and give the recipient higher freedoms on how to spend the funds.
- **Keynesian Economics**: the fundamental ideas of government involvement in the economy during times of great variable:
 - Demand, or lack thereof, is the leading cause of economic events such as a recession. The supply, when fully employed, is not met by equal demand to justify the production of goods, resulting in mass unemployment and depression.
 - According to the **coordination argument**, employees are willing to accept lower wages, “as long as the other guy has to,” too. However, without a way to implement this, according to Keynes, the wages will remain “sticky” and not adjust with the economy, causing further layoffs by corporations.
 - The government can help regulate this by, in times of recession, increasing their own spending and lower taxes to **stimulate demand**. This may include handing out stimulus checks (Such as during the COVID-19 pandemic) so that people who are otherwise unwilling will go spend money.

- Revenue Bills: the legislation surrounding economics, money, and revenue in America:
 - All revenue bills in the United States must originate from the **House of Representatives** and be addressed in their respective committees.
 - Congress, and the chambers inside, hold the **Power of the Purse**, allowing them to impose oversight and checks & balances on the Executive govt., as well as the bureaucracy.
 - Sometimes, Congressmen initiating these bills will participate in **pork barreling** or **earmarking** their bills. This incorporates rolling in sums of money for their local congressional districts for re-election support (pork barreling), as well as setting aside sums of money for specific projects (earmarks).
 - Congressmen may also participate in **logrolling** their bills; support another bill in exchange for support of their own.
 - Spending can vary for different projects too. The Federal Budget, which is proposed by the President and ratified by Congress, consists of **discretionary** and **non-discretionary** spending. Discretionary is an amount which can vary, such as military spending. Non-Discretionary, such as Social Security, cannot be adjusted and must be a fixed amount. These may be known also as **entitlement programs**.

CONSTITUTION:

- Origins of the Constitution: the years leading up to the ratification of the Constitution:
 - In the years before the Constitution was officially signed into law by the early states, the **Articles of Confederation** led as the first U.S. government. However, they lacked many components key to the success of the contemporary U.S. Notably, there was **no ability to tax** or fund the government.
 - **Shay's Rebellion** (1786) marked the inability of the government to fulfill their duties of protecting the people, and further rushed Constitution ratification.
 - However, a large number of delegates were still divided on the subject of the Constitution. People divided into two factions: federalists & anti-federalists:
 - Federalists supported a **strong central** government and were in favor of the Constitution.
 - Anti-Federalists did not support a strong central government and were the main opponents of the Constitution.
 - To counteract this, James Madison wrote the **Federalist Papers**; a series of documents supporting various aspects of the Constitution:
 - Federalist No. 10: Warning against the **partisan division** of government; as we have now, where issues are a Republican v. Democratic divide.
 - Federalist No. 51: Addresses the **separation of powers** of government and how checks & balances will equal out the three branches.
 - Federalist No. 70: A strong, **energetic, executive**, without having the rule of a dictator, is important for running the country.
 - Federalist No. 78: The Judicial Branch, without the power to enforce their own policies, is the **weakest branch** of the government. (Before judicial review)

- In response to Madison's Federalist Papers, a New York Anti-Federalist authored the Brutus papers, notably **Brutus No. 1**, to create anti-Constitution propaganda.
- Once the Constitution was ratified, the framework was set for the basis of the United States of America. However, key clauses and amendments have allowed the document to grow:
 - Elastic Clause (Necessary & Proper):
 - Allows **broader interpretation** of the laws so that the government can create, write, and enforce laws with greater discretion, per what is deemed necessary for the people. (WWII)
 - Commerce Clause:
 - Gives Congress the power to **regulate interstate commerce**. This has been used by govt. in cases such as *United States vs. Lopez*.
 - Supremacy Clause:
 - The Constitution is the **supreme law of the land**; national government has the highest power in the country. Every law, case, etc., is checked against the Constitution.
 - Bill of Rights:
 - First ten amendments made to the Constitution, in one document. Notable amendments include the 1st (freedom of speech), 5th (due process), and the 10th (all powers not expressed in Constitution belong to the states)
 - 14th Amendment: **Equal Protection** – protects people's natural rights regardless of their gender, sexuality, race, etc.
 - 17th Amendment: Voters can **vote for Senators**, rather than Senators being chosen by legislatures.
 - 22nd Amendment: **Limited the length** that the President may serve as the President to 2, 4-year terms maximum.
 - 25th Amendment: **Presidential Succession**; if the President dies or becomes incapable of being the President, the V.P. takes over. When the V.P. seat is vacant, the President will nominate a V.P. to be confirmed by both Congressional chambers.
- Various powers are distributed in different ways as dictated by the Constitution:
 - Expressed Powers: These are **directly stated** in the Constitution as authorities given to the federal government.
 - Implied Powers: Powers **not explicitly** mentioned in the Constitution, which are still awarded to Congress as a reasonable duty. (McCulloch vs. Maryland; establishing a national bank)
 - Reserved Powers: Powers not explicitly mentioned, or implied, are **reserved for the state** governments, per the 10th amendment.
 - Concurrent Powers: These authorities are **given to both** the federal and state governments to share, such as the ability to tax.

LEGISLATIVE POWER:

- The legislative branch of the government, perhaps the most important, is divided into a bicameral layout. One chamber, the House of Representatives, hosts 435 delegates based on population. The other, the Senate, hosts 100 participants based on equality of the states.
 - EXAMPLE OF PROCESS:
 - Revenue bill to increase taxes on gasoline vehicles is **sponsored by a representative** from California in the House, known as Prop. 22.
 - Prop. 22 will move on to an **assigned House committee**, who will research and discuss this bill in private. (more discussed later)
 - If the committee approves the bill, Prop. 22 will move before the entire House, where it must get a **simple majority** to pass. Otherwise, it may be debated, amended, or thrown out of contention. If amended, process repeats.
 - Discharge petitions may be signed to end the vote in the House.
 - When the bill moves on to the Senate, the same process is repeated wherein the bill will be **assigned to a Senate committee** to discuss in private.
 - Prop. 22 will then move, if approved, from the Senate committee to the Senate floor to be voted on. It can be **amended, debated, or passed** with a majority vote. If amended, the bill must RETURN to the House to restart process.
 - Senators may attempt to filibuster a bill; the Senator **will not relinquish** the floor and tries to talk until the vote is dropped.
 - A cloture, if requested, will **end the vote** by popular demand.
 - Once the bill has been passed by the Senate, Prop. 22 will move to the desk of the President. The President **has ten days to approve or veto** the bill. If no action is taken in ten days, known as a pocket veto, Prop. 22 will be vetoed so long as Congress is still in session.
- During this process, Congress will turn to **committees** to help make decisions and split up the work needed to be done:
 - Standing Committees: **Permanent** panels of experts with legislative discretion.
 - Select Committees: **Temporary** committees assigned to a specific goal, such as an investigation, to serve oversight purposes.
 - Subcommittees: Help **break up the workload** by hosting hearings, mark up legislature, and report summaries to higher committees for review.
 - Senate Judiciary Committee: A permanent, highly influential, committee which **oversees judicial appointments** by holding hearings on their capabilities.

- Congressmen also vary in how they represent the people of their state:
 - Trustees: Act in their **own consciousness**, as they see fit to support their people.
 - Delegates: Act solely on the wishes of **who they represent**, not on their own.
 - Politico: Representatives acting as both trustees, delegates, and on behalf of their party, in effort to **make everyone happy**.
- The representatives of state Congress are voted upon and represent their districts, however, may often engage in **gerrymandering**: manipulating district boundaries to benefit their party.
 - This may ensue with issues of race, such as with Baker v. Carr, where boundaries were drawn based on race. (The Courts decided on this case that this was unconstitutional by the 14th amendment, and district reapportioning should be reviewed judicially.)
- Both the House and the Senate have their own leadership, with similarities, but which allow the chambers to operate in full:
 - House of Representatives Leadership:
 - 1st Highest: Speaker of the House
 - 2nd Highest: Majority Leader of the House
 - 3rd Highest: Majority Whip
 - Senate Leadership:
 - 1st Highest: Majority Leader
 - 2nd Highest: Majority Whip
 - VPOTUS presides over Senate; President Pro-Tempore fills their vacancy.
- While the Legislative branch does hold the **Power of the Purse**, they hold significant other oversight over the other branches of the government:
 - The Senate Judiciary Committee, as mentioned prior, has the ability to oversee judicial appointments to **check the President**. Congress also must confirm all appointments made to the Cabinet and Judiciary branches made by the President.,
 - Congress also holds the power to remove the President through **impeachment** in extreme cases. Richard Nixon was impeached but resigned before he was fired.
 - If Congress disagrees with decisions set by the Judicial Branch, they may **pass legislature** which hinders the abilities of judicial review. For example, an amendment made to ban the right to bear arms may result in Congress passing laws to bypass it.
 - While not technically a branch of the government, the bureaucracy is still an important figure which Congress presides over. Congress (as seen in the Iron Triangle) can **cut or expand funding** to these agencies to block or pursue their policies.
- Lastly, the primary powers of Congress which are of utmost importance to know:
 - Approve treaties.
 - Raise a military/navy.
 - Create and pass laws.
 - Fund the government.

EXECUTIVE POWER:

- When Americans think of the “executive leader,” of the country, they often think of solely the President of the United States. (POTUS) However, there is so much more that goes into the Executive Branch of the government. The **V.P., Cabinet, and White House staff** are all important figures of the President’s consultants.
- The President, elected every four years, by courtesy of the 22nd amendment, can only hold a total of eight years in office:
 - When elected, the President must be:
 - At least 35 years of age.
 - Natural born citizen of the United States.
 - Resident of the U.S. for 14 years.
 - The President, following his inauguration, has a **honeymoon period** of 100 days, in which it is far easier for him to make appointments and get laws passed.
 - Due to not having shown his capabilities or received ratings yet, the President has much more power during this period.
- Being the face of the United States, the President takes on many **informal (I) and formal (F)** roles and powers:
 - (I) President has the authority to issue an **executive order**; a rule aligning with his agenda that does not need to come from Congress. Congress may, however, pass legislation to invalidate the E.O.
 - (I) In times of need, the President also may sign an **executive agreement**; a treaty certified only by the President. Normally, treaties must pass the Senate, but E.A.s may be used without their permission.
 - (I) Cases such as Richard Nixon have seen the use of **executive privilege**; the President has a certain level of clearance, due to his position, that grants him superior privacy.
 - (F) **Commander in Chief**; the President is the leader of the military and may command during wartime.
 - (F) The President has the authority to **veto**, or reject, laws he does not agree with.
 - (I) If the President does not veto a bill, such as Prop. 22, but still does not agree with it, he may issue a **signing statement**; a document explaining his interpretation of the bill to bend it to his will. This is similar to congressional use of the Necessary and Proper Clause.
 - (F) To fulfill his duties of executing the law and protecting the people, the President also **appoints** judges and ambassadors, with the approval of the Senate.
- All of these various powers are important for the President to be able to follow through with his agenda and goal: **keep America safe**.
 - The President, when trying to pass bills for his agenda, may also use an **electoral mandate**; the notion the President must do something as an obligation to the people who voted for his presidency.

- President also has a **power to persuade**; it is his best interest for his agenda to make others want to work *with* him, rather than rely solely on passing orders to work *for* him. This is his primary authority.
- However, the President does not do this all on his own. The Vice President of the United States (VPOTUS), White House staff, and Cabinet all advise his work:
 - The Vice President is **next in line** as a backup to the President but is also important in their role in the Senate. Even as **head of the Senate**, they are rarely present, but they may be called in to break ties if need be.
 - In the event of a tragedy regarding the President, the **line of succession** would be as follows:
 - Vice President
 - Speaker of the House
 - President Pro-Tempore
 - Secretary of State
 - The President's Cabinet is a team of appointed (and senatorially ratified) experts to aid the President in his decision making:
 - These nominees are primarily known as "Secretary of..." and are the **President's personal advisors** in times of need.
 - Personnel such as the Secretary of State and Secretary of Defense aid during wartime.
 - White House staff are the only appointments the President can make which **do not need to be approved** by the Senate, and consist of Security advisors, press, office secretaries, and more.
- Lastly, the Executive office also has a certain level of oversight for the other branches:
 - As mentioned, the President can **veto** Congressional legislature.
 - His **nominations** for courts and other highly appointed officials can instill his political/partisan agenda in the other branches.
 - If the President does not agree with a judicial decision, he may choose to simply **ignore** it. If the Executive does not enforce it, the decision has nothing to stand on.

JUDICIAL POWER:

- Lastly, the third and final (and as Madison wrote in Fed No. 78, the weakest) branch of the government is the judicial branch. This consists of various levels of authority, but notably the head court is the Supreme Court.
 - Two lower court levels beneath the S.C. have various discretion and are distributed by region throughout the country:
 - **District Courts:** Who possess original jurisdiction only.
 - **Circuit Court of Appeals:** Who possess appellate jurisdiction only. (Judge the legalities/due process of the original jurisdiction case)
 - The Supreme Court is the only court with **both** original and appellate jurisdiction.
- Supreme Court Justices, of which there are **nine**, are appointed by the President and confirmed by the senate. **Senatorial Courtesy** is also in play, wherein the appointment will only go through if approved by the senator representing the nominee's home state.
 - As an oversight on the Judicial Branch, Justices have the opportunity to preside over the federal courts for their **life**. This ensures that Justices do not feel pressured by re-election policies and to please the people; they should act in their own right **without external pressure**.
 - Justices, while not supposed to be partisan, do make decisions based on different philosophies:
 - **Judicial Activism:** The idea that the Constitution is a growing, ever-changing document that should be adopted for modern purposes.
 - **Judicial Restraint:** The Constitution is a strict document, which cannot change, and must be followed for all court cases. This is a similar principle to **Stare Decisis**, following **Precedent**, and **Strict Constitutionalism**.
- When deciding upon cases, at least four Supreme Court Justices must agree to hear the case at hand: (Known as the **rule of four**)
 - Justices will agree to hear the case, in where they will likely be issued **amicus curae briefs** from both sides of the court, in order to inform the judges of the issue at hand.
 - In some cases, a **writ of certiorari** may be issued, wherein the case is a petition for the higher court to review lower court decisions.
 - However, let's analyze a case regarding Prop. 22 from earlier. An interest group, known as the Americans for Gas (AFG), files a case directly with the Supreme Court, who agree to hear it. The AFG is suing the United States for, what they claim, to be overuse of the Necessary and Proper Clause.
 - The court will receive briefs from both the AFG (interest group) and the United States legislature. After 30 minutes of oral argument from each side, the Court will recede until **conference** on Friday.
 - During Conference, only the Justices are allowed in the hall, and will debate in seniority until a decision is made.

- The final decisions, or **opinions**, will be issued following Conference:
 - **Majority Opinion:** The official opinion of the majority. In the AFG case, it may be that they found the United States perfectly in its jurisdiction to tax as a means of Congressional authority.
 - **Unanimous Opinion:** The majority opinion, but **all** justices agree (9-0).
 - **Concurring Opinion:** An opinion which agrees with the majority opinion, but for different reasons. With AFG, they may find that the U.S. is *right*, but because the Necessary and Proper Clause allows them to tax gasoline vehicles as necessary to protect the environment.
 - **Dissenting Opinion:** Written by the **minority** in the case of a non-unanimous ruling. For the AFG case, they may argue the U.S. was overstepping its authority in a marble-cake federalist society.
- However, the Judicial Branch does not possess the authority to **enforce** their decisions. These decisions can be blocked by other branches, but they do possess some **oversight**:
 - Judicial decisions can be stopped by the President **refusing to enforce** the rulings, or Congress passing legislation to essentially **neutralize** the decision.
 - The authority of **Judicial Review**, as established in Marbury v. Madison, allows the Supreme Court to rule on the constitutionality and legality of laws.
- Several court cases have been notable such as:
 - **Marbury v. Madison:** 1803; Marbury appointed as Justice of the Peace under President Adams, but after Adams was replaced, Secretary of State James Madison failed to deliver Marbury's commission letter. Marbury sued and won. Established **Judicial Review**.
 - **McCulloch v. Maryland:** 1819; Maryland attempted to tax Second Bank of the United States, but it was deemed unconstitutional under the **Supremacy Clause** and the **Necessary and Proper Clause**.
 - **Shaw v. Reno:** 1993; North Carolina attempted to redistrict through racial gerrymandering. Under the **14th Amendment**, this was ruled unconstitutional and set forth precedent for gerrymandering cases.
 - **United States v. Lopez:** 1995; Lopez, a high school student, was charged for having a gun near a school. This was ruled punishable by the Gun-Free School Zones Act of 1990, however the Supreme Court decided that this was an overreach of federal power. It did not fall under the **Commerce Clause** as the U.S. argued, but instead reasoned for stronger federalist divide. (State's Rights)
 - **Baker v. Carr:** 1962; Dealt again with gerrymandering, but instead with the division amongst population. It was decided that redistricting must take place for "one person, one vote" wherein the districts were proportional to population.

THE BUREAUCRACY:

- The government, with its finite ability and wisdom, established the Bureaucracy as an unofficial (but still very powerful) fourth branch of the government.
 - **The Bureaucracy is an entity which consists of various agencies to help aid the federal government in protocol and enforcement of policy.**
 - Such agencies include the Food & Drug Administration, the Federal Aviation Administration, or the Federal Communications Commission, which deal with issues of food *safety*, flight *safety*, and communications *safety*.
 - These agencies are headed by **administrators**, who are appointed by the President and confirmed by the Senate, such as Donald Trump's appointment of Jim Bridenstine as NASA Administrator under his presidency.
- Bureaucratic groups are known as either **independent agencies** or as **regulatory commissions**, the former is not controlled by the cabinet, while the latter is a direct extension of the executive branch.
 - Independent agencies: CIA, FBI, etc.
 - Regulatory commissions: FCC, FAA, FDA, etc.
- There are also, worth mention, **government corporations**, whose duty is to provide a service which could be supplied privately but is of such necessity to be provided by the government. (USPS, Amtrak)
- These bureaucracies are run by experts of the fields, and as such are **less likely to follow the President's agenda** as much as the ones of interest groups, experts, and the people.
 - Employees of the bureaucracy are also hired under the **Civil Service**, which hires and promotes based on merit and merit alone.
 - Under **administrative discretion**, these agencies will create policy under what they believe to be the best decision. Congress grants them this authority, however, could take it away by overturning their policies or neutralizing them.

THE IRON TRIANGLE:

- Lastly, all of these different branches work together, balance each other, and help each other, and this has been the key to the American Experiment. One of the key components of law-making **for the people** has been the Iron Triangle:

