

CONSTITUTIONAL UNDERPINNINGS VOCAB

Constitutional Democracy

1. **Democracy** – Government by the people, both directly or indirectly, with free and frequent elections.
2. **Direct democracy** – Government in which citizens vote on laws and select officials directly.
3. **Representative democracy** – Government in which the people elect those who govern and pass laws; also called a *republic*.
4. **Constitutional democracy** – A government that enforces recognized limits on those who govern and allows the voice of the people to be heard through free, fair, and relatively frequent elections.
5. **Constitutionalism** – The set of arrangements, including checks and balances, federalism, separation of powers, rule of law, due process, and a bill of rights, that requires our leaders to listen, think, bargain, and explain before they act or make laws. We then hold them politically and legally accountable for how they exercise their powers.
6. **Statism** – The idea that the rights of the nation are supreme over the rights of the individuals who make up the nation.
7. **Popular consent** – The idea that a just government must derive its powers from the consent of the people it governs.
8. **Majority rule** – Governance according to the expressed preferences of the majority.
9. **Majority** – The candidate or party that wins more than half the votes cast in an election.
10. **Plurality** – Candidate or party with the most votes cast in an election, not necessarily more than half.
11. **Ideology** – A consistent pattern of beliefs about political values and the role of government.
12. **Theocracy** – Government by religious leaders, who claim divine guidance.
13. **Articles of Confederation** – The first governing document of the confederated states drafted in 1777, ratified in 1781, and replaced by the present Constitution in 1789.
14. **Annapolis Convention** – A convention held in September 1786 to consider problems of trade and navigation, attended by five states and important because it issued the call to Congress and the states for what became the Constitutional Convention.
15. **Constitutional Convention** – The convention in Philadelphia, May 25 to September 17, 1787, that debated and agreed upon the Constitution of the United States.
16. **Shays' Rebellion** – Rebellion led by Daniel Shays of farmers in western Massachusetts in 1786-1787, protesting mortgage foreclosures. It highlighted the need for a strong national government just as the call for the Constitutional Convention went out.
17. **Bicameralism** – The principle of a two-house legislature.
18. **Virginia Plan** – Initial proposal at the Constitutional Convention made by the Virginia delegation for a strong central government with a bicameral legislature dominated by the big states.
19. **New Jersey Plan** – Proposal at the Constitutional Convention made by William Paterson of New Jersey for a central government with a single-house legislature in which each state would be represented equally.
20. **Connecticut Compromise** – Compromise agreement by states at the Constitutional Convention for a bicameral legislature with a lower house in which representation would be based on population and an upper house in which each state would have two senators.
21. **Three-fifths compromise** – Compromise between northern and southern states at the Constitutional Convention that three-fifths of the slave population would be counted for determining direct taxation and representation in the House of Representatives.
22. **Federalists** – Supporters of ratification of the Constitution and of a strong central government.
23. **Antifederalists** – Opponents of ratification of the Constitution and of a strong central government, generally.
24. **The Federalist** – Essays promoting ratification of the Constitution, published anonymously by Alexander Hamilton, John Jay, and James Madison in 1787 and 1788.

The Living Constitution

1. **Natural law** – God’s or nature’s law that defines right from wrong and is higher than human law.
2. **Separation of powers** – Constitutional division of powers among the legislative, executive, and judicial branches, with the legislative branch making law, the executive applying and enforcing the law, and the judiciary interpreting the law.
3. **Checks and balances** – Constitutional grant of powers that enables each of the three branches of government to check some acts of the others and therefore ensure that no branch can dominate.
4. **Divided government** – Governance divided between the parties, especially when one holds the presidency and the other controls one or both houses of Congress.
5. **Direct primary** – Election in which voters choose party nominees.
6. **Initiative** – Procedure whereby a certain number of voters may, by petition, propose a law or constitutional amendment and have it submitted to the voters.
7. **Referendum** – Procedure for submitting to popular vote measures passed by the legislature or proposed amendments to a state constitution.
8. **Recall** – Procedure for submitting to popular vote the removal of officials from office before the end of their term.
9. **Judicial review** – The power of a court to refuse to enforce a law or a government regulation that in the opinion of the judges conflicts with the U.S. Constitution or, in a state court, the state constitution.
10. **Writ of mandamus** – Court order directing an official to perform an official duty.
11. **Impeachment** – Formal accusation by the lower house of legislature against a public official, the first step in removal from office.
12. **Executive order** – Directive issued by a president or governor that has the force of law.
13. **Executive privilege** – The power to keep executive communications confidential, especially if they relate to national security.
14. **Impoundment** – Presidential refusal to allow an agency to spend funds that Congress authorized and appropriated.

American Federalism

1. **Devolution revolution** – The effort to slow the growth of the federal government by returning many functions to the states.
2. **Federalism** – Constitutional arrangement in which power is distributed between a central government and subdivisional governments, called *states* in the United States. The national and the subdivisional governments both exercise direct authority over individuals.
3. **Unitary system** – Constitutional arrangement that concentrates power in a central government.
4. **Confederation** – Constitutional arrangement in which sovereign nations or states, by compact, create a central government but carefully limit its power and do not give it direct authority over individuals.
5. **Express powers** – Powers the Constitution specifically grants to one of the branches of the national government.
6. **Implied powers** – Powers inferred from the express powers that allow Congress to carry out its functions.
7. **Necessary and proper clause** – Clause of the Constitution (Article 1, Section 8, Clause 3) setting forth the implied powers of Congress. It states that Congress, in addition to its express powers has the right to make all laws necessary and proper to carry out all powers the Constitution vests in the national government.
8. **Inherent powers** – The powers of the national government in foreign affairs that the Supreme Court has declared do not depend on constitutional grants but rather grow out of the very existence of the national government.
9. **Commerce clause** – The clause in the Constitution (Article 1, Section 8, Clause 1) that gives Congress the power to regulate all business activities that cross state lines or affect more than one state or other nations.
10. **Federal mandate** – A requirement the federal government imposes as a condition for receiving federal funds.
11. **Concurrent powers** – Powers that the Constitution gives to both the national and state governments, such as the power to levy taxes.
12. **Full faith and credit clause** – Clause in the Constitution (Article 4, Section 1) requiring each state to recognize the civil judgments rendered by the courts of the other states and to accept their public records and acts as valid.
13. **Extradition** – Legal process whereby an alleged criminal offender is surrendered by the officials of one states to officials of the state in which the crime is alleged to have been committed.
14. **Interstate compact** – An agreement among two or more states. Congress must approve most such agreements.
15. **National supremacy** – Constitutional doctrine that whenever conflict occurs between the constitutionally authorized actions of the national government and those of a state or local government, the actions of the federal government will prevail.
16. **Preemption** – The right of a federal law or a regulation to preclude enforcement of a state or local law or regulation.
17. **Centralists** – People who favor national action over action at the state and local levels.
18. **Decentralists** – People who favor state or local action rather than national action.
19. **State's rights** – Powers expressly or implicitly reserved to the states.