



The Constitution Flashcards

Part of the AP U.S. Government collection

Overview

This resource contains a collection of 47 flashcards that will help students master key Constitution concepts that may be covered on the AP U.S. Government exam.

These are not actual test questions, nor do they involve much “application” of knowledge. Instead, they focus on the basic factual and conceptual knowledge that students must first internalize if they are to successfully formulate logical responses to multiple-choice or essay questions on the eventual exam.

Brainscape has created this content in partnership with several AP U.S. Government teachers and tutors, as well as ex-executives from test prep publishers such as Kaplan and The Princeton Review. The material is as comprehensive as possible, while still being broken down into small bite-sized chunks that make it easy to study. We have included a variety of question formats to help students’ minds encode the knowledge as deeply as possible.

How to Use This Resource

Teachers and students can use these flashcards in a variety of creative ways. Below are a few common use cases:

1. Post this PDF on your class website, so students can download it on their own, and potentially print their own copy as a study aid (and even *cut out* individual flashcards)
2. Use these questions as inspiration for your own quiz questions
3. Use these flashcards as a “game”, where one student (or group of students) asks another student (or group) a random question, and keeps score of how well the questions are being answered
4. Encourage students to use the digital version of the flashcards (see below)

Online and Mobile Version

All of these flashcards are available to study on the Brainscape website (brainscape.com) and in our mobile app(s). Brainscape’s “smart flashcards” study system uses our unique “Confidence-Based Repetition” method, which repeats questions in a progressive pattern based on students’ personalized path of mastery. Teachers can track students’ progress and identify students who need more guidance.

Students can study a portion of Brainscape’s premium flashcards for FREE and can gain unlimited access for a small fee. Students can also use Brainscape to create & share their own supplementary flashcards (which is ALWAYS FREE).

If you are interested in a bulk class license for Brainscape’s web & mobile study system, please contact info@brainscape.com, and we can set up some time for a call.

#	Question	Answer
1	What was the original purpose of the Philadelphia Convention in 1787?	The meeting in Philadelphia had been called to discuss revising the Articles of Confederation, but the delegates quickly decided to scrap the articles and drafted a new governing document.
2	Describe the fundamental tenets of the Virginia Plan:	<p>The Virginia Plan proposed:</p> <ul style="list-style-type: none"> • three branches of government with the legislative branch as the most powerful • a bicameral (two-house) legislature, with the number of legislators in both houses tied to population • members of the upper house chosen by the lower house, and executive chosen by both houses <p>The Virginia Plan was supported by the larger states of Virginia, Pennsylvania, and New York because it was tied to population.</p>
3	In opposition to the Virginia Plan, delegates from smaller states supported the New Jersey Plan. What were this plan's key terms?	<p>The New Jersey Plan's terms included:</p> <ul style="list-style-type: none"> • an elected unicameral (one-house) legislature, with equal representation for each state • an executive, chosen by the legislature • a judiciary, chosen by the executive • a legislature that could regulate interstate and foreign commerce and establish tariffs
4	How were the differences between the Virginia Plan and the New Jersey Plan resolved?	<p>Roger Sherman of Connecticut proposed a plan that incorporated ideas from both the Virginia and New Jersey Plans, known as the "Connecticut Compromise" or the "Great Compromise." The Compromise created a bicameral legislature, with one house based on population (the House of Representatives) and one with equal representation (the Senate).</p> <p>Most important, the Connecticut Compromise saved the convention, which had been on the brink of dissolving.</p>

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5	As part of the deliberations in Philadelphia, the delegates agreed to the Three-Fifths Compromise. What was it?	<p>The Three-Fifths Compromise was an agreement between northern and southern states that three-fifths of the slave population would be counted for purposes of taxation and representation.</p> <p>The South's population was growing more rapidly than the North's in the late 1700s. To solidify their region's supremacy in the House of Representatives, Southerners wanted slaves counted for purposes of population, which the North opposed.</p>
6	What are the five basic constitutional principles, as established within the Constitution?	<p>The five basic constitutional principles are:</p> <ol style="list-style-type: none"> 1. limited government 2. federalism 3. separation of powers 4. checks and balances 5. popular sovereignty <p>A sixth principle, judicial review, would be established by the Supreme Court in <i>Marbury v. Madison</i> (1803).</p>
7	The Constitution's Preamble listed six reasons for establishing the Constitution. What were they?	<p>The Preamble states that the Constitution was established in order to:</p> <ol style="list-style-type: none"> 1. form a more perfect Union 2. establish Justice 3. ensure domestic tranquility 4. provide for the common defence [sic] 5. promote the general Welfare 6. secure the Blessings of Liberty to ourselves and to our Posterity <p>Each of these principles addressed weaknesses that had arisen in the Articles of Confederation government.</p>
8	Which constitutional article established the legislative branch?	<p>The legislative branch was established in Article I, the lengthiest and most detailed of any of the articles. It established Congress' powers and limitations, its method of election, and outlined the qualifications of members.</p>

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9	What is meant by the term "enumerated powers"?	Enumerated powers, or expressed powers, refer to the 17 powers specifically delegated to Congress in Article I, Section 8, of the Constitution. These powers include the power to coin money, to provide for an army and navy, and to borrow money.
10	What constitutional provision is known as the "Elastic Clause"?	<p>The Elastic Clause, also known as the Necessary and Proper Clause, is the final clause in Article I, Section 8. It allows Congress "[t]o make all [l]aws which shall be necessary and proper for carrying into [e]xecution the foregoing powers..."</p> <p>Congress and the Supreme Court have paired this clause with the Commerce Clause to provide the constitutional justification for many federal laws covering subject matter not specifically delineated in the enumerated powers.</p>
11	Which portion of Article I, Section 8, establishes Congress' power over interstate commerce?	<p>Congress' power over interstate commerce is established in the Commerce Clause, which allows Congress "[t]o regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."</p> <p>The Commerce Clause has been used (often paired with the Elastic Clause) to justify federal intervention and laws in almost any matter, as long as some tie can be found to commerce or the economy.</p>
12	Article II establishes the executive branch and how a president is elected. What relevant institution is also defined in Article II?	<p>the Electoral College</p> <p>Much of the Electoral College system proved unworkable after the development of political parties and was amended by the Twelfth Amendment in 1803, establishing the current Electoral College.</p>

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13	What powers does Article II provide to the executive branch?	<p>Article II gives the president the power to:</p> <ul style="list-style-type: none"> • command the military • with the Senate's advice and consent, make treaties, appoint ambassadors, ministers, judges, and the heads of departments (e.g. the Secretary of State) • call Congress into special session • grant reprieves and pardons • adjourn Congress
14	According to Article II, what are the president's responsibilities?	<p>Under Article II, the president must:</p> <ul style="list-style-type: none"> • report on the State of the Union • recommend to Congress any measures the president deems "necessary and expedient" • receive foreign ambassadors and representatives • care for the faithful execution of the law • commission officers in diplomatic and military service
15	Article II's last section describes the removal of the president, vice president, and all civil officers from their offices. What is the removal process called?	<p style="text-align: center;">impeachment</p> <p>The removal process is called "impeachment"; however, actual removal requires a conviction in the Senate of "[t]reason, [b]ribery, or other [h]igh crimes and [m]isdemeanors."</p> <p>Only two presidents, Andrew Johnson and Bill Clinton, have been impeached, and neither was removed.</p>
16	Article III establishes what governmental branch?	<p>Article III establishes the judicial branch; specifically the Supreme Court and "such inferior Courts as the Congress may from time to time ordain and establish."</p>
17	According to Article III, how long do federal judges retain their positions on the bench?	<p>Under Article III, federal judges "shall hold their [o]ffices during good [b]ehavior," which is typically taken to mean that judges have lifetime tenure and can only be removed by impeachment.</p> <p>In comparison, many state court judges must stand for election.</p>

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18	Article III states that Congress may not reduce federal judges' salaries during their time in office. Why were these provisions enacted?	The framers enacted these provisions to prevent Congress from pressuring federal judges with the threat of reduced pay, thus making the judiciary more independent.
19	What is the difference between original jurisdiction and appellate jurisdiction?	Original jurisdiction is the power to hear a case for the first time, while appellate jurisdiction allows a court to review a lower court's decision.
20	Article III gives the Supreme Court original jurisdiction over what types of cases?	<p>According to Article III, the Supreme Court is the first court to hear:</p> <ul style="list-style-type: none"> • Cases involving ambassadors, ministers, and counsel • Cases in which at least one party is a state (i.e. cases in which the Federal Government has a controversy with a state, or two states are suing each other) <p>In addition to establishing the principle of judicial review, <i>Marbury v. Madison</i> (1803) held that Congress may not expand the Supreme Court's original jurisdiction.</p>
21	What types of cases are heard under the Supreme Court's Article III appellate jurisdiction?	<p>The court's appellate jurisdiction commonly extends to:</p> <ul style="list-style-type: none"> • any case arising under the Constitution • any case involving a treaty • admiralty and maritime cases • controversies between a state and citizens from another state or foreign citizens (abrogated by the 11th Amendment) • controversies between citizens of different states <p>In addition, Congress can grant expanded appellate jurisdiction to the Supreme Court.</p>
22	Article III provides for a trial by _____ in all criminal trials, a right further expanded in the Sixth Amendment.	<p style="text-align: center;">jury</p> <p>Article III guarantees a jury trial except in cases of impeachment.</p>

#	Question	Answer
23	Article III defines which crime as consisting "only in levying War against them (the United States), or in adhering to their Enemies, giving them Aid and Comfort"?	<p>This passage is Article III's definition of treason and provides that no one shall be convicted of treason absent the testimony of two witnesses to the same overt act or the accused's confession.</p> <p>Article III also prevents the federal government from convicting the traitor's relatives merely because they are related. Such convictions were allowed in Great Britain.</p>
24	Article IV contains the "Full Faith and Credit" Clause, which obligates states to do what?	<p>The clause requires that each state honor judgments and public records from other states.</p> <p>The clause reads that "[F]ull faith and credit shall be given in each state to the public acts, records, and judicial proceedings of other states."</p>
25	What does Article IV's Privileges and Immunities Clause require?	The Privileges and Immunities Clause requires that states not discriminate against citizens of other states in favor of their own citizens.
26	According to Article IV, after a purported criminal flees to a different state, who can request that the different state extradite (return) the criminal?	Under Article IV, the extradition request must come from the governor of the state where the criminal act took place.
27	According to Article IV, which branch of the federal government authorizes the formation of new states?	New states are authorized by the legislative branch. Importantly, Article IV prohibits new states from being formed out of the territory of existing states without that state's permission.
28	Pursuant to Article IV, what form of government does the federal government guarantee to each state?	<p>Article IV contains the federal government's guarantee of a republican form of government.</p> <p>Only rarely reviewed by the Supreme Court, scholars believe this clause was designed to allow the federal government to intervene in the case of an intrastate insurrection, such as Shay's Rebellion, and guarantees that each state is governed by representative institutions.</p>

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29	In Article V, the Constitution provides two means for proposing amendments. What are they?	<p>The two means for proposing amendments are:</p> <ol style="list-style-type: none"> 2/3 of each house can pass a resolution supporting an amendment a proposal can be drafted at a national convention, if requested, by 2/3 of the states <p>The national convention provision has never been exercised.</p>
30	Once a constitutional amendment has been proposed, what two procedures under Article V allow for its ratification?	<p>Under Article V, either 3/4 of the state legislature, or 3/4 of state conventions called for the purpose, must approve the amendment for it to become part of the Constitution.</p> <p>The state ratifying convention method has only been used once -- for the Nineteenth Amendment.</p> <p>Congress can, if it so desires, establish a time limit by which ratification must take place.</p>
31	Article VI contains the "Supremacy Clause." What does this clause establish?	<p>The Supremacy Clause holds that the Constitution is the Supreme Law of the United States, taking precedence over state law.</p> <p>Article VI also established that the new government would honor the debts of the Articles of Confederation government and banned religious oaths for governmental officials.</p>
32	According to Article VII, how many ratifications were necessary before the Constitution became legally binding?	<p>Article VII required 9 of the 13 states to adopt the Constitution; Delaware was the first to do so.</p> <p>In practicality, however, the Constitution only became the country's de facto governing document when ratified by the largest and most important states: Virginia and New York. The two states were the 10th and 11th states to ratify.</p>

#	Question	Answer
33	In support of the new Constitution, John Jay, Alexander Hamilton, and James Madison wrote a series of essays to New York newspapers. By what term are these letters known?	<p>These essays, known as the Federalist Papers, advocated the adoption of the Constitution, and discussed many of its provisions. For instance, Federalist Paper #51 discussed the Constitution's checks and balances, and #78 justified the judicial branch.</p> <p>Today, the Federalist Papers are important to anyone trying to interpret the Constitution's provisions.</p>
34	In one of the most famous of the Federalist Papers, #10, James Madison warned against "factions"; groups of citizens with interests divergent from the interests of the community as a whole. Why did Madison fear factions?	<p>Madison believed that factions would undermine a republic, causing it to be torn asunder, a danger made worse in small republics. A large, strong, national government with a representative democracy such as that envisioned in the Constitution would provide a safeguard to the community as a whole.</p> <p>According to Madison, "a pure [direct] democracy can admit no cure for the mischiefs of faction. A common passion or interest will be felt by a majority, and there is nothing to check the inducements to sacrifice the weaker party."</p>
35	Opponents of the new Constitution (the Anti-federalists) contended that the new Constitution was a threat to individual liberty. How did Hamilton, Madison, and the Federalists respond to this concern?	<p>The Federalists proposed a series of 12 constitutional amendments, giving a guarantee of individual liberty. The first 10 amendments were passed and ratified by 1790 and are known as the Bill of Rights.</p> <p>The proposed 11th amendment (dealing with congressional pay) was ratified in 1792, as the 27th Amendment. The 12th proposed amendment has never been ratified.</p>
36	In the context of the federal government, what is meant by the term "separation of powers"?	<p>Separation of powers is part of the Constitution's division of power among the three branches of government. Each branch has particular rights and responsibilities. The Constitution uses checks and balances to diffuse power between the branches and make sure no branch becomes too powerful.</p> <p>As an example, while the president is the commander in chief of the military, only Congress has the power to declare war.</p>

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37	What safeguards did the framers establish in the Constitution to make sure that changes happened slowly?	<ul style="list-style-type: none"> • Term lengths: the president (4 years), the House (2 years), and the Senate (6 years) all serve different terms; this makes it a time-consuming process for a majority to prevail • Indirect elections: under the Constitution as drafted, both the president and the Senate • The amendment process is difficult, requiring large majorities at each step
38	What checks does the legislative branch exercise over the executive branch?	<p>The legislative branch exercises numerous checks over the executive branch, including:</p> <ul style="list-style-type: none"> • power of impeachment • overriding of presidential vetoes with a 2/3 vote • congressional creation and oversight of executive agencies and programs • congressional appropriation of funds for executive agencies and programs • Senate's advice and consent on treaties and presidential appointments
39	What checks does the legislative branch exercise over the judicial branch?	<p>The legislative branch exercises numerous checks over the judicial branch, including:</p> <ul style="list-style-type: none"> • the power of impeachment • the ability to create and fund lower courts under Article III • the power to set (but not lower) judicial salaries • Senate's advises and consents of judicial appointments • proposal of amendments to override judicial decisions

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40	What checks and balances does the executive branch exercise over the legislative branch?	<p>The executive branch exercises numerous checks over the legislative branch, including:</p> <ul style="list-style-type: none"> the president may veto congressional legislation the president can recommend legislation to Congress the president is empowered to call Congress into extra sessions and adjourn Congress
41	What checks does the executive branch exercise over the judicial branch?	<p>The executive branch exercises numerous checks over the judicial branch, including:</p> <ul style="list-style-type: none"> president appoints federal judges (with the advice and consent of the Senate) president may grant reprieves and pardon federal offenders president may refuse to enforce court decisions
42	What checks does the judicial branch exercise over the legislative and executive branches?	<p>The judicial branch's primary check is its power to declare both legislation and executive actions unconstitutional. In addition, the Chief Justice presides over any impeachment trial in the Senate.</p>
43	In its original text, the Constitution prohibits bills of attainder. What are bills of attainder?	<p>A bill of attainder is an act of the legislature deeming a person, or groups of persons, guilty of a crime without the benefit of a trial. The Constitution also disallowed bills of attainder from state legislatures.</p> <p>An example of a bill of attainder would be a congressional act that barred the government from paying the salary of three specifically identified federal employees for supporting Communism.</p>
44	An _____ law retroactively changes the legal consequences of an act that was legal when it was committed.	<p style="text-align: center;">ex post facto</p> <p>Barred by the Constitution, ex post facto laws are not limited to making an act illegal after the fact. They may also increase the punishment prescribed for an act that was a crime when committed.</p>

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45	Article I, Section IX bars Congress from suspending the privilege of the writ of habeas corpus, unless invasion or rebellion requires it to ensure public safety. What is a writ of habeas corpus?	A writ of habeas corpus is a court order requiring an arresting authority to produce a person held in custody and show sufficient cause for their detention. A writ of habeas corpus thus prevents permanent, unlawful detentions.
46	The Fifth and 14th Amendments both contain a _____ clause.	<p>due process</p> <p>The Fifth Amendment applies to the federal government, while the 14th applies to the states. Both prohibit depriving a person of "life, liberty, or property without due process of law." The due process clauses require that the legal proceeding be fair and that one have notice and opportunity to be heard.</p>
47	The Third Amendment is the least cited of any of the amendments contained in the Bill of Rights. Why?	<p>The Third Amendment prohibits the quartering of troops in private residences without the owner's consent. There are no Supreme Court cases interpreting the Third Amendment and only one minor lower court opinion, largely because the issue of quartering troops in private residences has virtually never arisen.</p> <p>Prior to the American Revolution, British troops were quartered in private homes in Boston, which angered colonists.</p>