



YONKERS PUBLIC SCHOOLS

US History and Government
Regents Review

Unwritten Constitution

PART 5 PUTTING THE CONSTITUTION INTO EFFECT

From the time of our first Presidents, an unwritten constitution developed in response to changing times and circumstances. This unwritten constitution resulted from a combination of (1) executive interpretations and actions, (2) congressional interpretations and actions, (3) court decisions, especially judicial review, (4) customs and traditions, and (5) the actions of political parties.

EXECUTIVE INTERPRETATION, ACTION, AND CUSTOM

Starting with George Washington, presidents sought advice from the heads of the executive departments, who were called the President's **cabinet**, when developing policy. Today, the White House staff also plays a major role in this advisory process. The President appoints cabinet members with Senate approval but can dismiss a cabinet member without Senate approval.

The early Presidents also consulted with congressional leaders when developing policies. Such consultation is an informal procedure. Today, the Senate's official role often seems more "to consent" than "to advise" on presidential decisions. This method of advising the President has become custom.

CONGRESSIONAL INTERPRETATION, ACTION, AND CUSTOM

The Constitution supplied few details of how the machinery of government would operate, so early congressional actions helped set up that machinery. For example, Congress also created the first five executive departments—Treasury, State, War (Defense), Attorney General (Justice), and Postmaster General. Today, there are 14 departments and more than 200 independent agencies.

In 1789, Congress began the custom of assigning bills to committees. This developed into today's committee system, in which standing committees review all bills before sending them on to the full House or Senate. Congressional committees can also operate as investigative committees, gathering information in order to determine the need for new laws or to examine how current laws are working.

Lobbying

Custom has also led to the development of lobbying, or actions by people representing special-interest groups for the purpose of influencing legislation. Such lobbying is protected by the First Amendment's right to petition but also regulated by federal law.

Name: _____

- 1) In United States history, the Cabinet and congressional committees developed as a result of
 - 1) custom and precedent
 - 2) decisions of the Supreme Court
 - 3) constitutional amendments
 - 4) specific provisions of the original Constitution
- 2) Which statement concerning the President's Cabinet is most valid?
 - 1) It makes decisions that the President must follow.
 - 2) It has become part of the United States Government by custom and tradition.
 - 3) Its members are elected by the voters.
 - 4) Its members have little real responsibility or authority.
- 3) Political parties, judicial review, and lobbying are similar in that all
 - 1) illustrate the division of powers established in the Constitution
 - 2) are aspects of the unwritten Constitution
 - 3) are examples of direct democracy
 - 4) became part of the government through constitutional amendments
- 4) In United States history, the development of the Cabinet, political parties, and judicial review indicates the
 - 1) *growth of government based on the unwritten constitution*
 - 2) failure of the Constitution to adapt to political change
 - 3) need to limit the power of the three branches of government
 - 4) continuing importance of the States rights principle
- 5) The establishment of a Cabinet and political parties during the administration of George Washington *best* illustrates
 - 1) the application of specific provisions of the United States Constitution
 - 2) efforts to maintain a division of power between the three branches of government
 - 3) the use of the amending process to the Constitution
 - 4) the early development of the "unwritten constitution"
- 6) Political parties and the President's Cabinet are considered to be part of the unwritten constitution because these groups
 - 1) developed through custom and usage
 - 2) represent the people's views more accurately than elected officials do
 - 3) were created by amendments to the original Constitution
 - 4) exist only at the state and local levels of government
- 7) Which Presidential action is an example of the unwritten constitution?
 - 1) appointing justices to the Supreme Court
 - 2) granting pardons for Federal crimes
 - 3) submitting a treaty to the Senate for ratification
 - 4) consulting with the Cabinet
- 8) In the United States, activities such as Cabinet meetings and political party conventions are *best* described as
 - 1) responsibilities of the executive branch
 - 2) features of the unwritten constitution
 - 3) examples of direct democracy
 - 4) requirements of the system of checks and balances
- 9) Which aspect of governmental operation in the United States is part of the unwritten constitution?
 - 1) separation of powers
 - 2) establishment of a judiciary
 - 3) political parties
 - 4) elastic clause

- 10) An example of the unwritten constitution in the United States is the
- 1) right to freedom of speech
 - 2) right of citizens to vote if they are 18 years old or older
 - 3) rise of the two-party political system
 - 4) use of the electoral college system
- 11) An example of the unwritten constitution in the United States is the
- 1) guarantees of due process of law
 - 2) sharing of power by the national and state governments
 - 3) development of the political party system
 - 4) separation of powers among the three branches of government
- 12) An example of the unwritten constitution is the
- 1) direct election of Senators
 - 2) establishment of a postal system
 - 3) development of political parties
 - 4) impeachment process
- 13) Which characteristic of the United States Government is part of the unwritten constitution?
- 1) the power to coin money
 - 2) the development of a two-party system
 - 3) Senate approval of Supreme Court nominees
 - 4) the two-year term for the members of the House of Representatives
- 14) Which action is an example of the unwritten constitution?
- 1) selection of a Presidential candidate by a nominating convention
 - 2) the Senate ratifying a peace treaty
 - 3) the President removing an Army officer from command for insubordination
 - 4) Congress passing a law regulating interstate commerce
- 15) Which institution developed outside the limits of the written constitution of the United States?
- 1) Supreme Court
 - 2) political parties
 - 3) executive branch
 - 4) electoral college
- 16) Which action by a citizen is *not* implied in the United States Constitution?
- 1) voting in congressional elections
 - 2) serving on a jury
 - 3) being a candidate for public office
 - 4) becoming a member of a political party
- 17) Which aspect of lawmaking is a result of the unwritten constitution?
- 1) revenue bills originating in the House of Representatives
 - 2) bills passing both houses of Congress by majority vote
 - 3) special-interest groups lobbying to try to influence legislation
 - 4) Congress overriding the President's veto
- 18) Which feature of government is considered part of the unwritten constitution?
- 1) Presidential veto
 - 2) Senate ratification of treaties
 - 3) Presidential appointment of ambassadors
 - 4) judicial review
- 19) The term "unwritten constitution" is *best* defined as
- 1) political customs and traditions that have become part of the United States Government
 - 2) government policies that are based on Supreme Court decisions
 - 3) powers reserved for state governments
 - 4) the government of the United States before the Articles of Confederation
- 20) What is an example of the unwritten constitution in the United States?
- 1) sharing of power between state and national governments
 - 2) guarantee of freedom of religion
 - 3) operation of checks and balances
 - 4) system of political parties