

Great notes sheet....really wonderful work

Current Events:

Trump Says He's Likely to Declare National Emergency if Congress Won't Fund Wall (JAN 14)

- Trump wants \$5.7 billion for a border wall
- House Speaker Nancy Pelosi (D-California) predicts if pres does call for national emergency he'd answer to his own party for usurping power
- Republicans support Trump but voted w/ Democrats in an effort to reopen govt (govt shutdown is on its 20th day)
- 800,000 federal workers have been furloughed/working w/o paychecks
- FBI Agents Association could face difficulty in obtaining/renewing security clearances if they miss bill payments

Trump Signs Bill to Open the Govt, Ends Longest Shutdown in History (JAN 27)

- Deal will only keep things running for 3 weeks w/o money for border wall
- Shutdown ends on its 35th day
- Plan allowed 800,000 federal workers backpay for 2 missed paychecks
- Consequences of Shutdown:
 - Impeded FDA safety inspections
 - Impeded ability of Internal Revenue Service to process tax refunds
 - Caused delays on Friday at Major East Coast airports as unpaid air traffic controllers failed to report to work
- Deal reopened govt until Feb 15 while creating bipartisan/bicameral committee charged w/ negotiating an agreement on border security as part of new spending bill for Homeland Security
- Trump threatens another shutdown or a declaration of national emergency in 3 weeks

Cory Booker Explains Why He's Running for Pres in 1st TV Interview Since Declaring Candidacy (FEB 5)

- Senator Cory Booker declares candidacy to be the 2nd African American US pres
- Claims he's running to "restore our sense of common purpose, to focus on the common pain that we have all over this country"
- "I don't want [the Democratic Party] to be defined by beating Republicans but by uniting Americans"
- Bookers campaign was purposefully launched on Feb 1 (the first day of Black History Month)

Lawmakers Say They Have Reached an Agreement in Principle to Avoid Govt Shutdown (FEB 12)

- Agreement includes \$1.375 billion for 55 miles of fences along the border
- Omits strict new cap Democrats sought on immigrants detained within the US
- Limits overall levels of detention beds maintained by US Immigration & Customs Enforcement agency
- Agreement rejected by Trump & plans to declare national emergency to fund/build the wall

Quizlet Exam 1 Guide:

Collective Action Problem

A conflict between the individual good and collective good
Ex: Education, Border security, poverty, etc.

Principal Agent Theory

Governments are comprised of agents that are placed into power by principals. These individuals are more easily able to resolve differences in individual preferences.

Government Legitimacy

Individuals are willing to accept and abide by the decisions of government regardless of whether they agree or disagree.

Government Coercion

Forcing people to do something for the collective good or will be fined to thrown in jail
Ex: Taxes, Driving on the right side of the road, etc.

How the Government functions

Determines the preference of the public
Creates laws to reflect those preferences
Enforce those laws.

Regime Classification

How many people are in power?
Who does the power benefit?
How are transitions of power handled?

Monarchy

One person in power, power benefits the one in power, hereditary process of transition.

Totalitarian/Autocratic

One person in power, power benefits the one in power, violent transition of power (coups or assassinations).

Oligarchy

Small group in power, power benefits (supposedly) everyone, peaceful transition.

Democracy

Everyone is in power and has a say in the government, power benefits everyone, transition of power through elections.

Robert Dahl's Ideal Polyarchy

Must have:

- Written Constitution
- Free and fair regular elections
- Nearly total suffrage
- Open Electoral Competition
- Free Speech
- Free/Open Media
- Freedom of association

Political Culture

Broadly shared values, beliefs, and expectations about how the government should function

Ex: Liberty, Equality, Majority Rule, Minority Rights, etc.

Daniel Elazar's Political Culture

All about the role of the government.

Believes it is the government's primary responsibility for the general welfare of society (**Moralistic Political Culture**).

Believes the government has very little role in the general welfare of society (**Individualistic Political culture**).

Believes that it is somewhere in between the above two, Government should build the basic foundations of society, while protecting traditional values, but leave everything else up to the individual (**Traditionalistic Political Culture**).

Almond and Verba's Political Culture

More about the role of the individual in determining political culture

Participant: general population is educated in politics and participate a lot.

Parochial: General population doesn't know or care a lot about politics and doesn't participate.

Putnam's Political Culture

Focuses on how we treat each other to determine political culture.

Social Capital: the significance of the relationship that we have with each other (trust and reciprocity).

Decline in social capital and thus the country sucks more, making it more polarized
Go bowling again to fix our nation.

Political Ideology

Individual beliefs, goals, and expectations about how the government should function and its effects of policy making.

Liberal

Group of people that believe:

- Government is primarily responsible of the well being of society
- Government needs to be bigger
- Government should advance progressive values

Conservative

Group of people that believe:

- Individuals are responsible for well-being of society
- Government shouldn't have a lot of say in our daily lives
- Government should be smaller
- Government should advance traditional values

Extremes

Libertarianism for the Right (**Fascism**)

Statist for the Left (**Communism**)

Moderates

In between Liberals and Conservatives

Incrementalism

Takes small steps towards the achievement of the goal, stair step method, more conservative.

Rational Comprehensive

Waits to come up with the best idea out there and then implements it, more liberal.

Confederation

Ruled by the states who are seen as the primary guarantors of power

States are basically running as their own countries.

Original type of government for the US set up in the Articles after the Revolutionary War.

Federation

- Ruled by the national government and the states are sub-national governments
- Current US government set up.
- Established in Constitution.

Articles of Confederation

Created after Revolutionary War.

Creates a Confederation government.

Creates only a Congress that didn't have a lot of power because all of the power was in the states' hands.

Needed 9 out of 13 states to rewrite it.

Shays' Rebellion

Farmers in Massachusetts had a bad crop, can't pay mortgages, banks foreclose on their houses.

Farmers try to litigate it in court, courts side with banks. Farmers rebel, taking over court buildings and decide to go take over an armory. Massachusetts needs money to raise a militia to stop this. Congress agrees, but can't raise money. No other states help out. Massachusetts privately raises the money. But now the issue is, what happens if another nation attacks? Draws attention to major issues with Articles of Confederation.

New Jersey Plan

Revise the Articles:

- Single House Chamber
- Equal representation for each state regardless of population
- Legislature keeps the same power under the articles but they can not levy taxes and regulate commerce
- Plural Executive and Judicial Branch (super weak)

Virginia Plan

Rewrite the Articles:

- Two chamber legislature
- Representation based on population
- Lower chamber of legislature elected by the citizenry
- Upper chamber, executive, and courts elected by the lower house
- Legislature can make any law and veto any state legislation
- Council of revision (composed of executive and judicial) can veto any legislation but legislature can override with a majority vote

Current Constitution

Two chamber with Lower chamber based on Population, Upper chamber has equal representation, authority to levy taxes reserved to the Lower Chamber.
Created through the Great Compromise.

Constitutional Themes

- Federalism (state vs. national)
- Separation of powers
- Checks and Balances

Article 1

Legislative Branch:

- Bicameral Legislature
- Sets up requirements to be in office
- Creates Census
- Section 8: describes and lists the positive powers of Congress
- **-Enumerated Powers:** specific things that Congress can do
- **-Implied powers:** The Elastic Clause or Necessary and Proper Clause
- Section 9: Negative Powers are found here

- -Can not give titles of nobility
- -Congress reps cannot receive titles of nobility from any other country
- -**Ex post facto law** (you can't be punished for something that has recently become illegal but was legal then)
- -**Bills of Attainder** (Congress declares you guilty of a crime and punishes you without a trial) are prohibited

Elastic Clause/Necessary and Proper Clause

Congress can do what it wants as long as it is connected to one of their enumerated powers.

Article 2

The Executive Branch:

- Outlines the institutional design, powers, etc. of the Executive Branch
- Sets up a Presidential System, not a parliamentary system.
- -**A Presidential system** allows from one person to be head of state and head of government
- -**A Parliamentary System** separates these two titles amongst two different people, so one is Head of State (Queen of England, hosts dignitaries, face of the country) and one of Head of Government (Teresa May, holds all the power)
- Sets up President and Vice President, sets up requirements and the selection process
- **Powers:** Commander in Chief, make treaties, can appoint people to the executive offices, etc.

Article 3

The Judicial Branch:

- -Sets up a Supreme Court of the US
- -Doesn't define any qualifications
- -Does talk about term limits (lifetime)
- -Court resolves state issues and issues with diplomats and citizens
- -Congress can create and remove other types of Courts (Article 1 Courts), but can't affect the Supreme Court.

Article 4

- Matters involving the states
- -how to add new states
- -guarantees a Republican government
- -Full Faith and Credit Clause
- -Privileges and Immunities clause

Full Faith and Credit Clause

In Article 4 of US Constitution

States that states are required to respect the judicial outcomes of other states

Ex: Restraining Order

Privileges and Immunities Clause

In Article 4 of US Constitution

Protects citizens from discrimination from other states as a result of the citizen's citizenship of their state.

Article 5

Amending the Constitution

2 steps:

1. Proposal

-Get 2/3s of both houses of Congress to vote in support of this proposal of an amendment

-Get 2/3s of states to pass a bill for a Constitutional Convention

2. Ratification

-3/4s of State Legislatures ratify it

-3/4s of State Conventions pass a ratify it

Article 6

Supremacy

The US Constitution is the Law of the Land

Article 7

Ratification

9 states had to ratify the Constitution

Federalist #10

People will inherently create factions which can combat productivity in government

Need to:

a. Destroy liberty

b. Get everyone to have the same opinion

c. Control the effects of factions by creating a strong republic

Federalist #51

People are inherently corrupt, thus the only way to prevent corruption in government is to create checks and balances.

1st Amendment

Five Freedoms:

1. **Speech**

2. **Press**

3. **Petition**

4. **Assembly**

5. **Religion**

-exercise

-no national religion

Speech

Does not protect Slander/defamation, hate speech, incitement, or obscenity.

Defamation

Must be spoken or written about someone else to a third party

Has to be untrue

Must injure someone

Person A must know that it is false

(1)Schenck vs. Us (1919)

Passed out pamphlets saying that draft was involuntary servitude and thus unconstitutional via 13th Amendment.

Supreme Court (9-0) agreed that this is protected because it is not inciting violence.

(2)Chaplinkski vs. New Hampshire (1942)

Called the Court Marshall a fascist and cause a riot to break out

Argues that he was trying to inform people.

Supreme Court rules (9-0) in against saying that he spoke fighting words that have a direct tendency towards violence.

(3)Brandenburg vs. Ohio (1969)

Leader of KKK calls for crime and terrorism to get political reform

Argued that sense there was a delay in the violence, he could not be at fault.

Supreme Court decided (9-0) agreeing with him, that it could only be prohibited if directed at inciting or producing imminent lawless action and is likely to produce such action.

(4)Jacob Ellis vs. Ohio (1964)

Majority written by Potter Stewart, specifically said that you know porn when you see it. Introduced the National Community Standards of Obscene.

(5)Gonzalez vs. O Centro Espirita (2006)

Church uses Hoasca (psychotropic drug) in religious services, drug is seized, argues that it is used in religious services and can't be seized.

Supreme Court decides (8-0) in favor of Church.

(6)Christian Legal Society vs. Martinez (2010)

Non-Christian wants to join Christian college group, group won't let him, Supreme Court rules 5-4 against group because that is naturally exclusionary.

(7)Masterpiece vs. Colorado Civil Rights Commission (2017)

Christian-Gay Wedding Cake Debacle.

Christian baker refuses to bake cake for gay couple, argues that his cakes are art and should only show Christian values.

Supreme Court decides (7-2) with baker.

(8)Engel vs. Vitale (1962)

New York creates voluntary non denomination prayer in schools.
Supreme Court decides (6-1) against New York.

(9) Santa Fe vs. Doe (2010)

School District in Texas allowed a student start a prayer at a football game.
Argues it was a public event
Supreme Court disagrees (6-3) with the School District

2nd Amendment

The right to bear and keep arms, keep a well-regulated militia, etc.
Can be regulated by the government.

Third Amendment

Allows for no quartering of soldiers

Fourth Amendment

Search and Seizure

Fifth Amendment

Criminal Rights
Protection from Double Jeopardy
Knowing what your are being charged for
Allowed to have a lawyer
Cross a witness
Self-Incrimination
Eminent Domain Power

Eminent Domain Power

Ability for the government to come and seize your property like house and land (not your car, etc.) any time that they want as long as they fulfill two requirements:
1. Have to pay you for it
2. Property has to be used for public use

(10) Kelo vs. New London (2005)

New London sells large properties and a few houses to pharmaceutical company.
Lady argues that this is a violation of Eminent Domain Power because it isn't for public use.
Supreme Court decides (5-4) that this a public use because this would result in job growth, which would increase spending, increasing taxes, increasing government revenue, increasing government spending on public projects.

6th Amendment

Allows for a speedy, public, and fair trial

7th Amendment

Civil Legal Right

Right to trial by jury for anything work over \$20

8th Amendment

Protects from excessive or unusual fine, bail, or punishment for a crime

9th Amendment

Implied Rights

All amendments previous is not an exhaustive list, but there are other laws that the Constitution should protect

Ex: Right to marry, privacy rights

10th Amendment

Any powers that are not reserved specifically for the federal government in the Constitution are reserved to the States.

11th Amendment

Federal Court Jurisdiction

12th Amendment

Presidential Election Procedures

-Combined votes for President and Vice President

13th Amendment

Abolition of Slavery

14th Amendment

Citizenship, due process and equal protection

establishes a procedure and classification for birth-right citizenship

-Born in US territory (US soil like embassies, military bases, etc. count) automatic citizen of US

-Doesn't count for diplomats from other countries on official business (not vacations and such)

You can not be discriminated for your state level citizenship in other states

Exactly same as the Due Process clause in the 5th amendment, but talks more about the rights given to people at the state level

No state can deny you from equal protection under the law from different states

15th Amendment

African-American Suffrage

16th Amendment

Federal Income Tax

17th Amendment

Selection Process of Senators

Elected by the people, not the House

18th Amendment

Prohibition of Alcohol

19th Amendment (1920)

Women's Suffrage

20th Amendment

Term Start Dates

21st Amendment

Repeal of Prohibition

22nd Amendment

Term Limits

President can only serve 2 terms of office

23rd Amendment

DC Electors

DC gets say in the Presidential Election

24th Amendment

Repeal of Poll Tax

No more voting obstacles

25th Amendment

Transition of Presidential Power

If the President dies or is incapable of service, Vice President assumes power.

-Rest of succession is determined by law

If there is vacancy in the Vice-Presidential office, then the President appoints a new Vice President with both houses confirming the choice.

President can formally give up their authority through a letter to Congress and giving it to the Vice President. It is basically a temporary quit.

-President becomes injured and has to be put under anesthetic. He gives the power to the VP prior to this and then once he is healed, he can re-assume power.

Provides a way for the President to be removed from office without impeaching him

-Vice President writes a letter to Congress claiming that the President is incapable to being President. Then has to get a majority of the Cabinet (16 people total, 9 majority) to vote and agree with him. VP then becomes President who appoints a new VP.

26th Amendment

Youth Suffrage

Moved Age from 18 to 21

27th Amendment

Congressional Salaries

If Congress raises their salaries, it does not go into affect until after next Congressional election.

Federal System

A system of government where power is divided between two or more levels of government.

Unitary System

A system of government where power is held entirely by a single level of government.

Dual Federalism

Division of power between national and sub-national government that have a clear cut line between the two of them.

Cooperative Federalism

Significant mixing of power

Difficult to achieve

Shared power between all levels

Evolves out of a system of events

FDR decides that he is going to try to save the economy and creates the New Deal Programs. Nothing in Article 1 Section 8 declares that he can do this. However, the States could not do anything about it because as the federal economy crashed, so did the States' economy. It is now that we see an era of cooperation emerge where the federal government starts to encroach on state powers.

Coercive Federalism

National Government can force state power away from states without states agreeing to it.

Encroaching on state powers, but states can't do anything about it

Uses Block Grants, Categorical Grants, Unfunded mandates

Block Grants

Give states money or something towards a broad goal.

Ex: Housing and Urban Development has community block grants for the states to pick and choose what programs to implement to make the community better.

Categorical Grants

Same as block grant, but is given specifically towards a specific program or cause

Ex: Raise drinking age or the state won't get transportation funding

Unfunded mandates

Policies that the national government tells the states that they want done, but won't be given money to do so.

Ex: No Child Left Behind Act

"Police Powers of the States"

ability for the states to regulate the health, safety, morals, and the general welfare of its citizens.

Administrative Procedure Act

Title 5, Section 5.53 of the US Code

Talks about the procedures for if the executive branch wants to change laws that affect the public.

1. Need to post a notice of public hearing about the law change and allow the people to attend the hearing to listen and speak on this hearing.
2. Then the executive branch needs to create and publish a Government Comment on the hearing that responds on the comments from the people at the hearing.

(11)United States vs. Texas (2016)

Obama doesn't abide by the Administrative Procedure Act with DAPA, but did with DACA. States sue and Supreme Court sides with the States