

The AP Gov(er)

See also: [AP US History Study Guide](#)



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Foreword

Hello, my name is Roman. I am currently a junior at Georgetown University studying Economics and wrote this study guide when I took AP Government in sophomore year in 2020. I really enjoyed the class, but I found that my friends usually had trouble with it, so I created this study guide. I never expected it to be shared for so long—I still receive access requests to this day! I hope this study guide can help you all too. Please feel free to reach out to me if you have any questions about the course material, or if you want to talk about anything Georgetown/college applications related. My email is rpm122@georgetown.edu. Good luck with the course!

Best,
Roman

Getting You Into Your Dream School

Having received many requests from students on college applications, I thought it would be helpful to provide college consulting services. I am planning on offering:

- One FREE 20 minute consultation session
- Detailed review of your Common App essay: \$20
- Detailed review of a college application: \$10/application

More details can be found in the sign-up form [here](#). All are welcome to sign up, whether you're a freshman or are currently applying to colleges. Please note that prices may change depending on the number of sign-ups. I also plan to offer pro-bono services for those with a financial need since

I want to be as accessible as possible.

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Unit 1 (Foundations of American Democracy)

Chapter 1 (Founding Principles)

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Topic 1.1 - Ideals of Democracy

- Enlightenment Thought- Natural Rights, Social Contract, Consent of the Governed
 - Thomas Hobbes- *The Leviathan*; believed a strong absolute power was necessary for stability and order and preferable to the “natural” state of people = chaos; also pushed for a social contract
 - John Locke - *Second Treatise of Civil Government*; believed all people had inalienable, natural rights and pushed for consensual governance over monarchs
 - Jean Rousseau- *The Social Contract*; Describes the agreement between government and the people; gov. secures natural rights and people follow law; **Popular Sovereignty**; the people are the ultimate ruling authority and elect officials to make laws; consent of the governed
 - Baron de Montesquieu- *Spirit of the Laws*; described a republican form of government with large political liberties for citizens, limited government, and separation of powers (legislative, executive, judicial)
- Republicanism - Limited, elected government assured natural rights for citizens and made decisions for the public interest; **foundation of American gov.**
- Declaration of Independence - Drew from all these ideals and created a moral, legal justification for declaring independence from British
 - Classic Argument - Written or spoken argument to convince others to take a certain POV or action. The DOI claims popular sovereignty is the proper way for a gov. to work and that citizens, if unhappy with their current system, can abolish it and replace it with what they see as fit.
- Articles of Confederation - First national government; confederacy of states (states power > federal gov power); weak fed gov
 - Weaknesses: Fed gov couldn't levy taxes, build an army, regulate commerce
 - Constitution - Established a system of checks and balances between different government branches with their own unique powers, created a differentiation between state & federal government, and created a balance between majority rule and minority rights

- Representative Republic- Elect a President (through Electoral College) and Representatives in HOR to represent common interest. (State legislatures elected senators until 1913)

Topic 1.2 - Types of Democracy

- Representative Democracy- Elected officials represent people's concerns
 - Participatory Democracy- Direct democracy; people vote directly on laws; Framers believed it would be too hard to implement on the national scale; direct participation can be seen on the state/local level however
 - Pluralist Democracy - Variety of nongovernmental groups (interest groups) compete to influence policy; causes slow policy making b/c of competition but allows many groups to have a voice. Framers sought to limit outside influence with diversity in Representatives (districts) and the Electoral College
 - Elite Democracy - Representative democracy with elites having the most influence; proponents argue it creates a perhaps unequal, but competent government and spread of power. Framers sought to have popular participation but believed regular people would be swayed over by demagogues and would be unwise picks for policy making. **All branches of government are an example of Elite democratic models.**
 - Marxist View - Gov. is controlled by rich capitalists due to special interest & since they dominate the economy
 - Creedal Passion - Believe a morally impassioned elite rule politics; run on social platforms rather than economic ones; abortion rights, desegregation, etc. based on moral views
 - Bureaucratic View- Gov. is controlled by large bureaucracies & appointed (un-elected) officials which implement and "make" policy
- Early Political Tensions
 - Federalist - Wanted to ratify the Constitution; Alexander Hamilton, James Madison, John Jay
 - Federalist Papers - Outlined the gov. the Constitution would create & gained support for it. Passed under the pseudonym *Publius*
 - **Federalist No.10** - Argued that the Constitution limited the power of factionalism & personal gain/interest of representatives by creating a system of pluralist representation on different levels. Such would prevent the rule of the majority, one state, or one person.

- Anti-Federalists - Opposed ratification of the Constitution as they believed it was implausible to have a national representative in such a large republic.
 - Brutus - Anti-federalist version of the Federalist Papers; written by Robert Yates & William Lansing under the pseudonym *Brutus*
 - Brutus No.1 - Argued a national representative system would be impossible to implement as competition between different groups would be inefficient and undermine local powers/solutions. Voters would also be extremely separated from their own electors due to factionalism and differing interests. Large gov. (necessary & proper clause, supremacy clause) would undermine personal liberties.
- Representative Democracy Today
 - Participatory Democracy- Initiative (placing a measure on the ballot by petition) & referendum (voting directly on legislation) are implemented in local/state governments.
 - Pluralist Democracy- Strong differing interests in national, state, local levels. Companies, labor unions, interest groups (NAACP, AFL-CIO, NRA) compete for influence on legislation.
 - Elitist Democracy- Weakened by Progressive Era, but still very much present. Almost all government officials are of higher socio-economic status than the average person and have more access to government than less fortunate.
 - Others are mentioned here

Topic 1.3 - Government Power & Individual Liberties

- Opposing Views on Const. Ratification - Federalists (Madison, Jay) argued that a stronger national government & a large population would protect minority rights; [Federalist No. 10](#). Anti-Federalists argued (Patrick Henry, George Mason) a stronger federal government would undermine individual rights; [Brutus No.1](#)
 - Bill of Rights - Pushed for by Anti-Federalists as they believed, since the Constitution did not explicitly lay them out, they were not guaranteed; Federalists argued it was a given

Chapter 2 (The Constitution)

- [Topic 1.4](#)
- [Topic 1.5](#)
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Topic 1.4 - Challenges of the AOC

- **Articles of Confederation** - First American governmental system; held largely sovereign states together in a *confederation* (state power > federal power)
 - Structure: Unicameral system with one vote per states (2-7 reps); 9/13 votes for legislature to pass, 13/13 for amendments; extremely slow process
 - **Congressional Powers**: Engage in foreign policy, declare war, and acquire territory. Congress encouraged free-flow of trade between states.
- **Weaknesses of AOC**
 - 9/13 states had to agree to pass legislature; slow policy-making process
 - 13/13 states needed to agree to amend; slow policy-making process
 - Congress couldn't tax directly; no way to get revenue
 - Couldn't raise an army (fed gov.); no way to protect/defend
 - No national court system; no Supreme Law
 - Congress couldn't regulate interstate trade; economic disputes between states
- **Shays' Rebellion** - Rev. War veterans lost land due to high state taxes & insufficient veterans benefits; Daniel Shays led a rebellion which the national gov. couldn't suppress; exposed weakness of AOC & led to

Topic 1.5 - Ratification of the Constitution

- **Constitutional Convention** - Site of discussions over the ratification of the Const
- **Differing Interests**
 - **VA Plan** - Written by James Madison; Three branch government with a Bicameral legislature; House based on population and Senate would be picked by House members; set the tone for the convention & for a strong gov.
 - Favored by large states
 - **NJ Plan** - Created limited & defined roles for the national government; no national court system & unicameral legislature; one vote per state
 - Favored by small states
- **The Great Compromise**: Constitutional System: Bicameralism (HOR & Senate; HOR based on population, equal representation in Senate [picked by state legislature]), stronger President, & Supreme Court

- 3/5s Compromise: Slave states wanted slaves to count for representation; non-slave states did not = 3/5 of slaves were counted for representation
- Electoral College: Compromise between large & small states; set a group of electors for each state (HOR members + Senators); states (elites) pick the president; not the popular vote
- Commerce Compromise: Allowed gov. to impose a tariff on imports only & the ability to regulate interstate commerce
- Constitution

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Article I	Vests powers of Congress ; House members are picked through popular vote; Senators are picked by state legislatures (amended); longest one as the framers were most concerned with the legislative process
Article II	Vests powers of President ; oversees U.S. military, manages foreign relations, can veto laws.
Article III	Vests powers of the Supreme Court ; President appoints life-long Justices; make federal courts which have jurisdiction over federal laws, settle state disputes, and judge cases involving gov. officials; later given Judicial Review (not in Const)
Article IV	Full faith and credit clause ; make state's play nice with each other
Article V	Constitutional Amendments ; require 3/4 of both houses & 3/4 of state legislatures to approve; makes it hard to amend the Const. but not impossible
Article VI	Supremacy Clause ; all states must adhere to the Constitution & national laws
Article VII	Ratification process for Constitution

- Principles - Created a Representative Republic which maintained a federal system, but put more emphasis on the national government. Sought to create a limited, yet flexible government
 - **Necessary & Proper Clause: (Elastic Clause)** Gave the gov. the flexibility to adjust to unforeseen situations
- Bill of Rights - Anti-federalists (George Mason & Jefferson) pushed for a Bill of Rights which was not included. Pro-Constitutionalists (Madison) believed a Bill of Rights was

useless (“parchment barriers”) &, by listing rights the gov. could not take away, new fundamental rights could be overlooked & taken away.

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<u>Bill of Rights</u>	
I	Freedom of religions, speech, press, assembly, & petition
II	Right to bear arms
III	No quartering of troops
IV	No unreasonable searches or seizures
V	Indictment, double jeopardy, protection against self-incrimination, due process
VI	Speedy trial by public jury
VII	Lawsuits & juries
VIII	No cruel or unusual punishments
IX	Listing rights in the Constitution doesn't deny others
X	Everything not mentioned goes to states

- Constitutional Debates Today - Governmental laws & policies balancing order & liberty are based on the U.S. Constitution
 - Patriot Act - Passed after 9/11; allowed for intelligence to gather information on suspects, detain immigrants for longer than due, and monitor emails; **raised concerns over protection of privacy and Fourth Amendment**
 - Education - Debates have arisen over federal intervention in education; **10th Amendment**; Cold War led federal gov. to start caring about education
 - No Child Left Behind Act - 2002; called for improvements & set national standards for teaching methods, testing, and sanctions for underperforming schools; received widespread criticism as 80% of schools did not meet standards
 - Every Student Succeeds Act: 2015; allowed for states to determine own standards in accordance with the Department of Education

Topic 1.6 - Principles of American Government

- Legislative Branch - Congress; 435 House representatives & 100 senators make laws, determine how to fund the government, and shape foreign policy. Each chamber contains several committees on specific topics in policymaking, in which 10-40 members oversee.
 - Employees - Congress also contains thousands of bureaucratic employees who write the bills, research data, and manage campaigns
 - Access Points
 - Stakeholders - People or groups which influence politicians as interest groups and lobby lawmakers for policy in their interest
 - Constituents - Citizens can contact their representatives/senators through email, calls, or mail to make their voices heard, as well as stay up to date on policy with C-Span and the Congressional Research Service.
- Executive Branch - President, VP, & Cabinet; all enforce law and represent the U.S. in foreign policy
 - Access Points - Most access to the Executive Branch is done through its agencies; reporting someone to the FBI, submitting complaints through the EEOC (Equal Employment Opportunity Commission)
- Judicial Branch - U.S. Supreme Court, lower appeals courts, and trial courts below; the Supreme Court and lower courts exercise judicial review to check the constitutionality of a law.
 - Access Points - Citizens use federal courts through lawsuits; challenge government action, appeal wrongful convictions, or question public policy.
- Separation of Powers - Delusion of power through all three branches and through the legislative branch between both chambers. Framers put this system in place to avoid tyrannous majorities
 - Federalist No. 51 - "If men were angels, no government would be necessary"; Publius argues a separation of powers will guard against tyranny and allow for each branch to have its own autonomy. Publius also points out that a separation of powers, principles, and tenure will be necessary for the legislative branch since it will naturally predominate.
- Checks and Balances - Each branch can limit one another
 - Lawmaking
 - Bills must be passed through **both** houses of Congress with a simple majority (50% + 1 (VP))
 - President must approve of laws and can **veto** it (Article 1, Section 7)
 - Bill will pass if President does not take action in 10 days; **pocket veto** can happen if the President does nothing near the end of a legislative session

- Congress can override veto with a **super majority** ($\frac{2}{3}$) in each house
 - Appointments
 - **Advice and Consent**; Senate can suggest appointees; though appoint cabinet members and Supreme Court Justices based off President's nominations; Senate committees hold confirmation hearings; simple majority is needed on Senate floor to appoint someone after
 - **Impeachment**; power given to House of Reps. to accuse the President, federal judges, or federal officials of wrongdoing and initiate a trial (Article I, Section 2); Senate then holds trial with Chief Justice presiding; needs a $\frac{2}{3}$ majority to remove someone from office
- The U.S. The Constitution establishes a system of checks and balances among branches of governments and dilutes power between federal & state governments. **Based on majority rule and minority rights.**

Chapter 3 (Federalism)

- [Topic 1.7](#)
- [Topic 1.8](#)
- [Topic 1.9](#)

Topic 1.7 - Relationship Between States & Federal Government

- **Federalism** - The sharing of powers between national and state gov's; U.S. Constitution created a federal republic system with a system of checks and balances between federal and state governments.
- **Constitutional Provisions**
 - Article VI; *supremacy* clause makes national law, treaties, and presidential actions above state laws
 - Article IV; *full faith and credit, privileges and immunities, extradition* clauses; states must give full faith and credit to laws in respect to other states; must give non-residents the same privileges and immunities as residents (other than public college tuition); must return fugitive criminals to their original state (*extradition clause*)
 - **Tenth Amendment** - Powers not delegated to the federal gov. are given to the states; pushed for by Anti-federalists; affects things like schools, police, etc.
- **Exclusive Powers** - Powers given **exclusively** to the fed gov. to create consistency in the nation (standard measures, national currency, etc.); allowing Congress to create a military, interstate commerce, international affairs, etc. (Article I)
- **Police Powers** - Power reserved to states to create laws to create police, run elections, enforce marriage laws, deliver health systems, safety, and enforce morals.
- **Concurrent Powers** - Power held by both state & fed gov; levy taxes, define crimes, run courts, and enforce laws
- **Overlap** - Marriage laws; Defense of Marriage Act (1996) defined marriage as between man & woman; states began creating their own laws allowing for same-sex marriages; arguments over Article IV & 10th Amend.; marriages could be recognized in one state but not the other; led to *Obergefell v. Hodges* (2015) decision; legalized same-sex marriage in the entire nation
- **Federal Grant Program** - Congress spending revenue on funding states to fix issues; revenue sharing/fiscal federalism; usually used to incentivize states to address safety, crime, education, or civil rights; usually cedes a little power from states; have Constitutional limits: must be for “general welfare” of the public and must be unambiguous.

- **Categorical Grants** - Categorical Grants with **Strings**, conditions of aid, given with particular congressional guidelines are now the norm; usually susceptible to lobbying, interest groups, and partisanship; **limits power of states**
- **Block Grants** - Introduced in 1966; grants given for **broader** reasons; used particularly by Nixon who wanted greater separation; *Comprehensive Employment and Training Act of 1973 (CETA)* & *Community Development Block Grant (CDBG)*; **more state freedom, but less federal oversight of how funds are used.**
- **Mandates** - Require states to comply with federal directive; unfunded - no funds were used, funded - funds were used to force states; can be issued by all three branches of gov; often used for civil rights, environmental protection, & societal needs; examples include;
 - **Clean Air Act** - Set requirements for states on pollution
 - **Americans with Disabilities Act** - Required public sector buildings and transportation to be accessible to people w/ disabilities
- **Devolution** - “New Federalism”; return to greater state power; popularized by Reagan; used more block grants to give states for power & set less regulations
 - **Personal Responsibility and Work Opportunity Reconciliation Act** - Restructured American welfare system to return authority and distribution to states; signed by Clinton; “the era of big government is over”

Topic 1.8 - Constitutional Interpretations of Federalism

- **Federal Power-** Article I Section 8; **enumerated powers**: power to tax, borrow money, address piracy, define immigration, and...
 - **Commerce Clause** - Allows Congress to regulate interstate trade and international trade.
 - **Necessary and Proper Clause** - (Elastic Clause) Grants *implicit* powers to Congress; can “stretch” the Constitution to do what is “necessary & proper”
 - **Section 9** - States what Congress **cannot** do; Congress cannot tax exported goods, take away the *habeas corpus*, pass bills of attainder (legislative acts declaring one’s guilt), create *ex post facto* laws (making something illegal after one has committed it), nor grant anyone the title of nobility.
- **State Power**
 - **Section 10** - Powers state legislatures are denied: cannot enter into treaties with other countries, coin money, or tax exports.

- 10th Amendment - Any powers not delegated (expressed) to the federal government are given to states; reserved powers not specifically stated go to states
- 14th Amendment - Promised anyone born or naturalized in the U.S. citizenship; prohibits state governments from creating laws that would deny people's immunities and privileges under the amendment

McCulloch v. Maryland (1819)	
Constitutional Question	Revolved around two central questions; can Congress create a bank? Can a state levy taxes on federal institutions?
Decision	Yes
Events	The state of Maryland implemented a large tax on banks not incorporated by the states to drive out national bank as Congress was never explicitly mentioned to have the power to create a national bank.
Reasoning A	Article I, Section 8, did not explicitly mention the creation of a bank, but did contain "coin money", "borrow money", "collect taxes", "determine laws on bankruptcies" and "punish counterfeiting", all of which would require banking to be a responsibility of the federal government & proponents argued it was part of the necessary & proper clause
Reasoning B	The Court declared that constitutional federal law will override state law; therefore states cannot tax federal institutions
Effects	Federal gov. has been able to use its implied powers to play a role in things like education, health, welfare, disaster relief, & economic planning. Later was used in <i>Gibbons v Ogden</i> (1824) - used Commerce Clause to certify Congress' authority on commercial affairs

- Dual Federalism - System used since the *Gibbons* Decision; the national government is supreme in its sphere, while states are equally supreme in their own sphere; allows both bodies to interact on things simultaneously;
 - Example: Article I states Congress can legislate on commerce "among the states", but it also does not forbid states from regulating commerce in their own borders
 - Selective Exclusiveness - Congress may only regulate when the commodity requires national uniform rule/regulation as states maintain the right to regulate commerce in their own borders
 - Diminish of Dual Federalism - Slowly grew less effective with the Industrial Revolution and the creation of monopolies (early 20th century)

- Examples:
 - FBI - created a national police
 - Improvements in Quality of Life - Labor regulations, action on crime, ensuring equality; Congress used regulation to push these actions since they don't have the direct power to (Commerce Clause)
 - Mann Act - 1910; forbade the transportation of women **across state lines** for prostitution
 - Automobile Theft Act - 1915; made it a federal offense to drive a stolen car through **state lines**
 - State Lines - Congress can only regulate things going on the national scale (across state lines) through Commerce clause b/c of dual federalism
- SCOTUS & Commerce Clause in the 1900s
 - Hammer v. Dagenhart - 1918 Congress passed a law prohibiting child labor (commerce clause); SCOTUS blocked it on the basis that child labor was in the sphere of **manufacturing** and not **commerce**; **established a difference between manufacturing (the creation of goods) and commerce (the exchange of goods)**
 - U.S. v Darby - 1938; Upheld the Fair Labor Standards Act (1938) & overturned *Dagenhart*; concluded that the prohibition of the shipment of interstate goods made under substandard positions was in the power of Congress under the Commerce Clause and the *Maryland Decision*

U.S. v. Lopez (1995)	
Constitutional Question	Does Congress have the authority under the commerce clause to outlaw guns near schools?
Decision	No
Events	Congress passed the Gun-Free School Zones Act in 1990 to reduce violence in schools; senior Lopez walked into school with a gun and brought the case to the Supreme Court on the grounds that the federal gov. has no right to regulate behavior in a state-run school.
Reasoning	<p>Majority Opinion: Court sided with Lopez, not allowing Congress to invoke the Commerce Clause & only states & state legislatures could regulate behavior on state-run schools</p> <p>Concurring Opinion: Justice Thomas argued that the Commerce Clause had been stretched too much; fearing</p>

	<p>Congress would be able to regulate every part of human behavior on the basis of interstate commerce</p> <p>Dissenting Opinion: Justice Stevens argued the possession of guns is a result of commercial activity; therefore is under Commerce Clause; also argued school safety & quality affects commerce therefore Congress can intervene on the basis that its a human & commercial problem</p>
Effect	Congress revised the Gun-Free School Zones Act; withholds federal funding for schools that do not adopt a zero-tolerance policy for guns

Topic 1.9 -Federalism in Action

- **Environmental Policy**- Multiple actors & institutions interact to implement environmental policies; power is shared between fed. gov & state gov
 - **Early Policy** - Preservation of national parks by Teddy Roosevelt
 - **EPA** - Environmental Protection Agency; created in 1970 as concern over climate change & environmental regulation of business became an issue; EPA sets air quality standards for states, measures city pollution, & sets enforceable environmental guidelines.
 - **Clean Air & Water Act** - 1972 amendments to the National Environ. Policy Act (1970); required for transportation & the discharge of pollutants in water supply to be regulated by the federal bureaucracy (EPA)
 - **Superfund** - Created after a toxic waste disaster; acts as an insurance industries can pay into to prevent the bill from being on tax-payers
 - **Criticism** - Has been criticized for being an invasive agency; SCOTUS overturned an expensive regulation on chemical pollution in 2015
 - **Kyoto Protocol** - 1997; first major attempt to combat climate change; Clinton agreed to the treaty but a conservative Senate stopped officially joining; Bush dropped out of it in 2001
 - **Paris Agreement** - 2015; Obama issued an executive order to ratify the treaty; Trump pulled out w/ an executive order in 2017
 - **State Initiatives** - Liberal states continued to follow the Paris Agreement; CA set strict legislation on reducing carbon emissions; 10th Amendment @ work
- **Marijuana** - Liberty vs. Order Dispute

- Congressional Policy - Early attempts attempted to tax Marijuana & Congress had criminalized it by the late 1930s
 - Controlled Substances Act - 1970; response to counterculture & part of Nixon's War on Drugs; heavily punished marijuana dealers & users; placed marijuana in the same category as heroin & cocaine
- Legalization - Nat. Org. for the Reform of Mar. Laws (NORML) 1970; interest group that pushed for the legalization of pot; some states began to decriminalize; California became the first state to legalize pot use in 1996 through a state referendum (participatory democracy)
 - Slow, but steady state-by-state process through referendum
- Fed. vs. State Gov Debate - What happens when a state legalizes marijuana but the Controlled Substances Act remains national law?
 - Gonzales v. Raich - 2005; plaintiffs sued on the basis that (under 10th Amendment) states could determine drug legality; SCOTUS determined that federal law (under the Commerce Clause) would allow Congress to determine marijuana crimes
 - Current Stance - Under Obama, Attorney General declared federal resources would not be used to crack down on selling or using of pot in legalized states; Under Trump, Attorney General declared district attorneys would decide how federal marijuana policy is handled

Unit 2 (Interactions Among Branches of Government)

Chapter 4 (Congress)

- [Topic 2.1](#)
- [Topic 2.2](#)
- [Topic 2.3](#)

Topic 2.1 - Congress

- Article I- Outlines the bicameral legislature; created to represent citizenry at large & states; **laws need to pass both houses w/ a simple majority to be enacted**; both houses play different roles:
 - Senators - Further away from their larger constituency (6 year terms) & have more constitutional responsibilities; used to be elected by state legislators but since the **17th Amendment** are voted on directly
 - Senate Terms - Framers gave senators 6-year terms and made offset it so that $\frac{1}{3}$ of senators were re-elected each two years to maintain consistency & order
 - Representatives - Work closer with their small constituency (2 year terms) & focus more on representing the majority to prevent abuses seen in the colonial era
 -

Differences between	House & Senate	
	House	Senate
Qualifications	<ul style="list-style-type: none">• At least 25• Citizen for 7 years• Resident of state where they are elected	<ul style="list-style-type: none">• At least 30• Citizen for 9 years• Resident of state they represent
Unique Powers	<ul style="list-style-type: none">• Originates revenue bills• Initiates impeachment• Breaks tie for president in EC	<ul style="list-style-type: none">• Provides “<i>advice & consent</i>” on treaties & appointments• Handles impeachment trials
Members & Terms	<ul style="list-style-type: none">• 435 members	<ul style="list-style-type: none">• 100 members

	<ul style="list-style-type: none"> • 2-year terms • Unlimited terms 	<ul style="list-style-type: none"> • 6-year terms • Unlimited terms
Structures & Processes	<ul style="list-style-type: none"> • Centralized & hierarchical • Majority controls agenda • Limited debate time • Powerful Speaker of the House • Focus on revenue 	<ul style="list-style-type: none"> • Less centralized • Looser debate & filibuster • Focus on foreign policy • Leaders less powerful (except majority leaders)

- Reapportionment Act - 1929; mandates that redistribution of congressional seats (in House of Reps) change according to decade census
- Caucuses - Groups of like-minded lawmakers; groups gather to elect respective leaders, set legislative agendas, & name their committee members; Republican, Democrat causes; smaller or issue specific caucuses; Womens' Rights, Business, Progressive, etc.
- Powers of Congress - **Enumerated Powers**: specific powers expressed in Article I, Section 8
 - Power of the Purse - Power to raise revenue: tax; no money can be drawn from treasury w/o Congressional approval; Congress appropriates, spends, taxes revenue through lawmaking; President proposes annual budget & Congress & committees debate the budget
 - Regulating Commerce - *Commerce Clause*; Congress has regulated commerce for environmental issues, gun control, & healthcare; balanced by SCOTUS
 - Foreign & Military Affairs - Congress can raise armies, ratify treaties (2/3 votes in Senate), create a draft, & declare war; foreign policy is determined both by Congress & President, but only Congress can declare war (to stop a potential tyrannical president from declaring war); Congress cannot deploy troops or receive ambassadors
- Implied Powers - **Necessary and Proper clause** (elastic clause) - Congress can enact laws "which shall be necessary and proper for carrying into Execution the foregoing Powers"; can stretch Constitution for necessary decisions; [*Maryland Decision*](#)

Topic 2.2 - Structure, Powers, & Functions of Congress

- Leadership - Party caucuses in each chamber gather to assign leadership roles to guide party platform and policy; Constitutional leadership: Speaker of the House, President of the Senate, & President *pro tempore* of the Senate
- House Leadership - Most to least powerful
 - Speaker of the House - Highest power in the house; picked by majority party; chairs debate, organizes members for conference committees, & has great influence in policy-making
 - House Majority/Minority Leaders - Lead house parties; direct debate inside party & arrange negotiations with other side; become party leaders & spokespersons
 - Whip - Deputy leader; keeps party together by communicating leadership views & tallying party votes; “keep party discipline”
- Senate Leadership - Most to least powerful
 - Senate Majority Leader - Chief of legislator; first recognized in debate, sets legislative calendar, determines which bills reach the floor; guides majority party
 - Senate Whips - Essentially the same as House Whips
 - President of Senate - Vice President; casts tiebreaker vote
 - President Pro Tempore - Position held by the most senior member of the majority party; takes place of VP if VP is absent, signs legislation, issues the oath of office to new senators; 25th Amendment expanded the role of the *pro tempore* and states the pro tem assumes the position of VP if there is a vacancy
- Committees - Not in the Const. but have been used in both houses since the beginning to tackle specific issues & draft precise laws & allow Congress members to use their expertise; **bills must pass in committees before being voted on the floor**
 - Standing Committees - Permanent committees which handle most congressional work (e.x. Energy & Commerce, Transportation & Infrastructure, confirmation hearings); committee chairpersons are senior members of majority party & vice chair is a senior member from minority party; majority party gets a majority of the committee seats & gets to guide legislation
 - Examples - House Judiciary Committee drafts crime bills, defines crimes, & impeachments
 - House Ways and Means Committee - Exclusive House committee which deals with tax policy¹; important, highly-regarded committee
 - Joint Committees - Unite House & Senate members; committee to manage Library of Congress & Joint Committee on Taxation
 - Select Committees - Temporary, crisis committees; need approval before reporting legislation to the senate; e.x. 2012 terrorist attack on US Consulate in

¹ B/c only the House can make revenue bills

- Benghazi, Energy Independence & Global Warming; 2019 select committee to study effects of slavery & possible reparations
- Conference Committees - Temporary committees for figuring out nuance between slightly different bills from both houses; compromise & mark-ups are made to draft a final bill
 - Oversight Hearings - Hearings for executive agencies (e.x. FBI & TSA) for Congress to oversee operations, receive updates & reports, & investigate possible corruption
 - House Unique Rules - Outlined in Robert's Rules of Order; order is controlled by Speaker
 - Germane Amendments - Only amendments that can be proposed in debate; small amendments that stick to the topic to limit individual speaking time
 - Rules Committee - Very powerful committee that can easily dispose of a bill & define debate guidelines; nothing reaches the floor without approval from Rules Committee
 - Committee of the Whole - Unique to the house; includes but doesn't require all reps.; created to allow longer debate between fewer people under less formal rules; nonvoting delegates can also vote
 - Discharge Petition - A simple majority can vote to take a bill out of a slow or reluctant committee to the floor; cannot actually pass bill but stops minority from stopping a majority
 - Senate Unique Rules - Less centralized & hierarchical w/ fewer restrictions on debate
 - Filibuster - Speaking for an extremely long amount of time until the deadline for voting expires; blocks bill; can allow a minority to block a bill; in House only Speaker & party leaders can speak for unlimited time
 - Cloture
 - Unanimous Consent - Before action is taken, the Senate president may request unanimous consent to suspend debate and vote straight away; if anyone objects the unanimous consent motion is put on:
 - Hold; Allows senators to put a hold on a motion and bargain by. E.x. Woodrow Wilson's request to enter WWI was held up by filibuster; called for a change in the rules
 - Cloture Rule - Rule 22; enables a supermajority ($\frac{3}{5}$) to end debate on a bill and vote to stop filibusters; allows a minority to block a bill as 60 senators are needed for a cloture while 40 can maintain the filibuster (60/40 vs. 51/49)
 - Foreign Policy - Both houses have a foreign policy committee but only the Senate can ratify treaties & appoint ambassadors; *Federalist No. 75* explains why the Senate has more foreign power: the continuity (infrequent elections) in the Senate allow for reason & trust

- Legislative Process
 - Introducing & Amending Bills - Bills are authored by staffers, lobbyists, White House liaisons, or Think Tanks; **Bill's Sponsor** (Congress member) presents the bill & it's numbered; S.1 (Senate) or H.R.1 (House)
 - Nongermane Amendments/Riders - Amendments put onto a bill to advance a particular members agenda or the political chances of the bill; can force sponsors to vote against their own bill after nongermane amendments they disagree w/
 - Omnibus Bill - A bill that includes multiple areas of law or programs after numerous riders
 - Pork-Barrel Spending - Last-minute riders to allocate funds to a member's specific state or district to avoid debate; e.x. Senator Ted Stevens (R-AK) added a rider to build a bridge between a small town & airport in a bill for arming soldiers in Iraq
 - Assigning Bills to Committee - Senate Maj. Leader & House Rules Committee assign bills to committees based off their jurisdiction; may send it to multiple committees b/c of overlap
 - Committees - Three stages: hearings, markups, & reporting out
 - Voting on Bills - Extremely hard part of committee as lawmakers have to follow their state/district & party
 - Logrolling - Trading votes to gain support for a bill; "I'll vote for yours if you vote for mine"
- Generating a Budget - Year long-process on how the gov. will spend revenue
 - OMB - Office of Management and Budget; President's budgeting arm/accountant; considers fiscal & econ philosophies to come up w/ a budget
 - Congressional Budget & Impoundment Control Act - 1974; Defines stages in *reconciling* - passing changes to revenue or spending w/ a simple majority in both houses w/ limited time for debate which can only be used once a year
 - **CBO** - Congressional Budget Office; non-partisan examiner of budget proposal & serves as a balance to the OMB
- Budget
 - Source of Revenue - 2019; \$3.4 trillion from income taxes, corporate taxes, social insurance taxes (payroll taxes), tariffs, excise taxes (taxes on luxury products, tobacco, etc.), & other sources (gov. Investments, etc.)
 - Spending - 2019; \$4.4 trillion; three types of spending
 - Mandatory Spending - Spending on programs mandated by law; Social Security, Medicare/caid, etc.; >60% of spending
 - Discretionary spending - Funding which is left up to debate; ~38%

- Debt - Gov. runs on a deficit; \$20 trillion of debt; Conservatives argue to balance budget spending cuts need to be made; Liberals argue higher taxes on the rich will draw in more revenue (=less deficit)

Topic 2.3 - Congressional Behavior

- Gridlock- The “congestion” of opposing forces that prevent ideas from moving forward; e.x. 2018 35-day shutdown over 2019 budget; uncompromisable disputes over US-Mexico wall spending
- Voting Models
 - Delegate Model - Used in House; member representing & voting for a constituency; *substantive representation*: advocating on a specific constituency only; *descriptive representation*: advocating for what makes that constituency unique as a whole (ethnicity, race, region, etc.)
 - Trustee Model - Used in Senate; member believes their constituency chose them to make their best judgement; doesn’t necessarily vote with constituency; sidesteps concerns of an uninformed constituency reacting w/ emotion
 - Politico Model - Blend of delegate & trustee model; lawmakers consider a variety of factors like party, constituency, public opinion, etc.; usually used for issues of little public concern
- Redistricting - Decade censuses call for redistricting for congressional districts; state legislatures (partisan) determine distinct boundaries; can use it to benefit party for House

Baker v. Carr (1962)	
Constitutional Question	Can the SCOTUS render judgement on the constitutionality of legislative districts?
Events	Colegrove v. Green had previously determined it was up to people to vote legislatures out if they redistricted unfairly b/c it was a political issue; (In Carr) Tennessee legislators had failed to update districts giving rural citizens more power & causing minority rule; Charles Baker sued Tenn. Secretary of State on the basis that one person’s vote was not equal to another’s (against 14th amendment)
Reasoning	Court first overturned <i>Green</i> decision on the basis that it’s a justiciable question; then SCOTUS determined it could intervene when states do not follow constitutional principles in defining political borders; established a one person-one vote principle

Effects	Tennessee & all states were forced to redraw districts
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- Gerrymandering - Strategically redrawing boundary lines to benefit one party;
 - Safe seats - seats where party consistently wins by more than 55%; can be made safer by gerrymandering
 - Marginal Seats - “Swing” seats; seats that are susceptible to change & often gerrymandered to benefit one party; make up ~75 seats
 - Racial Gerrymandering - Drawing legislative districts to purposefully dilute or increase the power of minority votes on the basis of race

Shaw v. Reno (1993)	
Constitutional Question	Does a congressional district designed for the purpose of assuring a majority black population violate the 14th Amendment's equal protection clause? (Racial Gerrymandering)
Events	Previous cases (Gomillion v. Lightfoot) had reasoned redistricting to dilute the power of African American votes was in violation of 15th Amend.; (Reno) North Carolina Attorney General requested a second black-majority district be added to give more representation; led to weirdly shaped borders; Republicans (Shaw) sued on the basis that race had been used to separate voters
Reasoning	Ruled in favor of Shaw as race had been used as the only consideration, explaining the weirdly shaped borders; opposes the “colorblind” ideal of U.S. law & 14th Amend
Effects	No racial-based gerrymandering (even if it helps minorities)

- Divided Government - Partisan gridlock (opposition) between House/Senate & President; especially important for SCOTUS nominations; Republican controlled Senate refused to hold hearings for Obama’s pick in 2016
 - Lame Duck - A President who has not won reelection or has filled their term; period in between election night & inauguration of next President

Chapter 5 (The Presidency)

- [Topic 2.4](#)
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Topic 2.4 - The President

- **Policy Agenda** - A set of issues important to persons in lawmaking & of the President's agenda
- **Framers Vision** - Wanted to make a limited executive office to reduce risk of tyranny;
 - **Article II** - Vests powers in President; has power to:
 - issue pardons,
 - appoint ambassadors, judges, & cabinet members,
 - recommend legislative measures to Congress & veto bills
 - adjourn or convene Congress whenever
- **Veto** - After bill is passed in Congress, President has 10 days to sign it; can choose to veto it w/ criticisms which spark discussion in Congress; President can threaten to veto a bill to stop legislative process or reshape the bill
 - **Pocket Veto** - If President does nothing in the 10 days, the bill is killed off
 - **Line-Item Veto** - Presidents have always argued for this measure; would allow the executive to veto a specific line or part from a bill; 1996 Congress granted such power only for appropriations, direct spending, & limited tax benefits; could potentially eliminate pork barrel funds
- **Commander-in-Chief** - Cannot formally declare war, but can deploy troops; FDR in Greenland, Clinton in Iraq, Obama in bin Laden mission; some believe this stretches the definition of the Commander-in-Chief while others say it helps action get done (e.x. What if Congress had to publicly debate assassinating bin Laden?)
- **Chief Diplomat** - Leads foreign policy & debate
 - **Executive Agreement** - Resembles a treaty but does not require Senate's $\frac{2}{3}$ vote; not binding & cannot contradict prior treaties (e.x. Cuban Missile Crisis)
- **Chief Executive**
 - **Executive Order** - Action/law a President can pass w/o Congress (e.x. Executive Order 9066; FDR & Japanese Internment Camps, Trump's Muslim Ban)
 - **Limits** - Cannot do something that would be in exclusive Congressional jurisdiction (e.x. alter the tax code, regulating interstate commerce, or redesigning currency); SCOTUS can challenge executive orders
 - **Signing Statements** - Presidents can offer explanations of their interpretations of bills (signing statements) & how they will carry out that law; cannot rewrite a law

- Executive Privilege - The right to withhold information from another branch, esp. Congress; Nixon used this in the Watergate scandal where SCOTUS ruled in U.S. v. Nixon that executive privilege is still constitutional, but Nixon's case was not protected b/c they amounted to evidence in a criminal investigation

Topic 2.5 - Checks on the President

- Vice President - Has a largely undefined role; some have been particularly influential (Dick Cheney, Joe Biden, Mike Pence); usually can oversee on task forces; COVID Task Force (led by Pence)
- Cabinet - Article II; 15 Cabinet secretaries for different executive departments, though Presidents can add more
 - Secretaries - Presidents try to nominate diverse group; tokenism
 - State Department - Main U.S. foreign policy overseer;
 - Deputy Secretaries - Oversee U.S. relations in designated regions;
 - Ambassador - Top diplomat appointed for each region
 - Defense Department - HQ @ Pentagon; all army branches (Navy, etc.)
 - Secretary of Defense - Must have not been in army for at least 7 years; this is too avoid a military dictator rising
 - Joint Chiefs of Staff - Top uniformed officials from each division which help president on military strategy
 - Federal Agencies - Subagencies which fall under larger departments; carry out specifics w/ Congressional funding; examples:
 - FBI - Justice Department
 - Coast Guard - Department of Homeland Security
 - Staff - White House employees
 - Executive Office of the President - EOP; works with independent agencies to help carry out presidential duties, manage the budget & economy, & staffing the bureaucracy
 - White House Staff - Specialist & staffers; do not need Congressional approval & come from President's inner circle or campaign; are not loyal to any specific agency so they work closely w/ president
 - Chief of Staff - Has no official policymaking power, but exerts a lot of influence on the President
- Congress - Congress doesn't always align w/ the President; Pres. can pressure Congress into certain agendas w/ the Office of Legislative Affairs
 - Examples - Advice & consent on appointments, presidential salary, impeachment
 - Inherent Powers - Powers not explicitly listed that are still in the jurisdiction of the executive

- Nominations - President **can** appoint people when Senate isn't in session & the Senate would vote when they reconvene; rarely happens as Senate may reconvene under a *pro forma* session which only lasts a couple minutes
- Removal - President can remove upper-level executive officials (except those that head independent regulatory agencies); debated topic; Hamilton argued Senate should (under advice & consent) have a role in the removal of appointed officials; Madison argued that this would create an inefficient administration
- Judiciary - Presidents enforce judicial orders; e.x. President Eisenhower ordering the military to protect black students in Arkansas in 1957 (integration)
 - Checks - Can check out executive orders; e.x. SCOTUS overturned Truman's decision to nationalize steel industries; Court overturned Obama's order to slow deportation of illegal immigrants
 - Federal Judges - Presidents appoint federal judges in lower courts; use it as a way of filling the federal judiciary w/ likeminded people: e.x. Trump appointed 200 judges
 - Filibuster - Senate can filibuster a judiciary pick; but it only takes a simple majority to prevent it; unlike [normal filibuster](#)

Topic 2.6 - Expansion of Presidential Power

- **Federalist No. 70** - Argues for the addition of Article II in the Constitution; claims a single executive will allow for more accountability, liability, and unity
- Interpretations of Presidential Powers
 - Washington - Emphasized modesty, accountability, & setting massive precedents: leaving after 2 years, "Mr. President" over "Your Highness", exercised the veto carefully & minimally, & **yielded to Congress**²
 - Imperial Presidency - When a President has disproportionate power over Congress; usually due to authoritarian presidents, national emergencies (war), or economic problems
 - Andrew Jackson - Exerted the most Presidential power out of any early Presidents; had huge popular support, was a war hero, overrode both Congress (vetoed excessively) & the SCOTUS (during forced removal of Natives)
 - Lincoln - Expanded the presidency in order to save the Union; suspended the *habeas corpus* (right to know why you're being detained) in MD, enlarged the Army & Navy beyond Congressional appropriations, & suppressing "disloyal" citizens & newspapers; generally excused for these b/c Civil War
 - World Stage - Expansion of U.S. foreign policy in late 1800s-1900s

² I would argue this was the most important one b/c the relationship between the President & Congress is key to a functioning democracy

- Teddy R. - “Big Stick” policy; expanded U.S. power in Caribbean & strengthened Monroe Doctrine; *stewardship theory* - use Presidential powers to act in national interests’ exert as much authority as possible to care for the people
- Wilson - Huge involvement in foreign affairs; WWI & League of Nations, suppression of speech under Espionage & Sedition Acts
- FDR - Arguably expanded the role of the President the most; used executive powers & influence on Congress to pass the New Deal programs, tried to “pack” the courts b/c SCOTUS was striking down legislation, won a fourth term, & mobilized the nations for WWII & sent Japanese citizens to internment camps
 - 22nd Amendment - 1951; limited Presidential terms to 2 or 10 year limit (for vacancies; if a VP has to serve as Pres. they can still run again for 2 terms)
- War Powers Act - 1964; during Vietnam War; allows President to “take all necessary measures to repel any armed attack”; gives President essentially unlimited power during wartime
 - 1973 War Powers Act - Maintains President’s need for urgent action but preserves war-declaring authority to Congress; President can send troops 48 hours before notifying Congress; Congress can vote to approve/disapprove of any presidential military action

Topic 2.7 - Presidential Communication

- Communicator-in-Chief - Must be able to effectively communicate and represent government to appeal to the people
 - Press - Relationships between the press & Presidents started with T. Roosevelt; *bully pulpit*³ - appeared passionate & charismatic in front of reporters to get people to vote for like minded Congressmen
 - Fireside Chats - FDR used the press to reassure people and articulate his solutions to convince constituents to push for change in Congress
 - State of the Union - Since Wilson⁴; Presidents give speeches to Congress on the state of economic, military, and social issues (etc); happens every year around January; gets enormous media attention
 - Communications Staff - Press Conferences allow President & White House Press Secretary to answer questions directly from media outlets & journalists; often very rehearsed & stage to make gov. look as good possible

³ Bully as in “excellent”

⁴ Washington & Adams gave speeches, but Jefferson wrote his instead and sent it in; all Presidents until Wilson followed

- Obama & Social Media - Obama employed numerous people to manage a Youtube, Twitter, etc. to communicate with younger voters; “digital bully pulpit”; took special attention to details to paint himself as charismatic image
- Tweeter in Chief - Trump frequently used Twitter to communicate directly w/ people, claiming the media was “fake news”; etc.; had the most hostile relationship w/ the press⁵; White House media frequently posted misleading info about rally sizes, ended daily press briefings in 2019, & refused to attend several historical, precedent galas & events

Chapter 6 (The Judiciary)

- [Topic 2.4](#)
- [Topic 2.2](#)
- [Topic 2.3](#)

Topic 2.8 - The Judicial Branch

- Court Tiers- Lowest: U.S. District Courts; U.S. Circuit Courts of Appeals; Supreme Court; all judges are appointed by Presidents & serve for life; “constitutional courts” b/c they are outlined in Article III
- Article III - Vested powers of courts; created Supreme Court & allowed Congress to create inferior courts
 - Judge Terms - “Good Behavior”; life-long terms; empowers justices to make unpopular, but necessary decisions & gives independence to individual judges; Congress cannot directly get rid of judges or change their salaries during their term; separated ideological Congress from law-interpreting judiciaries
 - Jurisdiction - SCOTUS has *original jurisdiction* - being able to hear a case for the first time w/ public ministers & ambassadors when states are a party; *appellate jurisdiction* otherwise - receives cases from lower courts
 - Treason - Only federal crime defined in the Constitution; clearly outlined to stop anyone from being accused of treason like in contemporary England; at least 2 witnesses need to testify to convict
 - Right to Jury Trial - Allows a criminal’s defendant to request a popular jury to balance possible government/political interest in certain cases
- Federalist No. 78 - Countered points made in *Brutus No. 15* & anti-federalist who claimed an independent legislature would allow judges to act in their own interests & state courts

⁵ All Presidents have a sort of adversarial relation w/ the Press; but Trump was esp. bad

already existed; *Federalist No. 78* argued that judges could be impeached if needed & that their “permanency” allows judges to be completely independent from other factions

- Three Level System - Judiciary Act of 1789 defined the three-tier system

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<p style="text-align: center;"><u>Supreme Court</u></p> <ul style="list-style-type: none"> • Created by Article III • 9 Justices • Hears 80-100 cases from October to June • Has <i>original jurisdiction</i> in unique cases • Takes appeals from circuits and top state courts
<p style="text-align: center;"><u>U.S. Circuit Courts of Appeals</u></p> <ul style="list-style-type: none"> • Created by Congress in 1789 • 11 regional courts • ~200 justices • Takes appeals from district courts • Cases judged by panel of 3 justices
<p style="text-align: center;"><u>U.S. District Court</u></p> <ul style="list-style-type: none"> • Trial Courts created by Congress • 94 districts • ~700 justices • Hear federal criminal & civil matters

- U.S. District Courts - At least 1 in each state; receive close to 300k cases a year
 - Trial Court - Have *original jurisdiction* in federal trials; plaintiff sues a defendant; injuries often refer to financial harms
 - Federal Crimes - District courts try federal crimes: counterfeiting, mail fraud, tax evasion; crimes that violate the enumerated powers in Article I , Section 8
 - U.S. Attorneys - Each district has a U.S. attorney appoint by the President; work under **attorney general** & represent the federal government in federal courts
 - Civil Cases - Citizens can also bring disputes to the U.S. Court over business or personal conflicts; most civil disputes are handled in state courts, however
 - *Injunction* - Federal courts may issue one to make the losing party refrain from the offense/act
 - Suing the Government - Fed gov. Is under sovereign immunity, though Congress has made many exceptions; created the U.S. Court of Claims for complaints; one can sue government officials on accounts of acting in personal capacity
- U.S. Circuit Courts of Appeals - Created in 1891 to account for increased caseload; shape the law; losing party from a lower trial can appeal on *certiorari* to make certain of the law; appellants must present procedural violations of established law or precedent that led

to an incorrect verdict in a trial court; do not declare parties guilty or innocent; rule on procedural matters; periodically shape legal principles

- Circuit Court for the Federal Circuit - Hears appeals on patents, contracts, & financial claims against the United States
- Circuit Court of Appeals for D.C. - Handles appeals from those fined or punished by executive branch regulatory agencies
- Supreme Court - Highest court; nine members determine which appeals to accept; hear oral arguments and decide whether they will vote to overturn the lower court's ruling or not; overturn ~70% of all cases; decides on technicalities of constitutional law

Marbury v. Madison (1803)	
Constitutional Question	Can an appointed judge sue for his appointment, and does the SCOTUS have the authority to hear and implement this request?
Events	Right before John Adams left the White House, he appointed several new Federalist judges; William Marbury was one of them and wanted the SCOTUS to issue a court order (writ of mandamus) forcing Jefferson's executive branch to give him his job; brought this up on the basis of vague language in the Judiciary Act
Reasoning	(Yes/no) Court decided that an appointed judge w/ a signed commission could sue if denied the job; Court voted no on the basis that Congress could not define the Court's authority outside of the Constitution & struck down part of the Judiciary Act; thereby established the principle of Judicial Review; allows the Court power to strike down legislative laws & declare them unconstitutional
Effects	Created Judicial Review

Topic 2.9 - Legitimacy of The Judicial Branch

- Common Law & Precedent - *Common Law*: group of court decisions that make up part of the law; *precedent*: ruling that firmly establishes a legal principle; later followed by subordinate courts
 - Stare decisis - "let the decision stand" - makes up common law
 - Binding Precedent - U.S. District Courts must rule the same way the SCOTUS did before if a parallel case is brought; SCOTUS has binding authority
 - No two cases are identical, however, so precedents can be overturned

- Persuasive Precedent - Allows courts to consider decisions made in other district courts to guide decisions
- SCOTUS Precedents Establishing Policy - Paired w/ judicial review, SCOTUS can determine lots of national policies; beginning w/ federalism, then balance between gov. and industries, and now social issues
 - Defining Federalism - Under John Marshall (1801); SCOTUS was brought to power; *McCulloch v Maryland* (national bank) & *Gibbons v. Ogden* (interstate commerce) expanded the role of Congress
- Continuity and Change - Known more for continuity than change; lifetime tenure and precedents mean little change occurs in operation; *Brutus* warned lifetime tenures would render justices unaccountable and w/o a power to preside over them, they would be too separated from the legislative and executive
- Overturning Precedent - SCOTUS has, in many cases, overturned decisions by recognizing errors; *Plessy v. Ferguson* (1896) & *Brown v. BOE* (1954)
- SCOTUS Today - Current Chief Justice is John Roberts: Roberts has guided the court with judicial minimalism - takes fewer cases & spends more time on them; has resulted in more unanimous decisions but can be too slow in some cases

Topic 2.10 - Court in Action

- Evolving Court- Court often has little change; more continuity than change
- Early Courts to New Deal
 - Slavery (1840-1850s) - Taney Court oversaw issues on slavery and was determined to leave it as a state right; *Dred Scott* decision led many to question the legitimacy of the Court
 - Corporations & the State - Late 1800s; Court ruled on two principles regarding worker protection laws; what the Constitution permitted the government to do & which governments could do it; Court overturned various health, safety, and workers' rights legislation, as well as antitrust measures
 - Strict Constructionist - Conservative approach to the Constitution; interprets the Constitution in its literal definition and original context
 - Liberal Constructionist - Interprets the Constitution as a living document that adapts to meet the time's standards
 - New Deal - Hughes court; mixed court w/ 4 strong conservatives; overturned several New Deal programs, business regulations, minimum wage laws in NY, & FDR's National Recovery Act

- “Court Packing” - FDR attempted to “pack” the court w/ likeminded judges by expanding the number of judges on the bench; Congress rejected such measures;⁶
- Post WWII - Primarily took on expanding civil liberties
 - Warren Court - Appointed by Eisenhower; Overturned many state measures to suppress rights of minorities; ruled on *Brown v. BOE* (ended segregation), *Engle v. Vitale* (ruled school-sponsored prayer was unconstitutional), *Gideon v. Wainwright* (made it so all citizens be provided lawyers), & *Miranda v. Arizona* (created Miranda rights during arrests: “yOu hAVe tHe rIghT tO rEmAiN sIlEnt”); liberal constructionist court
 - Burger Court - Appointed by Nixon; didn’t follow Nixon’s conservative ideas; ruled in *Roe v. Wade* (abortion); kinda sucked tho cuz he couldn’t unite the court
 - Rehnquist Court - Appointed by Reagan; shifted back to strict constructionist; upheld states’ rights, limited abortions, etc.
- Unfavorable Decisions - Constitutional Amendments can overturn SCOTUS decisions;
 - 11th Amendment - Prohibits federal courts from targeting states in certain lawsuits & excuses state courts from hearing some suits; measure taken after *Chisolm* decision
 - 14th Amendment - Essentially overturned *Dred Scott* decision
 - 16th Amendment - Late 1800s Congress passed an income tax; Courts struck it down; made it into an amendment later
 - Bypassing - Best way to bypass is through an amendment, but those can be very slow; legislatures can instead pass similar, but slightly different laws
- Enforcement - Courts cannot enforce principles & decisions; those must be put into action & enforced by the President, U.S. marshals, the military, regulatory agencies, or Congress; this happens most of the time though in one way or the other
- Process - SCOTUS rarely has original jurisdiction; takes in cases from the 13 Circuit Courts & states; petitioner files a *petition for certiorari*, a brief arguing of why the lower court didn’t satisfy; SCOTUS then chooses which cases they will take on;
 - **Rule of four**: once 4/9 judges have accepted the case, appeal is granted, requires less than a majority to appeal to protect minority rights

<i>Opinions</i>	
Majority Opinion	Explains reasoning behind majority vote
Dissenting Opinion	Written by judges who voted against the majority

⁶ FDR did manage to get the Court on his side in the end tho

Concurring Opinion	Written by judges who voted w/ majority, but disagreed (or wanted to add) on some parts
<i>Per Curiam</i> Opinion	Issued by the Court representing unanimous or majority opinion w/o fully explaining reasoning & w/o naming specific judges

Topic 2.11 - Checks on the Judicial Branch

- **Judicial Activism**- When a judge strikes down or reverses public policy; can be both conservative or liberal activism; principle of the judiciary playing an active role in the law; opponents argue it is ineffective and undemocratic
- **Judicial Restraint** - Less involvement of the judiciary: principle that representative legislatures should create policy & the judiciary should play less of a role; usually the view of strict constructionists: “judges should not strike down a law unless it is in clear violation of the Constitution; not the judge’s interpretation”
- **Interactions with other Branches**
 - **Senate** - Senate Judiciary Committee review’s President’s appointments; district judges usually pass fairly quickly, while SCOTUS questions face tough interrogations on political ideology & experience; “litmus test”
 - **Senatorial Courtesy** - (Esp. for district courts) Senators can have influence on judges by recommending judges to the White House (usually from their own state); Senate procedure gives individual senators veto power for nominees located within their states; gives “special” power to Senators when nominees (for district courts) are from & will serve in their state
 - **Interest Groups** - Confirmation hearings are now public and interest groups can play a role by using Senators as “puppets”; American Bar Association also testifies on the qualifications of a judge
 - **Getting “Borked”** - To destroy a judicial nominee through attacks on character, background, and ideology; came from a Reagan pick for SCOTUS which the Senate rejected due to controversial views
 - **Clarence Thomas** - Controversies over sexual allegations arose during Thomas’ 1991 confirmation; Senate invited the accuser to come testify
 - **Denying Garland** - 2016: Senate Republicans blocked Obama’s pick for the SCOTUS, claiming it was too close to an election (9 months); questions about how long the SCOTUS can have a vacancy arose (nothing in the Constitution)
- **Executive Influence on Courts**

- Department of Justice - President appoints the Attorney General; when parties sue the gov. US attorneys from the DOJ represent it; Solicitor General; determines which cases to appeal to the SCOTUS & represents the US in the SCOTUS
 - *Amicus curiae* - Solicitor General may submit one when the US is not a party in a SCOTUS case; argues for a particular ruling in the case; has no real power and is more a suggestion
- Impeachment - House can impeach judges who are acting unlawfully & stuff
- Congressional Oversight - Congress ultimately has legislative power on the courts; can rearrange their structure for district and appeals courts, regulations on courtroom procedures, and salaries
- Defining Jurisdiction - Article III allows Congress to use legislative power to define what types of cases are heard by who, create requirements for bringing a case to court, & House can perform “court-stripping” where they quickly pass legislation prohibiting the courts from hearing such cases: House voted to prevent federal courts from taking on marriage rights, etc.

Chapter 7 (The Bureaucracy)

- [Topic 2.4](#)
- [Topic 2.2](#)
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Topic 2.12 - Bureaucracy

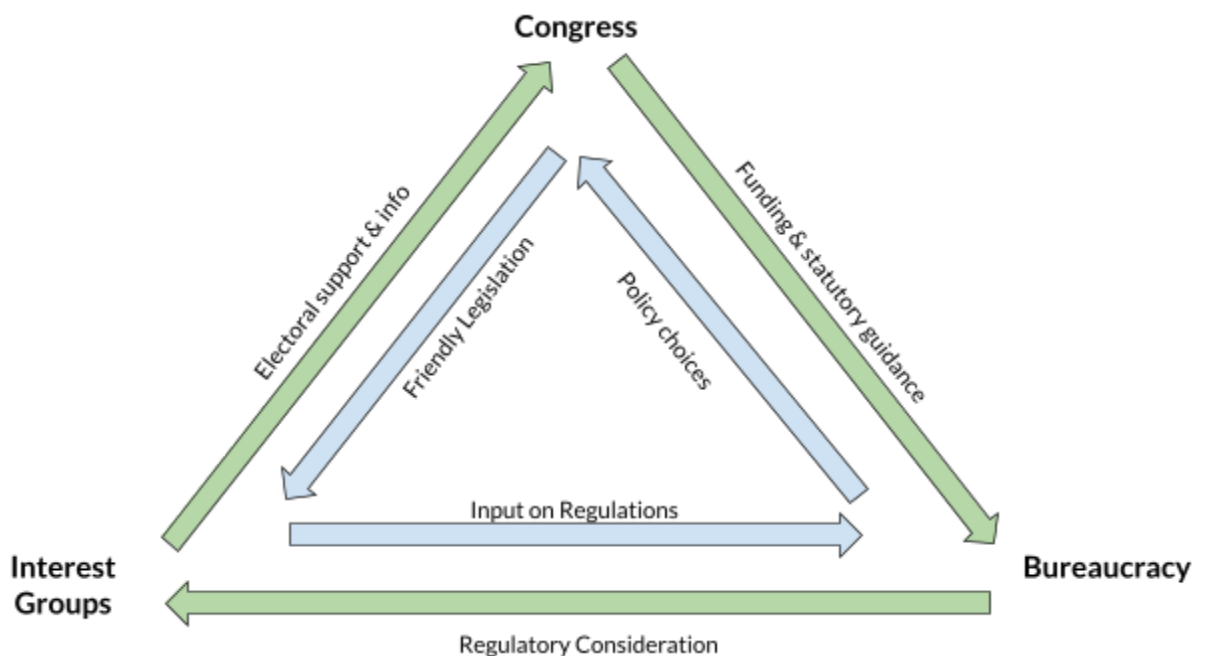
- Bureaucracy - Executive departments created by Congress to take on services such as interstate highways, air traffic, border protection, etc; Federal agencies interpret, administer, and enforce laws
- Structure
 - Departments - 15 departments lead different sectors of government: Cabinet secretaries lead departments
 - Cabinet Secretaries - Upper-level management positions, deputy secretaries, & bureau chiefs; most require Senate confirmation
 - Agencies - Divisions found within departments which divide the workload; e.x. Dep. of Homeland Security has ICE, Coast Guard, & TSA; president appoints heads of agencies: “Directors”
 - Independent Agencies - Not connected to any department: e.x. NASA
 - Commissions & Government Corporations - Headed by boards of 5-7 members; have staggered terms to ensure a President cannot exert great influence on

personal interest (e.x. If a single President appointed all the board of the Federal Reserve, they may influence economic policy to help him get re-elected);
Government Corporations are a mix of private and public companies

- Examples

Executive Office of the President	Office of Management & Budget, National Security Council, Council of Economic Advisors
Cabinet Departments	Dep. of Defense, State, Education, Health, etc.
Independent Executive Agencies	CIA, EPA, NASA, Social Security Administration
Independent Regulatory Commissions	Federal Communications Commission, Nuclear Regulatory Commission, Federal Trade Commission
Government Corporations	Amtrak, Tennessee Valley Authority, Post Office

- Tasks - Congress give departments broad goals upon creation, with agencies and independent regulatory agencies (IRA) being more specialized
 - Writing & Enforcing Regulations - IRAs have more leeway in enforcing national policies: e.x. EPA was given the task of protecting and improving the environment, and was given the power to make laws to carry out this goal
 - Enforcement & Fines - IRAs, commissions, and boards can impose fines or other punishments on companies & industries, but not individuals; **compliance monitoring** is also performed to make sure firms are following regulations
 - Testifying Before Congress - Secretaries & directors are usually experts in their fields so they testify before Congress in committees to give additional clarification & info
- Iron Triangle - Relationship between bureaucracy, Congress, & interest groups



- Issue Networks - Networks of committee staffers, academics, advocates, think tanks, interest groups, and/or the media which all influence policymaking web
- Patronage to Merit - For bureaucracies to function they must be specialized, professional, & political neutral
 - Spoils System - Early presidents appointed federal jobs to loyal party leaders: patronage; Andrew Jackson's administration exemplified patronage system & loyalty over merit: ran rampant until late 1800s causing huge corruption
 - Civil Service Reform - Support for this issue coincided with late 1800s temperance, suffrage, & emancipation movements; after President Garfield was assassinated by a loyalist who believed they should have been given a job, Congress passed the:
 - Pendleton Civil Service Act - 1883; created merit system which included competitive exams for job applicants; created the Civil Service Commission to oversee the process & prevent officials from requiring federal employees to contribute in political campaigns; served to limit corruption in bureaucratic system
- Effectiveness of the Bureaucracy - Civil Service Reform Act of 1978 aimed to give the President more control on appointments & firing bureaucrats, as well as promote equality in hiring;
 - Office of Personnel Management - Replaced Civil Service Commission; OPM runs the merit system & coordinated hiring process
 - National Performance Review - 1993; Introduced by Clinton to assess federal bureaucracy every 6 months; makes recommendations on efficiency, reduced costs, & reducing "red tape" (bureaucratic entanglements which slow everything down)

Topic 2.13 - Discretionary and Rule-Making Authority

- Delegated Discretionary Authority - The power for bureaucracies to interpret legislation and create rules; often because legislative laws are vague & require experts to properly implement

Examples of Discretionary Authority	
Homeland Security	Allowing certain exemptions for immigrants
Transportation	Determining which highway projects get special grants
Veterans Affairs	Deciding how to administer health programs for veterans

Education	Cancelling or lower student debt
EPA	Intervening in state environmental issues
Federal Election Commission	Creating & enforcing federal campaign finance laws
Securities & Exchanges Commission	Determining if financial firms should be disqualified from raising money because of illegal conduct

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- Rule-Making Process - New technologies or social outcry may cause agencies to quickly revise rules; rules are created and revised on a regular basis, however
 - Administrative Procedures Act - 1946; guides agencies in developing their roles & procedures while assuring citizens & industries affected can have input; some statutes require some agencies to hold rule-making hearings to collect information or inquire from affected groups; make it more pluralistic and democratic
- Implementing the Law - Congress has given the Executive (Bureaucratic) Branch many different ways to make decisions:
 1. Creating agencies to pay subsidies to groups: farmers, Social Security, etc.
 2. Creating a system to distribute federal dollars to states: grant programs
 3. Giving federal offices the ability to create & enforce regulations: essentially allows them to determine law: EPA can define what meets emission standards
- Process - Agencies submit summaries on the what and why on regulations; add an effective date for lifespan & grace period: final print is placed in **U.S. Code of Federal Regulations**; **Federal Register** prints how and why it was developed
- Independent Regulatory Agencies - IRAs & Commissions enforce & regulate industry-specific laws & issue fines & punishments; sometimes led by a board w/ directors appointed by President but not easily fireable; President has little influence on IRAs compared to other Departments;

Topic 2.14 - Holding the Bureaucracy Accountable

- Influences - Congress create big-picture laws & some regulations, President picks heads, Courts can overturn regulations, interest groups fight for influence on regulations
- Congress
 - Congressional Hearings - House & Senate hold oversight hearings to address agency action, inaction, or relations; serves as a check on bureaucracies
 - Power of the Purse - Congress determines the funding for agencies; Congressional committees set **authorization of spending** measures to set maximums for how much agencies can spend on certain programs; **appropriations** are funds set aside

for certain purposes: for bureaucracies to receive \$ appropriations must be approved by the House Appropriations Committee & the full chamber (part of the annual budget)

- President - President exerts influence on making sure executive ideology is delivered in bureaucratic policy by shaping the heads of agencies, departments, etc.
 - Office of Information & Regulatory Affairs - OIRA; provides information on regulations & policy; regulations that conflict with president's agenda may be questioned & revised or eliminated
 - Policy Goals & Streamlining - Presidents use formal (appointments) & informal (executive orders & persuasion) powers to make bureaucracies work with his agenda
- Compliance Monitoring - Government agencies monitor for compliance in respective industries; e.x. EPA documents compliance, requires permits for certain things, & collects scientific data on pollution

Topic 2.15 - Policy & the Branches of Government

- Congress & the Final Say - *Committee clearance* is given to some Congressional committees to review and approve actions of certain agencies in advance when power overlaps; **legislative veto** is used to control executive agencies by requiring that certain agency decisions wait a defined period of 30/90 days;
 - *INS v. Chadha* (1983) - Challenged the legitimacy of the legislative veto; SCOTUS sided w/ Chadha and struck down the legislative veto as unconstitutional
- Competition in Executive Branch - Similar branches compete for similar powers (Dep. of State & Defense overlap in foreign policy);
 - “Going Native” - President's agenda may not take into account bureaucratic constraints; bureaucracy may therefore side w/ their department instead of President: is risky b/c they often get fired
 - Whistleblower Protection Act - 1989; protects bureaucrats who report inefficiencies or corruption in governments; prohibits agencies from retaliating or threatening employees who whistleblow
- Courts - Rules can lead to prosecutions & criminal trials, fines & punishments can be appealed in federal courts, etc.
 - Accountability - Judicial review can be used to strike down unfair, unconstitutional regulations & rules which serves as a check
 - Court of Appeals - Court of Appeals takes on most cases regarding agencies; usually sides with agencies on the notion that Congress (people's branch_ enabled the agency to make decisions

- *Chevron Deference* - After case with Chevron in 1984, SCOTUS established this & says agencies may determine what the law is AND can also change their interpretation of the law at any time

Unit 3 (Civil Liberties & Civil Rights)

Chapter 8 (Bill of Rights & First Amendment)

- [Topic 2.1](#)
- [Topic 2.2](#)
- [Topic 2.3](#)

Topic 3.1 - Bill of Rights

- James Madison's Role - Though originally opposed to it, Madison soon began to change his mind at the first House sessions; wrote the Bill of Rights and all 10 amendments were ratified in 1791
- Bill of Rights - Protects citizens' liberties, rights, and opinions; protects property and delegates all powers not expressed for the fed gov to state gov

Must Know SCOTUS Cases Tied to Bill of Rights		
Cases	Ruling	Amendment
<i>Schenck v. United States</i> (1919)	Speech representing "a clear and present danger" is not protected	1st
<i>Engel v. Vitale</i> (1962)	School-sponsored prayer violates the establishment clause	1st
<i>Tinker v. Des Moines Independent Community School District</i> (1969)	Students in public schools are allowed to wear armbands as symbolic speech	1st
<i>New York Times Co. v. United States</i> (1971)	The gov cannot forbid a press publication ahead of time	1st
<i>Wisconsin v. Yoder</i> (1972)	Amish cannot be required to attend school past 8th grade as it violates the free exercise clause	1st
<i>McDonald v. Chicago</i> (2010)	The right to bear arms to protect one's property	2nd

	applies to the states	
<i>Gideon v. Wainwright</i> (1963)	States must provide poor defendants with an attorney	6th
<i>Roe v. Wade</i> (1973)	Abortion is in a woman's privacy, but states have legitimate interest in protection the unborn	1st, 3rd, 4th, 5th, 9th

- Public Interest - Small infringements which limit civil liberties to protect common good; teenagers can't vote, you can't yell fire in a public area, etc.

Topic 3.2 - First Amendment: Freedom of Religion

- Separation of Church & State - "Wall of Separation" between public government and religious institutions
- Freedom of Religion - **Establishment Clause**: prohibits federal (& now any) government from establishing a national religion; **Free Exercise Clause**: prevents governments from stopping religious practices (unless if illegal or threat to communal good)

Engel v. Vitale (1962)	
Constitutional Question	Does allowing a state-created, nondenominational prayer voluntarily recited in public schools violate the First Amendment's establishment clause? (Do prayers in public schools violate 1st Amend?)
Decision	Yes; 6:1
Before Engel	Most public schools had morning prayers which were very broad to encapsulate most (white) religions; students could step outside or stay mute: New York tried to standardize prayer in public schools
Event	Parents in 1959 organized and sued against their school board's official prayer; argued it was created by a state actor so it violated Estab. clause
Majority Reasoning	Reasoned a public institution couldn't develop a prayer b/c it was being used in a public school setting mandatory attendance; violates Estab. Clause & 14th Amendment b/c states cannot back a religion: God is denominational b/c not every religion believes in God
Concurring Opinion	Agreed & added that children wld likely feel coerced into prayers even though they were free to leave the room
Since	Court ruled against student-led prayer in official public school events;

	Alabama tried to make prayers a moment of silence: Court ruled against it
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- Lemon Test - 1971 measure created by the Court to measure whether or not a state violated the establishment clause (from *Lemon v. Kurtzman*)
 - “*Excessive Entanglement*” - Teachers may improperly involve faith in their teaching; how does the Court determine so?
 - Lemon Test - To avoid an excessive entanglement, policy must: have secular purpose, affect neither advances nor prohibitions in religion; avoid creating a relationship between religion & gov. that entangles either into internal affairs

Wisconsin v. Yoder (1972)	
Constitutional Question	Does a state’s compulsory school law for children 16 and younger violate the First Amendment’s free exercise clause for parents whose religious beliefs dictate their children be kept out of school after a certain age?
Decision	Yes; 7:0 (unanimous)
Events	Wisconsin law required children 16 and younger to attend school; Amish parents refused to send their kids to school b/c Amish teens are meant to learn a trade instead of attending high school; parents argued the law violated their right to free exercise of religion; state court invoked <i>parens patriae</i> (parental authority) claiming the parents had legal responsibility for public health & safety to get their children high school education
Majority Reasoning	Court found that sending Amish children to public high schools would likely hurt their development in Amish society & that stopping schooling with vocational education did not burden society; Court declared free exercise clause overrides state’s efforts to promote safety by ensuring full high school education

- Contemporary First Amendment Issues
 - Public Funding of Religious Institutions - Many cases cover state funds to esp. Roman Catholic schools; almost all have been struck down
 - Vouchers - Should state governments give money to parents to ease tuition fees of private schools? Courts generally allow this b/c vouchers don’t distinguish if the private school is religion based (despite 96% of private schools being religion based)
 - Religion in Public Schools - Since *Engel* many teacher & student led prayers have been struck down; students can operate extracurricular religious activities as long as they do not take tax dollars; free exercise clause allows students to say private

prayers, wear religious apparel, & discuss religion; public teachers are often more restricted

- Religious Symbols in Public Squares - Depictions of manger scenes on public property has been allowed by courts (*Lynch v. Donnelly 1984*) b/c it depicted historical events of Christmas; but stand-alone manger scenes have been struck down (1989 case)

Topic 3.3 - Freedom of Speech

- Defining Protected Speech - Free speech is not absolute; governments have to show *compelling governmental interest* (important enough to justify) curbing it
 - Protests - 1960s Vietnam War draft protests; *U.S. v. O'Brien*: man burned his draft card (against the law) & was arrested; claimed it was free speech; SCOTUS ruled he was disrupting peace & violating the law; *Cohen v. California*: man had “fuck the draft” on a t-shirt & was arrested; SCOTUS overturned the conviction b/c it didn’t incite illegal action

Time, Place, Manner Test (Used to judge whether regulation of speech censors the content of the message or the accompanying conduct)
1. The restriction must be content-neutral (must not suppress the content of the expression)
2. Restriction must serve as a <i>significant government interest</i> . Case of <i>O'Brien</i> : Court ruled burning of a draft card was disrupting gov’s interest of raising an army
3. Restriction must be <i>narrowly tailored</i> ; law must be as specific as possible; <i>O'Brien</i> ruling was <i>specifically</i> about draft cards
4. Must be adequate <i>alternative ways of expression</i> ; Court can suppress on the basis of time, place, & manner if there are other times, places, & manners in which this can be expressed

- Symbolic Speech - Citizens cannot invoke it to defend an act that wld otherwise be illegal (e.x. Cannot go down street naked claiming you were protesting sweatshops after being arrested for indecent exposure); Courts have sided w/ symbolic speech in some occasions (*Texas v. Johnson 1989* [burning down a flag] b/c it imposed a “government-imposed political idea” - reverence for the flag)

Tinker v. Des Moines Independent Community School District (1969)	
Constitutional Question	Does a public school ban on students wearing armbands in symbolic, political protest violate a student's First Amendment freedom of speech?
Decision	Yes; 7:2
Events	Students organized a protest against Viet War by wearing black armbands and fasting; school board learned of this & believed it would be a distraction to learning & cause other problems; kids wearing black armbands were suspended
Majority Reasoning	<p>B/c no problems occurred, Court ruled that the school was violating students right to political, symbolic speech in 1st Amend. for <i>potential</i> problems;</p> <p>Court protected this speech b/c it failed the content-neutral criterion of TPM test: suppressing black armbands suppressed anti-war message</p>
Since <i>Tinker</i>	<p><i>Bethel School District v. Fraser</i> (1986); Dude gave a real sexual speech and got suspended; sued b/c free speech; Court considered <i>Tinker</i> precedent but ruled against Fraser b/c his speech was just sexual for no real reason (no political value b/c <i>Tinker</i> was political)</p> <p><i>Morse v. Frederick</i> (2007); School-sponsored run; dude came in with a sign saying "BONG HITS 4 JESUS" & was suspended; Court ruled with his suspension, claiming it took place in a school-sponsored event & was therefore up to school officials; also promoted drug use</p>

- Obscenity - Obscene speech is not protected in 1st amend, yet no national standard defines it; Comstock Act banned obscene materials from U.S. Mail (19th century) but meh; legal debate has been mostly state-by-state, so SCOTUS has not ruled on a national definition for obscenity
 - Roth Case - Court defined obscenity as when "the average person, applying contemporary community standards appeals to the prurient interest (lustful/lewd thoughts)
 - Miller v. California - Miller was arrested for promoting porn; justified reaffirm obscene material was not constitutional protected; created Miller Test for obscenity
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Miller Test

1. Average person finds it appeals to prurient interest in relation with contemporary community standards
2. It depicts or describes sexual conduct specifically defined by state law
3. It lacks serious literary, artistic, political, or scientific value

Schenck v. United States (1919)	
Constitutional Question	Does the government's prosecution & punishment for expressing opposition to the military draft during wartime violate the 1st Amendment's free speech clause?
Decision	No; 9:0
Events	In 1917 Congress passed Sedition & Espionage Act to prevent publications that criticized the government, advocated for treason, or incited disloyalty; Charles Schneck (Secretary of Socialist Party) was arrested for printing anti-draft leaflets ⁷
Reasoning	Clear and Present Danger was presented by Schneck's pamphlets which could incite mass-protests and rebellion (something which was especially bad during WWI); admitted that under a different context, Clear and Present Danger standard may've not applied
Since	Clear & Present Danger standard has been used; <i>Brandenburg v. Ohio</i> (1969): Klansman incited lawlessness at a rally, though Court ruled it could only be punished if it was meant to incite or produce imminent lawless action

⁷ Interestingly, he argued that the draft = involuntary servitude (which is banned by 13th Amendment)

Topic 3.4 - Freedom of the Press

- **Libel** - Refers to the publication of false statements which seek to defame a person; usually requires a high level to be considered by courts
 - “**Breathing Space**” - *New York Times v. Sullivan* (1964); NYT wrote slightly wrong information about Alabama commissioner Sullivan; Sullivan sued and won, NYT appealed & court sided w/ the press saying there needs to be a gray area to allow public debate & criticism, which wld be stifled w/ easy libels
 - **Malicious Attempt** - If suing for libel, must be able to present evidence that offender wrote knowingly lying or with intention to defame & that damages be sustained
- **Prior Restraint** - Government cannot stop press from printing something in advance

New York Times v. United States (1971)	
Constitutional Question	Can the executive branch block the printing of reporter-obtained classified government information in an effort to protect national secrets without violating the First Amendment’s free press clause? (prior restraint)
Decision	No; 6:3
Before	In <i>Near v. Minnesota</i> (1931), Court ruled a state law preventing the printing of radical propaganda violated freedom of press
Events	Analyst leaked Pentagon Papers to New York Times & Nixon’s boys tried to sue before it was published; District court agreed & New York Times appealed to Supreme Court; Court sided w/ New York Times, not the analyst who leaked them
Reasoning <u>Per Curiam Opinion</u>	Reasoned that hasty cries of national security did not justify censorship in advance of publication; violation of freedom of press; relied heavily on previous rulings

Chapter 9 (Balancing Liberty & Safety)

- [Topic 2.1](#)
- [Topic 2.2](#)
- [Topic 2.3](#)

Topic 3.5 - 2nd Amendment - Right to Bear Arms

- **Founding Principles** - Based on the need for an army: some wanted a federal army while others wanted state militias to be called in for emergencies to limit federal misuse of troops; Founding Fathers apparently did not think of private gun ownership as a risk to public safety
 - **In States** - Before Constitution, only 1 state protected the right to bear arms for individual self-defense & gun regulations were common
- **National & State Laws** - Most gun control laws are made by states, but Commerce Clause allows Congress to create them too
 - **National Firearms Act** - 1934; requires registration of certain weapons, imposed taxes on certain guns, & restricted the sale of high-risk weapons
 - **Gun Control Act** - 1968; In response to growing urban crime, ended mail-order sales of firearms & banned the sale of guns to felons, fugitives, illegal drug users, mentally unstable people, and those who discharged from the military
 - **Brady Bill** - 1993; In response to Reagan getting shot, established a 5-day waiting period for handgun purchases; expired in '98 but similar legislation has been passed since
- **D.C. v Heller** - 2008; guard brought home an armed gun which violated a DC ordinance, sued & SCOTUS ruled:
 - For the first time, SCOTUS said the 2nd amendment protects individuals rights to bear arms, not just militias

Topic 3.6 - Balancing Individual Freedom with Public Order

- **8th Amendment** - Prevents cruel and unusual punishments and excessive bail; some consider the death penalty as “cruel”: *Gregg v. Georgia* (1976) Court ruled that the death penalty was still legal, but cannot be mandatory by law; must be a careful, deliberate process
 - **Guantanamo Bay** - After 9/11, Bush ordered for suspected terrorists to be held in detention camps in Guantanamo & had a very loose definition of torture; critics argued this was against 8th amendment and habeas corpus

- 4th Amendment - *Writs of Assistance* - broad search warrants; 4th amendment bans unreasonable searches and seizures; Courts can only issue warrants when information is delivered under oath and reaches a *probable cause* (a reasonable amount of suspicion); Probable cause is also needed when making an arrest
 - Metadata - Under PATRIOT Act after 9/11, Executive branch could connect to private wireless services to collect and examine cell phone data; PRISM program compels Internet services to give up information related to Internet activity (all to catch terrorists); **Metadata** = all cellphone info except actual convos (who is talking, for how long, to how, when, etc.)

Chapter 10 (Due Process)

- [Topic 2.1](#)
- [Topic 2.2](#)
- [Topic 2.3](#)

Topic 3.7 - Selective Incorporation

- Selective Process - SCOTUS deciding which provisions of the Bill of Rights states have to follow; BoR originally did not apply to states, only fed. Gov; almost all clauses in the BoR have been forced on states today
 - *Barron v. Baltimore* - 1833; SCOTUS ruled states do **not** have to follow BoR (except those which SCOTUS makes them)
- 14th Amendment - 1868: Says no state can “deprive any person of life, liberty or property without **due process of law**”; set off judicial movements to force states to adhere to provisions in BoR & “incorporate” them

Key Selective Incorporation SCOTUS Cases & Relevant Amendments		
Case	Ruling	Amendment
<i>Everson v. Board of Education</i> (1947)	States that reimburse parents for transportation costs to get their children to private Christian schools did not violate the Constitution	First
<i>Mc. Donald v. Chicago</i> (2010)	The 2nd Amend must be protected by states based on the due process clause of the 14th amendment	Second
<i>Mapp v. Ohio</i> (1951)	Evidence obtained in a manner that violated 4th Amendment protections was invalid in state courts too	Fourth

<i>Chicago, Burlington & Quincy Railway Co. V. Chicago</i> (1897)	The requirement for just compensation from the 5th Amendment applies when state government takes property	Fifth
<i>Gideon v. Wainwright</i> (1963)	States must provide an attorney for defendants who can't afford one to guarantee a fair trial	Sixth
<i>Timbs v. Indiana</i> (2019)	State seizure of a convicted drug dealer's vehicle was a violation of the 8th Amendment's prohibition of excessive fines	Eighth

- Early Incorporation

- Just Compensation - 1897: SCOTUS ruled that states adhere to the **just compensation clause** of the 5th Amendment when states seize property to build stuff
- Gitlow v. New York - Essentially, a socialist was convicted for trying to spark anarchy; SCOTUS did, however, warn states that the 1st Amendment needed to be adhered to
- Minnesota Gag Law - Banned obscene speech; Court used selective incorporation to set limitations on state regulation of 1st amendment

<i>McDonald v. Chicago (2010)</i>	
Constitutional Question	Does the 2nd amendment apply to the states, by way of the 14th amendment, and thus prevent states or their political subdivisions from banning citizen ownership of handguns? (Can states and shit ban guns)
Decision	Yes; 5:4
Before	<ul style="list-style-type: none"> • 2nd Amendment stops <i>federal</i> government from banning guns • DC v. Heller - Shut down DC law about carrying handguns
Events	Chicago made it mandatory for gun owners to register their guns, but blocked gun registrations for citizens: Otis McDonald sued, arguing that guns were necessary for protection in dangerous parts of Chicago
Reasoning	Court applied 2nd Amendment to states through selective incorporation; argued that b/c of <i>Heller</i> case the right to individual self-defense is at the heart of the 2nd Amendment; also called on the 14th Amendment
After	SCOTUS hasn't heard a gun related case since; after Connecticut school shooting, Obama issued an executive order banning mentally disabled Social

	Security recipients from getting access to guns; Trump reversed this
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Topic 3.8 - Amendments: Due Process and Rights of the Accused

- **Procedural Due Process** - 5th Amendment: all shall receive a due process of law & private property cannot be taken away for public use without compensation
 - **Procedural Due Process** - Addresses the manner in which the law is carried out
 - **Substantive Due Process** - Addresses essence of law: whether it violated a basic right to life, liberty, or property
 - Prevents government from arbitrarily depriving people of rights w/o fair trial
- **4th Amendment** - Prevents law enforcement from conducting unreasonable searches or seizures
 - **Exclusionary Rule** - Established in 1914 (*Weeks v. US*) evidence the government finds or takes in violation of 4th Amendment can be **excluded** from trial
 - **Exceptions** - In 1970s, Burger Court allowed for “inevitable discoveries” and “good faith” exceptions;

Inevitable Discovery	Something found in an unlawful search can be used if it would likely be later found in a lawful search
Good Faith	Something found in a lawful search later deemed to be unlawful can still be used

- **Mapp v. Ohio** - Ohio police went into Mapp’s shop to search for gambling stuff; found porn and arrested her for obscenity; SCOTUS ruled they had violated her rights and shouldn’t have found the porn in the first place; **served as the selective incorporation that states must follow the 4th Amendment**
- **Searches in Schools** - Under *Tinker* decision, free speech is protected, but 4th amendment is less protected
 - **New Jersey v. TLO** - (1985) Student had her purse searched for that green shit & she appealed; Court ruled that students are protected under 4th Amendment but that school officials do not need the same level of probable as officers for reasonable searches
- **Contemporary Due Process Issues**

- Metadata - Information about who, when, for-how-long of communications; does not record actual conversation; most info is sent to the NSA by telephone companies
 - USA FREEDOM Act - 2015; altered gov access to phone data; requires warrants for Executive branch to examine metadata
- USA PATRIOT Act - Response to terrorist attacks of 9/11; raised questions about civil liberties as it allowed for gov to retrieve metadata; also raised questions about due process to those detained: Al-Qaeda is not a nation state, should terrorists captured be subject to international laws?
- Court Challenges - Aspects of Bill of Rights have been challenged in court
 - Lower Courts - Ruled PATRIOT act unconstitutional
 - Rasul v. Bush (2004) - Stated US must follow Constitution in Guantanamo Bay (terrorist prison) & therefore provide *habeas corpus*
 - Hamdi v. Rumsfeld (2004) - Ruled executive branch cannot detain US citizen without minimal hearing on suspect's charge
 - Hamdan v. Rumsfeld (2006) - Struck down Bush's declaration that allowed detainees to be tried in military tribunals
- Rights of the Accused - 5th, 6th, 8th Amend
 - Self-Incrimination - Miranda v. Arizona (1966); Court declared 5th Amendment applies once a suspect is in custody of the state; people can remain silent and not be pressured to self-incriminate
 - Public Safety Exception - Courts have allowed things said before Miranda Rights were given to suspect for public safety; putting protection of people before procedural protections (if someone says imma blow this shit up, you can assume they are a suspect to stop them from actually doing it)
- Right to Counsel - Despite Miranda Rights & Bill of Rights affirming right to a lawyer, this wasn't always the case

Gideon v. Wainwright (1963)	
Constitutional Question	Does a state's prosecution of a criminal defendant without counsel violate the 6th Amendment's right to counsel?
Decision	Yes; 9:0
Events	<ul style="list-style-type: none"> ● Clarence Gideon was arrested for breaking into a pool hall; expected a lawyer at his trial b/c he had previously been given one; ● SCOTUS had already ruled defendant must be given a lawyer in cases of death penalty & 45 states made attorney appointments mandatory; ● Gideon was incarcerated & filled a <i>in forma pauperis</i> brief (papers for

	<p>those who believe they were wrongly convicted and cannot appeal to district) to SCOTUS</p> <ul style="list-style-type: none"> • Court picked a lawyer who argued 14th amend required states to follow 6th amend
Reasoning	<p>Unanimous ruling: reasoned every defendant should have an equal chance at a fair trial, and for that an attorney was required</p> <p>Court also reasoned there was no logical basis to distinguish from capital offense (in which ppl received lawyers b/c of 1942 <i>Betts v. Brady</i> case) & non-capital offense</p>

Topic 3.9 - Amendments: Due Process and Right to Privacy

- Substantive Due Process - Protects citizens from laws which substance violates a basic right (even those not in the Constitution) without proper reason
- Right to Privacy - Substantive due process in the 1960s and on sought to protect rights to privacy and lifestyle; not specifically stated anywhere but mostly implied in 1st, 3rd, 5th, 9th, & 14th Amendments
 - *Griswold v. Connecticut* - 1965; ruled that an old anti-birth control statute violated right to privacy; first time the Court emphasized an inherent right to privacy

Roe v. Wade (1973)	
Constitutional Question	Does Texas' anti-abortion statute violate the due process clause of the 14th Amendment and a woman's constitutional right to an abortion?
Ruling	Yes; 7:2
Events	Texas enacted an anti-abortion law; Norma McCorvey sought an abortion: to protect her identity, McCorvey went under Jane Roe; filed law suit against District Attorney
Reasoning	<p>Majority Opinion: Roe argued that states could not infringe on right to privacy supported by <i>Griswold</i> Decision; states have the authority to regulate health & morals: ruled abortions need to be certified by physician, in the first trimester is unregulatable, & states may regulate abortions after first trimester in interest of human life (whether for mother or child)</p> <p>Concurring Opinion: Stressed the importance of 14th amendment and</p>

	<p>substantive due process</p> <p>Dissenting Opinion: By the time the case had arrived, Roe had given birth and put the child up for adoption; questioned whether it was right for someone to file a complaint on the behalf of someone else</p>
Since	<p>Challenges to Roe v. Wade and abortion</p> <ul style="list-style-type: none"> ● <i>Planned Parenthood v. Casey</i> - Court struck down a Penn. law designed to discourage women from getting an abortion via public abortion records

- Roe & Later Abortion Rulings - Roe decision established that a State could not ban abortions in first trimester; States began implementing regulations like preventing abortions at state-funded hospitals
 - Hyde Amendment - Prevents federal funding to institutions which may contribute to abortions

Chapter 11 (Civil Rights)

- [Topic 2.1](#)
- [Topic 2.2](#)
- [Topic 2.3](#)

Topic 3.10 - Social Movements and Equal Protection

- Equal Protection Clause - States that all citizens will have equal protection under law (in 14th Amendment)
- NAACP - Association created in 1909 to fight for rights of African American citizens under 14th amendment; represents African Americans in cases & was successful at getting Courts to strike down racist laws pre-Civil Rights Act⁸
- Women's Rights
 - Industrial Age - Oregon courts allowed employers to make different laws to allow women to work less (feminist groups argued longer hours would hurt women's health and fertility); did create a double standard of treating women differently, however
 - 19th Amendment - Gained major support in states during 1910s, but WWI halted progress until 1920 (ratification date); allowed women to vote

⁸ Idk y there was so little in the book at AA rights

- Equal Pay Act - 1963: required employers women to pay men & women the same in same jobs; 1964 Civil Rights Act would protect employment for women
- Strict Scrutiny - During 1970s, pro-equality groups pushed for courts to guarantee legislation specifically includes men-women equality measures
 - Title IX - Part of 1972 Educational Amendments; guarantees men and women the same opportunities in federally funded educational programs
- ERA - Equal Rights Amendment; would assure that “equality of rights under the law shall not be denied on account of sex”; pushed through Congress but failed to get enough state legislatures on board to adopt the amendment
- Pro-Choice- Since *Roe* decision, women’s rights groups have pushed for provisions to be enforced and not allow states to regulate abortion (which they often do through waiting periods, sanctioning institutions which provide abortions, etc.)
- LGBTQ - Congress and state governments had long discriminated against LGBTQ people; most public movements started during the 70s-80s
 - Legal Intimacy - *Lawrence v. Texas* (2003) struck down state law that declared gay sex an offense
 - Military - Until 1994, military would disband homosexuals; Clinton promised to the end the ban in campaign but had to compromise on the “Don’t Ask, Don’t Tell” policy; prevented military from asking about orientation, and personnel from publicly opening up on orientation; took down by Obama and Congress in 2010
 - Marriage - 1993: Hawaii becomes the first state to legalize gay marriage;
 - DOMA - 1996 Defense of Marriage Act; defined marriage at national and state level as between a man & woman, also barred recognition of same-sex marriage for social security, income tax fillings, etc.
 - Civil Unions - States like Vermont began allowing for same-sex unions; all rights of marriage w/o being considered “marriage”
 - Obergefell v. Hodges

Constitutional Question	<p>Does the 14th Amendment require a state to issue a marriage license to two people of the same sex?</p> <p>Does the 14th Amendment require a state to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out-of state?</p>
Decision	Yes, to both
Since	Anti-LGBTQ laws still exist in employment and

	business service; however public perception of LGBTQ people has greatly improved and the <i>Obergefell</i> decision is likely to become law soon
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- Workplace Discrimination - Civil Rights Act prevented employers from discriminating on basis of race, color, sex, nationality, or religion: doesn't include sexual orientation; 22 states have anti-discrimination provisions
 - *Bostock v. Clayton County* - Ruled workplace discrimination was nationally illegal through Title VII of Civil Rights Act

Topic 3.11 - Government Responses to Social Movements

- 14th Amendment - Foundation for policy on social movements; gives citizenship to anyone born or naturalized in the US; equal protection & due process

Federal Actions Taken During Reconstruction	
13th Amendment	Outlawed slavery
14th Amendment	Guaranteed US citizenship, equal protection, and due process
15th Amendment	Prohibited states from denying the vote on the conditions of "race, color, or previous condition of servitude"
Civil Rights Act (1875)	Made it illegal for privately owned public accommodations (hotels, trains, etc.) to make a distinction between black and white patrons; outlawed discrimination in jury select, public schools, churches, cemeteries, and transportation
Civil Rights Cases (1883)	Conservative SCOTUS overruled the Civil Rights Act of 1875
<i>Plessy v. Ferguson</i> (1896)	Declared segregation did not go against 14th amendment b/c of "separate but equal"; enabled Jim Crow and segregation

- Working Around 15th Amend - Southern states found ways to curb voting and enfranchisement for former slaves and AAs:
 - Literacy Tests - Arbitrarily difficult tests; meant to suppress black vote as many couldn't read and tests were stupid

- Poll Tax - Fee for voting; was enough to turn away black voters
- Grandfather Clause - Allowed (white) people to bypass these if their grandfather voted
- White Primary - Only allowed white men to vote in primaries

<u>Brown v. Board of Education of Topeka, Kansas (BOE) (1954)</u>	
Constitutional Question	Do state segregation laws violate the equal protection clause of the 14th Amendment?
Decision	Yes; 9:0
Before	<i>Plessy v. Ferguson</i> (1896) had allowed for segregation; “separate but equal” facilities were in compliance w/ Constitution
Events	AA Kansas parents sued BOE to overturn state’s segregation law
Reasoning	<p>Ruled yes because:</p> <ul style="list-style-type: none"> ● Segregation affected children and caused them to develop internalized racism and feelings of inferiority ● Education and access to education was made especially hard for AAs through segregation ● Segregation was inherently unequal and in violation of the 14th Amendment’s equal protection clause
Since	Paved the way for desegregation (in schools, but later everywhere by enabling legislation) and <i>Brown II</i> assured that AAs could sue lower courts; segregation in schools in the Deep South wouldn’t end until 1960s

- Legislation for Equality - In 1960, JFK began pushing for a new Civil Rights Act (the one that was enacted); Title II - stopped white business owners from discriminating in service (highly controversial)
 - Johnson - After JFK got JFK’d, Johnson pushed through Congress to get the bill passed w/ his negotiation skills
- Civil Rights Act of 1964

<u>Key Provisions</u>
<ul style="list-style-type: none"> ● Required equal application of voter registration rules (Title I) ● Banned discrimination in public facilities (Title II & III) ● Empowered the Attorney General to initiate suits against noncompliant, still segregated schools (Title IV) ● Cut off federal funding for discriminating government agencies (Title VI)

- Outlawed discrimination in hiring based on race, color, religion, sex, or national origin (Title VII)
- Impact on Women's Rights - Title IX of Education Amendments granted women the same educational opportunities as men in programs receiving federal funding
- Voting Rights Act of 1965 - CRs Act address discrimination in voting registration, but not enough to guarantee the vote; empowers Congress the right to oversee state election in southern states, states that used a "test or deceive" to determine voter qualifications, or any state w/ districts in which less than 50% of the voting age population was registered, also required preclearance from Justice Department before making changes to voting laws
- 24th Amendment - 1962: Banned poll tax

Topic 3.12 - Balancing Minority and Majority Rights

- Desegregation
 - "Separate but Equal" - Established in *Plessy v. Ferguson* and says that the 14th Amendment's equal protection clause is satisfied by "separate but equal" facilities; Only one judge voted against; minority opinion
 - Response to Brown - Desegregation after *BOE v. Brown* was met w/ low compliance in the south; violence in integrated schools, intimidation, etc.
 - Freedom-of-Choice Plans - Southern schools admins weakened integration by placing the burden of transfer on black students; created huge delays & very few schools in the south were integrated until the Civil Rights Act
 - Swann v. Charlotte-Mecklenburg - 1971: Courts had already ruled freedom-of-choice plans to not be satisfactory; Courts ruled for a ratio-based approach to integration (reflect district demographics in schools by moving students around; busing)
 - White Flight - In response to *Swann* decision, white parents moved to suburbs to avoid having their children be put in schools w/ large black populations; this is why inner city schools are much blacker than suburb schools
 - Milliken v. Bradley - NAACP sued to try to get inter-district busing, SCOTUS stopped short of that noting that school district lines were not drawn for racial segregation
- Electoral Balance

- Voting Rights Act - Saw massive boost in AA voter registration & government positions; section 2 states districts can't be drawn in a way to "improperly dilute minorities"
- Thornburg v. Gingles - 1982; Determined NC had drawn districts which weakened black collective power; allowed for the creation of:
 - Majority-Minority Districts - Districts created to make minorities represent the majority in that respective district
- Shaw v. Reno - 1993; Court changed makeup and ruled that districts made on the basis of race are unconstitutional (even if they help minorities)
- Cooper v. Harris - 2017; Court ruled that NC's districts were unconstitutional b/c the heavily relied on race to draw them

Topic 3.13 - Affirmative Action

- Affirmative Action - Institutional efforts to diversify by race, gender, or others by giving an edge to minorities; fed. gov. does not enforce this & 8 states have banned it in college admissions
 - JFK/LBJ - JFK created the Committee on Equal Employment Opportunity & mandated federal projects “take affirmative action” in hiring; LBJ added affirmative action in hiring process in federal contractors
 - Beliefs - Those against claim the *Brown* decision and Constitution are “color-blind”; those for claim the government and private institutions need to help marginalized communities by helping them a little

<i>Regents of the University of California v. Bakke (1978)</i>	
Events	UC took 100 applicants annually and reserved 16 spots for minorities and women;; Allan Bakke was denied admission and got salty and sued, claiming the university had violated the equal protection clause because of his race as he was, by test scores and grades, more qualified than other minorities that got in due to the quota
Reverse Discrimination	5:4 for Bakke; SCOTUS ruled hard-set quotas to be unconstitutional, but formally approved of affirmative action to help minorities
Since	Has upheld AA and ban on quotas <ul style="list-style-type: none">● Michigan Case 2003 - UMich gave AAs, Hispanics, and Native Americans 20 extra points on admissions; SCOTUS struck this down as it was too close to quota system● Texas Case 2016 - SCOTUS ruled race-based admissions at UT were only permissible under strict judicial scrutiny● Harvard Case 2019 - Federal judge ruled Harvard’s policy of capping asian students was no discriminatory

Unit 4 (Citizens' Beliefs and Political Ideology)

Chapter 12 (Citizen's Beliefs & Ideology)

- [Topic 2.1](#)
- [Topic 2.2](#)
- [Topic 2.3](#)

Topic 4.1 - American Attitudes About Government and Politics

- **Conservatives** - Typically believe in law & order, order>liberties, small government, harsh punishment, “traditional” values, etc.
- **Liberal**⁹ - Liberties>order, bigger government w/ higher taxes, progressivism, etc.
- **Political Culture** - Set of attitudes that shape political behavior & societal consensus
- **Core American Values** - Agreed upon (to an extent) & at the cornerstone of America
 - **Individualism** - Self-sufficiency, individual success; comes from Enlightenment thought of inalienable rights
 - Spectrum - Some believe in *self-centered individualism* (individual over the group), *enlightened self-interest* (sacrifices some individual freedom for collective good)
 - **Equality of Opportunity** - Fair chance at opportunity, not outcome for all; 14th Amendment, CRs Act, Title VII have all been gov. action to ensure equality of opportunity
 - Spectrum - Some believe complete equality will allow success, while others push for equity & some sort of gov. push to help
 - **Free Enterprise** - Capitalism: Inspired by European colonizers after Adam Smith *The Wealth of Nations*: government should only be concerned with law & order & take *laissez-faire* approach (hands-off); market will regulate itself;
 - Spectrum - Some believe in least regulation possible to still ensure minimum wage, environmental protection, quality, etc., others believe the government must play a large role in the economy to protect people¹⁰
 - Modern day - Most people believe in some sort of government intervention in the economy: regulations, labor rights, subsidies, etc.
 - **Rule of Law** - Principle that gov. creates laws and that they apply to **everyone equally**; Enlightenment thought that contested monarchy & tyranny
 - Accountability - Constitution set up system that mostly stops corruption and holds politicians accountable¹¹

⁹ When you learn that all people that like democracy, capitalism, and rule of law r liberals :O

¹⁰ No, this isn't socialism. Socialism is when the government is the economy

¹¹ Now before you say “well that didn't work, huh?”, consider how horribly corrupt countries w/o rule of law are

- Limited Government - After Revolutionary War, everyone wants small gov. and natural rights that cannot be taken away; limited gov. also talks about separation of powers & checks and balances
 - Political Application - Both parties embrace limited government (in that both don't stand on a platform of infringing on your human rights) & small gov has been embraced by both parties at one point
 - Liberal Government - 1930s-60s gov; New Deal & post-WWII: government took heavy economic and social actions: Great Society, less federalism, etc.

Topic 4.2 - Political Socialization

- Political Socialization - Process in which people continually develop and form political beliefs
 - Family - Likely has **biggest** impact on how political ideology; large majority of 18-24 year olds follow parent's beliefs; some studies do show the opposite though in that many change their beliefs in adulthood
 - School - Primary & Secondary school environment has not been reliably shown to impact political beliefs to one side; however school environment, peers, and education level (tertiary & graduate school) can have large impact on political beliefs; more college educated vote democrat
 - Peers - People tend to vote the same way as their friends; peer pressure can also pressure typical non-voters into voting (GA run-offs are a good example)
 - Media - Young people spend an enormous amount of time on media, some more than w/ their family (weakening familial influence); allows people to get into politics and form opinions off what they see
 - Problems w/ Media - Idolization of politicians, agenda-setting, fake news, peer pressure, rabbit holes & echo chambers
 - Religious Institutions - Religious people tend to vote more; religion can impact who someone votes for b/c of stances on abortion, gay marriage, etc.
 - Fundamentalist and Evangelical Christians typically vote Republican
 - Catholics¹², Jews, and other less prominent religions typically vote Democrat
 - Civic Institutions - Voluntary, non-governmental, non-business sector of life (athletics, Boys Scouts, etc.); some institutions reinforce already held beliefs by recruiting a certain kind of person, others try to diversify recruits and therefore political beliefs

¹² White Catholics mostly vote Democrat, though Latino Catholics typically vote either way

- Geography - Geography plays a key role in how people think of issues
 - Northeast & West Coast - Liberal democrats: higher taxes, social liberals, etc. b/c more highly developed and urban
 - South - Much more conservative b/c of southern lifestyle, agrarianism, religion, gun ownership, etc.
 - Deep South - Voting bloc of once-deeply segregated states that always vote for most conservative candidate (once Democrat, now Republican); Alabama, Mississippi, Louisiana, Georgia (not anymore bby)
- Globalization - Increasingly more interconnected global economy; US political culture has both been influenced and influence globalization
 - US Influence - American firms and media (which typically uphold American values) have influence on other countries and their political cultures (e.x. raising support for women's rights in Saudi Arabia due to American influence)
 - "Democratizing" - Large part of pre-Obama foreign policy and political culture was aimed at making authoritarian countries democratic ones
 - Influence on US - Immigration has led to changes in political culture: opinions on immigration & more collectivist business environments from Asian countries
 - Global Identification - Thinking beyond borders and identifying with the world or parts of the world: (e.x. EU citizens feel like they are part of their countries but also European); international news coverage & global warming have led to an increase in global identification

Topic 4.3 - Changes in Ideology

- Generational Effects - Hypothesis on differences in voting patterns according to generations: young people tend to be more liberal while older ppl tend to be more conservative
 - Flaws - While age is a large factor, there tends to be a lot of different factors that play more into ideology than just age since ppl tend to create political ideologies in their teens and 20s
- Different Generations - Exploring voting trends in different generations
 - Millennials - Under-40:
 - Characteristics - highly educated, in support of government action, & high news consumption; **more liberal and likely to stay more liberal than other generations**
 - Social Views - Tend to accept interracial & same sex-marriage more, legislation of marijuana, and second chance in criminal justice; more ethnically and racially diverse than other generations

- Foreign Policy - Most prefer cooperation over force due to greater connectivity; far less patriotism than other generations¹³
- Economic Views - Often want a greater mix of government regulation and action to protect environment and consumers, though still pro-business; more conservative on free-trade
- Voting - 2016 Pew found 55% of millennials identify as Democrats, 27% as Democrat-leaning; 2/3 have progressive tilt
- Silent Generation - Seniors: includes some boomers: over 65
 - Foreign Policy - Most come from anti-communist era during 1960s before counterculture; American patriotism, Judeo-Christian moral code, and American prosperity, along with more conservative foreign policy
 - Social Issues - Far more religious and resistant to change; did grow up during a time of great change however: segregation -> integration and interracialness, etc.
 - Voting - Generation that votes the most: have most time, most investments, and rely on things like Medicare
- Lifecycle Effects - As people grow up, priorities shift and so does political ideology: e.x someone can be very liberal during their 20s b/c they care about college debt, but be more conservative in their 50s b/c they care about taxes

Topic 4.4 - Influence of Political Events on Ideology

- Influence of Major Events - Each generation will live through major events that drastically shape their political beliefs; here's the list
 - Older Generation -
 - Great Depression & New Deal created great political socialization as people came to expect the US government to provide safety nets;
 - WWII unified the country against fascism and got women involved in the workforce;
 - Post-WWII shaped beliefs against communism and totalitarianism
 - Boomers -
 - Assassination of JFK, Malcolm X, MLK were huge shocks (to ppl who liked them);
 - Racial integration;
 - Vietnam War & drafts; challenging the gov. became the norm (unlike older generation that trusted gov)

¹³ Prolly cuz they didn't fight any wars

- Shift - From 1992-2006; boomers remained democrat & in the New Deal coalition; once that died and they got older, started shifting Republican (esp. as democrat party took on more liberal social views)
- Younger Generation -
 - 9/11 & Middle East intervention; people did get more conservative after 9/11 & trust the gov, but young people began to question this as Iraq & Afghan wars dragged on; has led to large amounts of younger generation being more isolationist or atleast pacifist
 - Great Recession; has led to younger people wanting more social security & gov intervention in crises; has created long-lasting pessimistic views on economy

Chapter 13 (Public Opinion)

- [Topic 2.1](#)
- [Topic 2.2](#)
- [Topic 2.3](#)

Topic 4.5 - Measuring Public Opinion

- Types of Polls - Polling is often used; allows politicians to know how their constituency feels about particular legislation; issued out by newspapers and television networks
 - Public Opinion Polls - Gauge attitudes on issue for candidates in an election; use cross-section of population
 - Benchmark Polls - Used before a candidate has declared their policies; measures support for a candidate and asks what issues people care about
 - Tracking Polls - Track issues and how a candidate is fairing over course of campaign
 - Entrance/Exit Polls - Conducted outside of polling places on election day to predict outcome of election before polls close
- Presidential Approval Ratings - Gauges President's popularity and approval; Presidents usually begin with "honeymoon periods" (high approval); usually then average 45-49%
 - Highest approval ratings - (1) After 9/11 for Bush (2) After ousting Saddam Hussein from Kuwait in 1991 for H.W. Bush
- Focus Groups - 10-40 people gathered to discuss issues/candidates; less scientific but allows for deeper insight on body language, intensity, & sentiment towards candidates
- Methodology

- Questions - Have to be free of bias as to not skew responses; *framing* the question to form a certain perspective (e.x. Abortion = abortion legal vs. abortion legal *only when life is endanger*)
- Sampling Techniques - Assure accurate polls
 - Representative Sample - ~1500 people; meant to represent diverse cast and entire country
 - Random Sample - Pollsters have to make sure people are completely random (e.x.; asking people randomly on the street isn't random b/c of implicit biases; telephone is most commonly used but ~30% have an unlisted #)
 - Random-Digit Dialing - Computer randomly calls numbers in an area to create representative sample
 - Weighting/Stratification - Ensuring that demographic groups are proportionally represented: may involve removing answers from other disproportionately represented demographics
- Sampling Error - Margin of error in ensuring that demographics are met & that answers are truthful
 - Non-attitudes - People who don't have strong opinions, are uninformed, or don't care; polls may not hold things of interest to people taking polls
 - Human Bias - People are often less truthful on phone interviews than on mail polls
 - Push Polling - Polls with questions meant to "push" people in viewing something a certain way by prefacing with misleading information or skewed questions

Topic 4.7 - Evaluating Public Opinion Data

- Horse Race Polls - Journalism that focuses solely on which candidate is in the lead & not informing people on their policies; debates in primaries often put those in the lead in the middle so they get more screen time
 - Bandwagon Effect - National polling pushes people into bandwagons & to support candidates b/c everyone else does; can affect the outcome of an election b/c candidate most highly ranked can get most campaign contributions and make the most ads
- Influence on Policy Debate - Exerts influence on policy making, but maybe not as much as on elections
 - Legislative - House is fairly pressured by polling b/c 2 year terms; Senators are less pressured by polling

- Executive - Uses powers of “bully pulpit” to shift public opinion & approval ratings help gauge success
- Judicial - Can make decisions based on popular sentiment; as people grew more liberal in the 60s, so did the courts; etc.; do not deal w/ elections
- Reliability - 2016: Great polling failure in nobody predicting Trump
 - Social-Desirability Bias - Tendency for respondents to answer in what they believe pollsters want to hear or what is the social norm; respondents may respond with support from the leading candidate to avoid judgement or say they will vote and not vote
 - Bradley Effect - African Americans doing better in polls but losing elections; white respondents will often say they’re voting for black candidates to seem progressive & then vote for white candidates
 - Undecideds Breaking Late - Undecided voters may change their opinions on voting day and go against responses they gave in polls
 - Non-response Bias - Not getting information from people who refuse to answer; “Shy Trump Voters” may have influenced 2016 election as Trump voters refused to take polls b/c of anti-establishment/media sentiment, skewing poll results

Chapter 14 (Political Ideologies and Public Policy)

- [Topic 2.1](#)
- [Topic 2.2](#)
- [Topic 2.3](#)

Topic 4.7 - Ideologies of Political Parties

- Ideology - Consistent set of ideas which general fall within two camps
- Valence Issues - Concerns or policies that have consensus on (public education, regulating dangerous industries, free speech, etc.)
- Wedge Issues - Sharply divided issues; different ideologies hold strong opinions about them & there is little negotiation (abortion, Iraq war, etc.)
 - Saliency - Importance of an issue to a specific group or identity (Medicare to elderly, job opportunities to young people); Wedge issues typically have a lot of salience
- Evolving Definitions
 - Liberal - Thomas Jefferson small gov liberal; Progressive Era & FDR liberal expansion of government & less bound by tradition (for social issues)
 - Conservative - Started with Barry Goldwater: small government, traditional values

- Nuances - Conservative social values often require more government & more regulation: restricting abortion, school prayer, etc.; Liberal economic values are often not liberal (in terms of liberal economics): more taxes, higher regulation, etc.
- “wAcKy” Political Beliefs¹⁴
 - Libertarian - High regard for civil liberties and individual freedoms; want smallest gov possible; usually conservative on economics & liberal on social issues
 - Populist¹⁵ - Anti-establishment, highly nationalistic; somewhat liberal on economics (job protections, welfare, farm subsidies, etc.) but very conservative on social issues (borderline racist for a good amount)
 - Progressive - Communists: emerged from US cities; equality, democracy, anti-corruption, social reform, economically liberal, etc.; started from a split in 1900s Republican party
- Party Platforms - Official party ideology; list of principles and hopes to enact; approved at each national convention (every 4 years)
 - Democrat = Liberals & progressives
 - Republican = Conservatives, populists, and some libertarians

Topic 4.8 - Ideology and Policy Making

- Influences on Public Policy
 - Majoritarian Policy Making - When actions are taken through a majority party; popular ideas become policy; state referendums
 - Interest Group Policy Making - Have strong influence w/ all 3 branches; fund candidates who support their agendas; provide expertise; form pluralist approach to policymaking
 - Balancing Liberty & Order - Governmental laws balanced order & liberty based on contemporary Constitutional interpretations
- Formation of Policy
 - Agenda - List of potential policy ideas, bills, & plans specific to groups/ideologies
 - Sequence - Issue gains attention; Congress exercises investigatory power to better understand the issue; gov writes new bill/policy; policy is implemented incrementally
 - Implementation & Administration - Implementation requires sort of financing & enforcement power from existing or new executive agency; once bill passes, it must face public scrutiny; may face challenges in court

¹⁴ Seriously y does AMSCO make these look so taboo

¹⁵ Just gonna talk about right-wing populism? ok

Topic 4.9 - Ideology and Economic Policy

- **Ideologies & Marketplace** - Majority of people want 3 things: no debt, lower taxes, & more government services (can't happen); liberals look towards Keynesian Economics; conservatives look towards supply-side economics
 - **Keynesian Economics** - Takes a demand-side approach: when demand is too low, gov should intervene by lowering taxes and/or increase government spending & borrow money; if demand is too high, gov should tax more to slow spending; used during Great Depression w/ New Deal
 - **Multiplier Effect** - Theory that gov spending will be worth it bc economic output from that spending will multiply & be worth it b/c more jobs, economic development, etc.
 - Latest implementation: Obama & Recovery Act during Great Recession, CARES Act during COVID
 - **Supply-Side Theory** - First implemented by Reagan; cut taxes on people & deregulate businesses = they have more money = more spending & innovation; known also as “laissez-faire” & free market theory; revenue would in theory remain the same b/c more spending & higher wages = more tax revenue
 - Latest implementation: 2017 Tax Cuts & Jobs Act
- **Fiscal Policy** - Policy dictating how Congress receives and spends money
 - **16th Amendment** - 1913: Creates federal income tax b/c previous income tax legislation got struck down in *Pollock v. Farmers' Loan & Trust* (1892)
 - **IRS** - Internal Revenue Service; later created to oversee the collection process
 - **Progressive Tax** - More income, more tax; split up by different margins
 - **Flat Tax** - Some conservatives argue for a tax that hits everyone the same (in percent)
 - **Balancing the Budget** - Spending no more than revenue; basically impossible; most recent example was Democrat Bill Clinton by raising taxes on rich
 - **Deficit** - Deficit usually goes up more with Republicans than Democrats b/c lower taxes = less revenue
- **Monetary Policy** - Federal Reserve policy on adjust value of USD by managing supply & demand
 - **Inflation** - Too many dollars in economy: rising prices & USD value drops; some yearly inflation is healthy
 - **Federal Reserve** - Created in 1913 & guides monetary policy by buying & selling securities or bonds, regulating money reserves at commercial banks, & setting interest rates

- Federal Reserve Board - Board of 7 “governors” w/ staggered 14-year terms & appointed by President & approved by Senate
- Federal Reserve Banks - 12 banks that serve as a channel between printing press & commercial banks; gov loans printed dollars to commercial banks and set interest rates
- Discount Rate - Interest rate at which gov loans dollars to commercial banks; lower rates mean more loans & more purchasing; Fed will raise discount rate if loans are causing too much inflation & slow flow of cash to raise prices & discourage reckless spending
- Reserve Requirement - How much money banks must keep in reserve at all times; mitigates effects of economic downturns when banks can’t pay back loans
- Government Bonds/Securities - Takes in revenue from citizens or foreign governments that buy bonds; promises return with interest; Fed sells & buys bonds from commercial banks with interest to give banks more money to loan to people
- Differing Views on Monetary Policy - Conservatives argue for lower interest rates b/c more loaning & more jobs; Liberals argue for more careful approach w/ higher interest rates to stop reckless crediting
- Trade
 - Trade Balance - When a country exports more than imports; favorable trade balance; trade deficit is opposite
 - Tariffs - Congress can tax imports but not exports to help American production
 - NAFTA - North American Free Trade Agreement 1994; lifted trading barriers between US, Canada, Mexico removing import taxes
 - Differing Views - Conservatives (and most liberals) typically support more free-trade b/c *laissez-faire* & more competition; populists typically favor less free trade b/c labor unions & protecting American jobs

Topic 4.10 - Ideology and Social Policy

- Social Welfare - Support for disadvantaged people to meet their basic needs through New Deal, Great Society, & following programs
- Social Issues - Constitution declares gov should “promote the general welfare” of citizens
 - Social Safety Net - Liberals believe gov needs to provide safety net (more than cons to an extent)

- Entitlements - Gov services Congress has promised by law which are major contributors to debt (Social Security, etc.); Congress must cover these under mandatory spending
- Social Security - Created through FDR's Social Security Act; requires employers and employees to pay a small payroll tax towards social security for unemployment or retirement
 - Old Age, Survivors, & Disability Insurance - OASDI; 12.4% payroll tax for Social Security (split between employer and employee at 6.2%); getting more expensive as people live longer; **no politician** has dared to touch Social Security b/c it is so integral to our system
- Medicare & Medicaid - Make up 20% of budget; Medicare is for 65+, Medicaid is for impoverished citizens; made in 1965 by LBJ & administered by Dep. of Health & Human Services & states;
 - Funding - Funded by a 1.45% payroll tax paid by both employer & employee; people earner >\$200,000 pay 3.8%
 - Conservative Opposition - Most Republicans rejected LBJ's Great Society programs; Reagan implemented massive austerity measures in 1980s ("Reaganomics")
- Patient Protection & Affordable Care Act (ACA) - Obamacare (2010); meant to address rising insurance prices & diminishing coverage through government regulation lowering prices; fairly popular since creation
 - Division - Republican legislators objected to the govs involvement w/ health care
- Labor - Conservatives tend to believe gov should not be involved w/ labor regulations & follow supply & demand while liberals do & believe in aspects of human behavior (motivation, etc.)
 - Wagner Act - 1935; created a federal executive commission to regulate labor organizations & ruled on unfair labor practices
 - Taft-Hartley - 1947; amended the Wagner Act & enabled states to ban closed shop policies which required workers to join unions
- Privacy - Liberals tend to believe gov should not regulate privacy while conservatives believe gov needs to protect core values even if it intrudes on some freedoms
 - Intimacy - In cases like *Griswold v. Connecticut*, conservatives tend to believe if a state passes a law, then fed gov should not interfere with it; same reasoning given to abortion, transgender bathrooms, etc.
 - Informational Privacy - Balance between national security & privacy; Conservatives err on the side of national security; Liberals err on the side of privacy; recently grown into a consensus, however, w/ both sides opposing huge amounts of data taken by NSA

- Education & Religion - Conservatives prefer freedom to choose school & vouchers for private school; Liberals argue more for increased funding on public schools & equitable policies to reduce segregatory practices
 - Masterpiece CakeShop v. Colorado Rights COMmission - (2017): ruled a merchant could refuse service to a homosexual couple for religious reasons b/c 1st Amend; represents the conservative view

Unit 5 (Political Participation)

Chapter 15 (Voting Rights and Models of Voting Behavior)

- [Topic 1.1](#)
- [Topic 1.2](#)
- [Topic 1.3](#)

Topic 5.1 - Voting Rights and Models of Voting Behavior

- **Electorate** - Large percentage of Americans who get to vote; who can vote was largely left up to states
 - **Franchise** - Right to vote; has gone from being to only white men to almost everyone
- **Suffrage** - Qualifications for voting; early restrictions included poll taxes, property, religious tests
 -

Suffrage Amendments

- **15th** - 1870; expanded the vote to African American men; cannot deny vote on account of race, color, or previous servitude
- **19th** - 1920; expanded vote to (white) women; cannot deny vote on account of sex
- **23rd** - 1961; expanded vote to citizens of DC; received 3 electoral votes
- **24th** - 1964; banned poll tax
- **26th** - 1971; allowed 18 year olds to vote

- **Structural Barriers** - After Reconstruction ended, South got around 15th Amendment; never challenged b/c it technically didn't violate the amendment, just disproportionately intimidated black voters
 - **Poll Tax** - Simple fee to vote; discouraged black voters b/c poverty
 - **Literacy Test** - Absurdly difficult tests; often failed black people arbitrarily to stop them from voting
 - **Grandfather Clause** - Allowed states to recognize a voter if they registered their grandfather; black people's grandparents had been slaves (during its implementation)
 - **White Primaries** - Stopped black voters from going to primaries by tying white men's club memberships to primaries
- **Progress through Law**
 - **17th Amendment** - Framers supported elitist democracy by making senators elected by state legislatures; 1913 created popular senators

- Guinn v. US - Struck down Grandfather clause
- Smith v. Allwright - Struck down White primary
- Preclearance - Added to Voting Rights Act of 1965 to make Southern states get changes in their voting laws checked by fed gov
 - Shelby County v. Holder - 2013; struck down the preclearance part of the Voting Rights Act for “putting unnecessary burden on the states”
- Voting Models
 - Rational-Choice Voting - Voting based on your own beliefs, what will help you and your community, and who you believe is best; sometimes people sacrifice their own personal views (their rational choice) and vote for someone who will be better for larger issues
 - Retrospective Voting - Voting based on a candidate’s track record
 - Prospective Voting - Voting on how they anticipate the future & how a candidate’s policies may play into that
 - Party-line Voting - Voting based off party registration; *party identification* is a good way to predict a voter’s habits
 - Candidate Character - Voting based on a candidate’s character; usually the result of a heavily candidate-based campaign (Trump, Obama, etc.)

Topic 5.2 - Voting Turnout

- Voting-age population - Everyone above 18
- Voter turnout - How many people actually go vote
-

Who Governs Elections	
State	Federal
Set time and locations for elections	Sets date for federal, general elections
Chooses format of ballot	Judicial jurisdiction on election policy
Creates rules for voter registration	Addresses suffrage through amendments
Draws congressional districts	Enforces relevant legislation
Certifies election results	Administers and enforces campaign finance rules

- National Voter Registration Act (NVRA) - 1993; made national standards for voter registration, mail-in registration, and created agency-based registration; requires states to give citizens a chance to register at state-run agencies; also known as “motor-voter law”
- Help America Vote Act - 2002; Response to controversial Bush-Al Gore election; forced states to update to electronic systems, lever systems, accessibility for people w/ disabilities, & required people present driver’s license or SS number
- Ballot Types
 - Australian Ballot - Used in all states; ballot must (1) be printed at public expense (2) have all the candidates (3) be available at all polling places (4) be in private
 - Provisional Ballot - Provided to those who have had problems in voting rolls when moving, polls moving, etc.; stops disenfranchisement
 - Absentee Ballots - Used if a person cannot physically go to the polls; most need to register an excuse; allows people to vote early
 - Online Voting - Not yet implemented in the US, could drastically reduce costs and increase accessibility; digital divide becomes a problem
- Voter ID Laws - 35 states require an id to vote; disproportionately impacts minorities & weakens their voting power; supported by Republicans on base of voter fraud, opposed by Democrats as being a restriction civil liberties
- Voter Turnout - US stacks pretty low compared to other OECD countries; voter turnout has gone down since Nixon era
 - Midterm Elections - Lower voter turnout than in Presidential elections
 - Political Efficacy - Sense that their vote doesn’t matter; political apathy: not being concerned w/ election result
 - Other Reasons for Low Turnout - Maybe people are just satisfied? Satisfied population won’t vote much. US has a lot of elections; not everyone votes in every election
- Factors Influencing Voter Turnout - Voting blocs can generally be based on gender, age, educational level, race, etc.
 - Gender - Gender gap in political opinions; Women tend to be against harsh punishments, favor welfare, less war-prone; generally more Democrat; women vote more than men; unmarried women more Dem, married women more conservative
 - Age - Younger people turn out far less than older people; undeveloped views, low mobility, not enough time to devote to politics; political efficacy
 - Race - Growing # of minorities; minority voter turnout is declining (since ‘08/’12)
 - African Americans - AAs voted for Republican Party until New Deal; solidly Democrat by now; typically more opposed to criminal justice system, interventionist foreign policy, and more concerned w/ healthcare & education

- Hispanics - Urban latinos usually vote Democrat b/c labor, jobs, & Reps are tougher on immigration; Cuban Americans & more Catholic Hispanics may vote Republican b/c afraid of communism & conservative social policy
- Asian Americans - Asians have voted more for Republicans b/c tough foreign policy on countries like China & Vietnam (during Vietnam War), business deregulation & innovation, & conservative values align w/ ethical beliefs;
 - Shift - Young asians & Indians vote far more for Democrats for equal opportunity & social justice
- Religious Affiliation
 - Evangelicals¹⁶ - White Evangelical Protestants vote overwhelmingly Republican & form “religious right”
 - Catholic - Historically have voted Democrat b/c of 1856 “Know-Nothing Party” (anti-Catholic); all Catholic Presidents have been Democrats
 - Shift - Leans Democrat, but no longer monolithic; some Catholics (esp Latinos) vote Republican b/c anti-abortion, etc.
 - Jews - Almost all vote Dem (~70-90%); strong emphasis on civil liberties, privacy, ensuring rights for the accused, etc.; FDR beat Hitler, Truman made Israel

Chapter 16 (Political Parties)

- [Topic 1.1](#)
- [Topic 1.2](#)
- [Topic 1.3](#)

Topic 5.3 - Political Parties

- Linkage Institution - Channels from people to government; interest groups, elections, media, political parties, etc.
- Voter Mobilization - Getting the word out for a candidate/party to get more members; phone & text banking, robocalls, voter registration drives
- Party Platforms - Written list of beliefs & political goals written at national convention; written by committee with members assigned by nominee, runner-up, & party chair

- Party Recruitment - Party will go out looking for candidates who have good track record & can fundraise; “Draft Eisenhower” both parties tried to recruit Eisenhower b/c of his popularity after WWII
- Campaign Strategy - During nomination process, party will act more like a referee, during general election phase, party will be a coach & support
- Fundraising
 - War Chest - Refers to a popular candidate that has a bunch of funding
 - Spending - FEC determines party can only spend \$5000 on candidate, but can spend infinitely on tv ads, etc.
- Party Structure - Both very hierarchical & complex networks
 - DNC & RNC - Organizations of Dem & Rep party; meet every 4 years for national convention to set platform and pick nominee
 - National Chairperson - Chief strategist & spokesperson of party; not an elected official (outside of gov system) & runs party machinery
 - Non-lawmaking Committees - Congressional Campaign Committees; both parties have committees in both houses of Congress to strategize on how to win seats

Topic 5.4 - Change in Political Parties

- Changing Political Parties - Two party system remains largely centered around same two factions (big gov/small gov); Democratic-Republicans evolved into Democrats; Federalists evolved into Republicans (before realignment)
- Candidate-Centered Campaigns - Historically, people align more w/ party than candidate; began to shift in 1960s with greater access to television & growing distrust of public institutions w/ Vietnam War & Nixon; candidate-centered campaigns are very common now (Obama, Trump, AOC, Sanders, etc.)
- Party Realignment - Changing the underlying electoral of party; critical elections: contests that reveal sharp changes in party loyalty; usually happens because (1) a party suffers huge losses & a new similar party emerges or (2) large blocs of voters shift from one party to another
- Party Dealignment - People shifting towards independents; huge rise in independents since Vietnam War & Nixon/Watergate

Party Systems & Realignments		
1789-1800	Federalists: won ratification of Constitution & first three terms <ul style="list-style-type: none"> ● Loose interpretation of Constitution 	Anti-Federalists: Got Bill of Rights & Jefferson <ul style="list-style-type: none"> ● Civil Liberties ● States' Rights

	<ul style="list-style-type: none"> ● Big central gov ● Economic intervention 	<ul style="list-style-type: none"> ● Small central gov
1800-1824	Federalists: Lost power during this period after War of 1812; disbanded in 1820s and formed small National Republican Party	Democrat-Republicans: Jeffersonians; moved progressively towards the center & basically became 1-party system w/ strong nationalism after War of 1812
1824-1860	<p>Whigs: Federalists & Nat Reps; loose band of capitalists, bankers, & merchants; strong gov & internal improvements (American system)</p> <p>Would get torn over issue of slavery during 1850s</p>	Democrats: (Jacksonians); encouraged greater political participation & won throughout South & West; swept Whigs throughout this period
1860-1896	Republicans: Freed the slaves, reconstructed the Union, became heavy industrialists throughout the 1870s-90s	Democrats: Became minority party for a while; aligned with South, wage earner, & populists
1896-1932	Republicans: Continued to dominate; progressive & imperialist; getting more laissez-faire in 1920s	Democrats: Still clowning; populists, Southern people, Protestant Reformers, etc.
1932-Today (Modern realignment)	<p>Democrats: New Deal Coalition:</p> <ul style="list-style-type: none"> ● Progressive & Liberal ● Big gov ● Got minorities' support 	<p>Republicans: Clownin'</p> <ul style="list-style-type: none"> ● Conservative ● Anti-Civil Rights Act ● Ya know them

Topic 5.5 - Third Party Politics

- Third Parties - Party outside two party system: minor parties; held back by structural barriers & unsuccessful

Types of Third Parties	
Ideological Parties	Follow an ideology through on many issues in resistance to status-quo; Libertarian Party (1970s), Socialist Party (1900s)
Splinter Parties	Form when factions break off major party; Bull Moose Party (Roosevelt after split in Republican Party), American Independent Party (George Wallace split from Democratic Party); usually end up allowing the opposite person to win & leads to changes in major party
Economic Protest party	Form in resistance to economic status quo: Greenback Party late 1800s against monopolies; Populist Party (same time; farmers against railroads)
Single Issue Parties	Focus on one major issue & usually influence one of the major parties: Prohibition party, Green Party
Famous Minor Party Candidates	
<ul style="list-style-type: none"> • Ross Perot - Ran with United We Stand America in 1992-1996; got 22% of popular vote at one point • Ralph Nader - Ran w/ Green Party in 1996 & 2000 • Gary Johnson - 2016 Libertarian • Jill Stein - Green Party 2012-2016 	

- Barriers to Third-Party Success - No minor party has won President since 1860 (Republican party was technically minor party)
 - Single-Member Districts - One member per district that wins w/ a plurality; no reward for 2nd or 3rd place like in a proportional system
 - Money - Financing for ads and ballot access is steep; states have methods for candidates to earn spot on ballot (usually a large fee & minimum number of signatures); media tends to not cover minor party candidates b/c \$
 - Incorporation - B/c third parties can be spoilers for major parties; MP implement their policies into theirs (Democrats & climate change to limit Green Party); big-tent parties

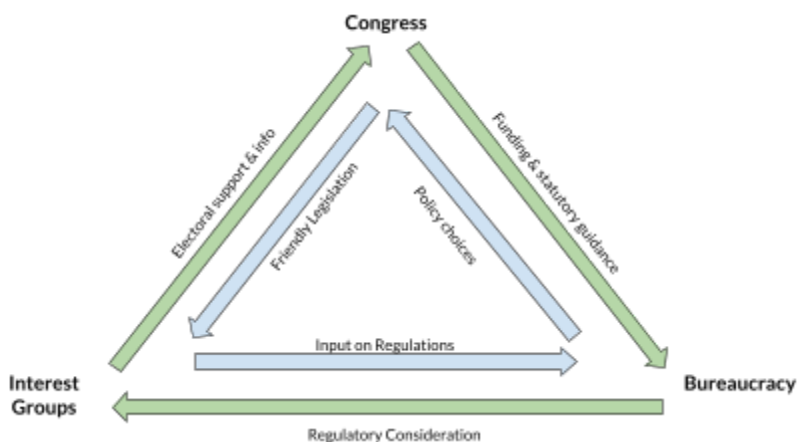
- Winner-Take-All Voting - Majority candidate gains **all** votes from Electoral College for each state; third party candidates (even if they get good % of popular vote) can't break 51% so they get no electoral college votes

Chapter 17 (Interest Groups)

- [Topic 1.1](#)
- [Topic 1.2](#)
- [Topic 1.3](#)

Topic 5.6 - Influence on Policy Making

- Pluralism - Described in *Federalist 10*; different factions competing for influence
- Lobbying - Pressuring gov into taking action; happens on all levels through interest groups
- Drawbacks of Interest Groups - Some criticize lobbying for being shady/corrupt & not democratic enough (big orgs > people); interest groups only push for their interest over general interest;
 - Hyperpluralism - Too many groups pushing in opposite directions causing gridlock; can create elitism in which only big groups w/ resources get their way
- Iron Triangle - Bonds between agencies, congressional committees, & interest groups



Issue Networks - Different groups w/ differing goals but come together to support specific issue & don't have the same long-term bonds as iron triangles

- Exerting Influence - Interest groups exert influence on people & gov to advance goals
 - Direct Lobbying - Meeting with legislators to sway opinion
 - Indirect Lobbying - Mobilizing people through advocacy, education, & advertising
 - Give & Take - Lobbyists want to further their agendas; lawmakers want access to free information & their constituency (lobby groups may represent important issues to lawmaker's district or state)

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Activities of Lobbyists to Exert Influence
Insider Strategies: Quietly persuading government decision makers through exclusive access
Outsider Strategies: Public efforts to influence policy: lawsuits or get-out-the vote drives
Client Interaction: Informing Representatives/Senators & discussing strategy
Legislative Activity: Providing information/researching bills/drafting bills
Social Media: Monitoring congressional activity & outreach
Implementation: Testifying on bills & filing amicus briefs
Electoral Activity: Advertising/making PAC donations
Other activities: Meetings, business development, commentary, etc.

Topic 5.6 -Groups Influencing Policy Outcomes

- **Pluralism** - Described in *Federalist 10*; different factions competing for influence

Foundational Documents For Arg FRQ

Foundational Documents	
<i>Federalist 10</i>	<p>Written by Federalists (Hamilton, Madison, Jay); describes the importance of factions:</p> <ul style="list-style-type: none"> • Factions create more competition and discussion -> more caution in government = better government • Prevents majority tyranny b/c more factions & groups are involved which prevents one sole man/power from gaining too much power • More groups create checks and balances on each other <p>Where it can be used:</p> <ul style="list-style-type: none"> • In favor of more interest groups & competing interests • In favor of bigger government (bigger gov = more factions)
<i>Brutus No. 1</i>	<p>Written by Anti-Federalists (Jefferson & Mason); Argued against a bigger government because:</p> <ul style="list-style-type: none"> • Factionalism would render government useless & limit action on local issues • Representatives would be so distanced from their constituents b/c of factions & ideologies over people; Representative Democracy in the US would not be possible • Large government treads on personal liberties <p>Where it can be used:</p> <ul style="list-style-type: none"> • When arguing about what type of democracy the founders intended (would support that it <i>wasn't</i> a representative one) • When arguing that big gov is bad for freedom • Counterclaim to factionalism/pluralism = good
<i>Declaration of Independence</i>	<p>Written during Revolutionary War; describes natural rights & listed grievances of Britain</p> <ul style="list-style-type: none"> • Lists basic natural rights (life, liberty, prosperity) that are unalienable & self-evident meaning that they are not given by the government but are inherit • A bunch of grievances like troops quartering, disbanding local governments, etc. that would play into American principles & Bill of Rights <p>Where it can be used:</p> <ul style="list-style-type: none"> • When arguing about the framers' intent on natural rights • As a prerequisite to Bill of Rights

<i>Articles of Confederation</i>	<p>System of government before Constitution; weak national government</p> <p>Government could not:</p> <ul style="list-style-type: none">● Levy taxes (no revenue), raise an army (no protection), create national courts (no justice), regulate interstate commerce (disputes between states)● Amend the Articles without unanimous support● Create legislation without 9/13 votes● Every state had one vote irregardless of size (major fault b/c little democracy: Elitist theory) <p>Where it can be used:</p> <ul style="list-style-type: none">● To argue little government = bad● To argue for representative democracy>elitist democracy	
<i>Constitution, Bill of Rights, & All Amendments</i>	First 10 Constitutional Articles	
	Article I	Vests powers of Congress ; House members are picked through popular vote; Senators are picked by state legislatures (amended); longest one as the framers were most concerned with the legislative process
	Article II	Vests powers of President ; oversees U.S. military, manages foreign relations, can veto laws.
	Article III	Vests powers of the Supreme Court ; President appoints life-long Justices; make federal courts which have jurisdiction over federal laws, settle state disputes, and judge cases involving gov. officials; later given Judicial Review (not in Const)
	Article IV	Full faith and credit clause ; make state's play nice with each other
	Article V	Constitutional Amendments ; require 3/4 of both houses & 3/4 of state legislatures to approve; makes it hard to amend the Const. but not impossible
	Article VI	Supremacy Clause ; all states must adhere to the Constitution & national laws
	Article VII	Ratification process for Constitution
	Bill of Rights	
	I	Freedom of religions, speech, press, assembly, & petition

	II	Right to bear arms
	III	No quartering of troops
	IV	No unreasonable searches or seizures
	V	Indictment, double jeopardy, protection against self-incrimination, due process
	VI	Speedy trial by public jury
	VII	Lawsuits & juries
	VIII	No cruel or unusual punishments
	IX	Listing rights in the Constitution doesn't deny others
	X	Everything not mentioned goes to states
	All Other Amendments	
	11th	Don't really need to know
	12th	VP is picked by Electors with President instead of VP being the runner-up; stops a President & VP from being from opposite parties
	13th	Ended slavery
	14th	Guaranteed all citizenship <ul style="list-style-type: none"> • Equal Protection - Guarantees equal protection of citizens under law • Due Process - All have to be given due process in legal matters to stop essential rights being taken away
	15th	Gave African Americans the right to vote; cannot deprive vote on basis of color
	16th	Federal Income Tax
	17th	Senators are picked by popular vote instead of state legislatures (like originally written)
	Don't need to know past 17th Where it can be used: <ul style="list-style-type: none"> • Describing how government is set up (Article I,II,III,IV) • Describing models of government & democracy 	

	<ul style="list-style-type: none"> ● Cases relating to civil rights (14th amendment) ● Freedoms (Bill of Rights) ● Voting (15th, 19th, & 26th (18 year olds))
<i>Federalist 51</i>	<p>Madison: Talked about separations of powers & checks and balances</p> <p>“If men were angels, no government would be necessary”</p> <p>Where it can be used:</p> <ul style="list-style-type: none"> ● Any time you’re talking about separation of powers
<i>Letter from Birmingham Jail</i>	<p>MLK: Written during Civil Rights Era while MLK is in jail for having protested:</p> <ul style="list-style-type: none"> ● Called on everyone to face injustices head on ● Talks about slavery in relation to freedom for AAs <p>Where it can be used:</p> <ul style="list-style-type: none"> ● When arguing for civil disobedience ● When talking about natural rights ● When arguing for inclusion on “All men are created equally”
<i>Federalist 70</i>	<p>Hamilton: Talks about an energetic, unitary executive:</p> <ul style="list-style-type: none"> ● Argues one single President is better over committee of Executives because: <ul style="list-style-type: none"> ○ Can take quicker actions & be more responsive ○ Less disagreements, more actions ○ Increases accountability b/c there is only 1 person to put all the blame on ○ Defends from legislative encroachments of power <p>Where it can be used:</p> <ul style="list-style-type: none"> ● Arguing for a bigger government ● Arguing for a unitary executive ● Arguing for executive orders
<i>Federalist 78</i>	<p>Argues for life-long terms & judicial review in Supreme Court:</p> <ul style="list-style-type: none"> ● Argues that Constitutional scholars should have final say in interpreting the constitution ● Constitution > Congressional Laws ● Life-long terms allowed Justices to be apolitical & not worry about terms <p>Where it can be used:</p> <ul style="list-style-type: none"> ● Arguing for life-terms ● Arguing for judicial review

	<ul style="list-style-type: none"> Arguing for more elitist type of democracy
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Required Court Cases

McCulloch v. Maryland (1819)	
Constitutional Question	Revolved around two central questions; can Congress create a bank? Can a state levy taxes on federal institutions?
Decision	Yes
Events	The state of Maryland implemented a large tax on banks not incorporated by the states to drive out national bank as Congress was never explicitly mentioned to have the power to create a national bank.
Reasoning A	Article I, Section 8, did not explicitly mention the creation of a bank, but did contain “coin money”, “borrow money”, “collect taxes”, “determine laws on bankruptcies” and “punish counterfeiting”, all of which would require banking to be a responsibility of the federal government & proponents argued it was part of the necessary & proper clause
Reasoning B	The Court declared that constitutional federal law will override state law; therefore states cannot tax federal institutions
Effects	Federal gov. has been able to use its implied powers to play a role in things like education, health, welfare, disaster relief, & economic planning. Later was used in Gibbons v Ogden (1824) - used Commerce Clause to certify Congress’ authority on commercial affairs
U.S. v. Lopez (1995)	
Constitutional Question	Does Congress have the authority under the commerce clause to outlaw guns near schools?
Decision	No
Events	Congress passed the Gun-Free School Zones Act in 1990 to reduce violence in schools; senior Lopez walked into school with a gun and brought the case to the Supreme Court on the grounds that the federal gov. has no right to regulate behavior in a state-run school.
Reasoning	Majority Opinion: Court sided with Lopez, not allowing Congress to invoke the Commerce Clause & only states & state legislatures could

	<p>regulate behavior on state-run schools</p> <p>Concurring Opinion: Justice Thomas argued that the Commerce Clause had been stretched too much; fearing Congress would be able to regulate every part of human behavior on the basis of interstate commerce</p> <p>Dissenting Opinion: Justice Stevens argued the possession of guns is a result of commercial activity; therefore is under Commerce Clause; also argued school safety & quality affects commerce therefore Congress can intervene on the basis that its a human & commercial problem</p>
Effect	Congress revised the Gun-Free School Zones Act; withholds federal funding for schools that do not adopt a zero-tolerance policy for guns
Baker v. Carr (1962)	
Constitutional Question	Can the SCOTUS render judgement on the constitutionality of legislative districts?
Events	Colegrove v. Green had previously determined it was up to people to vote legislatures out if they redistricted unfairly b/c it was a political issue; (In Carr) Tennessee legislators had failed to update districts giving rural citizens more power & causing minority rule; Charles Baker sued Tenn. Secretary of State on the basis that one person's vote was not equal to another's (against 14th amendment)
Reasoning	Court first overturned <i>Green</i> decision on the basis that it's a justiciable question; then SCOTUS determined it could intervene when states do not follow constitutional principles in defining political borders; established a one person-one vote principle
Effects	Tennessee & all states were forced to redraw districts
Shaw v. Reno (1993)	
Constitutional Question	Does a congressional district designed for the purpose of assuring a majority black population violate the 14th Amendment's equal protection clause? (Racial Gerrymandering)
Events	Previous cases (Gomillion v. Lightfoot) had reasoned redistricting to dilute the power of African American votes was in violation of 15th Amend.; (Reno) North Carolina Attorney General requested a second black-majority district be added to give more representation; led to weirdly shaped borders; Republicans (Shaw) sued on the basis that

	race had been used to separate voters
Reasoning	yRuled in favor of Shaw as race had been used as the only consideration, explaining the weirdly shaped borders; opposes the “colorblind” ideal of U.S. law & 14th Amend
Effects	No racial-based gerrymandering (even if it helps minorities)
Marbury v. Madison (1803)	
Constitutional Question	Can an appointed judge sue for his appointment, and does the SCOTUS have the authority to hear and implement this request?
Events	Right before John Adams left the White House, he appointed several new Federalist judges; William Marbury was one of them and wanted the SCOTUS to issue a court order (writ of mandamus) forcing Jefferson’s executive branch to give him his job; brought this up on the basis of vague language in the Judiciary Act
Reasoning	(Yes/no) Court decided that an appointed judge w/ a signed commission could sue if denied the job; Court voted no on the basis that Congress could not define the Court’s authority outside of the Constitution & struck down part of the Judiciary Act; thereby established the principle of Judicial Review; allows the Court power to strike down legislative laws & declare them unconstitutional
Effects	Created Judicial Review
Engel v. Vitale (1962)	
Constitutional Question	Does allowing a state-created, nondenominational prayer voluntarily recited in public schools violate the First Amendment’s establishment clause? (Do prayers in public schools violate 1st Amend?)
Decision	Yes; 6:1
Before Engel	Most public schools had morning prayers which were very broad to encapsulate most (white) religions; students could step outside or stay mute: New York tried to standardize prayer in public schools
Event	Parents in 1959 organized and sued against their school board’s official prayer; argued it was created by a state actor so it violated Estab. clause
Majority Reasoning	Reasoned a public institution couldn’t develop a prayer b/c it was being used in a public school setting mandatory attendance; violates

	Estab. Clause & 14th Amendment b/c states cannot back a religion: God is denominational b/c not every religion believes in God
Concurring Opinion	Agreed & added that children wld likely feel coerced into prayers even though they were free to leave the room
Since	Court ruled against student-led prayer in official public school events; Alabama tried to make prayers a moment of silence: Court ruled against it
Wisconsin v. Yoder (1972)	
Constitutional Question	Does a state's compulsory school law for children 16 and younger violate the First Amendment's free exercise clause for parents whose religious beliefs dictate their children be kept out of school after a certain age?
Decision	Yes; 7:0 (unanimous)
Events	Wisconsin law required children 16 and younger to attend school; Amish parents refused to send their kids to school b/c Amish teens are meant to learn a trade instead of attending high school; parents argued the law violated their right to free exercise of religion; state court invoked <i>parens patriae</i> (parental authority) claiming the parents had legal responsibility for public health & safety to get their children high school education
Majority Reasoning	Court found that sending Amish children to public high schools would likely hurt their development in Amish society & that stopping schooling with vocational education did not burden society; Court declared free exercise clause overrides state's efforts to promote safety by ensuring full high school education
Tinker v. Des Moines Independent Community School District (1969)	
Constitutional Question	Does a public school ban on students wearing armbands in symbolic, political protest violate a student's First Amendment freedom of speech?
Decision	Yes; 7:2
Events	Students organized a protest against Viet War by wearing black armbands and fasting; school board learned of this & believed it would be a distraction to learning & cause other problems; kids wearing black armbands were suspended
Majority	B/c no problems occurred, Court ruled that the school was violating

Reasoning	<p>students right to political, symbolic speech in 1st Amend. for <i>potential</i> problems;</p> <p>Court protected this speech b/c it failed the content-neutral criterion of TPM test: suppressing black armbands suppressed anti-war message</p>
Since <i>Tinker</i>	<p><i>Bethel School District v. Fraser</i> (1986); Dude gave a real sexual speech and got suspended; sued b/c free speech; Court considered <i>Tinker</i> precedent but ruled against Fraser b/c his speech was just sexual for no real reason (no political value b/c <i>Tinker</i> was political)</p> <p><i>Morse v. Frederick</i> (2007); School-sponsored run; dude came in with a sign saying "BONG HITS 4 JESUS" & was suspended; Court ruled with his suspension, claiming it took place in a school-sponsored event & was therefore up to school officials; also promoted drug use</p>
Schenck v. United States (1919)	
Constitutional Question	Does the government's prosecution & punishment for expressing opposition to the military draft during wartime violate the 1st Amendment's free speech clause?
Decision	No; 9:0
Events	In 1917 Congress passed Sedition & Espionage Act to prevent publications that criticized the government, advocated for treason, or incited disloyalty; Charles Schneck (Secretary of Socialist Party) was arrested for printing anti-draft leaflets ¹⁷
Reasoning	Clear and Present Danger was presented by Schneck's pamphlets which could incite mass-protests and rebellion (something which was especially bad during WWI); admitted that under a different context, Clear and Present Danger standard may've not applied
Since	Clear & Present Danger standard has been used; <i>Brandenburg v. Ohio</i> (1969): Klansman incited lawlessness at a rally, though Court ruled it could only be punished if it was meant to incite or produce imminent lawless action
New York Times v. United States (1971)	
Constitutional Question	Can the executive branch block the printing of reporter-obtained classified government information in an effort to protect national secrets without violating the First Amendment's free press clause? (prior restraint)

¹⁷ Interestingly, he argued that the draft = involuntary servitude (which is banned by 13th Amendment)

Decision	No; 6:3
Before	In <i>Near v. Minnesota</i> (1931), Court ruled a state law preventing the printing of radical propaganda violated freedom of press
Events	Analyst leaked Pentagon Papers to New York Times & Nixon's boys tried to sue before it was published; District court agreed & New York Times appealed to Supreme Court; Court sided w/ New York Times, not the analyst who leaked them
Reasoning <i>Per Curiam Opinion</i>	Reasoned that hasty cries of national security did not justify censorship in advance of publication; violation of freedom of press; relied heavily on previous rulings
<i>McDonald v. Chicago (2010)</i>	
Constitutional Question	Does the 2nd amendment apply to the states, by way of the 14th amendment, and thus prevent states or their political subdivisions from banning citizen ownership of handguns? (Can states and shit ban guns)
Decision	Yes; 5:4
Before	<ul style="list-style-type: none"> • 2nd Amendment stops <i>federal</i> government from banning guns • DC v. Heller - Shut down DC law about carrying handguns
Events	Chicago made it mandatory for gun owners to register their guns, but blocked gun registrations for citizens: Otis McDonald sued, arguing that guns were necessary for protection in dangerous parts of Chicago
Reasoning	Court applied 2nd Amendment to states through selective incorporation; argued that b/c of <i>Heller</i> case the right to individual self-defense is at the heart of the 2nd Amendment; also called on the 14th Amendment
After	SCOTUS hasn't heard a gun related case since; after Connecticut school shooting, Obama issued an executive order banning mentally disabled Social Security recipients from getting access to guns; Trump reversed this
<i>Gideon v. Wainwright (1963)</i>	
Constitutional Question	Does a state's prosecution of a criminal defendant without counsel violate the 6th Amendment's right to counsel?
Decision	Yes; 9:0

Events	<ul style="list-style-type: none"> • Clarence Gideon was arrested for breaking into a pool hall; expected a lawyer at his trial b/c he had previously been given one; • SCOTUS had already ruled defendant must be given a lawyer in cases of death penalty & 45 states made attorney appointments mandatory; • Gideon was incarcerated & filled a <i>in forma pauperis</i> brief (papers for those who believe they were wrongly convicted and cannot appeal to district) to SCOTUS • Court picked a lawyer who argued 14th amend required states to follow 6th amend
Reasoning	<p>Unanimous ruling: reasoned every defendant should have an equal chance at a fair trial, and for that an attorney was required</p> <p>Court also reasoned there was no logical basis to distinguish from capital offense (in which ppl received lawyers b/c of 1942 <i>Betts v. Brady</i> case) & non-capital offense</p>
Roe v. Wade (1973)	
Constitutional Question	Does Texas' anti-abortion statute violate the due process clause of the 14th Amendment and a woman's constitutional right to an abortion?
Ruling	Yes; 7:2
Events	Texas enacted an anti-abortion law; Norma McCorvey sought an abortion: to protect her identity, McCorvey went under Jane Roe; filed law suit against District Attorney
Reasoning	<p>Majority Opinion: Roe argued that states could not infringe on right to privacy supported by <i>Griswold</i> Decision; states have the authority to regulate health & morals: ruled abortions need to be certified by physician, in the first trimester is unregulatable, & states may regulate abortions after first trimester in interest of human life (whether for mother or child)</p> <p>Concurring Opinion: Stressed the importance of 14th amendment and substantive due process</p> <p>Dissenting Opinion: By the time the case had arrived, Roe had given birth and put the child up for adoption; questioned whether it was right for someone to file a complaint on the behalf of someone else</p>
Since	<p>Challenges to Roe v. Wade and abortion</p> <ul style="list-style-type: none"> • <i>Planned Parenthood v. Casey</i> - Court struck down a Penn. law designed to discourage women from getting an abortion via

	public abortion records
<u>Brown v. Board of Education of Topeka, Kansas (BOE) (1954)</u>	
Constitutional Question	Do state segregation laws violate the equal protection clause of the 14th Amendment?
Decision	Yes; 9:0
Before	<i>Plessy v. Ferguson</i> (1896) had allowed for segregation; “separate but equal” facilities were in compliance w/ Constitution
Events	AA Kansas parents sued BOE to overturn state’s segregation law
Reasoning	<p>Ruled yes because:</p> <ul style="list-style-type: none"> • Segregation affected children and caused them to develop internalized racism and feelings of inferiority • Education and access to education was made especially hard for AAs through segregation • Segregation was inherently unequal and in violation of the 14th Amendment’s equal protection clause
Since	Paved the way for desegregation (in schools, but later everywhere by enabling legislation) and <i>Brown II</i> assured that AAs could sue lower courts; segregation in schools in the Deep South wouldn’t end until 1960s
<u>Citizens United v. FEC (2010)</u>	
Constitutional Question	<p>Does the 2002 Bipartisan Campaign Reform Act’s (McCain-Feingold Act) donation disclosure requirement violate the First Amendment’s free speech clause?</p> <p>Is a negative political documentary that never communicates an expressed plea to vote for or against a candidate subject to the BCRA?</p>
Decision	No, Yes, 5:4
Before	<i>Buckley v. Valeo</i> (1976) upheld the limits on campaign contributions from individuals (\$1000) and PACs (\$5,000), but ruled that candidates could contribute unlimited funds from their own money to their campaigns. It also ruled that there was no limit on total revenue or expenditures for campaigns.
Events	The BCRA prevented companies from engaging in “electioneering communications” (TV, radio, etc. ads) 60 days before a general election; Citizens United, a conservative group, made a smear movie

	on Hillary Clinton in 2008 that was prevented from airing because it was considered “electioneering communications”.
Reasoning	<p>Ruled No on first question because:</p> <ul style="list-style-type: none"> ● BCRA violates 1st Amend. because money = speech and that this was censorship, especially when campaigns are not in communications with the candidate ● Gov should not be able to censor speech during a specific timeframe (like 60 days before a general election) & isn’t affected by TMP test <p>Ruled Yes on second question because:</p> <ul style="list-style-type: none"> ● The entity was no connected to the candidate and did not say to vote for/against the candidate
Since	<ul style="list-style-type: none"> ● <i>McCutcheon v. FEC</i> - SCOTUS ruled that limits on a donor’s spending is unconstitutional <p>Impact - Dark Money: untracked campaign finance funds through SuperPACS have made politics less transparent and affects public perception on where money is coming from and disproportionate power of large corporations</p>

<u>Court Cases & Concepts</u>	
McCulloch v. Maryland (1819)	Necessary & Proper Clause Supremacy Clause Commerce Clause
U.S. v. Lopez (1995)	Commerce Clause - restricted CC
Baker v. Carr (1962)	One person, one vote principle Judicial review of redistricting
Shaw v. Reno (1993)	14th Amendment Equal Protect - Racial Gerrymandering (even if benefitting minority goes against it) Color-blindness of US Law
Marbury v. Madison (1803)	Judicial Review
Engel v. Vitale	Establishment Clause

(1962)	Separation of Church & State
Wisconsin v. Yoder (1972)	Free exercise clause
Tinker v. Des Moines Independent Community School District (1969)	Free speech Political/Symbolic Speech - protected it
Schenck v. US (1919)	Free speech - suppressed it bc of <i>clear & present danger</i>
New York Times v. US (1971)	Freedom of press Prior restraint
McDonald v. Chicago (2010)	2nd Amendment Selective Incorporation through 14th amendment's due process clause
Gideon v. Wainwright (1963)	Right to counsel (6th amendment)
Roe v. Wade (1973)	14th Amendment due process clause Right to privacy (implied in 1st, 3rd, 5th, & 9th Amendment)
Brown v. BOE (1954)	14th Amendment Equal Protection Clause Overturned "separate but equal"
Citizens United v. FEC (2010)	1st Amendment Free Speech Supports Elitist Democracy