

Government and Politics Study Guide

- I. constitutional underpinnings
 - A. influences of Constitution and its adoption
 1. *Committees of Correspondence* met to oppose quartering act and such taxation after Samuel Adams' *Stamp Act Congress*, followed by the continental congress that organized resolutions opposing the *Intolerable Acts*, first time failed, second time olive branch accompanied shots at Lexington & Concord
 2. **Declaration of Independence** signed after *Common Sense* knocked sense into people by 12/13/1775, colonies by 6/1776
 3. **Articles of Confederation** had weak monetary system, international relations, executive branch, judiciary and federal government
 4. **great compromise**—*bicameral legislature*, house (representation by population) originates all bills to spend and raise money; senate (representation by state) voted by state legislatures; 3/5ths representation for slaves
 - B. **amendments**
 1. *formal* require a 2/3 majority and 3/4 state legislatures must ratify it, OR states can propose them at a national convention and they'd be approved by state conventions
 2. *informal* amendments are changes in practice accomplished by legislation, executive actions, court rulings, political parties and by custom
 - C. **separation of powers**; three distinctive branches of government that exercise unique functions, constitutional equality and independence
 - D. **checks and balances**; called for each department's independence but keeps them all in check to prevent tyranny
 - E. **federalism** divides powers between a strong national government and smaller individual governments, where national is supreme; governance by citizens, not states
 1. contrasts with the *confederation* that takes all power from state *unitary system* that King George ruled from
 2. **national powers** are noted in VI and I; note the power to tax and the *supremacy clause*
 3. **state powers**—the tenth amendment secures the states' reserve of *police powers*
 4. **concurrent powers** are powers shared by national and state governments, i.e. taxation
 5. **denied powers**—states can't enter treaties, coin money, nor impair contracts; Congress can't favor specific states; both can't pass *bills of attainder* nor *ex-post facto laws*
 6. state relation **clauses**
 - a) *full faith and credit* states that judicial decrees and contracts are binding
 - b) *privileges and immunities* says that all states' citizens have the same rights
 - c) *extradition* returns criminals to the state of the crime
 - d) *interstate compacts* must go through Congress should they carry force of law
 7. types of federalism
 - a) *dual*—equal powers to state and national governments
 - b) *cooperative*—national policy that requires that local, state, national governments work together
 - c) *new*—a general loosening of national oversight and broadening of fund allocation's purposes, in addition to unfunded mandates, greater power to states
 - d) *judicial*—New Deal to 80s, leaned toward national supremacy; since often marks Congress as overstepping and defers some decisions to state legislatures
 - F. theories of **democratic** government—an *egalitarian* form of government where the citizens determine public policy
 1. a *parliamentary democracy* involves citizens that choose politicians to represent them in a legislative assembly
 2. meant to contrast with the rule by few (*oligarchy/aristocracy*)

3. system of government in which citizens give teams of political leaders the right to rule in periodic elections
- II. political beliefs and behaviors
- A. **political socialization** is influenced by family, schools/peers, mass media & internet, religion (left), race/ethnicity (esp. African Americans), gender (women lean further right), age (note medicare support), region (west likes hands off; south), events (war, terrorism, financial outbreaks)
 - B. people are **politically opinionated** due to personal benefit, political knowledge (involvement), cues from leaders/opinion producers, political ideology (drive opinions on otherwise insignificant issues to an individual)
- III. election, campaign finance and media
- A. elections
 1. the **electoral college**
 - a) a number of electors are selected that match the population's congressional representation, chosen by the candidates
 - b) people vote for the electors; thus their lack of knowledge doesn't directly choose presidency
 - c) should a candidate win a state, he/she receives all the electoral votes from that state, thus balancing the states' rights against the population's
 - d) tie or lack of 270 votes results in selection by the house, where each state gets one vote
 2. presidential selection
 - a) original vice presidents were the runner-ups
 - b) process
 - (1) **primaries**—elections within a party that nominate a candidate; closed requires registered party membership; open allows for anyone to vote
 - (2) **caucus**—party members discuss major candidates with series of discussions and votes
 - (3) **delegates**—help determine party nominations
 - (4) **national convention**—delegates name their nominee, factions and personalities merge, party platform is established
 - c) **incumbent** is almost guaranteed to be chosen again
 - d) **Federal Election Committee**—exposes candidate's revenues and expenditures and limits them
 3. presidential campaign
 - a) **nomination campaign**—efforts to convince party delegates and leaders to support nominee, candidate could move platform too far on spectrum to get this support, ends at party convention
 - b) **general election campaign**—candidates seek support from majority of voters and interest groups, for money and endorsements
 - c) candidate tries to meet as many people as possible on campaign, with help from...
 - d) **campaign staff**—plan strategy and organize events
 - (1) volunteers are the public face of the campaign; conduct voter canvass to reach individuals via door-to-door or telephone about a month out of November
 - (2) professional staff include the **campaign manager**, the **finance chair**, the pollster, the **direct mailer**, the **communications director**, the **press secretary** and now the **Internet Team**
 - (3) there are also consultants for media (**media consultants**), technology, services, and strategies
 - e) media
 - (1) paid media include **positive** and **negative** ads, **contrast** ads (compare with and undermine opponents platform), **spot** ads (10 - 60s) and **inoculation** ads (protect candidates from an argument)
 - (2) free media include stories about the campaign, including successes and misdeeds/rumors

- (3) new media has shifted campaign centers from parties to candidates, established communities of support that last longer than the campaign, and include blogs that exchange ideas among supporters
- (4) candidates try to control the media by staging media events, spinning circumstances/details, appearing on talk/comedy shows, and engaging in **candidate debates**

B. campaign finance

- 1. the **Federal Election Campaign Act** established disclosure agreements, Presidential Public Funding Programs, and Federal Election Commission
- 2. **soft money**, contributions to parties, are limited, due to the **Bipartisan Campaign Reform Act**; keeps groups from gaining too much influence
- 3. maximum for individual contributions is \$2.3K, \$108.2K in gifts
- 4. **political action committees** (PACs)—primarily exist for fundraising
 - a) limited to \$5K/candidate/election, \$15K to political parties
 - b) 5% of PACs control 60% of campaign contributions
- 5. political parties can give \$5K to a House candidate and \$39.9K to a Senate candidate
- 6. members of a body (i.e. the House) can contribute to fellow candidates
- 7. candidates have no limits on personal contributions, usually \leq \$100K
- 8. every dollar contribution under \$251 is matched by the federal treasury
- 9. instead of raising, an \$85M lump fund is also possible

C. media

- 1. nature
 - a) free press is a key component to democratic society; near a branch of government due to influence
 - b) media stays in business by selling advertising; originally formed in print or broadcast, but now...
 - c) roles of the media include *signaler*, *connector* (politicians with people), *public representative* (speak for masses), and *watch dog*
 - d) politicians host *media events* that make news, they also try to control the media by adjusting access to information, hence reporters go on the offensive
 - e) owned by 6 companies today: Viacom, Disney, TimeWarner, NewsCorp, CBS, and GE
 - f) current trends show an influence of the networks on their news, and an upstream of technological innovations that allow for more insight (Twitter, blogs, etc.)
- 2. regulation
 - a) **journalistic standards** are set mainly by norm and editors; they need stories accurate but quick
 - b) government regulates electronic media (because it 'leases out the airwaves'); i.e. the *equal time rule* requires that candidates are subject to the same amount of air time for campaigning
- 3. coverage
 - a) **press releases** are official comments that are distributed; **press briefings** are live engagements between the press and a secretary on about 1/2 of the relevant topics; **press conference** is when the press may discuss an unrestricted number of topics
 - b) some candidates go **on background** about their rivals—info given to journalists without a named source; **deep background** is information given to a journalist w no source; **off the record** is information that can't be used against an official
 - c) president is very well covered, all television cables lead to the white house
 - d) only leaders of Congress, key committee chairs and local representatives are covered; CSPAN covers sessions
 - e) supreme court is a *virtual media vacuum*; very limited access, only transcripts and recordings

IV. institutions of national government

- A. **elections**—organize + legitimize the government, gives winners a mandate, allows choosing of issue and policy priorities
 - 1. types: *general*, *primaries*, *initiatives* & *referendums* (voters engage in making/ratifying legislation at state level)

2. **political efficacy**—does that vote *really* matter?
 3. **civic duty**—people's feeling of necessity to participate
 4. *voter behavior*
 - a) ~40% of the electorate votes, declining since 1960s
 - b) turnout's influenced by education, income, age, gender, race/ethnicity, group membership, and political interest; the north tends to vote more
 - c) *voter registration* is a major challenge for people to vote
 5. **mandate theory of elections**—after an election, person in power will have widespread public support
 6. **rational choice theory**—choosing candidate that best interests that of the voter
 7. **policy voting**—base voting on policy preferences
 8. **prospective voting**—evaluation based on pledges of candidate
 9. **retrospective voting**—voting incumbents due to their successes
 10. **split ticket** voting is voting of candidates of different parties in the same election
- B. the budget**
1. the government has the power to tax to meet public needs, protect public health/safety, and protect the nation's domestic industries
 2. the president produces the budget, and Congress proves it; she controls apportionment, and the CBO assures everything is running smoothly and accurately
 3. loans out bonds as treasury
 4. income comes from sources like social security, cooperation income tax, excise taxes and individual faces
 - a) **progressive taxation**—higher income pays higher taxes
 - b) **proportional tax**—people pay same percentage
 - c) **progressive tax**—poor people pay a higher percentage
 5. there are usually loopholes to avoid paying taxes
 6. **social welfare** programs
 - a) not fixed amount, based on people in need
 - (1) **entitlement programs**—social security and medicare
 - (2) **means-tested programs**—welfare and medicaid
 - b) *mandatory spending*—spending required by law
 - c) *discretionary spending*—via appropriations, optional
 - d) *incrementalism*—everything gets bigger
 7. president today plays a bigger role in the budget than he/she would before
 8. *Congressional Budget Act of 1974* improved and formalized the budget production process
 9. transfer payments are benefits given directly to individuals, include employee insurance and social security
- C. districting**
1. **constituents**—voters in a politician's district of representation
 2. **gerrymandering**—process of drawing congressional districts respecting special interests
 - a) historically for racial groups, now for political parties
 - b) state legislature draws them to their advantage
 - c) *packing*—lump all of one party's supporters in a single district
 - d) *stacking*—keep a majority in a given district, not necessarily packing
- V. the president and federal bureaucracy**
- A. official roles—*chief of state*, *chief executive*, *chief administrator* (director of us government), *chief diplomat*, *commander in chief*, *chief legislator*
 - B. qualifications—natural born citizen, resident for 14 years, 35+ years

- C. presidential terms—traditionally served for 2 terms, FDR won 4 terms in 1944; 1951, 22nd amendment fixed presidential limit at 2 years
- D. if (s)he dies: vice president, speaker of house, then president pro tempore of Senate
- E. powers
 - 1. the position's power/influence has been growing due to public attention, interpretation of powers
 - 2. enforcing the law
 - 3. ordinances (directive rule or regulation) overturn-able by supreme court decision or Congress' lack of funding for it
 - 4. appointment and removal (except for judges) of ambassadors, cabinet, federal judges, department heads, an armed officials; confirms them with the Senate
 - 5. treaties, with Senate approval and executive agreements (Senate-free treaties 😊)
 - 6. recognition of nations abroad
 - 7. line-item veto—rejection of specific dollar amounts
 - 8. calling of special meetings for Congress
 - 9. judicial powers include reprieve (postponing of sentence), pardons (for federal crimes)
- F. *federal bureaucracy*
 - 1. currently employs 3M people, 90% of which are civil servants, growth from events like Great Depression
 - 2. lots of power goes to appointed officials, not elected with little oversight; they are extremely powerful because they set and follow their own rules
 - 3. *adjudication*—the departments can look over to amend or punish the rules they establish, thus sometimes performing the function of courts
 - 4. types of agencies
 - a) cabinet is 15 department heads including an attorney general for the supreme court
 - b) government corporations perform functions that aren't profitable by are necessary, they are run like private companies (i.e. USPS)
 - c) independent executive agencies are separate from the cabinet and perform services, these include sub-agencies (i.e. CIA, NASA, EPA, NSF)
 - d) independent regulatory commissions have more expertise, more separate, are independent of parties, and are hard to change

Terms I Noted

term	def
elitist theory	small minority holds most power and is independent of the democratic elections process
pluralist theory	many non-government groups use their resources to exert influence
majoritarian theory	the decisions fall with the majority of the constituents
initiative	state-level petition to propose a bill
referendum	entire electorate is asked to vote on a given law
dual/layer cake	federalism, certain national powers and certain state powers
cooperative/marble cake	federalism, all levels of government are involved in a variety of issues together
<i>Gibbons v. Ogden</i>	upheld Congress' power to regulate interstate commerce
<i>McCulloch v. MD</i>	upheld the Supremacy clause by disallowing MD to tax the national bank
delegated powers	enumerated powers, powers specified for Congress in the Constitution
concurrent powers	powers shared by the states and the federal systems
<i>US v. Lopez</i>	guns near school isn't a interstate commerce issue, its a local, criminality issue
ranking member	of committee, the second most senior member of a committee from the majority party
17th amendment	direct election of senators
rules committee	filters bills that go from committee to the house's floor
house appropriations committee	responsible for passing appropriation bills
franking privilege	right for members of congress to send mail to constituents without paying postage
22nd amendment	term limit for president
25th amendment	specifies who is in line to be president should (s)he die
bully pulpit	position to provide an opportunity to speak out and be listened to
line item veto	vetoing specific parts of a given bill
Watergate	Nixon tries to bug the DNC hq
<i>US v. Nixon</i>	the president can't withhold evidence from the supreme court
<i>Marbury v. Madison</i>	established judicial review
Writ of Certiorari	a request to review the constitutionality of a law
stare decisis	using precedent to determine a case
Warren Burger	15th chief justice of the united states

term	def
current court members	Scalia, Kennedy, Thomas, Ginsberg, Breyer, Roberts, Alito, Sotomayor, Kagan
quasi-legislative agencies	
quasi-judicial agencies	
pendleton act	government jobs are appointed by merit, take a test
hatch act	kept employees of the federal government from participating in political partisan activit
establishment clause	keeps Congress from passing legislation specific to a given religion
<i>Engle v. Vitale</i>	keeps prayer from public schools, even if it seems legal
<i>Reynolds v. US</i>	you can't commit an illegal task because it's for your religion
<i>OR v. Smith</i>	upholds the free exercise clause
<i>Schenck v. US</i>	free speech can be suspended in clear and present danger, (wartime)
<i>Tinker v. Des Moines</i>	upheld the first amendment
<i>Texas v. Johnson</i>	you can burn the American flag under the first amendment right
slander	a false statement to damage a person's reputation
libel	a written slander that is illegal
<i>NY Times v. US</i>	you can't keep something from being published without evidence of potential danger
2nd amendment	right to bare arms
3rd amendment	no quartering soliders
4th amendment	no search and seizure
<i>Wolf v. CO</i>	14th amendment doesn't protect evidence collected in violation of 4th amendment
<i>Mapp v. OH</i>	overrules wolf v. co and protects said evidence
<i>Griswold v. CT</i>	finds that CT law against contraceptives violates right of privacy
<i>NJ v. T.L.O</i>	4th amendment applies to school officials; searching a student's purse is reasonable
7th amendment	right to a jury
8th amendment	no excessive bail nor cruel/unusual punishment
9th amendment	people retain the rights that are not enumerated in the Constitution
10th amendment	federal government only reserves the powers given to it by the states and/or people
11th amendment	confirms states' sovereign immunity
de facto segregation	discrimination that was not segregation by law

term	def
de jure segregation	discrimination that was segregation by law
<i>Heart of Atlanta Motel v. US</i>	upheld the prohibition of racial discrimination in public accommodations
<i>UC v. Bakke</i>	upheld affirmative action as long as race wasn't in question
Title IX	denies exclusion of people from education by gender
Americans w. Disabilities Act	prohibits discrimination on the basis of disability
linkage institutions	institutions that connect the government with the people, like elections
invisible primary season	time between declaration of intention to run and the first primary
iowa caucus	first major electoral event of the nomination process for the president
NH primary	helps choose party nominee for presidential elections
super tuesday	day where many states hold primary elections
retail politics	candidate targets local events to reach voters on a smaller scale
26th amendment	lowers voting age 18
federal matching funds	where the us matches the funding of another entity
mccain-feingold act	increased role of soft money; proliferated issue advocacy ads
<i>Buckley v. Valeo</i>	upheld the spending of personal funds on a campaign as free speech
<i>Baker v. Carr</i>	redistricting state legislative districts isn't a political ? and able to fight in fed. court
political culture	set of beliefs that give order and meaning to the political process
political socialization	the acquiring of political cognition, attitude and behaviors
faithless electors	an elector that doesn't vote for the nominee that pledged him/her
consumer price index	the index of variation in prices paid by consumer for retail goods and other items
16th amendment	income tax
wagner act	legalizes trade unions
gramm-rudman act	imposed spending caps on the budget such that they could balance the budget
family and medical leave act	allowed for paid leave
welfare reform act of 1996	workforce development component added to welfare legislation, encourages employment

Significant Court Cases

Case	Significance
<i>Marbury v. Madison</i> (1803)	Established judicial review, and constitutionally separated executive and judicial branches.
<i>McCulloch v. Maryland</i> (1819)	Defended the National Bank of the United States with the <i>necessary and proper clause</i> . This confirmed Congress' implied powers and that state actions can't impede Federal actions.
<i>Gibbons v. Ogden</i> (1824)	Granted the power to regulate interstate commerce under the <i>Commerce Clause</i> in the constitution, encompassing the power to regulate navigation.
<i>Barron v. Baltimore</i> (1833)	Established that the bill of rights affected federal conditions alone. This case was superseded by the 14th Amendment.
<i>Plessy v. Ferguson</i> (1896)	Ruled in favor of the segregational doctrine of <i>separate but equal</i> . This case was later superseded by <i>Brown v. Board</i> .
<i>Schenck v. United States</i> (1919)	Concerning the Espionage Act of 1917, a case that challenged someone that was distributing anti-war propaganda thus disturbing the draft.
<i>Gitlow v. New York</i> (1925)	Defined the scope of the Bill of Rights, specifically the first amendment after its being redefined in the 14th Amendment.
<i>Korematsu v. United States</i> (1944)	Established Executive Order 9066, ordered Japanese Americans into internment camps, as constitutional.
<i>Brown v. Board of Education</i> (1954) & <i>Brown II</i> (1955)	Declared separate schooling for whites and blacks as unconstitutional, upholding the <i>Equal Protection Clause</i> of the 14th Amendment. Called for public schools to desegregate with <i>all deliberate speed</i> .
<i>Mapp v. Ohio</i> (1961)	Upheld the 4th Amendment by asserting that evidence protected by the 4th (against <i>unreasonable searches and seizures</i>) can't be used in a court of law.
<i>Engel v. Vitale</i> (1962)	Ruled prayer in school as unconstitutional.
<i>Gideon v. Wainwright</i> (1963)	Ruled that state courts are required to provide counsel in criminal cases to represent defendants that can't afford one.
<i>Heart of Atlanta Motel v. United States</i> (1964)	Found it constitutional for Congress to require companies to use the <i>Commerce Clause</i> to force them to abide by the Civil Rights Act of 1964.
<i>New York Times v. Sullivan</i> (1964)	Protected the freedom of speech by requiring the party that shared false information to be completely sure that the information was false to be breaking any laws, a very heavy legal burden.

Case	Significance
<i>Griswold v. Connecticut</i> (1965)	Prohibited any person from aborting a conception by any means as a violation of a right of privacy.
<i>Miranda v. Arizona</i> (1966)	Established the requirement of reciting the rights an arrestee reserves.
<i>Lemon v. Kurtzman</i> (1971)	Established a process of addressing a matter of church and state.
<i>New York Times v. United States (Pentagon Papers)</i> (1971)	Upheld the freedom of press in the Pentagon Papers case.
<i>Furman v. Georgia</i> (1972) & <i>Gregg v. Georgia</i> (1976)	Required a degree of consistency in the death penalty, ended with the <i>Gregg v. Georgia</i> case that ruled the death penalty as <i>cruel and unusual punishment</i> (8th amendment).
<i>Miller v. California</i> (1973)	Established the three-prong standard, or Miller test. Test whether speech or expression can be labelled obscene.
<i>Roe v. Wade</i> (1973)	Protects the right to a person's body by established the trimester test specifying the circumstances in which an abortion is constitutional.
<i>Regents of the University of California v. Bakke</i> (1978)	Affirmative action is upheld.
<i>Hazelwood School District v. Kuhlmeier</i> (1987)	School newspapers are not protected by 1st amendment.
<i>Hamdi v. Rumsfeld</i> (2004) & <i>Hamdi v. Rumsfeld</i> (2006)	Protected due process.

Amendments to the Constitution

Date		Details
1	1791	Gives freedoms of religion, speech, press, assembly, and petition.
2	1791	Right to bear arms.
3	1791	No quartering troops.
4	1791	No searches without probable cause.
5	1791	Protects due process and prohibits double jeopardy.
6	1791	Speedy trial, notification of accusations, witnesses
7	1791	Trial by jury
8	1791	Limits bail and fines; prohibits cruel and unusual punishment
9	1791	Protects the rights that the constitution doesn't specify
10	1791	Limits federal powers to those specified in Constitution
11	1795	Immunizes states from out-of-state residents and foreigners.
12	1804	Adjusted electoral college's selection process.
13	1865	Emancipation!
14	1868	Defines "citizenship," doesn't allow states to abridge privileges or immunities of people, requires that states treat people of all states equally.
15	1870	Lets everyone vote, but does maintain conditions based on age.
16	1913	Income tax
17	1913	Direct election of Senators
18	1919	Prohibition
19	1920	All genders get the vote
20	1933	Changes term dates for representatives and vice/president
21	1933	Repeals 18th amendment
22	1951	Limits Presidential reelection to 2
23	1961	lets DC electors in the Electoral College
24	1964	Ciao to poll tax
25	1967	Presidential succession and disability
26	1971	18+ can vote
27	1992	Adjustments to congressional salaries are applied at next term