Constitutional Underpinnings*(5-15%)*

1. Considerations that influenced the formulation and adoption of the Constitution
   1. Roots
      1. Religious Freedom
         1. Puritan Theocracy
            1. 9 of 13 had state church
         2. Rhode Island
            1. Roger Williams
         3. Virginia Statute for Religious Freedom
            1. Thomas Jefferson
            2. First Amendment
      2. Representative Government
         1. Jamestown 1619
         2. Mayflower Compact
      3. Individual Liberties Incorporated into Colonial Laws and Constitutions
   2. American Revolution
      1. Reaction to Violations of Individual Liberties
      2. Reaction to Tyranny of King George
         1. Concentration of Power
      3. Reaction to Attack on Representative Government
      4. **Declaration of Independence**
         1. Equality
         2. Natural Rights
            1. Life, liberty, and pursuit of happiness
            2. Purpose of government
         3. **John Locke**
            1. ***Second Treatise on Government***
            2. Life, liberty, and property
            3. Social Contract
   3. Articles of Confederation 1781
      1. States wrote constitutions that guaranteed individual liberties
      2. Confederation reflected views on state sovereignty
      3. Created fragile “league of friendship”
      4. Many Weaknesses
         1. Limited and Inadequate Central Government
         2. No Executive or Judicial Branches
         3. Congress Had Little Authority Over States or Citizenry
      5. Annapolis Convention
         1. Alexander Hamilton
         2. Called for a Convention to Amend the Articles
      6. Shays’ Rebellion
         1. Catalyst for Strengthening Articles
         2. Highlighted Need for Stronger Central Government
   4. Constitutional Convention 1787
      1. The Delegates
         1. 55 of most influential men in the nation
         2. Main Contributors
            1. James Madison

Notes

* + - * 1. Alexander Hamilton
        2. George Washington

Presided

* + - 1. Secret Proceedings
    1. Consensus
       1. Republican Government
          1. Representative Democracy
          2. Although they distrusted the common people

House was the only body elected directly by the people

Senate

State Legislatures

17th Amendment

President

Electoral College

Restrict voting to white male landowners

States determine voting qualifications

* + - 1. Balanced Government Favoring the Protection of Property
         1. ***An Economic Interpretation of the Constitution* by Charles Beard**
      2. National Government Consisting of a Supreme Legislative, Executive, and Judicial Branch
      3. Need for a Strong Executive and Independent Judiciary
         1. Thought Legislative would be most powerful branch
    1. Conflict and Compromise
       1. Large States v. Small States
          1. NJ Plan

Small

Equal Representation

* + - * 1. VA Plan

Large

Representation Based on Population

* + - * 1. Great or Connecticut Compromise

Bicameral Legislature

House

Population

Senate

Equal

* + - 1. North v. South
         1. 2/3 Majority in Senate to Ratify Treaties

South

* + - * 1. 3/5 Compromise
        2. End Slave Trade
  1. Ratification
     1. Nine States Necessary
        1. Violation of Articles
     2. Federalists
        1. Favored Ratification
        2. *The Federalist Papers*
           1. Madison, Hamilton, and John Jay (Publius)
           2. New York
           3. Meaning and Justification for Constitutional Provisions
     3. Anti-Federalists
        1. Feared National Government was Too Strong
        2. Wanted Bill of Rights to Guarantee Individual Liberties
        3. Worried About States’ Rights
        4. George Mason
           1. VA Declaration of Rights
           2. Refused to sign Constitution
        5. Patrick Henry
     4. Madison promised to introduce a Bill of Rights in first Congress in order to address Anti-Federalist concerns
        1. Madison originally believed government was limited enough under the Constitution that individual liberties would not be threatened
        2. Amendments he introduced were very similar to Mason’s Declaration of Rights
     5. All States Eventually Ratified
        1. Two largest states (VA and NY) were last to ratify

1. Separation of Powers and the Constitution
   1. Three Branches
      1. Legislative, Executive, and Judicial
   2. Checks and Balances
      1. Each branch has a role in the actions of others yet is politically independent of others
      2. ***Federalist* 51**
         1. Madison
         2. Pluralism
         3. Ambition checks ambition
         4. No one group will have all the power
      3. Powers of Each Branch
         1. Legislative-Congress-Makes Laws-Article I
            1. Power of the Purse
            2. Override Presidential Veto with 2/3 Vote of Both Houses
            3. Propose Constitutional Amendments with 2/3 Vote
            4. House Can Impeach President and Other Federal Officials Including Judges
            5. Senate Confirms Senior Federal Appointments Including Judges
            6. Money Bills Begin in House
            7. Senate Approves Treaties With 2/3 Vote
            8. Senate Tries All Impeachments
            9. Determines Number, Location, and Jurisdiction of Federal Courts
            10. Declare War
         2. Executive-President-Enforces Laws-Article II
            1. Veto Bills
            2. Call Special Session of Congress
            3. Pardon People Convicted of Federal Crimes
            4. Nominate Officers of the U.S. Government Including Judges
            5. Commander in Chief
         3. Judicial-Supreme Court and Lower Courts-Interprets Laws-Article III
            1. Declare Executive Actions and Laws Unconstitutional

Judicial Review

*Marbury v. Madison* (1803)

John Marshall

* + - * 1. Appointed For Life
        2. Chief Justice Presides in Presidential Impeachment Trials in the Senate
  1. The Living Constitution
     1. World’s Oldest
     2. Vagueness Leads to Judicial Interpretation
        1. Loose v. Strict Interpretation
        2. Original Intent?
           1. *Federalist Papers*
           2. Madison’s Notes
           3. Other Writings by the Framers
     3. Formal Mechanisms for Change-Article V
        1. Amending the Constitution
           1. Proposing Amendments

2/3 of Both house of Congress

Convention Requested by State Legislatures in 2/3 of States

Never used

* + - * 1. Ratifying Amendments

Two Methods-Congress Chooses Which One

¾ of State Legislatures

Specially Called Ratifying Conventions in ¾ of States

Only used for the 21st Amendment

Supreme Court has said ratification must take place within a “reasonable time”

Sometimes a deadline is set

ERA

27th Amendment

Proposed in 1789 and ratified in 1992

* + - * 1. How It Has Been Used

To Guarantee Individual Liberties

Bill of Rights

First Ten Amendments

To Add or Subtract National Government Power

11th, 13th, 16th, 18th, 21st, and 27th Amendments

To Expand the Electorate and Its Power

15th, 17th, 19th, 23rd, 24th, and 26th Amendments

To Reduce the Electorate’s Power

22nd Amendment

To Limit State Government Power

13th and 14th Amendments as well as those that expand the electorate and its power

To Make Structural Changes in Government

12th, 20th, and 25th Amendments

* + 1. Informal Methods of Change
       1. Judicial Interpretation
          1. Judicial Review
       2. Congressional Elaboration and Interpretation
          1. Judicial Branch
          2. “High Crimes and Misdemeanors”
       3. Presidential Practices
          1. Executive Orders

Full force of law

Can be rescinded by future presidents

* + - * 1. Executive Privilege

*U.S. v. Nixon* (1974)

Exists, but not in criminal investigation

Watergate Tapes

* + - * 1. Propose Legislation Through a Member of Congress

Actively push for its passage

* + - * 1. Leader in Foreign or Economic Crisis and Promotion of General welfare

World War II and Great Depression

FDR

Beginning of Modern (“Imperial”) Presidency

Beginning of Nuclear Age and Cold War

Leader of the “Free World”

Commit Troops without Declaration of War

September 11

Only one capable of swift action

Katrina?

* + - 1. Custom and Usage
         1. Emergence of Political Parties

Divided Government

* + - * 1. Expansion of the Electorate and Move Toward More Direct democracy

States

Expansion of Suffrage

Direct Primaries

Initiative, Referendum, and Recall

15th, 19th, and 26th Amendments

Lower Voter Turnout

* + - * 1. Establishment of Independent Agencies
        2. Televised Press Conferences and State of the Union Addresses
        3. Presidential and Vice Presidential Debates
      1. Changes in Technology
         1. Radio and Television

President can appeal directly to public

Constant coverage of President

C-SPAN

24 Hour a Day News Channels

Live coverage of events

* + - * 1. Targeted Direct Mail

Campaign Tool

* + - * 1. Nuclear Weapons

Increased presidential power

“The Football”

* + - * 1. Internet

Email

Blogs

* + - * 1. Polling
        2. Cell Phones and Fax Machines

Instant Communication

1. Federalism
   1. Constitutional Division of Powers Between the National and State Governments
   2. Types
      1. Dual (Layer Cake)
         1. National Government has Specific List of Powers and All Others Belong to the States
         2. Supreme Court is the Umpire
         3. Prevailing View For First Hundred Years
      2. Cooperative
         1. System of Intergovernmental Relations in Delivering Goods and Services and Calls for Cooperation Among Various Levels of Government
      3. Marble Cake
         1. Morton Grodzins
         2. All Levels of Government are Involved in a Variety of Issues and Programs Rather Than Fixed Positions as in Dual or Layer Cake
      4. Competitive
         1. Thomas Dye
         2. Many Different Levels of Government Competing With Each Other Over Ways to Put Together Services and Taxes
      5. Permissive
         1. Power is Shared but States’ Share Rests Upon Permission of National Government
      6. New
         1. Power of National Government is Limited in Favor of Broad Powers Reserved for the States
         2. Ronald Reagan, William Rehnquist
   3. Alternatives
      1. Unitary
         1. Britain
      2. Confederation
         1. Articles, Southern States During American Civil War, European Union
   4. Advantages
      1. Confederation Had Been Tried and Unitary was Out of the Question Due to Strong State Allegiances
      2. Federalism Checks the Growth of Tyranny
         1. Pluralism
         2. Madison
      3. Allows Unity Without Uniformity
      4. Encourages Experimentation
      5. Keeps Government Closer to the People
   5. Constitutional Structure
      1. **National Government Powers**
         1. Expressed
            1. Powers of the three branches that are listed in **Articles I, II, and III**

Power of Congress to regulate interstate commerce has allowed them to regulate many activities

*Gibbons v. Ogden* (1824)

***U.S. v. Morrison***

See **Commerce Clause Litigation in Supremacy of National Laws Handout**

Power to Tax and Spend

Withholding Funds

Discrimination

Speed Limit

Drinking Age

Grants

Four Purposes

Supply state and local governments with revenue

Establish minimum national standards for things such as highways or clean air

Equalize resources among the states

Attack national problems yet minimize the growth of federal agencies

Types

Revenue Sharing-Federal grants to state and local governments to be used at their discretion 1972-1987

Categorical Grants-Money given for specific categories sometimes allocated by a predetermined formula

Project Grants-Specific amount of money allocated to states and localities based on applications to fund specific projects

Block Grants-Broad grants to states for prescribed activities with very few strings attached, States have considerable flexibility

Politics

Centralist v. Decentralist

Federal Mandates

Often Unfunded

ADA

Environmental Laws

Unfunded Mandates Reform Act of 1995

Put some mild restraints on Congress but did not end the practice

* + - 1. Implied
         1. **Necessary and Proper Clause-Article I**
         2. ***McCulloch v. Maryland***
      2. Inherent
         1. Powers Related to Foreign Affairs Which Must be Handled by National Government

Dealing with foreign countries

Appointing and receiving ambassadors

Treaties

War

* + 1. Powers of the States
       1. **10th Amendment**
          1. Reserved Powers

All powers not given to the national government and not forbidden by the Constitution are “reserved” for the states

* + - * 1. Concurrent Powers

Powers shared with the national government

* + 1. **Supremacy Clause-ArticleVI**
       1. National Government and Constitution are Supreme
       2. ***McCulloch v. Maryland***
       3. John Marshall
       4. Preemption
    2. Limits and Obligations
       1. Powers Denied to National Government/Congress
          1. **Article I Section 9**
          2. Courts and Congress have placed some limits on National Government power over states

***U.S. v. Morrison***

* + - 1. Powers Denied to States
         1. **Article I Section 10**
         2. **14th Amendment**
      2. Obligations of National Government
         1. Guarantee a Republican form of government
         2. Protect states against domestic insurrection
    1. Interstate Relations-**Article IV**
       1. Full Faith and Credit
       2. Privileges and Immunities
       3. Extradition
       4. Interstate Compacts
  1. The Role of Courts
     1. See **Supremacy of National Laws Handout**
  2. The Politics of Federalism
     1. Centralist v. Decentralist
     2. Growth of Big Government
     3. Federal Grants
     4. New Federalism
     5. Devolution Revolution

1. Theories of Democratic Government
   1. Types of Democracies
      1. Direct
      2. Representative
         1. Republic
         2. Preference of Framers
         3. Charles Beard
      3. Constitutional
   2. Democratic Values
      1. Personal Liberty
         1. John Stuart Mill
         2. September 11
      2. Respect for the Individual
      3. Equality
         1. Law
         2. Opportunity
      4. Popular Consent
         1. Majority Rule
         2. Minority Rights
      5. Values in Conflict
   3. Conditions Conducive to Democracy
   4. **John Locke**
      1. State of Nature
      2. Human Nature
         1. Thomas Hobbes
      3. **Declaration of Independence**
   5. Pluralist v. Elitist Views
   6. Confederation, Federal, and Unitary
   7. Parliamentary
      1. No Separation of Legislative and Executive
      2. Proportional
         1. Minor Parties

Political Beliefs and Behaviors*(10-20%)*

1. Beliefs that Citizens Hold About Their Government and its Leaders
   1. Political Culture
      1. Shared Values-Grounded in Classical liberalism
         1. Liberty
         2. Equality
            1. Opportunity
            2. Under the Law
            3. Not Economic
         3. Individualism
            1. Respect for the dignity of each person
         4. Democratic Consensus
            1. Majority Rule
            2. Two Party System and Regular Elections
            3. Popular Sovereignty
            4. The Constitution and the Bill of Rights

Support rights in the abstract

Disagreement over meaning and original intent

* + - 1. Justice and the Rule of Law
      2. Nationalism, Optimism and Idealism
    1. The American Dream
       1. Complex set of ideas about economy and the individual
       2. Belief in capitalism and right to private property essential
       3. Conflict in values between a competitive economy and egalitarian society
    2. Political and Economic Change
       1. Industrial Revolution
          1. Monopolies and vast inequalities in distribution of wealth
          2. Antitrust legislation
          3. Belief in ability of government to regulate excesses of capitalism

Teddy Roosevelt and the Progressives

Rejection of laissez faire

* + - 1. The Great Depression, the New Deal and World War II
         1. Americans turned to government to improve conditions in failing economy
         2. Use of government to ensure economic opportunity and social justice

FDR’s Second Bill of Rights

Civil and voting rights legislation of the 1960s

LBJ’s War on Poverty

Much political disagreement occurs over the proper role for government in the economy, but most accept a semi-regulated or mixed free enterprise system

* + - * 1. U.S. becomes a world super power

End of isolationism

Increased power of national government

Particularly the president

Role of U.S. in the world a source of political conflict

Vietnam

Iraq

* + - 1. Vietnam and Watergate
         1. Loss of trust in government

Honesty

Ability to get things done

* + - * 1. Reagan Revolution of the 1980s

Conservative backlash against government

Not a return to laissez faire

* 1. Political Ideology-**World’s Smallest political Quiz**
     1. Liberalism
        1. History
           1. Contrast with classical liberalism

**John Locke**

* + - * 1. Democratic-Republicans

Thomas Jefferson

Limited government

Strong belief in individual rights

* + - * 1. Progressive Movement

T. Roosevelt, Wilson

Use of government to bring about justice and equality of opportunity and promote the general welfare of society

Strong foreign policy and presence in the world

Anti-isolationist

* + - * 1. FDR and the New Deal

Use of government to ensure economic opportunity and social justice

Democratic Coalition

* + - * 1. Civil Rights Movement and Support of Other Controversial Social Policies

Loss of Solid South

Losses in presidential elections

* + - * 1. Bill Clinton

Southerner

Newt Gingrich and the Contract with America(see **Decline and Fall**)

1994 Elections

Republicans win Congress

Triangulation

Work with Moderates in both parties in Congress in order pass significant legislation and balance the budget

* + - 1. Criticisms
         1. Too much reliance on government
         2. Higher taxes
         3. Bureaucracy
         4. Big government can become a dictatorial government
    1. Conservatism
       1. History
          1. Edmund Burke
          2. Traditional Conservatives

Pro business

Low taxes

Reliance on markets not government

Few, if any, government regulations on economy

Decentralist

More powers for the states

Distrust of national government

Should be small except in area of defense

Government needs to ensure order

Less optimistic about human nature

* + - * 1. Social Conservatives or the New Right

History

Emerged in late 1970’s

Driven in part by opposition to *Roe v Wade* abortion decision of 1973

Moral Majority

Jerry Falwell

1980s

Christian Coalition

Pat Robertson

1990s

Focus on Family

James Dobson

2000s

Belief in use of government to promote religious beliefs

Recent conflict with traditional conservatives

**John Danforth**

* + - * 1. Neocons

Economics: Cutting [tax](http://en.wikipedia.org/wiki/Tax) rates in order to stimulate steady, wide-spread economic growth and acceptance of the necessity of risks in that growth, such as [budget deficits](http://en.wikipedia.org/wiki/Budget_deficits)

Domestic Affairs: Preferring strong government but not intrusive government, slight acceptance of the [welfare state](http://en.wikipedia.org/wiki/Welfare_state), adherence to [social conservatism](http://en.wikipedia.org/wiki/Social_conservatism), and disapproval of [counterculture](http://en.wikipedia.org/wiki/Counterculture)

Foreign Policy: [Patriotism](http://en.wikipedia.org/wiki/Patriotism) is a necessity, [world government](http://en.wikipedia.org/wiki/World_government) is a terrible idea, the ability to distinguish friend from foe, protecting [national interest](http://en.wikipedia.org/wiki/National_interest) both at home and abroad, and the necessity of a strong military

* + - 1. Criticisms
         1. Selective opposition to government
         2. Deficits have grown during periods of conservative control

Reagan

George W. Bush

Insensitive to needs of the poor

Too much faith in the economy

Failure to aggressively support various groups’ struggles for freedom and equality

* + 1. Socialism
       1. American socialists favor a greatly expanded role for the government, greater equality in property rights and would cut defense spending.
    2. Environmentalism
       1. Green Movement in Europe
       2. Good agriculture, energy efficiency, and protecting the integrity of nature
    3. Libertarianism
       1. Cherishes individual liberty and insists on a sharply limited government
       2. Opposition to government and almost all of its programs
  1. Ideology and the American People
     1. Tend to be more moderate than extreme
     2. Most are a combination of parts of the ideologies listed above.

1. Processes by Which Citizens Learn About Politics
   1. Political Socialization
      1. Sources
         1. Family
            1. Main source of partisan identification
         2. Schools
         3. Religious and Civic Organizations
         4. Mass Media
2. Factors that Influence Citizens to Differ From One Another in Terms of Political Beliefs and Behaviors
   1. Socioeconomic
      1. Based on occupation, income and education
      2. Not as important as in many countries with more distinct social class systems
      3. Most Americans describe themselves as middle class
   2. Geographic or Sectional
      1. The South
         1. Traditionally Democratic since before Civil War
            1. Solid South
            2. Roosevelt Coalition
         2. Republican base since Civil Rights Movement
      2. New England
         1. Democratic Base
      3. The West
         1. Hostility to government intervention
         2. Republican base
            1. Recent erosion?
         3. California
            1. Big electoral prize has gone to Democrats recently in presidential contests
            2. Republican governor
   3. State and Local Identity
   4. Where We Live
      1. Urban
         1. Democratic
         2. Poor, Black, Young
      2. Suburban
         1. Republican
         2. Soccer Moms
         3. Division over Religious Right
      3. Rural
         1. Conservative socially
         2. Liberal economically
   5. Race and Ethnicity
      1. African American
         1. Traditionally Democratic
         2. Some Republican gains as socioeconomic status increases
      2. Asian Americans
         1. High income, high education
         2. Growing political force
      3. Hispanic
         1. Broad group
         2. Variation of political beliefs
         3. Cubans traditionally Republican
            1. Opposition to Castro
            2. Anticommunist
         4. Immigration issue
   6. Gender
      1. Politics traditionally controlled by men
      2. 19th Amendment
      3. Growing Political power
      4. Gender Gap
         1. Slightly favors Democrats
         2. Abortion and other issues of particular concern to women
   7. Sexual Orientation
      1. Anti marriage laws and amendments in over 25 states
      2. Mostly Democratic due to Republican association with religious right
      3. Log Cabin Republicans
   8. Family Structure
      1. Increasing numbers raising families outside of traditional marriage
         1. Homosexuals
            1. Legal issues
         2. Divorce
            1. Single moms and dads
         3. Cohabitation
   9. Religion
      1. No Official Church
      2. Very Diverse
      3. Religious Right
         1. Strongly Republican
   10. Wealth and Income
       1. Aside from race, the most important factor in explaining political views
          1. Most rich are Republican
          2. Most poor are Democrat
          3. Both African Americans and Hispanics are poorer than whites
   11. Occupation
       1. Changing American Labor Force
          1. Growth in service and white collar jobs
          2. Loss of Union jobs
             1. Traditional Democratic supporters
   12. Age
       1. Young are more liberal but don’t vote
       2. Old have political agenda and vote in large numbers
       3. Life Cycle Effects
       4. Generational Effects
   13. Education
       1. Higher education often leads to higher income
       2. College seems to have temporary liberalizing effect
   14. Impact of Events
       1. Key political events play a very important role in a person’s socialization.
       2. Nixon’s resignation in 1974
          1. Impression on young people
          2. Government not always right or honest
       3. Survey in 2006 (18-20)
          1. Failed to report a single political event that affected them during their early school years
       4. Many of the major studies conducted in the aftermath of Watergate and the Vietnam War
          1. Trust in government
   15. Relationship of differences in demographic factors
       1. Political Predispositions
       2. Reinforcing Cleavages
       3. Cross-cutting Cleavages
3. Public Opinion and Polling
   1. What the public thinks about a particular issue or set of issues at any point in time
   2. Public opinion polls
      1. Interviews or surveys with samples of citizens that are used to estimate the feelings and beliefs of the entire population
   3. The History of Public Opinion Research
      1. 1883 *Boston Globe* polled voters
      2. 1916 *Literary Digest* polling
         1. Predict presidential elections
         2. Correct from 1920 to 1932
      3. Public opinion polling as we know it did not begin to develop until the 1930s.
         1. Spurred on by Lippman’s Public Opinion (1922)
      4. Earlier straw polls used
         1. Unscientific surveys used to gauge public opinion on a variety of issues and policies
         2. *Literary Digest*
         3. George Gallup
            1. Correctly predicted the results of the 1936 presidential contest
         4. Techniques became more sophisticated in the 1940s.
            1. Dewey incorrectly predicted as winner
   4. How Public Opinion is Measured
      1. Traditional public opinion polls
         1. Determine the content phrasing the questions
         2. Selecting the sample
            1. Random sampling: a method of poll selection that gives each person the same chance of being selected
            2. Stratified sampling: A variation of random sampling; census data are used to divide the country into four sampling regions. Sets of counties and standard metropolitan statistical areas are then randomly selected in proportion to the total national population
         3. Contacting respondents
   5. Political Polls
      1. Push Polls
         1. Polls taken for the purpose of providing information on an opponent that would lead respondents to vote against that candidate
      2. Tracking Polls
         1. Continuous surveys that enable a campaign to chart its daily rise or fall in support
      3. Exit Polls
         1. Polls conducted at selected polling places on Election Day
   6. Shortcomings of Polling
      1. Inaccurate results can be dangerous.
      2. Voter News Service made errors during the presidential election of 2000 estimating Florida
         1. Failed to estimate the number of voters accurately
         2. Used an inaccurate exit poll model
         3. Incorrectly estimated the number of African American and Cuban voters
         4. Results lead to an early calling of the election
      3. VNS disbanded in 2003
      4. Major networks and Associated Press joined together to form a new polling consortium, the National Election Pool
      5. Sampling Error
         1. Sampling error or margin of error
            1. A measure of the accuracy of a public opinion poll
      6. Limited Respondent Options
      7. Lack of Information
      8. Difficulty Measuring Intensity
4. Why We Form and Express Political Opinions
   1. Personal Benefits
      1. Most Americans more “I” centered
      2. Attitudes on moral issues are often based on underlying values.
      3. If faced with policies that do not:
         1. Affect us personally
         2. Are not moral in nature

…Then we have difficulty forming an opinion.

* + 1. Foreign policy is such an example.
  1. Political Knowledge
     1. Political knowledge and political participation have a reciprocal relationship.
     2. Level of knowledge about history and politics low
        1. Hurts Americans’ understanding of current political events
     3. Geographically illiterate
     4. Gender differences
  2. Cues from Leaders or Opinion Makers
     1. Low levels of knowledge can lead to rapid opinion shifts on issues.
     2. Political leaders may move these shifts.
        1. President is in an important position to mold public opinion
        2. But who is truly leading-- the public or the president?
  3. Political Ideology
     1. An individual’s coherent set of values and beliefs about the purpose and scope of government
     2. Can prompt citizens to form a certain set of policy programs and influence view of the role of government in the policy process
     3. 35% say they are moderate, 30% say they are conservative, and 29% say they are liberal.

1. Voting and Elections
   1. Voting Behavior
      1. Conventional v. Unconventional Political Participation
      2. Patterns in Voter Turnout
         1. 40% Regular, 25% Occasional, 35% Rarely or Never
         2. Demographic Factors
            1. Education, Income, Age, Gender, Race and Ethnicity
         3. Presidential v. Midterm
      3. Why is Turnout so Low?
         1. Too Busy
         2. Difficulty of Registration
         3. Difficulty of Absentee Voting
         4. Number of Elections
         5. Voter Attitudes
         6. Weakened Political Parties
      4. Compared to Other Countries
         1. U.S. Toward Bottom of List
         2. Compulsory Voting
         3. Infrequent Elections
         4. Automatic or Mandatory Registration
      5. Does Low Turnout Matter?
      6. Patterns in Voter Choice
         1. Party Identification
            1. Ticket Splitting
         2. Race and Ethnicity, Gender, Income, Ideology
         3. Issues
            1. Retrospective v. Prospective Judgment
            2. Economy
   2. Elections in the United States
      1. Purposes of Elections
         1. Legitimacy
         2. Fill Government Positions
         3. Judge Current Officials
         4. Mandates for Certain Policies
      2. Types of Elections
         1. Primary Elections
            1. Closed v. Open Primaries
            2. Crossover Voting and Raiding
            3. Runoff Primary
         2. General Elections
         3. Initiative, Referendum, and Recall
   3. Presidential Elections
      1. Primaries and Caucuses
         1. Methods of Choosing Delegates to National Convention
         2. Differences
         3. Winner Take All v. Proportional Primaries
         4. Front Loading
      2. The Party Conventions
         1. Delegate Selection
            1. Loss of Party Control
            2. Democrats

Bound by Primary Results

Superdelegates

More Women and Minorities

* + - * 1. Republicans

Delegates Not Bound

No Superdelegates

More Emphasis on Strengthening State Organizations and Fundraising

* + - 1. Official Naming of Presidential and Vice Presidential Candidates
         1. No Longer a Mystery by the Convention
      2. Diminished Media Coverage
         1. Cable 24 Hour Networks
      3. Platform
    1. The Electoral College
       1. 538 Total Votes, 270 to Win
       2. Compromise at the Convention
          1. Involvement of States
          2. No Political Parties Envisioned
       3. Twelfth Amendment
       4. How It Works
       5. Problems
          1. 1824, 1876, 1888, 2000
       6. Reapportionment
       7. Small State Benefit
  1. Congressional Elections
     1. Lower Turnout in Midterms
        1. Often a Referendum on the President
     2. Incumbency Advantage
        1. Staff
        2. Media, Travel, Visibility, and Name Recognition
        3. The Scare Off Effect
        4. Redistricting and Gerrymandering
     3. Anti Incumbency
        1. Redistricting Reform
        2. Scandals
        3. The Economy
        4. Presidential Popularity (Coattails)

1. The Campaign Process
   1. Modern Political Campaigns
      1. The Nomination Campaign
         1. Play to the Base
         2. Try to Please Party Activists Who Are More Extreme than Rank and File
         3. Danger in Seeming Too Extreme for General Election
         4. Fundraising and Sense of Inevitability
      2. The General Election Campaign
         1. Play to the Middle
         2. Fundraising
         3. Campaign Theme
   2. The Key Players
      1. The Candidate
         1. Time, Energy, and Willingness to be Put Under Public Scrutiny
         2. Meet and Greet
            1. Mostly Symbolic but Media Coverage can be Valuable
         3. Exhausting Schedule and Constant Media Coverage
         4. Enduring Harsh Criticism
      2. The Campaign Staff
         1. Volunteer Staff
            1. Answer Phone Calls, Staff Candidate Booths at Events, Copy and Distribute Campaign Literature, Voter Canvass, Get Out the Vote Drives
         2. Professional Staff
            1. Campaign Manager

Coordinates and Directs Campaign

Closest to the Candidate

Delivers Good and Bad News to the Candidate

Makes Essential Day to Day Decisions

Determines Overall Strategy

Keeps Campaign on Message

* + - * 1. Some Candidates Have Personal Advisors with No Official Title

Good Friend or Spouse

* + - * 1. Finance Chair

In Charge of Contributions that Fund the Campaign

* + - * 1. Pollster
        2. Direct Mailer
        3. Communications Director

Develops and Oversees Overall Media Strategy

* + - * 1. Press Secretary

Interacts and Communicates with Media on a Daily Basis

Voice of the Campaign

* + - * 1. Internet Team

Manage the Candidate's Communications, Outreach and Fundraising Efforts on the Internet

Monitor and Develop Websites and Blogs

* + - * 1. Political and Policy Advisors

Karl Rove

* + - 1. Hired Guns
         1. Campaign Consultants
         2. Media Consultants
  1. Coverage of the Game: The Media's Role in Defining the Playing Field
     1. Paid Media
        1. Positive v. Negative Ads
        2. Contrast Ads
        3. Spot Ads
        4. Inoculation Ads
     2. Free Media
        1. Considered More Reliable than Paid by the Public
        2. Not Controlled by Candidate
        3. Report on Candidate's Campaign Activities
        4. Investigate Past
        5. Cynical
        6. Horse Race
        7. Expectations
        8. Trivial Parts of Campaign
     3. New Media
        1. Encourages Candidate Based Campaigns
        2. Rapid Response
           1. Clinton War Room
        3. Robo-Calls
        4. Internet
           1. Message
           2. Fund Raising
           3. Response to Negatives
           4. Blogs
           5. Social Media
     4. Campaign Strategies to Control Media Coverage
        1. Isolate Candidate From the Press
        2. Sound Bites and Photo Opps
        3. Spin
        4. Appearing on More Entertainment Shows
        5. Debates
  2. Campaign Finance
     1. History
        1. Pendleton Act - 1883
           1. Civil Service
           2. Prohibited solicitation of funds from federal workers
        2. Tillman Act - 1907
           1. Prohibited corporations from making direct contributions to candidates for federal office
           2. Recently overturned by Supreme Court
        3. Other Attempts to Regulate Campaign Finance
           1. Corrupt Practices Act - 1910, 1911, and 1925
           2. Hatch Act - 1939
           3. Taft-Hartley Act - 1947
     2. Recent Acts
        1. Federal Elections Campaign Act (FECA) - 1974
           1. Disclosure
           2. Presidential Public Funding Program
           3. Federal Elections Commission (FEC)
           4. Individual contributions limited

Explosion of PACs

Soft Money

* + - * 1. Independent expenditures limited

Struck down in Buckley v. Valeo 1976

* + - 1. Bipartisan Campaign Reform Act
         1. Closed Soft Money Loophole
         2. 527 Groups

Political Parties, Interest Groups and the Mass Media *(10-20%)*

1. Political Parties and Elections
   1. Functions
      1. Mobilizing Support and Gathering Power
         1. Coalitions
      2. A Force For Stability and Moderation
      3. Unity, Linkage, and Accountability
      4. Electioneering
      5. Voting and Issue Cue
      6. Policy Formulation and Promotion
         1. Party Platform
      7. Maintenance of Two Party System
         1. Winner Take All v. Proportional System
   2. Organization
      1. National Committees
      2. Leadership
      3. National Conventions
      4. States and Localities
      5. Informal Groups
         1. Interest Groups
         2. Think Tanks
   3. Development
      1. Early Parties Rise and Fall
      2. Civil War Produces Modern Two Party System
      3. Golden Age
         1. 1874-1912
         2. Political machines
      4. The Modern Era
         1. Weakening of Parties
            1. Direct Primaries
            2. Civil Service
            3. Issue Oriented Politics
            4. Candidate Centered Politics
            5. Ticket Splitting
            6. Divided Government
      5. Critical Elections
         1. Realignment, Dealignment, and Secular Alignment
   4. Effects on the Political Process
      1. Party In Government
         1. Congress
            1. Leadership and Committees
         2. President
            1. Divided Government
            2. Triangulation
         3. The Judiciary
         4. State Governments
      2. Party In The Electorate
         1. Party Identification
         2. Group Affiliations
            1. Geographic Region
            2. Gender
            3. Race and Ethnicity
            4. Age
            5. Socioeconomic
            6. Religion
            7. Marital Status
            8. Ideology
   5. Electoral Laws and Systems
2. Interest Groups Including Political Action Committees (PACs)
   1. The Range of Interests Represented
      1. A Nation of Interests
      2. The Mischief of Faction
         1. James Madison
         2. ***Federalist* 10**
         3. Unequal distribution of property
      3. Types of Groups
         1. Social movements sometimes lead to formation of interest groups
            1. Environmental
            2. Civil Rights
            3. Feminist
         2. Economic
            1. Business/Corporate
            2. Trade and Other Associations
            3. Labor

Open v. closed shop

* + - * 1. Professional Associations
      1. Ideological or Single Issue Groups
      2. Public Interest Groups
      3. Foreign Policy Interest Groups
      4. Government Interest groups
    1. Free Rider Problem
  1. The Activities of Interest Groups
     1. Generally based on their characteristics (size, resources, cohesiveness, and leadership) and power interest groups will employ a variety of techniques in order to achieve their goals
     2. Techniques
        1. Publicity and Mass Media Appeals
        2. Mass Mailing
           1. Targeted lists
        3. Influence on Rule Making
           1. **Federal Register**
        4. Litigation
           1. Bring suit
           2. Amicus curiae briefs
        5. Election Activities
           1. Independent Expenditures
           2. 527 groups
           3. Endorsement and monetary support for candidates
        6. Forming a political party
        7. Cooperative lobbying
  2. The Effects of Interest Groups on the Political Process
     1. The Presence and Influence of Lobbyists
        1. Try to influence policy decisions and positions in the executive and especially the legislative branch
        2. Revolving door
        3. Provide money and information to congressmen
     2. Iron Triangles
        1. Interest groups, congressional committees, and government agencies
        2. Encourages Pork
        3. Encourages spending
     3. Money
        1. Campaigns
        2. Influence policy makers
        3. Corruption (see **Decline and Fall**)
     4. Reform
        1. Federal Elections Campaign Act (FECA) 1971 and 1974
           1. Limits contributions but lead to proliferation of Interest Groups and PACs
           2. Soft money loophole
  3. The Unique Characteristics and Roles of PACs in the Political Process
     1. PACs link two techniques of influence
        1. Giving money and other political aid to politicians
        2. Persuading officeholders to act or vote "the right way" on issues
     2. PACs are categorized by the type of interest they represent
     3. The growth of PACs
        1. Revolution in growth since the 1970s as a result of post Watergate reforms
        2. Corporate and Trade associations make up the majority of PACs

1. The Mass Media
   1. The Functions and Structures of the Media
      1. Evolution of the News Media in the United States
         1. Print Media
            1. Partisan
            2. Penny Press
            3. Yellow Journalism
            4. Muckraking
         2. Radio
            1. Fireside Chats
            2. AM conservative Talk Radio
         3. Watergate
            1. Game Changer
         4. TV News
            1. Network news
            2. Debates
            3. 24 Hour Cable

CNN

MSNBC and FOX

C-SPAN

* + - * 1. Entertainment

Leno, Letterman, SNL

Daily Show and Colbert Report

* + - 1. The New Media
         1. Internet and Blogs
         2. Print and Broadcast Media Websites
    1. Current Media Trends
       1. The Influence of Media Giants and Media Consolidation
       2. Increasing Use of Experts
       3. Narrowcasting
       4. Public Discontent With Media
       5. New Technologies
    2. Rules Governing the Media
       1. First Amendment Protection
       2. Journalistic Standards
       3. Government Regulation of Electronic Media
          1. Cable and Internet v. Broadcast
          2. Telecommunications Act of 1996

Deregulation

Digital Mandate

* + - * 1. FCC Reforms of 2003

More Media Consolidation

Congressional Reaction Slowed Trend

* + - 1. Content Regulation of Electronic Media
         1. Equal Time

Sell Air Time Equally if Any

Debate Exception For Minor Candidates

Since 2000 No longer Required To Give Opportunity To Respond To Attacks

* + - * 1. Fairness Doctrine

FCC Regulation From 1949-1985

Required Broadcasters To Be "Fair" In Their Coverage Of News Events

* + - * 1. Are ISPs Subject To First Amendment Limitations?

Net Neutrality?

* 1. The Impact of Media on Politics
     1. How The Press And Public Figures Interact
        1. Press Release, Press Briefing, and Press Conference
        2. Background, Deep Background, Off and On the Record
        3. Pentagon Papers
           1. *NY Times v. Sullivan* (1964)
        4. WikiLeaks
     2. Covering the Three Branches Differently
  2. The News Media Industry and its Consequences
     1. Media Effects
        1. Agenda Setting
        2. Issue Framing
     2. Media Bias
        1. Yes, But What Kind and What is the Effect?

Institutions of National Government: The Congress, the Presidency, the Bureaucracy, and the Federal Courts *(35-45%)*

1. The Major Formal and Informal Institutional Arrangements of Power
   1. Congress Summary
   2. The Presidency Summary
   3. The Judiciary Summary
   4. The Bureaucracy Summary
2. Relationships Among These Four Institutions and Varying Balances of Power
   1. Congress and the President
      1. Powers in the Constitution as Seen by the Framers
         1. Congress
            1. Article I

Long list of legislative powers

Necessary and Proper Clause (elastic clause)

Commerce Clause

* + - * 1. Bicameral

Power divided

Shared and exclusive powers for each House

Advice and Consent of the Senate

Revenue bills must begin in the House

* + - * 1. Law Making

Shared with President

Approval of both Houses necessary

Override power

* + - * 1. War Powers

Declaration of War

Money

* + - * 1. Removal of the President
        2. Appropriation of Money
        3. Other Formal Powers listed in Article I

More numerous than those of the Preident

* + - * 1. Size can be a weakness
        2. Seen by the Framers as the most dangerous

Legislature divided and Executive fortified

Madison

* + 1. The President
       1. Article II
       2. Framers wanted a strong executive to enforce (execute) the laws but list of enumerated powers is much shorter
       3. Executive power shall be vested in the President
          1. Open for interpretation
       4. Single executive
          1. Hamilton
       5. Role in Lawmaking
          1. Veto
       6. Head of state and government
       7. Power to convene Congress
       8. Appointment power
          1. Advice and Consent of Senate
       9. Power to make treaties
          1. Advice and Consent of the Senate
          2. Executive Agreement
       10. War Powers
           1. Commander in Chief of the military
       11. Pardoning power
       12. Inherent Powers

1. Development and Expansion of Powers
   1. Congress
      1. Early formation of Political Parties affected organization
      2. Rather weak during first presidents
      3. Dominated the Presidency through most of 1800s with a few exceptions (Came one vote short of removing Andrew Johnson)
         1. Andrew Jackson
         2. Abraham Lincoln
      4. Informal powers developed through court cases
         1. McCulloch v. Maryland
            1. Necessary and Proper Clause
         2. Gibbons v. Ogden
            1. Commerce Clause
         3. Subsequent cases dealing with these clauses have consistently expanded the powers of Congress until recently
      5. Impeachment of Andrew Johnson
      6. Millionaires Club
      7. Powers grew along with the federal government and the bureaucracy during the Great Depression and World War II
         1. Growth of Bureaucracy created numerous opportunities for congressmen to gain favor with their constituents - Dodd, Fiorinna
   2. The President
      1. First presidents established presidential authority
         1. Washington claimed inherent powers
         2. Cabinet meetings
         3. Prominent role of executive in foreign affairs
         4. Primacy of national government
      2. After Jefferson, only two powerful presidents in the 1800s
         1. Andrew Jackson
            1. Spoils System

Appointment power

* + - * 1. Extensive use of veto
        2. Supremacy of national government
        3. Very popular
      1. Abraham Lincoln
         1. Civil War (Emergency)
         2. Inherent powers
         3. Suspension of some constitutional rights
    1. Teddy Roosevelt
       1. Progressive
          1. Use government to fix societal problems
          2. Trustbuster
          3. Health regulations
          4. National Parks
          5. Bully Pulpit
    2. FDR
       1. Game Changer
       2. Birth of the Modern (Imperial - Rossiter) Presidency
       3. Set the Agenda for Congress
       4. Elected four times
       5. Very popular although also controversial
       6. New Deal
          1. Massive government response to Great Depression
          2. Change in public perception of role of government and the President
          3. Creation of modern bureaucracy

President is the head of the Bureaucracy

* + - * 1. Exponential growth of federal government

Laws, Regulations, Agencies, and People

* + - 1. World War II
         1. Emergency enhances president's power
         2. U.S. troops serve all over the world

President is Commander in Chief

* + - * 1. Roosevelt became major player world politics
        2. Manhattan Project
        3. Government Restrictions on Public and Industry

Rationing of products

Nationalization of some industries

* + - * 1. Led to Cold War
      1. Personalization of the Presidency
         1. Fireside Chats
         2. Radio precedent led to TV and other media
         3. Power of Persuasion - Neusdadt

1. Congress and the President Since FDR
   1. Cold War creates continuous emergency leading to an increase in presidential power
      1. U.S. troops remain in countries all over the World
      2. Truman Doctrine
      3. Hot wars in Korea and Vietnam
      4. Military Industrial Complex
      5. Nuclear Weapons
      6. Leader of the free world
   2. Increased power of the president as head of a massive bureaucracy
   3. Congress has tendency to disperse power within the institution as a result of the bureaucracy
      1. Tends to unify and fight back against presidents who gain too much power - Dodd
   4. Congressional Oversight over Bureaucracy and Executive Branch
   5. TV increases the reach and effectiveness of the bully pulpit and therefore presidential power
   6. The Internet and other new media?
   7. Both branches now compete for power with the bureaucracy to some degree
      1. Bureaucratic discretion and adjudication
      2. Quasi-legislative powers of the bureaucracy
   8. Roles of the Modern President
      1. Chief Law Enforcer
      2. Leader of the Party
      3. Commander in Chief of the Military
      4. Sets National Agenda
      5. Chief Legislator
      6. Head of State
2. Conflict Between the Congress and the Presidency since FDR
   1. Twenty Second Amendment
      1. Presidential term limit
   2. Cooperation during 1950s and 1960s
      1. Even with divided government
      2. Eisenhower and the Cold War
      3. Kennedy and Johnson
         1. Civil Rights
         2. The Great Society
   3. Imperial Presidency
   4. Vietnam War
      1. Gulf of Tonkin Resolution
         1. No Declaration of War
      2. Johnson and Nixon
      3. Protest and erosion of presidential popularity and therefore power
      4. TV
         1. Worked against the President in this situation
   5. Watergate Scandal
      1. Congressional Oversight
      2. Impeachment Proceedings
      3. Nixon Resigned
   6. Backlash by Congress against the Imperial Presidency in the 1970s
      1. Congressional Budget Office
      2. War Powers Act
      3. Carter Was A Weak President Even With a Democratic Congress
      4. Independent Prosecutor
      5. Most Presidents Since Nixon have been investigated for Something
   7. Some Cooperation in the 1980s between Reagan and a Democratic Congress, but then the Iran/Contra Scandal
   8. Clinton and Congress
      1. Whitewater
      2. Healthcare Reform
      3. 1994 Election
         1. Republicans Win the House first in40 years
      4. Cooperation
         1. Welfare Reform
         2. NAFTA
         3. Balanced Budget
   9. Clashes Over Budget
      1. Government Shutdown
      2. Clinton Won
   10. Impeachment
3. Linkages Between Institutions and the Following
   1. Public Opinion and Voters
   2. Interest groups
   3. Political Parties
   4. The Media
   5. State and Local governments

Public Policy *(5-15%)*

1. Policy Making in a Federal System
   1. Elite Theory
   2. Bureaucratic Theory
   3. Interest Group Theory
      1. Multiple Access Points in a Federal System
   4. Pluralist theory
      1. Multiple Access Points
2. The Formation of Policy Goals
   1. Policy Recognition and Definition
      1. Identification of an Issue that Disturbs the People and Leads Them to Call for Government Intervention
   2. Agenda Setting
      1. Government Recognition that a Problem is Worthy of Consideration for Government Intervention
      2. Defining Agendas
         1. Systemic
         2. Governmental or Institutional
      3. Getting on the Congressional Agenda
         1. The President
         2. Interest Groups
         3. Crisis
         4. Private Citizens
            1. Ralph Nader
            2. Rachel Carson
            3. Michael J. Fox
            4. Christopher Reeve
            5. Musicians and Copyright Infringement
         5. Political Changes
            1. Landslides and Reallignments
   3. Policy Formulation
      1. Routine
      2. Analogous
      3. Creative
3. The Role of Institutions in the Enactment of Policy
   1. Policy Adoption
      1. Complex Legislation Takes a Long Time to Pass
      2. Legislation is Often Incremental
         1. Only Marginal Changes in Existing Policy
      3. Legislation is Often Vague
   2. Budgeting
4. The Role of the Bureaucracy and the Courts in Policy Implementation and Interpretation
   1. Policy Implementation
      1. Techniques
         1. Authoritative
         2. Incentive
         3. Capacity
         4. Horatory
   2. Policy Evaluation
      1. Congressional Committees
      2. Presidential Commissions
      3. Bureaucratic Agencies
      4. University Researchers
      5. Think Tanks
      6. Government Accountability Office (GAO)
5. Linkages Between Policy Processes and the Following
   1. Political Institutions and Federalism
   2. Political Parties
   3. Interest Groups
   4. Public Opinion
   5. Elections
   6. Policy Networks

Civil Rights and Civil Liberties *(5-15%)*

1. The First Amendment Rights
   1. Religion Clauses
      1. Establishment
         1. Wall of Separation?
            1. Jefferson
         2. *Engel v. Vitale* (1962)
            1. School Prayer
         3. *Lemon v. Kurtzman* (1971)
            1. Three Part Lemon Test

Must have a secular legislative purpose

Primary effect may neither advance nor inhibit religion

No excessive government entanglement with religion

* + - 1. Recent lowering of the Wall
      2. Equal Access Act (1984)
         1. Upheld
      3. UVA case
      4. *Zelman v. Simmons-Harris* (2002)
         1. Allowed Voucher system
      5. New conservative approach
         1. Non-Preferential Test
         2. O'Conner compromise

Non-Endorsement test

* + - 1. Under God?
    1. Free Exercise
       1. Not absolute
          1. Secular Laws Often Upheld

Drugs

Snake Handling

Polygamy

* + - 1. Compelling State Interest Test
      2. *Oregon v. Smith* (1990)
         1. Peyote
         2. Dropped "Compelling State Interest" Test
         3. Government Must Be Neutral
      3. Religious Freedom Restoration Act (1993)
         1. Bill Clinton
         2. Bipartisan
      4. *City of Boerne v. Flores* (1997)
         1. RFRA Unconstitutional
      5. Court Reversal on Use of Peyote in 2006
  1. Freedom of Speech and Press
     1. Democracy Depends on Free Exchange of Ideas
        1. No Prior Restraint
     2. Not Absolute
     3. Hierarchy of Protection
        1. Thought
        2. Speech
        3. Action
     4. History
        1. Alien and Sedition Acts
        2. Slavery Publications
           1. Uncle Tom's Cabin
        3. The Civil War
           1. Both Sides Violated Rights
           2. Habeas Corpus
           3. Press
        4. World War I
           1. Espionage and Sedition Acts
           2. *Schenck v. U.S.* (1919)

Clear and Present Danger Test

* + - 1. *Brandenburg v. Ohio* (1969)
         1. Direct Incitement Test
    1. Protected Speech and Publications
       1. Prior Restraint
          1. *New York Times Co. v. U.S.* (1971)

Pentagon Papers

* + - * 1. *Nebraska Press Association v. Stuart* (1976)

Heavy Presumption Against Constitutionality

* + - 1. Symbolic Speech
         1. *Stromberg v. California* (1931)

Communist Youth Camp

* + - * 1. *Tinker v. Des Moines* (1969)

Black Armbands in High School

* + - * 1. *Texas v. Johnson* (1989)

Flag Burning

* + - 1. Hate Speech
         1. Content Neutral
         2. Cross Burning

*R.A.V. v. City of St. Paul* (1992)

Overbroad

*Virginia v. Black* (2003)

Intent to intimidate

* + - * 1. College Campus Rules?
    1. Unprotected Speech and Publications
       1. Libel and Slander
          1. *New York Times v. Sullivan* (1964)

Actual Malice

* + - 1. Fighting Words
         1. *Chaplinsky v. New Hampshire* (1942)

Not Protected

* + - * 1. *Cohen v. California* (1971)

"%#@\*&! the Draft"

* + - 1. Obscenity
         1. Tendency to Corrupt
         2. *Roth v. U.S.* (1957)

Average Person

Contemporary Community Standards

Dominant Theme

Taken as a Whole

Appeals to the Prurient Interests

* + - * 1. *Miller v. California* (1973)

Essentially Same as Roth

* + - * 1. Congress and Obscenity

NEA

Communications Decency Act

Materials Over the Internet for Those Under Eighteen

*Reno v. ACLU* (1997)

Overturned

* 1. Freedoms of Assembly and Petition
     1. *DeJong v. Oregon* (1937)
        1. Applied Assembly to the States

1. The Second Amendment
   1. Right to Keep and Bear Arms
   2. Keep Congress from disarming state militias
   3. Protect the ability to revolt against government tyranny
   4. *Dred Scott v. Sanford* (1857)
      1. Listed right to own and carry a gun as a basic right of citizenship
   5. *U.S. v. Miller* (1939)
      1. Upheld the National Firearms Act of 1934 which imposed taxes on automatic weapons and sawed off shotgun
   6. *Washington D.C. v. Heller* (2008)
      1. Struck down D.C. handgun ban
      2. Second Amendment protects individual right to own a firearm for personal use
   7. *McDonald v. Chicago* (2010)
      1. Applied Second Amendment to States
   8. Brady Law and Assault Weapons Ban of the 1990's
      1. Attempted assassination of Reagan in 1981
      2. Five day waiting period on purchase of handguns
      3. Ban expired in 2004
2. The Fourth Amendment
   1. Protects people against "unreasonable" searches and seizures
   2. Government needs a warrant to make it a reasonable search
      1. Probable Cause
      2. Specifics of search
   3. Warrantless Searches
      1. 1989
         1. Stop and Frisk
         2. Reasonable suspicion
         3. Further search requires probable cause
      2. Consent
         1. Apartment v. House
      3. Plain View
      4. Hot Pursuit
      5. Breathalyzer Test
      6. Open Field
         1. Even if No Trespassing signs are posted
         2. May not use thermal imager without a warrant
      7. Cars
         1. Probable Cause
      8. Drug Testing
3. The Fifth Amendment
   1. Protection against self incrimination
      1. Taking the Fifth
      2. *Miranda v. Arizona* (1966)
         1. Miranda Rights
   2. Double Jeopardy
   3. Due Process
   4. Eminent Domain
      1. Just Compensation
4. The Exclusionary Rule
   1. *Weeks v. U.S.* (1914)
      1. Rule first adopted
   2. *Mapp v. Ohio* (1961)
      1. All evidence obtained in violation of Constitution is inadmissible
   3. Good Faith exceptions
   4. Inevitable Discovery
5. The Sixth Amendment
   1. Right to Counsel
      1. *Betts v. Brady* (?)
         1. Capital case
         2. Special circumstances
      2. *Gideon v. Wainwright* (1963)
         1. All cases
         2. Applied to states
   2. Speedy and Public Trial by an Impartial Jury
      1. 1975
         1. Court ruled that barring women from jury violated mandate that jury be a "fair cross section" of the community
      2. *Batson v. Kentucky* (1986)
         1. Use of Peremptory Challenges to exclude African Americans violates the Equal Protection Clause of the 14th Amendment
      3. 1994
         1. Use of Peremptory Challenges to exclude Women violates the Equal Protection Clause of the 14th Amendment
   3. Confront Witnesses
      1. Not Absolute
      2. *Maryland v. Craig* (1990)
         1. Child abuse victim allowed to testify through one way closed circuit television
6. The Eighth Amendment
   1. Prohibits Cruel and Unusual Punishment
   2. U.S. is only Western nation that uses the death penalty
      1. Extradition
   3. Death Penalty was used in all states at the adoption of the Constitution and Bill of Rights
   4. *Furman v. Georgia* (1972)
      1. Arbitrary manner of application was cruel and unusual
      2. Effectively banned death penalty in U.S. for four years
   5. *Gregg v. Georgia* (1976)
      1. Approved a new Georgia death penalty statute
      2. Brought back the death penalty
   6. *McCleskey v. Zant* (1991)
      1. Made death row appeals more difficult
   7. *House v. Bell* (2006)
      1. Recognized the potential exculpatory
7. The Ninth Amendment
   1. Rights Not Listed or Prohibited Belong to People
8. The Tenth Amendment
   1. Reserved Powers
   2. Powers of the States and the People
   3. Federalism
9. Right to Privacy
   1. Not specifically mentioned in Constitution
   2. Various rights imply a right to privacy
      1. First Amendment guarantee of free exercise of religion
      2. Fourth Amendment protection against unreasonable searches and seizures
      3. In 1928 Justice Louis Brandeis described privacy as "the right to be left alone-the most comprehensive of rights and the right most valued by civilized men"
10. Birth Control
    1. *Griswold v. Connecticut* (1965)
       1. Struck down a law prohibiting the dissemination of information about and/or the sale of contraceptives
       2. Various amendments cast penumbras thereby creating zones of privacy
          1. First, Third, Fourth, Ninth, Fourteenth
11. Abortion
    1. *Roe v. Wade* (1973)
       1. A Texas law banning abortion violated a woman's right to privacy
       2. Divided pregnancy into three stages
          1. First Trimester
             1. Absolute right
          2. Second Trimester
             1. State may regulate abortions to protect the life of the mother
          3. Third Trimester
             1. State interest in protecting potential life outweighs the rights of the mother
             2. Abortions to save the life of the mother must be legal
    2. Very controversial
       1. Polarized the parties
       2. Pro-choice and pro-life
       3. Supreme Court Nominations
       4. Led to rise of pro-life groups that helped elect Ronald Reagan in 1980
    3. Amendment to a law banned the use of Medicaid funds for abortions
       1. Henry Hyde (R-IL)
       2. Upheld by *Harris v. McRae* (1980)
    4. *Webster v. Reproductive Health Services* (1989)
       1. Upheld some restrictions on abortion
       2. Did not overturn Roe
          1. O'Connor the deciding vote
    5. *Planned Parenthood of Southeastern Pennsylvania v. Casey* (1992)
       1. Upheld a 24 hour waiting period and parental consent requirement
       2. Did not overturn Roe but abolished the trimester approach and replaced it with the undue burden test
          1. Laws can regulate abortions as long as they don't create an undue burden for the mother
    6. In 1993 Bill Clinton ended bans on fetal tissue research, abortions at military hospitals, and federal funding for overseas population control programs. Also lifted a gag rule preventing public health clinics receiving federal money from discussing abortion.
       1. All of these were later reversed by George W. Bush
    7. Clinton also ended the ban on testing RU-486 which was made available in 2000 and appointed two pro-choice justices to the Supreme Court
    8. Congress passed two partial birth abortion bans in the 1990s, but both were vetoed by Clinton
    9. *Stenberg v. Carhart* (2000)
       1. Struck down a Nebraska partial birth abortion ban because it did not have an exemption for a woman's health
    10. In 2003 George W. Bush signed the Partial Birth Abortion Ban Act into law
    11. *Gonzales v. Carhart* (2007)
        1. Upheld the Partial Birth Abortion Ban Act even though it contained no exceptions for the health of the mother
12. Homosexuality
    1. *Bowers v. Hardwick* (1986)
       1. Upheld Georgia anti-sodomy law
    2. *Lawrence v. Texas* (2003)
       1. Overturned Bowers by striking down a Texas law and similar laws in 14 other states
13. The Right to Die
    1. *Cruzan v. Director, Missouri Department of Health* (1990)
       1. Parents could not withdraw a feeding tube from their comatose daughter
    2. *Vacco v. Quill* (1997)
       1. Terminally ill patients do not have a right to Physician assisted suicide
    3. *Gonzales v. Oregon* (2006)
       1. Oregon passed a law allowing assisted suicide
       2. Attorney General John Ashcroft issued a legal opinion that physician assisted suicide is not a legitimate medical purpose and called for the revocation of physicians prescription drug licenses
       3. Court ruled against Ashcroft's actions and upheld the Oregon law
       4. Since then other states have passed assisted suicide laws
14. The Fourteenth Amendment and the Incorporation Doctrine
15. Civil Rights