The Sons of Liberty

A.P. Government and Politics

Study Guide
Topic One—“Introducing Government in America”

“Government & Politics”
1. government---
2. public goods---
3. politics---
4. political participation---
5. single-issue groups---

“The Policymaking System”
1. policymaking system--
2. linkage institutions---
3. policy agenda---
4. political issue---
5. policymaking making institutions---
6. public policy---

“Democracy”
1. democracy---
2. republic---
3. majority rule---
4. minority rights---
5. representation---
6. pluralist theory---
7. elite & class theory---
8. hyperpluralism theory---
9. policy gridlock---
10. individualism---
“The Constitution & The Origins of the Constitution”

1. Constitution---
2. French & Indian War---
3. *Common Sense* ---
4. Declaration of Independence ---
5. Natural rights ---
6. Consent of the governed ---
7. Limited government ---
8. Jefferson’s American Creed ---
9. The American Revolutionary War was a “Conservative” revolution ---

“The Government That Failed”

1. Articles of Confederation ---
2. Shay’s Rebellion ---
3. Annapolis Meeting, 1786 ---

“Making a Constitution: The Philadelphia Convention”

1. U.S. Constitution
2. Human nature/ *Leviathan* / Thomas Hobbes ---
3. Factions ---

“The Agenda in Philadelphia”

1. New Jersey Plan ---
2. Virginia Plan ---
3. Connecticut Comprise ---
4. Electoral college ---
5. Three-fifths Compromise ---
6. Charles Beard/ *Economic Interpretation of the Constitution* ---
7. Writ of habeas corpus

“The Madisonian Model”

1. Separation of Powers ---
2. Checks and balances ---
3. Federal system of government ---
4. Republic ---

“Ratifying the Constitution”

1. Federalists ---
2. Anti-Federalists ---
3. *Federalist Papers* ---
4. Bill of Rights ---
5. Ratification process ---
“Constitutional Change”

1. Formal amendments
2. Equal Rights Amendment (ERA)
3. Informal amendments
4. Marbury v. Madison
5. Judicial review

“Understanding the Constitution”

1. “Democratization of the Constitution”

Topic 3 – “Federalism”

“Federalism/ Defining Federalism”

1. United States v. Lopez
2. federalism
3. unitary
4. confederation
5. intergovernmental relations
6. decentralization of power
7. Candy Lightner

“Constitutional Basis of Federalism”

8. supremacy clause
9. supremacy “ladder”
10. Tenth Amendment
11. Eleventh Amendment/sovereign immunity
12. Four key events that have spoken to national supremacy
13. McCulloch v. Maryland
14. enumerated powers
15. implied powers (elastic clause)
16. Gibbons v. Ogden
17. Commerce clause/Printz v. United States
18. full faith and credit
19. extradition
20. privileges and immunities
21. interstate compacts

“Intergovernmental Relations Today”

22. dual federalism (“layer cake”)
23. cooperative federalism (“marble cake”)
24. New federalism
25. fiscal federalism
26. categorical grants
27. project grants
28. formula grants
29. block grants
30. mandates
“Understanding Federalism”

31. Identify (as many as you can) **advantages** of a federal system—
32. Identify (as many as you can) **disadvantages** of a federal system—

Topic 4 – “Civil liberties and Public Policy”

“The Bill of Rights—Then and Now” & “Freedom of Religion”

1. **Bill of Rights**---
2. Civil liberties---
3. First Amendment---
4. **Baron v Baltimore**---
5. Incorporation Doctrine (selective incorporation) ---
6. **Gitlow v New York**---
7. Fourteenth Amendment---
8. Freedom of Religion/establishment/free exercise clauses---
9. **Lemon v Kurtzman**/3-pronged test---
10. **Engel v Vitale**---
11. **School District....v Schemp**---
12. **Employment Division v Smith**---

“Freedom of Expression”

1. prior restraint---
2. **Near v Minnesota**---
3. **Schenck v United States**/”falsely shouting fire in a crowded theater”---
4. Smith Act, 1941---
5. **Dennis v United States**---
6. “Gag orders”---
7. **Shield laws**---
8. **Roth v United States**---
9. **Miller v California**/classifying obscenity---
10. libel---

12. Symbolic speech/*Texas v Johnson*---

“Commercial Speech”

1. commercial speech---

2. Federal Communications Commission---

3. Freedom to Assemble (read “You are Judge”—Nazis march in Skokie) ---

4. Right to Associate/*NAACP v Alabama*---

“Defendant’s Rights”

1. probable cause---

2. search warrant/unreasonable searches & seizures---

3. exclusionary rule/*Mapp v Ohio*---

4. exclusionary rule *exceptions*---

5. Fifth Amendment/self-incrimination---

6. *Miranda v Arizona*---

7. Right to council/6th Amendment/*Gideon v Wainwright*---

8. plea bargaining---

9. Eighth Amendment/cruel & unusual punishment---

10. *Gregg v Georgia/the death penalty*---

“The Right to Privacy”

1. *Griswold v Connecticut/right to privacy*---

2. *penumbras* --- (“shadows” of unstated liberties)

3. *Roe v Wade/Blackmun/trimester doctrine*---

4. *Webster v Reproductive Health Services (St. Louis Mo.)*---

5. *Planned Parenthood v Casey (Pennsylvania)* ---
Important Supreme Court Cases to KNOW:

*Barron v. Baltimore (1833)*---

*Engel v. Vitale (1962)*---

*Gideon v. Wainwright (1963)*---

*Gitlow v. New York (1925)*---

*Gregg v. Georgia (1976)*---

*Lemon v. Kurtzman (1971)*---

*Mapp v. Ohio (1961)*---

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

*Miranda v. Arizona (1966)*---

*Roe v. Wade (1973)*---

*Schneck v. United States (1919)*---

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

**Topic Five---“Civil Rights & Public Policy”**

*“Civil Rights & Public Policy”*  

1. civil rights---
2. Racial discrimination---
3. Gender discrimination---
4. Discrimination based on age, disability, sexual orientation---

*“Racial Equality: Two Centuries of Struggle”*  

5. equality of opportunity---
6. equality of results---
7. Fourteenth Amendment/expansion of equality---
8. equal protection of the laws---
9. inherently suspect---
10. intermediate standard---
11. reasonableness standard---

*“Race, the Constitution, & Public Policy”*  

12. *Scott v. Sanford*---
13. Civil War Amendments:
   - 13th---
   - 14th---
   - 15th---
14. Jim Crow Laws---
15. *Plessey v. Ferguson*---
16. NAACP---
17. *Brown v. Board of Education*---
18. de jure segregation---
19. de facto segregation---
20. Civil Rights Act of 1964---
21. suffrage---
22. poll taxes---
23. White primaries---
24. Twenty-fourth Amendment---
26. *Shaw v. Reno*---
27. AIM---
28. Cesar Chavez---
29. *Korematsu v. United States*---

“Women, the Constitution,& Public Policy”

30. Nineteenth Amendment---
31. coverture---
32. Seneca Falls Declaration---
33. Equal Rights Amendment (ERA)---
34. Betty Friedan/"The Feminine Mystique”---
35. *Reed v. Reed*---
36. Title IX of the Education Act of 1972---
37. comparable worth---
38. 1964 Civil Rights Act/Sexual Harassment---

“Newly Active Groups Under the Civil Rights Umbrella”

39. “graying of America”---
40. American with Disabilities Act, 1990 (ADA)---
41. *Bowers v. Hardwick*---
42. Mathew Shepard---

“Affirmative Action”

43. affirmative action---
44. *Regent’s of the University of California v. Bakke*---
45. reverse discrimination---
46. *Grutter v. Bollinger*---
47. *Gratz v. Bollinger*---
Important Supreme Court Cases to Know

2. Dred Scott v. Sandford (1857)
3. Korematsu v. United States (1944)
4. Plessy v. Ferguson (1896)
5. Regents of the University of California v. Bakke (1978)
7. West Virginia State Board of Education v. Barnette (1943)
10. Guinn v. United States (1915)
11. Smith v. Allwright (1944)

Topic Six—“Public Opinion and Political Action”

“How Americans Learn About Politics: Political Socialization”

9. political socialization---
10. Identify the FOUR agents of political socialization---
11.

“Measuring Public Opinion and Political Information”

12. sample---
13. George Gallup---
random sampling---

14. sampling error---
15. random-digit-dialing---
16. Identify FOUR criticisms of polling---
“What Americans Value: Political Ideologies”

17. political participation---
18. “conventional” participation/FOUR examples---
19. “unconventional” participation/THREE examples---
20. participation & class inequality---

Topic Seven---“The Mass Media & the Political Agenda”

“The Mass Media Today”

“The Development of Media Politics”

1. Mass media---
2. media events---
3. press conferences---
4. investigative journalism---
5. watchdog---
6. print media---
7. broadcast media---
8. “yellow journalism”---
9. Wm Randolph Hearst & Joseph Pulitzer---
10. Cable News Network---
11. Federal Communications Commission---
12. “equal time rule”---
13. “right-of-reply”---
14. “fairness doctrine”---
15. narrowcasting---

“Reporting the News”

“The News and Public Opinion”

1. gatekeeper---
2. beats---
3. trial balloons---
4. embedded reporting---
5. sound bites---
6. scorekeeper---
7. talking head---
8. Associated Press---
9. Freedom of Information Act---
10. visuals---
11. Telecommunications Act of 1996---
12. “liberal bias”---
“The Media’s Agenda-Setting Function”

“Understanding the Mass Media”

1. policy agenda---
2. policy entrepreneurs---

Topic Eight---“Political Parties”

“The Meaning of Party”

“Party in the electorate”

1. political party---
2. party competition---
3. *the party in the electorate*---
4. *the party as an organization*---
5. *the party in government*---
6. linkage institutions---
7. party image---
8. party identification---
9. ticket-splitting---

“The Party Organizations:  From the Grass Roots to Washington

“T Party in Government: Promises & Policy”

1. “grassroots”---
2. party machines---
3. patronage/Boss Tweed/Richard Daley---
4. closed primaries---
5. open primaries---
6. blanket primaries---
7. national convention---
8. national committee---
9. national chairperson---
10. coalition---

“Party Eras in American History”

1. party eras---
2. critical election---
3. party realignment---
4. *First Party System: 1796-1824*---
5. *Jackson & the Democrats v. Whigs: 1828-1856*---
9. party dealignment---
“Third Parties: Their Impact on American Politics”

“Understanding Political Parties”

1. third parties---
2. Strom Thurmond’s States’ Righters/1948---
3. George Wallace’s American Independents/1968---
6. Winner-take-all system---
7. proportional representation---
8. single-member districts---
9. plurality vote v. majority vote---

“Topic Nine—“Nominations and Campaigns”

“The Nomination Game”

1. nomination---
2. campaign strategy---
3. national party convention---
4. presidential caucuses---
5. presidential primaries---
6. McGovern-Fraser Commission---
7. superdelegates---
8. frontloading---
9. the Howard Dean “scream”---
10. Identify FIVE criticisms of the nomination process---
11. Identify TWO proposals to replace the current caucus/primary system---
12. party platform---

“The Campaign Game” & Money & Campaigning”

13. direct mail---
14. Define/Explain the SIX components of the Federal Election Campaign Act, 1974---
   • Federal Election Commission:
   • Presidential Election Commission:
   • Matching Funds:
   • Public Financing:
   • Required Full Financial Disclosure:
   • Limit of Individual Contributions:
15. soft money---
16. Buckley v. Valeo (1976)---
17. Define/Explain the McCain-Feingold Act, 2002---
   • soft money contributions:
   • amounts individuals could contribute:
   • “issue ads”:
18. political action committees (PACs)---
Topic 10---“Elections and Voting Behavior”


1. legitimacy---
2. referendum---
3. initiative---
4. California prop 209---
5. Summarize the important features of the election of 1800---
6. Summarize the important features of the election of 1896---
7. Summarize the important features of the election of 2004---
8. election of 2000---

“Whether To Vote: A Citizen’s First Choice”

9. suffrage---
10. political efficacy---
11. civic duty---
12. voter registration---
14. Identify SIX demographic features that influences whether one votes or not:

“How Americans Vote: Explaining Citizens’ Decisions”

15. mandate theory of elections---
16. THREE elements that go into HOW voters decide to vote---

“The Last Battle: The Electoral College” & “Understanding Elections & Voting Behavior”

17. electoral college---
18. retrospective voting---
19. prospective voting---

Topic 11 - “Interest Groups”

“The Role of Interest Groups”

“Theories of Interest Group Politics”

“What Makes an Interest Group Successful?”

1. interest group/1st Amendment---
2. pluralist theory---
3. elite theory---
4. hyperpluralist theory---
5. subgovernments---
6. Top-Five interest groups—w/political clout---
7. Olsen’s law of large groups---
8. free-rider problem---
9. Charles Keating/campaign contributions---
10. single-issue group---
“The Interest Group Explosion”

“How Groups Try To Shape Policy”

1. Encyclopedia of Associations---
2. Washington Information Directory---
3. FOUR basic strategies used by interest groups to affect policy---
   • Lobbying---
   • Four ways lobbyists help members of Congress---
   • electioneering--
   • Political Action Committees---
   • 527s---
   • Five reasons PACs give money to candidates---
   • litigation---
   • amicus curiae briefs---
   • class-action law suits---
   • going public---

“Types of Interest Groups”

“Understanding Interest Groups”

1. economic interests---
2. labor interests---
3. union shop---
4. right-to-work law---
5. business interests---
6. environmental interests---
7. equality interests---
8. consumers and public interests---

Topic 12 – “Congress”

“The Representatives & Senators”

“Congressional Elections”

1. incumbents---
2. franking privilege---
3. “safe districts”---
4. “marginal districts”---
5. casework---
“How Congress is Organized to Make Policy”

“Congressional Leadership”

1. bicameral legislature---
2. House Rules Committee---
3. closed rule---
4. open rule---
5. restrictive rule---
6. discharge petition---
7. filibuster---
8. cloture---
9. Speaker of the House---
10. majority leader---
11. majority whip---
12. minority leader---
13. minority whip---
14. President of the Senate---
15. President pro tempore---
16. Senate majority leader---
17. Senate majority whip---
18. Senate minority leader---
19. Senate minority whip---
20. Standing committees---
21. Joint committees---
22. Conference committees---
23. Select committees---
24. legislative oversight---
25. committee chairs---
26. seniority system---
27. Congressional Caucuses---
28. Congressional staff---
29. Personal staff---
30. Committee staff---
31. Staff agencies---
32. Government Accountability Office---
33. Congressional Budget Office

“The Congressional Process”

“Understanding Congress”

1. bill---
2. how a bill becomes law—(Know the handout)
3. “Pork-barrel” legislation---
4. “riders”---
5. “earmarks”---
6. How Congressmen/women vote:
   • Attitudinal view of representation---
   • Organizational view of representation---
   • Representational view of representation---
Topic 13 – “Presidency”

“The Presidents”

“Presidential Powers”

1. Twenty-second Amendment---
2. impeachment---
3. Watergate---
4. Nixon’s Articles of Impeachment---
5. Clinton’s Articles of impeachment---
6. Twenty-fifth Amendment---
7. Presidential powers---
8. Executive privilege---
9. Imperial Presidency---
10. Pentagon papers---

“Running the Government: the Chief Executive”

1. Budgeting and Accounting Act, 1921---
2. cabinet---
3. The Executive Office of the President---
4. National Security Council (NSC)---
5. Council of Economic Advisors (CEA)---
6. The Office of Management & Budget (OMB)---
7. (Pyramid) hierarchical organization---
8. (Circular) wheel-and-spoke organization---
9. Ad hoc organization---
10. The First Lady---

“Presidential Leadership of Congress: The Politics of Shared Power”

“The President & National Security Policy”

1. veto---
2. pocket veto---
3. line-item veto---
4. Presidential rescissions, 1996---
6. “boll weevils”---
7. Presidential coattails---
8. electoral mandate---
9. Presidential “honeymoon” period---
10. President as Chief Diplomat---
11. President as Commander–in-Chief---
13. Legislative Veto---
14. President as “Crisis” manager---

“Power from the People: The Public Presidency”

“The President and the Press”

“Understanding the Presidency”

1. Presidential Approval ---
2. “Great Communicator”---
3. mobilizing the public---
4. press secretary---
5. lame duck---
6. divided government---
7. Helen Thomas, News icon---

Topic 14—“The Judiciary”

1. Judicial Review—
   (since 1789--100 federal laws found unconstitutional)
2. Strict-constructionist approach—
3. Activist approach---
4. Federalist No. 78---
5. 1789-Civil War---
   (National Supremacy & Slavery)
   - “necessary and proper”
   - *Marbury v. Madison* 1803
   - *McCulloch v. Maryland* 1819
   - *Gibbons v. Ogden* 1824
   - “John Marshall has made his decision; now let him enforce it!”
   - *Dred Scott v. Sandford* 1857
   - nullification doctrine

End of the Civil War—the New Deal---

(Government & the economy)

- political rights & property rights were inextricably connected
- doctrine that stated that the Fourteenth Amendment—passed to declare newly freed African slaves as American citizens—also protected private property and the corporation from “unreasonable regulation by state governments
- “no state shall “deprive any person of life, liberty, or property without due process of the law”—once it was clear that a “person” could be a firm or a corporation—business and industry started flooding the courts with cases challenging various regulations
Judicial activism was born in the 1880s & 1890s—of 900 state laws held to be in conflict with the federal Constitution since 1789, about 800 were overturned after 1870

*Slaughterhouse Cases* 1873

The New Deal-Present—

(Government and Personal liberty)

- FDR’s court-packing scheme and the “switch in time that saved nine”—Justice Owen Roberts
- FDR appointed NINE judges during his presidency
- Chief Justice Earl Warren (former Gov of California)—begins an “activist” period
- *Brown v. The Board of Education of Topeka, Ks* 1954
- Although it seemed the states’ rights were gone—
  *Gun-Free School Zones Act, 1990/regulating interstate commerce, struck down by the court

  *Printz v. United States* 1997

6. **Structure of the Federal Court System**—

- The Constitution only requires that there be a Supreme Court—no mention of how many justices
- All other federal courts & their jurisdictions were created by Congress
- **Constitutional Courts**—are courts set up via Article 3
  *nominated by the Pres/confirmed by Senate
  *cannot be fired/salaries cannot be reduced while in office
  *serve during “good behavior”—can be impeached/removed only

- **Supreme Court**—8 Associate Justices, one Chief Justice
  *Both original Jurisdiction & Appellate Jurisdiction

- **Federal District Courts**—94 with at least one in each state, District of Columbia, Puerto Rico, The Virgin Islands, Guam, the Northern Mariana Islands
  *originally created by the Judiciary Act, 1789
  *Original Jurisdiction Only
  *nearly 700 Justices

(Two little known multi-judge panels:

*The Foreign Intelligence Surveillance Court*—created by Congress in 1978 to combat terrorism at home and abroad

*composed of 11 federal district court judges,*
appointed to seven-year term by the Chief Justice

*meets in secret/power to issue secret search warrants aimed at suspected spies/members of terrorists organizations

*The Alien Terrorist Removal Court—created by Congress in 1996 to decide whether persons identified as “alien terrorists” should be deported

*made up of five district judges, appointed by the Chief Justice for five-year terms)

- **Federal Courts of Appeals**—one court in each of 11 regions/circuits, including the areas mentioned above
  *Appellate Jurisdiction Only
  *179 Justices

- **Legislative Courts**—set up by Congress for some specialized purpose/judges have fixed terms/can be fired/can have their salaries reduced
- **Senatorial Courtesy**—
- “Litmus Test”—
- **Jurisdiction:**
  *ORIGINAL---where cases logically begin

Supreme Court has original jurisdiction in the Following circumstances; (SOLICITOR GENERAL—

3rd Ranking member of the office of the Department of Justice—decides what cases the government will appeal from the lower courts/personally approves every case the government presents to the Supreme Court)

1. two or more states (Az v Ca longest running)
2. The United States and a state
3. Foreign Ambassadors/diplomats
4. A state and a citizen of a different state
(Remember: the Supreme Court has both original and appellate jurisdiction)
7. Civil law—
   (rules defining relationships among private citizens—“common law)

8. Criminal Law--
   (rules defining offenses that are considered offenses against society as a whole—murder, rape, robbery, etc—and warrant punishment by and for society)

9. Writ of Certiorari—
   (“send up the case”)

10. Rule of Four—
    (In order for the sup ct to agree to hear a case, FOUR justices agree to hear the case)

11. Getting to Court---lot’s of Time & Money
    (the Sup Ct rejects 96% of cases asking to be heard)
    
    • $$$$$
    • Clarence Gideon filed as a pauper
      (in forma pauperis)
    
    • Interest grps help with costs NAACP, ACLU, etc…..
    
    • Fee shifting—
    • Standing--legal concept that refers to who is entitled to bring a case.
      1. must be an actual controversy between
         real adversaries—no hypothetical cases

      2. You must show that you’ve been
         Harmed by the law or practice about
         Which you are complaining. It is not
         Enough that you don’t like what gov,
         Corp, labor groups do—you must be
         actually harmed

      3. Merely being a taxpayer does not
         Ordinarily entitle you to challenge
         The Constitutionality of a federal
         Gov action. You may not like how your tax dollars are being spent—but you must
         show how it harms you. (you can vote other reps in!)

12. Sovereign immunity—
    (you cannot sue the government without its consent)
13. Class-action suits—
(a case brought into court by a person on behalf of
not only of himself or herself, but for all other
persons in similar circumstances)

• Brown v Board of Education

Topic 15 —“The Federal Bureaucracy”

“The Bureaucrats”
1. bureaucracy---
2. patronage---
3. Pendleton Civil Service Act---
4. civil service---
5. merit principle---
6. Hatch Act---
7. Office of Personnel Management (OPM)---
8. GS (General Schedule) rating---
9. Senior Executive Service (SES)---

“How Bureaucracies are Organized”
1. independent regulatory agencies---
2. the Federal Reserve Board (FRB)---
3. National Labor Relations Board (NLRB)---
4. Federal Communications Commission (FCC)---
5. Federal Trade Commission (FTC)---
7. government corporations---
8. independent executive agency---
9. General Services Administration (GSA)---
10. National Science Foundation (NSF)---
11. National Aeronautics & Space Administration (NASA)---
“Bureaucracies as Implementors”
1. policy implementation---
2. standard operating procedures (SOP)---
3. administrative discretion---
4. street-level bureaucrats---
5. The Voting Rights Act, 1965---
   (Case study—p. 488-489)

“Bureaucracies as Regulators”
“Understanding Bureaucracies”
1. regulation---
2. Equal Employment Opportunity Commission (EEOC)---
3. Environmental Protection Agency (EPA)---
4. Command-and-control policy---
5. Munn v. Illinois, 1877---
6. deregulation---
7. Civil Aeronautics Board/deregulation of the airlines, 1978---
8. Executive orders---
9. Iron Triangles---

Topic Sixteen—“The Federal Courts”
“The Nature of the Judicial System”
“The Structure of the Federal Judicial System”
1. criminal law---
2. Civil Law---
3. plaintiff---
4. defendant---
5. standing to sue---
6. class action suits---
7. justiciable disputes---
8. amicus curiae briefs---
9. brief---
10. Thurgood Marshall---
11. constitutional courts---
12. legislative courts---
13. original jurisdiction---
14. appellate jurisdiction---
15. district courts---
16. courts of appeals---
17. Supreme Court---

“The Politics of Judicial Selection”

“The Backgrounds of Judges & Justices”

1. serve “during good behavior”---
2. senatorial courtesy---
3. “blue slip”---
4. “litmus test”---
5. judicial elections---

“The Courts as Policymakers”

1. “rule of four”---
2. writ of certiorari---
3. solicitor general---
4. opinion of the Court (majority opinion)---
5. concurring opinion---
6. dissenting opinion---
7. per curiam opinion---
8. stare decisis---
9. precedent---
10. original intent (strict constructionists)---
11. judicial activism (broad constructionists)---
12. judicial implementation (three steps)---

“The Courts and the Policy Agenda”

“Understanding the Courts”

1. Marbury v. Madison---
2. judicial review---
3. “court-packing plan” (FDR)---
4. “switch in time that saved nine”---
7. judicial restraint---
8. political questions---