

The 9th Great APGOPOHHS Review Session

Thursday @ 7:00 pm
@ THE Hoover High
School
in Beautiful B5, the
Laboratory for Democracy,
located in the
HHS West Wing!



Game Day: Monday, May 6, 2019

•To Do:

- Hydrate (all week)
- Get Sleep (all week)
- Eat a light and healthy breakfast
- Know where you are going
- Bring a healthy snack/Water
- Arrive early
- No Electronic Devices
- Bring Several Pencils and Several Blue or Black Pens

Multiple Choice •55 Questions (80 minutes)

- Read the question and (every single response) carefully.
 - What is the question asking?
- Focus! Don't let one word cause you to miss a question.
- Use process of elimination.
 - Make an Educated Guess if you must.
- Study stimulus-based questions carefully. Read carefully.
 - The answer is there!
- Don't leave any unanswered.
- Erase neatly!

Free Response Questions

•FRQs

- Concept Application (3 points)
- Quantitative Analysis (3 points)
- SCOTUS Comparison (3 points)
- Argument Essay (6 points)

•RSVP

- Respond directly to the Prompt!
- Spacing (part A, B, C, D...)
- Vanquish Pronouns
 - Don't use- I, He, They, It, Him, Her, Them...
 - State clearly, the House, Senate, President, Supreme Court, National Government, State Legislature...
- Don't write Congress if you mean the House!

•4 FRQs (100 minutes)

- Read carefully and respond to all parts of the prompt
- Make Notes/Outline
- Return to Prompt frequently
- Repeat the prompt in your response
- Respond directly to all action verbs
- Use the terms on X and Y (Quantitative)
- Use all of the time
- Write, write, write...
- Use the Margins
- Be neat
- Know how many points each FRQ is worth and fight for every point!
- Defend, defend, defend....

Free Response Questions

- **Concept Application:** Respond to a political scenario, explaining how it relates to a political principle, institution, process, policy, or behavior
- **Quantitative Analysis:** Analyze quantitative data, identify a trend or pattern, draw a conclusion for the visual representation, and explain how it relates to a political principle, institution, process, policy, or behavior
- **SCOTUS Comparison:** Compare a nonrequired Supreme Court case with a required Supreme Court case, explaining how information from the required case is relevant to that in the nonrequired one
- **Argument Essay:** Develop an argument in the form of an essay, using evidence from one or more required foundational documents

Foundational Documents:

- **Founding Period**
 - Articles of Confederation
 - Declaration of Independence
 - United States Constitution
- **Federalist Papers**
 - James Madison
 - Federalist No. 10
 - Federalist No. 51
 - Alexander Hamilton
 - Federalist No. 70
 - Federalist No. 78
- **Antifederalist Paper**
 - Brutus No. 1
- **Civil Rights**
 - Letter from Birmingham Jail

Required SCOTUS Cases:

- **1st Amendment**
 - Expression
 - Speech
 - *Schenck/U.S.* (1919)
 - *Tinker/Des Moines* (1969)
 - Press
 - *NY Times/U.S.* (1971)
 - Religion
 - Establishment Clause
 - *Engel/Vitale* (1962)
 - Free-Exercise Clause
 - *Wisconsin/Ioder* (1972)
- **14th Amendment**
 - Due Process
 - *Gideon/Wainwright* (1963)
 - Equal Protection
 - *Brown/BOE* (1954)
 - *Baker/Carr* (1962)
 - *Shaw/Reno* (1993)
- **2nd Amendment**
 - *McDonald/Chicago* (2010)
- **Expansion of National Power**
 - *Marbury/Madison* (1803)
 - *McCulloch/Maryland* (1819)
- **Right to Privacy**
 - *Roe/Wade* (1973)
- **Campaign Finance**
 - *Citizens United/FEC* (2010)
- **States Rights**
 - *U.S./Lopez* (1995)

Foundational Document:

The Articles of Confederation, 1781

- Firm League of Friendship
- Confederal System
- States were sovereign



• **Foundational Document:**

Weaknesses of the Articles

• **Articles (weaknesses)**

- Commerce
- Raising \$
- One Branch
- Unicameral
- 1 Vote Each
- No Judiciary/Executive
- 9/13 = Law
- 13/13 = to Amend

• **Articles (strengths)**

- Raise Army (no \$)
- Make Peace
- Land Ordinance (1785)
- Northwest Ordinance (1787)

• **Why No Bill of Rights?**

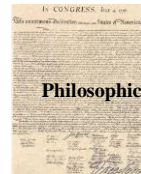
- States had own
- Limited Government
- Fear of Forgotten Rights
- Some Rights Included

• **Constitutional Remedies**

- Federal System
- A Republic
- Strong National Government
- Three Branches
- Bicameral Legislature
- Equal and Proportional Representation
- Strong Executive
- Independent Judiciary
- Ability to Tax (\$)

• **Foundational Document:**

Declaration of Independence, 1776



• **Foundational Document:**

United States Constitution

| US Constitution | Summation |
|-----------------|------------------------------|
| Article I | Legislative Branch |
| Article II | Executive Branch |
| Article III | Judicial Branch |
| Article IV | How the states work |
| Article V | Amending the Constitution |
| Article VI | Supremacy Clause |
| Article VII | Reaffirming the Constitution |

Bill of Rights

1. Freedom of religion, speech, press, assembly, petition
2. Right of people to bear arms
3. Soldiers shall not be quartered in private homes
4. Right to be secure in their persons, houses, papers, etc., and against unreasonable searches
5. Right to notice of charges, protection from double jeopardy, testifying against oneself, and punishment without due process of law
6. Right to speedy trial by jury, to confront witnesses, to counsel
7. Right to trial by jury
8. Protection against excessive bail, and cruel and unusual punishment
9. These stated rights do not mean that people could not have other rights, as well
10. Powers not given to the US in the Constitution are reserved for the States

• **Constitutional Remedies**

- 7 Articles/@7 Amendments
- A Separation of Powers
- Three Branches
- Federal System
- A Republic
- Strong National Government
- Bicameral Legislature
- Equal and Proportional Representation
- Ability to Regulate Commerce
- Ability to Tax (\$)
- Strong Executive
- Independent Judiciary
- Amendment Process
- Supremacy Clause
- Ratification by 9/13 State Conventions

• **Foundational Document:**

The Extended Republic Argument (from The Federalist, Number 10)



James Madison

- Liberties will be safer in a large, "extended" nation, where minority ideas and opinions may find allies.
- The impossibility of teaching virtue leads to the need for allowing factions to check one another.

Federalist #10 Madison/Publius

• Foundational Document:

- Extended Republic Argument
- Factions will occur/ inevitable
- Fear of Tyranny of Majority
- Public Weal
- Representative Government

Brutus #1

• Foundational Document:

- Fear of a strong central government
- National government- uncontrollable
- Wanted small republics
- Necessary and proper clause
- POTUS Commander in Chief
- Judiciary- Lifetime appointment
- Supremacy Clause and Amendment Process

Federalist #51 Madison/Publius

• Foundational Document:

- Men are not angels (nor gals)
- Those governing are not angels



Federalist #51 Madison/Publius

• Foundational Document:

- Double Security
- Legislative Strength (Divide legislature)
- Separation of Powers
- Federalism
- “ambition will check ambition”



*Checks
and
Balances*

• **Foundational Document:**

Federalist No. 70 (Hamilton/Publius)

- Written in support of ratification.
- Calls for a Unitary Executive
- Defends the need for a strong, “energetic POTUS
- Plural executives will lead to faction and discord.
- One person may be more “narrowly” and vigilantly watched and will be more accountable. (HST)
- Defense against tyranny of majority
- Anti-Federalists feared that a single executive with such “energy” might be the “fetus of monarchy”.

• **Foundational Document:**

Federalist No. 70 (Hamilton/Publius)

- Longer duration of office to make the POTUS accountable to the people. (Stability)
- “Energy in the executive is the leading character in the definition of good government”.



**Antifederalist Fears:
An Independent Judiciary**

- The Judiciary lacks accountability (uncontrollable).
- The Judiciary is far too independent.
- They will impose their will to disastrous ends.



Federalist No. 78
(Hamilton/Publius)

• **Foundational Document:**

- As a necessary check on the Legislature...
- “Declare all acts contrary to the manifest tenor of the constitution void.”
- “The Constitution is the fundamental law and it must fall to the judiciary to ascertain (determine) its meaning.



Federalist No. 78 (Hamilton/Publius)

• Foundational Document:

- “Natural feebleness” Weakest of the three departments in terms of powers.
- Tenure in office is a must to resist the “ill humors” that may “lay hold” of the people momentarily to violate the Constitution.



• Foundational Document:

The “Least Dangerous” Branch

“...neither force nor will but only judgment.”

-Alexander Hamilton
Fed. No. 78

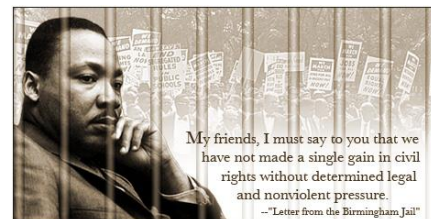
• Foundational Document:

Letter from Birmingham Jail



Direct Action

• Foundational Document:



• **Foundational Document:**

Letter from Birmingham Jail

- Letter to Southern Ministers
- We are here because injustice is here.
- *"Injustice anywhere is a threat to justice everywhere."*
- We have waited and moved at horse and buggy speed.
- Direct action. The time is now!
- Nonviolent Civil Disobedience.
- *"Freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed."*
- *"Justice too long delayed is justice denied."*

• **Required SCOTUS Case:**

Marbury v. Madison (1803)

Marbury v. Madison, arguably the most important case in Supreme Court history, was the first U.S. Supreme Court case to apply the principle of "judicial review" -- the power of federal courts to void acts of Congress in conflict with the Constitution.



William Marbury

Judiciary Act of 1801

• **Required SCOTUS Cases:**

Federalism

Expand Power of the National Government

- **McCulloch v. Maryland (1819)**
 - 2nd Bank of the United States
 - Necessary and Proper Clause
 - The Power to tax is the power to destroy
 - Increases power of national government



States' Rights Victory, Devolving Power to States

- **United States v. Lopez (1995)**
 - Gun Free School Zones Act (1990)
 - Interstate Commerce (Court said 'Nah')
 - States' Rights victory
 - Limits power of national government



• **Required SCOTUS Case:**

Malapportionment is undemocratic.

Baker v. Carr (1962)

Until the 1960s, SCOTUS felt that there was too much political and partisan conflict to get involved.



Political Question Cases

• Required SCOTUS Case:



Justiciable Question

**14th Amendment,
Equal Protection
Clause case**

***Baker v. Carr*
(1962)**

Was this a Political Question (to be left to the legislature and the people) or a Justiciable Question (giving the SCOTUS jurisdiction)?

• Required SCOTUS Case:



Opinion of the Court

**14th Amendment,
Equal Protection
Clause case**

***Baker v. Carr* (1962)**

SCOTUS- This is a Justiciable Question (we will deal with this formerly political question case, going forward) giving the SCOTUS jurisdiction. (6-2 decision)

In later decisions, the Court ruled that malapportionment violated the 14th Amendment's Equal Protection Clause... one man, one vote.

• Required SCOTUS Case:



**14th Amendment,
Equal Protection
Clause case**

Race May Be A Factor but Not the Only Factor

***Shaw v. Reno* (1993)**

Congressional districts may not be drawn solely on the basis of race. (5-4 decision)

Redistricting for the purpose of creating majority-minority districts must be narrowly tailored to further a compelling government interest.

• Required SCOTUS Case:

***Shaw v. Reno* (1993)**

Background:

Based on the VR Act (1965) Federal Pre-Clearance mandate, many states had to submit redistricting plans to the U.S. Department of Justice. NC was ordered to create a 2nd majority-minority district

Constitutional Principle/Question:

Did NC's 1990 redistricting plan violate the 14th Amendment's Equal Protection Clause? Does the plan amount to discrimination on the basis of race?

***Shaw v. Reno* (1993)**

Opinion of the Court/Reasoning:

Racial classifications of any sort will lead to judgement based on the color of skin. The drawing of boundaries based solely on race is a violation of the 14th Amendment's Equal Protection Clause.

Enduring Legacy:

In a subsequent case, in 2001, the SCOTUS ruled that race can be a factor as long as it was not the "dominant controlling factor".

• **Required SCOTUS Case:**

Engel v. Vitale (1962)



"Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country."

• **Required SCOTUS Case:**

Engel v. Vitale (1962)



1st Amendment:
Freedom of Religion/Establishment Clause



No government official may organize or lead prayer in public school.

It is not the business of government to compose prayers.

• **Required SCOTUS Case:**

Wisconsin v. Yoder (1972)



Amish Children to Quit School in 8th Grade

• **Required SCOTUS Case:**

Wisconsin v. Yoder (1972)

Forcing Amish students to be part of a worldly society and keeping them from living the religious life they have chosen violates their right to freely exercise their faith.



• **Required SCOTUS Case:**

Schenck v. the United States (1919)



• **Required SCOTUS Case:**

Schenck v. the United States (1919)

“The question in every case is whether the words are used in such circumstances and are of such a nature as to create a **clear and present danger** that will bring about the substantive evils that Congress has a right to prevent...”

-Justice Oliver Wendell Holmes

• **Required SCOTUS Case:** **Tinker v. Des Moines (1969)**



• **Required SCOTUS Case:**

Opinion of the Court

- The wearing of armbands was "closely akin to 'pure speech'" and protected by the First Amendment.
- S's don't "check their rights at the schoolhouse gate"

Tinker v. Des Moines (1969)

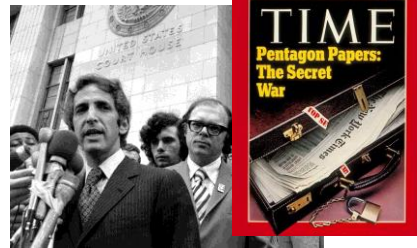
• Required SCOTUS Case:

Tinker Standard

- 1) Schools cannot silence expression simply because they do not like the message.
- 2) Evidence (not fear) must suggest there will be a substantial disruption of the school environment
- 3) or an invasion of the rights of others

NY Times Co. v. U.S. (1971)

• Required SCOTUS Case:



NY Times Co. v. U.S. (1971)

• Required SCOTUS Case:

1st Amendment:

Freedom of the Press

A **Per Curiam Decision**, ruling that the government had not satisfied the heavy burden to justify **Prior Restraint**.

Publication of the Pentagon Papers was allowed to continue without Prior Restraint.



• Required SCOTUS Case: McDonald v. Chicago (2010)

Selective incorporation of the 2nd Amendment's right to "keep and bear arms", via the Due Process Clause of the 14th Amendment.



• Required SCOTUS Case:

Gideon v. Wainwright (1963)



• Required SCOTUS Case:

Gideon v. Wainwright (1963)

6thth Amendment/14th Amendment:
The Right to Counsel Selectively
Incorporated

Individuals have the right to an
attorney in state and local trials.



• Required SCOTUS Case:

Brown v. B.O.E. (1954)



• Required SCOTUS Case:

Brown v. B.O.E. (1954)

14th Amendment:
Equal Protection Clause

The Court overturns Plessy v. Ferguson ruling that separate but equal facilities do not violate the Equal Protection Clause of the 14th Amendment.

“Separate but equal is inherently wrong”.

“Desegregate schools with all deliberate speed”.

Civil Liberties

The Right to Privacy



Griswold v. Connecticut (1965)

- Right to Privacy
- Penumbras "Shadowy Edges"
- 1st Amendment
- 3rd Amendment
- 4th Amendment
- 5th Amendment
- 9th Amendment
- 14th Amendment (Due Process)



Although the [Bill of Rights](#) does not explicitly mention "privacy," Justice William O. Douglas wrote for the majority that the right was to be found in the "penumbras" and "emanations" of other constitutional protections.

• Required SCOTUS Case: Roe v. Wade (1973)

Trimesters

- 1st- up to woman and physician
- 2nd- state may safeguard interest of mother
- 3rd- state may safeguard interest of potential life

Viability

Established the right for women to choose to have an abortion.



• **Required SCOTUS Case:** Citizens' United v. FEC (2010)



• **Required SCOTUS Case:** Citizens' United v. FEC (2010)

1st Amendment:
Freedom of the Speech

Corporations and Unions, etc. are people in the view of the Court and their right to free speech is no less important.

Super-PACs may be formed and spend whatever they wish as long as it is independent advertising.



PACs

- May **NOT** keep donor identity secret



\$\$\$ to Candidate

Super-PACs

- **Non-Profits**
 - May keep donor identity secret



Message is Restricted to
Independent Advertising
and Issue-Advocacy

What are Super-PACs?

- How are these different from PACs?
- How are they different from 527s?
- Explain the difference between hard money, soft money and independent advertising.



Forms of Representative Democracy

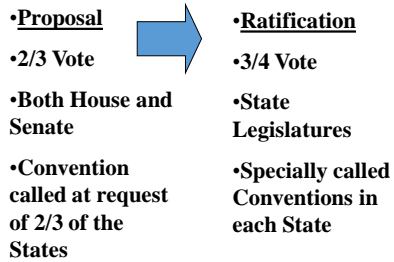
- **Participatory Democracy**
 - Requires Effort and Knowledge
 - New England Town Meeting
 - Initiative, Referendum and Recall
- **Pluralist Democracy**
 - Many Political Elites
 - Separation of Powers
 - Federalism
 - Diversity
 - Access Points
 - Federalist #10
 - Factions inevitable
 - Extended Republic
 - Public Weal
 - Better choice of candidate
- **Elitist Democracy**
 - Political Elite
 - Karl Marx
 - Bourgeoisie
- **Hyper-pluralism**
 - Gridlock

Constitutional Compromises

- **Great Compromise**
- **Three-fifths Compromise**
- **Commerce Compromises**
- **Executive Compromises**
- **Slavery Compromises**

Criticisms of the Electoral College

- Faithless Electors
- Winner-Take-All
- House Role (1800/ 1824)
- Popular Vote Winner Loses Election
 - Andrew Jackson
 - Samuel Tilden
 - Grover Cleveland
 - Albert Gore

The Amendment ProcessInterest Group Tactics

- | | |
|--------------------|-------------------|
| •Direct Lobbying | •Propaganda |
| •Testifying | •Rallying support |
| •Donating \$ (PAC) | •Class Action |
| •Endorsing | •Amicus Briefs |
| •Socializing | •Literature |

Grant in Aid/ Conditions of Aid

- Categorical
- Block Grants
- Revenue Sharing (ended in 1986)

Unfunded Mandates

- State/local government must comply with federal rules.
- Ocean Dumping Ban (1988)/ Clean Air and Clean Water Acts
- Americans with Disabilities Act (1990)

Post September 11, 2001

The role of government, in the areas of military preparedness and national security (and immigration) reexamined.

- **USA Patriot ACT (2001)**
- **Foreign Intelligencer Surveillance Act (1978)**
 - Restructured post 9-11

American Core Beliefs

- **Individualism**
- **Equality of Opportunity (not outcome)**
- **Free Enterprise**
- **Rule of Law**
- **Limited Government**

Political Socialization

- **Family**
- **Schooling and Information**
- **Community**
- **Peers**
- **Spouse**
- **Media/ TV we you age**

Cleavage in Opinion and Voting in the U.S.

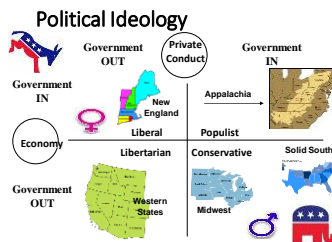
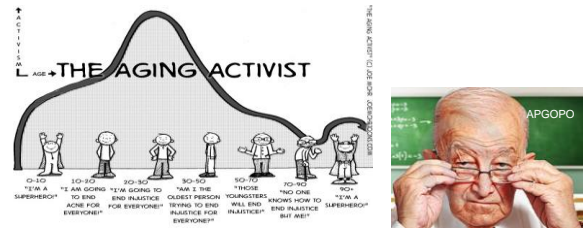
- **Race**
 - **Ethnicity**
 - **Gender**
 - **Religion**
 - **Region (religiosity)**
- * Socioeconomic Status (SES)

Generation Effects

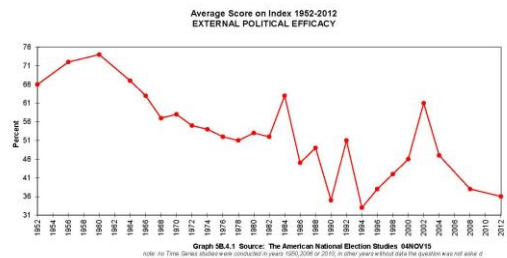
- The Silent Generation (pre-1945)
 - Great Depression/ WWII
- Baby Boomers (1946-1964)
 - Prosperity/Cold War
- Generation X (1962-1982)
 - Civil Rights/ Watergate/Vietnam
- Millennials (1981-1996)
 - September 11, 2001

Lifecycle Effects

- How we change and reprioritize as we age.



Political Efficacy



Public Opinion

- **Public Opinion** – the collective attitude of the citizens on a given issue or question.



Public Opinion Polling- A sample of the population is polled on an issue to gather opinion with a predictable degree of accuracy.

Random Sample Tracking Polls
 Representative Sample Push Polling
 Sample Size vs. Universe
 Sample Error



Public Opinion Polls can be Misleading

Wording of the question

Opinion stability

Ignorance of the public

Response bias



Reliability of Polls

Fiscal Policy



Fiscal Policy

• **Congress** and the **POTUS** control **Fiscal Policy** through **Taxing** and **Spending** policies to control the economy.



Congress



POTUS

FDR Fiscal Policy

New Deal

Keynesian Economics

- Keynesian Economics “Deficit Spending”
- Used during the Great Depression to get folks back to work and to create demand.

Alphabet Agencies

Great Depression

Ronald Reagan

Reganomics

Fiscal Policy

Supply-Side Economics

- Ronald Reagan- Tax Cuts for the Rich (Reganomics or Trickle-Down Economics)

Trickle Down Economics

Voodoo Economics

Monetary Policy



Monetary PolicyFederal
Reserve

•Control the Money Supply, the amount of \$ in circulation, to increase or decrease spending/demand.

•Open Market Operations

•Raise and Lower Discount Rate/Interest rate

•Reserve Requirements

Expansion of Suffrage

- 15th Amendment
- 17th Amendment
- 19th Amendment
- 23rd Amendment
- 24th Amendment
- 26th Amendment
- Voting Rights Act of 1965
- Poll taxes
- Literacy tests
- White primaries
- Grandfather Clause

Low Voter Turnout in the U.S.

- No automatic registration
- No compulsory voting laws
- Two-step process (w/ registration)
- Cost of Registering
- Amount of elections in the U.S.

Non-Voters

- Young (18-24)
- Non-white
- Little education
- Poor


 The logo consists of the letters 'SES' in a stylized, outlined font. The 'S' is on the left, and the 'E' and 'S' are on the right, with the 'E' being slightly larger and more prominent.

Likely Voters

- Higher levels of education
- White
- Older (35+)
- Married
- Church Goers/ Civic Organizations
- Strong Party Members (D/R)

Why is voter turnout low in these United States?

- No Automatic Registration
- Voting is a Two-Step Process
- Non-Monetary Cost
- No Compulsory Voting Laws
- # of Elections in U.S.- 521,000
- *We do participate in other ways!

Models of Voting Behavior in the U.S.

- Rational Choice Voting
- Prospective Voting
- Retrospective Voting
- Party Line Voting

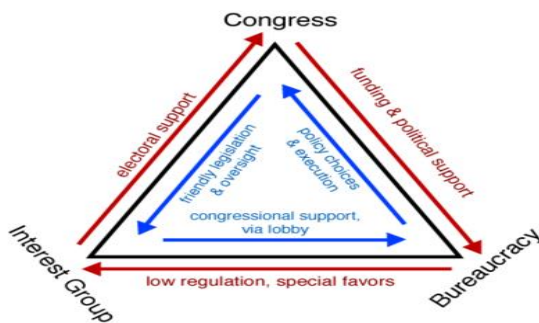
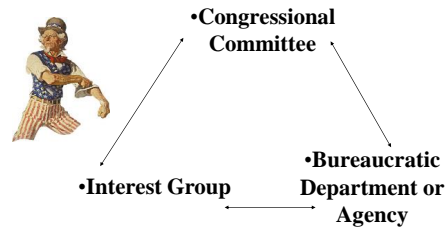
Unconventional participation appeals more to those

- * mistrustful of government
- * who develop a strong sense of political efficacy
- * who develop a sense of group consciousness

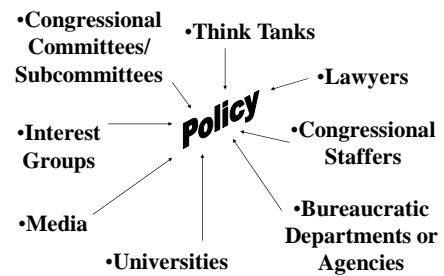
• **Iron Triangles** = the close relationship between an **agency**, a **congressional committee**, and an **interest group** that often becomes a mutually advantageous alliance.

• **Issue network** = network of people in Washington-based interest groups, on Congressional staffs, in universities & think tanks, & in the mass media who regularly discuss & advocate public policies. Are replacing iron triangles.

Iron Triangles



Issue Network



Types of Primaries

- Open Primary
- Closed Primary
- Blanket Primary

Critical Election

- Party Defeated So Badly It Disappears
- Defeated So Badly That It Seems It Will Disappear/ Later Reemerges

Electoral Realignment

- Lasting: 1860, 1896, 1932
- Dealignment

Critical Elections

An election in which a party is defeated so badly that it disappears or seems that it may disappear.

Issues are often crosscutting, dividing both major parties.

Electoral Realignment

Voting patterns are changed by some critical issue, event, or leader and remain changed for an extended period of time (perhaps many decades).

A major shift in political divisions in the country.

This may occur as a result of a critical election or over several election cycles.

Political Campaigns (Pre-1968)

- Party Controlled
- Nominating Conventions
- Smoke-Filled Backrooms
- Shorter Campaigns
- Money Less Important
- Media Played Small Role

Political Campaigns (Post-1968)

- Candidate Centered Campaign
- Personal Following
- Primaries!- Party Becomes Weaker
- Money is Very Important (FEC)
- Media is Very Important- Spots, Visuals

Changes in Party Organization (1968 – 1972)

Republicans

- Highly Organized
- Well Funded
- Computer Mailings
- Advice and Information

Democrats

- Fragmented
- In-Fighting
- Traditional
versus New
Democrats

Weakening of Political Parties

- Pendleton Act (1883)- Civil Service Commission
- The End of Fraudulent Voting
- Social Security Act (1935)- AFDC
- Rise of the Primary
- Rise of the Candidate-Centered Campaign

Weakening of Political Parties

- # of I's increasing, D's and R's Decreasing
- Personal Following
- Money and the Media
- Direct Primary
- Nominating Conventions- pep rallies
- (Convention Bump)
- Interest Groups and PACS vs. Party
- 527s
- Citizens United v. FEC (2010)

Why a Two party System?

- Single Winner Elections
- First Past the Post
- Winner Take All
- Plurality to Win
- Legal- Hard to Get on the Ballot
- Harder to Raise \$\$\$
- D's/R's Present a Big Umbrella
- Traditionooooooooon.....Tradition!

U.S. Political Parties

- **Two Major Parties (single-winner)**
- **Minor or 3rd Parties**
 - **Bolter or Factional**
 - **Economic Protest**
 - **Ideological**
 - **Single-Issue**
- **Political Machines**

The Role of Minor Parties

- Safety Valve Function
- Major Parties Incorporate Popular Ideas

Congressional Staff Agencies

Congressional Budget Office (CBO)

Cost Projections/Budget (vs.
OMB)

Government Accountability Office (GAO)

Watchdog
Investigative

Congressional Research Service (CRS)

Track Legislation
Research (LOC)



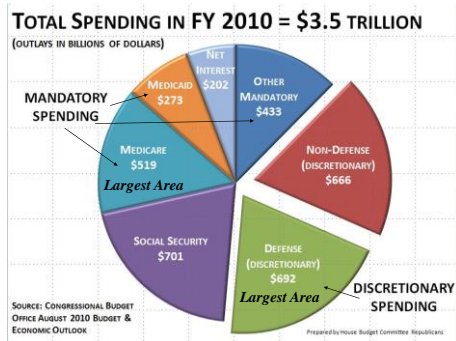
Brownlow Commission (1937)

Reorganization Act (1939) (Contained a Legislative Veto)

Four Degrees of Propinquity

- ☐ White House Office
- ☐ Executive Office of the President
- ☐ The Cabinet
- ☐ Independent Executive Agencies
and Government Corporations

Discretionary spending is **spending** that is subject to the appropriations process, whereby Congress sets a new funding level each fiscal year (which begins October 1st) for programs covered in an appropriations bill. ... **Mandatory spending** is simply all **spending** that does not take place through appropriations legislation.



The Modern Presidency (Informal Powers)



- The Bully Pulpit
- Signing Statements
- Executive Privilege
- Executive Orders
- Executive Agreement
- Congressional Delegation of Power

The Bureaucracy

- A bureaucracy is a large, complex organization composed of appointed officials.
- There is an emphasis on specialization and following rules.
- Authority is divided among several managers; no one person is able to make all the decisions.

Making Public Policy

- **Setting the Agenda**
 - Interests groups, POTUS (Bully Pulpit), Media, Events
- **Policy Formulation**
 - Iron Triangles/Issue Networks, Authorization, Appropriation, Committee Clearance
- **Policy Implementation**
 - Bureaucracy, discretionary authority, quasi-legislative, quasi-judicial
- **Policy Oversight**
 - Congress, Media, Interest Groups, POTUS

Terms and the Bureaucracy

- Discretionary Authority
- Quasi-Legislative
- Quasi-Judicial
- Creation
- Authorization
- Appropriation
- Committee Clearance
- Formulation
- Incrementalism
- Implementation
- National Performance Review

Civil Service Reform

• Pendleton Act of 1883

Employment on the basis of merit and open, competitive exams

• Hatch Act of 1939

Civil service employees cannot take an active party in the political management of campaigns

Two Masters of each Bureaucratic Agency of Department

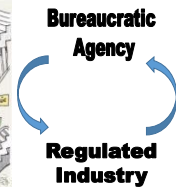
Executive

- Creation
- Nomination of Officials
- Executive Agencies (Boss)
- Ex. Orders

Legislative

- Creation
- Power of the Purse
- Approval (Senate)
- Authorization
- Appropriation
- Committee Clearance
- Oversight

Revolving Door



Bureaucratic Agencies



- Creation
- Nomination/Confirmation
- Cong. Authorization
- Cong. Appropriation
- Committee Clearance
- Cong. Oversight

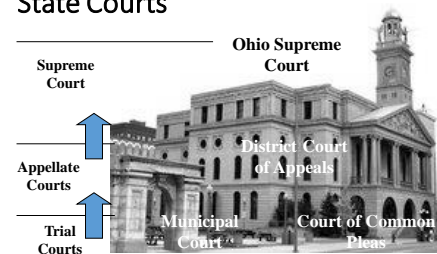
The United States Federal Courts



SCOTUS Docket

- Federal Question Cases
 - Constitution
 - Federal Laws
 - Treaties
- Diversity Cases

OHIO State Courts



14th Amendment:
Due Process Clause
and the
Equal Protection Clause



Selective Incorporation

Due Process Clause Equal Protection Clause

Mapp v. Ohio (1961)

Gideon v. Wainwright
(1963)

Miranda v. Arizona
(1966)

Brown v. BOE Topeka
(1954)

Baker v. Carr (1962)

Shaw v. Reno (1993)

The Lemon Test: Lemon v.
Kurtzman (1971)



Government involvement is Constitutional if...

1. Has a secular purpose
2. Neither advances nor inhibits religion
3. Does not foster excessive government entanglement in religion

Forms of Speech

- Pure Speech
- Speech Plus
- Symbolic Speech

Speech NOT Protected

- Clear and Present Danger
- Fighting Words
- Obscenity
- Libel/ Slander

Gitlow v. New York (1925)



**Selective
Incorporation**

Fourteenth Amendment

“Fundamental Personal Rights”

Selective Incorporation of the Bill of Rights is the legal doctrine by which portions of the U.S. Bill of Rights are applied to the states through the Due Process Clause of the Fourteenth Amendment.

Due Process

4th- Search and Seizure and Search and Arrest Warrant

5th- Against Self-Incrimination and Double Jeopardy

6th- Right to an Attorney, Speedy Trial, Hear Witnesses against you, Change of Venue

8th- Against Excessive Bail and Fine and Cruel and Unusual Punishment

The Equal Protection Clause, part of the Fourteenth Amendment to the United States Constitution, provides that "no state shall... deny to any person within its jurisdiction the equal protection of the laws."

Voting Rights Act of 1965

- **Outlawed literacy tests**
- **Poll watchers/ Federal examiners**
- **Federal Preclearance**

Civil Rights Act of 1964

- **Outlawed segregation in places of public accommodation**
- **Banned discriminatory employment practices**
- **Ended segregation in public places**

Policy Making Institutions

• The Congress

- Domestic Policy
- Make Laws
- Commerce Clause
- Taxing Power
- Override H/S (2/3)

• The Federal Judiciary

- Judicial Review
- Opinion Writing
- Policy-Making Remedies

• The Bureaucracy

- Discretionary Authority
- Quasi-Legislative
- Quasi-Judicial

• The POTUS

• Delegated/Formal

- Foreign Policy
- Take Care Clause
- Veto
- Commander in Chief
 - Sword
- Nominations

• Inherent/Informal

- Executive Orders
- Executive Agreements
- Signing Statements

Federalism

- Division of Power
 - National
 - Supremacy Clause
 - State
 - 10th Amendment
 - Reserved Powers
 - Diversity of Policy
 - Lowers Cost of Participation
 - Pluralism
 - Dual Federalism
 - Layer cake
 - Cooperative Federalism
 - Marble Cake
 - Fiscal Federalism
-
- **Conditions of Aid**
 - Categorical Grants
 - Specific
 - Strings attached
 - National Government favors
 - Block Grants
 - General Purpose
 - Devolution
 - States favor
 - **Mandates**
 - No Choice
 - Often unfunded
 - Usually Civil Rights
 - Am's w/ Dis's Act
 - Or Environmental
 - Clean Air Act
 - Clean Water Act
 - Ocean Dumping Ban

Checks and Balances

- **The Congress**
 - Make Laws
 - Budget (Purse \$)
 - Override H/S (2/3)
 - Declare War H/S (S. Maj.)
 - Impeachment
 - H (S. Maj.)
 - S (2/3)
 - Chief Justice
 - VPOTUS Vacancy (25th Amendment)
 - Oversight of Executive Branch/ Bureaucracy
 - Advice and Consent
 - S Confirmation (S. Maj.)
 - S Ratify Treaties (2/3)
 - Senatorial Courtesy
-
- **The POTUS**
 - Delegated/Formal
 - Take Care Clause
 - Veto
 - Commander in Chief
 - Sword
 - Nominations
 - Inherent/Informal
 - Executive Orders
 - Executive Agreements
 - Executive Privilege
 - Bully Pulpit
 - Signing Statements



Checks and Balances

- **The POTUS**
 - Delegated/Formal
 - Nominates Federal Judges
 - Inherent/Informal
 - Bully Pulpit
-
- **The Federal Judiciary**
 - Judicial Review
 - Declare Laws Unconstitutional
 - Lopez v. United States (1995)
 - Clinton v. City of New York (1998)
 - Declare Presidential Actions Unconstitutional
 - United States v. Nixon (1974)



Checks and Balances

- **The Congress**
 - Delegated/Formal
 - Create Inferior Courts
 - # of Judges (Inferior Courts)
 - Jurisdiction (Inferior Courts)
 - S Confirmation (S. Maj.)
 - Pass Laws w/ slightly different intent
 - Propose Amendments H/S (2/3)
 - Purse Strings (\$)
 - Senatorial Courtesy/ Blue Slip
-
- **The Federal Judiciary**
 - Judicial Review
 - Declare Laws Unconstitutional
 - Lopez v. United States (1995)
 - Clinton v. City of New York (1998)
 - Interpret Constitution
 - Brown v. BOE (1954)
 - Gilow v. NY (1925)
 - Mapp v. Ohio (1961)
 - Engle v. Vitale (1962)
 - Baker v. Carr (1962)
 - Gideon v. Wainwright (1963)
 - Griswold v. Connecticut (1965)
 - Miranda v. AZ (1966)
 - Roe v. Wade (1973)
 - Buckley v. Valeo (1976)
 - Obergefell v. Hodges (2015)



House versus Senate

• The House

- Make own rules
- Choose leaders
- Cup
- Formal Rules
- Time limits
- Germane debate
- Speaker of the House
- 2 years
- 435

• The Senate

- Make own Rules
- Choose leaders
- Advice and Consent
- VPOTUS
- Senate Majority Leader
- Saucer
- Informal
- Fewer rules 6 years
- 100 members
- Filibuster
- Cloture (3/5)
- Riders and Christmas Tree Bills
- Unanimous Consent Agreement

Committee System

• Keys

- Real Work is done
- Most bills die in committee
- Divide and specialize
- H- Policy Specialists
- S- Policy Generalists

• Stranding Committees

- House-
 - Rules
 - Ways and Means
 - Appropriations
- Senate-
 - Finance
 - Appropriations
 - Judiciary
 - Foreign Relations

• Conference Committee

- *Joint Committee*
- *Reconcile Differences*
- *Conferees*
- *Conference Report*

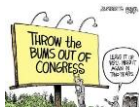
Incumbent Advantages

• Advantages

- Constituent Services
- Name Recognition
- Franking Privilege
- Raising Money \$
- Home Visits
- Credit/ Blame
- Gerrymandered Districts
- Pork Barrel Legislation
 - Committee Assignments

• Terms and the Like

- Sophomore Surge
- Marginal Seat
- Safe Seat
- No Term Limits
- 27th Amendment



• Hmmmm?

- *House and Senate Reelection Rates*
- *Congressional Approval versus Congressional Reelection*
- *Hate Congress, but Love Our Congressman*
- *Wave Election*

Reapportionment and Redistricting

• Congress

- Size
- 435
- Reapportionment Seats

• SCOTUS

- Baker v. Carr (1962)
- Wesberry v. Sanders (1964)
- Shaw v. Reno (1993)

• Decennial Census

• State Legislatures

- Redistricting
- Gerrymandering
- Malapportionment
- Compact and Contiguous
- Majority-Minority Districts
- Racial Gerrymandering
 - Descriptive Representation
 - Substantive Representation

The Executive Branch

- Amendments
 - 12th Amendment
 - 20th Amendment
 - 22nd Amendment
 - 23rd Amendment
 - 25th Amendment
- Three Audiences
- Role of Propinquity
- The Electoral College
 - Indirect Election
 - Same # as H/S members in each state
 - 538
 - Majority to win (270)
 - House Role
 - Winner-take-all
 - Popular vote winner loses
 - Faithless electors

Campaign Finance

- Federal Elections Campaign Act
 - FEC
 - Bipartisan
 - 6 members
 - Hard Money
 - Individuals- \$1K
 - PACS- \$5K
 - PACS- \$50K
 - Buckley v. Valeo (1976)
 - Free Speech
- McCain-Feingold (2002)
 - Hard \$ versus Soft \$
 - Ends Soft \$
 - Hard Money
 - Individuals- \$1K
 - PACS- \$5K
 - "I'm Donald Trump and I approve this message."
 - Loophole- 527s
 - Independent Advertising
- Independent Advertising
 - PACs versus Super-PACs
 - Hard Money versus Super-PACs
 - 527s versus Super-PACs
- SCOTUS
 - Buckley v. Valeo (1976)
 - Citizens United v. FEC (2010)

POTUS versus the Congress

- Congressional Delegation of Power
 - Gulf of Tonkin Resolution (1964)
- War Powers Act (1973)
 - Nixon Veto
 - Override
 - 48 Hours
 - 60-90 Days
 - Legislative Veto
- Budget and Impoundment Control Act (1974)
 - Nixon Veto
 - Override
 - 45 Days
 - CBO
 - Budgetary Process
- Delegated Powers
 - POTUS
 - Sword
 - Commander in Chief
 - Congress
 - Purse Strings
 - Declare War

Budget Making Process

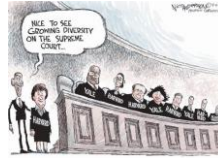
- POTUS
 - Office of Management and Budget
 - State of the Union Address
 - Deliver Budget to the Congress
 - Bully Pulpit
 - Mandate Argument
- The Congress
 - Budget and Impoundment Control Act (1974)
 - Congressional Budget Office
 - Authorization
 - Annual
 - Fixed
 - Permanent
 - Appropriation
 - Cardinals of Spending
 - Committee Clearance
 - Fiscal Year
 - National Debt
 - Uncontrollable Spending- 70%
 - Discretionary Spending- 30%
- Standing Committees
 - House-
 - Ways and Means
 - Appropriations
 - Senate-
 - Finance
 - Appropriations

Entitlements

- **New Deal**
 - Cooperative/Fiscal Federalism
 - Social Security Act (1935)
 - Old Age Pension
 - Unemployment Insurance
 - Blind/Disabled
 - **AFDC**
 - Categorical Grant
 - Transfer Payments
 - Redistributive Policy
- **Great Society**
 - Cooperative/Fiscal Federalism
 - Medicare
 - Medicaid
 - Free and Reduced Lunch
 - Head Start Program
 - **TANF (1996)**
 - Devolution
 - Block Grant

The Federal Judiciary

- Independent Judiciary
- *Original and appellate jurisdiction*
- *SCOTUS Docket*
- *Rule of Four*
- *Writ of Certiorari*
- Stare Decisis
- Opinions of the Court
- Per Curiam Decision
- *Opinion of the Court*
- *Concurring Opinion*
- *Dissenting Opinion*
- *Per Curiam Decision*
- Slip Opinion
- *Policy-Making Remedy



Jurisprudence

- **Originalism**
 - Judicial Restraint
 - Conservatives
 - Letter of the Law
 - U.S. v. Lopez (1995)
 - Voting Bloc
 - Swing Vote
- **Judicial Activism**
 - Activism
 - Living Constitution
 - Court of Last Resort
 - Amplify Meaning
 - Griswold v. Connecticut (1965)
 - Voting Bloc

The Federal Bureaucracy

- Discretionary Authority
 - Quasi-Legislative
 - Quasi-Judicial
- Direct Lobbying
- Revolving Door
- Client-Politics
 - Pork Barrel Legislation
 - Logrolling
 - **Reciprocity**
- Iron Triangles
- Issue Networks
- **Two Bosses**
 - POTUS
 - Boss
 - Executive Orders
 - Bully Pulpit
 - Congress
 - Authorization
 - Appropriation
 - Committee Clearance
 - Oversight
 - Hearings and Testimony
- Rule of Proximity
 - WH Staff (EOP)
 - EOP
 - Cabinet
 - Independent Agencies and Government Corporations
- Executive Orders
 - #9066
- Two Bosses
 - Pendleton Act
 - Civil Service commission
 - Patronage versus Merit System
 - Office of Personnel Management
 - Merit Systems Protection Board

Linkage Institutions

- **Interest Groups**
 - Direct Lobbying
 - Literature
 - Endorsement
 - PACs
 - Amicus Curiae Briefs
 - Class Action Suits
 - Revolving Door
 - Client-Politics
 - Pork Barrel Legislation
 - Logrolling
 - *Reciprocity*
 - Iron Triangles
 - Issue Networks
- **Elections/ Campaigns**
 - Republic
 - Voter Turnout
 - Primaries
 - Open/Closed
 - Caucus
 - Critical Elections
 - Electoral Realignment
 - Personal Following
 - Candidate-Centered
 - Campaign Financing
 - Frontloading
 - Incumbent Advantages
- **Media**
 - *Raise and Frame Issues*
 - *Gatekeeper*
 - *Scorekeeper or Horse Race Journalism*
 - *Watchdog Function*
 - **Political Parties**
 - Two Party System
 - Minor Parties
 - Weakening of Parties

Political Socialization

- **Acquire Political Attitudes and Beliefs**
 - Lifelong Process
 - Family
 - Education
 - Religion
 - Gender
 - Race and Ethnicity
 - Region
 - Spouse
 - Occupation
 - TV/Media



Public Opinion

- **Public Opinion**
 - Flowing River
 - A Fickle Public
 - Trust has gone down
 - Political Efficacy
- **Public Opinion Polling**
 - Random Sample
 - Representative Sample
 - Sample Size
 - Sample Error
- **Distribution of Public Opinion**
 - Skewed Distribution
 - Bimodal Distribution
 - Normal Distribution
 - Stable Distribution



Suffrage and Political Participation

- Voting is the most common form of participation
- Those w/ more Education are more-likely to participate
- 18-24 less-likely to participate
- Young, poor, non-white less-likely to participate
- Socioeconomic Status (SES)
- POTUS Elections- majority participate
- **Expansion of Suffrage**
 - 15th Amendment
 - Black Codes
 - Grandfather Clause
 - 19th Amendment
 - 24th Amendment
 - 26th Amendment
 - Voting Rights Act (1965)
 - *Shelby County v. Holder* (2013)
- **Civil Rights Movement**
 - Direct Action
 - Unconventional Participation
 - Political efficacy
 - Group consciousness
 - Mistrust of Gov't
 - Has fallen since 1950s

Political Parties

- **Big-Tent**
 - Broad Coalitions
 - Parties versus Interest Groups
 - Weakening of Parties
 - Not cohesive parties across levels of government
- **Democratic Party Changes**
 - Party of Everyone
 - Super-Delegates
- **Republican Party Changes**
 - Well-financed
 - Well-organized- computer mailings
 - RNC Chair (1975)

Two-Party System

- **Persistence of Two-Parties?**
 - Plurality System
 - Single Member Districts
 - Winner-Take-All
 - Incumbent advantages
 - Tradition
- **Weakening of Political Parties**
 - Candidate-Centered Campaigns
 - Personal Following
 - Primaries and Caucuses
 - Pendleton Act (1883)
 - Social Security Act (1935)
 - Nominating Conventions Today

Nominating Process

- **Pre-1968**
 - Party-Centered
 - Nominating Conventions
 - Smoke-Filled Backroom
 - Shorter Campaign Season
 - Little Media coverage
 - Less Money Needed
- **Post-1968**
 - Candidate-Centered Campaigns
 - Personal Following
 - Primaries and Caucuses
 - Long Campaign Seasons
 - More Media Coverage
 - Massive Amounts of \$\$\$

Landmark Cases

• Marshall Court

- Marbury v. Madison (1803)
- McCulloch v. Maryland (1819)
- Gibbons v. Ogden (1824)
- Barron v. Baltimore (1833)
- Roberts Court
- Shelby Count v Holder (2013)
- Obergefell v. Hodges (2015)

• Taney Court

- Dred Scott v. Sandford (1857)

• Rehnquist Court

- U.S. v. Lopez (1995)
- Planned Parenthood v. Casey (1992)

• Warren Court

- *Brown v. BOE (1954)*
- *Mapp v. Ohio (1961)*
- *Engel v. Vitale (1962)*
- *Baker v. Carr (1962)*
- *Gideon v. Wainwright (1963)*
- *Griswold v. Connecticut (1965)*
- *Miranda v. AZ (1966)*
- *Tinker v. Des Moines (1969)*

• Miscellaneous

- Plessy v. Ferguson (1896)
- Roe v. Wade (1973)

Civil Liberties

• 1st Amendment

- Expression
 - Speech, Press, assembly and Petition
- Religion
 - Establishment Clause
 - Free-Exercise Clause

• 4th Amendment

- Unreasonable Search and Seizure
- Search Warrant
- Arrest Warrant
- Probable Cause
- Oath of Affirmation

• 5th Amendment

- Due Process Clause
- Self-Incrimination
- Double Jeopardy
- Eminent Domain

• 6th Amendment

- Speedy Trial
- Public Trial
- Jury of Peers
- Right to Counsel
- Right to Hear Witnesses
- Right to Obtain Witnesses
- Right to be tried where Crime was Committed

• Change of Venue

• 8th Amendment

- Cruel and Unusual Punishment
- Excessive Bail and Fines

The Fourteenth Amendment

• Citizenship

- Overturns Dred Scott Decision
- Defines Citizenship
 - Jus Soli
 - Jus Sanguinis

• Due Process Clause

- Selective Incorporation of the Civil Liberties granted by the Bill of Rights
- One-By-One- States must guarantee Liberties to All Citizens
 - Gitlow v. NY (1925)
 - Mapp. V. OH (1961)
 - Gideon v. Wainwright (1963)

• Equal Protection Clause

- States must guarantee Equality to All Citizens
- SCOTUS
 - *Brown v. BOE (1954)*
 - *Baker v. Carr (1962)*
 - *Regents v. Bakke (1978)*
 - *Obergefell v. Hodges (2015)*