Cram for the Exam: FOUNDATION

Posted by DanLarsenCBS2

Critical to any study of government is to look at its FOUNDATIONS. Familiarize yourself with these words and concepts:

Legitimacy: This is the most fundamental principle when studying government. Legitimate governments, by implication, are those that are properly executed. They are supported and affirmed by correct doctrines and by the people themselves. Before we succumb to any act of government we should ask, “Is this legitimate?” Legitimacy in the American government is primarily rooted in our Constitution.

Articles of Confederation: Our first crack at governing ourselves. Though under the Articles we were able to defeat the British in war, it was inadequate as a governing document. The central government had no chief executive, no courts, no means of supporting itself through taxes, in essence no real power. It begged the question, “How can we have a more powerful central government but not too strong?” The simple answer, “More powerful than this.”

Declaration of Independence: Jefferson’s legal brief that planted the arguments for independence. Fundamentally it claimed for all certain inalienable rights. They are the right to life, liberty and the pursuit of happiness.

Constitution: Our governing document. Written by “the Founding Fathers” in Philadelphia in 1787 the Constitution provided for a limited government divided into three branches. Those three branches are: legislative (power of the purse), executive (power of the sword) and judicial (power to interpret the law).

Popular Sovereignty: The essence of our government. “We the people” rule here. Ultimate legitimacy is found in the people.

Separation of Powers: The foundational principle in our government is that power corrupts. Therefore all power must be diluted and separated in ways that assure no one person or group has the power to oppress another. This is seen most clearly in the three branches of government and in the concept of federalism (division of power between national and state governments).

Federalist Papers: A series of essays written to support the ratification of the new constitution. The most notable essay was Federalist 10. In this essay Madison argued for a republic over a direct democracy. He also stipulated that a large republic would protect against the evils of factions.

Bill of Rights: Those that opposed ratification, the Anti-Federalists, worried that the new government would oppress individual liberties. By way of compromise, the Federalists promised to add a Bill of Rights. These first ten amendments to the U.S. Constitution clearly demarcate the limits for our national government. Most importantly the First Amendment protects our right to free speech, free press, free religion (against an establishment of religion and protection of our free exercise of religion), free petition and free assembly.

Fourteenth Amendment: Perhaps the single most significant addition to our original constitution. The Fourteenth Amendment extended guarantees to citizens inside of state governments certain due processes, equal protections and privileges and immunities. The Courts have interpreted these extensions in ways that have dramatically increased the power of the national government.

This is only a beginning. What questions do you have? What questions about our FOUNDATIONS do you need answered?

Remember Thomas Jefferson said, “Every new generation needs a revolution.” How about making your revolution about learning? Let us make this next generation the most learned generation is history. Start now. Start studying. See you in line. We are right behind you.
The CONSTITUTION

The Preamble..
We the People in order to form a more perfect union, establish justice ensure domestic tranquility. Provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity do ordain and establish this Constitution for the United States of America.

Articles:
1. Legislative Branch/Congress
2. Executive Branch/ President
3. Judicial Branch/ Supreme Court
4. Relations among states, full faith and credit clause and admitting states
5. Amending the Constitution—Proposal on NATIONAL level- 2/3 vote, Ratify on the STATE level- 3/4 vote
6. SUPREMACY CLAUSE
7. Ratify the original constitution with 9/13 states

AMENDMENTS
1. FREEDOM of Religion, Speech, Press, Peaceful Assembly and the right to Petition
2. Right to Bear Arms
3. No Quartering of Soldiers in your homes
4. No Search & Seizure without a warrant
5. A. you do not have to incriminate yourself in a court—Plead the 5th
   B. no double jeopardy
   C. Eminent Domain is allowed by the government
6. Criminal Cases
   Speedy, Fair and Jury Trial
7. Civil Cases
   Jury trial in cases when excessive amounts of money are involved
8. Cruel and Unusual Punishment is not allowed,
   neither is excessive bail nor fines imposed
9. UNENUMERATED Rights
   Those rights not listed in the Bill of Rights may be brought to trial through this amendment
   Today: many Privacy and Homosexual Cases
   are heard through this amendment
10. Those powers not listed in the Constitution are RESERVED for the States
11. States cannot be sued by citizens of other states or citizens of other nations
12. Election of VP & President will be on two separate ballots in the electoral college….due to tie in 1800 T. Jefferson & Aaron Burr

After the Civil War
13. Prohibited Slavery
14. Rights of Citizens— Anyone born in the USA is a citizen
   and so is entitled to Due Process

   *****DUE PROCESS of Law to be applied to the STATES
15. All males get to vote

After 1913
16. Federal Income Tax imposed
17. Direct election of Senators
18. Prohibition is imposed (no making or selling of alcohol)
19. All women get the right to vote
20. The presidential inauguration date is changed to January 20th
21. Prohibition is repealed

After FDR dies in 1945
22. TWO TERMS for the President (4 year terms = 8 years ---10 total!!)
23. Washington D.C. gets 3 electoral college votes
24. Poll Taxes are prohibited

After Cuban Missile Crisis 1960's
25. Presidential Succession Pres – VP - Speaker of the House -Pro Tempore – Secretary of State

1971-Vietnam War
26. 18 year olds get to vote
27. Congressional Pay raise for the next session of Congress ---A Term/Session lasts 2 years
Federalism is the unique American invention that separates power between national, state and local governments. It was a way our Founders helped to protect our liberties. Diluting power prevents too much power in one place.

Federalism also provided for each state to be a laboratory. Each state can practice policies on a much smaller scale. If they succeed the national government can adopt these policies and apply them to everybody.

Federalism, however, can often make for duplication and inefficiencies. There are many levels of government often doing the same things. Budgets are bigger. Staffs are larger. There is more government.

Here are ten key words and concepts when learning about federalism:

**Marble Cake Federalism:** The brand of federalism practiced here is cooperative. National and State governments may both be sovereign but they work together. Both, for example, implement education policy.

**Concurrent Powers:** These are powers shared by both national and state governments. An example is the power to tax.

**10th Amendment:** This amendment establishes the reserved powers. The Constitution reserves certain powers to the states. Though they are not specifically listed the Courts have recognized that the Federal government cannot encroach on everything. In today’s political arena finding examples is not easy.

**Supremacy Clause:** The Constitution stipulates that in cases of conflict between the national government and state governments the national government is supreme.

**McCulloch v. Maryland** (1819): The supremacy clause is clearly defined in this case. This involved the National Bank and the necessary and proper clause. The state of Maryland could not tax the national bank.

**Interstate Commerce Clause:** This clause of the U.S. Constitution is most frequently used to extend and expand the power and reach of the national government.

**Federal Aggrandizement:** As a major theme of American government, the story of government here is the story of an ever growing and expanding national government. We were born fearing a strong government. As we reflect over the years we find a centralized government growing stronger and stronger.

**Devolution:** Our core culture still speaks out for a smaller limited government. Devolution speaks to this desire for a smaller central government. Today the Tea Party Movement appears to be the loudest voice on this issue. Typically those favoring devolution vote for the Republican Party.

**Mandates:** This is an order given to the states by the national government. There is no choice. The order must be fulfilled.

**Block Grants:** This is when the national government provides money to the states to perform certain duties. It is another way for the national government to impose its agenda onto the states. The cash strapped states are generally reluctant to pass up this “free” money.
Conversations about political participation should include the following concepts and talking points:

Suffrage/Franchise – the right to vote

Expanding the Vote: Here are the critical steps to expanding the right to vote in the United States. Remember the original Constitution gave to the states the power to determine voting requirements. Only by way of constitutional amendments is this changed.

**Jacksonian Democracy** (1828 election) – many states dropped the property requirement. Most adult white males were now eligible to vote.

15th Amendment (1870) – the vote cannot be denied because of race. (African Americans were prevented, however, from voting in many southern states due to *grandfather clauses, poll taxes and literacy tests*).

19th Amendment (1920) – the vote cannot be denied because of gender.

23rd Amendment (1961) – extended the vote to those living inside Washington D.C.

Voting Rights Act of 1965 – outlawed discriminatory practices that prevented blacks from voting like literacy tests.

26th Amendment (1971) – standardized the voting age at 18.

Split-Ticket Voting – this is when voters cast a ballot for different party candidates in different races.

Forms of Participation other than Voting: Although voting is the number one form of political participation, especially in presidential years, it is not the only form of political participation. One reason our political efficacy is higher here than in most countries is because of the various links we have to public policy. Here are ways many citizens participate in government and politics beyond voting. Some might be even more effective than voting. Explain.

- Litigation
- Protest
- Contacting (e.g. media, public officials)
- Campaign work/voter registration
- Campaign contributions
- Running for political office/holding
- Political discussion to persuade
- others
- Membership in overtly political organizations

Cram for the Exam: Public Opinion

Since American democracy operates under the premise of popular sovereignty (“We the people” are in charge,) you should understand how we categorize public opinion, how our opinions develop and how can we measure public opinion.

**Categorization of Public Opinion**

**Political Ideology**—a set of political beliefs.

**Liberal**—someone who believes in increased government actions with the economy in order to provide regulations and programs that help the disadvantaged. On the other hand, liberals believe in fewer government actions to regulate personal choices in social policy.

**Conservative**—someone who believes in fewer government actions with the economy to provide a more “laissez faire” business atmosphere in which Americans can prosper without government interference. On the other hand, conservatives believe in more government regulations to promote more traditional values in social policy.

**Pluralism**—a system that allows many different opinions to weigh in on policy decisions. This type of system usually involves a lot of political conflicts and slows the process of policy making because of the number and intensity of the different opinions. Efforts to change American health care policy reflect pluralism.

**Elitism**—a system that reaches out to only a few upper decision makers in deciding policy. This type of system involves fewer open political conflicts and tends to expedite the time it takes to pass policy because of the reduced number of opinions deciding policy in a less public atmosphere. Efforts to bail U.S. banks out during the financial sector’s crisis of 2008 reflect elitism.
Process of Acquiring Political Opinions—**Political socialization**—the process of acquiring political beliefs.

Factors in Political Socialization—**Family** has the top influence over our personal beliefs.

**The impact of other demographics:**

**Religion**—Jewish voters tend to vote for liberals; while Christians who attend religious services regularly tend to vote conservative; Catholics voters are split between support for liberals and conservatives.

**Education**—A big switch in public opinion in the last 20 years is that college grads are increasingly supporting more liberal candidates.

**Race**—African American voters tend to vote for the most liberal candidates and are the most loyal voting demographic in the Democratic Party.

**Geography**—The northeast, upper Midwest, and the West Coast (Blue America) tend to support the liberal candidates. The South and Midwestern states (Red America) vote more conservative.

**Rural/Urban**—Urban voters support liberal candidates while rural voters support conservatives.

**Gender**—Election results indicate that women tend to support the liberal candidate while men support the conservative by up to a 10% gender gap.

**Cross-cutting cleavages**—Most Americans do not fit into neat categories of political socialization and are pulled in different directions based on competing factors (i.e. a male college professor in New York City who is an evangelical Christian or a Jewish female who races in NASCAR in Alabama.)

**Measurement of Public Opinion**

**Public Opinion Polls**—the most common method of measuring public opinion

**Terminology in scientific polling:**

**Universe**—the group that is to be measured (i.e. voters in the 2012 presidential election)

**Random sample**—when everyone in the universe has an equal chance of being selected to answer the question in the poll.

**Margin of Error**—this data provides the accuracy of the poll. The most accurate polls have a margin of error of +/- 3% points meaning that a candidate with 50% support might be as high as 53% support and as low as 47% support.

**Possible inaccuracies in polling**

**Accurate sample**—polls must factor in whether voter turnout is expected to be high, low or average. A poll can be inaccurate if interviewing a disproportionate number of people who will not be voting or if it ignores a disproportionate number of people who will be voting for the first time.

**Push polling**—polls that are loaded with questions meant to get a certain response. (i.e. Do you support the President’s attempts to expand socialism in our health care? vs. Do you support the President’s attempts to help the economically disadvantaged get more access to health care?)

**Cram for the Exam: Political Parties**

Political parties are the most important feature of American government not mentioned in the U.S. Constitution. The Framers of the Constitution were suspicious that political parties were factions that would serve self interests over the greater good. But parties emerged as a crucial linkage institution that helps connect citizens with elections and government.
Function of Political Parties

**Nominate Candidates**—through party primaries or party caucuses

**Educate and galvanize voters**—provide a party platform that summarizes stances; provides a label for voter; works to get out the vote on election day

**Govern**—the majority party in the legislature controls the law making process while the majority party in the executive branch enforces the laws.

**Watchdog**—the minority party informs voters about shortfalls by the majority party

Categorization of Political Parties

**Democrats** tend to be liberal; Republicans tend to be conservative.

**RINOs**—term used to describe moderate Republicans (Republicans in Name Only)

**Blue Dogs**—Democrats from traditionally conservative areas who have a moderate stance on issues.

Critical Elections / Political Realignment

These are elections in which a large number of new voters participate and in which voters switch their party allegiance. The best examples of critical elections include 1860 (the expansion of slavery / Civil War) and 1932 (FDR and the Great Depression.)

The south experienced a regional realignment starting in 1964 when white voters switched from the Democratic Party to the Republican Party.

Reasons for Weaker Political Parties

**Party identification** is still the top factor that decides how people vote in presidential elections. However, the influence of parties has declined since the 1960s.

**Electronic media**—parties no longer control newspapers as the only source of political news; candidates can now speak directly to voters through TV, radio and internet.

**Split-ticket voters**—Americans commonly vote for a presidential candidate from one party and a senator or representative from the opposing party.

**Primary elections**—The role of party leaders in selecting the nominees for office has been minimized as any party voter can now select these nominees through party primaries of caucuses.

**Suburbs**—as Americans moved to the suburbs, former supporters of the urban Democratic machines grew less dependent on patronage jobs and more inclined to vote independently.

**Campaign fundraising**—candidates must now raise a huge amount of campaign money without much help from the party organization

**Withering grassroots**—as Americans become less inclined to socialize with neighbors, the ability of parties to spread through door-to-door communication has withered

We are all SPECIAL INTERESTS

Posted by DanLarsenCBS2

Few high school students go on to college with aspirations of becoming a lobbyist. Being a member of the special interest class attracts sneering and snide accusation. Our political illness, we are told, stems from too much influence peddling by fat cat interest groups.

Disparaging interest groups is one of our last bipartisan activities.
James Madison in Federalist 10 decried the dangers of the spirit of factions. Walt Whitman, our national poet, called “lobbyers” “crawling serpentine men.” In the 1888 edition of the Dictionary of American Politics “the lobby” was defined as “a term applied collectively to men that make a business of corruptly influencing legislators.” Criticism of interest groups today is no less ruthless and unsympathetic.

The only problem is that this entire clamor is misguided and misplaced. “Lobbying is an honorable profession,” or so argues Washington DC attorney Nicholas W. Allard (for a full discussion see Allard’s Lobbying is an Honorable Profession: The Right to Petition and the Competition to be Right). Allard’s arguments are worth considering.

First one must consider the inevitability of interest groups. James Madison said no less in Federalist 10. Factions are “sown in the nature of men,” Madison wrote. It is natural for us to advocate for our own wishes and desires. This is the primary function of interest groups. They advocate for beneficial public policy. The Founders understood this essential by product of a free society when they wrote the First Amendment. They guaranteed our right to petition.

Beyond the Constitutional authorization to influence our elected officials, lobbying brings about more effective governance. Though Allard sites that “80% of Americans believe lobbyists exercise undue influence” our government is not for sale. Interest groups help to assure a more effective representative government. “Lobbyists sustain and advance the policy process,” Allard writes. No one would contest that our legislative process is complex. Interest groups help to educate and provide the vital information our legislators need to guide the ship of state in the right direction.

Who better to influence health care reform than those doctors, hospitals and insurance carriers most affected? Who better to guide the debate on education than teachers, parents and students involved in our nation’s schools?

Yet what about all of the money? Is not the access given to those privileged interests a corrupting influence? Bryce Harlow writes, “the coin of lobbying, as of politics, is trust.” Darryl Nirenberg writes, “a lobbyist is only as good as his reputation.” The ubiquity of special interests is not a bane but a boon to democracy. Recent laws provide oversight to police those interests who are tempted to overstep their authority. The Honest Leadership and Open Government Act (HLOGA) passed in 2007 strengthened many of these restrictions. Statutory limits on gifts, travel, earmarks, “the revolving door,” combined with filing reports and disclosure requirements have made it more difficult for special interests to wield undue influence.

Is lobbying an honorable profession? It certainly was one of the first professions and there is no end in sight

Civil Liberties and Civil Rights

A fundamental concept in American government is the idea that government is limited and allows for the equality of opportunity of all its citizens.

The protection of our civil liberties ensures that we possess certain unalienable rights that government cannot take from us.

The Bill of Rights is the first 10 amendments to the Constitution that defined the limits of government. The Bill of Rights was originally only interpreted to apply to the national government meant.

During the course of the 20th century, the U.S. Supreme Court began using the 14th Amendment’s “Due Process Clause” to make states protect some of the liberties from the Bill of Rights.

This gradual process of making states abide by parts of the Bill of Rights is known as “selective incorporation.”

U.S.C. Cases that incorporated Civil Liberties

Gitlow v. New York (1925) is the first case in which the USSC made states protect the right to 1st Amendment’s protection of free speech.

Texas v. Johnson (1989) is a case in which the USSC ruled that flag burning could not be banned by a state just because it’s offensive.
Near v. Minnesota (1931) is a case in which the 1st Amendment’s protection of free press was applied to the states.

Everson v. Board of Education (1947) made states follow the 1st Amendment’s establishment clause which prohibits government from establishing a sponsored religion.

Mapp v. Ohio (1961) is the first case in which the USSC said that state and local police must follow the 4th amendments prohibition against unreasonable searches and seizures. Violations would result in the improperly seized evidence being thrown out under the exclusionary rule.

Gideon v. Wainwright (1963) said the 6th amendment mandates that states provide a lawyer to accused criminal facing jail time right to an attorney.

Roper v. Simmons (2005) said the 8th amendment protection against cruel and unusual punishments prohibits states from sentencing a criminal to death if the crime was committed by a person under the age of 18.

Civil Rights
In its work to uphold civil rights, government acts to intervene when citizens are treated unfairly due to race, religion or gender.

Plessy v. Ferguson (1896) is a USSC case that allowed the “separate but equal” standard at the heart of de facto racial segregation laws.

Brown v. the Board of Education of Topeka (1954) overturned the “separate but equal” standard as it applied to public schools.

Baker v. Carr (1962) and Wesberry v. Sanders (1964) were a tandem of USSC cases that made the practice of malapportionment unconstitutional. By creating the standard of “one man, one vote” the court prohibited the creation of congressional districts that were intentionally different populations to dilute black voting power. The result was the increased political power and representation of ethnic minorities in Congress.

Civil Rights Act (1964) was a congressional law that prohibited the racial segregation of public facilities like hotels, restaurants and public transportation.

Heart of Atlanta Motel v. U.S. (1964) was a court case in which the USSC said that the Civil Rights Act of 1964 was constitutional based on Congress’s power to regular interstate commerce.

Voting Rights Act (1965) was a national law that enforced the 15th amendment. It prohibited literacy tests and state poll taxes that were used to restrict black voting. It also mandated that states and local governments work to increase voter registration efforts in black communities that had been disenfranchised.

Title IX (1972) was part of an education reform law that prohibited public schools from discriminating based on gender

CONGRESS----Article 1

POWERS of Congress
—also called Expressed Powers, Enumerated Powers, Delegated powers

Make laws, Collect taxes, Coin S, Borrow S, Punish Counterfeiters, Declare War, grant patents, set naturalization laws, Regulate commerce, Override Veto’s w 2/3 vote, Propose an Amendment to the Constitution with a 2/3 vote

Percentage of Bills passed each year…today less than 10%

Congress uses OVERSIGHT by withholding money from executive agencies and calling committee hearings.
HOUSE
435 members elected every 2 years
Based on population- at least 1 per state
Requirements
25 yrs old, 7 years a citizen and
Head of Chamber- Speaker of the House

SENATE
100 members 1/3 elected every 2 years
“Continuous Body”
Based on Equality-each state gets 2
Requirements
30 yrs old, 9 years a citizen and
Head of Chamber—Majority Leader

SPECIFIC ROLES.....
Can impeach the President w/ majority vote
Originates Revenue Bills
Decides the Presidency if no candidate reaches 270

Can hold an impeachment trial and remove
the President w/ 2/3 vote
Confirms presidential Appointments
Decides the V.P. if no candidate reaches 270
Confirms Treaties w/ 2/3 vote
SENATE Continued

FILIBUSTER power
—Cloture can stop this 60/100

Vice President of the U.S. is the “president”
Of the Senate and can break a tie

Know the process of a bill becoming a law
Define:
Standing Committee/ Permanent Committee
Ways & Means- Taxes, Appropriations-decides how much $ to spend
Select Committee
Conference Committee
Joint Committees

Top 10 Acts/LAWS of Congress

The Civil Rights Act of 1964
1. Ended Jim Crow segregation in hotels, motels, restaurants, and other areas of public accommodation
2. Prohibited discrimination in employment on the basis of race, color, national origin, religion, or gender
3. Created the Equal Employment Opportunity Commission to monitor & enforce these protections
4. SCOTUS upheld the CRA on the grounds that segregation affects interstate commerce

The Voting Rights Act of 1965
Outlawed literacy tests as a requirement for voting & Provided federal oversight of voter registration.

The Clean Air Act (1970)
1. Established NATIONAL air quality standards
2. Required STATES to administer the new standards and to appropriate states funds for that purpose.
3. Allowed private citizens to sue individuals & corporations that violated the act
4. Federal > State
The War Powers Resolution (1973)

1. POTUS must notify Congress within 24 hours of deploying troops
2. Requires POTUS to withdraw troops within 60 days unless Congress extends the time

The Budget and Impoundment Control Act of 1974

1. Prohibited Presidential impoundment of funds
2. Created the Congressional Budget Office (CBO) to evaluate the President's budget
3. Created the Budget Committees in both House & Senate

The Federal Election Campaign Act (1974)

1. Created the Federal Election Commission
2. Tightened reporting requirements for campaign contributions
3. Provided full public (tax $) financing for major party candidates in the general election

Americans with Disabilities Act (1990)

1. Requires employers and public facilities to make "reasonable accommodations" for people with disabilities
2. Prohibits discrimination against people with disabilities in employment
3. Extends CRA of 1964 to people with physical or mental disabilities
4. Federal > State

Welfare Reform Act (1996)

1. Replaced the Aid to Families with Dependent Children program with block grants to the states
2. Illustrated the process of DEVOLUTION by giving states greater discretion in determining how to transfer people from welfare to work
3. States > Federal

No Child Left Behind Act (2001)

1. Requires states to set standards and measurable goals to improve education
2. Requires the states to develop assessments in basic skills to be given to all students in certain grades
3. Represents a DRAMATIC expansion of the federal role in education

USA PATRIOT ACT (2001)

1. Expanded the definition of terrorism to include DOMESTIC terrorism
2. Authorized searches of homes & businesses without the permission or knowledge of owner
3. Increased the ability of law enforcement to search telephone, e-mail, medical & financial records, etc....
“The Presidency”--- ARTICLE II

Main job- Execute the Laws of the Land
Requirements of the office- Natural Born Citizen, 35 yrs. old and 14 years residency requirement

Typical Candidates--- VP’s, Governors and Senators

4 stages to become President

1. Pre-nomination phase—Primaries (NH) & Caucuses (IO)- (January – June)

2. National Conventions – official nomination of party candidates – DELEGATES vote (end of summer)

3. Presidential Election- General election by the people in November— actually voting for “electors”
   Winner Takes All---270 to win       Maine & Nebraska –proportional

4. Electoral College Election- didn’t want Congress to pick the president-gives them too much power
   and didn’t trust the people to decide        *Occurs in December--
   Electors can NOT be House or Senate Members!!!

12th Amendment--- 2 separate votes in the Electoral College (1-for President, 1-for VP)

Presidential Inauguration Day is Jan 20th due to the 20th Amendment

22nd Amendment- 2 terms for the President= 8yrs    ---President Washington set the precedent
Honeymoon Period---Most Presidents lose popularity the longer they are in office

25th Amendment- Presidential Secession ---Pres, VP, Speaker of the House, Pres. Pro Tempore,
                   Secretaries----State,

VICE PRESIDENT--- Usually was chosen to “BALANCE THE TICKET”
President of the Senate— only votes to break ties
Opens and reads Electoral College results-------Used to be a “Do Nothing” job

President must use the Media (Linkage Institution) to get his point across- “POWER TO PERSUADE”

Surrounded by the White House Office (West Wing) = EOP (Executive Office of the Presidency)
EOP=“Kitchen Cabinet” - Chief of Staff, Press Secretary, OMB, NSC members, Economic Advisors

Chief of Staff—the most crucial position of the White House Staff---RIGHT ARM of the president! --
Organizes the WH operation & prioritizes the president’s decision making on a day to day basis

About 500---So many come from the president’s campaign to work hand and hand with the President

Presidents Leak Information to the Media-   “Trial Balloon”

15 Cabinet Departments- Secretaries are not necessarily the President’s closest friends
   they defend their own turf or their topic area
KNOW THE 15 DEPARTMENTS and the area of interest for each department

FORMAL POWERS-
- VETO- only about 5% of Vetoes are actually overridden
- Commander in Chief
- Chief Executive- Enforce all the laws and oversee the Bureaucracy of nearly 3 million workers
- Give the State of the Union Address each year
- Convene Congress when needed
- Nominate & Appoint officials (majority of Senate approval) Appoints close to 7,000 positions!
- Make Treaties with the advise & consent of the Senate (2/3 vote)
- Grant Pardons and Reprieves
- Receive Ambassadors

INFORMAL Powers –
- Agenda Setter— Tries to promote legislation- he can faster than anyone
- His ability to politic through the Bully Pulpit—
- Uses the Media to his advantage
- Gets his Political Party behind his decisions –Political Party Leader
- Elections= Mandate by the people

Executive Orders are NOT written in the Constitution but have been used since President Washington and have the same power as laws

Executive Privilege—the Constitution does not mention this power, however it means the power to deflect investigations by the legislative branch (legislative oversight) based on the principle of separation of powers. This power has been used since President Washington.

When did the Executive Privilege NOT work for a President--- U.S. v. Nixon

Executive Agreements—only binding for the president who sets them no senate vote on these

LIMITATIONS ON THE PRESIDENT—War Powers Resolution Act (90 days)

BUREAUCRACY
- 15 Cabinet Departments, Independent Agencies and Independent Regulatory Agencies
- Pendleton Act was passed due to President Garfield’s Assassination
- End of Patronage system ---- Hello Civil Service Exams-Merit System

Iron Triangle—- Trio of interests that work together to get policy passed
- Federal Department, Interest Groups, Congressional Committees

Issue Networks-----preferred method of policymaking today
- Interest Groups, Congress members, Scholars (Experts), MEDIA, Activists

Freedom of Information Act allows for leaks to the public
JUDICIAL BRANCH—Article III & CIVIL RIGHTS

The U.S. Court system consists of two layers 1. Federal  2. State = there are 51 court systems in the US

Only court mentioned in the Constitution is the Supreme Court

Article III- is where you will find a description of the Supreme Court
  *federal and district judges are appointed by the president
  *Congress may impeach a judge

The SC has gained much more power than the founding fathers intended due to JUDICIAL REVIEW
Which came from the SC Case “Marbury v Madison”

Supreme Court has 9 judges, life terms, vacancies only occur when a justice dies, retires or is impeached
  *the president nominates, senate confirms with a majority vote
    after public hearings on that person are held

Lower federal judges are also nominated by the president and confirmed by the senate
  “senatorial courtesy”

Supreme Court
(appellate and original jurisdiction)

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Common Law- decisions made by Judges
Statutory Law- law made by the legislature
Most laws are made here!!!

Administrative Law- law made by agencies such as EPA regulations
Constitutional Law- law created by appellate courts, including the Supreme Court and is considered
  supreme or ultimate, prevailing over any statutory or common law made

Criminal cases- deal with crimes committed/ Jail time
Civil cases- deal with property damages, money- sue, or relations between private citizens
Judges makes policy by receiving cases, hearing cases and rendering verdicts
Warren Court (1953-1969) politically liberal and judicially active
Burger Court (1969-1986) politically conservative but judicially active
Decided Roe v. Wade - exception to the rule
Rehnquist Court (1986-present) politically conservative but judicially active
Most cases come to the Supreme Court on APPEALS!

TERMS TO KNOW
Amicus curiae (briefs written by ACLU, NAACP, “friends of the court”)
Judicial activism or restraint
Certiorari - SC decides to take a case
Rule of Four, brief, recess, sitting
unanimous opinions, majority opinions, concurring opinions, dissenting opinions
litigation - lawsuit
litigated - a case that is being heard
class action suit
grand jury - is there enough evidence to hear a case?
Petit jury - decide the guilt or innocence
Defendant, plaintiff, precedent, oral argument, stare decisis,

The 21 most famous Supreme Court decisions

Richard Wolf, USA TODAY 4:11 p.m. EDT June 26, 2015

Marbury v. Madison, 1803 (4-0 decision)
Established the Supreme Court’s power of judicial review over Congress.

McCulloch v. Maryland, 1819 (7-0 decision)
Established the federal government’s implied powers over the states.

Dred Scott v. Sandford, 1857 (7-2 decision)
Denied citizenship to African American slaves.

Plessy v. Ferguson, 1896 (7-1 decision)
Upheld “separate but equal” segregation laws in states.

Korematsu v. United States, 1944 (6-3 decision)
Upheld internment of Japanese Americans during World War II.

Brown v. Board of Education, 1954 (9-0 decision)
Separating black and white students in public schools is unconstitutional.

Gideon v. Wainwright, 1963 (9-0 decision)
Criminal defendants have a right to an attorney even if they cannot afford one.

Lawsuits based on libel or defamation must show intent or recklessness.

Miranda v. Arizona, 1966 (5-4 decision)
Prisoners must be advised of their rights before being questioned by police.
**Loving v. Virginia, 1967 (9-0 decision)**
Invalidated state laws prohibiting interracial marriage.

**Roe v. Wade, 1973 (7-2 decision)**
Women have a constitutional right to an abortion during the first two trimesters.

**United States v. Nixon, 1974 (8-0 decision)**
President cannot use executive privilege to withhold evidence from criminal trial.

**Regents of the University of California v. Bakke, 1978 (5-4 decision)**
Upheld use of race as one of many factors in college admissions.

**Bush v. Gore, 2000 (5-4 decision)**
No recount of the 2000 presidential election was feasible in a reasonable time period.

**Lawrence v. Texas, 2003 (6-3 decision)**
Struck down state laws that prohibited sodomy between consenting adults.

**District of Columbia v. Heller, 2008 (5-4 decision)**
Citizens have a right to possess firearms at home for self-defense.

**Citizens United v. Federal Election Commission, 2010 (5-4 decision)**
Corporations and unions can spend unlimited amounts in elections.

**National Federation of Independent Business v. Sebelius, 2012 (5-4 decision)**
Upheld the mandate that most Americans have health insurance.

**Shelby County v. Holder, 2013 (5-4 decision)**
States and localities do not need federal approval to change voting laws.

**United States v. Windsor, 2013 (5-4 decision)**
Federal government must provide benefits to legally married same-sex couples.

**Obergefell v. Hodges, 2015 (5-4 decision)**
Same-sex marriage is legalized across all 50 states.
POWERS & FRACTIONS

Expressed, FORMAL, Enumerated. Written, Delegated Powers: those listed in the Constitution

Congress-Article 1
- Lay and collect taxes, Borrow $, Coin $
- Establish Naturalization & Bankruptcy laws
- Regulate commerce
- To make all laws that are Necessary & Proper!
- To call forth the militia
- Fix standards of weights & measures
- Provide for punishment of counterfeiting
- Establish post offices
- Establishing patents and copyrights
- Provide & maintain a Navy
- To create courts inferior to the Supreme Court

President-Article 2
- Commander in Chief
- Enforce all laws
- Grant reprieves and pardons
- Make treaties with the advise & consent of the Senate
- Nominate & appoint officials
- Give the State of the Union
- Convene Congress
- Receive ambassadors

Implied Powers: those powers not listed in the Constitution, but understood to be Necessary and Proper---due to the Elastic Clause.

Article 1 section 8

Remember--- The Cabinet Departments and Political Parties ARE NOT LISTED in the Constitution!!!

Concurrent Powers: those powers shared by National & State governments

BASIC PRINCIPLES: Republicanism, Federalism, Separation of Powers
Checks and Balances, Popular Sovereignty (We the People)

“FRACTIONS”
3 / 4 ---- Congress ratifies an amendment to the Constitution through State Legislatures
3 / 5 ---- Used when the Senate needs to stop a filibuster through Cloture
**also used when a state government is making a bill become a law & their state legislature needs to override a governor’s veto
2 / 3 ---- * Needed to convict a president by the Senate in an impeachment trial
*Used when a treaty is made by the president & the Senate must approve
*Used when the National Congress proposes an amendment to the Constitution
*Used to override a Veto by both houses

Majority
***Appointments of the President confirmed by the Senate
***Used when the House is bringing impeachment charges against the president
***Used when the House has to select the President because he/she didn’t get enough electoral college votes