

## **POL 120—Kramer—Study Guide for Exam # 1**

**Note: The Study Guide contains material from both the lectures and the textbook. Some terms are common to both formats while others are found only in the lecture or in rare cases, only in the textbook.**

### **The Constitution**

Terms: social contract theory; John Locke; Adam Smith; James Madison and Federalist Paper # 10; confederation; unitary state; Shay's Rebellion; Great Compromise; bicameralism, separation of powers, checks and balances; federalism; 3/5 ths Compromise; Electoral College; Marbury v. Madison and judicial review; delegated/enumerated/implied powers; supremacy clause.

- Major reason for colonists revolt against England?
- Major reasons for Europeans to emigrate to the New World in mid 1700s?
- Primary weaknesses of Articles of Confederation?
- Major problems confronting the framers of the U.S. Constitution and the solutions arrived at?
- Article I: control over interstate commerce, taxation of imports/exports, declaration of war; coin money; borrow money; "necessary and proper clause"
- Article II: Executive powers: Veto over legislation; treaty negotiations; Head of state; pardons of federal prisoners; commander in chief; electoral college
- Article III: Judicial power: One Supreme Court and other lower federal Courts as Congress may establish; Judicial review not included, but Gained by S. Ct. in Marbury v. Madison; life tenure for fed judges

### **Federalism**

Terms: dual federalism (layer-cake federalism); industrial federalism; Cooperative Federalism (marble-cake federalism); the "new" federalism. Nullification; block grant; categorical grant; mandates; states' rights

- What are the four major eras of American federalism? What is notable about each?
- How did the Dred Scott case end dual federalism?
- How did the commerce clause act to provide the federal govt power to make business transactions/laws more uniform?

--How did the Great depression and WWII usher in the era of cooperative federalism? Relevance of Pres. Johnson, Nixon, and Reagan on federalism?

## **Civil Liberties**

Terms: civil liberties, civil rights; establishment vs. free exercise (religion); Clear and present danger; fighting words; obscenity; Miller v. California; Prior restraint; public figure vs. private individual; search and seizure; probable cause and reasonable suspicion; self incrimination; Miranda v. Arizona; right to counsel (Gideon v. Wainwright); Right to privacy—Griswold v. Connecticut, Roe v. Wade.

--Know the major provisions of the First Amendment: Religion (free exercise and establishment); Speech (clear and present danger, fighting words, obscenity law); Press (prior restraint, public figure doctrine); the Fourth Amendment (searches and seizures); Fifth Amendment: Self-incrimination (Miranda); double jeopardy; Sixth Amendment: Right to counsel (Gideon v. Wainwright); confrontation clause; Eighth Amendment: Cruel and unusual punishment and the death penalty; proportionality; Fourteenth Amendment: right to privacy—abortion, sexual freedom

## **Civil Rights**

Terms: invidious discrimination; “all deliberate speed”, Brown vs. Board of Education I and II; civil disobedience; separate but equal (Plessy v. Ferguson); Civil Rights Act of 1964; 19th Amendment; Affirmative action; goals and Quotas; Baake v. Regents of U. of California; XIII, XIV, and XIVth amendments; XIXth amendment (woman’s suffrage).

--Discuss the Supreme Court’s interpretation of race relations since the Civil War (briefly), including “separate but equal” and why that standard eventually failed; Brown V. Bd. Of Education; “all deliberate speed” in desegregation; busing; de jure vs. de facto segregation; modern interpretations;

--Discuss briefly the women’s movement in terms of seeking civil rights guarantees including the recent cases on same sex schools.

--Define the difference between equality of treatment and equality of outcome. How does affirmative action address these questions? What is “reverse discrimination?” What is the current status of affirmative action in the U.S.?