

AP Government Review Packet

Here is the breakdown of content on the AP Exam for thinking about what and how to study. This is an analysis of the content of multiple-choice sections based on the last 8 years of AP Exams and 6 years of Free-Response:

- I. Constitutional Underpinnings – usually about 10% of exam (about 6 multiple choice questions) and 3 essays
- II. Political Beliefs and Behaviors – usually about 15% of exam (about 9 multiple choice questions) and 4 essays
- III. Political Parties/Interest Groups/Mass Media – usually about 15% of exam (about 9 multiple choice questions) and 6 essays
- IV. Institutions of National Government – usually about 40% of exam (about 24 multiple choice questions) and 11 essays
- V. Public Policy – usually about 10% of exam (about 6 multiple choice questions) and 4 essays
- VI. Civil Rights/Civil Liberties – usually about 10% of exam (about 6 multiple choice questions) and 1 essay

Constitution/Founding Principles of the Republic

- What were the core principles in Locke's *Second Treatise, Of Civil Government*.
- What Lockean principles influence in the Declaration of Independence?
- How might the *Declaration of Independence* be viewed as a lawyer's brief prepared for court argument of a case? What are its components?
- List and discuss the shortcomings of government under the Articles of Confederation.
- Discuss the backgrounds of the writers of the Constitution, and explain why these men tended to be rather mistrustful of the notion of democracy.
- Compare and contrast the Virginia and New Jersey plans, and show how they led to the Great Compromise.
- Explain why the *separation of powers* and *federalism* became key parts of the Constitution. Hint : The Framers' intention was not to make the system more democratic, nor was it to make it more efficient.
- What influences did James Madison have on the creation of the Constitution? (political influence, structural plan, fear of factions, limits on majority, etc.)
- Explain why the Constitution did not include a bill of rights. Then explain why one was added.
- Explain why the Founders failed to address the question of slavery in a definitive way.
- List and explain the two major types of constitutional reform advocated today, along with specific reform measures.
- What is the Amendment process laid out in Article V of the Constitution? (Two ways to propose an Constitutional Amendment; two ways to ratify a Constitutional Amendment)
 - **Also—Think about formal v. informal amendment.** Formal amendment is through the amendment process. *Informal amendment* can be through an activist court— judicial review, the increased power of the presidency in the 20th Century with the concomitant abdication of legislative prerogative.)
- Be able to distinguish between and debate from both *federalist and anti-federalist perspectives*.

Vocabulary:

Natural rights philosophy	Large state concerns
Social contract theory	Apportion
Political rights	Bicameral legislature
Democratic centralism	ratification
Direct or participatory democracy	Bills of attainder
Elite	Enumerated powers
Power	Ex post facto law
Politics	Fugitive slave clause
Legitimacy	Connecticut Compromise (Great Compromise)
Democracy (3 types are described in Ch. 1)	Legislative powers
Representative democracy	Executive powers
bureaucrat	Judicial powers
“the establishment”	Perspectives on “the cultivation of virtue”
pluralist view	<i>Declaration of Independence</i>
constituencies	Unalienable rights
Articles of Confederation	Republic
Second Continental Congress	Writ of habeas corpus
Fear of political centralization	Line-item veto
Factions	Coalition
Shay's Rebellion	Checks and balances
Constitutional Convention	Bill of Rights
New Jersey Plan	
Virginia Plan	
Equal representation	
Proportional representation	
Small state concerns	

Federalism

There will no doubt be some kind of question on the written response that requires you to use what you know about federalism.

- Explain the difference between federal and centralized systems of government, and give examples of each. (unitary, confederation, federal systems)
- State why federal grants-in-aid to the states have been politically popular, and cite what have proved to be the pitfalls of such grants.
- Distinguish between categorical grants and block grants or general revenue sharing.
- Be able to explain how the courts have changed federalism since the founding.
- Explain why, despite repeated attempts to reverse the trend, categorical grants have continued to grow more rapidly than block grants.
- Distinguish between mandates and conditions of aid with respect to federal grant programs to states and localities.
- Define *devolution* and its political roots. How have executive, Congressional, and judicial efforts led to devolution.
- Discuss whether or to what extent federal grants to the states have succeeded in creating uniform national policies comparable to those of centralized governments.
- Be able to distinguish between powers delegated to the federal government and powers given to the state governments.
- Given the changes that have occurred in federalism in practice in the past two centuries, does federalism today still serve the purposes for which it was designed?
- **It is likely that there will be some type of question on the AP Exam about conditions of aid and mandates since they are a key way in which the federal government can pressure the states to follow policies they set. Keep this in mind when you write your written responses.**
 - Think about **types of mandates**. Two clear examples are *civil rights mandates* and *environmental protection mandates*. As decent as these are they create administrative and financial burdens for the states. Medicaid might be another good example of a problem a mandate can pose for the states. It gives healthcare to the poor, but states have trouble keeping up with the medical costs that almost exponentially increase every few years.

Vocabulary:

Expressed powers
Implied powers
Inherent powers
Reserved powers
Concurrent powers
Implied powers clause (Necessary & Proper Clause)
AFDC
Block grants
Categorical grants
Conditions of aid
Revenue sharing
Confederation
Unitary government
Devolution
Dual federalism
Federal system
Federal republic
Grants-in-aid
Initiative
Referendum
Intergovernmental lobby
Interstate commerce
Intrastate commerce
Land grant colleges

Mandates
Unfunded mandates
Medicaid
“New Federalism”
nullification
sovereignty
states’ rights
Tenth Amendment Reserved Powers Clause
Unitary system
Supremacy clause
Marbury v. Madison
McCulloch v. Maryland
Gibbons v. Ogden
Worcester v. Georgia
Dred Scot v. Sanford
Lochner v. New York
Brown v. Board of Education, 1954 & 1955
Heart of Atlanta Motel v. United States
US v. Lopez
Printz v. United States
Gonzales (Ashcroft) v. Raich

Political Culture, Beliefs, and Behaviors/ Public Opinion/Interest Groups

Although we examined interest groups separately as a unit—we've also blended them into our studies of Congress and political beliefs and cultures--there will be some questions on interest groups on the AP. For the most part, it's common sense and groups we've talked about within the context of other issues and institutions, but do look it over.

- What do scholars mean by **political culture**? List some of the dominant aspects of political culture in the United States. (liberty, democracy, civic duty, individualism—individual responsibility, equality)
- How do U.S. citizens compare with those of other countries in terms of their political attitudes.
- Define **internal and external feelings of political efficacy**, and explain how the level of each of these has varied over the past generation.
- Explain why a certain level of **political tolerance** is necessary in the conduct of democratic politics, and review the evidence that indicates just how much political tolerance exists in this country.
 - On what issues are Americans most politically tolerant?
 - What groups are Americans most tolerant of?
 - What limits exist in American political tolerance?
 - Does increased polarization of American politics indicate a decrease in public tolerance?Explain why this might or might not be the case using what you know about public opinion and politics.

• List the **sources of our political attitudes** (political socialization), and indicate which are the most important sources. Assess the influence of various religious traditions on political attitudes. Consider the effect of:

- Family
- Different religions
- Gender
- Education—remember, college students are more liberal than the general population especially at the most prestigious universities and colleges.
- Explain **why there is no single cleavage between liberals and conservatives in this country and why there are crosscutting cleavages**. Think about the cleavages based on class, race, ethnicity, and region:
 - **Social Class**—unskilled workers are more likely than affluent white-collar workers to be Democrats (except that didn't hold true in the voting patterns of this last election). Democratic Party is pro-union—Democratic Party has liberal views on economic policy. But because of abortion, school prayer, race relations, etc., unskilled workers trended toward the Republican Party since 1980. This is an example of cleavage.
 - **Race and Ethnicity**—African Americans overwhelmingly Democratic; Whites more likely than not Republican. Age can influence this. So can social income level.
 - **Regions**—Most significant differences have been between South and North; also, rural and urban. (Some terms used were Rust Belt, Sun Belt, Farm Belt, West Coast)
- Define political ideology and state why most Americans do not think ideologically. Summarize the liberal positions on the economy, civil rights, and political conduct. Summarize the conservative positions on the economy, civil rights, and political conduct.
- Identify which elite groups have become liberal, and compare their current attitudes with the past political preferences of these groups.
- What are the **orthodox** and **progressive** perspectives in the American culture war? What are the beliefs in these two camps? What are the red-meat issues in the culture war? What groups tend to align with each perspective?
- How have the terms liberal and conservative changed over the past two centuries? What do we mean when we say a “New Deal Liberal?” What do we mean when we say a “Goldwater Republican?” What's the difference between a social and a fiscal conservative? What's the difference between a social and fiscal liberal?
- Remember, *political elites are going to be more ideological than rank and file Americans*.
- *You'll very likely be called upon to interpret data using what you know about political socialization and public opinion.*

Civic duty
Class consciousness
Conservative
Crosscutting cleavages
Evangelical Christians
Dixiecrat
moderate
Equality of opportunity v. equality of results
External efficacy
Gallup
Gender gap
Individualism
Internal efficacy
Liberal
Libertarian
Liberty
Middle America
Moderate
Opposition party

Vocabulary

Political efficacy, sense of
Political ideology
Political tolerance
Political socialization
Progressive (social)
Party identification
Political elites
Political ideology
Political spectrum
Poll
Populist
Pure conservative
Pure liberal
Random sample
Sampling error
Silent majority

Political Parties, Voting, Elections, Campaigns

- How did the Constitutional founders feel about factions (parties)?
- Who made up the Federalists and the Anti-Federalists (Democratic-Republicans)? What were their core beliefs regarding states' rights, liberty, and direction of the nation in 1800?
- During the age of Jackson, what issues divided the Democratic Party?
- During the era of 1860 -1892 (really until 1932) what political party dominated American politics? Who was their first elected President? The election of this first President resulted in what? What were the circumstances of the 1800 Presidential Election? Why was this a realigning election?
- After the defeat of the Confederacy and the eventual readmitting of the South into the union during reconstruction, what was the key constituency or interest base of the Republican Party?
- Why was 1896 considered a critical or important presidential election?
- What are the three criteria of a critical election? What are some examples of critical elections in history? Why was 1932 probably the best example of a realigning election we have? How did this election fit all three criteria?
- What was the New Deal Coalition? What types of patterns did it establish politically?
- What are the characteristics of the last political party era (1968-the present)?
- What are the key functions of contemporary political parties?
- What have been the functions of third parties historically? In setting national agendas? In presidential elections? In pushing policies to the main two parties?
- How do presidential elections differ from midterm elections? How do these differences manifest themselves in campaigns?
- How does tone generally shift from primaries to the general election?
- What are the key events during a presidential campaign?
- What is the difference between a primary and a caucus? What is the difference between the types of voters that attend both? What are the various types of primaries? What are the advantages and disadvantages of each? What party uses superdelegates? Who are superdelegates?
- How does the electoral college work? Why is it problematic? What does the winner-take-all system have to do with it? How many total electoral votes are there? How many electoral votes are required to win the presidency? What does the concept of plurality have to do with the problems of the electoral college?
- How does the current electoral college differ from the original version? After what election did the original approach change?
- What are some options for reforming the electoral college? How have some states attempted to reform the electoral college without a constitutional amendment? What states have proportional allotment of electoral votes?
- What are the sources of campaign funding for a presidential candidate? What are the sources of campaign funding for a Senate or House candidate?
- Who were the Democratic and Republican Presidential candidates in 1960, 64, 68, 72, 76, 80, 84, 88, 92, 96, 2000, 2004 and 2008?
- Who were key third party candidates (and their parties) in 68, 92, and 2000? How did the third party candidates in 92 and 2000 play spoiler roles and for whom did they play?
- What are the limitations of funding that an individual can give directly to a candidate's campaign fund per election?
- What is a PAC? What are the two types of PACs? What types of campaigns are most influenced by PACs? How much can PACs give to a candidate?
- What is soft money? What is hard money? What is a 527?
- What were some of the key controversies of the 2000 Presidential election?
- How the following broadened voting rights in our history?
 - 15th Amendment
 - 19th Amendment
 - Civil rights Act of 1957 and 1964
 - 24th Amendment
 - Voting Rights Act of 1965
 - 26th Amendment
- What is meant by patronage and political machines?
- State both sides of the debate over whether voter turnout has declined over the past century, and describe those factors that tend to hold down voter turnout in this country.
- Discuss those factors that appear to be associated with high or low political participation.

Federalists Democratic-Republicans initiative
Referendum machine
mugwumps
Progressives
Superdelegates
Whigs
midterm elections
coattails
platform
lame duck
pork barrel
spin (spin doctors)
caucus
closed primary
blanket primary
open primary
precinct
beauty contest
"write-in candidate"
PAC
party delegate
constituency
party
convention
elector
exit poll
straight-ticket voting
(party-line vote)
split-ticket voting
war chest
returns
runoff
primary
soft money
hard money
527s
incumbent
challenger
open race
dark horse
front runner
landslide
favorite son
Congressional Voting District)
"faithless elector"
Gerrymandering
reapportionment
bandwagon
issue ads
"party building"

Vocabulary:

activities"
minor (3rd parties)
ideological parties
tone of campaign
target of campaign
timing of campaign
theme of campaign
frontloading primaries
New Hampshire Primary
position issues
valence issues
Stumping
divided government
"winner-take-all"
Plurality
Electoral college
"plain folks"
Nomination
Keynote address
Democrats
Republicans
Libertarians
Populists
Liberals
Conservative
Australian ballot
Fifteenth Amendment
Grandfather clauses
Literacy tests
Motor-voter bill
Nineteenth Amendment
Poll tax
FEC
malapportionment
Wesberry v. Sanders
1974 Campaign Reform Act
Twenty-sixth Amendment
Voting Rights Act of 1965
Buckley v. Valeo
independent expenditures

The American Mass Media:

- Mass Media's changes in our age of advanced technology and its effects on politics.
- What is the impact of the media on policymakers and the public.
- How does the **media serve as an agenda setter**? How do politicians manipulate the media to set agenda? How do politicians respond to media in the agenda setting process? What are some examples of ways in which politicians attempt to sway media, news, and public opinion in broadcast and print media?
- What are the ways in which presidents use modern media to promote their policy agenda? What are some examples? Reagans's 7 principles? What are some other examples of media/presidential relations?
 - White House press corps.
 - Staging media events.
 - Leaking information, trial balloons, holding news conferences, giving news briefings— daily announcements from press secretary.
- How do media influence the election process? How do they promote a perpetual campaigning process?
- How does broadcast media differ from print media?
- Think about ways in which the media plays these roles: *gatekeeper*, *scorekeeper* *watchdog*. The *gatekeeper* role is how the national media influences what subjects become national political issues (agenda setting). The *scorekeeper* role is how the media tracks political reputations, candidacies, and political elections—horse race coverage. The *watchdog* role is the investigative role where the press exposes scandals. *Think about examples for each.*

Vocabulary:

Mass media

Broadcast media

Media event

Press conferences

Investigative journalism

Print media

Narrowcasting

Trial balloons

Sound bites

Policy agenda

Congress & the Legislative Branch:

- Know the structure of Congress:
 - The membership of both houses (numbers)
 - The Party Leadership positions of both houses
 - Terms of office for both houses
 - Constitutional qualifications for both houses
 - Constituencies for both houses
 - Be able to compare the two houses in terms of how the structure affects the politics.
- Know the logistical organization of both houses—two year terms beginning on Jan 3 of odd numbered years; each term is divided into sessions. (The president can call special sessions of congress; each house of Congress chooses its own leaders and determines its own rules and procedures.)
- Know the election process to Congress.
 - Remember, each state gets a minimum of one representative.
 - Apportionment—distribution among states based on population; reapportionment— redistribution after census.
 - Congressional districts—state legislatures draw these but they must be relatively equitable in size because of *Wesberry v. Sanders*.
 - *Gerrymandering*—drawing congressional districts to favor the political party in power of the state legislature drawing the districts.
- How does the high rate of incumbents reelected affect Congress? Why are they reelected? (name recognition, credit claiming, constituent work, pork back to constituents, PACs, fundraising capabilities). Remember—*there are no term limits for either house*.
- Make sure you know about the committee system, the leadership on committees (chairs and ranking members, seniority), types of committees (standing, select, joint, conference, ad hoc).
- Be able to write about various powers of the legislature: legislative powers as defined in Article I, Section 8; electoral powers (if electoral college fails to chose with majority vote); proposal of Constitutional amendments w/ 2/3's vote in both houses; impeachment (know process from beginning to end); approval powers of Senate—approve judicial and executive appointments; Senate approves treaties with a 2/3's vote; *oversight*/investigative powers—review policies and programs of executive branch.
- Know the legislative process; know how it differs in the House and Senate.
- Think about the political tactics—how to get bills passed or policy agendas through.
 - Caucuses
 - Filibusters/cloture (double-tracking)
 - Pork barrel legislation; earmarks/ Riders/Christmas trees/amendments to bills
 - Logrolling
 - Lobbying/lobbyists/iron triangles

17th Amendment
4 legislative options of President
Adjourn
apportionment
bicameral
bills
caucuses
CBO
closed debate
cloture
committee chairs
Committee of the Whole
Concurrent Resolution
Conference Committee
Congressional districting (safe/marginal districts)
constituents
discharge petition
earmarks
filibuster
floor leaders
franking privilege
freshman
GAO

Vocabulary:

gerrymandering
hearing
incumbents
iron triangles
Joint Resolution
junket
line-item veto
lobbying/lobbyists
logrolling
mark-up session
on the floor
open debate
override
oversight functions
party caucus
party whips
pigeonhole
pocket veto
President of the Senate
President pro tempore
Private Bills
Public Bills
Resolution
rider
Rules Committee
Select Committees
seniority
session
Speaker of the House
standing committees
table (verb)
term

The Federal Budget and the Federal Budget Process

- Make sure you know the role of the Federal Reserve in our American Economic system and how it has been a part of monetary and supply-side economic policy for the past 28 years.
- Know the key categories of the federal budget and their approximate chunk of the federal budget (defense, non-defense discretionary, mandatory or entitlements—Social Security, Medicare, Medicaid, Interest on the National Debt)
- Know the federal budget process
- Proposal—President's budget from OMB
- Authorization —promise to fund programs.
- Concurrent Budget Resolution --not specific
- Appropriations and revenues (authorize 40% of budget)
- Appropriations and revenues condensed into 1st joint resolution
- Reconciliation bill
- Remember, if expenditures are greater than revenues you have deficit spending.
- Know the history of deficit spending since the New Deal. How often has the US Government run deficits? What is the Keynesian perspectives about economic stimulation and deficits? What is the effect of tax cuts on revenues and the need to run deficits?
- What is the effect of entitlements on the federal budget and why must Social Security and Medicare be fixed for future budgets? How do conservatives and liberals see these solutions differently? Keynesians and supply siders?

Vocabulary:

Appropriation

Appropriations Committees

Authorization

Balanced Budget

Budget Committees

CBO

Deficit

Discretionary Spending

Entitlement

Excise Taxes.

National Debt

Fiscal Year

Gramm-Rudman-Hollings Act (*Balanced Budget and Emergency Deficit Control Act of 1985*)

Gross Domestic Product (GDP)

Mandatory Spending

OMB

"Pay-As-You-Go" —(*Budget Enforcement Act of 1990*)

Revenue

Social Insurance Payroll Taxes

Surplus

Ways and Means Committee

The Presidency & Executive Branch (Bureaucracy)

- What are the differences between US presidents and prime ministers in terms of identity and powers of the chief executive?
 - Discuss the concerns that the framers had about the presidency.
 - Explain three ways a president can organize his or her personal staff. (Structural)
 - Discuss the veto/approval options a president has, and talk about why a president might use the pocket veto
 - On what grounds have presidents based their power of *executive privilege*? Did the Supreme Court agree? (*US v. Nixon*)
 - What are the provisions of the 25th Amendment?
 - The power of the president is a hotly debated issue. Some scholars refer to an imperial presidency despite the Founders' intention to make Congress the first branch. From the material you've read, construct two arguments about the balance of power between Congress and the Presidency: one that says the Presidency is stronger; one that says the Congress is stronger. Make sure to use both formal (constitutional) and informal methods of wielding power.
 - List and describe the various offices that make up the office of the president.
 - Enumerate and discuss the various facets—*formal and informal*—of presidential power.
 - List and identify specific powers the president has in each of the following categories. How can Congress or the Courts limit these powers?
 - Executive powers (administrative, enforcement of laws, treaties, court decisions, appointments)
 - Legislative powers (budget, approve or veto legislation, push legislative agenda)
 - Diplomatic powers (appoint ambassadors, negotiate treaties, *executive agreements*, meet with foreign governments)
 - Military powers (commander in chief, increased powers in 20th Century, use of military w/out Congressional approval or declaration of war)
 - Judicial powers (appoints members of federal judiciary; grants reprieves and pardons)
 - Political party powers (recognized leader of party; raises money for Congressional candidates, appoints party members to governmental positions in executive branch, influences direction of party policy platform)
 - What are some limitations on presidential power?
 - Congressional checks (overrides, power of the purse, Congressional Budget and Impoundment Control Act of 1974, impeachment, oversight, approval of appointments, legislation to limit presidential powers—although War Powers Act a failed attempt.
 - judicial review
 - public opinion
 - negative media attention/ loss of popularity/
 - *Remember the Executive Office of the President!*
 - White House Office (day-to-day advisors—chief of staff, counsel to the president, press secretary—closest folks to the president in terms of real influence)
 - NSC (military + state department heavies), OMB—(Executive Branch Budget Gurus), Council of Economic Advisors, etc.
 - Know some key things on the federal bureaucracy:
 - Remember, federal government is the single largest bureaucracy in the US—over 2.8 million employees. Bureaucracies have key features:
 - _ Hierarchical structure: authority pyramid shaped—those at the top have the authority.
 - _ Job specialization—division of labor among workers.
 - _ Formal rules/procedures—can cause red tape.
 - Some key terms about bureaucracies:
 - *Spoils system*: practice of giving offices and government favors to political supporters and friends.
 - *Merit system*: replaced the spoils system in 1883 when Pendleton Act/Civil Service Act was passed after President Garfield was assassinated by a disgruntled job-seeker. Thereafter hiring and promotion were to be based on merit not favors.
 - *Hatch Act of 1939*—Prohibits government employees from engaging in political activities while on duty, running for office or seeking political funding while off duty or if in sensitive positions, may not be involved with political activities on or off duty.
 - *Organization*:
 - _ *Cabinet Departments* (15) ie. Department of State; Department of Defense; Department of Interior
 - _ *Independent Executive Agencies* ie. NASA, Small Business Administration
 - _ *Independent regulatory agencies* ie. Securities and Exchange Commission, Nuclear Regulatory Commission, Federal Reserve
 - _ *Government Corporations* ie. Tennessee Valley Authority, US Postal Service, AMTRAK
- Vocabulary you must know.**
- | | |
|--|---------------------------------------|
| 25 th Amendment | Impeachment |
| Ad hoc structure | Impoundment of funds |
| amnesty | Iron triangle |
| Article II Constitutional qualifications for President | Lame duck |
| Cabinet | Legislative veto |
| Circular structure | Legislative veto |
| Commander in Chief Role | Line-item veto |
| Diplomatic role | Office of Management and Budget (OMB) |
| Executive Agreements v. Treaties | pardons |
| Executive Office of the President | Pocket veto |
| executive orders | Presidents who ran as “outsiders” |
| Executive privilege | Pyramid structure |
| | Reprieves |
| | War Powers Act |

The Federal Judiciary

How is **judicial activism and judicial restraint** different than liberalism and conservatism? What examples in history show us both liberal and conservative courts that have acted judicially active?

How has the Supreme Court changed since the New Deal? What were some key characteristics of the Court during. What court cases illustrated some trends in each court?

- The Warren years (1953-69)—should choose some cases that illustrate activism—*Brown v. Board of Education*, *Miranda*, *Griswold*, *Gideon*—you have many to choose from.
- The Burger years (1969-86)—the most controversial is *Roe v. Wade*—you can't write about Burger Court without talking about *Roe v. Wade*, 1973. There was also *US v. Nixon*, 1974, and *Regents of CA v. Bakke*, 1978.
- The Rehnquist years (1986-2005)—it's really a devolution pattern here. Lopez, Printz, Morrison... You might also note that abortion was limited but *Roe* was not overturned.
- Roberts Court (2005-2009)—I doubt you'll have to talk much about this court because it's so new. But know it is more conservative than Rehnquist Court and it has lost its swing vote—O'Connor. Evidence of this, for example, is that the Roberts Court upheld the federal Partial Birth Abortion Act of 2003.

More than anything, you'll be meshing what you know about the federal courts with what you know about civil rights and civil liberties, probably on a written response. You'll get multiple choice questions that will require your knowledge on court vocab and court structure. Case knowledge will help you illustrate examples of trends of court behaviors, so keep the big picture in mind with plenty of examples in your pocket you can use to illustrate your points.

Amicus curiae brief (friend of the court)
Appellate jurisdiction
Brief
Case law
Circuit Courts (Courts of Appeals)
Civil law
Class-action suit
Common law
Concurrent jurisdiction
Constitutional law
Court packing
Criminal law
Defendant
District Courts
Ex parte
Exclusive jurisdiction
John Marshall
Judicial activism v. judicial restraint
Judicial review
Litigation
Litmus test
Opinions: majority, concurring opinion; unanimous
Oral arguments

Vocabulary

Original jurisdiction
Per curiam opinion
Plaintiff
Precedent
Rule of four
Senatorial courtesy
Standing (standing to sue)
Stare decisis
Strict constructionism v. loose constructionism
Trial level v. appellate level of federal courts
US Supreme Court
Writ of certiorari (granting cert)

Civil Rights/Civil Liberties

- The first ten amendments to the Constitution were added in 1791. The intention behind these amendments was largely to limit the powers of the federal government, not the states.
- Know the basic protections of each of the following amendments: 1st, 2nd, 4th, 5th, 6th, 8th, 9th, 10th, 14th Amendments
- **Know how the 14th Amendment affects the Bill of Rights.** Be able to distinguish between *procedural due process* and *substantive due process*. Make sure you know both the *equal protection clause* and the *due process clause*. Also, have an understanding of the 14th Amendment *incorporation doctrine*. **This will so be on the exam!**
- Know core rights in the body of the Constitution:
- The right of *habeas corpus* (Article I)
- No *bills of attainder* or *ex post facto* law (Article I)
- Know the arguments for where privacy is implied in the Constitution.
- Be able to write about “legislating from the bench”; pros and cons of judicial restraint and judicial activism with examples from historical periods, especially Warren.
- Be able to show how courts have led the way and been followed up with legislative and executive efforts to promote civil rights: ie *Brown v. Board of Education—Civil Rights Act of 1957, Civil Rights Act of 1964, Voting Rights Act of 1965, etc.*
- Know key Establishment Clause cases that have defined and redefined the “wall of separation.”
- Especially know *Lemon v. Kurtzman*—three part test
- Know key Free Exercise Clause cases that have distinguished practice from belief and what the state may limit—especially issue of compelling interest.
- Especially know *Employment Division of Oregon v. Smith* and the response of Congress in passing the Religious Freedom Restoration Act, which in 1997 the Supreme Court ruled was unconstitutional in *City of Boerne Texas v. Flores*.
- Know key cases that have defined the limits of speech (pure, speech plus, and symbolic speech)
- Pure—spoken—most protected.
- Speech plus—verbal and symbolic used together such as a rally or picketing—may be limited.
- Symbolic—actions or symbols—burning draft card, wearing arm band—subject to restriction if it endangers public safety.
- Know Miller Test from *Miller v. California, 1973*
- Know these freedom of the press cases:
- *Near v. Minnesota, 1931*—applies to the states under due process clause and prohibits prior restraint.
- *NYTimes v. Sullivan, 1964*—statements about public officials protected
- *NYTimes v. United States, 1971*—Pentagon Papers case—Court reaffirmed position of no prior restraint refusing to stop publication of Pentagon Papers.
- Assembly
- *Dejonge v. Oregon, 1937*—association (assembly) as important as other First Amendment rights and used the due process clause of 14th Amendment to apply to states.
- To keep public order:
 - _Parade permits, certain public facilities not open to demonstrations, restrictions on assembly must be equally applied to all groups, right to assemble does not allow groups to use private property for its own uses (like to create buffer zones around abortion clinics), police can disperse demonstrations in order to keep the peace.
- Privacy
- Search and seizure privacy; personal privacy. Be able to address and explain the relevant court cases in establishing what is a reasonable expectation of privacy: *Olmstead v. US, 1928, Katz v. US, 1967*; also know privacy argument for 14th Amendment relevant to *Roe v. Wade, 1973, and Griswold v. CT, 1965*.
- Rights of the Accused
- Be able to discuss the various issues surrounding search and seizure, due process, self-incrimination, and equal protection.
- Know the five rights established in the Fifth Amendment: grand jury, no double jeopardy, right against self-incrimination, due process in criminal case, fair payment in cases of eminent domain.
- Know the legal process for one accused of a crime.
- Know the warrant exceptions.
- Know your issues from the 8th Amendment: cruel and unusual punishment, no excessive bail (based on premise of innocent until proven guilty), no excessive fines.
- **Some landmark civil rights cases, laws, and events to draw from in writing about civil rights:**
- 13th Amendment abolished slavery
- 14th Amendment defines citizenship; provides due process and equal protection and are used by Supreme Court to apply to States. Individual equal protection not really applied to African Americans until 1954 though.
- 15th Amendment—could not deny males right to vote based on race or fact that they were once slaves.
- 19th Amendment gave women the right to vote (1920)
- From 1860s-1950s, Jim Crow laws segregated races in schools, public transportation, hotels, etc. Grandfather clauses, poll taxes kept Blacks from voting.
- *Plessy v. Ferguson, 1896* ruled separate was equal
- FDR passed Executive Order 8802 in 1941 that banned racial discrimination in defense industry and government offices. Ironically, Japanese Internment also under FDR—*Korematsu* case upheld this.
- *Brown v. Board of Education, 1954* overturned *Plessy*.
- Civil Rights of 1957—created Civil Rights Division in Justice Department—made it a crime to prevent a person from voting in federal elections.
- Equal Pay Act—1963—illegal to base an employee’s pay on race, gender, religion, or national origin.

- o Civil Rights Act of 1964—prohibited discrimination in employment and in places of public accommodation; outlawed bias in federally funded programs; created EEOC.
- o 24th Amendment outlawed poll taxes in federal elections in 1964
- o Voting Rights Act of 1965 allowed federal registrars to register voters—outlawed literacy tests.
- o *Regents of University of California v. Bakke*, 1978—reversed discrimination case—race can't be sole criterion for admission in a quota system.
- o *Americans with Disabilities Act, 1990*—forbids employers and owners of public accommodations from discriminating against people with disabilities (must make facilities wheelchair accessible, etc.)
- o *Romer v. Evans*, 1996—Supreme Court ruled a Colorado Constitutional amendment (passed by initiative process) that invalidated state and local laws that protected homosexuals from discrimination was unconstitutional because it violated the *equal protection clause of the 14th Amendment*.

Vocabulary:

Indictment
 misdemeanor
 eminent domain
 writ of habeas corpus
 bill of attainder
 double jeopardy
 ex post facto law
 civil cases
 criminal case
Mirandize
 grand jury
 cruel & unusual punishment
 equal protection

probable cause
 exclusionary rule
 aggravating circumstances
 mitigating circumstances
 pure speech
 speech plus
 symbolic speech
 substantive due process
 procedural due process

What you should be able to write about:

- Balance of power overviews. (President v. Congress; States v. Federal Govt., Judicial Legislating v. Congressional Legislation)
- Federalism (states v. federal govt.)
- Inclusion or exclusion of citizenry (interest groups, litigation, states' rights, initiatives at state level, constituency role)
- Make a detailed outline for these items. These questions could easily be on the AP Exam. Synthesize your materials to answer:
 1. Budget Process** Be able to write an explanation of this with attention to balance of power between presidency and Congress.
 2. Changes in federalism (causes and effects)
 3. Formal and informal methods of citizen involvement.
 4. How courts and Congress may be used to secure civil rights (past, present)
 5. Role of media in American politics (elections, setting agenda, watchdog role, corporate ownership, bias)
 6. Balance of power between presidency and Congress especially in foreign policy role.
 7. Balance of power between political parties, their effectiveness or lack of effectiveness in setting national agenda.
 8. How civil rights have been gained through legislative and judicial means.

WHAT THIS MEANS IS YOU SHOULD BE ABLE TO PROVIDE CONCRETE RELEVANT EXAMPLES