

Constitutional Underpinnings

Amendment process Antifederalist Bicameral Bill of rights checks and balances
 Constitution factions federalism judicial review Shay’s Rebellion
 Federalist Papers Federalists natural rights ratification New Jersey Plan
 Republic Virginia Plan unalienable unicameral separation of powers
 Great Compromise Declaration of Independence

The Declaration of Independence is a list of freedoms and rights that were denied by the British and demanded by the Colonists.

The Articles of Confederation were the nation’s first constitution and created a number of problems for the nation.

Called to revise the Articles of Confederation, the Constitutional Convention scrapped them and drafted the Constitution which we live under today.

Many features of the U.S. Constitution were designed to be direct corrections of flaws in the Government found under the Articles of Confederation.

The Constitutional Convention of 1787 was a contest between political groups favoring central power and political groups favoring regional power. It was also a contest between states with large populations and states with small populations. James Madison had the most profound effect on the contents and final draft of the Constitution.

The Ratification process created a need for the Bill of Rights. It also produced The Federalist Papers, a collection of essays explaining our system of government.

The two party system of the United States solidified quickly after the Constitution was adopted, focusing around Hamilton’s calls for a strong central government, versus Jefferson’s emphasis on local controls.

The Constitution has two amendment processes.

Constitutional Arguments

For	Against
State and Federal power would be balanced	Too much control to a distant central power
Sufficient separations of power existed	Powers were listed, limitations were not
Checks and balances exist	A single executive was too powerful—kinglike
Limits to legislative powers were listed	Limits to executive power were not listed
Applied to federal laws, not state	What prevented the federal government from taking power from the states?

- Steps from the Declaration of Independence to the Constitution.
- Specific Weaknesses of the Articles of Confederation.
- Dependence on the Declaration of Independence in the Constitution.
- The difficult convention
- Ratification Issues
- The Development of parties under the Constitution.
- Early development of political parties
- Early political divisions in the United States

The Constitution

The original Constitution contained eight basic parts: an introductory sentence explaining the goals and seven articles defining the powers of the new government.

The founders wanted legislators to be closely connected with the citizens.

Checks and balances on power and separations of power are key elements of the document.

The Preamble

- A more perfect union
- Justice
- Domestic Tranquility
- Defense
- General Welfare
- Blessings of Liberty

Article I: Congress

- The longest section of the Constitution.

Congress is given the power to make all laws “necessary and proper.”

Article II: Executive

- Mostly concerned with the Electoral College

Most of this portion of the Constitution was amended by the 12th Amendment.

The President can: Act as Commander in Chief
 Deal with foreign nations
 Choose department heads

The President has gained power for his office typically during times of national crisis.

Article III: Courts

- There will be federal courts, and Congress can create them.

Article IV: The relationships of states with other states.

- Full Faith and Credit
- Extradition
- New States

Federalism

Block grants	categorical grants	conditions of aid	cooperative federalism
Devolution	federalism	federal system	dual federalism
Initiative	grants in aid	mandates	Gibbons v. Ogden
Nullification	unfunded mandates	Unitary System	McCulloch v. Maryland
Referendum			

Our basic use of federalism as a political concept has changed dramatically since its inception. The Civil War, the Great Depression, World War II, the Civil Rights era, and even Hurricane Katrina were major events that changed how we view and practice federalism.

Defining the relationship between the national government and state governments has been, and continues to be a major issue in the nation’s history. The Constitution is short, mostly focused on Congress, and designed to guide the development of a new government. The writers did not intend to describe all possible powers or interpretations.

The Preamble lists the six basic goals of government.

Article I contains the most details and descriptions, covering the organization and powers of Congress. Critical powers are the Commerce Clause and Elastic Clause.

Almost all Executive powers listed in Article II are vague and checked by Congress. The details of Judicial power in Article III and state powers are even less detailed.

Federal powers are listed in the Constitution or directly implied by the Constitution. All powers not listed in the Constitution are considered reserved to the states.

Judicial Review was not part of the Constitution but created by the Supreme Court decision in Marbury v. Madison

Control of Money has been a major way the federal government extends its rules and powers.

The cornerstone of federal and state government relations today is the system of grants-in-aid, or funds distributed by Congress to state and local governments.

The scope of federal power has shifted back and forth during the history of the United States.

Basic National Responsibilities	Basic State Responsibilities
Kidnapping	Business licenses
Crossing state lines to commit crimes	Marriage licenses
Threatening attack on public officials	Legal practice licenses
Violating the civil rights of citizens	Professional licenses
Delivering mail	Civil laws not involving federal issues
Interstate trade	Criminal laws other than federal
Issuing currency	education

Major Events in Federalism

1789 to the Civil War	Dual Federalism is dominant. States can define full citizenship. Specific court cases are used to define federal authority over trade, interstate commerce, and banking.
Civil War Amendments (1860s)	The 13 th , 14 th , and 15 th Amendments take from the states the rights to allow slavery, define levels of citizenship, and to stop black men from voting.
Post Reconstruction (1876 to the early 1900s)	States regain the authority over status of citizens in areas of voting and segregation, formalized in the case of Plessy v. Ferguson, 1896
New Deal and World War II	Federal Authority over commerce is expanded during the New Deal and legislation after the war. The Employment Act of 1946 is a key example.
Civil Rights Era (1950s to 1970s)	With Brown v. Board of Education, the Civil Rights Act of 1964, and the Great Society programs, the federal authority over civil liberties and public welfare is expanded.
Devolution Era (1980s to the present)	With the election of Ronald Reagan in 1980 and the Republican majorities in Congress in 1994, efforts have grown to limit federal controls and influence. More welfare control is given to the states. More emphasis is being given to private companies in areas of schooling and federal assistance.

- Powers given to the government by the people are delegated to the national realm by the Constitution.
- Those duties explicitly listed in the Constitution are enumerated. The bulk of these are found in Article 1, Section 8, showing the various jobs of Congress.

- Some powers have been deducted from the “necessary and proper” powers listed at the end of Article 1, Section 8. These “Elastic Clause” powers are implied to be the proper adaptation of duties of Congress to be able to fulfill the other powers that are enumerated.
- Some governmental powers are so basic that they exist without being listed or described in the Constitution. These inherent powers are held when the government must protect itself or keep itself organized. The Supreme Court has been called upon to help define the scope of such inherent powers.
- Those powers that are very specific to only certain political units are known as exclusive powers. For example, only Congress can declare war; this is an exclusive power.
- Concurrent powers are those governmental functions that both the federal government and the states can wield. There is no specific list of the range of concurrent powers, but items such as taxation, borrowing, and budget expenditures are usually classified as concurrent.
- Those powers retained by the states and people are labeled as reserved. The 10th amendment is the basic guide, listing the possible range of such powers and freedoms as “The powers not delegated to the United States.”

Political Beliefs and Behaviors

Civic duty	culture war	subculture	political efficacy
Conservative	liberal	moderate	political ideology
Elite & Class	hyper-pluralism	pluralism	political socialization
Republicans	democrats		

- Political values are shaped by economics, religion, education, and culture
- Americans increasingly mistrust government
- Americans are politically tolerant. They allow for civil discourse.
- Defining public opinion in the U.S. is difficult
- Political ideologies are consistent and coherent.
- Labels of liberal and conservative have changed meaning over the years. What has remained stable is a general difference between those who want to emphasize government control, and those who want individual control.
- Voter turnout levels are low in the U.S., but stable in moderate viewpoints.

- Influences on political beliefs are still dominated by family background and a few other relatively stable factors.
- U.S. citizens are only moderately interested in politics and usually focus on money job concerns.
- Polls are based on statistical samples and carefully crafted questions.

Elections & Campaigns

Caucus	general election	gerrymandering	incumbency
PAC	primary election	direct mail	grassroots
Unions	divided government		

- There are major differences between congressional campaigns and presidential campaigns
- Campaigns in America are frequent, very expensive, last a long time, and rely more and more on the media to communicate with voters.
- Campaign finance is a continual source of reform and disagreement in the U.S.
- Elections trends have shifted from strong Democratic, to Republican, and then to divided government.
- Because the Electoral College is based on factors concerning population, large states heavily affect the outcome of the election by simply having a slight advantage for one party over another.

The Road to the Presidency

18 to 24 months before the election	Start fundraising. Build a “war chest” of available money. Make contact with lobbyists and opinion leaders. Shore up support. Get industry leaders and businesses behind you. Visit early primary states such as Iowa and New Hampshire, as well as big money and population states.
12 months before the election	Declare your candidacy and form a national committee. Build a campaign staff. Travel requirements during this time are extensive. Image and debate training begins during this time.
February of the election year.	Give speeches and campaign in the big primary states that you have a chance at winning. Energize the party loyalists. A poor showing in Iowa or New Hampshire could be the end of your campaign. Candidates who don’t win primaries or do better than predicted will likely drop out.
March of the election year	The national campaign begins at this time. Frequent travel to the “Super Tuesday” states. Build the number of delegates needed to win the nomination. If you have a poor showing in one of the big states your financing will dry up or you won’t have enough money to continue.
April-June	Complete the late primaries but be careful with your money. You

	won't be able to spend a lot until after the Party Convention.
July-August	Settle your party's platform. Choose your Vice President. Work with party leaders and possibly candidates that have dropped out to consolidate your support in your party.
Fall	This is the traditional campaign season. You'll compete against the other major party's candidate. You'll make many speeches in many places day in and day out. National debates will take place with the opposition party.
First Tuesday after the first Monday in November	Receive the most electoral votes. Currently that number is 270 out of a possible 538.
December/ January	The electoral college casts its votes/ Inauguration day

Key Presidential Elections

Year	Candidates	Issues/Events
1800	Jefferson and Adams	The vote for President resulted in a tie. The tie was resolved in the House of Representatives. This marked the realization that factions as political parties would be powerful in deciding the outcomes of elections in the U.S.
1896	McKinley and Bryant	Bryant goes on the first nationwide speech tours in a presidential election. McKinley makes the first major use of campaign staff and campaign management. McKinley realizes that the Electoral College will likely work in his favor if he does nothing other than support the industrial states. This is a successful strategy. This was also the emergence of the modern party forms. The Republicans became the party of business, and the Democrats became the party of the workers
1932	Roosevelt and Hoover	The New Deal Democrat agenda of liberalism is launched and will dominate American politics for the next 50 years.
1960	Kennedy and Nixon	T.V. coverage and image becomes central to the campaign. The result was extremely close. Big northern cities still dominate, but begin to lose power to growing states.
1968	Nixon and Humphrey	Wars, which usually protected a sitting president, disrupted the campaign. The incumbent, Johnson chooses not to run for reelection. Splits over the war split the Democratic party.
1980	Reagan and Carter	The emergence of modern conservatism. There will be a massive voter shift of southern whites to the Republican party. The trend of devolution and deregulation of American industry begins.
2000	Bush and Gore	Electoral college results show the power of the south and the plains states for the republicans and the north and western states for the Democrats. Bush wins a majority of electoral votes, but a minority of popular votes.

Electoral College

- The Electoral College was created to avoid mob rule and the election of popular but unqualified candidates. Each state receives the number of electors as they have Senators and Representatives combined.

- The votes are reapportioned after each census. The next time this will be done is after the 2010 census to take effect before the 2012 election. Fast growing states will take votes away from states that are not growing as fast.
- If the Electoral College results in a tie, the election will be decided by Congress. The Senate will get one vote from each state plus the sitting Vice President for a total of 51 votes. They will choose the Vice President. The House will select from the top three Presidential candidates, and each state gets one vote. If no candidate gets 26 votes they will vote again and again.

For	Against
No new or better system has been developed	The popular winner can lose the election
It is efficient and cheaper to ignore less populous states.	Big states dominate the system
Fraud and mistakes would become more likely to sway an election	Small differences in votes by party result in major EC differences due to the winner take all system.
Campaign costs would soar if a candidate had to go to all states.	States with big differences between party registrations offer no hope to the minority party.

Campaign Finance

Term	Definition	Related Issues
FEC	Federal Election Commission. This is a 6 member agency that was created in 1974 to monitor election funds.	This will be on the AP Exam.
PACs	A Political Action committee is a group registered with the Federal government and is used to raise Campaign funds. It is registered in the politician's name.	This as an attempted reform of the 1970s. It actually put more money into the political system.
527s	IRS section 527 of the Tax Code allows nonprofit organizations to collect money and use it for political causes such as TV ads.	These aren't regulated by the FEC. By claiming they are not connected with the campaign, they are able to create very hard hitting ads, and get them broadcast when other groups are forbidden from putting out ads.
Hard Money	Money given directly to candidates	The current limit is \$2,400 per election cycle.
Soft Money	This is money that political parties can use for party building or voter registration efforts. It is not supposed to go directly to campaigns, but many times is used to aid individual candidates.	It is difficult to decide when support is for a candidate or a position of a party.
Matching Funds	Federal money given to candidates so those with less money can compete.	Fewer candidates take this money. No current Presidential candidates are taking it. There are too many strings attached,

		and they will raise far more than the government will give
Candidate spending	Unlimited \$ can be spent by candidate if s/he uses personal wealth	

Mass Media

C-Span	Internet	muckrakers	sound bite
trial balloon	FCC	feature stories	insider stories
party press	attack journalism	press secretary	investigative journalism
sensationalism	popular press	routine stories	yellow journalism

- The media have evolved as more sophisticated forms of communication have become available, changing the role of media in American politics.
- The media are the major source of information about the government for the American public, and they have a major impact on how politics are conducted.
- The media are often accused of bias in their reporting of government officials and activities.
- Media Coverage has shown a tendency toward biased political reporting for different candidates and parties.
- The role the government plays in what makes the agenda for many national news outlets is under suspicion and the fodder for much controversy and speculation.
- Most media venues are owned by major corporations that are often as concerned with profits as with delivering quality news.
- It is not uncommon for members of political parties or candidates to use the media to further their own cause or to get their ideas out there first.
- Changes in media accessibility with the growing involvement of the internet as a major news source are rapidly changing how facts are presented and shared.

3 Roles:

- Gatekeeper
- Scorekeeper
- Watchdog

Stages of Media in the United States

1700s to the mid 1800s	Almost no daily newspapers existed. News was distributed through pamphlets and essays (such as Common Sense, by Thomas Payne) Reporting was done, but the reporters worked for the political parties and the parties owned the newspapers. The media was intended to be partisan. Personal attacks were very extreme.
Late 1800s	Newspapers became national businesses. Selling stories became important. Newspapers were central in the Progressive reform era of the late 1800s.
Early 1900s	Teddy Roosevelt used the media and press corp. His administration created media events. A reporter who was critical was usually left out of future press opportunities. The press became a “lap dog” of the administration.
Mid 1900’s	Radio opened up new forms of communication. FDR started Fireside Chats and used the media to play on people’s emotions. Propaganda was common.
Late 1900s	Television and the WWW created instant information. The 1960 debates was a key event. There was a great spread of information.
Vietnam and Watergate	This was a key time. The media became a protest outlet and scandal investigator. Growing mistrust in government led to more focus by the media, which led to further mistrust of the government. Presidents began to see the press as an adversary. Clear teleprompters and “in-ear” transmitters allowed staff to help the politicians spar with the press.
Post-Vietnam	Internet and radio talk shows have expanded “attack journalism.” Conservatives and liberals take polar views and use all available technology to attack one another. Blogging begins and becomes a powerful form of news. Satellite systems and personalized channels help people hear the news they want, but limit exposure to other viewpoints.

Media Bias

Conservatives believe that the media is biased to the left, and liberals believe that the media is biased towards the right. Overall, studies have shown that bias does exist, but on balance, and with new forms of political information available, the outcome is relatively neutral.

Effects of Media and Technology on Campaigns and Politics

- The White House staff shields the President from many questions, and controls access to the POTUS.
- Campaign events and debates are completely crafted. The public sees only what the campaign or the politician wants the people to see. Certain questions are forbidden, and many times the candidates know what questions will be asked. Debates and questions will be practiced for days
- Special news rooms are available at the Capital for Congressional leaders.
- Debates and speeches are scheduled to coincide with C-SPAN coverage times and with news deadlines.

- Press conferences are used to introduce items in a positive manner. Free questioning by the press may or may not occur.
- Campaigns have created “war rooms” designed to help a candidate get out an instant response to keep polls high.
- Candidates use websites for news, fund-raising, and outreach, thus cutting out the filter and commentary from the press.

Congress

Filibuster	incumbency	bicameral	committee system	seniority system
Pork	open rule	quorum	select committee	presidential veto
Whip	term limit	roll-call vote	standing committee	subcommittee
Franking	cloture	cloture rule	conference committee	Rules Committee

- The United States Congress is a bicameral legislature that has two very distinct chambers.
- Three theories (representation, organizational, attitudinal) attempt to explain how members of Congress behave in their voting patterns.
- Congress is organized in various ways, including party, committee, and staff organizations.
- The ethics of legislators continues to be a concern for the public.
- The Constitution was originally a document for the branch of Congress; thus, most of the laws written concern the actions for Congress.
- Congress has created a complex process for handling the creation of laws, making it extremely difficult to pass new laws or amendments to current ones.
- One of the biggest duties for Congress is the creation of the massive federal budget.
- Party leaders are very central in the control of issues, bills, and budgets.
- Federal laws have been steadily expanding the influence of the national government in public and private society throughout the 20th century.
- Incumbent members of Congress are very difficult to remove due to the creation of safe districts and overall positive feelings about ones own Congressperson.

The organization of Congress

Congress is not a single organization but, rather, a vast and complex collection of organizations by which the business of the legislative branch is carried out and

through which its members form alliances. At least three levels of organization exist in Congress: Party, Committee, and Staff.

Party

- Intraparty: Members share the same ideology, such as environmental issues or coastal state issues.
- Personal Interest: Members share an interest such as human rights.
- Constituency Concerns: Similar constituencies such as the Congressional black Caucus.

Committee

- Standing Committee: Permanent bodies with specified legislative responsibilities. Examples include the Armed Services Committee and Judiciary Committee.
- Select Committee: These are groups appointed for a limited purpose and limited time. Examples include various intelligence committees.
- Joint Committees: Both representatives and senators serve on joint committees. Conference committees are a type of joint committee appointed to resolve differences in Senate and House versions of legislation. Other joint committees are formed when the House and Senate are going to be working on similar legislation and the two houses want bills that are more similar before they go to Conference.

Staff

- Congressional Budget Office: The CBO advises Congress on the likely economic effects of different spending programs and provides information on the costs of proposed policies.
- General Accounting Office: The GAO audits the money spent by executive departments. In addition, the GAO now investigates agencies and policies and makes recommendations on almost every aspect of government.
- Congressional Research Service: The CRS is a part of the Library of Congress and responds to congressional requests for information. It does not recommend policy, but looks up the facts and indicates the arguments for or against a proposed policy. It also tracks the status of all major bills in Congress.

Key Differences between the House and the Senate

House of Representatives	Senate
Initiates revenue bills (both chambers must still vote on the final version)	
Initiates impeachments and passes impeachment bills	Holds trial for those impeached by the House and votes on removal.
Possibly requests discharge petitions for bills stuck in committee.	Can possibly filibuster bills being debated.
House Rules Committee controls debate limits.	Riders to unrelated bills allowed.

Must have a Speaker as leader	Informal leaders through party heads, with president of the Senate (VP) in a mostly ceremonial role.
Selects the president if the Electoral College can't.	Selects the Vice President if the Electoral College can't.
	Approves the President's appointments
	Approves treaties initiated by the executive branch
	Approves ambassadors when nominated.

Leadership and Organization of Congress

House of Representatives: 435 members since 1929, elected for 2 year terms from districts that are distributed by population among the states	Senate: 100 members elected for 6 year terms from the entire state, rather than a particular district. 33 or 34 are up for election every 2 years.
<p>Leaders:</p> <ol style="list-style-type: none"> 1. The speaker of the house (required by the Constitution) is elected by majority vote of members and in modern times has always been a member of the majority party. 2. The majority leader is chosen by the majority party to represent its goals and policies. 3. The majority whip is the assistant to the majority leader, representing the regular membership and functioning as agenda setter, group communicator, and issue planner 4. Committee chairpersons are from the majority party. Chairpersons help form the legislative calendar, committee hearings, and many bill priorities. Rules Committee members are House Leaders selected to make the rules of debates and amendment options for the bills. They control the final agenda of the floor. 5. The House Rules Committee can make or break a piece of legislation when it either restricts or loosens the time limits and scope of debate. 6. The minority leader is the leader of the opposition. 7. The minority whip is the assistant to the minority leader. 	<p>Leaders</p> <ol style="list-style-type: none"> 1. The President of the Senate (required by the Constitution) is the Vice President and can monitor debates, count electoral votes, and vote to break a tie vote of the senators. 2. The president pro tempore (required by the Constitution) serves when the Vice President is not available. Generally, it is a ceremonial role given to the majority party senator with the most seniority. 3. A majority leader is elected by the majority party to lead procedures, set the agenda..... 4. A majority assistant has the same duties as the house whip. 5. Committee chairpersons are from the majority party, usually assigned through seniority. Like House committees, the chairperson can wield power over when bills are debated, how they are debated, and sometimes even whether or not they are debated. 6. A minority leader leads the interest in the minority party. 7. Each party has a "Conference Caucus" that guides policies and agendas for the parties.

Key Committees:

House:	
Appropriations	Project Money (pork) and other expenditures are controlled here. These are called earmarks.
Budget	Oversight of government spending is watched and controlled
Rules	Debate rules, bill sequence, and rules of amendments are set.
Ways and Means	Taxation rules, tariff issues, benefits, and Social Security.
Senate:	
Appropriations	Federal discretionary spending programs.
Budget	Oversight of government agencies and spending.
Finance	Duties similar to HWM.
Foreign Relations	Policy debates and treaty votes.
Judiciary	Judges and justices are debated and possibly confirmed.

Duties of Members of Congress

Delegate Duties	Members should represent the wishes of their districts/states and not necessarily their own; often delegates have views that conflict with those of their constituents.
Trustee Duties	Members should take care of the republic and do what is best for the long term health of the country, not just what is best for their own districts.
Political Duties	Members must support party goals, party leaders, and do what needs to be done to gain power, otherwise they are seen as ineffective.
Partisan Duties	Often similar to duties within the party, these goals include being consistent to the ideas of liberalism or conservatism or centrism. Candidates run on such platforms and are expected to follow through with the ideals of consistent leadership and to stand for principles.

Membership has its privileges:

- Name recognition
- Access to campaign cash
- Franking
- Pork Projects and Claims of Credit
- Seniority Powers
- Party Support
- Lobbyist Support

The Executive Branch

Cabinet	executive privilege	impeachment	pocket veto
Coattails	succession	veto	independent agencies
Civil service	iron triangle	red tape	congressional oversight
Merit system	patronage	laissez-faire	Pendleton Act

- Executive authority over the freedoms of American citizens has expanded in the United States steadily throughout political history.
- The image of the President changes regularly. He might be severely criticized one day, and praised the next, depending on the events in foreign or domestic affairs.
- The Executive branch is so powerful and large that the high level political executives employed there have extraordinary powers.
- The power the Executive branch can use grows and shrinks with different Congresses.
- The powers of the presidency are constrained by the separation of powers in the Constitution.
- The executive branch includes the president’s personal staff, the cabinet, and many other agencies.
- Presidential power rests in the President’s power to persuade.
- The growth of the bureaucracy has been the most dramatic in all of government.
- The bureaucracy has powers that are similar to the president, the federal courts, and Congress.
- People claim to dislike bureaucracy, but they appreciate the programs and benefits that the bureaucracy gives out.
- The Great Depression and WWII are the events that allowed the bureaucracy to grow so large.
- Presidential Succession Act and 25th Amendment. (Don’t even think about asking a general question about what these are!!!)

President

Qualifications

35 years old

native born
14 year resident in the U.S.

Formal Duties (Article 2 and Article 4)

Duties and Powers	Constraints
Serves as Commander in Chief of the military	Congress funds and organizes the military, and also makes the rules for the military.
Negotiates treaties with foreign leaders	The Senate must approve treaties for them to take effect.
Nominates top federal officials, including federal judges and justices of the Supreme Court.	The Senate must approve the nominations and by tradition, "Senatorial Courtesy" is often expected for nominations.
Vetoes legislation	Congress can override the veto with a two-thirds vote in both chambers.
Can use a pocket veto.	No constraint exists if the President does not sign legislation given with fewer than 10 days left in the session. The legislation becomes law without signature if the President has more than 10 days to sign.
Administers federal laws using orders, proclamations, and memoranda	Congress has set up its own agencies to counter executive priorities and has given many powers to independent agencies.
Can pardon people	Public outrage may damage popularity and reelection chances.
Addresses Congress and the nation and sets the priorities of the legislation	Congress can ignore the priorities, especially if Congress is held by a different party, or if gridlock exists.
Act as Chief of State (Bully pulpit)	These powers are not defined in the Constitution, and low approval ratings make these powers less useful.
Protect the states against invasion and domestic violence.	Presidents are to act "when the legislature cannot be convened." This is a major way that executives can expand powers during times of emergencies.

Events and laws that changed Presidential power:

1. Gulf of Tonkin Resolution
 - Gave expanded power to commit U.S. troops to combat without a formal declaration of war. This was in force during the Vietnam War.
2. War Powers Resolution
 - Similar to GoT Resolution, but added time limits.
3. Curbs on the FBI and CIA
 - Curtailed the President's ability to direct the activities of the FBI and CIA. Many of these powers were reinstated after the Patriot Act.
4. Congressional Budget and Impoundment Act.
 - Nixon impounded funds to programs he opposed. In response, Congress required the executive branch to spend the money legislated by Congress. The Supreme Court supported this law.
5. Budget Resolution Act.

- Congress sets ceilings on expenditures with the idea that deficit spending won't be as bad. This was supposed to be coupled with a Balanced Budget Amendment, but once Congress realized that they would have to deeply cut programs in time of recession, they scrapped the plan.
- 6. Increased use of "Independent Counsels"
 - Investigative committees have led to growing Congressional attacks on presidents. Examples include Watergate, Iran-Contra, Whitewater, Clinton Impeachment, Louis Libby, Whitehouse energy policy.

Bureaucracy

Recruiting and retention:

The civil service system was designed to recruit qualified people on the basis of merit and to retain and promote employees on the basis of performance. Many federal employees have passed a Civil Service Exam. They cannot be easily removed from their jobs. When they are removed, the process generally takes more than a year.

Personal Professional Attributes

The bureaucracy is a cross section of American society in terms of education, sex, and social origins. Because the civil service was discriminatory in hiring practices for many years, hiring minorities and women has been made a priority.

The Nature of their jobs:

Career bureaucrats are often a different political ideology of the administration and their supervisors. Despite this, most try to carry out whatever policy the executive branch demands. Civil servants have highly structured jobs.

Involvement of Iron Triangles and Issue Networks:

Agencies have often used positions to form useful power relationships with a congressional committee or an interest group. Iron triangles are not as common as they used to be due to the complicated nature of politics in the modern age of divided government.

Independent Agencies:

Consumer Product Safety Commission (CPSC)
 Environmental Protection Agency (EPA)
 Equal Employment Opportunity Commission (EEOC)
 Federal Emergency Management Agency (FEMA)
 National Aeronautics and Space Administration (NASA)
 National Endowment of the Arts (NEA)
 National Science Foundation (NSF)
 Nuclear Regulatory Commission (NRC)
 Peace Corps
 The Smithsonian Institution

The Federal Courts and Civil Rights/Liberties

Amicus Curiae	briefs	class action suits	concurring opinions
Courts of appeal	stare decisis	judicial activism	dissenting opinions
Opinion of the court	judicial review	district courts	writ of certiorari
Senatorial Courtesy	strict constructionist		affirmative action
civil rights	de facto		de jure
NAACP	separate but equal		

- The judicial system of the U.S. is clearly divided into state jurisdictions and federal jurisdictions, with state control over most civil and criminal cases.
- Modern interpretations of the 14th Amendment represent one of the greatest shifts in legal procedure our country has seen. All states must provide all citizens due process and equal protection rights, thus beginning the process of “incorporation” of national standards over state legal codes.
- Federal court justices and judges have strong views either conservative or liberal in nature. Their decisions will steer our country in the same direction.
- The Supreme Court hears only a small portion of the cases sent to it on appeal. When the Supreme Court rules, the cases tend to be of national significance with regard to the interpretation of civil rights and obligations.
- The most prolific era of famous Supreme Court decisions was in the 1960s and 1970s, and generally dealt with civil rights and obligations.
- The federal courts have taken on a far more powerful role in public policy in the last 40 years.
- The selection of federal judges is extremely political.
- Progress for African Americans in receiving their civil rights was slow
- The Federal Courts were effective in helping African Americans gain their civil rights
- Civil rights legislation came as a result of public protest and a change in public opinion regarding the rights of African Americans
- Women’s rights are drawn from different standards than those used for race
- Affirmative Action is a controversial program to remedy past and present discrimination

The 14th Amendment:

- “All persons born...in the United States” (therefore in all states)
- “No state shall make or enforce any law which shall abridge the privileges...of citizens of the United States.”
- “...nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person...*the equal protection* of the laws.” (This is the key legal shift. This matched state laws with federal laws.)
- The Bill of Rights can become the foundation of limits for all states. This legal principle is known as *incorporation*. The Supreme Court has given a great deal of consideration to the amount of incorporation in different cases. As the Supreme Court has analyzed various Bill of Rights claims through the 14th Amendment, the issue of selective incorporation of the Due Process Clause has come to the fore.

Structure of the Federal Court System

<p>Lower Federal Courts (trial courts where juries may be present; run by federal judges)</p> <ul style="list-style-type: none"> • U.S. District Courts (94 across the country) • Various military courts and tribunals • Bankruptcy Courts • U.S. Court of Federal Claims (Claims against the United States) • U.S. Court of International Trade • U.S. Tax Court (10 year appointment) • Courts of the District of Columbia • U.S. Territorial Courts (Guam, Northern Marianas Islands, U.S. Virgin Islands) • Foreign Intelligence Surveillance Courts • Most judges are appointed for life.
<p>Appeals Courts (also run by federal judges)</p> <ul style="list-style-type: none"> • Legislative Appeals Court • U.S. Court of Appeals for the Armed Services • U.S. Court of Appeals for the Federal Circuit • The U.S. Court of Appeals (12 circuits, including D.C. with 6 to 28 judges in each. These courts hear appeals from the Federal District Courts) • Most judges are appointed for life.
<p>The Supreme Court</p> <ul style="list-style-type: none"> • Nine federal justices (The number is set by Congress) • Original Jurisdiction cases cover foreign diplomats, United States versus a state, a state versus another state, a state versus a citizen of another state, a state versus a foreign country. • Appellate Jurisdiction covers cases granted from the U.S. Courts of Appeal, and state Supreme Courts • The vast majority of cases appealed to the Supreme Court under <i>writs of certiorari</i> are denied hearings by the Supreme Court justices. Thousands of requests are made annually, but the Supreme Court will hear only about 100 cases. Those not granted hearings are returned (remanded) to the last court where that decision stands. • All Supreme Court Justices are appointed for life.

Civil Liberties and Equal Protection

Categories of people who are considered for equal protection include:

- Age Groups
- Racial classification groups
- Gender Groups
- Economic Status Groups

Tests courts use to determine classification status of citizens

Rational Basis Test	If the state can prove that a classification scheme is rational, it might be allowed to separate citizens, as on the basis of gender.
Strict Scrutiny Test	The state must prove a “compelling state interest” in the classification scheme and must narrowly use items such as race to classify citizens.
Intermediate (medium) Scrutiny Test	This is usually used for gender classification systems and must be substantially related to the need for the scheme.
Heightened Scrutiny	This generally replaced the rational basis test and requires that government classifications based on gender must be related to an important governmental objective that doesn’t discriminate.

The judiciary and the political spectrum

Loose Constructionists	<p>They tend to support:</p> <ul style="list-style-type: none"> • Broad interpretations of the Elastic Clause (necessary and proper clause) • Broad interpretations of civil rights acts and laws • Pro-choice decisions • More federal control of civil rights questions • Strict limits on the separation of church and state • Affirmative action programs to end discrimination
Strict Constructionists	<p>They tend to support:</p> <ul style="list-style-type: none"> • Stricter limits on the use of the Commerce Clause (less federal power) • Limited use of the “necessary and proper” clause in Article 1 Section 8. • More local and state control of civil rights questions • Pro-life decisions • Community standards for speech and obscenity • The government has a proper role in protecting from obscenity and immorality. • Affirmative action is a form of reverse discrimination • Communities can set limits to lifestyle choices

<p>Judicial Restraint</p>	<p>Also known as <i>strict constructionist</i> or <i>original intent</i>. They tend to support:</p> <ul style="list-style-type: none"> • The idea of not overturning previous cases if possible • Natural rights of citizens that government must leave alone • Article 3 as a statement of Supreme Court powers to resolve disputes only • Article 3 as not giving the Supreme Court the right to create policy • The 9th and 10th Amendments, leaving rights to citizens and states • The idea that Congress should be in charge of new policy or create amendments • The idea that proper state authority should be emphasized • The idea that the Founding Fathers built a government of limits, and these should be followed
<p>Judicial Activism</p>	<p>Also known as <i>broad constructionist</i> or <i>loose constructionist</i>. They tend to support</p> <ul style="list-style-type: none"> • Overturning previous cases more easily if those are seen as wrong • Judicial review as a proper well established power • The 14th Amendment giving the federal government power to “incorporate” • The idea that the history of state and local courts is a history of abuses of civil rights and segregation, and the feds should step in • The idea that the Constitution is silent on rights like “privacy” and “innocent until proven guilty”, thus the courts can protect them broadly • The idea that the Founding Fathers expected leaders to adapt the Constitution over time and wrote the document with this in mind • The idea that the courts might try to correct laws, institutions, or state controls over issues such as search and seizure rights, privacy rights, counsel rights. These are often seen as pro-liberal in bias • The idea that courts might try to change the ways the federal, state, or local governments try to set up rules, controls, laws that affect the federal system. These are liberal or conservative biases

Public Policy

Costs and benefits	policy entrepreneurs	political agenda	budget
Appropriation bills	budget resolution	economic planning	deficit
Entitlements	income tax	Sixteenth Amendment	

Surplus	tax cut	food stamps	Medicaid
Medicare	Social Security	means test	human rights
Isolationism	imperial presidency	containment	War Powers Act

- The creation of the federal budget is one of the central tasks of the national government
- The Office of Management and Budget (OMB) creates the basic budget with the White House and uses this duty as a way to control the priorities of agency support. Congress battles this power with its own agency, the Congressional Budget Office (CBO)
- One of the biggest problems facing the nation is the growing amount of annual “mandatory” spending, thus cutting the ability to create “discretionary” spending.
- The 20th Century saw the rise of national expectations that the federal government would cure business ills, moderate business cycles, and stabilize competition.
- Rules created by Congress without funds available for enforcement is a major controversy of economic policy. These “unfunded mandates” are a source of conflict between the national and state/local government.
- The public has come to demand large scale domestic policies that address problems such as retirement needs, bond stability, stock stability, and the needs of the poor.
- Many federal priorities are set through financial assistance to states and local governments in the form of grants.
- The federal government often sets policy priorities based on a comparison between the potential expenses and rewards of programs being considered.
- Domestic policy changes were often brought about by new industrial developments, monopoly abuse, economic crisis events, and civil rights needs.
- Federal grants are basic ways that national government can guide assistance to states and to the general population.
- The vast majority of military conflicts involving the U.S. were conducted without Congressional declarations of war.
- Treaties have often been replaced by executive agreements that don’t need Senate approval

Revenue and Budget Examples of Revenues and Expenditures

Revenues and Sources = \$1,946,000,000,000	Approximate Percent
Individual Income Tax Receipts	50%

Social Security Taxes and Contributions	32%
Corporate Income Tax Receipts	10%
Federal Excise Taxes	3%
Deposit on Federal Earnings	2%
Estate, Gift Tax Receipts	1%
Federal Customs, Duties, Tariff Receipts	1%
Expenditures and Sources = \$2,000,520,000,000	
Social Security Payments	22%
Defense	16%
Income Security	14%
Net Interest Paid on the Public Debt	12%
Medicare Payments	11%
Health Payments	8%
Veteran's Benefits	3%
Federal Election Funding	3%
All other spending on programs (running government agencies, transportation funds, energy funds, court funds, etc.)	11%

Major forms of federal assistance to the states

Grants-in-aid	Grants can be given for specific policy programs
Block Grants	Community development, law enforcement, and education programs are examples of specific blocks of money
Formula Grants	Federal rules indicate who gets the grants, and how they apply. If states want to use the money, they must abide by the rules.
Project Grants	Competitive bids are required, and often some matching monies are required from state and local governments.
Matching funds/ Grants	Rules are put into place requiring a specific percentage of local money before federal monies are given.

Foreign Policy

Isolationism	The idea that America should stay out of the affairs of other countries and they should stay out of ours.
Containment	Used against the Soviet Union in the 1970s and 1980s. The idea was that if the U.S.S.R. were kept in their current geographic areas and not allowed to spread, but also not actively attacked, the government would collapse on its own.
Disengagement	A reaction to the failures in Vietnam. It was a new isolationism
Human Rights	1990s to today. We must assure human rights throughout the world. In particular, we must be on guard about genocide and mass murder. This policy has been applied very unevenly.

