

PSCI 1040 / American Government: Laws and Institutions (Fall 2016)

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Review Sheet for Exam #3

Exam Format

- This examination will feature two sections: a 40-question multiple choice section and a 5-question short answer/identification section. Each multiple choice question is worth one point, and each short answer question is worth two points.
 - The number of questions on each topic in the exam will (approximately) reflect the relative time spent on each topic in the course. A topic that was covered over two lectures should thus have approximately (but perhaps not exactly) twice as many exam questions as a topic that only lasted for one lecture.
 - The exam will draw from both the assigned readings (including both textbook and workbook) and the lecture notes. Around 1/3 of the exam questions will be drawn from materials in the readings that were not covered at all in lecture, with the rest reflecting topics that were only covered in lecture or were covered in both lecture and the readings.
- Note that in the past, questions drawn from the readings (even on concepts or topics specifically listed on the review sheet) have produced the lowest scores of any questions on the test, so you should take special care to study these topics on the review sheet.
- The exam will not be written with the intention of fooling students with trick questions or with the goal of failing as many students as possible. The main goal of this course is to provide students with an understanding of how American (and Texas) government works and why the system was designed this way, so the exam questions will reflect this goal.
 - All needed exam materials (such as Scantron sheets) will be provided for you, except for your preferred pencil. No notes or other materials will be permitted during the exam.
 - Note that no bathroom breaks are permitted during the exam -- once you leave the room, you can't return without a five letter grade penalty. Also, be on time -- once the first person finishes and leaves the room, anybody else who enters will suffer an automatic deduction of five letter grades; be aware that students sometimes finish exams like this in as little as 5-10 minutes.

Advice on Studying

- Be sure to review both the assigned readings (textbook AND workbook!) and the lecture notes for each topic covered in this portion of the course. If you missed one or more days of class, be sure to get a copy of those notes from somebody who was there.
- The textbook offers a number of useful study aids that will help you to prepare for the exam. Each chapter concludes with a list of key terms introduced or discussed in the chapter (with the page where each was covered), as well as an "Applying the Elements of Critical Thinking" section that lists a number of key questions covered in the chapter that students should be able to answer. These items offer a useful way to evaluate your readiness for the test -- go through every term in the list to see if you can provide a good definition of the term and a good explanation of why it is important from the perspective of this course (how does this help us understand how American government works or why?), and try to answer each of these critical thinking questions.
- The list of topics on this review sheet is not legally binding; these are just suggestions for the most important topics that are most likely to be on the test (some of which may not actually appear on the test). If you understand all of these topics you are much more likely to do well on the test.
- One strategy for using this review sheet is the "foreign student test": imagine that a friend of yours from another country (who doesn't know anything about American government or politics) asked you to explain one of the concepts on this list. Can you give a clear explanation of the concept? If not, you might want to review your notes and the assigned readings until you can.

Topics Covered in This Portion of the Course

The Federal Courts

The main focus of this topic (including both lecture notes and the assigned reading) is the way the federal court system works, including the structure of the different levels of federal courts, how judges are selected at each level, and the types of cases that each can hear (with a special focus on the Supreme Court).

Topics (Partially) Covered in Lecture

- Historical development of federal courts (Articles of Confed., Constitution, work by Congress)
- Relationship between state and federal courts (dual court system); where do most cases start?
- Typical organization of state court systems (trial courts/court of 1st instance, intermediate courts of appeal, court of last resort; how are judges selected?)
- Organization of federal courts (district courts, circuit courts, Supreme Court, specialized courts): number, location, jurisdiction
- How federal judges get their positions, how they can be removed
- Roles of federal courts (disputes between states, disputes over federal laws, checks & balances)
- Supreme Court details: how cases reach the Court, Court procedure, legal precedent
- Judicial review (development over time, Supremacy clause, *Marbury v. Madison*, how often laws have been overturned, *Dred Scott v. Sandford*, why it's so controversial)
- Judicial doctrines: judicial restraint, judicial activism
- Interpretation of the Constitution: originalism, living Constitution theory

Additional Topics from the Textbook (Chapter 9)

- *More details on topics covered in lecture*
- 2010 Citizens United Supreme Court decision: what was decided, and why?
- More details on state courts (outside of Texas): differences in selecting state judges
- Personal backgrounds of judicial appointees: typical background, changes in diversity
- Legal vs. political influences on judicial decisions

Additional Topics from the Workbook (Chapter 7)

- More detail on judicial review
- Judicial independence: how does the judicial selection process affect it? alternative processes?
- Tort reform: importance of tort litigation, arguments for and against reform
- Importance of ethics in law

The Texas Courts

The main focus of this topic (including both lecture notes and the assigned reading) is the way the Texas court system works, including differences from both the federal court system and from other state's court systems.

Topics (Partially) Covered in Lecture

- How are judges selected?
- Jurisdiction of Texas courts:
 - Courts of first instance:
 - Local trial courts (justice of the peace courts, municipal courts),
 - County trial courts (const. county courts, statutory county courts, statutory probate courts)
 - State trial courts (district courts)

--Intermediate courts of appeal:

--Intermediate appellate courts (courts of appeals)

--Courts of last resort:

--Highest appellate courts (Supreme Court, Court of Criminal Appeals)

- Concerns over money in relation to Texas courts
- Concerns over gender/race/ethnicity and representativeness of Texas courts
- Concerns over death penalty in Texas courts

Additional Topics from the Textbook (Chapter 14)

- More details on topics covered in lecture (especially the types and functions of the different courts)
- More details on state courts generally: types of courts, judicial selection
- The American legal system: grand juries, petit juries, juvenile justice
- The effect of punishment on crime rates (in Texas and nationwide)
- Rehabilitation of convicted offenders
- The death penalty (in Texas and nationwide)
- Impact of income and poverty on legal services

Civil Liberties

The main focus of this topic (including both lecture notes and the assigned reading) is the ways that the Constitution and government protect individual liberty in the United States. This includes freedom of expression (speech, the press, assembly), freedom of religion, law and justice issues, and the right to privacy.

Topics (Partially) Covered in Lecture

- Definition of civil liberties (and how this differs from civil rights)
- Historical development (Declaration of Ind., Constitution, Bill of Rights, later amendments)
- Extension of Bill of Rights to states (when did this start?, selective incorporation)
- Freedom of expression: why this is important, general summary; specific limitations on freedom:
 - Clear & present danger, gravity of danger, imminent lawless action doctrines/tests
 - Threatening/intimidating language (including "fighting words")
 - Obscenity (including Miller Test)
 - Commercial speech
 - Defamation
 - Nonverbal & symbolic "speech"
 - Protection from government only (not employers, customers, etc.)
- Freedom of assembly: why this is important, broadening to "freedom of association"
- Freedom of the press: why this is important, prior restraint doctrine, libel
- Establishment Clause: general interpretation, "separation of church & state" doctrine, Lemon test, specific applications discussed in class
- Free Exercise Clause: general interpretation, balancing & neutrality tests, test for legitimacy of religion, other applications discussed in class
- Law & justice / defendant's rights:
 - Suspicion phase: search & seizure/warrants, exclusionary rule, exceptions (no warrant needed)
 - Arrest phase: right against self-incrimination, Miranda warnings
 - Trial phase: right to speedy, public, fair trial (by jury if desired), right to counsel
- Right to privacy: constitutional basis, applications (sexual behavior, social media, surveillance)

Additional Topics from the Textbook (Chapter 4)

- *More details on topics covered in lecture*
- The right to bear arms (2nd Amendment)
- Right of privacy: origins (1965 *Griswold v. Connecticut*), abortion
- Law & Justice:
 - Suspicion phase: search & seizure
 - Arrest phase: self-incrimination
 - Trial phase: right to a fair trial, jury trial, exclusionary rule
 - Sentencing phase: cruel & unusual punishment, right of appeal, sentencing policies
- Rights and the war on terrorism: enemy combatants, surveillance of suspected terrorists

Additional Topics from the Workbook (Chapter 3)

- 4th Amendment and right to privacy (1967 *Katz v. United States*, *Greenwood v. California* and question of warrants for searching trash)
- 5th Amendment and questioning suspects ("Norfolk Four" case)
- 8th Amendment and death penalty
- 6th Amendment and right to public counsel

Civil Rights

The main focus of this topic (including both lecture notes and the assigned reading) is the ways that the Constitution and government guarantee equal treatment of groups within society. The lectures focused on the development of equal rights by race and gender, and the reading covered additional questions of equality.

Topics (Partially) Covered in Lecture

- Definition and general meaning
- Historical development: Declaration of Independence, Constitution, procedures for later development (legislative action, executive orders, judicial decisions)
- Post-Civil War developments in racial equality: 13th-15th amendments, Equal Protection Clause, Civil Rights Acts of 1866 & 1875
- Later developments: backlash and reversals (voting restrictions, Jim Crow laws, 1883 *Civil Rights Cases*, 1896 *Plessy v. Ferguson*), slow progress in 20th Century (exec orders & court cases)
- Major changes in 1950s-1960s (1954 *Brown v. Board of Education*, 1962 24th Amendment, 1964 Civil Rights Act, 1965 Voting Rights Act)
- Applications of racial equality: housing (1968 Civil Rights Act), interracial marriage, private organizations or groups, affirmative action in college admissions
- Women's suffrage: historical development (around the world, in the US states and federal government, 19th Amendment)
- Women's employment: historical attitudes, Equal Pay Act, Civil Rights Act, Family & Medical Leave Act, Title IX, ERA
- LGBT rights: (lack of) coverage under earlier civil rights laws, piece-by-piece progress (legality of sexual relations, hate crimes, federal benefits for partners, same sex marriage, state-level protections)
- Disabilities and equality: wide variation in type/severity of disabilities, improvement in conditions (ban on federal discrimination and guarantee of public education), ADA & ADA Amendments Act
- Age and equality: differences from racial/gender issues, employment rights (when can age legally be considered in hiring or in mandatory retirement?)

Additional Topics from the Textbook (Chapter 5)

- *More details on topics covered in lecture*
- Judicial tests of equal protection: reasonable basis test, strict scrutiny test
- Other examples of equality movements: Hispanic Americans, Native Americans, Asian Americans
- *De jure* and *de facto* segregation
- Continuing issues in equality: African Americans, women, Native Americans, Hispanic Americans, Asian Americans, gays and lesbians, other disadvantaged groups

Additional Topics from the Workbook (Chapter 4)

- Impact of Equal Pay Act, reasoning behind Paycheck Fairness Act (and current status of Act)
- Development of equal rights for Latinos of Mexican, Puerto Rican, Cuban origin
- American attitudes toward LGBT rights