

PSCI 2306 • U.S. and Texas Government (Spring 2019)

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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 webtext 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.
- Also remember that, as I have mentioned numerous times, the webtext chapter exercises/quizzes do not count directly toward the course grade (only the workbook exercises count directly) but are still very useful. By doing those exercises as you read each chapter, you get a sense of how well you understood the chapter, and you have an idea of which material gave you more trouble. Also, some of the questions on the test will be very closely related to some of those questions, so it is in your interest to see all of those questions along the way.
- 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 (webtext 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 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 the concepts on this list. Can you give a clear explanation of each 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 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?
- Organization of federal courts (district courts, circuit courts, Supreme Court, specialized courts): number, location, jurisdiction, relative caseload of each level
- How federal judges get their positions, how they can be removed
- Roles of federal courts in checks & balances
- Supreme Court details: how cases reach the Court, Court procedure, importance of legal precedent
- Judicial review (Constitution, *Marbury v. Madison*, how often laws have been overturned, *Dred Scott v. Sandford*, why it's so controversial)
- Judicial doctrines: judicial restraint, judicial activism (general argument of each, advantages and disadvantages of each)

Additional Topics from the Textbook (webtext chapter 17, "The Judiciary")

- *More details on topics covered in lecture*
- Judicial nomination process
- Role of personal experience, political ideology, political context
- More detail on court operations: which cases are accepted, basis of decisions
- Implementation of court decisions
- More detail on the impact of courts on public policy and the scope of judicial power

Additional Topics from the Workbook (Chapter 18, "The Courts")

- 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 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

- Typical organization of state court systems (trial courts/court of 1st instance, intermediate courts of appeal, court of last resort; how are judges selected?; jurisdiction)
- Levels/types of Texas courts (number, jurisdiction of each):
 - 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 (webtext chapter 19, "Texas: The Justice System")

- *More details on topics covered in lecture* (especially the types and functions of the different courts)
- Common law systems
- Sources of laws: federal law, Constitution, state sources, prior decisions
- Qualifications for Texas judges
- Judicial conduct & discipline
- Texas political culture and punishment of crime/criminals

Civil Liberties

The main focus of this topic 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
- Historical development (Declaration of Ind., Constitution, Bill of Rights, later amendments)
- Extension of Bill of Rights to states (selective incorporation)
- Freedom of speech/expression: importance, 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/slander
 - 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 (public schools, public prayer, 10 Commandments, religious schools & vouchers)
- Free Exercise Clause: general interpretation, neutrality test, balancing test, relig. liberty & govt (*Masterpiece Cakeshop* & vaccination examples), determining legitimacy of religion
- Law & justice / defendant's rights:
 - Suspicion phase: search & seizure/warrants, exclusionary rule, exceptions
 - Arrest & prosecution phase: right against self-incrimination, Miranda warnings
 - Trial & verdict 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 (webtext chapter 20, "Civil Liberties")

- *More details on topics covered in lecture*
- Right to bear arms (2nd Amendment)
- Cruel and unusual punishment
- Privacy rights and the abortion controversy
- The right to die

Additional Topics from the Workbook (Chapter 21, "Civil Liberties")

- 4th Amendment and right to privacy
- 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 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
- 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 Fair Housing Act), interracial marriage (*Loving v. Virginia*), private groups/businesses, affirmative action in college admissions, racial profiling
- Civil rights and Native Americans: citizenship/voting rights, more recent developments
- Civil rights and Asian Americans: WWII internment (constitutionality, later changes)
- Supreme Court standard for evaluating race/ethnicity cases (strictest scrutiny/inherently suspect)
- Women's suffrage: historical development (around the world, US states, 19th Amendment)
- Women's employment: historical attitudes, 1963 Equal Pay Act, 1964 Civil Rights Act, more recent developments, Title IX, ERA
- Supreme Court standard for evaluating gender cases (intermediate scrutiny)
- LGBT rights: (lack of) coverage under earlier civil rights laws, state-level protections, piece-by-piece progress (legality of sexual relations, hate crimes, federal benefits for partners, same sex marriage)
- 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?)
- Supreme Court standard for evaluating disability/age cases (reasonableness)

Additional Topics from the Textbook (webtext chapter 22, "Civil Rights")

- *More details on topics covered in lecture*
- Civil rights and Arab-Americans/Muslims
- Civil rights and democracy
- Civil rights and the scope of government

Additional Topics from the Workbook (Chapter 23, "Civil Rights")

- 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
- Importance of ethics in civil rights