

GENERAL STRUCTURE OF GOVERNMENT AND THE CONSTITUTION

What is the difference between pure/direct democracy and representative democracy, and what would be some of the problems that would arise in a pure democracy?

What is meant by saying that this is a government of enumerated powers?

What were the Articles of Confederation, when were they in effect, what purpose did they serve, what were its main features and limitations, and what did some see as its primary weaknesses?

At the Constitutional Convention of 1787, what was the big quarrel over the structure of Congress that almost caused the whole venture to fall apart?

In the Constitution, as drafted in 1787, in what ways were states required to cooperate with each other? This includes, but is not limited to, matters of escaped slaves.

In the Constitution, as drafted in 1787, there was one key way that Congress was allowed to limit slavery, but with a restriction. What was that?

In the Constitution, as drafted in 1787, what was the three-fifths rule, and what actual purpose did it serve?

In the Constitution, as drafted in 1787, what were the structural differences between the House of

Representatives and the Senate, and what was the reasoning behind it? Take particular notice of how a state's U.S. Senators were originally chosen (which did not change until 1913).

What procedure for the passage of laws does the Constitution provide, and in what ways can both Congress and the president limit each other's power in this area?

What is significant about Article I, Section 8 of the Constitution, and what is the elastic clause?

According to the Constitution, what is the procedure of impeachment, and what special rule goes into effect if it is the president being impeached?

According to the Constitution, when the president signs a treaty, how is that treaty ratified?

According to the Constitution, when the president nominates someone to be a department head, an ambassador, or a federal judge, how is that nominee confirmed?

What is a key way in which federal judges are independent of the other branches of government, and what is a key way in which federal judges can be held accountable for their conduct?

FEDERALISM

What exactly does it mean to have a federal system of government?

What was significant about the ruling *McCulloch v. Maryland* (1819)?

How is the Fourteenth Amendment significant for federalism?

What is the interstate commerce clause, and what creative use did Congress make of it in the twentieth century? When did the Supreme Court start allowing it, as opposed to before?

What does the 1995 ruling *United States v. Lopez* say about the limits of federal power?

What is fiscal federalism, and how does Congress sometimes use it to exert leverage over the states and state lawmaking?

CIVIL LIBERTIES

What is the “establishment of religion” clause, what does it mean, and what state actions has the Supreme Court found violate it? Pay special attention to school prayer cases and cases involving religious symbols on town property. What is the Lemon test, and how does it apply?

With regard to the “free exercise of religion” clause: How has the court applied this principle in the various cases discussed, including those on use of hallucinogenic drugs in rituals, on animal sacrifices, and on other issues? What was at issue in the Colorado baker case?

About freedom of speech: What kinds of expression are protected by the First Amendment, and what kinds are not? When it comes to advocacy of violence or overthrow of the government, what distinction does the Supreme Court make?

Be aware of the prevailing case law surrounding right to counsel, right against self-incrimination, and the exclusionary rule. What is meant by the “good faith” exception to the exclusionary rule? Also, according to prevailing case law, what makes a confession voluntary versus coerced?

CIVIL RIGHTS

What are the key provisions of the Fourteenth and Fifteenth Amendments, and what is the connection between these amendments and federalism? Generally speaking, what are the many connections between civil rights and federalism?

What was the primary means by which the NAACP fought for civil rights in the first half of the twentieth century (and after that as well), and what were some of its early piecemeal victories? (*Note the connection between this and the subject of use of litigation by interest groups, coming up later in the course.*)

What did the Supreme Court rule in *Plessy v. Ferguson* (1896), and how was that ruling overturned in *Brown v. Board of Education* (1954)?

What was the big confrontation in Little Rock, Arkansas, in 1957, and how did it connect with the concept of federalism?

What was the constitutional basis of the Civil Rights Act of 1964? Note the connection with earlier discussions of the interstate commerce clause.

What was the constitutional basis of the Voting Rights Act of 1965?

What was the constitutional basis of the Supreme Court ruling *Loving v. Virginia* (1967), and how was this precedent applied later on in a 2015 case?

Since the civil rights era, what has the term Affirmative Action meant, and what controversies have surrounded it?