

POSC 100 Fall 2017 Final Review Study Guide

1. Supreme Court Cases
 - 1.1. UC Regents v. Bakke (1978)
 - ⇒ Upheld the notion of Affirmative Action¹, yet found setting racial quotas² as impermissible.
 - 1.2. Grutter v. Bollinger (2003)
 - ⇒ Upheld the notion of Affirmative Action, as it ruled that the university had compelling reasons to promote class diversity. However, it followed the notion that racial quotas were impermissible. To solve this, the court found that the university may favor marginalized groups, but must also consider several other factors that are individually evaluated. The court ruled this notion did not amount to a quota system.
 - 1.3. Gratz v. Bollinger (2003)
 - ⇒ The court found that the 150-pt. scale³ used by the university was unconstitutional because it prevented individual assessments upon marginalized groups from being committed.
 - 1.4. Fisher v. Texas (2013)
 - ⇒ The court found that the university failed to apply strict scrutiny⁴ in its admission policies. Once it was sent back down, the court found that universities may use racial considerations as part of their admissions policies if it cannot otherwise achieve educational diversity.
 - 1.5. US v. Nixon (1974)
 - ⇒ A case that set the standard for the limitations pressed upon executive privilege. The court held that the claim of EP to maintain confidentiality of diplomatic secrets did not override the needs of the judicial process.
 - 1.6. Marbury v. Madison (1803)
 - ⇒ Landmark case that founded the basis of judicial review⁵ under Article III of the Constitution. The court found that Marbury had the right to his commission⁶, but that that court did not have the power to deliver the commission. The court also found that the Judiciary Act of 1789 that allowed Marbury to file for his commission was unconstitutional, as it tried to force the Court's jurisdiction beyond that which it was meant for, thus making his petition null. To remedy this the court established JR.

¹ Policies in which an institution or organization actively engages in efforts to improve opportunities for marginalized groups.

² Setting aside specific amounts of available spots to a specific racial group.

³ 100 pt.'s were needed for a guaranteed admission and marginalized groups with given an automatic 20 pt. bonus, while a perfect SAT score counted towards 12 total points.

⁴ A form of judicial review used to determine the constitutionality of certain laws or policies. To pass, the law must further a completed gov. interest and be narrowly tailored to achieve said interest.

⁵ The ability to declare a law unconstitutional.

⁶ A type of legal instrument in the form of a written order issued by some head of state granting a right to a specific status.

2. Acts, Laws, and Propositions

2.1. CA Prop 209 (1996)

⇒ An approved proposition that prohibits any local/state institution from giving preferential treatment/status, as well as discrimination, on the basis of race, sex, color, ethnicity, or national origin.

2.2. National Origins Act of 1924

⇒ US federal law that decreased the annual number of immigrants from 3% to 2% in relation to the number of immigrants from their respective countries according to the 1890 US Census. It gave preference to “Old Immigrants⁷” in comparison to “New Immigrants⁸.”

2.3. Immigration and Nationality Act of 1965

⇒ Abolished the earlier used quota system and established a new immigration policy based upon reuniting immigrant families and attracting skilled labor. It drastically changed the demographic make-up of the US as the vast number of immigrants came from non-European countries, as opposed to the Euro-centric immigration quotas of earlier policies.

2.4. Immigration Reform and Control Act of 1986

⇒ Created to amend the earlier act from 1965, in response to unauthorized immigrants. It allowed unauthorized aliens the opportunity to gain legal status if they met the set of mandated requirements.

2.5. Border Security, Economic Opportunity, and Immigration Modernization Act of 2013

⇒ An immigration reform bill that if enacted would have made it possible for many undocumented immigrants to attain legal status and eventually citizenship. It sought to also increase the number of border security agents by up to 40k and would’ve advanced talent-based immigration through a pt.-based immigration system. It proposes new restrictions on H1B Visas so as to prevent abuse and to produce additional visas for STEM students. Its potential cost is \$33B, with a projected revenue of \$276B over 10 years (according to the Social Security Administration).

2.6. DACA

⇒ An immigration policy in the US that allows certain ind.’s who’ve either entered or remained in the country illegally to receive a renewable two-year period of deferred action from deportation and to be eligible for a work permit. To be eligible, recipients mustn’t have any serious crimes on their records. Currently around 800k ind.’s (usually referred to as Dreamers).

⁷ People who immigrated to the US from primarily Anglo-Saxon and Nordic races.

⁸ People who immigrated to the US from primarily Slovak and Jewish races.

3. Terms
 - 3.1. Affirmative Action
 - ⇒ Policies in which an institution or organization actively engages in efforts to improve opportunities for marginalized groups.
 - 3.2. Political Culture
 - ⇒ Historically-based beliefs/feelings, held by most citizens, that can serve as the link between the public and the gov. Overall, they shape a population's political perception and behavior.
 - 3.3. American Creed
 - ⇒ A belief that all Americans share:
 - 1) Individualism – people should be self-reliant and or unique to others
 - 2) Liberty – people should be free from gov. intervention
 - 3) Equality – people are under the law equally and that the gov. shouldn't discriminate
 - 4) Anti-Statism – people should be suspicious and critical of the gov. and its actions.
 This defines the fundamental aspects of the American Identity.
 - 3.4. Assimilation
 - ⇒ Notion that people should conform to the societal norms and values of their current location and reduce their older societal norms and values if possible to the point of no correlation to it.
 - 3.5. Multiculturalism
 - ⇒ Notion that people should acknowledge and respect people's cultural differences, such that coexistence between cultures can occur, and that immigrants don't have to abandon or reduce their old identities. It also proposes that immigrants bring their values into their current location.
 - 3.6. Hastert Rule
 - ⇒ Rule proposing that most of the majority party must agree on any said bill to begin the voting process. This weakens minority party opinion and usually results in majority party opinion deciding the vote of any said bill.
 - 3.7. Public Opinion
 - ⇒ A summary of the desires, wants, and thoughts of the majority of the people in a society. It is an essential force in the realm of politics as it determines much of the societal view that politicians abide as and look for.
 - ⇒ American Public Characteristics:
 - 1) most people will use a left or right wing self-placement
 - 2) inconsistent moral/political standards over time
 - 3.8. Liberal
 - ⇒ Lexical – open to all opinions
 - ⇒ Political – favoring maximum ind. liberty in any political/societal reform, expansion of federal social services, and the collective good over the ind. good
 - 3.9. Conservative
 - ⇒ Lexical – committed to traditional values and opposed to most change
 - ⇒ Political – favoring free market enterprises, notions of private property, societal caution, limiting gov. integration, and ind. good over collective good
 - 3.10. Wallsten's First Law
 - ⇒ Most people view that politics is not a top priority in their life.
 - 3.11. Rational Ignorance
 - ⇒ Refraining from acquiring knowledge due to its negative consequences taking precedence over its positive consequences.
 - 3.12. Action Pregnancy
 - ⇒ An intense, salient⁹, and stable opinion that provokes an action.
 - 3.13. Rational Abstention
 - ⇒ A theory that some ind.'s decide that the costs of voting are not worth the effort when compared to its potential benefit.
 - 3.14. Voter ID Laws
 - ⇒ Legislation requiring voters to present a form of valid identification at voting polls. 34 US states have enacted VIDL and 7 require an ID to vote. Republicans favor these as opposed to Democrats.

⁹ Noticeably important in nature.

3.15. Single Member District Plurality Electoral System

- ⇒ The most common form of voting in the US. This system works where geographically defined districts send only 1 representative to a given legislature. This system tends to reinforce the two-party voting system and a stable single party majority in legislatures in specific areas. This also serves as a check on small extremist parties. On the other hand, this voting system also tends to misrepresent parties, produce manufactured majorities, encourage gerrymandering, discourage voter turnout, create high levels of wasted votes, and deny fair representation to third parties, racial minorities and women.

3.16. Partisan Polarization

- ⇒ Divergences of opinions in specific political parties that once held a common ideology.

3.17. Affective Polarization

- ⇒ Mutual dislike between parties over time.

3.18. Negative Polarization

- ⇒ The tendency to commit to some party, not because you like it, but due to the fact that you are repulsed by another party respectively.

3.19. Veto

- ⇒ General – president’s power to prevent a bill from becoming law
- ⇒ Pocket – triggered once a president refrains from deciding upon a legislation after 10 days
- ⇒ Line-Item – a partial veto that nullifies specific provisions of legislation

3.20. War Powers Resolution (1973)

- ⇒ A federal law in the US that limits a president’s power to commit to an armed conflict. It states that only by congressional approval, or in cases of national emergencies, can the president send US Armed Forces abroad. It requires the president notify Congress with 2 days of doing such and that after 60 days and no approval (followed by a 30-day withdrawal period) the forces must not remain.

3.21. Executive Order

- ⇒ A directive set forth by the president having the force of federal law that needs not go through the legislative branch of gov.

3.22. Executive Privilege

- ⇒ The power granted to the president, and other members of the executive branch, to resist certain subpoenas, and other legislative/judicial interventions, in pursuit of information relating to executives.

3.23. Executive Agreement

- ⇒ An agreement made by the president and another country that carries with it the weight of a lawful, formal treaty and doesn’t require the senate’s advice or consent to do so.

3.24. Pardon

- ⇒ A gov. decision to allow a person convicted of a crime to be free and absolved of that conviction.

3.25. Commutation

- ⇒ A form of executive clemency¹⁰ that is a reduction of a sentence being served, that does not alleviate the conviction, imply innocence, or remove civil disabilities that apply to the convict.

3.26. Impeachment

- ⇒ A formal charge by the HOR that a gov. official has committed some form of high crime.

3.27. Executive Oversight

- ⇒ The effort by Congress, through hearings, investigations, and other techniques, to exercise control over the activities of executive agencies. Basically, Congress watches over the Executive branch.

3.28. Rally Around the Flag Effect

- ⇒ Increased short-run popular support of the President of the United States during periods of international crisis or war.

3.29. Constituent Service

- ⇒ Our representatives in Congress provide service for us such as: internships, federal grants, flag requests, federal business opportunities, presidential greetings, casework, etc. However, our reps only do this so that we like them, leading to us voting for them for the next term, resulting in them securing the job.

¹⁰ A disposition to be merciful or an act of leniency.

3.30. Enumerated Powers

⇒ The powers of the federal government that are specifically described in the Constitution.

3.31. Filibuster

⇒ A tactic used by members of the Senate to prevent action on legislation. They oppose by continuously holding the floor and speaking until the majority backs down; once given the floor, senators have unlimited time to speak, and it requires a vote of three-fifths of the Senate to end a filibuster.

3.32. Cloture

⇒ A procedure for ending a debate and taking a vote.

3.33. Logrolling

⇒ The practice of exchanging favors, especially in politics, by reciprocal voting for each other's proposed legislation. A legislative practice whereby agreements are made between legislators in voting on or against a bill. Vote trading.

3.34. Standing Committee

⇒ A permanent committee, with the power to propose and write legislation, that covers a subject such as finance or agriculture.

3.35. Select Committee

⇒ Temporary legislative committees set up to highlight or investigate a particular issue or address an issue not within the jurisdiction of existing committees.

3.36. Conference Committee

⇒ A joint committee created to work out a compromise on house and senate versions of a piece of legislation.

3.37. Gerrymandering

⇒ The drawing of electoral district lines to favor one's party.

3.38. Majority Minority Districts

⇒ A district in which a minority group or groups comprise a majority of the district's total population. As of 2013, the United States was home to 113 congressional majority-minority districts. This represented approximately 26 percent of the nation's 435 House districts.

3.39. Original Jurisdiction

⇒ The power to hear a case for the first time, as opposed to appellate jurisdiction, when a court has the power to review a lower court's decision.

3.40. Senatorial Courtesy

⇒ A tradition where in that a judicial nomination for a federal district court seat be approved by the senior senator of the president's party nominee.

3.41. Writ of Certiorari

⇒ A decision of at least four of the nine supreme court justices to review a decision of a lower court.

3.42. Amicus Curiae

⇒ Individuals or groups who are not parties to a lawsuit, but who seek to assist the supreme court in reaching a decision (by presenting additional briefs).

3.43. Judicial Activism

⇒ Judicial philosophy of a judge that states that the court should go beyond the words of the constitution, or a statute, to consider the broader societal implications of its decisions.

3.44. Judicial Restraint

⇒ The principle of sticking to what the Constitution says and leaving no room for interpretation.

3.45. Judicial review

⇒ The ability to declare a law unconstitutional.

4. Hispanic Challenge
 - 4.1. Argument by Samuel Huntington:
 - 1) American political culture is defined by the American Creed.
 - 2) Most Mexicans won't adopt the AC and that's dangerous.
 - 3) Mexican Political Culture is composed of non-kin distrust, lack of initiative and self-reliance, little use for education, and acceptance of poverty as a virtue to entering Heaven.
 - 4) Due to the length and proximity of the border of Mexico to the US, there is a lack of incentives for assimilation.
 - 5) Approximately 0.5M Mexicans enter per year.
 - 6) Mexicans have a historical presence due to the fact that they have a historical claim to American Territory and no other group can do that.
 - 7) There are pressures by elites to advocate for multiculturalism.
 - 4.2. Citrin et al.'s Response
 - 1) Mexican immigrants are just like the previous waves of immigrants as they adopt US values, beliefs, and culture.
 - 2) All waves of immigration have the same effect.
 - 3) Hispanics learn English quickly and seem to assimilate.
 - 4) Hispanics don't seem to have different work ethic or values than Americans.

5. Phrases and Statements
 - 5.1. Americans as philosophical conservatives but operational liberals
 - ⇒ Americans oppose the idea of a large government in principle, but do favor it in practice. This contributes to policy gridlock because politicians do not know which aspects of the public's opinion to respond to.
 - 5.2. "It's still the economy, stupid"
 - ⇒ Doctrine that outcomes happen based off the economy. It states that certain areas have more economic growth compared to others and that routine jobs are declining. It also implies that once we focus upon the economy that we achieve better results for any or all aspects of our life.
 - 5.3. "Take care" Clause
 - ⇒ The President must "take care that the laws be faithfully executed." This clause, in the Constitution, imposes a duty on the President to enforce the laws of the United States.
 - 5.4. "Honeymoon" Period
 - ⇒ When a president first takes office, he is often given what is called a honeymoon period: For a few months, the public, the media, and members of Congress tend to give the president the benefit of the doubt and treat him well.
 - 5.5. Factors explaining the disconnect between public opinion and public policy
 - ⇒ $\frac{2}{3}$ of the time when majority of governmental action emerges, $\frac{2}{3}$ of the population will get their way. Every time public opinion changes, public policy changes as well; intense majority always wins. Action pregnancy becomes more effective.
 - 5.6. Individual rationality leading to collective irrationality in Congress
 - ⇒ Individual members of Congress want to keep their job and as a result do what's best for the district. Members of congress act rationally; they do not raise taxes, don't cut programs, keep building bridges which increases the federal debt which is irrational.
 - 5.7. Status quo bias in Congress
 - ⇒ The rules are set up so that there is no change, but bias by design is set up to cause failure. The current US gov. is stacked to favor the status quo because to cause legislative change the opponents must have a sequence of victories.
 - 5.8. Supreme Court as the "least dangerous" branch
 - ⇒ An opinion by Alexander Hamilton, in Federalist Paper #78, stating that the judicial branch is reactive and not proactive, thus it cannot initiate action.

6. Essay Question

6.1. Affirmative action in university admissions is one of the nation's most controversial public policy issue. Discuss what the United States Supreme Court has ruled about the constitutionality of affirmative action policies in *UC Regents v. Bakke* and *Grutter v. Bollinger*. How have these rulings created a different standard than the one employed in the state of California? On your answer, be sure to address the details of proposition 209.

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