**MKV: Must Know Vocabulary**

*Amicus curiae* brief: �friend of the court� brief filed by an interest group to influence a Supreme Court decision.

Appellate jurisdiction: authority of a court to hear an appeal from a lower court.

Balancing the ticket: occurs when a presidential nominee chooses a vice presidential running mate who has different qualities in order to attract more votes for the ticket.

Blanket primary: election to choose candidates that is open to independents and that allows voters to choose candidates from all the parties.

Block grant: money granted by the federal government to the states for a broad purpose (e.g., transportation) rather than for a narrow purpose (e.g., school lunch program).

Categorical grant: money granted by the federal government to the states for a narrow purpose (e.g., school lunch program) rather than for a broad purpose (e.g., transportation).

Checks and balances: system in which each branch of government can limit the power of the other two branches, e.g., presidential veto of a congressional law.

Clear and present danger doctrine: judicial interpretation of the First Amendment that government may not ban speech unless such speech poses an imminent threat to society.

Closed primary: party election to choose candidates that is closed to independents. Voter may not cross party lines.

Cloture: Senate motion to end a filibuster that requires a 3/5 vote.

Commerce clause: gives Congress the power to regulate commerce among the states, with foreign nations, and among Indian tribes. Granted through Article 1, section 8 of the Constitution.

Conference committee: works out a compromise between differing House-Senate versions of a bill.

Cooperative federalism: system in which both federal government and state governments cooperate in solving problems.

Direct election: election of an official directly by the people rather than by an intermediary group such as the Electoral College.

Direct primary: election in which the people choose candidates for office.

Divided government: government in which one party controls the presidency while another party controls the Congress.

Elastic clause: states that Congress can exercise those powers that are �necessary and proper� for carrying out the enumerated powers, e.g., establishment of the first Bank of the United States.

Elite theory: theory that upper class elites exercise great influence over public policy.

Entitlements: federal benefit payments to which recipients have a legal right, e.g., Social Security. Also known as uncontrollables.

Establishment clause: provision of the First Amendment that prohibits Congress from establishing an official state religion. This is the basis for separation of church and state.

Exclusionary rule: Supreme Court guideline that excludes the use of illegally obtained evidence in a criminal trial.

Executive agreement: an agreement between the President and another head of state that, unlike a treaty, does not require Senate consent.

Executive order: presidential rule or regulation that has the force of law.

Factions: term used by Madison to denote what we now call interest groups.

Federalism: constitutional sharing of power between a central government and state governments.

Federalist papers: group of 85 essays written by Madison, Hamilton, and Jay for the purpose of persuading the people of NY to adopt the Constitution.

Filibuster: nonstop Senate debate that prevents a bill from coming to a vote.

Franking privilege: allows members of Congress to send mail postage free.

Gender gap: difference in voting patterns for men and women, particularly in the greater tendency of the latter to vote for Democratic presidential candidates.

General election: election in which the officeholders are chosen. Contrast with a primary election, in which only the candidates are chosen.

Gerrymandering: redrawing district lines to favor one party at the expense of the other.

Horse race coverage: the tendency of the media to report on an election campaign as if it were a horse race, i.e., who is ahead, who is behind, who is gaining ground.

Impeachment: House action that formally charges an official with wrongdoing. Conviction requires 2/3 vote from the Senate.

Impoundment: refusal of a President to spend money that has been appropriated by Congress.

Incorporation: applying the Bill of Rights to the states. A **�total incorporation�** view is that the states must obey all provisions of the Bill of Rights because of the due process clause of the 14th Amendment. A **�selective incorporation�** view is that the Bill of Rights is to be applied to the states in a more gradual manner on a case by case basis.

Incumbent: an officeholder who is seeking reelection.

Independent leaners: voter not registered with a political party but tend to vote for candidates of one particular party.

Iron triangle: an informal association of federal agency, congressional committee, and interest group that is said to have heavy influence over policy making.

Judicial activism: philosophy that the courts should take an active role in solving problems.

Judicial restraint: philosophy that the courts should defer to elected lawmakers in setting policy, and should instead focus on interpreting law rather than making law.

Judicial review: power of the courts to review the constitutionality of laws or government actions.

Legislative veto: process in which Congress overturned rules and regulations proposed by executive branch agencies. Struck down in 1983.

Line item veto: power of most governors (and President Clinton for only a few years) to delete or reduce funding in a bill on a line by line basis.

Lobbying: attempting to influence policy makers.

Mandates: requirements imposed by the national government upon the states. Some are **unfunded mandates**, i.e., they are imposed by the national government, but lack funding.

Miranda warnings: warnings that must be read to suspects prior to questioning if responses are to be used in a criminal trial. Suspects must be advised that they have the rights of silence and counsel.

Open primary: election to choose candidates that is open to independents, and in which voters may choose candidates from any one party.

Original jurisdiction: authority of a court to first hear a case.

Party identification: a sense of affiliation that a person has with a particular political party.

Pluralism: theory that policy making is the result of interest

group competition.

Plurality elections: such as those for Congress are won by the person with the most votes, regardless if he/she has a majority.

Plurality: more votes than anyone else, but less than half, e.g., Clinton won a plurality (43%) of popular votes in 1992, but not a majority.

Political Action Committee (PAC): an interest group that raises funds and donates to election campaigns.

Political culture: the widely shared beliefs, values, and norms that citizens share about their government.

Political socialization: process in which one acquires his/her political beliefs.

Prior restraint: When a court stops expression before it is made, e.g., prohibiting a demonstration by a radical group because the assembly is likely to become violent. Presumed to be unconstitutional.

Pure independents: voters who have no consistent pattern of party voting.

Realigning (�critical�) election: an election in which there is a long term change in party alignment, e.g., 1932.

Redistricting: redrawing of congressional district boundaries by the party in power of the state legislature.

Reserved powers: powers held by the states through the 10th Amendment. Any power not granted to the US government is �reserved� for the states.

Rule of four: the Supreme Court will hear a case if four Justices

agree to do so.

Rules Committee: the �traffic cop� of the House that sets the legislative calendar and issues rules for debate on a bill.

Senatorial courtesy: tradition in which the President consults with the senators within a state in which an appointment is to be made.

Shays� Rebellion: 1786 revolt by Massachusetts farmers seeking relief from debt and foreclosure that was a factor in the calling of the Constitutional Convention.

Single member district system: system in which the people elect one representative per district. With a winner-take-all rule, this system strengthens the two major parties and weakens minor parties.

Standing committees: the permanent congressional committees that handle legislation.

Ways and Means Committee: House committee that handles tax bills.

**Court Cases to Know**

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| **Marbury v. Madison (1803)** | Established judicial review; �midnight judges; John Marshall; power of the Supreme Court. |
| **McCulloch v. Maryland (1819)** | Established national supremacy; established implied powers; use of elastic clause; state unable to tax federal institution; John Marshall; �the power to tax involves the power to destroy�. |
| **Gibbons v. Ogden (1824)** | Established a broad interpretation of the Commerce Clause; determined Congress� power encompassed virtually every form of commercial activity. The Commerce Clause has been the constitutional basis for much of Congress� regulation of the economy. |
| **Plessy v. Ferguson (1896)** | Established separate by equal. Gave Supreme Court approval to Jim Crow laws. |
| **Weeks v. U.S. (1914)** | Established the �Exclusionary Rule� at the federal level; illegally obtained evidence cannot be used in court.  � |
| **Schenck v. U.S. (1919)** | Oliver Wendell Holmes; clear and present danger test; shouting �fire� in a crowded theatre; limits on speech, esp. in wartime. |
| **Gitlow v. New York (1925)** | Established precedent of federalizing Bill of Rights (applying them to the states); states cannot deny freedom of speech�protected through due process clause of Amendment 14. |
| **Near v. Minnesota (1931)** | Held that the 1st Amendment protects newspapers from prior restraint. |
| **Palko v. Connecticut (1937)** | Provided test for determining which parts of Bill of Rights should be federalized�those which are implicitly or explicitly necessary for liberty to exist. |
| **Korematsu v. U.S. (1944)** | Upheld as constitutional the internment of Americans with Japanese descent during WWII. |
| **Brown v. Board, 1st (1954)** | School segregation unconstitutional; segregation psychologically damaging to blacks; overturned separate but equal; use of 14th Amendment; judicial activism of Warren Court; unanimous decision. |
| **Brown v. Board, 2nd (1955)** | Ordered schools to desegregate �with all due and deliberate speed.� |
| **Roth v. United States (1957)** | Established that �obscenity is not within the area of constitutionally protected speech or press.� |
| **Mapp v. Ohio (1961)** | Established exclusionary rule; illegally obtained evidence cannot be used in court; Warren Court�s judicial activism in criminal rights. |
| **Engel v. Vitale (1962)** | Prohibited state-sponsored recitation of prayer in public schools by virtue of the 1st Amendment�s establishment clause and the 14th Amendment�s due process clause; Warren Court�s judicial activism. |
| **Baker v. Carr (1962)** | �One man, one vote.� Ordered state legislative districts to be as near equal as possible in population; Warren Court�s political judicial activism. |
| **Abbington v. Schempp (1963)** | Prohibited devotional Bible reading in public schools by virtue of establishment clause & 14th Amendment�s due process clause. Warren Court�s judicial activism. |
| **Gideon v. Wainwright (1963)** | Ordered states to provide lawyers for those unable to afford them in criminal proceedings. Warren Court�s judicial activism in criminal rights. |
| **Wesberry v. Sanders (1963)** | Ordered House districts to be as near equal in population as possible. |
| **NY Times v. Sullivan (1964)** | Held that statements about public figures are libelous only if made with malice and reckless disregard for the truth. |
| **Griswald v. Connecticut (1965)** | Established right of privacy through 4th & 9th Amendments. Set a precedent for Roe v. Wade. |
| **Miranda v. Arizona (1965)** | Established Miranda warnings of counsel and silence. Must be given before questioning. Warren Court�s judicial activism in criminal rights. |
| **Lemon v. Kurtzman (1971)** | Established 3-part test to determine if establishment clause is violated: nonsecular purpose, advances/inhibits religion, excessive entanglement with government. |
| **Miller v. California (1973)** | Established that community standards be used in determining whether material is obscene in terms of appealing to �prurient interest�, being �patently offensive�, and lacking in value. |
| **Roe v. Wade (1973)** | Established national abortion guidelines; trimester guidelines; no state interference in 1st; state may regulate to protect health of mother in 2nd; state may regulate to protect health of unborn child in 3rd. Inferred from right of privacy established in Griswald v. Connecticut. |
| **U.S. v. Nixon (1974)** | Allowed for executive privilege, but not in criminal cases; �Even the President is not above the law�; Watergate. |
| **Buckley v. Valeo (1976)** | 1st Amendment protects campaign *spending*; legislatures can limit *contributions*, but not how much one spends of his own money on campaigns. The decision opened the door for PACs to spend unlimited amounts of money for campaigning activities so long as they�re not directly coordinated with a particular campaign. |
| **Gregg v. Georgia (1976)** | Upheld the constitutionality of the death penalty; death penalty does not constitute cruel & unusual punishment; overturned *Furman v. Georgia (1972).* |
| **U.C. Regents v. Bakke (1978)** | Bakke & UC Davis Med School; declared strict quotas unconstitutional but states may allow race to be taken into account as ONE factor in admissions decisions. Bakke was admitted; affirmative action. |
| **Texas v. Johnson (1989)** | Struck down a law banning the burning of the American flag on the grounds that such action was symbolic speech protected by the 1st Amendment. |
| **Planned Parenthood v. Casey (1992)** | States can regulate abortion, but not with regulations that impose �undue burden� upon women; did not overturn Roe, but gave state more leeway in regulating abortion (e.g., 24-hour waiting period, parental consent for minors) |
| **Shaw v. Reno (1993)** | No racial gerrymandering; race cannot be the *sole* or *predominant*� factor in redrawing legislative boundaries; majority-minority districts. |
| **U.S. v. Lopez (1995)** | Gun Free School Zones Act exceeded Congress� authority to regulate interstate commerce. The first case to begin reigning in Congress� authority under the Commerce Clause. |
| **Clinton v. NY (1998)** | Banned presidential use of line item veto. |
| **Bush v. Gore (2000)** | Use of 14th Amendment�s equal protection clause to stop the Florida recount in the 2000 election. |
| **Zelman v. Simmons-Harris (2002)** | Public money can be used to send disadvantaged children to religious schools in tuition voucher programs. |
| **Ashcroft v. ACLU (2002)** | Struck down a federal ban on �virtual� child pornography. |
| **Lawrence v. Texas (2003)** | Using right of privacy, struck down Texas law banning sodomy. |
| **Gratz v. Bollinger (2003)** | Struck down use of �bonus points� for race in undergrad admissions at University of Michigan; affirmative action |
| **Grutter v. Bollinger (2003)** | Allowed the use of race as a general factor in law school admissions at University of Michigan; affirmative action. |
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