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State and Federal Government I Lecture Outline

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STATE AND FEDERAL GOVERNMENT 1

- I. A PREFACE TO AMERICAN POLITICS
 - A. SEEING THROUGH A GLASS, DARKLY
 - We Are Like Fish in Water
 - a. Our Circumstances
 - 2. What Is Politics?
 - a. Power
 - b. Context: "I am I and My Circumstances" (Ortega y Gasset)
 - B. CITIZENS AND HOUSEHOLD STEWARDS
 - 1. Public and Private Distinction
 - a. Limited Liability Corporation
 - 1) Liability
 - 2) Who Should Pay?
 - Politics and Economics
 - a. Classical Tradition
 - 1) City (Polis); Aristotle
 - 2) Household (Oikos)
 - 3) Virtue vs. Corruption
 - b. Biblical/Western Tradition
 - 1) Trustee or Steward
 - 2) Community and Individuality (Proudhon
 - vs. Tocqueville)
 - 3) Unity vs. Diversity
 - Internal Self-Government -> External Liberty
 - C. MORALITY AND LIBERTY
 - 1. "Who Gets What, When, How?" (Lasswell)
 - a. Private Benefit
 - b. Public Treasury
 - Albert Jay Nock on Modern Politics
 - 2. Political Economy
 - a. Ethical Issues
 - D. THE ONE AND THE MANY
 - 1. Who Benefits?
 - 2. Conflict vs. Harmony of Interests
 - 3. Hamarchy (Lieber)
- II. AMERICAN POLITICAL CULTURE
 - A. THE AMERICAN CHARACTER
 - 1. Individualism
 - a. Contrast with Selfishness
 - b. Effects
 - c. Loss of Community

- 2. Character Types
 - a. Tradition-Directed
 - b. Inner-Directed
 - c. Other-Directed
- 3. Absence of a Feudal Tradition
 - a. Pilgrims and Puritans
 - b. Frontier Society
 - c. Social Contract Theory
- 4. Status vs. Contract
 - a. Meritocracy
 - b. Privileges and Entitlements

B. SETTLEMENT PATTERNS

- Political Culture
- 2. A Nation of Immigrants
- 3. Reasons for Coming

C. RELIGIOUS PATTERNS

- 1. Separatists
 - a. Pilgrims
 - b. Mayflower Compact
- 2. Nonconformists
 - a. Puritans
 - b. Fundamental Orders of Connecticut
- 3. Dissenters
- 4. Catholics
- Quakers
- 6. Pietists
- 7. Presbyterians
- 8. Episcopalians
- 9. Baptists and Methodists
- 10. Eastern Orthodox
- 11. Jews
- 12. Others

D. GEOGRAPHICAL SETTING

- 1. Physiognomy
- 2. Geopolitics and History
- 3. Four British Folkways
- 4. Population
- 5. Decentralization
- 6. Capitals
- 7. Stability

E. ETHNIC PATTERNS

- 1. English
- 2. Scots and Scotch-Irish
- 3. Dutch (Netherlanders)
- 4. Scandinavians

- 5. French
- 6. Hispanics
- 7. African-Americans
- 8. Irish
- 9. Germans
- 10. Southern and Eastern Europeans
- 11. Middle East and North Africa
- 12. South and East Asians
- 13. Ethnic Conflict

F. POLITICAL PATTERNS

- 1. Townships
- 2. School Systems
- 3. Legal Traditions
 - a. Common Law
 - b. Civil Law

G. STATES AS CULTURAL ENTITIES

- 1. Nation-State System
- 2. State Traditions
- 3. New England
 - a. Massachusetts
 - b. Vermont, New Hampshire, and Maine
 - c. Rhode Island and Connecticut
- 4. Middle Atlantic
 - a. Maryland
 - b. Delaware
 - c. Pennsylvania
 - d. New Jersey
 - e. New York
- 5. South
 - a. Virginia and West Virginia
 - b. Kentucky and Tennessee
 - c. North and South Carolina
 - d. Georgia
 - e. Florida
 - f. Mississippi and Alabama
 - g. Louisiana
 - h. Missouri and Arkansas
- 6. Midwest
 - a. Indiana and Ohio
 - b. Illinois
 - c. Michigan
 - d. Wisconsin
 - e. North Dakota and Minnesota
 - f. Iowa
 - g. Kansas and Nebraska

- 7. Mountain West
 - a. Colorado
 - b. Wyoming and Montana
 - c. Utah and Idaho
 - d. Nevada
- 8. Pacific Northwest
 - a. Oregon and Washington
 - b. Alaska
- 9. California
- 10. Hawaii
- 11. Southwest
 - a. Arizona
 - b. New Mexico
 - c. Oklahoma

III. THE POLITICAL CULTURE OF TEXAS

- A. GEOGRAPHIC CHARACTERISTICS
 - 1. Size
 - 2. Population
 - 3. Economic Regions
 - a. East Texas
 - b. Metroplex
 - c. Plains
 - d. Border
 - e. Central Corridor
 - f. Gulf Coast

B. SETTLEMENT PATTERNS

- 1. Prehistoric
- 2. Anglo-American Colonists
- 3. Lone Star Republic
- 4. Lower South and Upper South
- 5. African Americans
- 6. Mexicans
- 7. Germans

C. POLITICAL PATTERNS

- 1. Political Subcultures
 - a. Moralistic
 - b. Individualistic
 - c. Traditionalistic
- 2. Individualistic Conservatism

IV. THE CONSTITUTIONAL SYSTEM

- A. CONSTITUTIONALISM
 - 1. Purpose
 - 2. Consent of the Governed

- a. Covenant
- b. Unalienable Rights
- 3. Origins of Constitutionalism
 - -- Pilgrim Code of Law (1636)
 - -- Fundamental Orders of Connecticut (1638)
 - a. Church Covenants
 - b. Colonial Charters
- 4. Declaration of Independence
- 5. Constitution of 1787
- 6. **Articles of Confederation** (1781)
- 7. Subsequent Development
 - a. New Goals
 - b. Egalitarian and Individualistic Outlooks
- B. THE FIRST CONSTITUTIONAL SYSTEM
 - 1. Richard Henry Lee
 - a. Basic Draft
 - 2. Debate Over Independence
 - 3. Declaration of Independence
 - a. Slave Trade
 - b. John Witherspoon
 - c. Plea at Law Against the King
 - 4. Unanimous Declaration
 - 5. Articles of Confederation
 - a. Unicameral Congress
 - b. Limitations
- C. THE PHILADELPHIA CONVENTION
 - Leadership
 - a. Floor Debates: **James Madison**, George Mason,

Gouverneur Morris, James Wilson, Roger Sherman,

Elbridge Gerry

- b. Absentees: John Adams, Thomas Jefferson, and Patrick Henry
- c. The Delegates
- d. Robert Yates and John Lansing
- 2. Virginia Plan: **Edmund Randolph**
 - a. Provisions
- 3. Proposed Amendments
 - a. Popular Elections Issue: George Mason
 - b. Single Executive: James Wilson
 - c. Upper House: Mason and Gerry
- 4. New Jersey Plan: William Paterson
 - a. Provisions
- 5. Committee of the Whole
 - a. Proportional vs. Equal Representation
 - b. Franklin's Proposal

- 6. Compromises
 - a. Connecticut Compromise: Roger Sherman
 - b. Three-Fifths Compromise
 - c. Commerce Compromise
 - d. Electoral College
- 7. Fundamental Resolutions
- 8. The Great Debate
 - a. Slavery
 - b. Property Qualifications Rejected
 - c. Immigration
 - d. Army
 - e. National Debt
 - f. Export Taxes Outlawed
- 9. Committee on Style and Arrangement
- 10. Final Approval
- 11. Analysis

D. CONSTITUTIONAL COMPONENTS

- 1. Guiding Principles
- 2. Preamble
 - a. Invocation
 - 1) Mayflower Compact (1620)
- Bill of Rights
 - a. Massachusetts **Body of Liberties** (1641)
- 4. Separation of Powers and Checks and Balances
 - a. Restraint on Power
 - 1) William Blackstone
 - b. System of Overlapping Powers
- 5. Amendment
 - a. Constitutional Provision
 - 1) Constitutional Convention
 - 2) Individual Proposal
 - 3) Ratification
 - b. Interpretation
 - c. Treaties
 - d. Popular Initiative (states)
 - e. Popular Referendum (states)
- 6. Extraconstitutional Measures
 - a. Interposition
 - b. Nullification
 - c. Secession
 - d. Martial Law
- E. ORGANIZING PRINCIPLES (DIVISIONS OF POWERS)
 - 1. Federalism
 - a. Two Main Levels
 - 1) Divided Political Sovereignty

- b. "Supreme Law of the Land"
 - 1) Magna Carta
 - 2) Sanctioning Land
 - 3) Common Law and Due Process
 - 4) Super-Legislation
- c. Alternatives
 - 1) Monarchy
 - 2) Feudalism; Confederation or League

2. Bicameralism

- a. Two Chambers
 - 1) Unicameral Legislature (Nebraska)
- b. Senate
 - 1) Designed to Represent the States
 - 2) Two Senators
 - 3) Restraint on Presidency and Judiciary
- c. House of Representatives
 - 1) Designed to Represent the People
 - 2) Population
 - 3) Money Bills

3. Separation of Powers

- a. Branches
 - 1) Legislative
 - 2) Executive
 - 3) Judicial
- b. Constituencies
- c. Modes of Selection and Terms of Office
 - 1) Representatives
 - 2) Senators
 - 3) Presidents (Electoral College)
 - 4) Justices

4. Republican Principle

- a. Enhances Stability
- b. Wise and Capable Leaders
- 5. Characteristics of a Desirable Constitution
 - a. Stability and Continuity
 - b. Division of Powers
 - c. Representativeness
 - d. Accountability

F. FEDERALIST, NO. 10

- 1. Federalist Papers
- 2. Purpose: Break and Control Violence of Faction
- Two Methods

a. Remove the Causes

- 1) Abolishing Liberty
- 2) Creating Uniformity

b. Control the Effects

- 1) Republican Principle
- 4. Tyranny of the Majority
- 5. Large Republic
 - a. Built-in Diversity of Interests
- 6. Auxiliary Precautions (Checks and Balances)
- Evaluation
 - a. Deliberation
 - b. Consensus or Unity

V. CONSTITUTIONAL POWERS AND CUSTOMS

- A. LAWS (Art. I, sec. 1)
 - 1. Bills (Art. 1, sec. 7)
 - 2. Executive Orders
 - 3. Administrative Law
 - 4. Executive Privilege
- B. AMENDMENTS (Art. V)
 - 1. Validity or Legitimacy
 - 2. Treaties
 - 3. Custom and Interpretation
- C. TREATIES (Art. II, sec. 2)
 - 1. Executive Agreements
 - 2. Compacts (Art. I, sec. 10)
- D. STATES
 - 1. **Reserved Powers** (Tenth Amendment)
 - 2. **Denied Powers** (Art. I, sec. 10)
 - c. Electoral College (Art. II, sec. 1)
 - d. Guaranty Clause (Art. IV, sec. 4)
 - e. Territorial Integrity (Art. IV, sec. 3; Art. V)
 - f. Enclaves (Art. I, sec. 8; Art. IV, sec. 3)
 - g. Immunity (Art. II, sec. 2; Eleventh Amend.)
 - h. Extradition (Art. IV, sec. 2)
 - i. Election of Senators (Seventeenth Amendment)
- E. THE PEOPLE
 - 1. Elections (Art. I, sec. 2)
 - Juries
- F. CIVIL LIBERTIES
 - 1. Security from Discrimination
 - a. Bills of Attainder, Ex Post Facto Laws (Art. I, secs. 9, 10; Art. III, sec. 3)
 - 2. Privileges and Immunities (Art. IV, sec. 2; Fourteenth Amendment)
 - 3. Liberty of Conscience and Expression
 - a. Religion, Speech, and Press

- b. Peaceable Assembly (First Amendment)
- 4. Security in Person and Estate
 - a. Keep and Bear Arms (Second Amendment)
 - b. Quartering of Soldiers (Third Amendment)
 - c. Searches and Seizures (Fourth Amendment)
 - d. Takings Clause (Fifth Amendment)
 - e. Procedural Rights (Fifth Eighth Amendments)
 - f. Penal Limitations (Eighth Amendment)
- 5. Sanctity of Property
- 6. Martial Law
- G. THE JUDICIARY (Art. I, sec. 8; Art. III)
 - 1. Original Jurisdiction (Art. III, sec. 2)
 - 2. Restricted Appellate Jurisdiction (same)
 - Judicial Review
 - 4. Judicial Legislation
 - 5. Reversals (Art. V)
 - 6. Shared Power of Interpretation
- H. APPOINTMENTS (Art. II, sec. 2)
 - 1. Patronage and Partisanship
 - 2. Senatorial Courtesy
 - 3. Civil Service
 - 4. Independent Counsel
- I. BUREAUCRACY (Art. I, sec. 8; Art. II, sec. 2; Art. III, sec. 1)
 - 1. Congressional Oversight
 - 2. Quasi-Legislative and -Judicial Powers
- J. COMMERCE
 - 1. Regulation (Art. I, sec. 8)
 - Subsidies and Privileges
- K. FISCAL AND MONETARY POLICIES (Art. I, secs. 7, 8)
 - 1. Limits (Art. I, sec. 9)
 - 2. Income Taxation (Sixteenth Amendment)
 - 3. Money (Art. I, sec. 8, 10)
 - 4. Salaries (Art. I, sec. 6)
 - 5. Impoundment
- L. CONGRESS AND THE PRESIDENT
 - 1. Legislative Powers of the President
 - 2. Special Sessions (Art. II, sec. 3)
 - 3. Tie-Breaking (Art. I, sec. 3)
 - 4. Veto (Art. I, sec. 7)
 - 5. Override
 - 6. Pocket Veto (Art. I, sec. 7)
 - 7. Setting the Agenda
 - 8. Elections
 - a. President
 - b. Vice President

M. AFFAIRS OF STATE

- 1. Impeachment (Art. I, sec. 2)
- 2. Trial (Art. I, sec. 3)
- 3. Presiding Officer (Art. I, sec. 3; Art. II, sec. 4)
- 4. Qualifications; Punishments (Art. I, sec. 5)
- 5. Treason (Art. III, sec. 3)
- 6. Pardons and Reprieves (Art. II, sec. 2)
- 7. Amnesty
- 8. Contempt of Congress
- N. WAR POWERS (Art. II, sec. 2)
 - 1. Conscription (Art. I, sec. 8)
 - 2. Declaration of War (same)
 - 3. Police Actions
 - 4. Emergency Powers and Martial Law

VI. THE FEDERAL SYSTEM

- A. THE POLITICS OF CONSTITUTION WRITING
 - 1. Special Interests
 - 2. Length and Complexity
 - 3. Amendments
 - 4. Constitutional Conventions
 - a. Frontier Individualism
 - b. Period of Reform
 - c. Reapportionment
 - d. One Man, One Vote

Texas Constitution of 1876

B. FEDERALISM AND INTERGOVERNMENTAL RELATIONS

- Federalism
 - a. Purpose
- 2. Classification of Powers
 - a. Enumerated and Implied
 - b. Exclusive, Concurrent, and Reserved
 - c. Inherent and Resulting
 - d. Elastic Clause (Art. I, sec. 8)
 - e. McCulloch v. Maryland (1819)
- 3. Dual Federalism
- 4. Cooperative Federalism
- 5. Regulatory Federalism
- 6. Interdependence
- 7. Lower Levels of Government
- 8. Federal Balance of Power
- 9. Grants-in-Aid
 - a. Agriculture
 - b. Housing, Highways, Education, Public Welfare
- 10. Establishing National Standards
- 11. Information and Technical Advice
- 12. Red Tape

C. INTERSTATE RELATIONS

- 1. Privileges and Immunities
 - a. Limitations
- 2. Full Faith and Credit
- Extradition
 - a. Puerto Rico v. Branstadt (1987)
- 4. Guaranty Clause
- 5. interstate Competition
- 6. Interstate Cooperation
 - a. Crime Compact of 1934
 - National Conference of Commissioners on Uniform State
 Laws
 - c. Council of State Governments

VII. LOCAL GOVERNMENTS

A. POWERS OF CITY GOVERNMENT

- 1. Municipal Corporations
- 2. Dillon's Rule
- 3. Home Rule
 - a. Constitutional Home Rule
 - b. Statutory Home Rule
- 4. Annexation
- Consolidation

B. CITY CHARTERS

- Special Act
- 2. General Act
 - a. Texas
- 3. Classified System
 - a. Indiana
 - b. Texas
- 4. Optional System
- 5. Home Rule

C. FORMS OF CITY GOVERNMENT

- 1. Mayor-Council Plan
 - a. Strong Mayor-Council
 - b. Weak Mayor-Council
- 2. Commission Plan
- 3. Council-Manager Plan
- 4. Town Meeting

D. POLITICAL STYLES

- 1. Elections
 - a. Nonpartisan
 - b. Single-Member Districts
 - c. At-Large System
 - d. Hare System
- 2. Styles
 - a. Anglo-Saxon or Middle-Class Ethos
 - b. Immigrant Ethos
- 3. Images of the City
 - a. Traditional Anti-City Bias
 - b. Boosterism
 - c. Provider of Life's Amenities
 - d. Caretaker
 - e. Umpire

E. COUNTIES AND SPECIAL DISTRICTS

- 1. Origins
 - a. Count
 - b. Sheriff
 - c. Posse Comitatis
- 2. Settlement Patterns
 - a. Settlement Patterns
 - b. Courthouse Gang
 - c. Texas
- 3. Forms of County Government
 - a. Board of County Supervisors
 - b. Board of County Commissioners
 - c. Commissioners Court

- 4. Limited Powers
- 5. Elected Officers
 - a. Sheriff
 - b. Attorney
 - c. Clerk
 - d. Tax Assessor
 - e. Treasurer
- 6. Appointed Officilas
- 7. Taxes
- 8. Spending Patterns
- 9. Special Districts
 - a. Independent Public Schools
 - b. Junior or Community College Districts
 - c. Nonschool Districts
 - d. Municipal Utility Districts (MUDs)

VIII. METROPOLITAN GOVERNMENT

- A. DEMOGRAPHY
 - 1. Population Shift
 - 2. Standard Metropolitan Area

B. SOCIOECONOMIC TRENDS

- 1. Central Cities
- 2. Suburbs
- 3. Changing Lifestyles
- 4. Rise of the Sunbelt Cities
 - a. Central Air-Conditioning
 - b. Growing Retirement Population
 - c. Mass access to Cheaper Transportation
 - d. Increasing Cosmopolitanism
 - e. Changing Racial Attitudes
 - f. Relatively Lower Cost of Living
- 5. Population Shift

C. CITIES AND SUBURBS

- 1. Residential Suburbs
 - Balkanization of Services
- 2. Intergovernmental Cooperation
- 3. Politics of Accommodation
- 4. Nonpartisanship
- 5. Family-Related Issues
 - a. Public Schools
 - b. Housing
 - c. Land Use
 - d. Environmental Quality

- 6. Metropolitan Government
 - a. Councils of Government
 - b. Annexation
 - a. Councils of Government

IX. INTEREST GROUP POLITICS

- A. PUBLIC OPINION
 - 1. Public Opinion
 - 2. Political Socialization
 - a. Family, School, Media
 - b. Socioeconomic Status (SES)
 - c. Religion, Gender, Ethnicity
 - d. Geography
 - 3. Party Identification
 - 4. Qualities of Public Opinion
 - a. Direction, Intensity, Stability
 - 5. Political Polls
 - a. Population or Universe
 - b. Probability
 - 6. Beliefs
 - a. Tocqueville: Individualism vs. Equality
 - b. Pragmatism
 - 7. Political Participation
 - 8. Lack of Knowledge
 - 9. Violence in America
 - 10. Mass Opinion

B. PUBLIC OPINION POLLING

- 1. Purpose
 - a. Discovery
 - b. Manipulation: Edward Bernays
- 2. Origins
 - a. Sources
 - b. Plebiscite: Comitia Tributa
- 3. Straw Votes
 - a. Two Forms
 - b. Sample Bias
- 4. Market Research
 - a. Business Bourse
 - b. Public Relations
 - 1) Ivy Lee
 - c. Census of Distribution
- 5. Social Survey
 - a. Censuses
 - b. Elmo Roper and George Gallup
- C. THE FORMATION OF PUBLIC OPINION

- 1. Ethnic or Religious Homogeneity
- 2. Diversity
 - a. Federalist, no. 10
 - b. Alexis de Tocqueville
- 3. Consensus
- 4. Three Methods
 - a. Patronage and Pork
 - b. Terror and Obedience
 - c. Voluntary System
- 5. Manipulating Public Opinion
 - a. George Creel
 - b. Edward Bernays
 - c. Woodrow Wilson
 - d. Poll-Taking
- 6. Conclusion

D. MASS MEDIA AND PUBLIC OPINION

- 1. Mass Media
 - a. News Leaks, Backgrounders
 - b. Fairmness Doctrine
- 2. Television
- 3. Decline of Newspaper Competition

E. INTEREST GROUPS

- Two Views of Power in America
 - a. Elitism: C. Wright Mills
 - b. Pluralism: Robert A. Dahl
- 2. Interest Groups
- 3. Who Belongs?
- 4. Leadership
- 5. Modus Operandi
 - a. Lobbying
 - b. Money
 - c. Mass Propaganda
 - d. Grassroots Pressure
- 6. "Single-Issue" Interest Groups
- 7. Rise of PACs
 - a. Buckley v. Valeo (1976)
 - . Functions of Interest Groups

F. INTEREST GROUPS IN TEXAS

- 1. *NAACP* v. *Alabama* (1958)
- 2. Classification
- Political Power
 - a. Texas Research League
- 4. Activities and Techniques
- 5. Interest Group Power and Publiuc Policy
 - a. Free Enterprise and Self-Reliance

6. Hazardous Waste Disposal Policies

X. POLITICAL PARTIES

- A. WHAT IS A POLITICAL PARTY?
 - 1. Election of Bill Clinton
 - 2. Elements of a Major Party
 - 3. Functions of Political Parties

B. PARTY ORGANIZATION

- 1. Purpose
- 2. The American Pattern
 - a. Politics of Consensus
- 3. Political Machines
- 4. Party Discipline
 - a. Issues
- 5. Electoral Appeal
- 6. The Weber Model
- 7. Electoral Representation

C. PATTERNS OF PARTISAN POLITICS

- 1. Origins of Two-Party Competition
- 2. Twelfth Amendment
- 3. Federalists and (Democratic-)Republicans
- 4. Periods of Party Dominance and Realignments
- 5. The First Party System: Jefferson Republicans
 - a. First National Coalition
 - b. Federalist Opposition
 - c. Era of Good Feelings
- 6. The Second Party System: Jackson Democrats
 - a. Expanding Popular Suffrage
 - b. Tammany Hall, the Albany Regency, Loco-Focos, Barnburners
 - c. Whig Party
 - d. Third Parties: Anti-Masons, Know-Nothings
 - e. Democratic Split
- 5. Third Party System: Lincoln Republicans
 - a. Civil War
 - b. Reconstruction
 - c. Political Machines
- 6. McKinley Republicans
 - a. Populists and Progressives
 - b. First World War
- 7. Roosevelt Democrats
 - a. Mass Media
 - b. Great Society
- 8. Current Pattern
- D. ATTRIBUTES OF THE SYSTEM

- 1. Resiliency
- 2. Two-Party System
- 3. Typical Democrats and Republicans
- 4. Franklin Roosevelt and the Democratic Party
- 5. Republicans and Big Business
- 6. Minor Parties and Independent Candidates

E. PARTY STRUCTURE AND ACTIVITIES

- 1. Party Structure
- 2. State and Local Parties
- National Convention
- 4. Delegates
 - a. Presidential Primaries
- 5. Diminishing Role of the Convention
- 6. Party Responsibility

F. CAMPAIGNS AND CANDIDATES

- 1. Television and Political Campaigns
- 2. Campaign Organizations
- 3. Undecided Voters
- 4. The Primary Route
- 5. The President as Candidate
- 6. The Two Parties: Issues and Images
- 7. The Seamier Side
- 8. Television Debates
- 9. Media Costs
- 10. Image
- 11. Professional Campaign Managers
- 12. Newspaper Endorsements
- 13. Campaign Spending
- 14. New Laws on Campaign Finance
- 15. Costs of a Presidential Campaign

XI. PARTIES AND ELECTIONS IN TEXAS

A. THE POLITICS OF ELECTIONS

- 1. Changing Times
- 2. Extension of Suffrage
- 3. Voter Registration Law
- 4. Voter Turnout
 - a. Level of Education
- 5. Direct Primaries
- 6. Expenses
- 7. Nominating Petition
- 8. General Elections
- 9. Special Elections
 - a. Run-Off Elections
- Miscellaneous

B. PARTY STRUCTURE

- 1. Similarities
- 2. Presidential Primaries: Super Tuesday
- 3. Permanent Organizational Structure
- 4. PARTY OFFICIALS

C. POLITICAL DEMOCRACY

- 1. Liberals vs. Conservatives
- 2. Republicans
- 3. Recent Governors
- 4. Presidential Campaign of 1992
- 5. 1993 Senate Race
- 1994 Gubernatorial Race
- 7. Continued Democratic Dominance
- 8. Women
- 9. Minorities

D. CAMPAIGNS AND MONEY

- 1. Campaign Costs
 - a. PACs
 - b. Post-Election Contributions
- 2. Campaign Treasurer
- 3. Financial Reports
- 4. Public Financing

XII. LAW AND LIBERTY

A. CIVIL LIBERTY AND SELF-GOVERNMENT

- Man's Twofold Character: Individual and Social Being
- 2. Self-Determination
- 3. Historical Conceptions
 - a. Ancient Subordination of Individual
- 4. Medieval Liberty as a Privilege
- Modern Liberty
 - a. Rise of the Nation-State
 - b. Christian Integrity and Responsibility
 - c. The State Under Law
- Sources of Law and Liberty
- B. BIBLICAL LAW
 - 1. Personal and Societal Righteousness
 - Divine Revelation
 - 3. St. Patrick and Alfred the Great
 - 4. The Bible
 - a. Restricted Access
 - b. Translation and Publication:John Wycliffe, Johan Gutenberg
 - c. Reformation: Martin Luther, John Calvin

- C. ROMAN LAW
 - 1. Twelve Tables
 - 2. Code of Justinian
 - 3. Canon Law
- D. FOLKLAW
 - Peace-Keeping and Peace-Officers
 - 2. Proprietary Courts
 - a. Precarium
 - b. Proprietary Courts
 - 3. The King's Peace
 - 4. Divine Right
- E. COMMON LAW AND EQUITY
 - 1. Stare Decisis
 - 2. Jus Commune of Canon Law
 - 3. Discovery
 - 4. Political Crises
 - 5. Struggles for Control
 - a. Norman Kings vs. Subjects
 - b. Crown vs. Feudal Barons
 - c. Crown vs. Church
 - d. Crown vs. Parliament
 - 6. Rule of Law
 - 7. Common Law Judges
 - a. Political and Social Liberty
 - 8. Francis Lieber: Anglican Liberty
 - a. National Sovereignty
 - b. Personal Liberty
 - 9. Administrative Law

XIII. CIVIL LIBERTIES IN AMERICA

- A. CONSTITUTIONAL FOUNDATIONS
 - 1. Bill of Rights
 - 2. Incorporation Theory
- B. INDIVIDUAL FREEDOM AND SOCIETY
 - 1. Balancing Competing Principles
 - 2. Liberty and Order
 - a. John Stuart Mill
 - b. The One and the Many
 - 3. Supreme Court
- C. FREEDOM OF SPEECH
 - 1. Benjamin Cardozo: Matrix
 - 2. Sedition Act of 1798
 - 3. Limits on Speech
 - Schenck v. United States:

Clear and Present Danger Test

- b. Gitlow v. New York: Bad Tendency Test
- 4. Dennis v. United States
- 5. Threatening Speech
- 6. Expression vs. Action
 - a. United States v. O'Brien: Symbolic Speech
 - b. Bethel School District v. Fraser
 - c. School Censorship
 - d. Simon and Schuster v. New York Crime Victims Board
- 7. Preferred Freedoms and the Balancing Test
- D. FREEDOM OF THE PRESS
 - 1. Peter Zenger Case, 1735
 - 2. New York Times v. Sullivan, 1964
 - Prior Restraint: Near v. Minnesota, 1931;
 New York Times v. United States, 1971
 - 4. The Progressive and the H-Bomb
 - 5. Limitations
 - 6. Free Press and Fair Trial
 - 7. Shielding Reporters and Their Sources
 - a. Confidentiality
 - b. Privilege
 - c. Shield Laws
 - 8. Television and Radio
 - a. Regulation
 - b. Last Protected
 - c. Equal Time
- E. FREEDOM OF INFORMATION
 - 1. Freedom of Information Act, 1966
 - 2. Privacy Act of 1974
- F. OBSCENITY
 - 1. Obscenity
 - 2. Roth v. United States, 1957
 - 3. Miller v. California, 1973
 - a. Local Community Standards
 - 4. Pope v. Illinois, 1987
 - 5. Child Pornography
- G. LIBEL
 - 1. Libel
 - New York Times v. Sullivan
- H. PRIVACY
 - 1. Ninth Amendment
 - 2. Griswold v. Connecticut, 1965

- a. Resulting Powers:Penumbras and Emanations
- 3. Roe v. Wade, 1973
- 4. Privacy Laws
 - a. Privacy Act of 1974
 - b. Fair Credit Reporting Act, 1970
 - c. Family Rights and Privacy Act, 1974
- I. FREEDOM OF ASSEMBLY
 - 1. Nazis in Skokie
- J. FREEDOM OF RELIGION
 - First Amendment
 - 2. Establishment Clause
 - Everson v. Board of Education, 1947
 - Prayers and Devotional Bible Reading
 - 4. Sunday Closing Laws
 - 5. Lemon v. Kurtzman, 1971
 - 6. Free Exercise Clause
 - 7. Mormon Polygamy
 - a. Mexican Cession of 1848
 - b. Reynolds v. United States, 1878
 - 8. Cantwell v. Connecticut, 1940
 - 9. West Virginia State Board of Education
 - v. Barnette, 1943
 - 10. Regulation of Religious Practice
- K. LOYALTY AND SECURITY
 - 1. Joseph McCarthy
 - 2. Alien and Sedition Acts of 1798
 - 3. Smith Act
 - 4. McCarran Act
- L. DUE PROCESS
 - Due Process of Law
 - Substantive vs. Procedural Due Process
 - 2. Fundametal Freedoms
 - a. Palko v. Connecticut, 1937
 - Searches and Seizures
 - a. Fourth Amendment
 - b. Exclusionary Rule
 - c. Mapp v. Ohio, 1961
 - c. Good Faith Exception:United States v. Leon, 1984
 - 4. Right to a Jury Trial
 - a. Duncan v. Louisiana, 1968
 - 5. Rights of the Accused
 - 6. Escobedo v. Illinois, 1964
 - 7. Gideon v. Wainwright, 1963

- 8. Miranda v. Arizona, 1966
- 9. Nw York v. Quarles, 1984
- 10. Surveillance
 - a. Uninvited Ear
 - b. Omnibus Crime Control Act of 1968

M. CITIZENSHIP

- 1. Who Is a Citizen?
 - a. Fourteenth Amendment
 - b. Jus Soli
 - c. Jus Sanguinis
- 2. Naturalization
- 3. Loss of Citizenship
- 4. A Nation of Immigrants
 - a. MacCarran-Walter Act
 - b. Immigration Act of 1965
 - c. Undocumented Aliens
 - d. Revision

N. SUMMARY

- 1. Bill of Rights
- 2. States
 - a. Gitlow v. New York
 - b. Everson v. Board of Education
 - c. Mapp v. Ohio
 - d. Selective Incorporation
- 3. Balancing Liberty and Order
 - a. Buffer
- 4. Change, Citizen Action, and Dissent

XIV. THE STRUGGLE FOR EQUAL RIGHTS

A. THE FEDERAL SYSTEM

- 1. Multicultural Society
- 2. Distinct Groups
- Racial Polarization
 - a. Clash of Civilizations
- 4. Multiculturalism
 - a. Fragmentation
 - b. Assimilation
 - c. Diversity Myth

B. AN AMERICAN DILEMMA: HISTORICAL BACKGROUND

- 1. Slavery
- 2. African-American Heritage
- 3. Scott v. Sandford, 1857
 - a. Divided Political Establishment
 - b. Political Context
 - c. Background of the Case

- d. Missouri Compromise
- e. Black Citizenship
- f. Consequences
- g. Aftermath
- 4. Civil War
- 5. Reconstruction Amendments
 - a. Thirteenth
 - b. Fourteenth
 - c. Fifteenth
- 6. Civil Rights Act of 1875
 - a. Civil Rights Cases of 1883
 - b. Jim Crow Laws
- 7. Plessy v. Ferguson, 1896
 - a. Racial Segregation
 - b. John Marshall Harlan
 - c. Separate but Equal Doctrine
- 8. Case of Linda Carol Brown
 - a. School Segregation in Topeka
 - b. NAACP
- 9. Brown v. Board of Education, 1954
 - a. Brown II (1955)
- 10. Confrontations
- 11. Aftermath
- 12. Busing
 - a. De Jure vs. De Facto Segregation
- C. THE CIVIL RIGHTS MOVEMENT
 - 1. Montgomery School Boycott
 - a. Rosa Parks
 - b. Martin Luther King, Jr.
 - c. Southern Christian Leadership Conference
 - 2. Sit-Ins and Freedom Rides
 - 3. Birmingham
 - 4. March on Washington
- D. LEGISLATIVE BREAKTHROUGH