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State and Federal Government I Lecture Outline

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   A. SEEING THROUGH A GLASS, DARKLY
      1. 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?
      2. 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
            4) Internal Self-Government -> External Liberty
   C. MORALITY AND LIBERTY
         a. Private Benefit
         b. Public Treasury
         c. 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
1. 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
5. 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 (Netherlands)
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**
1. 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**
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**
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)
3. 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
3. 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)
7. 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)
   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
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)
   3. 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)
   2. 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)
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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
5. Texas Constitution of 1876

B. FEDERALISM AND INTERGOVERNMENTAL RELATIONS
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   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
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   a. Limitations
2. Full Faith and Credit
3. Extradition
4. Guaranty Clause
5. interstate Competition
6. Interstate Cooperation
   a. Crime Compact of 1934
   b. National Conference of Commissioners on Uniform State Laws
   c. Council of State Governments

VII. LOCAL GOVERNMENTS
A. POWERS OF CITY GOVERNMENT
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2. Dillon's Rule
3. Home Rule
   a. Constitutional Home Rule
   b. Statutory Home Rule
4. Annexation
5. Consolidation
B. CITY CHARTERS
1. Special Act
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   a. Texas
3. Classified System
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C. FORMS OF CITY GOVERNMENT
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   a. Strong Mayor-Council
   b. Weak Mayor-Council
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D. POLITICAL STYLES
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   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
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   e. Umpire

E. COUNTIES AND SPECIAL DISTRICTS
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   a. Count
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   a. Settlement Patterns
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   c. Commissioners Court
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6. Appointed Officers
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8. Spending Patterns
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      4. Rise of the Sunbelt Cities
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         b. Growing Retirement Population
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         e. Changing Racial Attitudes
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C. CITIES AND SUBURBS
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   2. Intergovernmental Cooperation
   3. Politics of Accommodation
   4. Nonpartisanship
   5. Family-Related Issues
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      c. Land Use
      d. Environmental Quality
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   a. Councils of Government

IX. INTEREST GROUP POLITICS
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   1. Public Opinion
   2. Political Socialization
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   3. Party Identification
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   5. Political Polls
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   6. Beliefs
      a. Tocqueville: Individualism vs. Equality
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   7. Political Participation
   8. Lack of Knowledge
   9. Violence in America
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B. PUBLIC OPINION POLLING
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      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
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      b. Public Relations
         1) Ivy Lee
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C. THE FORMATION OF PUBLIC OPINION
1. Ethnic or Religious Homogeneity
2. Diversity
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   b. Alexis de Tocqueville
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4. Three Methods
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5. Manipulating Public Opinion
   a. George Creel
   b. Edward Bernays
   c. Woodrow Wilson
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D. MASS MEDIA AND PUBLIC OPINION
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   b. Fairmness Doctrine
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E. INTEREST GROUPS
1. 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
7. Rise of PACs
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F. INTEREST GROUPS IN TEXAS
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3. Political Power
   a. Texas Research League
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1. Election of Bill Clinton
2. Elements of a Major Party
3. Functions of Political Parties

B. PARTY ORGANIZATION
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2. The American Pattern
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2. Twelfth Amendment
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   a. First National Coalition
   b. Federalist Opposition
   c. Era of Good Feelings
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   a. Expanding Popular Suffrage
   b. Tammany Hall, the Albany Regency, Loco-Focos, Barnburners
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   a. Mass Media
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3. St. Patrick and Alfred the Great
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   a. Restricted Access
   b. Translation and Publication:
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8. Francis Lieber: Anglican Liberty
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   a. United States v. O'Brien:
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4. The Progressive and the H-Bomb
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6. Free Press and Fair Trial
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G. LIBEL
1. Libel

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J. FREEDOM OF RELIGION
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   a. Mexican Cession of 1848
   b. Reynolds v. United States, 1878
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