

Constitutional Law (PSCI 4200)
Department of Political Science
Western Michigan University
Professor Hurwitz
Spring 2009
Review Sheet – Exam #2

Note: The following are important terms and phrases covered in this second section of the course; they were discussed in the readings, in class, or both. You should know both the meaning and significance of these terms and phrases. While I have not listed any of the cases we have covered, you are responsible for them as well, along with the information portrayed in the assigned readings. The format of Exam #2 will be the same as Exam #1, consisting primarily of multiple choice and other types of questions such as short answers and essays.

Bring an exam book to answer the short answer/essay questions, and a pencil (and eraser) to fill in the grading sheet for the multiple choice questions.

National Power – Commerce, Taxing, and Spending

subjects of traffic	commerce clause and civil rights
different tests for determining whether Congress can regulate commerce (qualitative; quantitative; subjective; objective; stream of commerce; direct/indirect effect; affectation doctrine; close and substantial relation	Civil Rights Act of 1964, Title II state action vs. private discrimination federalism and commerce clause state sovereignty test traditional vs. non-traditional state functions <i>Lopez</i> signals new direction in commerce clause and state powers
<i>laissez-faire</i> capitalism	dual sovereignty
Great Depression	11th Amendment
New Deal	sovereign immunity; abrogation of articles of commerce
intrastate vs. interstate commerce	is <i>Raich</i> a turn back?
non-delegation doctrine	general rule regarding which branch of government has power to tax
Court-packing plan	direct taxes/income taxes
The Switch	16th Amendment
affectation doctrine	the Switch as applied to taxing/spending cases
10th Amendment a restriction on federal power?	congressional power in light of 21st Amendment
judicial restraint vs. judicial activism	where does Supreme Court go from here?
self-inflicted wounds	
which branch decides if there is an effect on IC: Congress or Supreme Court?	