Constitutional Law (PSCI 4200)
Department of Political Science, Western Michigan University
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Spring 2006, Review Sheet – Mid-term #1

Note: The following are important terms and phrases covered in this first 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.

Judicial Review and the Role of the Supreme Court

Declaration of Independence
Articles of Confederation
US Constitution (and Bill of Rights; Article III)
jurisdiction
federal jurisdiction: federal question, federal
parties, and diversity jurisdiction
appellate and original jurisdiction
writ of certiorari
legal and amicus curiae briefs
oral argument
opinion assignment
types of opinions: opinion of the Court;
concurring opinion; dissenting opinion;
per curiam; seriatim
limitations on judicial power
case or controversy: standing; ripeness;
mootness; advisory opinions; political questions
Confederate Constitution (similarities and differences from US Constitution)
judicial review

Federalist #78
debate between Justices Chase and Iredell
writ of mandamus
conflict of interest
supremacy clause
criticisms and benefits of Marbury v. Madison
writ of habeas corpus
extent of power of judicial review
should Supreme Court have judicial review?
judicial power in presidential elections
appropriate role of Supreme Court
dilemma as outlined by Pacelle
traditional vs. expanded definition of judicial activism/restraint debate (judicial review; statutory interpretation, judicial precedent, constitutional interpretation)
justices’ concerns over legitimacy
dual role as suggested by Pacelle
methods of constitutional interpretation: original intent vs. legitimate interpretation
precedent and stare decisis

Federalism

federalism/separation of powers
sources of federal power: commerce, necessary and proper, and supremacy clauses
sources of state power: 10th Amendment
commerce; commerce among the states
implied congressional powers
national interest
commerce clause and federalism
strict vs. broad constructionist
original package doctrine
philosophies of CJ Marshall and CJ Taney on states’ commerce powers

exclusive commerce power
dormant commerce power
concurrent commerce power
pre-emption
selective exclusiveness doctrine
police powers
discriminatory purpose
undue burden on interstate commerce
economic protectionism
less burdensome means
interferes w/ President’s diplomatic or foreign policy responsibilities
General Thoughts:
Much of what is contained in the assigned readings was discussed in class. However, there are a number of assigned readings, such as those on course reserve, along with many details from Pacelle’s *Role of the Supreme Court* book, that were not specifically discussed in class. As the syllabus indicates, the material within these sources is important and can (indeed, it will) be tested. The question inevitably arises: what do you need to know from these assigned readings? These sources are assigned to enhance your understanding of constitutional law and the Supreme Court’s role in interpreting constitutional policy. But additionally, be sure you know and understand the primary themes from each of the assigned articles/books. The format of Midterm #1 will be primarily multiple choice, along with other types of questions such as short answers and essays. So, bring a pencil (and eraser) to fill in the grading sheet.