Constitutional Law (PSCI 4200)
Department of Political Science
Western Michigan University
Professor Mark S. Hurwitz
Spring 2006
Review Sheet – Mid-term #2

Note: The following includes the important terms and phrases we have covered in this second part of the course; they were discussed in the readings, in class, or both. You should know both the meaning of the term or phrase and the significance thereof. 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 any of the assigned readings. The format of Mid-term #2 will be the same as the first mid-term, including multiple choice and other types of questions such as short answers and essays. So, bring a pencil (and eraser) to fill in the grading sheet.

National Power – Commerce, Taxing, and Spending
subjects of traffic
different tests for determining whether Congress can regulate commerce (qualitative; quantitative; subjective; objective; stream of commerce; direct/indirect effect; substantial factor; close and substantial relation; substantial economic effect; substantial effect)
laissez-faire capitalism
Great Depression
New Deal
intrastate vs. interstate commerce
non-delegation doctrine
Court-packing plan
The Switch
affectation doctrine
10th Amendment a restriction on federal power?
judicial restraint vs. judicial activism
self-inflicted wounds

which branch decides if there is an effect on IC:
Congress or Supreme Court?
commerce clause and civil rights
Civil Rights Act of 1964, Title II
state action vs. private discrimination
14th Amendment
federalism and commerce clause
state sovereignty test
traditional vs. non-traditional state functions
new direction in commerce clause
dual sovereignty
11th Amendment
sovereign immunity; abrogation of articles of commerce
general rule regarding which branch of government has power to tax
direct taxes/income taxes
16th Amendment
the Switch as applied to taxing/spending cases
congressional power in light of 21st Amendment