

Grading notes

10/08 essay assignment

Explain briefly how the "Civil Rights Revolution" can be considered, according to Ackerman, as a full cycle of informal higher lawmaking.

The prompt invites you to try to specify the five "phases" of informal higher lawmaking in this case, which everybody did.

Some common problems seen in most papers to some extent:

- Most papers omitted to mention the Voting Rights Act of 1965 or the Fair Housing Act of 1968, or if mentioning them, to clearly assign them a role in proposal, ratification, or consolidation. (Ratification would have been the best answer; you might speak of them also as further aspects of the proposal.)
- In general, most essays described the proposal narrowly; there was seldom little discussion of JFK's earlier Civil Rights Bill proposal
- Often, the 1968 election was handled vaguely: did it help accomplish consolidation or ratification? (The best answer is consolidation.)

Additional occasional problems:

- As in the exam, some treat the signal merely as formulation of a "problem to be fixed" without mentioning its attention focusing function.
- A few treat JFK as simply hostile to civil rights. However, his proposed bill of 1963 had real teeth.
- If you were going to describe the 1968 election as ratification, some real argument would have been necessary. Have we seen a "ratifying election" in any other episodes?
- Some essays offered vague handling of why 1964 is a triggering election; fail to mention its impact for constitutional understanding.