

American Government

Since the advent of civilization, humans have had an impulse to form governments. It is an experiment thousands of years in the making.

This course asks a lot of fundamental questions about the nature of government and society. Among them:

- What is the purpose of government?
- What types of governments are there? What is a democracy?
- Where is the center of governmental power? Is it national or local?
- Is America's government too big? Too small? Constantly shifting with the times?
- What are the rights and responsibilities of each American citizen?

We do not answer these questions; that is up to you. Defining the role of government has been thousands of years in the making. Welcome to the laboratory of democracy.

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The Nature of Government

1. The Nature of Government



Is government to be feared or loved? Thomas Hobbes set out to discover that in his book Leviathan, which spawned this famous title page that depicts government as a giant towering over the land. Is the king protecting or threatening his country?

Do you believe in government "BY THE PEOPLE, FOR THE PEOPLE, AND OF THE PEOPLE"? Few Americans would say no, especially since these words spoken by Abraham Lincoln in his 1863 Gettysburg Address are firmly imbedded in the American political system. Yet governments over the centuries have not always accepted this belief in popularly elected rule.



Jacques-Louis David painted The Death of Socrates as a metaphor for the French government during the revolution. Socrates represents the revolutionaries that martyred themselves for their principles, while the Athenian government represents the corrupt French nobility.

Even in the modern United States many skeptics criticize government as being controlled by greedy, corrupt people who are only interested in lining their own pockets. So which view is correct? Is government an instrument of its citizens, an entity that represents and protects a beloved country, or an oppressive, self-serving monster that deserves no one's respect?

If we look to the past for an answer, we find comments like these:

"Behold my sons, with how little wisdom the world is governed." -Axel Oxenstiern (1583-1654)

"The government that governs least governs best." -Thomas Jefferson

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Governments are everywhere. From the earliest tribe through the most recent nation to find its place on the map, government in some form has been necessary to ensure safety and order. In the 1600s, Rembrandt painted the government of the local clothmaker's guild.

The conflict, alive and well today, is solidly based in the past. Governments are sometimes idealized and often criticized. Yet virtually every society in history has had some form of government, either as simple as the established leadership of a band of prehistoric people, or as complex as the government of the United States today.

Do varying opinions of political power rise from the fact that some governments are good, and others are bad? Does power corrupt leaders, or is it possible for them to administer governments fairly? The American political system is rooted in the ideal that a just government can exist, and that its citizens can experience a good measure of liberty and equality in their personal lives.

We will begin by considering reasons why governments exist, and some types of government including democracy, particularly as it is practiced in the modern United States.

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1a. The Purposes of Government



Albrecht Dürer was an artist who worked during the Thirty Years War. His work reflects the turmoil of the time. The invasions of the German area during the Thirty Years War were ended by the Treaty of Westphalia, which defined the nation-state and the concept of sovereignty.

Why do governments exist? One major reason is that they create rules. But what rules are necessary or desirable? That is open to question, and different types of governments have certainly created a wide variety of rules.

GOVERNMENTS almost certainly originated with the need to protect people from conflicts and to provide law and order. Why have conflicts among people happened throughout history? Many people, both famous and ordinary, have tried to answer that question. Perhaps human nature dictates

selfishness, and people inevitably will come to blows over who gets what property or privilege. Or maybe, as KARL MARX explains, it is because the very idea of "PROPERTY" makes people selfish and greedy.

Whatever the reasons, governments first evolved as people discovered that protection was easier if they stayed together in groups and if they all agreed that one (or some) in the group should have more power than others. This recognition is the basis of SOVEREIGNTY, or the right of a group (later a country) to be free of outside interference.



Part of a government's function is to protect its citizens from outside attack. Ancient Chinese emperors constructed a "Great Wall" to defend the borders of their empire.

A country, then, needs to not only protect its citizens from one another, but it needs to organize to prevent outside attack. Sometimes they have built Great Walls and guarded them carefully from invaders. Other times they have led their followers to safe areas protected by high mountains, wide

rivers, or vast deserts. Historically, they have raised armies, and the most successful ones have trained and armed special groups to defend the rest. Indeed in the twentieth century, governments have formed alliances and fought great world wars in the name of protection and order.

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In more recent years, government responsibilities have extended to the economy and public service. An early principle of capitalism dictates that markets should be free from government control. But when economies spun out of control during the 1930s, and countries sank into great depressions, governments acted. The United States Congress created the FEDERAL RESERVE SYSTEM in the early twentieth century to ward off inflation and monitor the value of the dollar. FRANKLIN ROOSEVELT and his "BRAIN TRUST" devised New Deal programs to shock the country into prosperity.



Governments become involved with the economic workings of their countries. In the 1930s, the Federal Reserve System began to take a role in helping the American economy prevent another depression by locating currency reserves at centralized banks.

Perhaps government responsibility to provide social programs to its citizens is the most controversial of all. In the

United States the tradition began with the New Deal programs, many of which provided people with relief through jobs, payments, and food. During the 1960s PRESIDENT LYNDON JOHNSON unveiled his "GREAT SOCIETY" programs aimed at eliminating poverty in the entire country. Many European countries today provide national medical insurance and extensive welfare benefits. Many Americans criticize these programs as expensive ventures that destroy the individual's sense of responsibility for his/her own well-being. So, the debate over the proper role of government in providing for its people's general welfare is still alive and well today.

Though the rules and responsibilities vary greatly through time and place, governments must create them. Governments provide the parameters for everyday behavior for citizens, protect them from outside interference, and often provide for their well-being and happiness.

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1b. Types of Government



Louis XIV, the King of France from 1643 until 1715, is the definition of an absolute monarch. His famous phrase, "I am the State," is an illustration of the power he wielded in France. Louis ruled through a mixture of fear and admiration, but in every case the law extended from himself.

"Off with his head!"

This is a favorite story line to show how cruel a king (or a sultan or emperor) can be. The rules in this type of government are pretty clear. Whatever the ruler says, goes. Of course, many people have had different ideas about how the ruler should govern, and those beliefs support totally different types of government. The rules shape the government's **LEGITIMACY**, or the degree to which the people accept the authority of the government.

Rule by Man

Countries whose **CITIZENS** are governed by the absolute decisions of the ruler have not necessarily been unhappy. A government whose king or queen rules justly and wisely may enjoy a great deal of legitimacy as long as the ruler's **AUTHORITY** is accepted. Sometimes people may accept their leader because they are afraid of the consequences if they don't. In the words of **MACHIAVELLI**, "It is better to be feared than loved." As long as the feared ruler is seen as bringing about prosperity or protecting the lives of his subjects, it is entirely possible that his people will be happy.



*Niccolo Machiavelli wrote political works during the Renaissance. In *The Prince*, Machiavelli advised his audience that in a system of Rule by Man it was "better to be feared than loved."*

An absolute ruler may be accepted because the people believe or accept the idea that God gave him/her the right to rule. This belief is known as **divine right**, which often has been associated with a **MONARCHY**, a form of government in which the power of the king or queen is hereditary. A similar idea legitimized the Chinese emperor, whose rule was threatened if his subjects perceived that he had lost the "mandate of heaven."

Rule by man can also take the shape of an **OLIGARCHY**, or rule by a few elites whose right to rule is based on possession of wealth, social status, military position or achievement. A little more broadly-

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based rule is by ARISTOCRACY (literally, "rule of the highest"), but if the type of government is "rule by man", their decisions are still ARBITRARY and absolute.

Rule by Law

RULE BY LAW exists in any political system in which those with power cannot make up all their own rules but must follow an established CODE OF LAW. In ancient times a Byzantine emperor established JUSTINIAN'S CODE, a set of laws named after him that lived on long after he died. We still follow parts of that code today. The Romans were also known for codifying laws, as was NAPOLEON, Emperor of France, many centuries later.



Napoleon revised the French laws into a single unified code, known as the Code Napoleon. Under the French Empire, the code was implemented throughout Europe. Napoleon is seen in this painting standing next to a copy of the Code written on a scroll.

Today most governments at least claim to be ruled by law. The most common indication is the existence of a written constitution, but the most important question to ask is whether the constitution is the "blueprint" that determines how and what policies are made. For example, Nigeria officially is a democracy with a written constitution that one dictator after another has ignored. On the other hand, Great Britain has never had a constitution as a single written document but has for centuries been governed by law. For much of their history, the English had a limited monarchy, or a king or queen who has followed rule of law.

So, whether a king can order "off with his head!" depends on the type of government that is accepted in his country. If he sets the rules (rule by man), or if the accepted outside rules allow (rule by law), the victim doesn't have a chance.

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1c. What Is a Democracy?



The ancient Romans had a working democracy for the early part of their history. The Forum in Rome is where political meetings and votes were held. The Forum can still be seen today, but most of its buildings are in ruins.

Nowhere is the word "democracy" mentioned in the Declaration of Independence or the U.S. Constitution. How could that be? Our government is a democracy!

Well, for one, as we'll discuss later, the Founders actually feared democratic rule. JAMES MADISON expressed this attitude in FEDERALIST #10: "...instability, injustice, and confusion ...have in truth been the mortal disease under which popular governments everywhere perished..." In the late 18th-century, rule by the people was thought to lead to disorder and disruption. Yet a democratically-based government was seen as superior to the monarchies of Europe.

Democracies did not originate with the founding of the United States. The term "democracy" comes from two Greek words: "demos" (the people) and "kratia" (power or authority). So of course, DEMOCRACY is a form of government that gives power to the people. But how, when, and to which people? The answer to those questions changes through history.



In present-day New England, many small towns hold town meetings in which issues important to the citizens are decided by vote. These meetings are one of the few instances of direct democracy that still operate today. These New Englanders check in at a town meeting.

Democracies are based on "rule of law." The ANCIENT GREEKS (particularly ARISTOTLE) valued NATURAL LAW, the notion that human societies should be governed by ethical principles found in nature. The Greeks are famous for practicing DIRECT DEMOCRACY, a system in which citizens meet to discuss all policy, and then make decisions by majority rule. However, only free males were considered to be citizens. So, their democracy was certainly limited. Today direct democracy is practiced in New England town meetings, where all citizens of voting age meet to decide important political decisions.

But how could direct democracy work in a large, diverse population spread over a geographical distance? Generally, the answer has been that it can't. In its place, the AMERICAN FOUNDERS put "indirect" or "representative" democracy. In this system, REPRESENTATIVES are chosen by the people to make decisions for them. The representative body, then, becomes a manageable size for doing the business of government. The Founders preferred the term "REPUBLIC" to "democracy" because it

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described a system they generally preferred: the interests of the people were represented by more knowledgeable or wealthier citizens who were responsible to those that elected them. Today we tend to use the terms "republic" and "democracy" interchangeably. A widespread criticism of representative democracy is that the representatives become the "elites" that seldom consult ordinary citizens, so even though they are elected, a truly representative government doesn't really exist.



Britain has had a representative democracy since the seventeenth century. Members of the British Parliament are elected from across Britain and represent the interests of their constituents to the government.

Another modern version of democracy is called "DEMOCRATIC CENTRALISM," a term made famous by VLADIMIR ULYINOV LENIN. As the leader of the RUSSIAN REVOLUTION in 1917, he established a communist government that allowed no private property to exist. All members of society were theoretically equal. However, Lenin considered a small "vanguard of the revolution" necessary to guide the people and establish order. So, a small group of leaders make decisions in the name of the people, based on their perceptions of what the people want and need.

Democracies have come in many shapes and sizes as reflected by the different answers to questions of how, when, and to which people power is given. And although it is not mentioned in the Declaration of Independence nor the Constitution, democracy clearly links to "rule of law" to form a basic principle that profoundly shapes American government.

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1d. Democratic Values — Liberty, Equality, Justice

Liberty and equality.

These words represent basic values of democratic political systems, including that of the United States. Rule by absolute monarchs and emperors has often brought peace and order, but at the cost of personal freedoms. Democratic values support the belief that an orderly society can exist in which freedom is preserved. But order and freedom must be balanced.



In the early days of the French revolution, the members of the third estate agreed to stick together in the face of opposition from the king and nobles. The "Tennis Court Oath" became the first step towards representative democracy in France.

The Influence of the Enlightenment

The American government has its roots in the seventeenth and eighteenth-century ENLIGHTENMENT in Europe, a movement that questioned the traditional authority of the monarch to rule. What gives one person the right to rule another? Enlightenment philosophes answered the question by



acknowledging the importance of establishing order. They were influenced by the chaos of medieval times, when a lack of CENTRALIZED GOVERNMENT brought widespread death and destruction. Havens from invaders and attackers were necessary for survival, so weaker people allied themselves with stronger ones, and kings came to rule who provided protection in return for work and allegiance from their subjects.

*John Locke was the English philosopher who theorized that government was the manifestation of a general will of "the governed" that allowed the governed to change their governors at will. His book, *Treatises on Civil Government*, was very influential in the American revolution.*

As order was established and new economic patterns emerged, people began to question the king's right to rule. For example, JOHN LOCKE, an eighteenth-century English philosopher, theorized that the right to rule came from

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the "CONSENT OF THE GOVERNED." MONTESQUIEU wrote with admiration about three "branches" of government that checked one another's power. ROUSSEAU believed that communities were most justly governed by the "GENERAL WILL" or MAJORITY RULE of their citizens. Though the philosophes believed that rulers were important for maintaining order, they questioned the sacrifice of individual freedom that they saw under European monarchs.

Two Kinds of Balance

Imagine a society in which everyone was perfectly free to do as he or she pleased. How long would it take for chaos to set in? Order implies a necessary loss of freedom if people are to survive. However, how far can order go? Democratic countries cherish INDIVIDUAL FREEDOM and generally believe that laws should not be REPRESSIVE; a little order can be sacrificed in the name of LIBERTY. So, one kind of balance is between order and liberty.

Democratic societies also expect another kind of balance: a compromise between liberty and equality. Complete liberty logically leads to inequality. A strong or ambitious person might acquire more goods and property than another, and someone is bound to dominate. But the line must be drawn before an individual seizes power that greatly restricts the liberties of others.



The ideals of the first French revolution also inspired the 1830 revolution in Paris. The ideas of "Liberty, Equality, and Fraternity" were immortalized in the three colors of the French flag. In Delacroix's painting, Liberty is seen leading the people toward these ideals.

Shouldn't governments help preserve some degree of equality for their citizens? But if they overemphasize equality, won't they restrict their citizens' liberty? For example, governments can bring about more equality by taxing rich citizens more

than the poor, but if they carry their policies too far, won't they restrict the individual's freedom to strive for economic success? The balance between liberty and equality is an important cornerstone of democratic government.

In the late 18th century the Founders created the blueprints for the United States government in an effort to achieve these delicate balances — between liberty and order, and between liberty and equality. Their success is reflected in the continuing efforts to refine them. The formula has changed with time, but the framework provided by the Constitution and the values expressed by the Declaration of Independence remain the same.

2. Foundations of American Government



Sea travel expanded the horizons of many European nations and created prosperity and the conditions for the Enlightenment. In turn, the Enlightenment ideals of liberty, equality, and justice helped to create the conditions for the American Revolution and the subsequent Constitution.

Democracy was not created in a heartbeat. In a world where people were ruled by monarchs from above, the idea of self-government is entirely alien. Democracy takes practice and wisdom from experience.

The American colonies began developing a democratic tradition during their earliest stages of development. Over 150 years later, the colonists believed their experience was great enough to refuse to recognize the British king.

The first decade was rocky. The AMERICAN REVOLUTION and the domestic instability that followed prompted a call for a new type of government with a constitution to guarantee liberty. The constitution drafted in the early days of the independent American republic has endured longer than any in human history.

Where did this democratic tradition truly begin? The ideas and practices that led to the development of the American democratic republic owe a debt to the ancient civilizations of Greece and Rome, the PROTESTANT REFORMATION, and GUTENBERG's PRINTING PRESS. But the Enlightenment of 17th-century Europe had the most immediate impact on the framers of the United States Constitution.

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The Philosophes

Europeans of the 17th century no longer lived in the "darkness" of the MIDDLE AGES. Ocean voyages had put them in touch with many world civilizations, and trade had created a prosperous middle class. The PROTESTANT REFORMATION encouraged free thinkers to question the practices of the CATHOLIC CHURCH, and the printing press spread the new ideas relatively quickly and easily. The time was ripe for the PHILOSOPHES, scholars who promoted democracy and justice through discussions of individual liberty and equality.



The ideas of 18th-century philosophes inspired the Founding Fathers to revolt against what they perceived as unfair British taxation. Washington Crossing the Delaware is one of the most famous depictions of the American Revolution.

One of the first philosophes was THOMAS HOBBS, an Englishman who concluded

in his famous book, LEVIATHAN, that people are incapable of ruling themselves, primarily because humans are naturally self-centered and quarrelsome and need the iron fist of a strong leader. Later philosophes, like VOLTAIRE, Montesquieu, and Rousseau were more optimistic about democracy. Their ideas encouraged the questioning of absolute monarchs, like the Bourbon family that ruled France. Montesquieu suggested a separation of powers into branches of government not unlike the system Americans would later adopt. They found eager students who later became the founders of the American government.

John Locke

The single most important influence that shaped the founding of the United States comes from JOHN LOCKE, a 17th century Englishman who redefined the nature of government. Although he agreed with Hobbes regarding the self-interested nature of humans, he was much more optimistic about their ability to use reason to avoid tyranny. In his SECOND TREATISE OF GOVERNMENT, Locke identified the basis of a legitimate government. According to Locke, a ruler gains authority through the consent of the governed. The duty of that government is to protect the natural rights of the people, which Locke believed to include LIFE, LIBERTY, AND PROPERTY. If the government should fail to protect these rights, its citizens would have the right to overthrow that government. This idea deeply influenced THOMAS JEFFERSON as he drafted the DECLARATION OF INDEPENDENCE.

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Important English Documents

Ironically, the English political system provided the grist for the revolt of its own American colonies. For many centuries English monarchs had allowed restrictions to be placed on their ultimate power. The MAGNA CARTA, written in 1215, established the kernel of limited government, or the belief that the monarch's rule was not absolute. Although the document only forced KING JOHN to consult nobles before he made arbitrary decisions like passing taxes, the Magna Carta provided the basis for the later development of PARLIAMENT. Over the years, representative government led by a PRIME MINISTER came to control and eventually replace the king as the real source of power in Britain.



The ideas of the French Enlightenment philosophes strongly influenced the American revolutionaries. French intellectuals met in salons like this one to exchange ideas and define their ideals such as liberty, equality, and justice.

THE PETITION OF RIGHT (1628)
extended the rights of "commoners"

to have a voice in the government. The ENGLISH BILL OF RIGHTS (1688) guaranteed free elections and rights for citizens accused of crime. Although KING GEORGE III still had some real power in 1776, Britain was already well along on the path of democracy by that time.

The foundations of American government lie squarely in the 17th and 18th century European Enlightenment. The American founders were well versed in the writings of the philosophes, whose ideas influenced the shaping of the new country. Thomas Jefferson, George Washington, James Madison, and others took the brave steps of creating a government based on the Enlightenment values of liberty, equality, and a new form of justice. More than 200 years later, that government is still intact.

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2a. The Colonial Experience



John Winthrop was the governor of the Massachusetts Bay Colony, one of the eight colonies governed by royal charter in the colonial period.

They created and nurtured them. Like children, the American colonies grew and flourished under British supervision. Like many adolescents, the colonies rebelled against their parent country by declaring independence. But the American democratic experiment did not begin in 1776. The COLONIES had been practicing limited forms of self-government since the early 1600s.

The great expanse of the Atlantic Ocean created a safe distance for American colonists to develop skills to govern themselves. Despite its efforts to control American trade, England could not possibly oversee the entire American coastline. Colonial merchants soon learned to operate outside British law. Finally, those who escaped religious persecution in England demanded the freedom to worship according to their faiths.

Colonial Governments

Each of the thirteen colonies had a charter, or written agreement between the colony and the king of England or Parliament. CHARTERS of royal colonies provided for direct rule by the king. A COLONIAL LEGISLATURE was elected by property holding males. But governors were appointed by the king and

had almost complete authority — in theory. The legislatures controlled the salary of the governor and often used this influence to keep the governors in line with colonial wishes. The first colonial legislature was the VIRGINIA HOUSE OF BURGESSES, established in 1619.



The colonies along the eastern coast of North America were formed under different types of charter, but most developed representative democratic governments to rule their territories.

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When the first PILGRIMS voyaged to the New World, a bizarre twist of fate created a spirit of self-government. These Pilgrims of the Mayflower were bound for Virginia in 1620, but they got lost and instead landed at PLYMOUTH in present-day Massachusetts. Since Plymouth did not lie within the boundaries of the Virginia colony, the Pilgrims had no official charter to govern them. So, they drafted the MAYFLOWER COMPACT, which in essence declared that they would rule themselves. Although Massachusetts eventually became a royal colony, the Pilgrims at Plymouth set a powerful precedent of making their own rules that later reflected itself in the town meetings that were held across colonial New England.

Trade and Taxation

Colonial economies operated under MERCANTILISM, a system based on the belief that colonies existed in order to increase the mother country's wealth. England tried to regulate trade, and forbid colonies from trading with other European countries. England also maintained the right to tax the colonies. Both TRADE and TAXATION were difficult for England to control, and so an informal agreement emerged. England regulated trade but allowed colonists the right to levy their own taxes. SMUGGLERS soon exploited the English inability to guard every port by secretly trading against Parliament's wishes.



A proprietary charter allowed the governor of the colony to rule with great power over his lands. In William Penn's Pennsylvania, that power was used to establish a land of religious tolerance.

This delicate agreement was put to test by the FRENCH AND INDIAN WAR. The war was expensive, and from the British point of view, colonists should help pay for it, especially considering that England believed it was protecting the colonists from French and Indian threats. The new taxes levied by the Crown nevertheless horrified the colonists. British naval measures to arrest smugglers further incited American shippers. These actions served as stepping stones to the Revolution.



Religious Freedom

Religious freedom served as a major motivation for Europeans to venture to the American colonies. Puritans and Pilgrims in Massachusetts, QUAKERS in Pennsylvania, and Catholics in Maryland represented the growing RELIGIOUS DIVERSITY in the colonies. Rhode Island was founded as a colony of RELIGIOUS FREEDOM in reaction to zealous Puritans. As a result, many different faiths coexisted in the colonies. This variety required an insistence on freedom of religion since the earliest days of British settlement.

So, the colonial experience was one of absorbing British models of government, the economy, and religion. Over the course of about 150 years, American colonists practiced these rudimentary forms of self-government that eventually led to their decision to revolt against British rule. The democratic experiment of American self-rule was therefore not a sudden change brought about by the Declaration of Independence. By 1776, Americans had plenty of practice.

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2b. Independence and the Articles of Confederation



"Give me liberty or give me death!" Patrick Henry's oratory against British taxation of American colonies was key in inspiring the Founding Fathers to declare independence.

"No taxation without representation!"

"These are the times that try men's souls."

"Give me liberty or give me death!"

All are famous phrases that sparked the AMERICAN REVOLUTION. In the view of many colonists, British rule suppressed political, economic, and religious freedoms. Many of those that hesitated to support independence were soon convinced by the passionate words of [THOMAS PAINE](#), [SAMUEL ADAMS](#), [PATRICK HENRY](#), and eventually [JOHN ADAMS](#) and [Thomas Jefferson](#). The [Declaration of Independence](#) in 1776, the American Revolution, and the creation of the [Articles of Confederation](#) represent the American colonies' first attempt to become a nation. This incubation was tentative at best, but ultimately led to success.

The Declaration of Independence



Thomas Paine advocated the independence of the American colonies from Britain. The writings of Paine, Samuel Adams, and others convinced Americans to set up their own state and democratic government.

As tensions between Britain and the American colonies increased, a series of meetings were called, including that of the SECOND CONTINENTAL CONGRESS (1775-1776.) On July 4, 1776, the delegates approved the Declaration of Independence, the event that marks the birth of the United States. Thomas Jefferson, a delegate from Virginia, drafted the document primarily as a list of grievances against the king. His most important words, however, clearly shaped the philosophical basis of the new government. The famous introduction clearly reflected John Locke's SOCIAL CONTRACT THEORY: "...to secure these rights [Life, Liberty, and the pursuit of

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happiness], Governments are instituted among men, deriving their just powers from the consent of the governed." Jefferson further reasoned that since the British government had abused these rights, the colonists had the right "to alter or to abolish it, and to institute new Government."

The American Revolution and the Articles of Confederation



Shay's Rebellion showed the weaknesses of the Articles of Confederation. When the central government couldn't put down the rebellion, the first stirrings of federalism began to gather strength.

The British, of course, did not recognize the Declaration and continued to send troops to contain the rebellion. The war continued until 1783, so the new government had to be put in place in a wartime atmosphere. The Articles of Confederation, a compact among the thirteen original states, was written in 1776 but not ratified by the states until 1781. The loose "LEAGUE OF FRIENDSHIP" that it created reflected the founders' reaction to the central authority of King George III.

The government gave most powers to the states, and the central government consisted only of a legislature. Above all, the colonists wanted to preserve their liberties, but the central governments' lack of power proved to be disastrous. It could not regulate trade or keep the states from circulating their own currency. No chief executive could make real decisions, and no national court could settle disputes among states. And perhaps most importantly, they could not efficiently conduct a war nor pay the debts incurred once the war was over.



The Declaration of Independence reflected many of the ideals that the signers believed in. Ideas such as life, liberty, and the pursuit of happiness were products of the Enlightenment.

By 1786 the new country was in serious economic straits, and states were quarreling over boundary lines and tariffs. An economic depression left not only states in trouble, but also many ordinary citizens, such as farmers and merchants, were deep in debt as well. SHAYS' REBELLION, a revolt by angry farmers in Massachusetts, symbolized the chaos in the country. Even though the Massachusetts militia finally put the rebellion down, it pointed out the inability of the central government to maintain law and order. In reaction,



Alexander Hamilton of New York initiated the organization of a meeting in Philadelphia in 1787. This convention would eventually throw out the Articles of Confederation and draft the Constitution.

So, the freedom that the American Revolution sought to preserve proved to create a government under the Articles of Confederation that could not keep law and order. But the failure of the initial experiment helped the founders to find a more perfect balance between liberty and order in the Constitution they produced in 1787.

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2c. Creating the Constitution

"Nothing spoken or written can be revealed to anyone — not even your family — until we have adjourned permanently. Gossip or misunderstanding can easily ruin all the hard work we shall have to do this summer." -George Washington, presiding officer



The Constitution was written in secrecy over a summer in Philadelphia. Twelve of the thirteen states were represented. Once the drafters signed the Constitution, as seen here, it began to make a slow path around the states in search of ratification.

Constitutional Convention

Most of the delegates at the CONSTITUTIONAL CONVENTION had already risked being hanged as traitors by the British. No wonder that they worried about their states' reactions to their decision to abandon the [ARTICLES OF CONFEDERATION](#) and create a whole new document.

Persuading the states to accept the Constitution was every bit as difficult as they predicted. It took two years for all thirteen states to ratify it. But their product was a blueprint for a new kind of government based on the principles of separation of powers, checks and balances, and federalism.

Separation of Powers



The Constitution is the basis of the United States government. All debates over laws have the few pages of the Constitution as their basis, and much political conflict has arisen due to different traditions of interpreting its clauses.

The CONSTITUTION provided for the structure and powers of Congress in [ARTICLE I](#). It created a BICAMERAL LEGISLATURE, set qualifications for holding office in each house, and provided for methods of selecting representatives and senators. It carefully enumerated powers, such as regulating interstate commerce and declaring wars. [ARTICLE II](#) vested the power to execute laws in a president of the United States. It set the president's term at four years, stated qualifications for office, and provided a mechanism to remove him from office.

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The PRESIDENT's constitutional powers are very modest, but they include commander-in-chief of the armed forces, negotiator of foreign treaties, and appointer of ambassadors, judges, and other "officers of the United States." [ARTICLE III](#) established a Supreme Court and defines its jurisdiction. The Founders disagreed on how much power to give the JUDGES, but they ultimately gave judges appointments for life and forbid Congress to lower their salaries while they hold office.

Checks and Balances

The Founders were ever mindful of the dangers of TYRANNICAL GOVERNMENT. So, they built a system in which the powers of each branch would be used to check the powers of the other two branches. Additionally, each house of the legislature could check one another. For example, both houses of CONGRESS must vote to enact laws, the president can veto legislation, and the Supreme Court can rule laws unconstitutional. Congress can override presidential vetoes. The president nominates Supreme Court justices, but the Senate can refuse to confirm the nominees. The Congress can impeach and remove the president or a member of the Supreme Court. As a result, a "balance" was created among the three branches.



He may have been an elegant and refined statesman, but Alexander Hamilton's temper got him involved in a duel with Aaron Burr that resulted in death.

Wide differences of opinion existed even among the 55 delegates concerning the proper balance between liberty and order. [ALEXANDER HAMILTON](#), for example, valued order more than liberty and supported the creation of a very strong executive. James Madison, influenced by his mentor Thomas Jefferson, conceded that an executive was necessary, but he saw the legislature as the preserver of liberty and an important check on the power of the executive. George Washington's experience as the head of the CONTINENTAL ARMY during the revolution convinced him that the chaotic government needed more structure. Thomas Jefferson did not attend the convention because he was serving as ambassador to France, but his belief that "a little rebellion now and then" was a good thing tilted his balance more toward liberty.

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Federalism

[ARTICLE IV](#) defined the relationship between the federal government and the states in a system of FEDERALISM, which divides the power of government between national and state governments. This federal system was meant to correct the chaos of the country during the Articles of Confederation. However, it was still mindful of the threat of a tyrannical central government. This article included mechanisms for admitting new states to the Union.



Alexander Hamilton was one of the most important proponents of federalism at the Constitutional Convention. He presented a plan to create a strong executive branch, out of a belief that order is more important than liberty.

The relationship between national and state governments was defined in many other parts of the Constitution. For example, Article 1, Section 10 forbids the states to form alliances or enter with foreign countries or to coin their own money. Federalism was further defined in Article VI in which the constitution was declared "the Supreme Law of the Land." This SUPREMACY CLAUSE, as well as the "ELASTIC" CLAUSE (Article I, Section 8) tilts the federalist balance toward national law.

[ARTICLE V](#) provides methods of amending the Constitution. Only 27 [AMENDMENTS](#) have been added to the constitution since the RATIFICATION in 1789.

The Founders acted boldly in 1787 when they threw out the Articles of Confederation and created the Constitution. The document they created has survived for more than 200 years. The risks that they took resulted in the longest lasting written constitution in world history.

2d. The Bill of Rights



By working to get the Bill of Rights passed, James Madison continued his support of Jefferson's policies. Jefferson supported the Constitution under the condition that basic human rights would be protected through a series of amendments.

Understandably, any people that fought a revolution over "TAXATION WITHOUT REPRESENTATION" would be cautious about the new Constitution created in 1787. For example, famous Virginian Patrick Henry refused to attend the Convention because he "smelt a rat."

States cherished their new freedom from British control, and ratification of the Constitution by state legislatures was by no means certain. All thirteen states finally ratified by 1790, but only with the addition of ten amendments, known as the Bill of Rights, that guaranteed citizens' rights and freedoms.

The Debate over Ratification

The debate polarized the new nation. Those who supported the Constitution became known as FEDERALISTS and those who opposed its ratification were called ANTIFEDERALISTS. The federalists supported a strong national government to preserve order. The antifederalists favored strong state governments and believed that the national government created by the Constitution was too strong.

	Federalists	antifederalists
Political Beliefs	Believed the Union would fail without a strong central government	Wanted strong state governments (closer to the people)
Who Should Rule	Thought that elites were most fit to govern	Believed that ordinary people should have great input into government
Trusting the People	Distrusted rule by the people	Distrusted elites; thought they were corrupt
Who were they?	Property owners, landed wealthy, well-to-do	Small farmers, shopkeepers, laborers, merchants

In many ways the argument was the same old debate about the proper balance between order and liberty. Alexander Hamilton, James Madison, and JOHN JAY wrote compelling arguments in favor of ratification in a series of essays known as the FEDERALIST PAPERS. There were probably more antifederalists in America, but the federalists were better organized, controlled more newspapers, and were in greater positions of power. The two sides finally reached an acceptable compromise when they agreed to add some amendments to the Constitution that protected individual liberties and rights.

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The Bill of Rights



The piece of parchment that is called the Bill of Rights is a joint resolution of the House and Senate proposing twelve amendments to the Constitution. The final number of accepted amendments was ten, and those became known as the Bill of Rights.

In 1789 Virginian James Madison submitted twelve amendments to Congress. His intention was to answer the criticisms of the antifederalists. The states ratified all but two of them — one to authorize the enlargement of the House of Representatives and one to prevent members of the House from raising their own salaries until after an election had taken place. The remaining ten amendments, known as the BILL OF RIGHTS, were ratified in 1791.

They put limits on the national government's right to control specific civil liberties and rights, many of which were already protected by some of the state constitutions. Liberties protected included freedom of speech, press, religion, and assembly (FIRST AMENDMENT). The Bill of Rights also provided safeguards for those accused of crimes. Two amendments — the right to bear arms (SECOND AMENDMENT) and the right to refuse to have soldiers quartered in your home (THIRD AMENDMENT) — were clearly reactions to British rule. The antifederalists were pleased by the addition of the Tenth Amendment, which declared that all powers not expressly granted to Congress were reserved to the states.



George Mason was one of the leading figures in creating the Bill of Rights. After storming out of the Constitutional Convention because the Constitution didn't contain a declaration of human rights, he worked to pass amendments that would protect citizens from an intrusive government.



3. Federalism



Before the Constitution was written, each state had its own currency. This four-pound note from Philadelphia reads, "To Counterfeit is Death."

Did you ever wonder why you don't need a passport to go from New York to California, but if you were to move from one state to another, you would need a new driver's license? Or why you can use the same currency in all states, but not be subject to the same speed limits? Or why you have to pay both federal and state taxes?

The maze of national and state regulations results from federalism — the decision made by the Founders to split power between state and national governments. As James Madison explained in the "Federalist Papers," our government is "neither wholly national nor wholly federal."

Federalism as a System of Government

In creating a federalist system, the founders were reacting to both the British government and the Articles of Confederation. The British government was — and remains — a UNITARY SYSTEM, or one in which power is concentrated in a central government. In England, government has traditionally been centralized in London, and even though local governments exist, they generally have only those powers granted them by Parliament. The national government is supreme, and grants or retains powers to and from local governments at its whim.



The country we think of as Russia is part of the Russian Federation, a federal government with a variety of partially self-governing autonomous regions, or oblasts. Most of these, such as the Jewish Autonomous Oblast, are concentrations of non-Russian ethnic groups.

The Articles of Confederation represented an opposite form of government, a CONFEDERATION, which has a weak central government and strong state governments. In a confederation, the state or local government is supreme. The national government only wields powers granted by the states. Most confederations have allowed the local government to nullify a federal law within its own borders.

Federalism is a compromise meant to eliminate the disadvantages of both systems. In a federal system, power is shared by the national and state governments. The Constitution designates certain

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powers to be the domain of a central government, and others are specifically reserved to the state governments.

Advantages and Disadvantages of Unitary and Confederal Governments



Courtesy of Europäisches Parlament

The European Union has a multinational parliament which has regular sessions just as a national parliament would. A major issue in Europe today is what this body gets to decide and what remains under the jurisdiction of national governments.

	Unitary	Confederal
Advantages	Laws may be applied uniformly to all	Laws may be made to suit individual needs of the states
Government	Efforts seldom duplicate or contradict themselves	Tyranny can be avoided more easily
Decision-making	Fast and efficient	Government is closer to the people
Disadvantages	<p>Concentration of power can lead to tyranny If the country is large, a distant central government can lose control</p> <p>Central officials may not always understand the needs of their citizens</p>	<p>State governments are susceptible to quarrels The country has a tendency to split apart</p> <p>Sub-governments may lack resources that a central government has</p>

Although the federal system seems to strike a perfect balance of power between national and local needs, federations still have internal power struggles. Conflicts between national and state governments are common. In the case of the United States, the argument of state vs. federal power was a major underlying factor that led to the CIVIL WAR.

Fewer than thirty modern countries have federal systems today, including Australia, Canada, Germany, Mexico, and the United States. But even though few other countries practice it today, federalism has provided the balance that the United States has needed since 1787.

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3a. The Founders and Federalism



Alexander Hamilton, James Madison, and George Washington were advocates of the federal system.

In their attempt to balance order with liberty, the Founders identified several reasons for creating a federalist government:

- to avoid tyranny
- to allow more participation in politics
- to use the states as "laboratories" for new ideas and programs.

As James Madison pointed out in *The Federalist*, No. 10, If "factious leaders kindle a flame within their particular states," national leaders can check the spread of the "conflagration through the other states." So, federalism prevents a person that takes control of a state from easily taking control of the federal governments as well.

Electing both state and national OFFICIALS also increases the input of citizens into their government. And if a state adopts a disastrous new policy, at least it would not be a catastrophe for everyone. On the other hand, if a state's new programs work well, other states can adopt their ideas and adjust them to their own needs.

The Constitution gives three types of power to the national government:

1. **DELEGATED** (sometimes called enumerated or expressed) powers are specifically granted to the federal government in Article I, Section 8 of the Constitution. This includes the power to coin money, to regulate commerce, to declare war, to raise and maintain armed forces, and to establish a Post Office. In all, the Constitution delegates 27 powers specifically to the federal government.
2. **IMPLIED POWERS** are not specifically stated in the Constitution but may be inferred from the elastic (or "necessary and proper") clause (Article I, Section 8). This provision gives Congress the right "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and other powers vested in the government of the United States." Since these powers are not explicit, the courts are often left to decide what constitutes an implied power.
3. **INHERENT POWERS** are not specifically listed in the Constitution, but they grow out of the very existence of the national government. For example, the United States has the power to acquire territory by exploration and/or occupancy, primarily because most governments in general claim that right.

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Article I, Section 8 of the U.S. Constitution authorizes the federal government to issue a central currency for all states. The form of this currency has changed many times through the years.

The Constitution also identifies RESERVED POWERS, which are set aside for the states. Unlike delegated powers, they are not listed specifically, but are guaranteed by the TENTH AMENDMENT: "The powers not delegated to the United States by the Constitution, not prohibited by it to the States, are reserved to the States

respectively, or to the people." Some traditional reserved powers include regulating trade within a state, establishing local government, and conducting elections.

Some powers of federal and state governments overlap. For example, both may — and do — levy taxes, make and enforce laws, and borrow money. These concurrent powers are not granted exclusively to the national government, nor are they denied the states.

Trademarks such as the Morton Salt umbrella girl are protected by the U.S. Patent and Trademark Office, established to "promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries," as stated in Article I, Section 8 of the Constitution.



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Prohibited powers are denied either to the national government, state governments, or both (Article I,

Section 9.) For example, the national government cannot exercise its powers in such a way as to interfere with the states' abilities to perform their responsibilities. States cannot tax imports or exports, nor can they coin money or issue bills of credit.

States also have responsibilities to one another, as explained in Article IV of the Constitution. One provision is that each state must give "FULL FAITH AND CREDIT" to the public acts, records, and civil judicial proceedings of every other state. Business contracts, then, are recognized by all states, as are marriages. Extradition, the legal process in which an accused criminal is returned to the state where the crime was committed, is also required by Article IV.



The founders very carefully divided powers between federal and state governments. They were responding to both the colonial aversion to the tyranny of King George III as well as the failure of the Articles of Confederation. Their careful separating and blending of state and national powers guarded against tyranny, allowed for more citizen participation in government, and provided a mechanism for incorporating new policies and programs.



3b. Tipping the Scales Toward National Power

Some issues have endured throughout American history. What is meant by CIVIL LIBERTY? Does (or should) Congress truly represent the people? Do the courts ensure that justice prevails? How much power should lie with the President?



Daniel Webster, standing to address the Senate in the lower right, became the Senator most associated with Federalism. His counterparts and sparring partners in the Senate were Calhoun and Clay.

All of these issues have been answered in different ways at different times, but they have endured and remain central to American politics. One of the most long-standing issues is the "proper" definition of federalism. The effective balance of power between state and federal governments is perhaps the most elusive question of all, and "STATES' RIGHTS" remain on

the political agenda.

In the mid-19th century the argument erupted into a great Civil War. In the 20th century, national power was strengthened by each President from the 1930s through the 1970s. And in recent years, the states have reasserted their rights.

McCulloch v. Maryland (1819)



John Marshall's decisions in McCulloch v. Maryland and other cases strengthened the federal government.

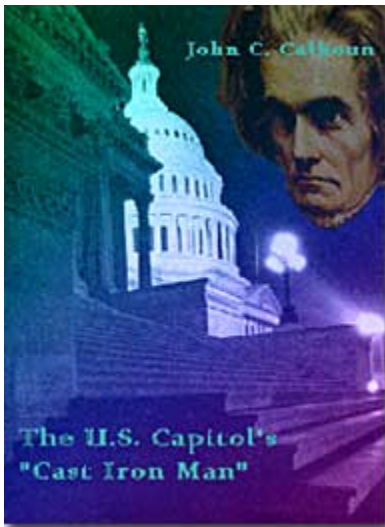
The Supreme Court often has defined the nature of federalism. MCCULLOCH V. MARYLAND (1819) began to establish the "SUPREMACY" OF THE FEDERAL GOVERNMENT with John Marshall's famous decision that a state government could not tax the FIRST BANK OF THE UNITED STATES. The case centered on the state of Maryland's decision to tax the Baltimore branch of the national bank. The bank's cashier, JAMES MCCULLOCH, refused to pay, and Maryland sued,



claiming that the bank was unconstitutional because the Constitution did not enumerate the creation of banks as a federal power.

Two questions were at the heart of the case. Was the bank constitutional? If it was, could a state tax it? Citing the elastic clause (ARTICLE I, SECTION 8) as the basis of the Court's decision, Marshall explained that even though the word "bank" cannot be found in the Constitution, the enumerated powers to tax, issue currency, and borrow money "implied" the power to create a bank. And no, the bank could not be taxed by a state because "the power to tax involves the power to destroy." States' rights supporters believed Marshall wrongly ignored the 10th Amendment, which reserved all powers not granted to the Congress to the states and the people.

Nullification and the Civil War



South Carolina Senator John C. Calhoun was a vocal opponent of federalism, especially when it interfered with slavery.

By the mid-19th century, when slavery and tariffs became controversial issues between North and South, states' rights were again a central focus. JOHN C. CALHOUN, senator from South Carolina and eventually Vice-President from 1825 to 1832, claimed that states had the right to NULLIFY, or reject, a federal law. For example, when a tariff act negatively affected South Carolina, Calhoun declared that the state could declare the tariff "NULL AND VOID" within its own borders.

Many feared that if a state rejected a new provision passed by Congress, then it also had the right to SECEDE from the union. Decades later, South Carolina tested this notion by declaring independence from the United States. When other southern states followed suit, PRESIDENT ABRAHAM LINCOLN objected, and the Civil War began. With the South's defeat in 1865, national supremacy was once again affirmed, and states have never again claimed the right to secede.

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The New Deal



The Agricultural Adjustment Administration was one of a number of "alphabet soup" agencies created by the Roosevelt Administration to combat the Great Depression. Critics of the programs said these programs gave the federal government too much power.

Although the Civil War forever changed the nature of federalism, it did not destroy states' rights. Instead, the power of the central government remained quite limited until the economic crisis of the 1930s. The devastating effects of the Great Depression led many people to demand that the

federal government take drastic action. The innovative programs of Franklin Roosevelt's "New Deal" ushered in a new era in American politics.

The New Deal period was characterized by intense government action on the national level. The "ALPHABET AGENCIES," such as the CCC (Civilian Conservation Corps), the AAA (Agricultural Adjustment Administration), and the NRA (NATIONAL RECOVERY ADMINISTRATION), aimed to relieve poverty and economic distress of farmers, homeowners, businesses, laborers, and banks. These programs dramatically enlarged the power of the federal government, and though the states administered many of the programs, the tilt toward national power was clearly reinforced by the New Deal.

The 1960s saw another era of expansion for the national government under JOHN KENNEDY's NEW FRONTIER and Lyndon Johnson's Great Society. Many programs were initiated to declare a "war on poverty" across the United States. The federal government was growing ever larger, and taxes were growing ever higher to fund the new programs. Many Americans supported this trend and applauded the efforts of the national government to ease American social problems. But by the 1970s, others had decided that enough was enough

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3c. Federal-State Relations Today: Back to States' Rights?



Ronald Reagan and George Bush are considered architects of New Federalism, a program that allowed states to make many decisions regarding local issues. However, states were also expected to pay the bill for their own decisions, and Reagan is criticized for getting states into debt.

For almost 200 years, the federal-state relationship has shifted more and more toward national supremacy. But some observers today believe that over the past twenty years, the balance of power is beginning to tilt back toward the states. Presidents Richard Nixon, Ronald Reagan, and George Bush tried to slow down the growth of the national government under the banner of "NEW FEDERALISM."

RICHARD NIXON declared an open attempt to reverse the flow of power to the federal government back to the states. In his winning campaign of 1980, RONALD REAGAN claimed that the federal government, in its attempts to improve society, was actually eroding individual freedoms. Then in 1994, when Republicans took control of both houses of Congress, the leaders of the "DEVOLUTION REVOLUTION" attempted to return many functions to the states. But the controversial task has not been easy, since so many national responsibilities are now shared with the states.

Before the Great Depression and New Deal, experts often compared federalism to a layer cake. Each layer of government — national, state, and local — had responsibilities separated clearly by a distinct covering of "icing." This interpretation is known as DUAL FEDERALISM, which each level of government dominating its own sphere. The Supreme Court served as an umpire between the national government and the states in case of a dispute. But FRANKLIN ROOSEVELT changed all that.

The federal New Deal programs cast the states in supporting, cooperative roles with a clearly dominant national government. However, since both levels participated in the programs, the layers began to blur.

New Federalism

One sign of the growth of the national government was the large number of categorical grants that existed by the 1960s. Congress appropriates these grants to states for a specific purpose. Funds are allocated by a precise formula with detailed conditions imposed by the national government. Often states must contribute money to match federal funds, but categorical grants almost always come with a great many "strings" that demonstrate the "supremacy" of the national government.

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Richard Nixon was a major mind behind New Federalism. Nixon eased the restrictions on money that was sent to the states, believing that they were in a better position to know how to spend the money than the federal government.

For example, there is no national drinking age. In the past, some states allowed people 18 years of age or older to drink alcohol, while others set the legal DRINKING AGE at 21. Passing a national drinking age might be unconstitutional, unless Congress could prove that such legislation was "NECESSARY AND PROPER" to carry out their expressed powers. Congress avoided the controversy by requiring all states that receive federal highway funds to set a legal drinking age of 21. No state could afford to lose these funds, so they had no choice but to comply.

When Richard Nixon became president in 1969, he backed a revenue sharing plan that channeled federal dollars back to the states, but without the strings of categorical grants. President Reagan (1981-89) coined the movement "NEW FEDERALISM" — an attempt to return power to the states.

The REAGAN ADMINISTRATION'S budget and policies radically altered the relationship between the federal government and the states. For the first time in many years federal aid to states declined, and Reagan pushed to consolidate categorical grants into BLOCK GRANTS, which had few strings and much broader categories, such as "education" or "highways." Because New Federalism meant that states often had to pay the tab for their new responsibilities, Reagan was criticized for weakening the states with debt — an opposite effect from his stated intention

Today the issue of the proper balance between national and state powers is as viable as it was in 1789. States' rights have remained a controversial topic for more than 200 years. Americans are divided about which laws should be federal, and which should be reserved to the states.

Should the right to an abortion be regulated by individual states, or should the federal government set a uniform policy? Should individual states permit the use of marijuana for medical purposes, or is drug policy a large enough problem to be decided on the federal level? Should individual states have the power to allow doctor-assisted suicide? These questions and many others shape the modern debate over state and federal power.

[Take the Federalism Quiz Online](#)

4. American Political Attitudes and Participation



The political views of Washington power-couple Mary Matalin and James Carville are on either side of the political spectrum. During the 1992 election, Carville worked for the Clinton campaign while Matalin worked for the Bush campaign.

Democracy, liberty, equality, and justice. These values are not very controversial. But Americans have vastly divergent viewpoints on the meanings of these core values. Does assisting the poor represent a movement toward equality, or does it create an unfair burden on the middle and upper classes? Does the permission of abortion defend the liberty of American women or endorse the ending of a human life? Do elected officials really represent the people, or are they just out for themselves? These issues and many more reflect a wide range of political attitudes that shape how Americans participate in government and politics.

Are You Liberal or Conservative?



Political labeling becomes confusing as lines between liberalism and conservatism become blurred. Some people don't believe they fit entirely into either category.

The terms "liberal" and "conservative" mean different things to different people, but they broadly describe contrasting political ideologies — views of the world that reflect an individual's values and ideas. Generally, a LIBERAL ideology favors the use of government power to regulate the economy and bring about justice and equality of opportunity. For example, liberals believe that the government should do more to help minorities, the homeless, women, the elderly, and society's "have-nots." They also believe that the government should provide foreign aid to countries in need. LIBERALS generally favor a tax system that taxes the rich more heavily than it does the poor.

Conservatives also believe in justice and equality of opportunity. However, CONSERVATIVES believe that individuals are primarily accountable for their own well-being, and that government's responsibility is to see that they have the freedom to pursue their dreams. Any government support

should come from the local and state levels, or preferably, from families and private charities. To a conservative, big government infringes on individual rights.

Scandals and Voter Apathy



Most trace the public's current skepticism towards government back to the Watergate scandal that rocked America in the early 1970s. Here, former President Richard Nixon waves farewell as he boards his helicopter on the day of his resignation in 1974.

Since the mid-1960s, Americans have become increasingly frustrated with their government? The current trend toward negativism can be traced to the disillusionment engendered by the government's handling of the VIETNAM WAR and the WATERGATE scandal. President Lyndon Johnson was accused of lying to the public about the progress of the war, and President Richard Nixon was caught in a web of deception and cover up of the 1972 break in of the Democratic Party's campaign office in the Watergate building. President Ronald Reagan's administration was tainted by the IRAN-CONTRA SCANDAL, and President Bill Clinton was impeached for obstructing evidence in a civil suit brought against him.

But earlier Presidents have made mistakes. Why do these events seem to have such long-lasting effects? Some observers believe that the growing political influence of the media is largely responsible for public skepticism about government and politics. For example, the complete 1974 Watergate hearings were broadcast on television. Millions of Americans followed the proceedings and anticipated the answers to important questions. "Were top aides in the White House a part of the deception?" "How much did he [Nixon] know?" "Is he lying to us?" Public opinion so overwhelmingly condemned Nixon that he was forced to resign.

Others blame investigative reporting because it emphasizes sensational, high interest stories. Continuing scandals, such the 1998-99 MONICA LEWINSKY scandal and investigation of the personal behavior of PRESIDENT BILL CLINTON, keep the public focused on negative aspects of politics. According to this view, the media almost never reports anything good that politicians do, so they feed and extend the influence of negativism.



The media is often accused of stoking the flames of discontent among American voters. Critics say the media's emphasis on scandal over substance discourages citizens from becoming involved in the political process.

Others believe that we expect too much of government. With the dramatic increase of government responsibilities since the New Deal era, how can politicians live up such high expectations? Others contend that voter indifference is on the rise because times are good. If Americans are content with the progress of their economy, why should they bother with following every political issue?

Although Americans share some broad agreements on basic political values, such as liberty, equality, and justice, they reflect a wide range of political attitudes, from highly conservative ideologies to very liberal ones. Despite their differences, modern Americans share one other political view — they are highly critical of politicians, and they have high expectations for their government and their elected leaders.

4a. American Political Culture



Horatio Alger, Jr.'s novels embodied the American ideal that hard work and determination would eventually be rewarded. The young protagonists of his books "pulled themselves up by their bootstraps" and proved America to be the land of opportunity.

The AMERICAN DREAM. It's the belief that each American has the freedom to pursue a better life — a nice house, a car or two, and a more comfortable existence than our parents.

This freedom has fueled incredible "RAGS TO RICHES" stories, such as Presidents starting out in log cabins and highly successful entrepreneurs who came to America as penniless immigrants — not to mention the guy that dropped out of Harvard to become the richest man in the world. These stories contribute to the American political culture.

Every country has a POLITICAL CULTURE — widely shared beliefs, values, and norms that define the relationship between citizens and government, and citizens to one another. Beliefs about economic life are part of the political culture because politics affects economics. A good understanding of a country's political culture can help make sense of the way a country's government is designed, as well as the political decisions its leaders make. For example, why does Great Britain still have a queen? She doesn't have any real political power, so why don't they just end the monarchy? These questions can be puzzling, unless you understand something about the British political culture — one that highly prizes tradition.

Alexis de Tocqueville

Why does our system of government work for us better than for almost anyone else? French writer ALEXIS DE TOCQUEVILLE, an early observer of the American political culture, gave some answers during the 1830s.

Tocqueville came to the United States primarily to answer the question, "Why are the Americans doing so well with democracy, while France is having so much trouble with it?" France was in turmoil at the time, swinging back and forth between absolutism and radical democracy, and Tocqueville thought that France could learn a thing or two from the Americans. Tocqueville's observations remain today a classic study of American political culture.

He identified several factors that influenced America's success — abundant and fertile land, countless opportunities for people to acquire land and make a living, lack of a feudal aristocracy that blocked the ambitious, and the independent spirit encouraged by frontier living.

The American View



American political culture puts a special emphasis on hard work and is rife with stories of successful businessmen and leaders. Consider Abraham Lincoln, who achieved great stature despite having been born in a log cabin.

The American political culture that Tocqueville described in the 1830s has changed over the years, but in many ways, it has remained remarkably the same, even after the continent was settled coast to coast. The American view has been characterized by several familiar elements:

- **LIBERTY:** Most people believe in the right to be free, as long as another's rights aren't abused.
- **EQUALITY:** This generally translates as "equality of opportunity," not absolute equality.
- **DEMOCRACY:** Elected officials are accountable to the people. Citizens have the responsibility to choose their officials thoughtfully and wisely.
- **INDIVIDUALISM:** The individual's rights are valued above those of the state (government); individual initiative and responsibility are strongly encouraged.
- **THE RULE OF LAW:** Government is based on a body of law applied equally and fairly, not on the whims of a ruler.
- **NATIONALISM:** Despite some current negative attitudes toward the government, most Americans are proud of our past and tend to de-emphasize problems, such as intolerance or military setbacks. This value includes the belief that we are stronger and more virtuous than other nations.
- **CAPITALISM** At the heart of the American Dream are beliefs in the rights to own private property and compete freely in OPEN MARKETS with as little government involvement as possible.



One of the hallmarks of British political culture is the existence of a monarchy, despite the fact that today's King or Queen has little power or authority over the government.

Other countries may share some, or even all, of these beliefs and values. However, the arrangement and subtleties of this core form an array that makes every political culture a little different than all the others. The elements of the American political culture include disagreement and debate. They include ideals, but they leave room for the reality of falling short of goals.

Famous events from American history — the movement West, the Civil War, the INDUSTRIAL REVOLUTION, involvement in World Wars I and II, the New Deal and the Great Society — have been expressions of American political culture. Many events have questioned and answered various interpretations of American values and beliefs. But most of all, the political culture defines political attitudes, institutions, and activities that are most cherished in American political life.

4b. What Factors Shape Political Attitudes?



The Bush clan shows that politics runs in the family. George Bush Sr. was a Congressman, then President of the United States, George W. Bush was the Governor of Texas before being elected President in 2000, and Jeb Bush is the Governor of Florida.

A common political culture by no means suggests that all Americans think alike. Some are conservative and tend to vote REPUBLICAN. Some are liberal and tend to vote DEMOCRATIC. Some have more negative attitudes toward public officials than do others. These attitudes determine how Americans participate, whom they vote for, and what political parties they support. Many factors — including family, gender, religion, race and ethnicity, and region — all contribute to American political attitudes and behavior.

Family

Despite family disagreements and generation gaps, children tend to grow up and vote the way their parents do. Families are generally the first, and often the most enduring, influence on young people's developing political opinions. As people grow older, other influences crisscross the family, and naturally their attitudes tend to diverge from those of their parents. However, the influence still remains. Logically, the more politically active your family, the more likely you are to hold the same beliefs. Just look at the Bush family. This relationship is less strong on specific issues — like school prayer, abortion, and welfare programs — but they all hold the same general political views.

Gender



The Kennedys are one of America's most politically powerful families, claiming members at all levels of government. Here, three of the Kennedy clan — President John, Attorney General Robert, and Senator Edward — smile for the camera.

POLITICAL SCIENTISTS have noticed some major shifts in gender influence since women first got the vote in 1920. Through the 1950s women tended to vote for Republicans. Even though more women voted for Franklin Roosevelt — a Democrat — than for his Republican opponents, they still supported him by smaller margins than did men. By the 1960s, women began to shift their loyalty to the Democrats.

In recent elections women have voted strongly Democratic. Why? Most observers believe that women think the Democrats more strongly support "women's issues," such as equal work, equal pay, and equal legal rights. Polls indicate that many issues about which women feel most strongly, such as education and health care, are more favorably addressed by the Democratic Party. Does this voting behavior mean that women are likely to vote for female candidates for office? The evidence doesn't provide any clear evidence that they do.

Religion



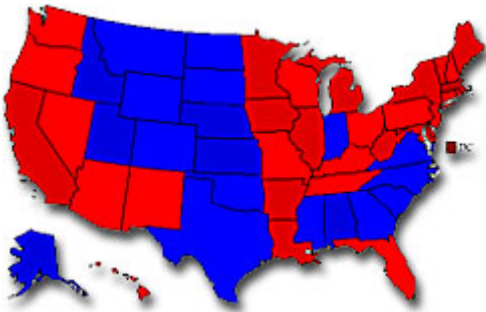
Religious beliefs often sway the way people vote. The Christian Coalition is a group that has over two million members and represents the view that "people of faith have a right and a responsibility to be involved in the world around them."

Older studies dating to the late 1940s generally show that Jewish voters are more likely to support Democrats than are Catholics or Protestants. Catholics tend to be more liberal on economic issues (such as minimum wage and taxes) than they are on social issues (such as abortion and divorce). More recent studies have focused on how affiliates of the "Religious Right" differ in their political attitudes and behavior from everyone else. The RELIGIOUS RIGHT tends to support more conservative candidates for public office, and they are more likely to contribute to the Republican Party than to the Democratic Party. This tendency is more clearly associated with social issues such as school prayer, abortion, and divorce, than with economic issues or foreign affairs.

Race and Ethnicity

As a general rule, for the past half-century African Americans have been the most loyal Democrats than any other identifiable group. Some experts believe that this loyalty is weakening, but recent elections have confirmed the strong tendency for black Americans to vote Democratic. Latinos as a whole have a tendency to vote Democratic, but the relationship is not as strong as it is for blacks. To further complicate matters, the various Latino groups have very different voting patterns. For example, Cuban Americans overall have a strong tendency to vote Republican, and Mexican Americans have an equally strong tendency to vote Democratic. Some studies indicate that Asian Americans tend to vote conservative, but there is still a lack of concrete evidence to prove this.

Region



This map provides a statistical breakdown of the 1996 presidential election. Democrat Bill Clinton won states in red, while states in blue were won by Republican Bob Dole. Note that Clinton did well on the coasts of the country, while Dole took most of the mid-west.

As a general rule, people on either coast tend to be more liberal than those in the middle of the country. However, there are many exceptions to this tendency. Many Californians are ARCH CONSERVATIVES, as are a number of New Englanders. The Southeast presents some special problems with the rule, partly because their political affiliations have been changing over the past fifty years or so. The "SOLID SOUTH" — the tendency to vote for Democrats, no matter what — began to erode during the 1950s, so that both Republicans and Democrats are competitive across the South today. However, recent presidential elections indicate a general support for Republicans in the South.

Tracking trends in political culture is very tricky. There is no "typical American." These factors and others are merely indicators of tendencies, yet there are many exceptions. In the end, Americans are influenced by a wide array of factors when they cast their secret votes on Election Day.

4c. Measuring Public Opinion



George Gallup could be considered the "father of American polling." In 1935 he founded the American Institute for Public Opinion. His Gallup Organization continues to track America's opinions today.

It all started in 1932 when his mother-in-law ran for public office in Iowa. She was running against a popular INCUMBENT, and everyone except him thought her candidacy was a lost cause. He polled her constituency, told her she could win, and gave her some advice. Hers was only the first of many elections he was to predict correctly.

His name was GEORGE GALLUP — the founder of modern POLLING.

Since then, POLLING ORGANIZATIONS have proliferated, so that they now play a vital role in American politics. They are able to measure public opinion so accurately because they have carefully developed some very precise methods.



For all the attention paid to them, public opinion polls often miss the mark. The most famous example was the 1948 presidential election, when pollsters predicted a landslide victory for Thomas E. Dewey. Instead, Harry Truman defeated Dewey by more than two million popular and 114 electoral votes.

POLLS generally start when someone wants a political question answered. For example, a candidate may wonder, "How many people in my district know who I am and what I do?" Polls can give some answers, which can help him or her plan a campaign for office. Or a newspaper may want to know, "How do people in this country feel about big tobacco companies?" The publisher can commission a poll, and a reporter can base a story on the research findings. The POLLSTERS then follow several important steps in gathering accurate STATISTICS:

- **Questions must be carefully and OBJECTIVELY WORDED.**
For example, consider a question such as, "How much do you resent the deceptiveness of big tobacco companies?" You could hardly expect an accurate answer. Sometimes the slightest shift in the wording of a question can bring very different results.
- **The SAMPLE must be randomly selected.**
First, pollsters determine the universe, or the entire group whose attitudes they wish to measure. Since it is generally impossible to question everyone, they must use RANDOM

SAMPLING, a method of selection that gives each potential member of the universe the same chance of being selected. For example, if the universe is 30% urban, 40% Mexican American, and 50% male, so should the sample be.

- **Respondents must be contacted in a cost-efficient way.**

However, accuracy cannot be sacrificed to efficiency. For example, a STRAW POLL that asks television viewers to call in their opinions is generally not very accurate. After all, the people that call in usually feel very strongly about the issue. And some of them call in more than once. TELEPHONE POLLS are probably used most commonly today, partly because of the capability of random-digit dialing.

Should politicians monitor the polls? Candidates have been criticized for "WAFFLING" — shifting their positions based on the results of PUBLIC OPINION POLLS. But if a politician is supposed to represent the true will of the people, shouldn't public opinion be highly regarded. Americans have different opinions about whether a leader is expected to use his or her own judgment or reflect the viewpoints of his or her constituency.

Poll results must be carefully and accurately compiled and reported. This is not always an easy task, especially for tracking polls that are measuring changing public opinion. A good example is an ELECTION POLL. Statistics that are a week old are not usually very reliable when trying to predict a close presidential race.

Polls can never be completely accurate because a sample cannot replicate the universe exactly. Pollsters allow for this slight chance of inaccuracy with a MARGIN OF ERROR. Standard samples of about 1,000 to 1,500 individuals can usually represent a universe of millions of people with only a small amount of error. A typical margin of error — a measure of the accuracy of a public opinion poll — is about 3%. In a poll that says that 52% of the respondents favor Janet Smith for Mayor, somewhere between 49% (-3) and 55% (+3) of the voters do support her. You can see how predicting a close election can be very difficult.

Given the challenges of accurate polling of public opinion, it is amazing that polls that follow the right steps almost always make the right predictions. They've come a long way since George Gallup helped his mother-in-law win her election in 1932.

4d. Participating in Government



Citizens gather in massive groups to show that they support a particular idea or agenda, in hopes that they will influence the political process. Marches, letter-writing campaigns, and political rallies (like this one for Al Gore) are all methods of participating in government.

People may participate in politics in many ways. They can write their Representative or Senator or work in for a candidate or political party. They can make presentations to their local school board or city council or call the police to complain about the

neighbor's dog. Partly because of our federalist system, people have many opportunities to participate in our democracy on federal, state, and local levels. Some forms of participation are more common than others and some citizens participate more than others, but almost everyone has a voice in government.

Who Participates and Why?

Experts have found several social and economic characteristics to be strongly associated with high levels of POLITICAL PARTICIPATION:

- **Education.**

The single most important characteristic of a politically active citizen is a high level of education. Generally, the more education an individual has, the more likely he or she is to VOTE. Why? Perhaps because the well-educated understand complex issues better, or maybe they have learned the importance of CIVIC RESPONSIBILITY. Or it could just be that their occupations are more flexible in allowing them to take time to go to the polls. Others argue that since educated people tend to be wealthier, they have more at stake in the political process.



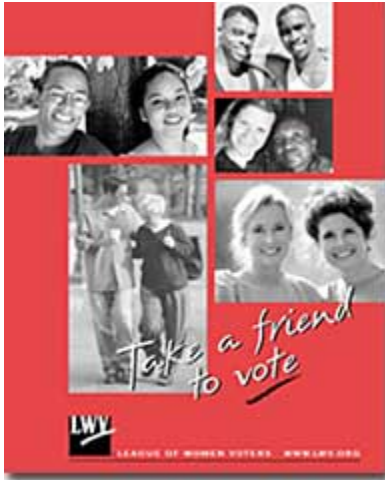
One-way citizens can participate in government is by protesting ideas, policies, or agencies. Here, some high school students protest inhumane labor practices around the world by taking off their shirts to reveal slogans, rather than wearing clothes made by sweatshop labor.

- **Age.**
Despite the big push in the early 1970s to allow 18-year olds to vote, 18-24-year olds have consistently held the lowest rate of voting. In fact, in recent years their older siblings (age 25-34 don't do a whole lot better. The highest percentages of eligible voters who actually vote are in those groups 45 and above.
- **Racial and Ethnic Groups.**
If only race and ethnicity are considered, whites have higher VOTING RATES than do blacks and Latinos. However, that tendency is somewhat deceptive. Some studies that control for income and education levels have found that the voting rates are about the same for whites, blacks, and Latinos.
- **Gender.**
For many years women were underrepresented at the voting booths, but in recent elections, they have turned out in at least equal numbers to men. In fact, in 1992 and 1996, turnout among women exceeded that of men.

Declining Voter Turnout

Since the beginning of the 20th century, American VOTER TURNOUT has been on the decline. Fewer than 50% of eligible voters went to the polls during the 1996 presidential election. Smaller percentages are routinely reported for congressional elections, and even fewer Americans bother to vote for their local representatives. The United States ranks near the bottom of modern democratic nations who measure voter turnout.

There are many factors that could contribute to low voter turnout. Many analysts cite growing alienation among voters. The scandals of the past several decades have engendered a cynicism that has led to a decrease in political interest, particularly among the nation's young voting population. There tends to be a correlation between SELF-EFFICACY — or the belief that an individual can make a difference — and voting. Some observers believe that the decline in voter turnout indicates that Americans feel less certain that they can have an impact than Americans of the 19th century.



The League of Women Voters encourages people to "take a friend to vote" when they go to the polls as a way of increasing voter turnout and participation in government.

Other analysts feel differently. They argue that American nonvoting may be a passive vote of confidence. Since many Americans are pleased with economic progress, they may feel reluctant to make a change, so they stay at home on Election Day. Also, American participation in political activities other than voting exceeds that of other modern democracies. More Americans report the willingness to participate in community projects, attend school board meetings, or contact their representatives directly than European citizens. Participation takes many forms. The American democracy enables its people to join a political party, work on a campaign, or contribute money toward a political cause. More locally, citizens form action groups, draw up petitions, and send mail to their representatives. Although American voter turnout has been declining, these other avenues of participation remain strong.

4e. Voting: A Forgotten Privilege?



Courtesy of WRAL Online

Voter participation is lower in local elections, especially in years when there are no presidential elections. This woman votes in a mayoral election in Raleigh, NC.

Voting is at the heart of democracy. A vote sends a direct message to the government about how a citizen wants to be governed. And yet, only 48.8 % of eligible voters cast their BALLOTS in the 1996 presidential election. That figure represents the lowest general presidential election turnout since 1824. In off-year elections (those when the president is not running) the statistics are even worse. Why don't people vote?

Aside from voter attitudes, there are institutional barriers that could be impacting voter turnout. Among the most commonly cited examples are the following:

1. Difficulty of Registration.

About a hundred years ago, both political parties were caught STUFFING BALLOT BOXES with bogus votes, and the states decided to make it more difficult for a person to vote. So, most of them set up a host of VOTING REQUIREMENTS, including REGISTRATION at least 10 to 30 days before an election. Most other democracies make it much easier for a citizen to vote. For example, some countries automatically register their citizens to vote. In the United States, the citizen is responsible for his or her own registration. States that have permitted same-day registration have seen slightly higher voting rates than other states.

2. Difficulty of Absentee Voting.

Even if you remember to register ahead of time, you can only vote in your own precinct. If you are going to be out of town on Election Day, you must vote by ABSENTEE BALLOT. States generally have stringent rules about voting absentee. In some, you must apply for your ballot in person.

3. The Number of Offices to Elect.

Americans elect more people to public office than do citizens of any other democracy. For example, in Britain the only national vote cast by citizens is for their representatives to Parliament. In the United States, we vote for REPRESENTATIVES, SENATORS, as well as the President and VICE-PRESIDENT. We also vote for GOVERNORS, Senators, and Representatives on the state level. In some states, a citizen may vote for many other state officials, such as LIEUTENANT GOVERNOR, Judges, and STATE COMMISSIONERS. And we have special local elections for school board, MAYORS, and CITY COUNCIL members. With so many elections and CANDIDATES — largely due to our system of federalism — elections are frequent. Someone is being elected to some office almost every week in United States. Such frequent voting can depress turnout.

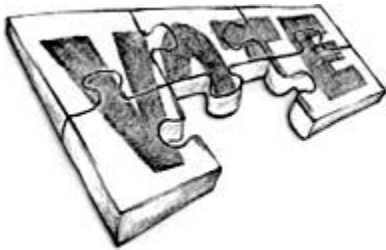
4. Weekday Voting.

In many other democracies, elections take place on weekends. By law, national general elections in

the United States are held on the Tuesday after the first Monday in November in even-numbered years. Most state and local elections are also held during the week. Many people find it difficult to get off work to go vote.

5. Weak Political Parties.

In many countries, parties make great efforts to get people to the polls. Even in earlier days in the United States, parties called their members to ensure that they registered and voted. Parties also would often provide transportation to the polls. American political parties today are not as strongly organized at the "GRASS ROOTS" — or local — level.



The Center for Voting and Democracy posed the question "Why don't we vote?" to young people across the United States.

The Motor-Voter Law

How can the United States improve its voter turnout? A major reform of recent year aims at the difficult registration process. In 1993, Congress passed the NATIONAL VOTER REGISTRATION ACT, more commonly known as the "MOTOR-VOTER" LAW. The act requires states to allow people to register to vote when applying for a driver's license. The legislation took effect in 1995, but it did not improve voter turnout in the 1996 presidential election.

However, its supporters estimate that an additional 50 million people will eventually be registered because of the law. Critics say that it will increase voter fraud and that it will be expensive for the states to implement. Some Republicans have expressed fears that the law was a gimmick to register more inner-city Democrats.

Perhaps the medium that could herald the greatest change is the Internet. The connected world of cyberspace allows for the potential of easier registration, more convenient voting, and a host of new ways of participating in the American democracy.



5. How Do Citizens Connect with Their Government?



One of James Madison's many contributions to The Federalist Papers was an essay that outlined his vision of Congress as a body of chosen individuals that the public could submit their ideas to for debate, refinement, and, ultimately, implementation for the public good.

It's a big country out there. Not only does the United States have nearly 300 million CITIZENS, it has so much territory that most Americans live a long way from the White House.

Sure, state and local governments allow many more opportunities to get in touch with government, but in some ways, federalism just makes government more confusing and unapproachable. Yet a democracy depends for its very livelihood on meaningful contacts between the people and the government. How does this happen in modern America?



Although the members of the House of Representatives represent the views of the people, population growth has made it, so each member is now responsible for almost 65,000 citizens. This makes "linkage groups" like political parties and the media vital to keeping people informed and involved.

The founders intended for members of Congress to provide the link between citizens and government. James Madison explains in Federalist #10 that public views are refined and enhanced "by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country..." Today, however, each House member represents almost 65,000 people.

How Do Citizens Connect With Their Government?

In the modern United States, four types of groups, known as "LINKAGE" INSTITUTIONS, play a vital role in connecting citizens to the government. They are not officially a part of the government, but without them, a democracy would be very difficult to maintain. These groups in American politics include the following:

- **POLITICAL PARTIES** represent broad points of view — or IDEOLOGIES — that present people with alternative approaches to how the government should be run. Each party seeks political power by electing people to office so that its positions and philosophy become public policy. For example, both the Republican and Democratic candidates for President present competing plans for solving a wide array of public issues. People, then, link to their government by identifying themselves as "Democrats," "Republicans," or "Reform" party members, for example.



Citizens get the vast majority of their political and governmental information from the media, which includes television, print journalism, radio, and now the Internet. Here, former Independent Prosecutor Kenneth Starr faces the media upon exiting his office.

- **CAMPAIGNS** and elections involve citizens by reminding them of their ultimate power — the vote. Campaigns today are increasingly elaborate and long, costing millions of dollars, and attracting the public's attention in any way they can. For all the expense and glitz, the process of electing government officials provides citizens with vital information regarding issues and candidates' qualifications for office.
- **INTEREST GROUPS** organize people with common interests and attitudes to influence government to support their points of view. They generally represent only one issue or a closely related set of concerns. So, people can organize according to their profession, business, corporation, or hobby — yet another way to "link" to government.



Here, the symbols of the Democratic and Republican parties engage in some good-natured ribbing.



- The **MEDIA** play an important role in connecting people to government. Most of us find out about candidates for office, public officials' activities, and the burning issues of the day through television, newspapers, radio, and the Internet. The media's power to shape the American mind has often been criticized, but it also allows people to give feedback to the government.

The United States is far too large a country to operate effectively as a direct democracy. Even with elected representatives in Washington and in state capitals, it is still difficult for modern Americans to participate in their government in meaningful ways. Democracy still works though, partly because linkage institutions make important connections that allow the government to hear what its people are saying.

How Do Citizens Connect With Their Government?

5a. Political Parties



During the 1860s, Thomas Nast — a cartoonist for the magazine *Harper's Weekly* — developed the idea of using the donkey and the elephant to represent the Democrats and Republicans, respectively. The above cartoon — titled "Stranger Things Have Happened" — dates from 1879.

From the beginning, American political parties have had a tarnished reputation. In his 1796 FAREWELL ADDRESS to the nation, GEORGE WASHINGTON warned against "the baneful effects of the spirit of party" as inciting American citizens "with ill-founded jealousies."

Today many Americans take pride in their status as "INDEPENDENT VOTERS," partly because they see parties as lacking vision for the country. Since many Americans have become disenchanted by partisan politics, they avoid identification as a "loyal Democrat" or a "staunch Republican." These negative attitudes toward parties are rooted in the roles that they play in American politics.

Roles of Political Parties

- **Running candidates for political office.** Parties select candidates for many elected positions in American politics. With so many officials to choose, most voters would be overwhelmed by the decisions they would have to make if candidates did not wear party "labels." Parties present policy alternatives for voters. Some voters even choose a straight ticket, or candidates from the same party for all positions in that election.



Thomas Jefferson opposed the views of Alexander Hamilton and John Adams regarding centralized government and states' rights; and in doing so helped to build the foundation of the modern Democratic Party.



- **Checking the other party.** A party that does not hold the majority in Congress often keeps the party in power from taking complete control. Party leaders can publicly criticize actions of a President who was elected by the opposite party. The criticism of "PARTISANSHIP" comes from this party role because many Americans think that the "checking" becomes petty and self-serving.
- **Informing the public.** Parties take stands on issues and criticize the points of view of the other parties. Their well-publicized discussions help to inform citizens about important issues and present alternative ways of solving societal problems.
- **Organizing the government.** Congress and the state legislatures are organized according to party affiliations. LEGISLATIVE REPRESENTATIVES usually support their party's position when considering potential laws and policies, and most votes fall roughly along party lines. Virtually all candidates run for public office with party labels that define their behavior after they win.

Why a Two-Party System?



The Green Party encourages its members to work in grassroots efforts on issues of ecology and social equality. In both 1996 and 2000, consumer advocate Ralph Nader was the Green Party nominee for President.

Most other democratic nations have multi-party systems. Even though third parties have popped up regularly throughout American history, they have either died, or their ideas have been absorbed by a major party. Three good reasons for the American two-party system include the following:



Alexander Hamilton contributed to laying the framework of the modern Republican Party. His support for the ratification of the U.S. Constitution led to the formation of the Federalist Party, which fizzled out by 1824.



- **Consensus of Values.** It is easy to complain about petty bickering between Democrats and Republicans. What we sometimes forget is that Americans share a broad consensus, or agreement, of many basic political values. Both parties believe in liberty, equality, and individualism. Neither advocates that the Constitution be discarded. Both parties accept the election process and concede defeat to the winners. In many countries with multi-party systems, the range of beliefs is greater, and disagreements run deeper. For example, in modern day Russia, one party advocates a return to communism, some offer modified SOCIALISM and/or capitalism, and one promotes ULTRA-NATIONALISM.
- **Historical Influence.** The nation began with two political parties — the Federalists and the DEMOCRATIC-REPUBLICANS. During early American history politicians tended to take sides, starting with the debate over the Constitution, and continuing with the disagreements between two of George Washington's cabinet members — Alexander Hamilton and Thomas Jefferson. The tendency has persisted throughout American history.
- **The Winner-Take-All System.** The single most important reason for a TWO-PARTY SYSTEM is the WINNER-TAKE-ALL electoral system. In contrast to systems with proportional representation, the winner in American elections is the one who receives the largest number of votes. The winner does not need to have more than 50 percent, but only one vote more than his or her opponents. If a third party receives 15% of the vote for every contested Senate seat, that party wins zero seats in the United States Senate. Consequently, one of the two major parties almost always wins a PLURALITY, and third parties are completely shut out of national offices.

Even though political parties are often regarded as "necessary evils," they still play an important role in American government and politics today. The two broad-based major political parties offer alternatives to voters and help connect citizens to their government.

How Do Citizens Connect With Their Government?

5b. Campaigns and Elections

Collectively on all levels of government, Americans fill more than 500,000 different PUBLIC OFFICES.

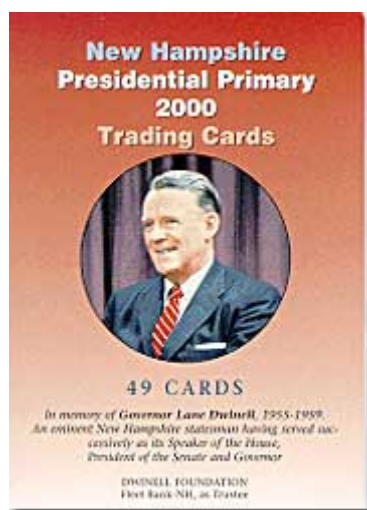


The "winner-take-all" system of elections in the United States has many benefits, including a stable government administered almost exclusively by two parties. But one drawback is that third parties whose platforms differ from those of the Republicans and Democrats find it hard to compete.

Elections form the foundation of the modern democracy, and more

elections are scheduled every year in the United States than in any other country in the world. Campaigns — where candidates launch efforts to convince voters to support them — precede most elections. In recent years campaigns have become longer and more expensive, sparking a demand for campaign finance reform. No one questions the need for campaigns and elections, but many people believe that the government needs to set new regulations on how candidates and parties go about the process of getting elected to public office.

Types of Elections



The New Hampshire presidential primary has been first in the nation since 1920. This is so important to the state's political identity that in 2000, it began issuing "Presidential Primary Trading Cards."



- **PRIMARIES.** One reason that the process of campaigning is longer and more expensive is that primary elections now play such an important role in nominating candidates for office. Until the late 19th century, party activists generally selected candidates. Then primary elections were invented as part of a movement to democratize party nominations, and over the years, most states have adopted them. DIRECT PRIMARIES allow all party members to vote to choose the party's candidate for the general election. Most states conduct CLOSED PRIMARIES, in which only registered party members may vote for their party's nomination. A few states allow voters to choose the party primary in which they want to vote on primary election day — a process known as OPEN PRIMARIES. Primaries are usually held in the spring before the general election in the fall.
- **GENERAL ELECTIONS.** By law, candidates for Congress must be selected on the Tuesday after the first Monday in November in even-numbered years. The President and Vice-President have four-year terms, so they are only selected in every other general congressional election. State and local elections can be held at the same time and on the same ballot with national candidates, but sometimes they are elected in odd-numbered years or at other times of the year. For most elected positions, 50% of the vote is not required, but candidates need to win more votes than anyone else.

Federal Election Commission

UNITED STATES OF AMERICA

The primary function of the Federal Election Commission (FEC) is to administer and enforce the Federal Election Campaign Act (FECA) — the statute that governs the financing of federal elections.

Presidential Campaigns

Campaigns can be very simple or very complex. Running for the local school board is relatively simple. Candidates may just be required to file their names, answer a few questions from the local newspaper, and sit back and wait for the election. Running for President is altogether different. Today it is almost impossible to mount a campaign for the presidency in less than two years. How much money does it take? It certainly involves millions of dollars.

How Do Citizens Connect With Their Government?



The Nixon-Kennedy debate in 1960 was the first televised debate between nominees from the major parties. This debate is still studied by scholars interested in the effect of the media on presidential politics.

Even the decision to run can be an expensive process. Potential candidates typically launch "EXPLORATORY COMMITTEES" that involve extensive polling and fund-raising activities. Once potential candidates announce their candidacy, they must campaign for the primaries. Because primaries are conducted by states over several months in the spring before the election, candidates must crisscross the country, spending lots of time and money in the process. By tradition, the first primaries (Republican and Democratic) are held in New Hampshire in February, and the winners usually get a great deal of attention. As they mount their next campaigns, the winners often get more contributions than the losers, and so a phenomenon known as front-loading is created. The candidates who win the first few primaries almost always tend to win the later ones.

PARTY ACTIVISTS gather at the PARTY CONVENTIONS held in the summer to nominate their candidates formally. In the days before primaries, the party's selection was often uncertain going in to the convention. Today, however, the primaries make the decision. The candidates also announce their vice-presidential running mates at the summer conventions.

After the conventions, the race for the general election begins. Since most American voters identify themselves as MODERATES, candidates often shift their messages to "capture the middle." Presidential and vice-presidential DEBATES, usually held in October, have become an important part of recent campaigns.

As campaigns become more expensive across the country, candidates, government officials, and outside agencies have called for limits on where money can come from. The intent of these limits would be to return power to the ELECTORATE and take it out of the hands of SPECIAL INTEREST GROUPS. Others believe that to limit campaign contributions in any way would take away the first amendment rights of individuals and groups to express their opinion on issues and candidates.

The expense and length of modern American elections and campaigns has become one of the biggest issues in politics today. Some recommend that political party spending be more closely monitored, and others believe that overall spending caps must be set. Still others advocate national, not state, control of the primary process in order to reduce the length and expense of campaigns. Whatever the criticisms, American elections and campaigns represent a dynamic and vital link between citizen and government.



5c. Interest Groups



When controversy erupted over whether to keep both the Boy Scouts and Girl Scouts as single-sex organizations, representatives from both groups exercised a form of lobbying — they testified before Congress at hearings on the issue.

So, the election is over. How can the average American remain involved in politics without waiting for the next election? One chief means of influencing the American government is by joining an INTEREST GROUP — an organization that pressures elected officials to enact legislation favorable to its causes.

Types of Interest Groups

There are three major types of interest groups. Animal rights groups such as People for the Ethical Treatment of Animals (PETA) and environmental interest groups such as GREENPEACE usually organize as PUBLIC-INTEREST GROUPS. These groups claim to work not for self-interest but for the best interest of the public.



The National Organization for Women (NOW) pressures Congress and other legislative bodies to adopt laws and measures that they feel most benefit American women. They also work hard to get more women into elected office.

Underpaid professional workers may organize as groups. Lawyers belong to the AMERICAN BAR ASSOCIATION, doctors belong to the AMERICAN MEDICAL ASSOCIATION, and teachers belong to the NATIONAL EDUCATION ASSOCIATION or the AMERICAN FEDERATION OF TEACHERS. Labor unions such as the AFL-CIO and the TEAMSTERS' UNION to protect workers in factories or businesses.

The most common type of interest group is formed around businesses, corporations, and trade associations. Part of their reputation for power is based on the fact that they represent about half of all interest groups in Washington. People who criticize interest groups for having undue power in government believe that the business groups get special privileges for people who already have more wealth and power than ordinary citizens. For example, the oil and tobacco industries each have interest groups who promote their respective interests on CAPITOL HILL.

How Do Citizens Connect With Their Government?

How Interest Groups Work

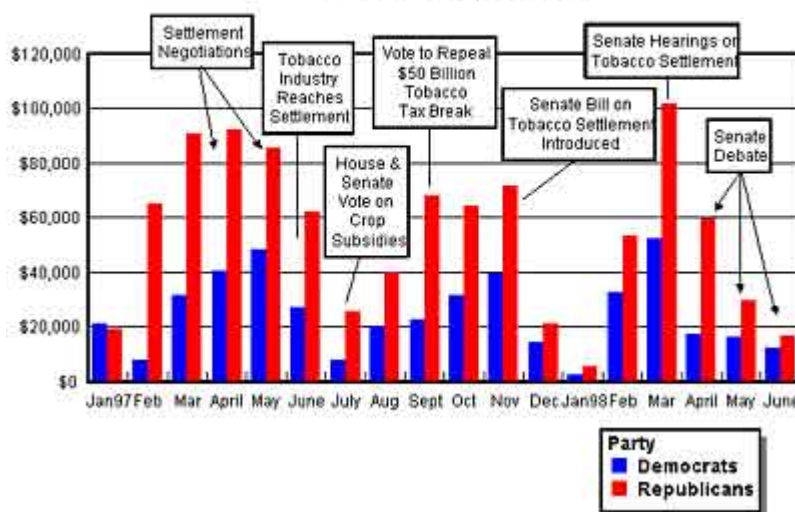
Interest groups send representatives to state capitals and to Washington, D.C. to put pressure on members of Congress and other POLICYMAKERS. They engage in LOBBYING, or the organized process of influencing legislation or policy. Lobbying can take many forms. Interest groups can testify in CONGRESSIONAL HEARINGS. For example, several years ago, when Congress was considering discrimination in private clubs, representatives of the Boy Scouts and the Girl Scouts appeared in hearings to try to persuade Congress to allow each one to remain a single-sex organization. Lobbyists also contact government officials directly or informally, present research results and technical information, talk with people from the press and the media, and sometimes even help to draft legislation.



The AFL-CIO is a massive labor union organization, with over 13 million members in 68 individual unions across America.

Why should the politicians listen? Interest groups also actively involve themselves in political campaigns. This electioneering is intended to help elect candidates who favor their positions or to defeat those who oppose them. It is generally conducted by POLITICAL ACTION COMMITTEES (PACs), who serve as special political arms for the interest groups.

**Tobacco PAC Contributions
Month by Month
1997-98 Election Cycle**



This chart outlines the donations of political action committees (PACs) that represent the tobacco industry from January 1997 to June 1998. Notice how the levels of giving fluctuate given the corresponding congressional action.



The number of PACs has grown rapidly since the early 1970s, when CAMPAIGN FINANCE REFORM laws were passed that restricted individual contributions to campaigns. PACs have changed the face of American elections. They have contributors who write checks to them specifically for the purpose of CAMPAIGN DONATIONS. For example, if a person wants to support candidates who oppose gun control, he or she can contribute to the PAC that represents the NATIONAL RIFLE ASSOCIATION. The PAC, then, will make direct contributions to individual campaigns of selected candidates.

Do interest groups corrupt government by "buying" influence? Critics believe that they do because more money comes from businesses and corporations than from any other source. This, they contend, gives them a connection to government that ordinary people do not have. From another point of view, everyone is free to form and join interest groups. So many exist that there is literally a group for everyone. These multiple contacts make the American democracy stronger, because they give the opportunity for all Americans to have better access to their government.

How Do Citizens Connect With Their Government?

5d. The Media



Ronald Reagan's ability to use the media to reach the people helped him land the nickname "The Great Communicator." Here, Reagan steps to the podium to deliver a speech at the 1984 Republican National Convention.

*"I view this as a mini-series that has to be told over four nights."
Andy Card Co-chair of the 2000 Republican Convention*

Does the media primarily report politics, or does it shape political events? The quote above certainly reflects the power of the media to determine the course of major political events. The purpose of a political party convention is to formally nominate a presidential candidate, but of course the party wants to win votes in the general election. When politicians play to the media, does the media then control politics? Many people today criticize television, radio, newspapers, magazines, and the Internet for unfairly using their power as a major link between citizens and their government. Do the media fairly explore issues, or do they impose their own positions?

The influence of the media is increased by the fact that campaigns today have become more focused on the individual than on the party. To win primaries, individual candidates seek media attention to gain attention from voters. As a result, do voters hold political power, or has the media simply replaced political parties as the primary force behind candidate selection?

The Political Influence of the Media

The media can shape government and politics in many ways. Here are a few:



The Cable Satellite Public Affairs Network — better known as C-SPAN — has been bringing live, commercial-free coverage of House of Representatives and the Senate sessions into homes since 1979.

- **1. By influencing political opinions of voters.** Not surprisingly, the voting behavior of people who are actively interested in politics is probably not changed by the media. Committed Democrats and Republicans selectively learn what they want to from media sources. However, the media can SWAY people who are uncommitted or have no strong opinion in the first place.

How Do Citizens Connect With Their Government?

Since these voters often decide elections results, the power of media in elections can be substantial.

- **2. By determining the behavior of candidates and officials.** Many good politicians have learned that they can succeed — in getting elected and in getting things done — if they know how to use the media. President Franklin Roosevelt was famous for his "FIRESIDE CHATS," in which he soothed the pain of economic depression and war by talking to citizens over the radio. President Ronald Reagan's skills as a film and television actor enabled him to communicate very effectively with American voters. Government officials and candidates for office carefully stage media events and PHOTO OPPORTUNITIES. Critics believe that too much attention is focused on how politicians look and come across on camera, rather than on how good a job they are doing in public service.
- **3. By setting the public agenda.** Most Americans learn about SOCIAL ISSUES from print or electronic media. The fact that the media focuses on some issues and ignores others can help set what gets done in government. Media sources have often been accused of emphasizing scandal and high-interest issues at the expense of duller but more important political problems. The government's priorities can be rearranged as a result.



Who are these people? Gary Hart had a good chance of becoming President in 1988, but when his affair with Donna Rice was revealed by the press, he was forced to abandon his campaign.

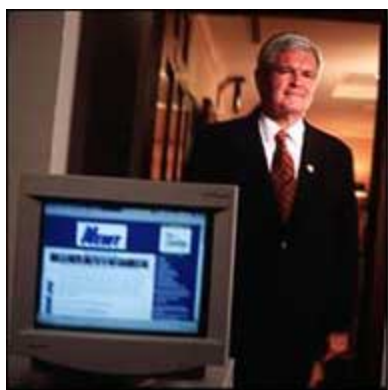
The media clearly has a great deal of power in American politics today. Is that a good or a bad thing for government? From one point of view, the media abuse their power, especially since they are driven by profit motive to give people what they want, not necessarily what they need. On the other hand, perhaps the media serves as an important player in a modern "checks and balances" system. Reporters function as "WATCHDOGS" to be sure that Presidents, Representatives, and Justices do not abuse their powers. The media in turn is checked by government regulations, by skilled politicians, and by the people's own good judgment.

How Do Citizens Connect With Their Government?

5e. The Internet in Politics

Not since television has an innovation had the potential to impact politics greater than the INTERNET. With more and more Americans getting wired, the ability to reach millions of voters will be a lure which no politician can resist.

In the year 2000, the Internet has not eclipsed the influence of newspapers, radio, or television. However, cyberspace has an advantage over the older news sources. The Internet is an interactive medium, allowing citizens to send information as well as receive it — in real time.



Danuta Otfinowski

Former Speaker of the House, Newt Gingrich, actively supported the Internet since the early 80s. He spearheaded congressional bills that placed the Internet in schools, homes, and businesses across the country.

In 1996, all major presidential candidates developed WEBSITES to support their campaigns. NEWSGROUPS have been created to cover the entire political spectrum. Interest groups have reached new audiences on the World Wide Web, creating the potential for an even greater influence in Washington. FRINGE ORGANIZATIONS on the far left and the far right have used the relatively unregulated medium — free from profit motive or government control — to broaden the support networks.

Voting via the Internet has been tested and used in elections across the country during the November 2000 election. Proponents say that such a method will increase voter participation by making it easier, faster, and more accessible to vote. Opponents of Internet voting say that it is too easy to tamper with and DISENFRANCHISES lower-income voters who do not have computer access.

Given its interactive capabilities, why not let citizens vote directly online? Two states already experimented with this in the presidential primaries in the 2000 contest. A voter could register online, and later cast his or her vote into CYBERSPACE.

The original idea of direct democracy was to let all citizens vote on all issues. With a nation as large as the United States, it became unfeasible to assemble the citizenry for such direct involvement to take place. The Internet could turn that impossibility into a reality. Rather than letting the Senate and House of Representatives to vote on an issue, why not create a national referendum and permit Americans to voice their opinions in an online vote? Supporters and opponents of a bill could post information pertinent to the issue on a web page. Debate could take place informally in chat rooms. Optimists point to the potential of the Internet to create a more democratic America.

Use of the Internet in this fashion has critics as well. Fears of a malicious hacker breaking into a voting site and shutting it down or tampering with the results have led most states to proceed cautiously. A technological gap still exists between connected Americans and those without the financial means to own a computer or pay for Internet service.



Some intellectuals question the expertise of the average American to cast important votes on policy matters. Until these questions get resolved, the use of the Internet in the political arena remains mostly potential. But at the dawn of the 21st century, even the naysayers see the revolutionary changes on the horizon introduced by this exciting new medium.

Regardless, the Internet is already a powerful tool for delving into political issues and delving into the history of the United States. After all, it is the medium you are currently using.

Congress: the People's Branch?

6. Congress: The People's Branch?



The United States Capitol building, the home of both the House of Representatives and the Senate.

The Congress makes laws.

Despite promises made by presidential candidates, the President has no direct power to pass any LEGISLATION. This very important power lies solely with the House of Representatives and the Senate.

The People's Influence

Americans elect their Senators and Representatives. One very important question posed by a democratic government involves how elected representatives should behave once sworn into office. Should members of Congress reflect the will of the people, or should they pay attention to their own points of view, even if they disagree with their constituents? Many considerations influence the voting patterns of members of Congress, including the following:



Congress is a symbol of the people's political power. Here, a Texas Congressman talks with students about violence in schools.

- **Constituents' Views.** Members of Congress often visit their home districts and states to keep in touch with their CONSTITUENTS' views. They also read their mail, keep in touch with local and state political leaders, and meet with their constituents in Washington. Some pay more attention than others, but they all must consider the views of the folks back home. Completely ignoring one's CONSTITUENCY would be foolhardy if the politician hoped at all to be reelected.

Congress: the People's Branch?

- **Party Views.** Congress is organized primarily along party lines, so party membership is an important determinant of a member's vote. Each party develops its own version of many important bills, and party leaders actively pressure members to vote according to party views. It is not surprising that Representatives and Senators vote along PARTY LINES about three-fourths of the time.
- **Personal Views.** What if a Representative or Senator seriously disagrees with the views of his constituents on a particular issue? How should he or she vote? Those who believe that PERSONAL VIEWS are most important argue that the people vote for candidates whose judgment they trust. If the people disagree with their decisions, they can always vote them out of office.

The Nature of Democratic Discourse

GRIDLOCK can occur when the legislative branch of Congress and the executive branch of the President are led by different political parties. Coming to agreement on new legislation during these periods of divided government can prove difficult. American voters can become frustrated by the inability of their leaders to move forward.



The Continental Congress (1774-1789) began as a tool to organize against Britain but became the body that would discuss the responsibilities of independence.

Yet this expectation for a smoothly running government contradicts the very nature of democratic discourse. How can representatives resolve the differences if they do not discuss them, argue about them, and eventually take sides on a solution? The nature of democratic discourse is to hear from everyone, hammer out compromises, and make decisions based on the process.

Voters may think of their own Representatives or Senators as good people fighting the corruption and selfish greed of the others. Incumbent candidates often encourage this thinking like by claiming to have "saved" the district from disaster through their good works. It helps them win elections.

Despite all the complaints about divided government, Americans seem to prefer it based on their voting patterns. Since 1981, the same party has controlled the presidency, the House, and the Senate for only two years. Divided government prevents any one party from moving too quickly with their legislative agenda. Perhaps this cautious approach to new legislation is exactly what Americans want.

Congress: the People's Branch?

6a. The Powers of Congress



In 1789, Federal Hall in New York City became the home of the first U.S. Congress. By 1790, Congress moved to the new capital of Philadelphia.

At its creation in 1789, the legislative branch was the most innovative.

Rule by kings and emperors was an old style of government, and the legislature in many ways represented the new.

Almost certainly, the founders intended Congress to have more important powers than the President and the Supreme Court. However, they placed many checks and balances on the legislature that have prevented absolute power in the hands of one branch. Founders controlled power not only by checks from the other branches, but by creating a bicameral, or two house, Congress — the SENATE and the HOUSE OF REPRESENTATIVES. The powers of Congress, then, are both constitutional and evolutionary.

Constitutional Powers



Metallica drummer Lars Ulrich testified before the Senate Judiciary Committee investigation into Napster and other music "piracy" websites. Power over the copyrights he tried to protect are addressed in Article I of the Constitution.

The Constitution specifically grants Congress its most important power — the authority to make laws. A BILL, or proposed law, only becomes a law after both the House of Representatives and the Senate have approved it in the same form. The two houses share other powers, many of which are listed in Article I, Section 8. These include the power to declare war, coin money, raise an army and navy, regulate commerce, establish rules of immigration and naturalization, and establish the federal courts and their jurisdictions.

Article I of the Constitution

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.



Section. 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.\

No Person shall be a Representative who shall not have attained to the Age of twenty-five Years and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons [Modified by Amendment XIV]. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof [Modified by Amendment XVII], for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies [Modified by Amendment XVII].

No Person shall be a Senator who shall not have attained to the Age of thirty Years and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall choose their other Officers, and a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States. The Senate

Congress: the People's Branch?

shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on OATH OR AFFIRMATION. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.



When the federal budget is not approved by Congress, employees don't get paid and many federal services stop. There have been multiple government shutdowns in the last 20 years.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December [Modified by Amendment XX], unless they shall by Law appoint a different Day.

Section 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a JOURNAL OF ITS PROCEEDINGS, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except TREASON, FELONY and Breach of the Peace, be privileged from Arrest during their Attendance at



the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7. All Bills for raising REVENUE shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States: If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of ADJOURNMENT) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States; To borrow Money on the credit of the United States;

To regulate COMMERCE with foreign Nations, and among the several States, and with the Indian Tribes;

To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States; To establish Post Offices and post Roads;



To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the MILITIA to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;

And To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No TAX or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State



over those of another; nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the TREASURY, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No TITLE OF NOBILITY shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10. No State shall enter into any TREATY, ALLIANCE, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or DUTIES on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws; and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep TROOPS, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

The Constitution also gives each house of Congress some special, exclusive powers. Such powers given to the House of Representatives include the following:

- **REVENUE BILLS** must originate in the House of Representatives. Although this power is still honored today, it tends to have blurred over the years. Often budget bills are considered simultaneously in both houses. For example, current discussions of possible tax cuts are taking place not only in both houses, but in the executive branch as well.
- **Impeachment power**, the authority to charge the President and other "civil officers" with wrongdoing, is given to the House. A simple majority vote can impeach an elected official.

Special, exclusive powers given to the Senate include the following:

- **Major presidential appointments** must be confirmed by the Senate. The Senate offers "ADVICE AND CONSENT" to the President by a majority vote on the appointments of federal judges, ambassadors, and Cabinet positions.
- **Treaties with other nations** entered into by the President must be approved by a TWO-THIRDS VOTE by the Senate. This provision is an illustration of checks and balances, and it has served as a very important restriction to foreign policy powers of the President.



- **An IMPEACHMENT TRIAL** occurs in the Senate. If the House votes to impeach an elected official, the accused party gets a hearing in the Senate. A two-thirds majority can convict the individual and remove him or her from office.

Important Constitutional Differences Between the House and the Senate

House	Senate
Initiates all revenue bills	Must confirm many major presidential appointments
Initiates impeachment procedures and passes articles of impeachment	Tries impeachment officials
Two-year terms	Six-year terms (One-third up for reelection every two years)
435 members (apportioned by population)	100 members (two from each state)
	Approves treaties

Evolutionary Powers

The "elastic," or implied powers, clause gives Congress the authority to pass laws it deems "necessary and proper" to carry out its enumerated functions. Many Congressional powers that have evolved over the years are based on this important clause. Here are a couple.

- Oversight of the budget. Congress reviews and restricts the ANNUAL BUDGET prepared by the executive branch. When a law is passed setting up a government program, Congress must pass an authorization bill that states the maximum amount of money available. When the nation's budget is set, only Congress can set the appropriations — the actual amount available in a fiscal year — for each program that it has authorized.
- INVESTIGATION. Congress may investigate both issues that warrant study and wrongdoings by public officials. Through COMMITTEE HEARINGS, Congress has examined issues such as crime, consumer safety, health care, and foreign trade. Although Congress must abide by protected individual rights, their committees have examined many allegations against elected officials. Famous recent investigations include the WHITEWATER and the Clinton-Lewinsky hearings.

The American Congress has more power than any legislature among the world's modern democracies. The parliaments of Europe are often "arena" legislatures that provide a forum for debate on policies proposed by a powerful prime minister or president. Only the American democracy enables its legislature with the critical role of setting the lawmaking agenda.

Congress: the People's Branch?

6b. Leadership in Congress: It's a Party Matter



Republicans and Democrats in Congress continually battle each other on party lines, even though many claim that the parties are essentially the same.

Is walking the plank dangerous? Certainly, for a pirate. But for a politician, it may be prudent.

PARTISANSHIP — or fierce loyalty to one's political party — generally is not admired in the United States today. Many people today call themselves independent voters and bickering between the parties in

Congress is often condemned. But parties are very important in both the House of Representatives and the Senate today. Even though political parties do not play as big a role in elections as they once did, they still provide the basic organization of leadership in Congress.

After each legislative election the party that wins the most representatives is designated the "MAJORITY" in each house, and the other party is called the "MINORITY." These designations are significant because the majority party holds the most significant leadership positions, such as Speaker of the House. Usually, the same party holds both houses, but occasionally they are split. For example, from 1983-1985, the House majority was Democratic, and the Senate majority was Republican.



Coalition groups like the Blue Dog Democrats are trying to bridge the party gap in Congress.

At the beginning of each new Congress, the members of each party gather in special meetings to talk party policy and themes and to select their leaders by majority vote. Democrats call their meeting a "CAUCUS," and the Republicans call theirs a "CONFERENCE." Next, when each house convenes in its first session, Congressional leaders, such as the SPEAKER OF THE HOUSE and the MAJORITY LEADER in

the Senate, are selected. And even though the whole house votes for its leaders, the majority party makes the real selections ahead of time behind the scenes when they select party leaders.

House Leadership

Because the House has 435 members to the Senate's 100, House leaders tend to have more power over their membership than do Senate leaders. With 435 people trying to make decisions together, their sheer numbers require leaders to coordinate the lawmaking process. Political parties choose all top leadership positions.

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Speaker of the House. The Speaker is the most powerful member of the House of Representatives, and arguably, the most influential single legislator in both houses. Always a member of the majority party, the speaker's influence depends partly on strength of personality and respect of colleagues, but also on several important powers.



Speaker of the House Paul Ryan must address the media almost daily on issues discussed in the House of Representatives.

The Speaker:

- presides over proceedings on the House floor
- influences which bills go to which committees
- influences committee assignments for new members
- appoints the party's other leaders
- rules on questions of parliamentary procedure

THE MAJORITY LEADER usually the second ranking member of the majority party, is the party leader on the floor. Often hand-picked by the Speaker, the majority leader helps plan the party's legislative program. Many Speakers came to their positions by serving as majority leader first.

THE MINORITY LEADER heads and organizes the minority party. Because the party has less voting power than the majority party has, this person's influence is usually limited. If the minority party succeeds in the next congressional election, the minority leader could well be the next Speaker.

Senate Leadership



Elbridge Gerry was an early architect of partisanship. His election to the Massachusetts Senate was aided by redrawing district boundaries to include a majority of his own party members. This practice is called gerrymandering.

The Senate leadership is characterized by its highest positions actually having very little power. By Constitutional provision, the president of the Senate is the VICE PRESIDENT of the United States, who only can cast a vote in case of a tie. The Vice President rarely sits with the Senate, so a PRESIDENT PRO TEMPORE is selected to take his place. This role too is largely ceremonial, so the chair is often passed to a junior Senator.



The floor leaders are the real leaders in the Senate, although they generally have less power than do leaders in the House. The majority leader is usually the most influential person in the Senate. He has the privilege of beginning debates on legislation, and he usually influences choices for committee assignments. He shares his power with the minority leader, who leads the other party. Usually the two leaders cooperate to some extent, but the leader of the majority party always has the upper hand.

The major leadership positions — Speaker of the House, and majority and minority leaders in both houses — are based almost exclusively on party membership. Does this system encourage party loyalty above all else in members of Congress who want to get ahead? If that is the case, the impatience that Americans have with "partisan politics" is understandable.

Congress: the People's Branch?

6c. The Importance of Committees



A special committee investigated the government's actions in the 1993 tragedy involving a religious cult in Waco, Texas.

Bills begin and end their lives in COMMITTEES, whether they are passed into law or not. Hearings from interest groups and agency bureaucrats are held at the committee and subcommittee level, and committee members play key roles in floor debate about the bills that they foster.

Committees help to organize the most important work of Congress — considering, shaping, and passing laws to govern the nation. 8,000 or so bills go to committee annually. Fewer than 10% of those bills make it out for consideration on the floor.

Types of Committees

There are four types of congressional committees:

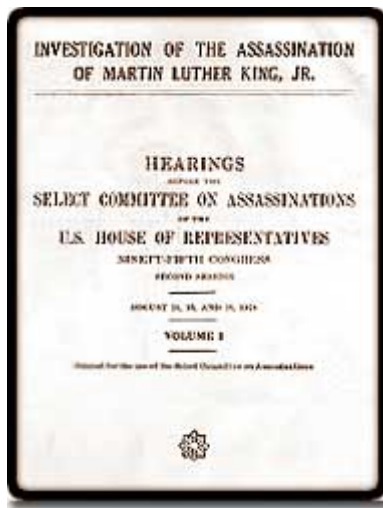
1. **STANDING COMMITTEES**, which continue from one Congress to the next, are probably the most important type because they consider and shape the vast majority of proposed laws. Standing committees can be combined or discontinued but most of them have been around for many years. Standing committees also conduct investigations, such as the Senate Banking Committee's investigation of President Bill Clinton's Whitewater investments.
2. **SELECT COMMITTEES** are temporarily formed for specific purposes, often to study a particular issue. They usually do not draft legislation. Some, like the select committees to investigate the assassinations of John F. Kennedy and Martin Luther King, are obviously intended to have limited lives. Others, like the Select Committee on Aging and the Select Committee on Indian Affairs, have existed for a number of years actually produce legislation. Sometimes long-standing select committees eventually become standing committees.



Most standing committees, such as the House Committee on Small Business, have their own websites and monthly journals to disseminate information to the people.

Congress: the People's Branch?

3. **JOINT COMMITTEES** have similar purposes as select committees, but they are made up of members from both the House and the Senate. They are set up to conduct business between the houses and to help focus public attention on major issues. Some joint committees handle routine matters, such as supervising the Library of Congress.



A select committee of Congress was established to investigate the assassination of Reverend Dr. Martin Luther King, Jr.

4. **CONFERENCE COMMITTEES** are specially created when the House and the Senate need to reconcile different versions of the same bill. A conference committee is made up of members from the House and Senate committees that originally considered the bill. Once the committee agrees on a compromise, the revised bill is returned to both houses of Congress for their approval.

Committee Assignments

After each CONGRESSIONAL ELECTION, political parties assign newly elected Representatives and Senators to standing committees. They consider a member's own wishes in making the assignments, but they also assess the needs of the committees, in terms of region of the country, personalities, and party connections.

Since the House has 435 members, most Representatives only serve on one or two committees. On the other hand, Senators often serve on several committees and SUBCOMMITTEES. Committee assignment is one of the most important decisions for a new member's future work in Congress. Usually, members seek appointment on committees that will allow them to serve their districts or state the most directly. However, a member from a "SAFE" DISTRICT — where his or her reelection is not in jeopardy — and who wants to be a leader in Congress, may want to be named to a powerful committee, such as Foreign Relations, Judiciary, or the HOUSE WAYS AND MEANS. There they are more likely to come into contact with current leaders and perhaps even gain some media attention.



Standing Committees of Congress

HOUSE COMMITTEES	SENATE COMMITTEES
Agriculture	Agriculture, Nutrition, and Forestry
Appropriations	Appropriations
Armed Services	Armed Services
Banking and Financial Service	Banking, Housing, and Urban Affairs
Budget	Budget
Commerce	Commerce, Science, and Transportation
Education and the Workforce	Energy and Natural Resources
Government Reform	Environment and Public Works
House Administration	Finance
International Relations	Foreign Relations
Judiciary	Governmental Affairs
Resources	Health, Education, Labor, and Pensions
Rules	Indian Affairs
Science	Judiciary
Small Business	Rules and Administration
Standards of Official Conduct	Small Business
Transportation and Infrastructure	Veterans Affairs
Veterans Affairs	
Ways and Means	

Congress: the People's Branch?

6d. Who Is in Congress?



Congressional candidates must visit with thousands of potential voters to show their compassion and to demonstrate their strength as leaders.

A paunchy, older, silver-haired man with no facial hair wearing an ill-fitting dark suit. This is the image evoked in the minds of many Americans when they try to picture a Representative or Senator. This stereotype is actually

grounded in truth, although the makeup of Congress has changed a great deal in the past few decades.

Personal Characteristics

Senators and Representatives come from all parts of the United States, but they do not reflect a true cross section of America. Overall, members of Congress tend to be older, wealthier, and better educated than those they represent. Nearly half of them are lawyers, and a large number come from business, banking, and education. Most of them are married with children, and about 60% are Protestants. Nearly all went to college, and many have advanced degrees as well.

However, this mix has changed considerably in recent years. For example, the 106TH CONGRESS (1999-2001) had 58 female Representatives and 9 female Senators. Although this does not reflect the ratio of the general population, it represents big increases over past years. The number of African American Representatives has also increased significantly, and there is a growing number of Representatives from other ethnic minorities.

Incumbency



This picture was taken on Pennsylvania Avenue in 1895, showing a gritty winter view of the nation's capital.

For the first 50 years after the ratification of the Constitution, Representatives and Senators usually only served for short periods of time. Travel was difficult, and before air-conditioning and the massive

swamp-draining that improved the comfort of Washington, D.C., the nation's capital was a pretty miserable town. Most served one or two terms and returned home to take local or state level office. Perhaps they had been rewarded with a federal judgeship. Today many Representatives and Senators are reelected as incumbents repeatedly.

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As career POLITICIANS, members actually live in two worlds. They must work with party leaders, colleagues, and lobbyists in Washington, as well as maintaining contact with their constituents at home. Most travel back to their home districts many times during the year. They give speeches, have meetings, discuss problems, and observe with their own eyes the needs of their district or state. Most have staffs in both places, and no matter which place they are, they must keep up with what is going on in the other.

Pay and Perks



Legislators dictate congressional salaries and authorize pay raises for the incoming Congress.

How well are members of Congress paid? Of course, the best part is that they get to set their own salaries. In the year 2000, the basic yearly salary for members of Congress was \$136,673. Congressional leaders, like the Speaker of the House and the Majority and Minority leaders, get more.

So, members of Congress are among the top 1% of the nation's wage earners. However, they are prohibited by law from supplementing their income through HONORARIA or paid speaking engagements. Also, legislators have expenses that most people do not have — two homes, entertainment of constituents, and campaign debt. And then of course, they do have some pretty big responsibilities.

Members of Congress are sometimes criticized for the number of perquisites — or perks — that they receive. For example, each member has an office, a large expense account, generous travel allowances, pension plans, and low-cost health coverage. They even have free postal service, a perk known as the FRANKING PRIVILEGE.

They come from all over the country. They still tend to be older white males, and most of them have been in office for a number of years already. They are well paid, but they have a great many important responsibilities. The calling of public service certainly has its benefits, but political life generates headaches that many Americans would just as soon do without.

Congress: the People's Branch?

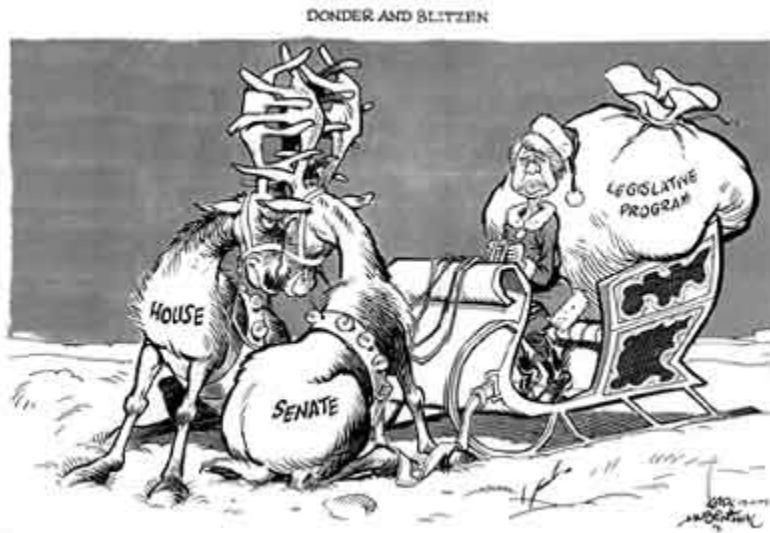
6e. How a Bill Becomes a Law



Congresswoman Barbara Lee speaks in favor of legislation for campaign finance reform. Speaking in the well of the House of Representatives is a typical part of the debate process on new bills.

Creating legislation is what the business of Congress is all about. Ideas for laws come from many places — ordinary citizens, the president, offices of the executive branch, state legislatures and governors, congressional staff, and of course the members of Congress themselves.

CONSTITUTIONAL PROVISIONS, whose primary purposes are to create obstacles, govern the process that a bill goes through before it becomes law. The founders believed that efficiency was the hallmark of oppressive government, and they wanted to be sure that laws that passed all the hurdles were the well-considered result of inspection by many eyes.



Former President Jimmy Carter is characterized here as a Santa Claus whose presents to the people are held up by Congress locking horns.

Before a bill becomes a law, it must pass both houses of Congress and signed into law by the President. It may begin its journey at any time, but it must be passed during the same congressional session of its proposal, a period of one year. If it does not complete the process, it is dropped, and can

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only be revived through reintroduction and going through the whole process again. Not surprisingly, less than 10% of proposed bills become laws.

There are many opportunities to kill a bill before it becomes law. In each house, a bill must survive three stages:

When bills are marked up, in Congress, they may be changed to sneak in unapproved spending or overspending on programs. The spending is called "pork" and the tactic, "pork barreling."

1. **Committee consideration** — New bills are sent to standing committees by subject matter. For example, bills on FARM SUBSIDIES generally go to the Agriculture Committee. Bills that propose tax changes would go to the House Ways and Means Committee. Since the volume of bills is so large, most bills today are sent directly to subcommittee. Most bills — about 90% — die in committee or subcommittee, where they are pigeonholed, or simply forgotten and never discussed. If a bill survives, hearings are set up in which various experts, government officials, or lobbyists present their points of view to committee members. After the hearings, the bill is marked up, or revised, until the committee is ready to send it to the floor.



The filibuster king Strom Thurmond kept the Senate floor for over one day, with only one brief bathroom break.

2. **FLOOR DEBATE** — In the House only, a bill goes from committee to a special RULES COMMITTEE that sets time limits on debate and rules for adding amendments. If time limits are short and no amendments are allowed from the floor, the powerful rules committee is said to have imposed a "GAG RULE." Rules for debate on the Senate floor are much looser, with Senators being allowed to talk as much about each bill as they like. No restrictions on amendments are allowed in the Senate. This lack of rules has led to an occasional FILIBUSTER in which a senator literally talks a bill to death. Filibusters are prohibited in the House. Both houses require a QUORUM (majority) of its members to be present for a vote. PASSAGE OF A BILL generally requires a majority vote by the members present.



3. **Conference committees** — Most bills that pass the first two stages do not need to go to conference committee, but those that are controversial, particularly important, or complex often do. A conference committee is formed to merge two versions of a bill — one from the House and one from the Senate — when the two houses cannot readily agree on alterations. The members are chosen from the standing committees that sponsored the bill who come up with a compromise. The revised bill then must go back to the floors of each house and be passed by both houses before it can be sent to the President for signing.

Many people criticize Congress for its inefficiency and the length of time that it takes for laws to be passed and enacted. Although the process is long and difficult, the founders intentionally set it up that way. Some modern critics believe that the system is arcane and simply too slow for a fast-paced country like the United States. A process in which only a few people were responsible for making laws certainly would be more efficient. But of course, it wouldn't be very democratic. The many hurdles that bills must face help to ensure that those that survive are not just passed on a whim but are well considered and deliberate.

The Presidency: The Leadership Branch?

7. The Presidency: The Leadership Branch?



Barack Obama won the 2008 presidential election and was re-elected in 2012. He is the 44th President of the United States.

Research indicates that the first person that most American children remember beyond their immediate circle of family and friends is the President of the United States.

Who is this person that creates such a strong impression on children, arguably the most powerful individual in the world today? The founders certainly did not intend to create such a powerful presidency. They saw the presidency as a "necessary evil," or an executive to carry out and

coordinate decisions made by [Congress](#). What is the nature of the modern presidency, this office so powerful and yet so limited?

Presidential Qualities



George Washington's warnings against party politics and entangling foreign alliances still permeate American political culture.

The PRESIDENCY was created in the image of [GEORGE WASHINGTON](#), the man everyone believed would first occupy the office. Washington's personality shaped the expectation that the President should be wise, moderate, dignified, and nonpartisan. Of course, the President could not be all-powerful like the king of England. This person had to be sensitive to treading on individual rights and liberties. But especially for the fledgling nation, strong leadership was necessary.

And so, the paradox was created with the new nation. Americans want a strong leader, but they also want someone who understands the anti-government, anti-authority streak that is part of being an American. It is not at all surprising, then, that Americans quibble about how much power the President should have. When Presidents take charge and try to run the country, they are often criticized as aggressive and dictatorial. If they let Congress take the lead, they are seen as weak and ineffective.

The Presidency: The Leadership Branch?

Great Expectations

Americans set very high expectations for our Presidents. They want someone who provides a sense of purpose, and who represents all the hopes and dreams of Americans. Yet the President must also pay close attention to practical matters, such as jobs, peace, and prosperity. The President must be tough, decisive, and competent. Because of these great expectations, most modern Presidents have come up short.



The American public feels involved in the private lives of their Presidents. Here, Richard Nixon's daughter Tricia is shown at her White House wedding to Edward Finch Cox.

Perhaps this situation happens partly because the modern media has brought Americans "closer" to Presidents, making them seem more human than before. They are seen with their families in their personal lives. Newspapers report who cuts

their hair and how much it costs. Their lives are investigated in the most minute detail for scandal. This demystifying of the presidency, as well as the general increase in mistrust of government in recent years, makes being President a tough job.

Gridlock

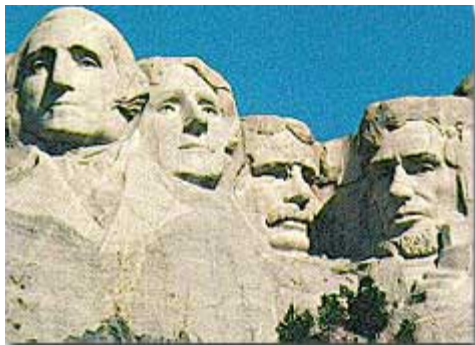
The Affordable Care Act was supported by President Obama and most Congressional Democrats, but strongly opposed by Republicans. In 2013, the government shut down for 16 days as a result.

Even today, Congress limits the President's powers. Gridlock, or inaction, occurs when the President wants one thing and Congress wants another. Just as the Constitution ensures that the lawmaking process in Congress is not easily seized by the power of a few people, it also places checks on the power of both Congress and the President. This balance is the primary reason for gridlock — an inefficiency that many critics see as a major fault in American government.

Few individuals are willing to endure the hardships of a campaign. Even fewer are willing to open even the most private aspects of their lives to public scrutiny. Some say that the burdens placed on presidential aspirants make the job undesirable to many qualified candidates. But for those who survive the process, the opportunity for true leadership awaits.

The Presidency: The Leadership Branch?

7a. The Evolution of the Presidency



South Dakota's Mt. Rushmore memorializes four of America's greatest Presidents. Washington, Jefferson, Theodore Roosevelt, and Lincoln are carved into this spectacular monument.

The 21st Century dawned on a very different presidency than the one created at the end of the 1700s. Constitutional provisions limited the early presidency, although the personalities of the first three — [George Washington](#), [John Adams](#), and [Thomas Jefferson](#) — shaped it into a more influential position by the early 1800s. However, throughout the 1800s until the 1930s, [Congress](#) was the dominant branch of the national government. Then, throughout the rest of the 20th Century, the balance of power shifted dramatically, so that the executive branch currently has at least equal power to the legislative branch. How did this shift happen?

Constitutional Qualifications and Powers

Article II of the Constitution defines the qualifications, benefits, and powers of the presidency. The PRESIDENT must be at least 35 years old and must have resided in the United States for no fewer than 14 years. Presidents must be "NATURAL BORN" citizens. The [Constitution](#) states that the President should be paid a "compensation" that cannot be increased or decreased during a term. Congress determines the salary, which increased in 2001 to \$400,000, doubling the salary that was set back in the 1960s.

Article II of the Constitution

Section 1.

The EXECUTIVE POWER shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of

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Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately choose by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner choose the President. But in choosing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall choose from them by Ballot the Vice President.]

*

*Changed by the Twelfth Amendment.

The Congress may determine the Time of choosing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

[In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.]*

*Changed by the Twenty-fifth Amendment.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following OATH or Affirmation: --"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section 2.

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

The Presidency: The Leadership Branch?



He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by Law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3.

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4.

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

The Constitution assigned the following powers to the President:

- **MILITARY POWER.** The founders saw the importance of a strong military to protect the country and its citizens, but they named the President, a civilian, the "COMMANDER IN CHIEF" of the armed services. They were ever mindful of checking and balancing power, and they did not want a military general to seize the government.
- **DIPLOMATIC POWER.** The President was given the power to make treaties with foreign nations, but not without the "advice and consent" of the Senate. Two-thirds of the senators must agree to a treaty the President signs, and if they do not, the treaty is not valid. The Constitution also provides that the President "shall receive ambassadors and other public ministers," which includes the duty of recognizing new nations, representing the United States to other countries, and performing related ceremonial duties.
- **APPOINTMENT POWER.** The Constitution gives the President the responsibility to appoint "Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States." Again, the Senate gives its "advice and consent," so that all appointments must be confirmed by a majority of the Senators voting.
- **LEGISLATIVE POWER.** The President was given the power to veto legislation. Every bill that passes both houses of Congress must be submitted to the President, although Congress can get around the President in several ways. If the President fails to sign the bill within ten days, it



becomes law anyway. Also, Congress may override a presidential veto by a vote of two-thirds of each house.

The Strengthening of the Presidency

Because the Constitution gave the President such limited power, Congress dominated the executive branch until the 1930s. With only a few exceptions, Presidents played second fiddle to Congress for many years. However, those exceptions — [Andrew Jackson](#), Abraham Lincoln, Theodore Roosevelt, and [Woodrow Wilson](#) — provided the basis for the turning point that came with the presidency of Franklin Roosevelt in the 1930s.

ANDREW JACKSON, greatly loved by the masses, used his image and personal power to strengthen the developing party system by rewarding loyal followers with presidential appointments. Jackson also made extensive use of the veto and asserted national power by facing down South Carolina's nullification of a federal tariff law. Jackson vetoed more bills than the six previous Presidents combined.

ABRAHAM LINCOLN assumed powers that no President before him had claimed, partly because of the emergency created by the Civil War (1861-1865). He suspended HABEAS CORPUS (the right to an appearance in court), and jailed people suspected of disloyalty. He ignored Congress by expanding the size of the army and ordering blockades of southern ports without the consent of Congress.

THEODORE ROOSEVELT and WOODROW WILSON each expanded the powers of the presidency. Roosevelt worked closely with Congress, sending it messages defining his legislative powers. He also took the lead in developing the international power of the United States. Wilson helped formulate bills that Congress considered, and [WORLD WAR I](#) afforded him the opportunity to take a leading role in international affairs.

Franklin Roosevelt, who was elected four times to the presidency, led the nation through the crises of the [GREAT DEPRESSION](#) and [WORLD WAR II](#). Roosevelt gained power through his New Deal programs to regulate the economy, and the war required that he lead the country in foreign affairs as well.

So, the powers of the modern presidency have been shaped by a combination of constitutional and evolutionary powers. The forceful personalities of strong Presidents have expanded the role far beyond the greatest fears of the antifederalists of the late 1700s.

The Presidency: The Leadership Branch?

7b. All the President's Men and Women



The Office of the First Lady has increased in size since First Ladies such as Eleanor Roosevelt have become increasingly active in public life.

Just as the power of the presidency has grown tremendously in recent years, so have the numbers of people that surround the executive branch. George Washington began his first term with only one aide — his nephew — who he paid out of his own pocket.

Today many advisors in the White House office, the Cabinet, and the EXECUTIVE OFFICE assist the President. The Vice President and the FIRST LADY also have large staffs that complement all the President's aides.

The Cabinet

The informal advisory body known as THE CABINET is not mentioned in the Constitution. The founders had discussed the idea of some form of national executive council, and George Washington appointed four Cabinet members (SECRETARY OF STATE, SECRETARY OF THE TREASURY, SECRETARY OF WAR, and the ATTORNEY GENERAL) shortly after his inauguration.



Elizabeth Dole was the first person to hold two cabinet positions. She was Secretary of Labor under Reagan, and Secretary of Transportation under Bush.

By custom, each member of this advisory group heads a major department, so that their loyalties are almost always split.


Cabinet members must provide good advice to the President. But, they also must promote the well-being of their departments, sometimes at the expense of other Cabinet departments.

Cabinet members are appointed by the President and confirmed by the Senate. They may be dismissed at any time.

The size of the President's Cabinet has increased over the years as Presidents have recognized demands for services and governmental action. As the size of the Cabinet and their respective departments have grown, Presidents have come to rely more heavily on members of the Executive Office and the White House Staff.

The Presidency: The Leadership Branch?

THE U.S. CABINET

POSITION	YEAR CREATED
Secretary of State	1789
Secretary of the Treasury	1789
Secretary of War (Defense)	1789; 1947 (name changed in 1947)
Attorney General	1789
 <p>Cabinet members and members of the White House staff often undergo rigorous screening before their appointments.</p>	
Secretary of the Interior	1849
Secretary of Agriculture	1862 (elevated to Cabinet in 1889)
Secretary of Commerce	1903
Secretary of Labor	1913
Secretary of Health and Human Services	1953
Secretary of Housing and Urban Development	1965
Secretary of Transportation	1966
Secretary of Energy	1977
Secretary of Education	1979
Secretary of Veterans' Affairs	1989
Secretary of Homeland Security	2002

The Executive Office

Franklin Roosevelt created the Executive Office of the President in 1939 to administer his New Deal programs. Today it consists of several advisory agencies that have worked closely with Presidents, particularly in recent years. The advisers in the Executive Office play key roles in advancing the President's agenda. Three of the most important agencies include the following:



- The National Security Council advises the President on American military affairs and foreign policy. The NSC consists of the President, the Vice President, and the Secretaries of State and Defense. The President's National Security Adviser runs the staff of the NSC and advises the President.
- The Office of Management and Budget (OMB) is the largest office in the EOP, and it has the job of preparing the national budget that the President proposes to Congress every year.
- The National Economic Council helps the President with economic planning. The council consists of three leading economists and is assisted by about 60 other economists, attorneys, and political scientists. The NEC is the President's major source of advice and information about the nation's economy.

The White House Office

White House Office staff members are not subject to Senate confirmation, nor do they have divided loyalties. They serve the President as an "inner circle" of most trusted advisers. Many have offices in the West Wing of the White House, and they often compete for space as close as possible to the President's Oval Office. Their titles include Special Assistant, Counsel, Aide, and Press Secretary.

Staff members gather information, write reports, give advice, lobby lawmakers, and present the President's views to the media. The Chief of Staff is usually particularly influential as the director of all the operations of the White House Office.

The job of presiding over the nation's government requires many assistants and administrators. Some people have criticized recent Presidents for having such a large staff in the executive offices. Recent Presidents have tried to cut back, but they generally have found that this large, complex country would be difficult to run without them.

The Presidency: The Leadership Branch?

7c. Selection and Succession of the President

The founders feared the masses. Cautious about granting powers to the general voting public, they created a safety valve against popular will. The American people do not technically elect their President. Electors do.



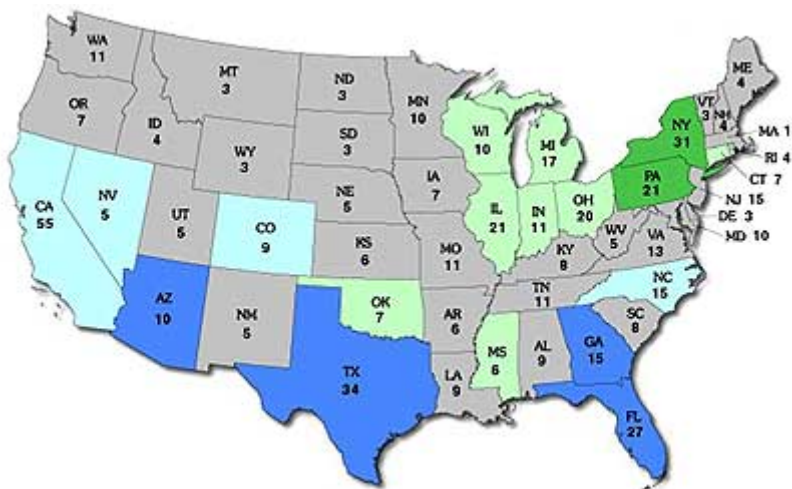
Grover Cleveland, shown on a \$20 Federal Reserve Note from 1914, won the popular vote in his second election, but lost the presidency because he failed to win the electoral college.

Selection

According to the Constitution, the President serves a four-year term of office. The 22nd Amendment further requires that a President may not be elected more than twice, nor serve more than a total of ten years. The Constitution also created an electoral college to select the President.

Some of the founders wanted to select a President by popular vote, but others did not want to put that much power into the hands of the voters. Others believed that Congress should select the President, but then, what would happen to separation of powers and checks and balances? So, they compromised and created a special body of electors to be selected by the states. The number of electors would be equal to the sum of a state's Senators and Representatives, so that large states would have more electors than the small ones.

The Presidency: The Leadership Branch?



Some people believe that the electoral college system gives some states more than their fair share of votes. For example, California's population makes up 11% of the total U.S. population, but they receive 20% of the nation's electoral votes. This map shows the changes made to the Electoral College based on the 2000 census.

Today many people believe that the Electoral College is out of date and that Presidents should be chosen by direct election, just as members of Congress are selected. By convention, state electors vote for the candidate that the people select in the general election, but they are not necessarily bound to do so.

The Electoral College also adds one nettlesome wrinkle — it is possible for a President to win more of the popular vote and lose the election. For example, if the Republican candidate gets even one more vote than the Democrat, all the state's electoral votes go to the Republican. Therefore, if a candidate wins small states by large pluralities and loses large states by narrow margins, it is possible to gain more votes than an opponent and win fewer electoral votes. Four presidents — John Quincy Adams, Rutherford B. Hayes, Benjamin Harrison, and George W. Bush — have been elected in this fashion.

Succession



Vice President Dan Quayle became the butt of many jokes when he misspelled the word "potato" while judging an elementary school spelling bee. Like most Vice Presidents before him, Quayle failed to win the next presidential election.



The Constitution originally said little about presidential succession. It only specified that powers and duties should "devolve on the Vice President." Numerous succession situations over the years have shaped the current policy, defined in the 25th Amendment, adopted in 1967.

25th Amendment

Section 1.

In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2.

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3.

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4.

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President. Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

What happens when the presidency is vacated before an election? The Vice President becomes President, and then selects a Vice President that must be confirmed by both houses of Congress. What if something should happen to the President and Vice President at the same time? Then the Speaker of the House takes the presidency, and the President pro tempore of the Senate becomes Vice President. The line of succession then goes to the Cabinet members, in the order of their creation.



Order of Succession to the Presidency

- 1 — President of the United States
- 2 — Vice-President of the United States
- 3 — Speaker of the House of Representatives
- 4 — President of the Senate Pro Tempore (becomes VP when Speaker becomes President)
(Cabinet Secretaries in Order of Post's Creation — see Unit 7)
- 5 — Secretary of State
- 6 — Secretary of the Treasury
- 7 — Secretary of Defense
- 8 — Attorney General
- 9, etc. — Remaining Cabinet Secretaries

The Vice President

What does the Vice President do? The only given constitutional duty is to preside over the Senate, a job with virtually no power since the Vice President can only vote in the event of a tie. Indeed, the nation's first Vice President, John Adams, called the post "the most insignificant office that ever the invention of man contrived."

The President, then, has almost total control over what the Vice President does. If he chooses to give him many responsibilities, The Vice President can have a significant amount of power if the President is willing to delegate it.

In recent years Presidents have given their Vice Presidents more and more to do. They have headed commissions and organized major projects. The Vice President often makes goodwill missions and attends ceremonies and celebrations. If the President regularly asks for advice, then the Vice President has some real, though indirect, power.

This dependency on the President has made it very difficult for a Vice President to successfully run for President. Only twice in American history has a seated Vice President been elected to the presidency. In 1837, Vice President Martin Van Buren succeeded Andrew Jackson, and in 1989, Vice President George Bush succeeded Ronald Reagan. In neither case, did they win reelection.

The Presidency: The Leadership Branch?

7d. The President's Job



President George Bush, seen visiting troops during a Thanksgiving trip to the Persian Gulf, was successful in combating a crisis in the Middle East, resulting in a leap in his approval ratings.

Just what exactly does the President do all day?

The evolving power and enlarging scope of responsibilities have made the modern presidency a very big job. Some even say that it is impossible for one person to handle it all.

Presidents as Crisis Managers

The Constitutional power as "Commander in Chief" has evolved into the very important modern role of "crisis manager." In the 20th century, as the United States gained world leadership powers, the President has become a key player in international crises. In the case of war — such as the Korean War, the Vietnam War, and the Persian Gulf War — or less famous regional conflicts — such as those in Kosovo, Somalia, or Haiti — the President must go into "emergency mode" and concentrate on the immediate problem. Domestically, crises may occur — such as urban riots, hurricanes, or forest fires — that require the President to schedule time to coordinate government responses to the situation.

Presidents as Symbols and Administrators

More than anyone else, the President symbolizes the country — its people and its beliefs. In this role, a President performs many ceremonial duties, such as receiving foreign dignitaries, throwing the first baseball of the season, and walking on red carpets while waving to crowds. These actions are not trivial. Strong Presidents must exude confidence, not just in themselves, but in the American people as well. The best ones have had an intangible charisma that engendered public confidence.

The Presidency: The Leadership Branch?



Presidential public appearances aren't always made from behind a podium. Here, President Clinton tours a Boys and Girls Club in Washington, D.C., on Martin Luther King Day.

As leader of the executive branch, the President is primarily responsible for seeing that the work of government is done. A famous sign sat on President Harry Truman's desk, "The buck stops here." The responsibility to administer and

execute the laws of the land squarely rests on the President's shoulders.

The president must therefore recruit and appoint many people to top government jobs. Cabinet members, many sub-Cabinet positions, federal judges including Supreme Court Justices, ambassadors, top military leaders, and heads of independent government agencies are all appointments filled by the President. Even though nominees are subject to consent by the Senate, the fact that Presidents control more than 4,000 appointments to government service makes this responsibility an important one.

Presidents as Agenda Setters



Presidents have considerable power in setting the agenda of lawmakers, especially in the field of foreign affairs. Ronald Reagan's strong stance against communism defined U.S. foreign policy in the final years of the Cold War.

Setting a political agenda has been a role that has grown in recent years. The founders clearly intended that Congress take the lead in setting priorities and determining policies. Today, Presidents have plans for Social Security, welfare programs, taxes, inflation, and public education. In foreign

policy, they often act first, and then consult Congress. Virtually all recent Presidents regularly recommend legislation to Congress.

Strong Presidents have used the State of the Union address, given yearly at the start of each congressional session, to set an agenda. Modern Presidents now use the media to bring attention to their proposals and to place pressure on legislators. A President may threaten a veto before the bill gets to the Oval Office. This action lets legislators know the President's agenda and pressures them to rethink bills that they know will be vetoed.

Can any one person hope to be able to successfully hold the President's job? The great author John Steinbeck commented, " We give the President more work than a man can do, more responsibility than a man should take, more pressure than a man can bear." Yet, recent Presidents somehow have managed to endure — although the job has exacted a tremendous toll on each of them.

The Presidency: The Leadership Branch?

7e. Presidential Character

Harry S Truman — man of the people. John F. Kennedy — bold, articulate leader with a great deal of charisma. Richard Nixon — introspective President with a deep knowledge of and interest in foreign policy. Each person who has held the office of President has brought to it a unique style. Each style reflects a President's character.



President Bill Clinton was investigated by Independent Counsel Kenneth Starr for his relationship with former White House intern Monica Lewinsky. The nature of the relationship, in addition to the President's evasion during the investigation, brought the issue of presidential character to the forefront of public discourse.

Barber's Research



James Barber published a well-known study of presidential character in which he studied personalities to predict presidential performance. Barber believes that Presidents can be categorized as having "positive" or "negative" attitudes, and as being "active" or "passive." His findings indicate that "positive active" Presidents are more successful than passive/negative ones. For example, Theodore and Franklin Roosevelt had positive active personalities. According to Barber, their personalities cause them to approach the presidency with enthusiasm and a drive to lead and succeed.

The American public was charmed by John F. Kennedy. The image of a Naval war hero and devoted family man played well in the Cold War era.

This research is controversial, but it is based on the assumption that presidential character and personality are extremely important in determining how successful a President is in office.

The Presidency: The Leadership Branch?

Rating the Presidents

Most Americans have their own ideas about which Presidents deserve to be called great, and which ones were failures. Historians even get into the ratings game, with Harvard professor Arthur M. Schlesinger starting the modern game with his invitation to 55 prominent historians to rate the Presidents. Although the lists have varied over the years, some Presidents consistently rate at the top. Abraham Lincoln, George Washington, and Franklin Roosevelt have locked up the top three spots in nearly every ranking survey. Others with high scores are Thomas Jefferson, Andrew Jackson, Theodore Roosevelt, Woodrow Wilson, and Harry Truman. Usually near the bottom are James Buchanan, Ulysses Grant, and Warren Harding. Historians are reluctant to rank modern Presidents, because not enough time has passed to assess their legacies.

Some common leadership qualities that good Presidents appear to have are the following:

- A strong vision for the country's future



Thomas Jefferson's advice to a child encouraged good character, although his own character is sometimes questioned. His ownership of the slaves listed here seems to contradict his statement that "all men are created equal," leading some modern critics to call him hypocritical.

- An ability to put their own times in the perspective of history
- Effective communication skills
- The courage to make unpopular decisions
- Crisis management skills
- Character and integrity
- Wise appointments
- An ability to work with Congress

All Americans have different ideas about the importance that character plays in the job performance of the President. Considering all the hats that a President must wear, perhaps the symbolic role that the President plays is most affected by character. Presidents must somehow symbolize what American citizens believe to be the essence of their country. They must represent what is valued now and in the past. But even more importantly, they embody the direction of America's future.



8. The Bureaucracy: The Real Government

Red tape. Paper pushers. Bean counters. Vast, cookie-cutter buildings with fluorescent lighting and thousands of file cabinets.



This building in Washington, D.C., houses the Bureau of Engraving and Printing, a bureaucratic agency.

These are the images that come to mind when many Americans think of government bureaucracy. A bureaucrat is someone who works in administrative capacity for the government. How important are bureaucrats and their government agencies in actually running the United States government? According to some, they are the real government — the ones behind the scenes who go to work when the politicians are enjoying the spotlight.

Max Weber's Bureaucracy



Max Weber is known as the founder of modern sociology.

Max Weber, a German sociologist was one of the first people in modern times to think seriously about the importance of bureaucracy. The term actually comes from the French word "bureau," a reference to the small desks that the king's representatives set up in towns as they traveled across the country on king's business. So, bureaucracy literally means "government with a small desk."

Weber wrote about Germany during the early 20th century, when developing capitalism was spawning more and more large businesses. The changing economic scene had important implications for government. Weber saw bureaucracy as a rational way for complex businesses and governments to organize. He did not see them as necessary evils, but as the best organizational response to a changing society.

According to Weber, model bureaucracies have the following characteristics:

- A chain of command that is hierarchical; the top bureaucrat has ultimate control, and authority flows from the top down
- A clear division of labor in which every individual has a specialized job
- Clearly written, well-established formal rules that all people in the organization follow
- A clearly defined set of goals that all people in the organization strive toward

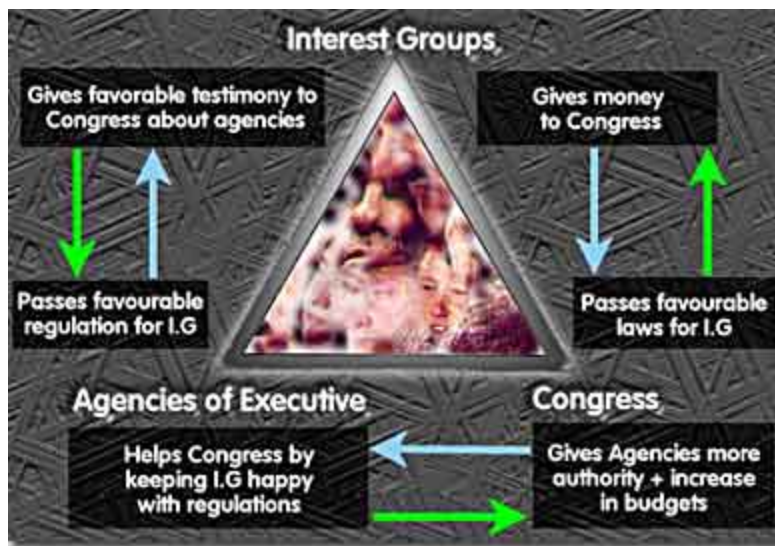
The Bureaucracy: the Real Government

- Merit-based hiring and promotion; no granting of jobs to friends or family unless they are the best qualified
- Job performance that is judged by productivity, or how much work an individual gets done

Weber emphasized the importance of the bureaucracy in getting things done and believed that a well-organized, rational bureaucracy is the secret behind the successful operation of modern societies.

The Iron Triangle

Observers of the modern American government often point to an iron triangle that best demonstrates who really does the work of government. The iron triangle, sometimes called a subgovernment, consists of interest groups, members of congressional subcommittees, and agency bureaucrats.



Who really governs the United States? Many political analysts believe policy is set by the participants in the "Iron Triangle" rather than elected officials.

According to the theory, agencies and departments usually keep close contacts with interest group lobbyists who want to influence their actions. Interest groups may provide valuable statistics to government agencies, and they are motivated to have their point of view heard. Both lobbyists and bureaucrats value contact with congressional subcommittees that shape the laws that govern their interests. Working together, these three groups set most government policies.

An example of such an iron triangle would be the American Association for Retired People (AARP), the House Subcommittee on Aging, and the Social Security Administration all working together to set government policy on Social Security.

Advisers, bookkeepers, secretaries. So, it is not only the famous people — the President, the Chief of Staff, the Speaker of the House, or the Senate Majority Leader — who make the real decisions in government. Often, the real players in government are the agency bureaucrats — the people behind the scenes.

The Bureaucracy: the Real Government

8a. The Development of the Bureaucracy



Andrew Jackson cemented the spoils system (also called rotation-in-office) during his presidency. He formed his own group of advisors from his friends and political allies, known as the "Kitchen Cabinet," to support his goals for the nation.

The original bureaucracy of the federal government consisted only of employees from three small departments — State, Treasury, and War. The executive branch employs today almost three million people. Not only have the numbers of bureaucrats grown, but also the methods and standards for hiring and promoting people have changed dramatically.

Patronage

George Washington promised to hire only people "as shall be the best qualified." Still, most of his employees belonged to the budding Federalist Party — the party toward which Washington leaned. When Democratic-Republican Thomas Jefferson became President, he dismissed many of the Federalists and filled their jobs with members from his party. With this action, he began a long tradition of filling government positions through patronage, a system of rewarding friends and political allies in exchange for their support.

Andrew Jackson is regarded as the President who entrenched the patronage, or "spoils" system. Following the old saying, "to the victor go the spoils," he brought a whole new group of "Jacksonian Democrats" into office. Jackson argued that the spoils system brought greater rotation in office. He thought it was healthy to clear out the government workers who had worked for predecessors, lest they become corrupt.



The U.S. Postal Service has changed along with the nation. From the Pony Express to today's uniformed postal workers, these bureaucrats deliver the mail every day, regardless of the weather.

During the 1800s, while more and more federal employees were landing their jobs through patronage, the bureaucracy was growing rapidly as new demands were placed on government. As the country expanded westward new agencies were needed to manage the land and its settlement. And as people moved into the new areas, a greatly expanded Post Office was necessary. The Civil War sparked the creation of thousands of government jobs and new departments to handle the demands of warfare.



After the war, the Industrial Revolution encouraged economic growth and more government agencies to regulate the expanding economy.

The Pendleton Act

The spoils tradition was diluted in 1881 when Charles Guiteau, a disappointed office seeker, killed President James Garfield because he was not granted a government job. After Garfield's assassination, Congress passed the Pendleton Act, which created a merit-based federal civil service. It was meant to replace patronage with the principle of federal employment on the basis of open, competitive exams. The Pendleton Act created a three-member Civil Service Commission to administer this new merit system. At first only about 10 percent of federal employees were members of the civil service. Today, about 85 to 90 percent take this exam.

Growth in the 20th Century

In reaction to the excesses of Gilded Age millionaires, many Americans demanded that the government regulate business and industry. As a result, a group of independent regulatory commissions emerged as the 20th century dawned. The first of these agencies was the Interstate Commerce Commission, set up in 1887 to monitor abuses in the railroad industry. Reform movements of the early 20th century demanded that government regulate child labor, food processing and packaging, and working and living conditions for the laboring classes.



The Civilian Conservation Corps was part of Roosevelt's New Deal programs to battle the Depression. Aimed at employing men between the ages of 18 and 25, over 3,000,000 men joined the CCC and became members of the federal bureaucracy between 1933 and 1941.



The largest growth of the bureaucracy in American history came between 1933 and 1945. Franklin Roosevelt's New Deal meant bigger government, since agencies were needed to administer his many programs. With the American entry into World War II in 1941, the needs of the war elevated the number of federal agencies and employees even more. During those 12 Roosevelt years, the total number of federal employees increased from a little over half a million in 1933 to an all-time high of more than 3.5 million in 1945.

After World War II ended in 1945, the total number of federal employees decreased significantly, but still has remained at levels between about 2.5 and 3 million. Contrary to popular opinion, the federal bureaucracy did not grow in numbers significantly during the last half of the 20th century. Federal bureaucrats did, however, greatly increase their influence.

The Bureaucracy: the Real Government

8b. The Organization of the Bureaucracy



Along with the Vice President, the President's Cabinet members are his most important advisors. This picture shows President Reagan, Vice President Bush, and Cabinet members in the Oval Office.

Even the experts can't agree on the total number of federal government agencies, commissions, and departments.

Most estimates suggest there are probably more than 2,000 of these. They each have an area of specialization — some much broader than others — but their duties often overlap, making administration more difficult. To complicate things even more, many agencies have counterparts at the state and local level. Its size, complexity, and overlapping responsibilities leave the federal bureaucracy open to constant attempts to reorganize and streamline.

Congress has the power to create, organize, and disband all federal agencies. Most of them are under the control of the President, although few of them have direct contact with the White House. So, the bureaucracy has two masters — Congress and the President. The bureaucracy generally falls into four broad types: Cabinet departments, government corporations, independent agencies, and regulatory commissions

Cabinet departments

- Department of State
- Treasury Department
- Department of Defense
- Department of Justice
- Department of the Interior
- Department of Agriculture
- Department of Commerce
- Department of Labor
- Department of Transportation
- Department of Housing and Urban Development
- Department of Health and Human Services
- Department of Energy
- Department of Education
- Department of Veterans Affairs
- Department of Homeland Security

The Cabinet Departments

The 15 Cabinet departments are each headed by a Secretary who sits on the President's Cabinet. The exception is the Justice Department, which is headed by the Attorney General, who is also a member

The Bureaucracy: the Real Government

of the President's Cabinet. The Secretaries are responsible for directing the department's policy and for overseeing its operation. Cabinet secretaries are usually torn between their responsibilities as presidential advisers and heads of their departments.



As the first woman Cabinet member, Frances Perkins served for 12 years, helping draft legislation such as the Social Security Act and the first federal minimum wage laws.

Each has a special area of policy, although their responsibilities are still very broad. The organization of each is quite complex, but they have some things in common. All Secretaries have a Deputy or Undersecretary, as well as a host of Assistant Secretaries, who all direct major programs within the department.

Most departments are divided into bureaus, divisions, and sections. For example, the FBI lies within the domain of the Justice Department, and the Secret Service is currently within the Treasury

Department agency, but soon to be moved under the auspices of the Department of Homeland Security.

Government Corporations

Government corporations do not belong to any department — they stand on their own. Probably the best-known government corporations are the United States Postal Service and Amtrak. They are different from other agencies in that they are businesses created by Congress, and they charge fees for their services. Like any other business, government corporations have private competition — such as Federal Express and United Parcel Service — and sometimes state competition — such as the New Jersey Transit Authority.



At the time of its creation, NASA was assumed by many to be a defense-related agency. Today, it brings nations together in highly publicized efforts like the International Space Station shown here.

Independent Agencies

Independent agencies closely resemble Cabinet departments, but they are smaller and less complex. Generally, they have narrower areas of responsibility than do Cabinet departments. Most of these agencies are not free from presidential control and are independent only in the sense that they are not part of a department.



Congress creates them as separate agencies for many reasons, practical as well as symbolic. For example, when the National Aeronautics and Space Administration (NASA) was established, many members of Congress assumed that it would be a part of the Department of Defense. However, it is an independent agency because the space program has many other purposes than the defense of the nation.

Regulatory Agencies

These agencies regulate important parts of the economy, making rules for large industries and businesses that affect the interests of the public. Because regulatory commissions are "watchdogs" that by their very nature need to operate independently, they are not part of a department, and the President does not directly control most of them. Each commission has from 5 to 11 members appointed by the President, but the President cannot remove them for the length of their terms in office.

Examples of these commissions are the Securities and Exchange Commission, which regulates the stock market, brokers, and investment practices. Another well-known commission is the Federal Reserve Board that governs the nation's monetary policy. The Environmental Protection Agency serves as a guardian over the nation's environment, making and enforcing standards for the industrial and commercial sectors.

With over 2,000 different agencies, the federal bureaucracy is almost certain to run into problems with organization, overlapping responsibilities, and efficiency. Almost every recent President has come into office determined to refashion and trim the bureaucracy. However, none has been able to make more than minor adjustments. Well-established agencies have lives of their own and are difficult to change. Besides, the country has large, complex, needs requiring special attention. A large bureaucracy is a part of the government's attempt to meet those needs.

The Bureaucracy: the Real Government

8c. Who Are the Bureaucrats?



Brigadier General Clara L. Adams-Ender, Chief of the Army Nurse Corps, represents the changing face of today's bureaucracy as more women and minorities enter government service.

The image of the faceless federal employee is completely false.

The 4 million Americans who work for the federal government have many faces and do many jobs. For starters, over 1.4 million are in military service. Overall, they represent much more of a cross section of the American population than do members of Congress or federal judges. About 43% are women, and 28% represent minority groups.

Surprising Facts

Many other misconceptions exist about federal employees. Consider the following:

- Only about 10% of civilian employees work in the Washington, D.C. area. Postal workers and forest rangers live and work across the country, for example. California alone has more federal employees than does the District of Columbia.
- About 30% of the civilian employees work for the army, the navy, the air force, or some other defense agency.
- Even though bureaucrats work at a variety of jobs, most are white-collar workers like secretaries, clerks, lawyers, inspectors, and engineers.
- The number of federal employees per 100 people in the United States population has decreased from over 14 per 100 in the early 1970s to a little over 10 per 100 by the late 1990s.



Rangers like this fellow at the Grand Canyon have many duties. Some are responsible for wildlife preservation, others educate visitors about parks and monuments. Park Service employees also work as attendants at buildings like the White House and the Smithsonian museums.

The Bureaucracy: the Real Government

What Do Bureaucrats Do?

Most people think that bureaucrats only follow orders. They carry out the decisions that the President or members of Congress make. Of course, anyone who works in the executive branch is there to implement decisions, but the reality of their work is more complicated. The power of the bureaucracy depends on how much discretionary authority it is granted.

Congress passes laws, but it cannot follow through on all the little decisions that have to be made as the law is translated into action. Bureaucrats, then, may make policies and choose actions that are not spelled out in advance by laws.

Congress delegates substantial authority to administrative agencies in several areas:

1. Paying subsidies — government support money — to farmers, veterans, scientists, schools, universities, and hospitals
2. Transferring money to state and local governments for grants-in-aid, such as highway building, city improvements, or educational programs.
3. Devising and enforcing regulations, such as who owns television stations, what safety features automobiles have, and what kinds of scientific research will be specially encouraged.



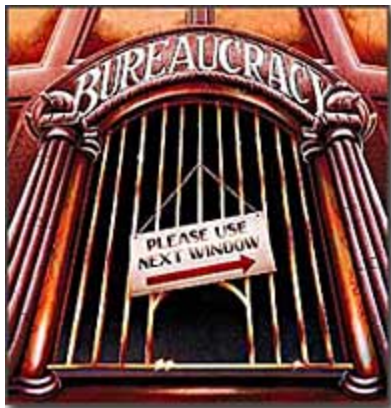
Vince and Larry, U.S. Department of Transportation crash test dummies, have been used in ad campaigns encouraging motorists to wear seatbelts and discouraging drunk driving. The Department of Transportation is instrumental in enforcing regulations regarding automobiles, railroads, and aviation.

About 90% of all federal bureaucrats are hired under regulations of the civil service system. Most of them take a written examination administered by the Office of Personnel Management (OPM) and they meet selection criteria, such as training, education levels, or prior experience. Some of them take special tests and meet special criteria, such as postal employees, FBI agents, CIA intelligence officers, foreign-service officers, and doctors in the Public Health Service.

The variety of people who work for the federal bureaucracy is greater than most people realize. They may do scientific research, clerk in welfare offices, decide burn policies for national forests, or do undercover intelligence work. They are all a part of the process whereby the government fulfills the many expectations that Americans have for it today.

The Bureaucracy: the Real Government

8d. Reforming the Bureaucracy



The bureaucracy is notorious for being out of touch with the people and difficult to navigate, a fact illustrated in cartoons, jokes, and even video games.

Since 1980, virtually every presidential election included a debate over the size of the federal government. Americans who believed the bureaucracy had become too large, too expensive, and too powerful were becoming more numerous, and as a result many politicians began to demand reform.

Bureaucracies move slowly. One hand doesn't always know what the other is doing. Federal employees have so much job security that there is little fear of being fired for incompetence. There are so many agencies organized in such confusing ways.

How can the ordinary citizen feel connected to government when everything is so impersonal? Public criticism of bureaucratic inefficiency is commonplace. In response, many people, including most Presidents, have tried to reform and reorganize the bureaucracy.

The Merit System and the Hatch Act



Government employees may not wear campaign buttons (like this one of President McKinley) at work, or while wearing a uniform or driving a government vehicle, according to the provisions of the Hatch Act.

The merit system tries to ensure that the best-qualified people get government jobs and that party politics is limited. In 1939, Congress passed the Hatch Act, which required employees, once they were hired, to have as little to do with political parties as possible. The Hatch Act forbids employees from engaging in many party activities. For example, they could not run for public office or raise funds for a party or candidate, nor could they become officers in a political organization or a delegate to a party convention.

In the early 1970s some bureaucrats complained that their First Amendment rights were being violated. The issue made its way to the Supreme Court, where the justices ruled that the Hatch Act did not put unreasonable restrictions on employees' rights. However, in 1993 Congress softened the Hatch Act by making many forms of participation in politics permissible. Federal bureaucrats still cannot run as candidates in elections, but they may be active in party politics.

Requiring Accountability

The Bureaucracy: the Real Government

One criticism of our merit-based bureaucracy is that once a person is employed there are no requirements that he or she be held accountable for their work. Since they no longer lose their jobs when a new President takes office, some criticize that they become complacent and inflexible. Some suggestions for making civil servants more accountable for their work include the following:

- Limiting appointments to 6-12 years. After the appointment expires, the bureaucrat would then have to go through reexamination and their performance would be reviewed for possible rehire.
- Making it easier to fire a bureaucrat. Civil service rules that are meant to protect workers from partisan politics have made it difficult to fire anyone for poor performance. Reformers want to remove those rules.
- Rotating professionals between agencies and from outside. Reformers believe that this practice would bring "new blood" to agencies and encourage workers to get a broader view of government service.



One of the public's greatest complaints about the bureaucracy is red tape. Many feel that the government's methods of solving problems is to drown them in a sea of paperwork.

Cutting "Red Tape"

One common complaint about bureaucracy is that "red tape" — the maze of government rules, regulations, and paperwork — makes government so overwhelming to citizens that many people try to avoid any contact. Filling out forms, standing in line, and being put on hold on the telephone all have resulted in many people being discouraged from ever applying for benefits they rightfully deserve.



Al Gore presents the report of the National Performance Review (now the National Partnership for Reinventing Government) to President Clinton in 1994.



In response, Presidents of the 20th century offered no fewer than eleven major reorganizations of the federal bureaucracy. The latest was the National Performance Review, conducted by Vice President Al Gore in 1993. The NPR report contained many horror stories about useless red tape for both citizens and government officials themselves. The NPR called for less centralized management, more employee initiative, fewer rules, and more emphasis on customer satisfaction. As of the year 2000, few of the recommendations have been followed.

One reason that it is so hard to reform the bureaucracy is that it has two masters — the President and Congress. Especially during periods of divided government, one branch can be suspicious that the other is trying to gain control. As a result, one branch or the other resists reform. Finding the practical solutions that have bipartisan support is a difficult process, largely because the system of checks and balances is not particularly efficient. Nevertheless, bureaucratic reform is often attempted by the President and Congress. Meanwhile, the red tape remains rather sticky.



9. The Judicial Branch



Lady Justice's blindfold, sword, and scale are reminders that justice should be administered in an impartial, firm, and balanced manner.

"See you in court!"

"You can't do that. I know my rights!"

"I'm going to take this all the way to the Supreme Court!"

These cliché sentences reflect a core American belief: citizens of the United States can seek redress through the judicial system.

But how do courts protect citizen rights?

How does a case even get to the Supreme Court? How are basic rights preserved? Where do citizens go when freedoms, rights, or equality is threatened? Does justice prevail?

Throughout history, the American people have gone to the courts, seeking justice. The court system, then, is a cornerstone of democracy in the United States.

Justice Is Blind



The Constitution of the United States establishes the judicial branch and defines many of the rights the judiciary protects.

Congress passes laws, and the president and the executive branch make recommendations and set policy. According to American ideals, judges often make impartial and wise decisions that elected officials find difficult to make.

Members of Congress, state governors, and the president must always worry about elections and popular opinion. As a result, they may lose sight of the need to preserve American values, and they sometimes set hasty or unjust policies.

Under the guidance of constitutional principles, the courts serve as watchdogs for the other branches of government. Without the justice system, democracy might easily veer off course.

Is Justice Blind?

THE JUDICIAL BRANCH



Does the American justice system always work? In 1966, Rubin "Hurricane" Carter was convicted of a triple murder he did not commit. He spent almost 20 years in prison, losing his family ties and a promising career in boxing.

But in reality, does the American justice system uphold these ideals? There are plenty of stories about innocent people held in prison and even prisoners executed for crimes they did not commit. Judicial critics abound. Some protest that the wealthy or the well-connected receive preferential treatment in courts.

Other critics of the judicial system cite statistics they believe to be evidence of racial and social discrimination. For example, a disproportionate number of prisoners are young, African American,

and male.

Legal defense lawyers for the poor are sometimes criticized for being incompetent or apathetic. Cases in both federal and state courts are often backed up for years, making a mockery of "the right to a speedy public trial" as guaranteed by Amendment VI of the Bill of Rights.

Congress and the president are often at loggerheads over appointments of federal judges. Because the Republicans don't like a Democratic president's nominees (and vice versa), judgeships stay vacant for months, sometimes years.

Judge for Yourself



This federal courthouse in Boston, Massachusetts, won a Federal Design Achievement Award in 2000 for expressing the solemn, dignified, and open nature of the United States judicial branch.

Yet despite all these criticisms, courts remain powerful protectors of freedoms.

Freedom of speech has been protected, whether the speaker has been a critic of unjust government policy or a burner of the American flag.

Segregation of public facilities ended partly because brave people took their cases to court. Freedom of religion interpretations have banned involuntary school prayer, preserving the separation of church and state, while stirring up criticisms that the Judeo-Christian heritage on which the nation was founded is slowly being eroded.



Although the wheels of justice often grind slowly, judges' decisions are usually the final word in interpreting basic constitutional principles. Almost from its beginning, the American judicial system has played a major role in defining and preserving freedom, equality, and justice.

Don't believe it? Read on and judge for yourself.



9a. The Creation of the Federal Courts



John Marshall was chief justice of the United States from 1801 to 1835. His decisions defined constitutional law and judicial precedent.

"An act of the legislature repugnant to the Constitution is void — it is emphatically the province of the judicial department to say what the law is." -John Marshall, *Marbury v. Madison* (1803)

The Constitution painstakingly defines the structure and functions of the legislative (Congressional) branch of the government. It clearly (although less thoroughly) addresses the responsibilities and powers of the president.

But, it treats the judicial branch almost as an afterthought. Article III specifically creates only one court (the Supreme Court), allows judges

to serve for life and to receive compensation, broadly outlines original and appellate jurisdiction, and outlines the trial procedure for and limitations of congressional power against those accused of treason.

That's all.

Marshall Marshals the Court



William Marbury's lawsuit gave Marshall the opportunity to institute the power of judicial review.

The framers of the Constitution were clearly more interested in their experiment with legislative government than in the creation of a judicial system. Had it not been for John Marshall, the third chief justice of the Supreme Court, the judicial branch might well have developed into a weak, ineffective check on the legislature and the presidency.

But Marshall changed everything by interpreting a power "implied" by Article III. Judicial review, or the power of the courts to overturn a law, was the vehicle he used to create the most powerful judicial branch in the history of the world.



Article III of the Constitution

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Office during good Behaviour, and shall at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.



As secretary of state, James Madison refused to deliver the commissions of a number of "midnight judges," judges who had been appointed by John Adams in the last days of his term.

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority, — to all Cases affecting Ambassadors, other public Ministers and Consuls; — to all Cases of admiralty and maritime Jurisdiction, — to Controversies to which the United States shall be a Party; — to Controversies between two or more States, — [between a State and Citizens of another State;](1) between Citizens of different States, — between Citizens of the same State claiming Lands under Grants of different States, [and between a State or the Citizens thereof, and foreign States, Citizens or Subjects.] (2)

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment; shall be by Jury, and such Trial shall be held in the State where the said Crimes shall have been committed but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court. The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

(1&2) Changed by the Eleventh Amendment.



Marbury v. Madison (1803)

The power of judicial review may be traced to the famous 1803 court case of Marbury v. Madison. The election of 1800 gave that the presidency to an opposing political party for the first time. Fearing that the newly elected Thomas Jefferson, a Democratic Republican, would undo his policies, Federalist president John Adams, sought to "pack" the courts with Federalist judges. He worked feverishly on the judicial appointments until the very end of his presidency. When he left office, several of the orders were left on the secretary of state's desk, waiting to be delivered.

The new secretary of state, James Madison, saw what Adams was up to, and refused to carry out the commissions. William Marbury, a Federalist whose commission was not delivered, sued Madison and demanded that the Supreme Court force Madison to act. Marbury's demand was based on the writ of mandamus, a power given to the Court by the Judiciary Act of 1789 to command actions by officials of the executive branch.

Chief Justice Marshall faced a huge dilemma. What if he commanded Madison to deliver the commissions and the secretary of state ignored his command? What could Marshall do to enforce the decision? The Court had no army, nor any other means to back up the command. If Marshall did nothing, the quarrel could spill over to Congress and tear the new country apart before it even got off the ground.

The Writ Stuff

More Information ...

A writ is a written court order requiring a party to perform or cease to perform a given act.

Marshall's decision was to declare the writ of mandamus unconstitutional, claiming that Congress had passed a law "repugnant to the Constitution." He declared that because Article III did not grant the judicial branch the power of the writ of mandamus, and so the Supreme Court was unable to order Madison to act. Of course, Jefferson and Madison were happy with the decision, and the crisis passed, with only a disgruntled prospective justice (Marbury) to protest.

The constitution is either a superior paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and, like other acts, is alterable when the legislature shall please to alter it....

Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and, consequently, the theory of every such government must be, that an act of the legislature, repugnant to the constitution, is void....

It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret



that rule. If two laws conflict with each other the courts must decide on the operation of each. So, if a law be in opposition to the constitution: if both the law and the constitution apply to a particular case, so that the court must either decide that case conformably to the law, disregarding the constitution; or conformably to the constitution, disregarding the law: the court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty. John Marshall, *Marbury v. Madison* (1803)

The Supreme Court Gets the Final Word

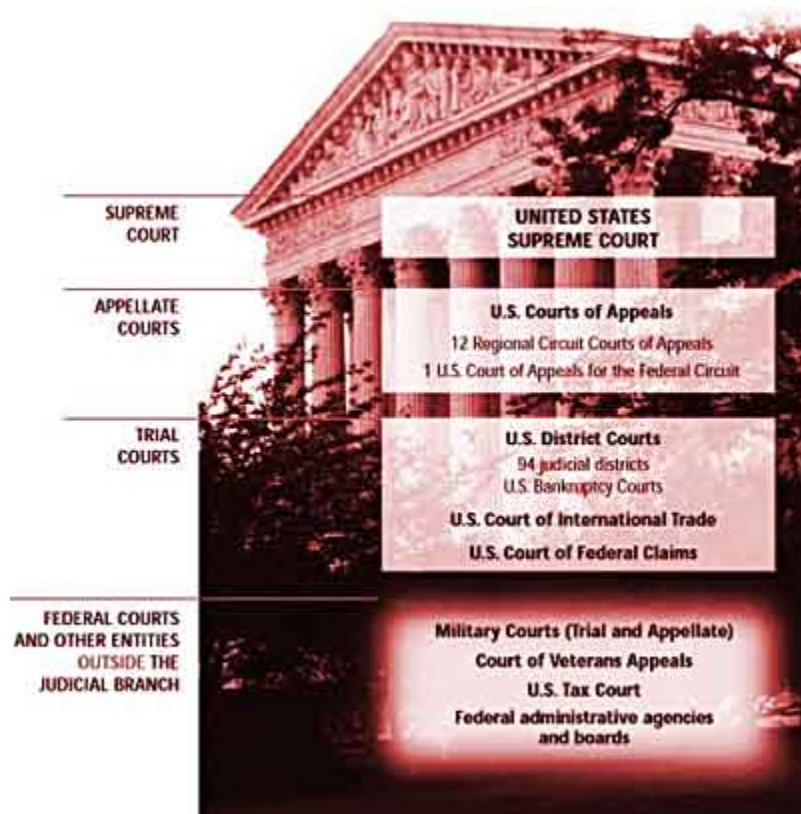
No one seemed to understand the grand implications of what Marshall had done: he had created the power of judicial review. This established the precedent that only the federal courts could interpret the Constitution. This power has given federal judges the final word in settling virtually every major issue that has challenged the government in American history.

Today, the judicial branch not only provides strong checks and balances to the executive and legislative branches, it possesses a tremendous amount of policy-making power in its own right. This power rests more on the precedent (a principle that later justices followed) of judicial review set by Marshall in 1803 than on the provisions of the Constitution.



9b. The Structure of the Federal Courts

The judicial Power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. -Article III, Section 1, The Constitution of the United States



In the federal court system, the Supreme Court has final appellate jurisdiction over all courts in the United States.

Notice that, according to the Constitution, Congress creates courts.

By implication, Congress also has the power to reorganize and even dismantle the court system. This clause provides one of many examples of the checks and balances in the Constitution, but it also reveals the Founders' intent to grant greater powers to the legislative branch than to the judicial.

The fact that most of the basic court structure has changed little since it was created by the Judiciary Act of

1789 is an indication that Congress does not readily use this power. The relative independence of the court system, as well as the evolutionary power of the judicial branch, has been generally respected by members of subsequent Congresses.

Constitutional Courts

Courts established by the Judiciary Act of 1789 are called constitutional courts because they are mentioned in Article III (they are the "inferior courts" in the quote above).

Judges who preside over these courts are nominated by the president, confirmed by the Senate, and serve lifetime terms as long as they exhibit "good behavior." Over the years, Congress has created other courts to handle cases for special purposes.

THE JUDICIAL BRANCH



The first Territorial Supreme Court was formed for the Dakota Territory in 1861 but didn't meet to hear appeals until 1867. This photograph shows the members of the court meeting to conduct business for the first time.

Legislative Courts

Those latter courts are referred to as "legislative courts." For example, by the early 20th century, Congress had set up the U.S. territorial courts to hear federal cases in the territories that the United States began acquiring during the late 1800s. Judges for legislative courts are also appointed by the president and confirmed by the Senate, but they serve fixed, limited terms.

The Judicial Circuits



The Eighth Circuit includes the states of Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

The federal court system is divided into 12 geographic circuits. For example, Circuit One includes the New England states of Maine, New Hampshire, and Massachusetts. Circuit Nine includes seven states in the far western part of the country. Originally, each state in each circuit was to have one district court, where all federal cases from the state originated.

Over time, as the population grew, additional district courts were added. Today, a total of 94 district courts exist; they are staffed by more than 600 judges. Some circuits have more than others, based on population, but each circuit still has only one court of appeals. Cases not settled in the courts of appeal may be appealed further, but only to the Supreme Court.



District Courts and Courts of Appeals



Each U.S. district court has a different seal, a different jurisdiction, and different local rules.

Most cases that deal with federal questions or offenses begin in district courts, which are almost always granted original jurisdiction. District courts hear appeals cases only in the rare case of a constitutional question that may arise in state courts. About 80 percent of all federal cases are heard in district courts, and most of them end there. The

number of judges assigned to district courts varies from two to twenty-eight, depending on caseloads and population.

Courts of Appeal

By the late 19th century, so many people were appealing their cases to the Supreme Court that Congress created another type of constitutional court, the courts of appeals. Today, along with 12 courts of appeals (one for each circuit), a thirteenth court, the Court of Appeals for the Federal Circuit, hears cases that deal with patents, contracts, and financial claims against the federal government.



The Ninth Circuit Court of Appeals, located in San Francisco, is noted not only for its legal importance but its ornate architecture.

Courts of appeals never hear cases on original jurisdiction, and most appeals come from district courts within their circuits. They do sometimes hear cases from decisions of federal regulatory agencies as well.

Appeals courts have no juries, and panels of judges (usually three) decide the cases. Their decisions are almost always final. Their decisions may be appealed only to the Supreme Court, and because the Court is able to hear only a very small percentage of them, almost no cases go further than the appeals courts.

Thus, even though the Founders surely intended that Congress hold a great deal of power over the judicial branch, in reality the basic organization of federal courts has remained basically the same throughout U.S. history. Congress has created new courts and reorganized others, and the system has grown increasingly complex. The courts have a great deal of independence, however, and they have established the judicial branch as a strong coequal to Congress and the president.

THE JUDICIAL BRANCH

9c. The Supreme Court: What Does It Do?

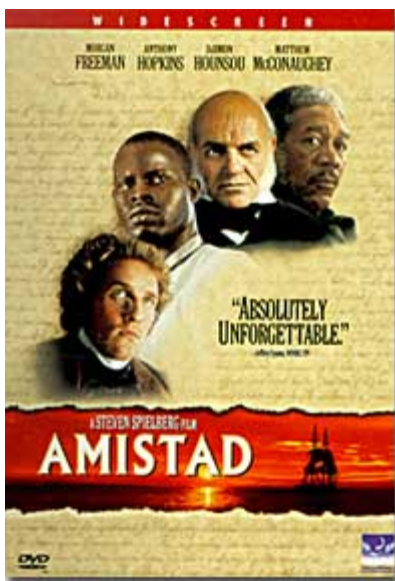


Chief Justice John Roberts and the eight associate justices have been appointed to the Supreme Court for life. They will remain on the Court until they retire, resign, are impeached, or die.

The justices are somehow different from other well-known figures in government. They dress in long black robes. They almost never appear on magazine covers, and they seem to stay on the court forever. They announce their decisions periodically, then disappear into their "Marble Palace."

In anger, President Franklin Roosevelt once called them "nine old men." What connections do they have to real-world government and politics, and what work do they do? The power of the Court is reflected in the work it does, and its decisions often shape policy as profoundly as any law passed by Congress or any action taken by the president.

The Power of Choice



*The Supreme Court chose to hear the case *United States v. the Claimants of the Amistad* (1841) because of its implications to the United States' foreign relations. The case was documented in Steven Spielberg's 1997 movie, *Amistad*.*

The Court receives about 7,000 petitions every year. It has almost complete control over which cases it will hear. The justices choose about 90 percent of their 100 to 120 cases by writ of certiorari, an order to send up a case record from a lower court.

Typically, the justices discuss any cases one of them has recommended from earlier readings. The Rule of Four governs their choices: if four justices vote to hear a case, all nine agree to it.



How do they choose their cases? Generally, the Court considers only cases that have far-reaching implications beyond the two parties involved in the dispute. For example, a case in which a student sues an assistant principal for searching a locker may shape the privacy rights of all students in public schools. The court also tends to hear cases in which two lower courts have reached conflicting decisions. And it tends to look closely at lower court decisions that contradict earlier Supreme Court decisions.

Hearing and Deciding a Case



*NAACP lawyers congratulate each other on the decision in *Brown v. Board of Education of Topeka* (1954). Attorney Thurgood Marshall, center, was later named the first African American justice of the Supreme Court.*

Hearings begin in October every year, and the last cases are usually heard in June. The justices receive briefs, or summaries of arguments, from the lawyers ahead of time. Often, they receive *amici curiae*, or briefs prepared by interest groups or government agencies that support one side or the other. The hearings are open to the public and are strictly timed. Each side has 30 minutes to present its case, and the justices typically ask questions and even debate one another

during the allotted time.

After the public hearing the justices meet together privately to discuss the case. They share their opinions, debate the issues, and eventually come to a conclusion. Each justice takes a side individually, and because there are nine justices (an uneven number), one side always wins.

Announcing and Implementing a Decision

When the Court announces a decision, the individual justice's opinions are revealed. A unanimous decision (9-0) indicates that the justices were in total agreement. This vote is rare because the cases that have been chosen are the tough ones. Decisions are usually split 6-3, 7-2, or 5-4.

Along with the decisions, the justices release explanations for each side. A majority opinion is prepared (usually by the senior justice on that side), and the justices whose point of view did not prevail release a dissenting opinion. A justice who agrees with the majority decision but reaches the same conclusion for different reasons sometimes presents a concurring opinion.

THE JUDICIAL BRANCH



The Supreme Court comprises one chief justice, and a number of associate justices that is determined by Congress. Today, there are a total of nine justices.

The power of the Court to implement its decisions is limited. For example, in the famous 1954 case *Brown v. Board of Education of Topeka*, the justices ruled that racial segregation (separate but equal) in public places is unconstitutional. But, it took many years for school districts to desegregate.

The Court has no means (such as an army) to force implementation. Instead, it must count on the executive and legislative branches to back its decisions. In the Civil Rights Movement, the Court led the way, but the other branches had to follow before real change could take place.

Despite the Supreme Court's limitations in implementing decisions, the justices often set policies that lead to real social change. So even though justices don't do a great deal of their work in public, and most Americans don't have a good sense of what they do, their decisions are very important. The Supreme Court has real power in the American political system.



9d. How Judges and Justices Are Chosen



The Senate Judiciary Committee reviews the president's nominees to the federal bench before they are confirmed on the Senate floor. The committee holds its meetings in rooms such as this one, Committee Room 226 in the Senate Dirksen Office Building.

Legendary Justice Oliver Wendell Holmes once said that a Supreme Court Justice should be a "combination of Justinian, Jesus Christ, and John Marshall."

Why are venerable former justices sources of guidance in understanding necessary qualities for federal judges?

The Constitution is silent on judicial qualifications. It meticulously outlines qualifications for the House of Representatives, the Senate, and the presidency, but it does not give any advice for judicial appointments other than stating that justices should exhibit "good behavior." As a result, selections are governed primarily by tradition.

The Nomination Process

The Constitution provides broad parameters for the judicial nomination process. It gives the responsibility for nominating federal judges and justices to the president. It also requires nominations to be confirmed by the Senate. First, look at the numbers.

More than 600 judges sit on district courts, almost 200 judges sit on courts of appeals, and 9 justices make up the Supreme Court. Because all federal judges have life terms, no single president will make all of these appointments.

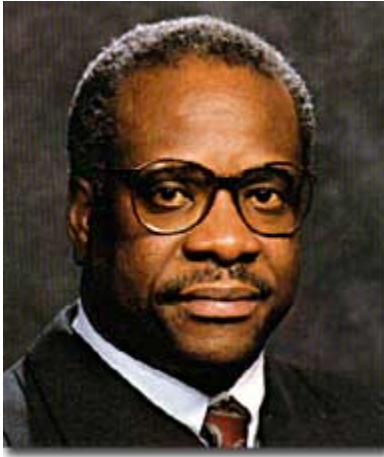
But many vacancies do occur during a president's term of office. Appointing judges, then, could be a full-time job. A president relies on many sources to recommend appropriate nominees for judicial posts.

Recommendations often come from the Department of Justice, the Federal Bureau of Investigation, members of Congress, sitting judges and justices, and the American Bar Association. Some judicial hopefuls even nominate themselves.

A special, very powerful tradition for recommending district judges is called senatorial courtesy. According to this practice, the senators from the state in which the vacancy occurs make the decision. A senator of the same political party as the President sends a nomination to the president, who almost always follows the recommendation. To ignore it would be a great affront to the senator, as well as an invitation for conflict between the president and the Senate.

Selection Criteria

THE JUDICIAL BRANCH



Supreme Court Justice Clarence Thomas was nominated to fill the position vacated by Thurgood Marshall. He served on the U.S. Court of Appeals before his nomination to the Supreme Court by George Bush.

Presidents must consider many factors in making their choices for federal judgeships:

- **Experience** — Most nominees have had substantial judicial or governmental experience, either on the state or federal level. Many have law degrees or some other form of higher education.
- **Political ideology** — Presidents usually appoint judges who seem to have a similar political ideology to their own. In other words, a president with a liberal ideology will usually appoint liberals to the courts. Likewise, conservative presidents tend to appoint conservatives.
- **Party and personal loyalties** — A remarkably high percentage of a president's appointees belong to the president's political party. Although political favoritism is less common today than it was a few decades ago, presidents still appoint friends and loyal supporters to federal judgeships.
- **Ethnicity and gender** — Until relatively recently, almost all federal judges were white males. Today, however, ethnicity and gender are important criteria for appointing judges. In 1967, Lyndon Johnson appointed the first African American Supreme Court justice, Thurgood Marshall. In 1981, Ronald Reagan appointed the first woman to the Supreme Court, Sandra Day O'Connor. All recent presidents have appointed African Americans, Latinos, members of other ethnic minority groups, and women to district courts and courts of appeal.

Because federal judges and Supreme Court justices serve for life, a president's nomination decisions are in many ways his or her most important legacy. Many of these appointments will serve long after a president's term of office ends. Whether or not the results are a "combination of Justinian, Jesus Christ, and John Marshall," these choices can have an impact on generations to come.



9e. The Power of the Federal Courts

Not everyone agrees on how much power the judicial branch should have. After all, federal judges and justices are appointed, not elected. As most Americans believe in democracy, shouldn't elected officials run the country?

On the other hand, perhaps American government would be fairer if judges had even more power. Because they do not have to worry about reelection, they are relieved of the outside pressure of public opinion.

After all, the majority is not always right. It is no accident that the Founders provided for elected officials in the legislature and appointed officials in the judiciary. They believed that freedom, equality, and justice are best achieved by a balance between the two branches of government.

Checks on Judicial Power



Although the Supreme Court ruled in favor of the Cherokee, its decision was not enforced. Nearly 4,000 Cherokee died on the Trail of Tears as a result of the Indian removals.

The president and Congress have some control of the judiciary with their power to appoint and confirm appointments of judges and justices. Congress also may impeach judges (only seven have actually been removed from office), alter the organization of the federal court system, and amend the Constitution.

Congress can also get around a court ruling by passing a slightly different law than one previously declared unconstitutional.

Courts also have limited power to implement the decisions that they make. For example, if the president or another member of the executive branch chooses to ignore a ruling, there is very little that the federal courts can do about it.

For example, the Supreme Court ruled against the removal of the Cherokee from their native lands in 1831. President Andrew Jackson disagreed. He proceeded with the removal of the Cherokee, and the Supreme Court was powerless to enforce its decision.



The Power of the Courts




1Will Counts/AP

*The 1954 Supreme Court decision in *Brown v. Board of Education of Topeka* regarding integration of schools was not enforced until three years later, when Central High School in Little Rock, Arkansas, was integrated. Elizabeth Eckford, one of the first African American students to attend Central, was heckled on her way to school each morning.*

The federal courts' most important power is that of judicial review, the authority to interpret the Constitution. When federal judges rule that laws or government actions violate the spirit of the Constitution, they profoundly shape public policy. For example, federal judges have declared over 100 federal laws unconstitutional.

Another measure of the Supreme Court's power is its ability to overrule itself. In 1954, the Supreme Court ruled in *Brown v. Board of Education of Topeka* that schools segregated by race were unconstitutional. This reversed the 1896 *Plessy v. Ferguson* decision that upheld the doctrine of "separate but equal."

For the most part, though, federal courts do have a great deal of respect for previous decisions. A very strong precedent called *stare decisis* ("let the decision stand") directs judges to be cautious about overturning decisions made by past courts.



An act of the legislature repugnant to the Constitution is void.... It is emphatically the province of the judicial department to say what the law is. John Marshall, *Marbury v. Madison* (1803)

Words which, ordinarily and in many places, would be within the freedom of speech protected by the First Amendment, may become subject to prohibition when of such a nature and used in such circumstances as to create a clear and present danger that they will bring about the substantive evils which Congress has a right to prevent. The character of every act depends upon the circumstances in which it is done. Oliver Wendell Holmes, *Schenck v. the United States* (1919)

The judgments below, except that, in the Delaware case, are accordingly reversed, and the cases are remanded to the District Courts to take such proceedings and enter such orders and decrees consistent with this opinion as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties to these cases. Earl Warren, *Brown v. Board of Education of Topeka* (1955)

THE JUDICIAL BRANCH

I shall not today attempt further to define the kinds of material [pornography] ...[B]ut I know it when I see it. Potter Stewart, *Jacobellis v. Ohio* (1964)



Charles Evans Hughes was first appointed to the Supreme Court in 1910 but left the Court to run for president in 1916. He was reappointed to the Supreme Court as Chief Justice in 1930.

Judicial Activism versus Judicial Restraint

The lack of agreement regarding the policy making power of courts is reflected in the debate over judicial activism versus judicial restraint. Judicial activists believe that the federal courts must correct injustices that are perpetuated or ignored by the other branches.

For example, minority rights have often been ignored partly because majorities impose their will on legislators. Prayers in public schools support the beliefs of the majority but ignore the rights of the minority. The Constitution is often loosely interpreted to meet the issues of the present. In the words of former Justice Charles Evans Hughes, "We are under a Constitution, but the Constitution is what the judges say it is."

Supporters of judicial restraint point out that appointed judges are immune to public opinion, and if they abandon their role as careful and cautious interpreters of the Constitution, they become unelected legislators. According to Justice Antonin Scalia, "The Constitution is not an empty bottle....It is like a statute, and the meaning doesn't change."

Despite the debate over what constitutes the appropriate amount of judicial power, the United States federal courts remain the most powerful judicial system in world history. Their power is enhanced by life terms for judges and justices, and they play a major role in promoting the core American values of freedom, equality, and justice.



10. Civil Liberties and Civil Rights



Justice Felix Frankfurter was a huge influence on the Supreme Court in the years he sat on the bench, 1939 — 62. He is noted for his civil rights and anti-trust decisions.

"It is a fair summary of constitutional history that the landmarks of our liberties have often been forged in cases involving not very nice people." -Supreme Court Justice Felix Frankfurter

Protection of civil liberties and civil rights is perhaps the most fundamental political value in American society. And yet, as former Justice Frankfurter explained in the quote above, the people who test liberties and rights in our courts are not always ideal citizens. Consider some of these examples:

- A pick ax murderer on death row who found God and asked for clemency
- A publisher of magazines, books, and photos convicted for sending obscene materials through the United States mail
- A convict whose electrocution was botched when 2,000 volts of electricity rushed into his body, causing flames to leap from his head
- A university student criminally charged for writing and publishing on the internet about torturing and murdering women

Each of these people made sensational headline news as the center of one of many national civil liberties disputes in the late 20th century. They became involved in the legal process because of behavior that violated a law, and almost certainly, none of them intended to become famous. More important than the headlines they made, however, is the role they played in establishing important principles that define the many civil liberties and civil rights that Americans enjoy today.

Liberties or Rights?

What is the difference between a liberty and a right? Both words appear in the Declaration of Independence and the Bill of Rights. The distinction between the two has always been blurred, and today the concepts are often used interchangeably. However, they do refer to different kinds of guaranteed protections.

Civil liberties are protections against government actions. For example, the First Amendment of the Bill of Rights guarantees citizens the right to practice whatever religion they please. Government, then, cannot interfere in an individual's freedom of worship. Amendment I gives the individual "liberty" from the actions of the government.



Civil rights, in contrast, refer to positive actions of government should take to create equal conditions for all Americans. The term "civil rights" is often associated with the protection of minority groups, such as African Americans, Hispanics, and women. The government counterbalances the "majority rule" tendency in a democracy that often finds minorities outvoted.

Right vs. Right



The Chicago Defender, an African-American newspaper, trumpets the desegregation of the military. The right to participate in public institutions is a key component of civil rights.

Most Americans think of civil rights and liberties as principles that protect freedoms all the time. However, the truth is that rights listed in the Constitution and the Bill of Rights are usually competing rights. Most civil liberties and rights court cases involve the plaintiff's right vs. another right that the defendant claims has been violated.

For example, in 1971, the New York Times published the "Pentagon Papers" that revealed some negative actions of the government during the Vietnam War. The government sued the newspaper,

claiming that the reports endangered national security. The New York Times countered with the argument that the public had the right to know and that its freedom of the press should be upheld. So, the situation was national security v. freedom of the press. A tough call, but the Court chose to uphold the rights of the press.

The Bill of Rights and 14th Amendment

The overwhelming majority of court decisions that define American civil liberties are based on the Bill of Rights, the first ten amendments added to the Constitution in 1791. Civil liberties protected in the Bill of Rights may be divided into two broad areas: freedoms and rights guaranteed in the First Amendment (religion, speech, press, assembly, and petition) and liberties and rights associated with crime and due process. Civil rights are also protected by the Fourteenth Amendment, which protects violation of rights and liberties by the state governments.



14th Amendment

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2.

Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age [Changed by the 26th Amendment], and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5.

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Protection of civil liberties and civil rights is basic to American political values, but the process is far from easy. Protecting one person's right may involve violating those of another. How far should the government go to take "positive action" to protect minorities? The answers often come from individuals who brush most closely with the law, whose cases help to continually redefine American civil liberties and rights.

Civil Liberties and Civil Rights

10a. Rights and Responsibilities of Citizens



Following the "Stonewall Riots" of 1969 in New York City, American homosexuals began an aggressive campaign for their civil rights.

As much as the founders talked and wrote about liberty, they didn't have much to say about equality.

Thomas Jefferson's famous phrase in the Declaration of Independence proclaimed that "All men are created equal." By today's standards, that statement is problematic because it says nothing about women. The word "equality" is used

nowhere in the Constitution or in the Bill of Rights. The goals of the early United States were much more centered on liberty, but over the years equal rights have come to be more and more important.

Civil Rights in Early National History

Civil rights — such as voting and owning property — in early America were mostly restricted to white men. Most African Americans were brought to America as slaves who, under the Constitution, were only counted as three-fifths of a person. After the Civil War slavery was abolished by the 13th Amendment, and voting rights were granted to African Americans in the 15th Amendment. But the most important change of the post-Civil War era was the 14th Amendment's famous clause: "No State shall ... deny to any person within its jurisdiction the equal protection of the laws."



One afternoon in 1955 Rosa Parks sat in the front of a bus and became a symbol of the civil rights movement, after she was booked and fingerprinted for violating Montgomery, Alabama's segregation laws.

The search for equal rights was far from over with the passage of the 14th Amendment in 1868. State and local Jim Crow laws were enacted all over the South to segregate black and white Americans. The constitutionality of these laws was questioned in 1896 with the famous Plessy v. Ferguson case.

Homer Plessy challenged a Louisiana state law that required the races to ride in "equal but separate" railroad cars. He claimed that the law violated the equal protection clause of the 14th Amendment. The Supreme Court fatefully ruled that segregation was not unconstitutional as long as the facilities were equal. The decision effectively prevented the application of the 14th Amendment for more than a half a century.



Modern Civil Rights Movement

The movement for equal rights gained its momentum in 1954 with the Supreme Court's decision in *Brown v. Board of Education of Topeka*. The case overturned Plessy's separate but equal doctrine and declared that separate but equal public facilities were unconstitutional. The decision alone was not enough to begin the civil rights movement. The case was argued by the National Association for the Advancement of Colored People, an interest group whose cause was validated by the Court's decision.

The focus of the early movement was on African Americans, with many citizens and organizations joining in. Martin Luther King's charismatic leadership helped to propel the movement to the forefront of the nation's agenda. Nonviolent protests, demonstrations, sit-ins, and boycotts sparked Presidents to act, and finally Congress passed two significant laws — the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Together they virtually ended *de jure* segregation — separation by law. But much *de facto* segregation — separation by fact — has remained.

Civil Rights for Women



This colorful invitation to join a suffragist parade was a bold call to action in 1913, when women didn't have voting rights nationwide. This changed with ratification of the 19th Amendment in 1920.

The civil rights movement reawakened another major effort for equal rights — civil rights for women. Women had won the right to vote in 1920 after a struggle that effectively had begun in 1848 with a historic organizational meeting in Seneca Falls, New York. The movement lost momentum after its main goal was reached, but during the 1960s, new leaders emerged who demanded women's "liberation."

New organizations, such as the National Organization for Women (NOW), focused on eliminating gender discrimination in the work force and school. They demanded equal legal rights, such as owning property and easier access to divorce, for women. They fought for economic equality in the form of equal pay for equal work and broader admission into male-dominated professions. Although the movement failed in its push to add the Equal Rights Amendment to the Constitution, it brought about many legal and social changes that supported more equal rights for women.

Equal Rights for All Americans

Many groups in American society were encouraged by the successes of the movements for African Americans and women, and much has happened in recent years to ensure equal rights for all. Major movements for Latinos, the elderly, the disabled, and homosexuals have heightened American awareness of discrimination against many other minorities.



The 14th Amendment guaranteed "equal protection of the law" more than 130 years ago. The fact that it took so many years for its effects to be felt is testimony to the complexity of the decision-making process in a democracy. It took all three branches, active interest groups, and concerned individual citizens to bring the country closer to the ideal of equal rights for all.

Civil Liberties and Civil Rights

10b. First Amendment Rights



The Newseum, located in Arlington, Virginia, is a museum of news and press freedom. Thanks to the guarantees of the First Amendment, Americans have freer access to news than people in most countries.

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances." -First Amendment to the Constitution

A careful reading of the [First Amendment](#) reveals that it protects several basic liberties — freedom of religion, speech, press, petition, and assembly. Interpretation of the amendment is far from easy, as court case after court case has tried to define the limits of these freedoms. The definitions have evolved throughout American history, and the process continues today.

Freedom of Religion



Deborah Weisman was a Jewish student who successfully sued her public-school district in Rhode Island over a Christian graduation prayer in 1986. In her case, Weisman cited the First Amendment's clause against the state establishing any religion.

The First Amendment guarantees freedom of religion in two clauses — the "establishment" clause, which prohibits the government from establishing an official church, and the "free exercise" clause that allows people to worship as they please. Notice that the phrase "separation of church and state" does not appear in the First Amendment, nor is it found anywhere else in the Constitution. Most people do not realize that

the phrase was actually coined later by Thomas Jefferson. In 1802, when he was President, he wrote the opinion that the First Amendment's freedom of religion clause was designed to build "a wall of separation between Church and State."

Court cases that address freedom of religion have dealt with the rejection of prayer in public schools, the denial of aid to parochial schools, the banning of polygamy (the practice of having more than one



wife), the restriction of poisonous snakes and drugs in religious rites and limiting the right to decline medical care for religious purposes.

Freedoms of Speech and of the Press

Free speech is one of the most cherished liberties, but free speech often conflicts with other rights and liberties. The courts have had to consider the question, "What are the limits of free speech?"

The "clear and present danger" test is a basic principle for deciding the limits of free speech. It was set by the famous *Schenck v. the United States* case from World War I. Antiwar activist Charles Schenck was arrested for sending leaflets to prospective army draftees encouraging them to ignore their draft notices. The United States claimed that Schenck threatened national security, and the justices agreed. The principle was established that free speech would not be protected if an individual were a "clear and present danger" to United States security.



Manet's Olympia was considered obscene in 1865, but today is considered a masterpiece. As tastes in the arts change, the legal definitions of obscenity and free expression change as well.

What is free speech? The definition is not easy, and the courts have identified three types of free speech, each protected at a different level:

- Pure speech is the verbal expression of thoughts and opinions before a voluntary audience. The courts have generally provided strong protection of pure speech from government regulation.
- Speech-plus involves actions, such as demonstrating or protesting, as well as words. Speech-plus is not generally protected as strictly as is pure speech, because actions can be physically dangerous. The courts have ruled that demonstrators may not obstruct traffic, endanger public safety, or trespass illegally.
- Symbolic speech technically involves no speech at all, but it involves symbols that the courts have judged to be forms of free expression. Symbolic actions such as wearing black armbands in school and draft-card burning fit this category. Symbolic speech is highly controversial, and as a rule, the courts have sometimes considered it to be beyond the limits of free speech. However, the Supreme Court did uphold the right of an individual to burn an American flag in the 1989 *Texas vs. Johnson* decision.



Many of the same principles that apply to freedom of speech apply to the press, but one with special meaning for the press is prior restraint. The courts have ruled that the government may not censor information before it is written and published, except in the most extreme cases of national security.

Freedom of Assembly and Petition

Freedom of assembly and petition are closely related to freedom of speech, and have been protected in similar ways. Former Chief Justice Charles Evans Hughes wrote, "Peaceable assembly for lawful discussion cannot be made a crime." Generally, that point of view has prevailed. Freedom of assembly has to be balanced with other people's rights if it disrupts public order, traffic flow, freedom to go about normal business or peace and quiet. Usually, a group must apply for a permit, but a government must grant a permit provided that officials have the means to prevent major disruptions.

For over 100 years after the ratification of the Constitution, the First Amendment protected these freedoms only in theory. As individuals in the 20th century have challenged the government in the courts when they believed their rights were assaulted, the First Amendment has taken on a stronger meaning. It remains the single most powerful instrument for protecting the sacred freedoms of religion, speech, press, assembly, and petition for modern Americans.



10c. Crime and Due Process



Some Americans feel so strongly about their Fourth Amendment rights that they're willing to demonstrate dramatically in favor of them. Pat Barber of Texas was ordered by the state to destroy this sign on his ranch, an order he is appealing on First Amendment grounds.

Inherit the Wind. The Practice. The People vs. O.J. Simpson.

Whether a trial is depicted in a movie, on television, or in real life, Americans cannot seem to turn away. From the crime itself, to the arrest, to the jury's verdict, Americans have been fascinated by the justice system.

What rights can Americans claim if they are accused of crimes? The 4th, 5th, 6th, and 8th Amendments provide much of the constitutional basis of these rights.

The Principle of Due Process

Due process means that laws must be applied fairly and equally to all people, especially to a citizen accused of a crime. The Constitution uses the phrase in the 5th and 14th Amendments, declaring that the government shall not deprive anyone of "life, liberty, or property, without due process of law..." The 5th Amendment protects people from actions of the federal government, and the 14th protects them from actions by state and local governments.

Searches and Seizures

The purpose of the 4th Amendment is to deny the national government the authority to make general searches and seizures of property. A major issue over the years has been the interpretation of "unreasonable" searches and seizures. The rules can be complicated. They also change often, but the general principle is that searches are valid methods of enforcing law and order, but unreasonable searches are prohibited.

Fourth Amendment

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Civil Liberties and Civil Rights

Over the years, the Supreme Court has interpreted the 4th Amendment to allow the police to search the following:

- The person arrested
- Things in plain view of the accused person
- Places or things that the arrested person could touch or reach or are otherwise in the person's "immediate control"
- Property where there is strong suspicion that a person could be in immediate danger

The Fifth Amendment

The 5th Amendment requires that a citizen cannot be accused of a serious crime without a grand jury investigation. It also forbids double jeopardy — the act of bringing a person to trial a second time for the same crime.

Fifth Amendment



'NOW, TELL THE JURY WHAT YOU DID WITH THE KNIFE, MRS. BOBBITT...'

Juries like the one in this political cartoon are required by the Seventh Amendment in federal cases

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

The Fifth Amendment also grants the right to a defendant to refrain from testifying against himself or herself. Probably the most famous modern interpretation of this provision is the right to remain silent. The famous *Miranda v. Arizona* (1966) case required that individuals arrested for a crime must be advised of their right to remain silent and to have counsel present. This intended to prevent forced or involuntary confessions under police pressure. Although the Supreme Court had long held that involuntary confessions could not be used in federal courts, state courts did not always comply. Now local police departments must issue warnings known as "Miranda Rights" to people that they arrest.



A very important principle related to the 4th and 5th Amendments is the exclusionary rule, which upholds the principle that evidence gathered illegally cannot be used in a trial.

The 6th Amendment and Right to Counsel

The 6th Amendment guarantees that an individual accused of a crime has the right "to have the assistance of counsel for his defense."

Sixth Amendment

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

What if a person can't afford to have a lawyer for his or her defense? Until the 1963 ruling in *Gideon v. Wainwright*, many states did not ensure this right. Clarence Earl Gideon could not afford counsel when he went to trial for breaking into a poolroom in Bay Harbor, Florida. He was convicted and sent to prison, where he spent years researching his rights. Finally, he successfully petitioned the Supreme Court to hear his case, and they ruled in Gideon's favor, ensuring the right to counsel in state as well as federal courts.

The 8th Amendment and Cruel and Unusual Punishment

The 8th Amendment prohibits "cruel and unusual punishments," a concept rooted in English law. But again, what does the phrase really mean? By far, the most controversial issue that centers on the 8th Amendment is capital punishment, or the practice of issuing death sentences to those convicted of major crimes.

Eighth Amendment

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

In general, states are allowed to pursue their own policies regarding capital punishment. The Supreme Court did not challenge the death penalty until 1972 in *Furman v. Georgia*. Even then, it did not judge capital punishment to be cruel and unusual punishment. It simply warned the states that the death penalty was to be carried out in a fair and consistent manner.

Rights of those accused of crimes are protected in other parts of the Constitution. For example, Article I affirms the right of a writ of habeas corpus, a court order that requires a judge to evaluate whether there is sufficient cause for keeping a person in jail. However, the most extensive protections are found in the 4th, 5th, 6th, and 8th Amendments.

Civil Liberties and Civil Rights

10d. Citizenship Rights



The INS is charged with handling all immigration cases and issues within the United States, including the Border Patrol. It is a branch of the Department of Justice.

All countries have rules that determine who is a citizen, and what rights and responsibilities come with citizenship. In the United States, the 14th Amendment gives constitutional protection of the basic rights of citizenship: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside." So, citizenship is conferred on the basis of place of birth and the process of naturalization.

Native-born Citizens

Any individual born within the boundaries of the United States or its territories is eligible for citizenship. If a foreign woman travels to the United States and gives birth to the child before leaving, the child is an American citizen, but the mother is not. Also, children born to American citizens abroad are also native-born citizens. The Constitution affords but one advantage to native-born citizens over those who are naturalized — the right to run for President of the United States. People may have dual citizenship — being citizens of two countries — if they are born to parents living outside the United States, or if they born in the United States to foreign citizens.

Citizenship by Naturalization



The American Immigration Law Foundation fights for immigrants' rights in the United States and advocates continued immigration as healthy for the society and economy.

Naturalization is the conferring of citizenship to an alien — a non-citizen living in the United States. An applicant for citizenship must be at least 18 years old, must be able to read, write, and speak English, and must have lived in the United States for five continuous years, or three years if he or she is married to a citizen. An alien must file a petition requesting citizenship. The Immigration and Naturalization Service then holds a hearing in which the applicant is asked about his or her background and character. The applicant must also answer questions about American government and history. If the application is successful, the individual attends a final hearing to swear an oath of allegiance to the laws and Constitution of the United States.



Loss of Citizenship

Americans may lose their citizenship in three ways:

- Expatriation, or giving up one's citizenship by leaving the United States to live in and becoming a citizen of another country
- Punishment for a federal crime, such as treason
- Fraud in the naturalization process

Admission to the United States

The United States has long been known as a haven for immigrants — a place people come to seek a better life. However, some Americans believed and still believe that too many people are crowding the United States and that immigrants will dilute American traditions and values. Throughout American history, debates have flared among those wishing to open the borders and those wishing to close them.



The concept of the "Great American Melting Pot" is that the American people have been created from diverse groups of immigrants forming a culture with a unique character.

Congress has the power to regulate immigration by setting restrictions on who may be admitted to live in the United States. Until the late 19th century, no limitations were in place. The first immigration limitation acts were passed in the late 1800s, and eventually quotas — or limits — were placed on how many people could come from each country. During the 1960s quotas from individual countries were eliminated, but Congress does set a ceiling — currently 675,000 — on the number who are allowed to enter the United States each year.

The Rights of Aliens

Civil Liberties and Civil Rights

The wording of the Constitution allows aliens to have many constitutional rights. The founders referred most often to "persons" rather than "citizens," and so the Supreme Court has allowed aliens the following rights:

- Property ownership
- Business ownership
- Enrollment in public schools
- First Amendment freedoms
- Due process rights



The Elian Gonzalez case put illegal immigration into the United States in the spotlight. Of the millions who wish to enter the country, who should be allowed to stay?

welfare benefits to illegal aliens, with the exceptions of emergency medical care, disaster relief, and some nutrition programs.

All United States citizens are protected by the Bill of Rights and the Constitution, as well as by the state and national laws. Even though laws govern overall immigration and residents from other countries must go through the naturalization process in order to become citizens, many rights extend to aliens as well.

11. Policy Making: Political Interactions

Congress, the President, the Cabinet, advisers, agency bureaucrats, federal and state courts, political parties, interest groups, the media...All of these groups interact to make political decisions in the United States.

Public policy is a goal-oriented course of action that the government follows in dealing with a problem or issue in the country. Public policies are based on law, but many people other than legislators set them. Individuals, groups, and even government agencies that do not comply with policies can be penalized. This complicated process goes through a predictable series of steps:



The power to formulate and implement policy is often divided between several entities. Defense policy is a good example: after the bombing of Pearl Harbor, shown here, President Franklin Roosevelt addressed a joint session of Congress to ask the body to declare war against Japan.

1. Recognizing the problem.

At any given time, many conditions disturb or distress people, such as unsafe workplaces, natural disasters like tornadoes and earthquakes, crime, pollution, or the cost of

medical care. But all disturbing conditions do not automatically become problems. People have to recognize that government can and should do something about them. For example, most citizens probably do not expect government to prevent hurricanes. However, they may expect government to help hurricane victims through quick relief actions.

2. Agenda setting.

An agenda is a set of problems that government wants to solve. Usually there are so many of them that they must be prioritized, with some problems getting earlier and more attention than others. Agenda setting may respond to pressure from interest groups, political parties, the media, and other branches of government. Agendas usually are reshaped when a new president takes office or when the majority party in Congress changes after an election. A crisis such as war, depression, natural disasters, or a tragic accident, almost always re-prioritizes issues.

3. Formulating the policy.

At this stage, usually several conflicting plans from various political interests take shape. Various players — the president and White House aides, agency officials, specially appointed task forces, interest groups, private research organizations, and legislators — may take part in formulating new policy.



Around the turn of the 20th century, muckrakers and concerned citizens brought to light the unethical practices rampant in the food and medicine industries and pressed the government to take action. The result was legislation such as the Pure Food and Drug Act of 1906, and eventually the creation of regulatory agencies like the Food and Drug Administration.

4. Adopting the policy.

Once various plans are presented; one policy is accepted by the decision-makers. In many cases, a policy is adopted when Congress passes a law. Policy adoption may also take place when the president signs an executive order or when the Supreme Court rules on an important case. Policy is often built in a series of small steps passed over time by different players, and eventually, a complex policy emerges.

5. Implementing the policy.

Most public policies are carried out by administrative agencies in the executive branch, although sometimes the courts get involved in implementing decisions they make. Agencies use many techniques to see that policy is carried out. Sometimes they punish people and organizations who do not comply with policy. For example, a state can take a driver's license away from a bad driver. Or the government may offer incentives, like tax breaks for contributing to the presidential election campaign. They even appeal to people's better instincts, such as using the slogan, "Only you can prevent forest fires."



Formulating policy involves weighing options, leading to dilemmas. This cartoon pokes fun at Teddy Roosevelt: Roosevelt was called a "trust buster" because of his strict antitrust policies, but he stays the hand of Attorney General Knox because he needs business contributions for his presidential campaign.

6. Evaluating the policy.

Policy makers often try to determine what a policy is accomplishing or whether or not it is being carried out efficiently. Often the evaluation process takes place over time with contributions from many of the interacting players. Most evaluations call for some degree of change and correction, and inevitably, at least some of the players will disagree. The whole process then begins again, starting with re-recognition of the problem.



Decision-making, then, is a continuous process with numerous people participating. At any given time, government is at various stages of policy-making in a never-ending quest to provide solutions to countless societal problems.

11a. Foreign Policy: What Now?



The United States exercises its foreign policy through economic aid. For example, famine relief in North Korea provides not only humanitarian assistance but also a foothold for the development of democratic ideals and institutions.

George Washington's Farewell Address in 1789 contained one major piece of advice to the country regarding relations with other nations: "avoid entangling alliances." Those words shaped United States foreign policy for more than a century.

Today some Americans think that Washington's words are still wise ones, and that the United States should withdraw from world affairs whenever possible. In truth, however, the United States has been embroiled in world politics throughout the 20th century, and as a result, foreign policy takes up a great deal of government's time, energy, and money.

If isolationism has become outdated, what kind of foreign policy does the United States follow? In the years after World War II, the United States was guided generally by containment — the policy of keeping communism from spreading beyond the countries already under its influence. The policy applied to a world divided by the Cold War, a struggle between the United States and the Soviet Union.

With the collapse of the Soviet Union in 1991, containment no longer made sense, so in the past ten years, the United States has been redefining its foreign policy. What are its responsibilities, if any, to the rest of the world, now that it has no incentive of luring them to the American "side" in the Cold War? Do the United States still need allies? What action should be taken, if any, when a "hot spot" erupts, causing misery to the people who live in the nations involved? The answers are not easy.



The economic side of containment: the Marshall Plan was devised to prevent communist takeover of European nations by pumping American aid into the ailing economies and infrastructures of Western Europe.

Foreign Policy Goals

To investigate the nature of current United States foreign policy, the logical source is the State Department, whose job it is to define and direct it. Foreign policy goals include the following:

- Preserving the national security of the United States
- Promoting world peace and a secure global environment
- Maintaining a balance of power among nations
- Working with allies to solve international problems
- Promoting democratic values and human rights
- Furthering cooperative foreign trade and global involvement in international trade organizations

Examining these goals closely reveals that they are based on cooperation with other nations, although "preserving the national security of the United States" implies possible competition and conflict.

Who Makes Foreign Policy?



Henry Kissinger served as National Security Adviser and Secretary of State under Presidents Nixon and Ford. He was a key figure in articulating U.S. foreign policy during the Cold War and remains one of the foremost authorities on international relations and diplomacy.

As with all policy making, many people and organizations have a hand in setting United States foreign policy. The main objective of foreign policy is to use diplomacy — or talking, meeting, and making agreements — to solve international problems. They try to keep problems from developing into conflicts that require military settlements.

The President almost always has the primary responsibility for shaping foreign policy. Presidents, or their representatives, meet with leaders of other nations to try to resolve international problems peacefully. According to the Constitution, Presidents sign treaties with other nations with the "advice and consent" of the Senate. So, the Senate, and to a lesser extent, the House of Representatives, also participate in shaping foreign policy.

The Secretary of State and many other officials of the State Department play major roles in setting foreign policy. The Secretary of State is usually the President's principal foreign policy adviser, and he or she is the chief coordinator of all governmental actions that affect relations with other countries.

The Foreign Service consists of ambassadors and other official representatives to more than 160 countries. Ambassadors and their staffs set up embassies in the countries recognized by the United States and serve as an American presence abroad. The embassies are part of the State Department, and they protect Americans overseas and are responsible for harmonious relationships with other countries.



Presidents can play a prominent role in the formation of foreign policy by brokering negotiations between disputing parties. Here, President Clinton meets with Palestinian President Yasser Arafat and Israeli Prime Minister Yitzhak Rabin.



The National Security Council, as part of the Executive Office of the President, helps the President deal with foreign, military, and economic policies that affect national security. It consists of the President, the Vice President, the Secretary of State, the Secretary of Defense, and others that the President designates. The National Security Adviser — who coordinates the Council — sometimes has as much influence as the Secretary of State, depending on his or her relationship with the President.

The Central Intelligence Agency (CIA), one of the best-known agencies that sets foreign policy, gathers, analyzes, and transmits information from other countries that might be important to the security of the nation. Although the CIA is notorious for its participation in "spy" work and "top secret" investigations, much of its work is public and routine. The CIA Director is appointed by the President and confirmed by the Senate.

United States foreign policy has changed dramatically from George Washington's day. Although Americans always pay attention to the advice of their revered founder, the world is of course not the same. The many people that shape American foreign policy today accept the fact that the United States is a member of a world community that cannot afford to ignore the importance of getting along.

11b. Defense Policy



The Pentagon, one of the largest office buildings in the world, houses the Department of Defense and the different branches of the armed forces.

The United States used to have a War Department.

Until 1947 one of the President's cabinet-level positions was the Secretary of War, who headed the War Department.

President Harry Truman renamed them the Secretary of Defense" and the Department of Defense, a telltale sign of changing times. The most destructive war of modern times — World War II — had ended only two years before, and nuclear weapons were introduced at its conclusion. The hope was that countries would "beat their swords into plowshares," according to the famous biblical statement that was to be engraved into a wall of the United Nations building in New York City. Still, a United States defense policy is necessary as a second level of protection in case diplomacy fails to solve international problems.

Who Makes Defense Policy?



UN economic sanctions have been in effect in Iraq since the end of the Gulf War. Iraqis regard then U.S. President George Bush as a criminal who has brought suffering to the innocent civilian population.

The President takes the lead in defense policy. This initiative is based on the constitutional powers as "Commander in Chief" of the armed forces. The Constitution grants Congress the power to declare war, a power with much less meaning in today's world. The last time that the United States officially declared war was December 8, 1941, the day after the Japanese attacked Pearl Harbor. Yet America has fought full-scale wars in Korea, Vietnam, and the Persian Gulf without declaring war.

Today the President is able to order covert — or secret — operations to avoid full-scale military involvement. If that option fails, the

President, sometimes with the vote of Congress, can try coercion, or tactics that force countries to "behave." Examples are economic boycotts, breaking diplomatic relations, and restricting tourist and business travel between countries. The United States has applied all of these tactics to Cuba since Communist leader Fidel Castro took over in 1959. The President may also avoid congressional



involvement in decision-making by endorsing limited military "interventions" without asking for a war declaration.

The Department of Defense is the President's main source of advice on military policy. Its headquarters is the Pentagon, which houses about 25,000 military and civilian personnel. True to the wishes of the founders, the Secretary of Defense — who heads the department — is always a civilian. However, all three military departments — the Army, the Navy, and the Air Force — are under the general supervision of the Secretary of Defense.

The Joint Chiefs of Staff is a five-member advisory body to the President, the National Security Council, and the Secretary of Defense. It includes the Chiefs of Staff of the three military departments and the commandant of the Marines. The President, with the consent of the Senate appoints all the service chiefs, as well as the chair.

Threats to National Security

In a 1993 review of the mission and needs of the Defense Department, Secretary of Defense Les Aspin identified four major threats to U.S. national security:

1. The rapid growth of weapons of mass destruction, such as nuclear bombs
2. Regional conflicts in the Middle East, Korea, and elsewhere
3. The emergence of anti-democratic forces in Russia
4. The erosion of American economic strength



Courtesy of the United Nations

In addition to nuclear weapons, the threat of chemical or biological warfare is a central issue in the formulation of post-Cold War defense policy.

Even though the United States economy is considerably stronger than it was in 1993, all four threats remain important today. Since the Cold War ended in the early 1990s, Defense Department expenditures have come under closer scrutiny, with many people demanding that less be spent for defense programs. However, the Defense

Department concluded that the United States needs sufficient military forces to conduct military operations against two "rogue nations" — such as Iraq, Iran, Libya, and North Korea — at the same time. The Department also sees a number of other states, such as China or India, as potential problem states.



Just as developing a coherent foreign policy is problematic in these post-Cold War days, so is the question of defending the country against possible danger from outside its borders. The avoidance of war, as indicated by the 1947 name change from "Department of War" to "Department of Defense" today holds the highest priority, and the hope that the United States can play a role in limiting violent upheavals around the world is reflected in both its foreign and military policies.



11c. Economic Policy



With the New Deal, President Franklin D. Roosevelt aimed to reverse the effects of the Great Depression through heavy government spending. The Works Progress Administration (WPA) was one of many federal agencies he created to generate jobs and stimulate the stagnant economy.

Does the government direct the economy, or does the economy direct itself?

Until the 20th century the country abided by the laissez-faire policy, which required a free market with little intervention from government. With the Great Depression came Keynesian economics, or the opposite belief that the government should manage the economy. Today, United States economic policy lies somewhere in between — government should regulate and sometimes manage but should allow a free market whenever possible. Political and business leaders disagree on how much control is enough.

Monetary Policy

Monetary policy is the government's control of the money supply. The government can control how much or how little money is in circulation by the amount that they print and coin. If too much money is out there, it tends to cause inflation, or the devaluation of the dollar. Too little money causes deflation, which can lead to a recession. The powerful arm of government that controls the money supply is the Federal Reserve System, which is headed by the Federal Reserve Board. The most important way that the "Fed" controls the money supply is by adjusting interest rates — high rates discourage borrowing money, which causes less inflation. The "Fed" can lower interest rates to stimulate borrowing, which encourages consumer spending.



Taxation has long been a sensitive subject in American politics. In colonial times, tax collectors were often vilified and subjected to verbal and even physical abuse.

The Federal Reserve Board's seven members are appointed by the President and are approved by the Senate for 14-year, nonrenewable terms. The President may not remove them from office, so they function quite independently from any controls from the executive branch. The chair is elected by the Board for four years, and may be reelected. The Board heads the Federal Reserve System, which was created by Congress in 1913 to regulate the lending practices of banks. It consists of 12 regional banks, which in turn supervise a total of about 5,000 banks across the United States.

Fiscal Policy

Fiscal policy affects the economy by making changes in government's methods of raising money and spending it.



Janet Yellen, chairman of the Federal Reserve Board, is the most visible figure in the sphere of monetary policy. Her reports and recommendations help shape the financial lives of millions of people in the United States and abroad.



- Raising money. The most important way that the United States raises money is through taxation. About 40 percent of the government's total tax collections come from income taxes from individuals and businesses. Another 32% come from social insurance taxes, such as Social Security, Medicare, and unemployment compensation. Other sources of income are excise taxes on goods such as liquor, tobacco, and gasoline, estate and gift taxes, and tariffs. The government also may borrow money to finance its expenses. For example, it borrows money when it sells treasury bonds to citizens.
- Spending money. The government now spends more than \$1.5 trillion a year, as provided in the federal budget. Each year, the President submits a federal budget for approval by Congress for money to be spent starting in October of that year. More money is spent in three categories than in any others. The largest amount of money goes to entitlement programs, such as Social Security pensions for older Americans, unemployment insurance, Medicare, and federal retirement pensions. The second largest amount goes for national defense. Today about 16 percent of the total budget goes for defense, in contrast to 28 percent in 1987, when the Cold War was still on. The third largest amount — about 15 percent — pays interest on the national debt. Other expenditures are highway construction, education, housing, and foreign aid.

Fiscal policy also can affect the money supply and can be used to stimulate spending or curb inflation. Tax cuts tend to stimulate consumer spending by leaving more money in the hands of American citizens. Tax hikes could be used to slow inflation by removing money from the hands of consumers. The government can also curb inflation by cutting government expenditures.

Within these two broad categories — monetary and fiscal policies — lies a great deal of room for disagreement. Some argue that government should be more "hands off" than it is and that taxes should be reduced. Others believe that the government should more actively control the economy and that taxes should be used to pay down the national debt. Many disagree on the amount of control that government should have, but no one questions the importance of government's setting a strong, effective economic policy.

11d. Social and Regulatory Policy



Food stamps can mean the difference between getting by and going hungry. But the question of how to distribute them and other forms of welfare support has become a hotly contested issue. How much? For how long? And, most importantly, who is eligible?

Unalienable rights. Life, liberty, and the pursuit of happiness.

Does the right to pursue happiness include access to a free public education? Do all Americans have an unalienable right to health care under this happiness umbrella? Should the unemployed be assisted in their times of need?

Early American leaders did not interpret the "pursuit of happiness" this broadly. But 20th century Americans continually expanded the notion of a pursuit of happiness to include these and an array of other social concerns. Consequently, much of the modern political agenda revolves around determining social policy.

Social Policy

Welfare currently has a bad name in American politics, often conjuring images of irresponsible recipients who take welfare payments from the government instead of working. Conservatives charged that continual government support for the unemployed provided a disincentive to find work and fostered a culture of dependency. Although most liberals opposed ending welfare payments outright, there was bipartisan agreement that reform was needed in the mid-1990s. The greatest myth about welfare is the amount the federal government actually spends on relief checks. Throughout the 1990s, payments of this nature typically comprised about 3 to 4% of the nation's annual budget.



When President Lyndon Johnson enrolled former President Harry Truman as the first beneficiary of the Medicare program in 1965, he created an entitlement program that constitutes a significant chunk of the federal budget.

The most extensive single welfare program is Social Security — a social insurance plan for the elderly.

Employees and employers contribute to a fund through payroll taxes, and virtually everyone who contributes for at least ten years is eligible for payments. Most Americans support the program as long as it's called "Social Security" and not "welfare." Other "entitlement" programs include Medicare, Medicaid, Aid to Families with Dependent Children, and food stamps.

Policy Making: Political Interactions



Theodore Roosevelt was a "trust buster" who believed that the government needed to oversee big business to make sure its practices were in line with the public interest. This cartoon from 1904 shows how the storms of government investigation — a power that Roosevelt gave the Bureau of Corporations — have downed the airship of "High Finance" and shaken the trusts into disarray.

One of the most nettlesome political issues of the 1990s was the health care controversy. Throughout the decade, between 30 and 40 million Americans were uninsured for medical fees in any given year. In 1993, Congress defeated President Bill Clinton's proposed plan to provide all citizens with basic insurance coverage for doctor fees, hospitalization, and prescription drugs. Conservatives deemed the plan as too expensive, with unforeseeable intrusion of the government into personal health care decisions. On the other hand, even most conservatives accept government's role in medical research and regulating food and drugs. The Public Health Service, headed by the Surgeon General, researches, gathers information, and monitors health care. The Food and Drug Administration regulates the labeling and processing of most foods, drugs, and cosmetics.



The government actively regulates business, as seen in the recent antitrust suit filed by the Department of Justice against Microsoft. In its case, the government has enlisted a number of Microsoft's competitors to testify about the company's business practices.

Public education is generally regarded as the responsibility of local communities, so the federal government's role in this area is limited. Today the majority of federal funds for education are directed to higher education, primarily in the form of student loans and grants. Since the 1950s, the federal government has provided funds for Grades 1-12, particularly for programs to upgrade science, language, and mathematics. Other programs, such as Head Start for preschoolers, focus on helping

underprivileged children. Even so, the federal government today funds less than 10 percent of the total amount spent on education in the United States.



The nation's natural resources are subject to government regulation. The Bureau of Land Management oversees the production and conservation of oil and gas, geothermal energy and helium (which is extracted from natural gas).

Regulatory Policy

While most Americans are proud of living "in the land of the free," in reality their lives are regulated by the government in many inconspicuous ways. Consider the American who starts her day with a little breakfast. Her food is regulated for purity and freshness, and appliances such as her coffeepot, her microwave, and her toaster must meet federal safety requirements. Her car, her children's school, and her place of work must all meet federal standards, and state and local governments may impose additional regulations. Her whole schedule revolves around time, which is regulated by the government. Eastern, Central, Mountain, and Pacific Standard Times are determined by the federal government.

Federal regulations fall into three basic categories:

- Regulating business. The national government began regulating business in the late 1800s in order to eliminate monopolies, businesses or groups that have exclusive control of an industry. Government now regulates a wide array of business practices, including the elimination of competition and fraudulent product offerings.
- Regulating labor. Most labor policies have come about to protect the American worker. The government has promoted equal employment opportunities, safe and sanitary workplace standards, and fair bargaining practices between employer and workers.
- Regulating the environment and energy. Environmental policy is the responsibility of many different government departments and agencies. Especially important is the Environmental Protection Agency, which enforces policies on water and air pollution, pesticides, radiation, and waste disposal. Energy policies, on the other hand, are coordinated by the Department of Energy, created in the late 1970s in the wake of worldwide oil and gas shortages.

"Promoting the general welfare," as prescribed in the Preamble to the Constitution, is a tall order for the United States government today. New developments — such as corporations, immense labor pools, and environmental and energy problems — call for new solutions. American leaders of the 21st century must be increasingly creative to meet these challenges.

State and Local Governments

12. State and Local Governments



Large-scale public works projects require federal and state governments to cooperate and compromise, especially when deciding who pays for what. The construction of the Interstate Highway System was a crowning achievement of this sometimes strained partnership.

Governors. Mayors. State Representatives. City Council members. Sheriffs.

Beneath the layer of the national government lies a complex web of state and local officials and institutions. The nation's founders concern over tyranny transcended their separation of power among the three branches of government. Power is also divided by level, with each layer performing its designated responsibility. States and communities would even have the freedom to design their own institutions and create their own offices. This creates a multitude of "laboratories" where government leaders at any level could see which systems were successful and which were problematic.

State Constitutions



This well-built Governor looks like he could be a wrestler. Wait, he was a wrestler: Jesse Ventura of Minnesota broke onto the local and national political scene by becoming the first Reform Party candidate to win the governorship of a state.

The states had constitutions years before the United States Constitution was even written. Since the Declaration of Independence, states have written a total of about 150 constitutions, with several states writing new ones frequently. State constitutions

tend to be quite a bit longer than the national one — an average of four times as long — so they also are more specific. As a result, they often are heavily amended and rather easily tossed out, at least in some states. State constitutions determine the structure, role, and financing of state and local levels of government.



State Officials

Each of the 50 states has its own array of public officials, with no two states being exactly alike. But all of them have Governors, legislatures, and courts:

- **Governors.** In every state the Governor is chosen by popular vote, and most serve four-year terms. More than half of the states put limits on the number of times an individual may be elected called term limits. In most states, several other top officials are elected, including a Lieutenant Governor, a Secretary of State, and an Attorney General. In general, Governors have the authority to issue executive orders, prepare the state budget, make appointments, veto legislation, and to grant pardons to criminals. In states that tend to concentrate powers in the hands of a few, Governors have broader authority and more powers. In other states, power is spread out among many elected officials, or is strongly checked by the legislature.
- **State legislatures.** Every state has a bicameral, or two house, legislature, except for Nebraska, which has a unicameral body. State legislatures vary in size from 20 to 400, and are not necessarily in proportion to the size of the state's population. For example, New Hampshire has 400 members in its lower house. All states have guidelines for age, residency, and compensation, and most legislatures meet in annual sessions. Just as in the national legislature, many state legislators serve for several terms, creating a large body of professional politicians in the United States.
- **State courts.** Each state has its own court system, and most have a state Supreme Court. State judges have the final voice in the vast majority of cases in the United States since more come under state rather than federal jurisdiction. Most states have two types of courts — trial courts that handle issues from traffic fines to divorce settlements to murder, and appeals courts that hear cases appealed from lower courts.

State and Local Governments

Types of Local Governments

Local governments are generally organized into four types:



Governorship can often be an opportunity to pursue higher office; several state Governors have gone on to become President. Before he became one of the most notable chief executives of the century, Franklin Roosevelt served as Governor of New York.

- **Counties.** Counties are usually the largest political subdivisions, and their primary function is to administer state laws within their borders. Among other duties, they keep the peace, maintain jails, collect taxes, build and repair roads and bridges, and record deeds, marriages, and deaths. Elected officials called Supervisors or Commissioners usually lead counties.
- **Townships.** These units of government do not exist in about half the states, and they have different responsibilities in those that have them. A township may simply be another name for a town or city, or it may be a subdivision of a county.
- **Special Districts.** These units of government have special functions. The best known example is the local school district, but other types are growing in numbers, especially in heavily populated areas where county and city governments may be overloaded with work.
- **Municipalities.** City, town, or borough governments get their authority to rule only as it is granted by the state. Today about 80% of the American population lives in municipalities, and municipal governments affect the lives of many citizens. Municipalities may have elected mayors, or they may be managed by appointed city managers.

The organization of state and local governments varies widely across the United States. They have common specific features, but their organizations differ. Regardless of their design, state and local governments often have a far greater impact on people's lives than the federal government. Marriage, birth, and death certificates. School policies. Driving age and qualifications for licensure. Laws regarding theft, rape, and murder, as well as the primary responsibility of protecting citizens from criminals. These critical issues and many others are not decided by distant Washington authorities, but by state and local officials.

State and Local Governments

12a. State and Local Governments: Democracy at Work?



Although their composition and rules may vary from state to state, state legislatures have a common function: to propose legislation and enact laws that apply to their state. Here, the New Jersey State Legislature is hard at work.

One national government, 50 state governments, and 85,000 local governments.

The vast majority of government employees work for local and state — not the federal — governments. Teachers, policemen, clerks at the motor vehicle office. Many of these people are state and local employees. This seems to confirm the general notion that government is in fact "closer to the people," and therefore more democratic. But the real evidence is contradictory.

Who Holds State and Local Power?



Waste management is a sensitive issue that often stirs local residents to political action. Concerned citizens in Dayton, Ohio, called for a boycott of Waste Management, Inc. when the company refused to clean up a landfill to the satisfaction of nearby residents.

Governors, legislators, and many other elected officials lead state governments, and judges sit on both state and local courts. Local officials include Mayors, City Council members, City Planning Commissioners, and school board members. Many local officials are nonpartisan. In other words, they do not run for election to office with a party label, but on their own good name. Often these individuals cross register themselves in both political parties.

Social scientists have studied power in communities and have found some contradictory evidence. Several have found a relatively small and stable group of top policy makers, many of whom are local businesspeople. Others have concluded that while some people had a great deal of local influence and most others had little, still there was no permanent "power class," in local politics.

Participation in State and Local Politics

State and Local Governments

Several states have taken steps to regulate and oversee managed health care within their own borders so that their residents can navigate the often confusing world of health insurance with less difficulty.



How interested are Americans in their local political affairs? What about citizen participation — voting, attending meetings, phoning officials, and keeping up with local politics? Citizens generally take less interest in and are less informed about their local governments than they are about the national government. Percentages of eligible voters who actually vote in presidential elections have been hovering around 50 -60% in the past few elections. Local elections draw far fewer voters, with some school board and city council members elected with 10-15 percent of the eligible voters.

Why the dramatic difference, if they are so close to the people?

Some of the reasons are understandable. After all, local governments in particular are preoccupied with relatively non-controversial routines, such as providing fire and police service, attracting businesses that can create more jobs, and keeping the roads in shape. People tend to let them do their jobs until something happens that directly affects their lives. For example, people often get involved when a landfill company or a drug rehabilitation center buys the property next to theirs, or when a house down the street is robbed.

But the participation rates tend to bear out the fact that most people have very little interest in local politics. Still, many of the burning issues of modern times are also state and local concerns. People need protection from crime and violence, and they depend on state and local officials for that. Drugs, gangs, racism, and poverty confront governments on every level. Education, preservation and protection of the environment, and health care delivery all cry out for active participants to solve their problems. All across the United States, thousands of political activists are making the attempt, but a democracy needs all its citizens.

State and Local Governments

12b. Financing State and Local Government



Boston's Central Artery/Tunnel Project — a.k.a. the "Big Dig" — is the largest, most complex, and most technologically challenging highway project in the U.S. Financing comes from a combination of federal, state, and local funds.

Paying taxes is surely everyone's least favorite government-related activity. But taxing citizens is one of the concurrent powers of government. Federal, state, and local levels all have the power to tax.

Of course, people expect state and local governments to provide services such as police protection, education, highway building and maintenance, welfare programs, and hospital and health care. Taxes are a major source of income to pay for these services and many others that hit close to home. For most people, their local and state tax money pays for very visible services that they generally take for granted, except when something goes wrong with garbage collection, traffic lights, or snow removal. People are most likely to get involved with local and state governments when these basic services go wrong.

Expenses

The single biggest expenditure in all states is education, with the average state and the localities within it spending just less than one-quarter of its budget for public schools. Funding for education comes primarily from the local school district budget, but most state governments give a great deal of financial and administrative support to schools. Other big budget items for state and local governments are the following:



What would you do if there was a tax that didn't provide for the basic needs and services of your local area, and instead went to some monarch on another continent? Early American colonists had an answer. This cartoon from 1774 reads: "The Bostonians paying the excise-man or tarring and feathering."

- Public welfare
- Health care
- Highways
- Police and fire protection
- Interest on debt
- Utilities and liquor stores

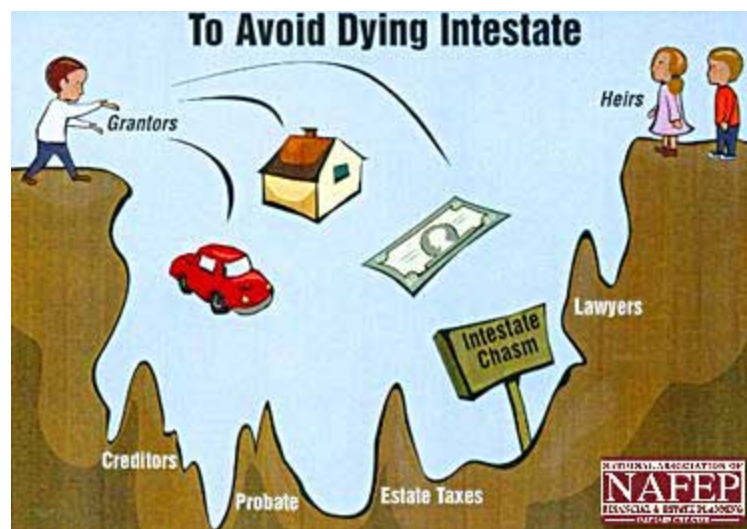
State and Local Governments

Each of these items is less than 10% of state and local expenditures in most states, but together they make up a good portion of the expenses.

Income

Counties, townships, cities, and states collect some of their money from licenses and fees and state-operated businesses, but about half of state revenue comes from taxes. Two other sources of income are grants from the federal government and, in some states, lotteries. Most states and localities levy three types of taxes:

- Sales taxes are the most important source of revenue for states. It is placed on various products, and customers pay the tax when they buy them. Today 45 states have a general sales tax that applies to most goods, although food is usually excluded, and sometimes clothing is exempt. Some cities also collect sales tax.
- Income taxes are imposed by all but a handful of states on personal and corporate incomes. Personal income taxes are generally progressive; that is, they are graduated so that the rate goes up with the size of the income. States generally do not allow local governments to levy income taxes, but some municipalities impose a payroll tax on people that work within their borders.
- Property taxes provide the chief source of income for local governments today. Taxes are levied on land, buildings, and personal dwellings. Property must be assessed for its value, and most cities employ tax assessors for that job. Property taxes are controversial because other types of property, such as stocks, bonds, and bank accounts, generally are not taxed. Those who hold "real" property, then, pay a disproportionate share of the taxes.



You've heard about "death and taxes" but this is a double whammy: if a person dies "intestate" — without having created a will or trust for his or her heirs — both federal and state governments are poised to take a hefty chunk of that person's estate by imposing inheritance and estate taxes.

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Other taxes include inheritance and estate taxes imposed when a person dies and wills property to heirs. Several states have severance taxes, levied on those that extract natural resources such as coal, oil, timber, and gas from the land. Almost all states place special excise taxes on gasoline, liquor, automobiles, and cigarettes.

Most states get more than a quarter of their income from federal grants that usually come with restrictions as to how the money can be used. Federal grants often go for building projects, such as roads, bridges, and dams, and for education, health care, and welfare.



In 1964, the New Hampshire Legislature created the first legal state lottery of the 20th century. Here, the first ticket is sold to Governor John W. King.

In recent years more and more states have turned to lotteries to pay their expenses. Billions of dollars now come from lotteries, with states retaining about one-third of the money as proceeds. Some states designate that the money be spent on something special, such as education, the arts, or building projects. Lotteries are controversial because some people believe that lotteries hurt lower-income people, who buy most of the tickets.

Taxes, federal grants, fees, licenses, and lotteries support state and local budgets. Most people understand more about where their state and local taxes and fees go than they do about federal expenditures. Perhaps that is because state and local services tend to affect their personal lives more directly. Still, many complain that they do not get their money's worth. It is always easier to recognize the pinch that taxes bring than the services most people take for granted.

State and Local Governments

12c. Who Pays for Education?



The increasing need for technology in the classroom has further complicated the already heated debate over school funding. How much technology do students need, and who is going to pay for it?

Democracy depends on an educated citizenry.

If individuals are to participate in government, they need to be able to read and write, and they should also know something about their country — its

people, its history, its geography. Public education is the single largest expenditure for state and local governments across the nation. Yet it is arguably the most criticized. Many people charge that public schools are faltering and that American academic achievements are far behind those in other countries. In recent years, many states and localities have experimented with improving public schools.



The prevailing view is that our public schools are in crisis, and that significant reform measures are needed urgently. But does this grim view reflect the whole picture?

Unlike the practice in most other countries, state and local governments in the United States provide most of the funding for education. Part of the reason is the traditional belief that communities need to take care of their own children. Others assume that the federal government cannot understand the educational needs of a community's children as well as local officials. States vary a

great deal in the extent to which education is funded by local governments or state governments. For example, in Hawaii the state pays about 90% of educational expenses, as compared to New Hampshire, where 90% is paid by the local school district.

One result of state and local funding is a great deal of inequality in the amount of money that school districts have to spend on public education. Because most schools are funded by property taxes, many prosperous communities are able to collect more taxes than are poor communities, where property values are much lower. Critics maintain that this situation creates inequities in the quality of schools, resulting in inadequate education for poor children. A number of programs currently are attempting to improve the quality of public education, particularly in poor school districts:

Courtesy of Corpwatch, www.corpwatch.org

State and Local Governments



Are school vouchers a viable way to pay for education? Some argue that vouchers offer more choice and therefore higher quality; others insist that they actually deepen the economic and social problems of the educational system. Who's right? It depends on your priorities.

- **Vouchers.** Some people believe that poor quality public education results from a lack of competition. In effect, they argue, school districts have monopolies in educating children in their area. Vouchers attempt to remedy the situation by providing parents with a set amount of money to pay for their child's education in a public or private school of their choice. The plan assumes that parents will choose the best available schools for their children. Failing schools will either improve their quality of education or find themselves without students. In either case, supporters of vouchers believe that competition will improve education. Opponents criticize vouchers for draining additional funds from communities that most need them and for allowing parents to use public money to send their children to religious schools.
- **Charter schools.** This reform does not go as far as vouchers, but it still provides publicly funded alternatives to standard public schools. Individuals or groups in communities may start charter schools they believe will provide a better education. They must work with the local school board to provide funding. No money is given to parents as with vouchers, but parents may choose which school — standard or charter — their children attend.
- **National student testing.** This reform advocates that students be given national exams in various subjects to measure their accomplishments by an objective standard. Supporters believe that weak school districts will be exposed and that the tests will give them the incentive to improve their delivery of education. Critics say that standardized testing causes teachers to "teach to the test," and that creativity in the classroom is inhibited. Others believe that the tests are unfair to minorities because they are culturally biased toward the majority.

Education has ranked among the issues about which Americans feel most strongly, according to recent public opinion polls. Inequalities between affluent and needy areas have created an education gap across America. While some turn to vouchers, charter schools, and national testing for the answers, others see solutions within the current framework. Class sizes have been mushrooming, and the courts have imposed more and more spending mandates on school districts since 1975. Until progress is made, education is likely to be a top priority for Presidents, Governors, and school board members alike.

Comparative Political and Economic Systems

13. Comparative Political and Economic Systems



Is there such a thing as a perfect government? One "answer" was the utopian society established by the Shakers. In order to make their society perfect, the Shakers adhered to a strict policy of communal living, religious devotion, (pictured above in their distinctively animated form of worship) celibacy, rigorous labor, and equality.

The last two decades of the 20th century were great for democratic governments. The Cold War ended with the collapse of communist dictatorships throughout Eastern Europe, including the Soviet Union itself. South Korea and Taiwan moved out of their authoritarian pasts toward greater democracy. Apartheid was ended in South Africa.

But democracy is still not the only form of government in the world today. Despite differences in form and function, most of the world's governments still try to fulfill similar primary objectives.

Purposes of Political Systems



A government can use propaganda to reinforce its image as defender of the nation. This American poster from World War II shows how scare tactics can drum up support (as well as fresh recruits) for the military.

Most governments are designed to provide their inhabitants with two important services: protection from outside invasion and protection of citizens from one another. How many different ways can a government protect from invasions? They can form large armies and navies, build fortified cities, provide border patrols, negotiate with potential enemies, threaten or punish "rogue" states, or join international organizations. The list goes on and on. It makes sense, then, that every country has its own way of accomplishing these basic

needs. Of course, some are more successful than others. But some similarities between governments will surely exist as well. For example, more than one country has thought to build strong armies and navies.

Likewise, try to think of different ways that countries can protect citizens from one another. Some commonalities will surely appear — police forces, crime prevention, putting criminals in jail, passing laws that define what is a crime and what is not. Again, governments have different ways to accomplish this end. Some allow more individual freedoms than others, some will have national police

Comparative Political and Economic Systems

forces, and others will organize protection on the local level. As modern governments have taken on more responsibilities, such as regulating the economy and providing social services, the possibilities for different government structures and functions increase.

Purposes of Economic Systems

Economic systems provide needs for citizens by answering several questions:

- What resources does the country have, and what can be produced from them?
- How should goods and services be produced from the available resources?
- How are goods and services distributed among the inhabitants?

Different economic systems around the world answer these questions in different ways.

The resources of an economic system are called factors of production because the economy needs them to produce goods and services. They may be grouped into four categories:



Governments must consider how their citizens use (and replenish) natural resources. Forests, for example, are being depleted at an alarming rate because of human activities like logging. But which is more important: wildlife, or the thousands of families that depend on the income that the logging industry provides?

- Land. This category includes all natural resources, such as soil, water, air, and minerals.
- Labor. Every economy needs human resources — people who produce goods and services.
- Capital. Capital includes money, factories, heavy machinery — anything used to produce products and goods.
- Management. Managers organize and direct the other three factors of production.

The world at the turn of the 21st century was becoming smaller, as global interconnections made distant places seem close. At the same time, bloody nationalist conflicts turning neighbor against neighbor still raged. Government leaders around the world examined their own systems and each others to chart a course for the new millennium.

Comparative Political and Economic Systems

13a. Comparing Governments



The Statue of Liberty is a symbol of freedom and democracy for people around the world.

No two governments, past or present, are exactly the same.

However, it is possible to examine the similarities and differences among political and economic systems and categorize different forms of government. One simple way to categorize governments is to divide them into democratic and authoritarian political systems.

Democracies

Many countries today claim to be democracies, but if the citizens are not involved in government and politics, they are democratic in name only. Some governments are more democratic than others, but systems cannot be considered truly democratic unless they meet certain criteria:



Whither democracy? It was not until 1920 — after decades of tireless protest and campaigning — that women were granted suffrage by the ratification of the 19th Amendment.

- Freedom of speech, the press, and religion. Democracies in general respect these basic individual liberties. No government allows absolute freedom, but democracies do not heavily censor newspapers and public expression of opinions.
- Majority rule with minority rights. In democracies, people usually accept decisions made by the majority of voters in a free election. However, democracies try to avoid the "tyranny of the majority" by providing ways for minorities all kinds to have their voices heard as well.
- Varied personal backgrounds of political leaders. Democracies usually leave room for many different types of citizens to compete for leadership positions. In other words, presidents and

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legislators do not all come from a few elite families, the same part of the country, or the same social class.

- Free, competitive elections. The presence of elections alone is not enough to call a country a democracy. The elections must be fair and competitive, and the government or political leaders cannot control the results. Voters must have real choices among candidates who run for public office.
- Rule by law. Democracies are not controlled by the whims of a leader, but they are governed by laws that apply to leaders and citizens equally.
- Meaningful political participation by citizens. By itself, a citizen's right to vote is not a good measure of democracy. The government must respond in some way to citizen demands. If they vote, the candidate they choose must actually take office. If they contact government in other ways — writing, protesting, phoning — officials must respond.

The degree to which a government fulfills these criteria is the degree to which it can be considered democratic. Examples of such governments include Great Britain, France, Japan, and the United States.

Authoritarian Regimes



Mao Zedong's position as authoritarian ruler of the People's Republic of China is glorified in this propaganda poster from the Cultural Revolution. The poster reads: "The light of Mao Zedong Thought illuminates the path of the Great Cultural Revolution of the Proletariat."

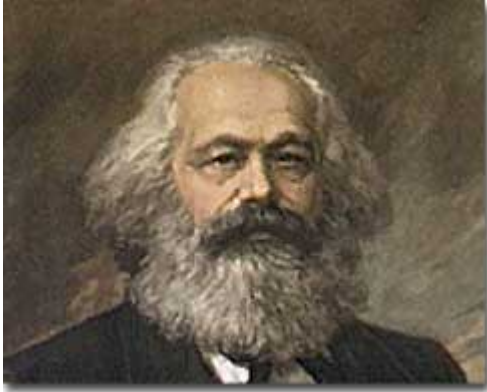
One ruler or a small group of leaders have the real power in authoritarian political systems. Authoritarian governments may hold elections and they may have contact with their citizens, but citizens do not have any voice in how they are ruled. Their leaders do not give their subjects free choice. Instead, they decide what the people can or cannot have. Citizens, then, are subjects who must obey, and not participants in government decisions. Kings, military leaders, emperors, a small group of aristocrats, dictators, and even presidents or prime ministers may rule authoritarian governments. The leader's title does not automatically indicate a particular type of government.

Authoritarian systems do not allow freedoms of speech, press, and religion, and they do not follow majority rule nor protect minority rights. Their leaders often come from one small group, such as top military officials, or from a small group of aristocratic families. Examples of such regimes include China, Myanmar, Cuba, and Iran.

No nation falls entirely into either category. It is also dangerous to categorize a nation simply by the moment in time during which they were examined. The Russia of 1992 was very different from the Russia of 1990. Both democratic and authoritarian governments change over time, rendering the global mosaic uncertain and complex.

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13b. Comparing Economic Systems



Karl Marx, German philosopher, economist, and revolutionary, laid the ideological groundwork for modern socialism and communism.

Karl Marx and Friedrich Engels turned the world upside down.

Until the publication of their 1848 Communist Manifesto, much of the western world followed a course where individuals owned private property, business enterprises, and the profits that resulted from wise investments. Marx and

Engels pointed out the uneven distribution of wealth in the capitalist world and predicted a worldwide popular uprising to distribute wealth evenly. Ever since, nations have wrestled with which direction to turn their economies.

Capitalism

- Capitalism is based on private ownership of the means of production and on individual economic freedom. Most of the means of production, such as factories and businesses, are owned by private individuals and not by the government. Private owners make decisions about what and when to produce and how much products should cost. Other characteristics of capitalism include the following:
- Free competition. The basic rule of capitalism is that people should compete freely without interference from government or any other outside force. Capitalism assumes that the most deserving person will usually win. In theory, prices will be kept as low as possible because consumers will seek the best product for the least amount of money.



*Image from Capitalism Magazine
(<http://www.CapitalismMagazine.com>).
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The antitrust lawsuit against Microsoft is one way that the government has tried to promote competition. Supporters of Microsoft say that forcing Microsoft to allow companies to bundle arch-rival Netscape's web browser with Microsoft Windows is not unlike making Coca-Cola include a can of Pepsi in each six-pack it sells.

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- Supply and demand. In a capitalist system prices are determined by how many products there are and how many people want them. When supplies increase, prices tend to drop. If prices drop, demand usually increases until supplies run out. Then prices will rise once more, but only as long as demand is high. These laws of supply and demand work in a cycle to control prices and keep them from getting too high or too low.

Communism

Karl Marx, the 19th century father of communism, was outraged by the growing gap between rich and poor. He saw capitalism as an outmoded economic system that exploited workers, which would eventually rise against the rich because the poor were so unfairly treated. Marx thought that the economic system of communism would replace capitalism. Communism is based on principles meant to correct the problems caused by capitalism.

The most important principle of communism is that no private ownership of property should be allowed. Marx believed that private ownership encouraged greed and motivated people to knock out the competition, no matter what the consequences. Property should be shared, and the people should ultimately control the economy. The government should exercise the control in the name of the people, at least in the transition between capitalism and communism. The goals are to eliminate the gap between the rich and poor and bring about economic equality.

Socialism

Socialism, like communism, calls for putting the major means of production in the hands of the people, either directly or through the government. Socialism also believes that wealth and income should be shared more equally among people. Socialists differ from communists in that they do not believe that the workers will overthrow capitalists suddenly and violently. Nor do they believe that all private property should be eliminated. Their main goal is to narrow, not totally eliminate, the gap between the rich and the poor. The government, they say, has a responsibility to redistribute wealth to make society more fair and just.

There is no purely capitalist or communist economy in the world today. The capitalist United States has a Social Security system and a government-owned postal service. Communist China now allows its citizens to keep some of the profits they earn. These categories are models designed to shed greater light on differing economic systems.

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13c. A Small, Small, World?



Delegates from the 185-member states of the United Nations convene in the General Assembly Hall to discuss the pressing global issues of our time.

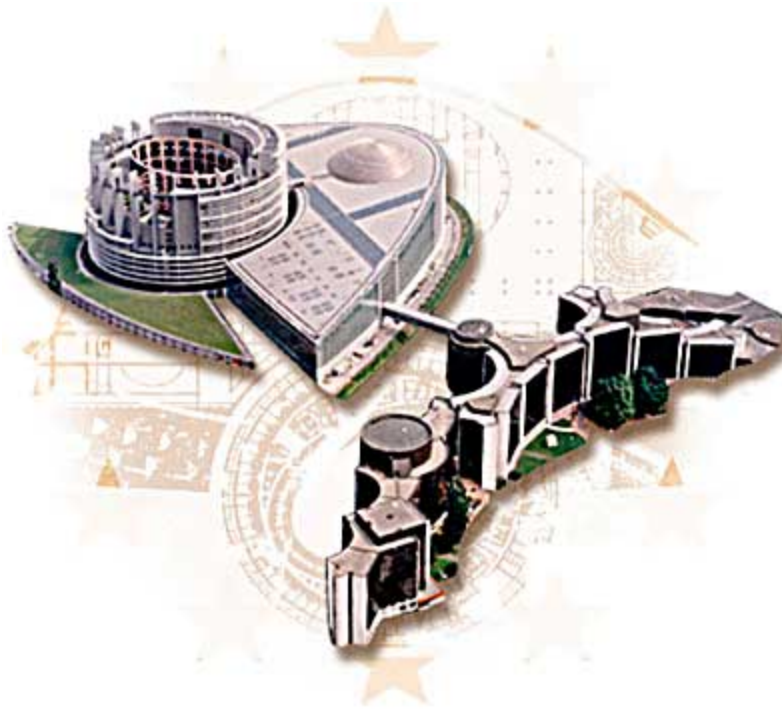
"What happens in the farthest corner of the world now touches us almost instantly...The world has become a more crowded, more interconnected, more volatile and unstable place." -Ernest Boyer, "The Globe, the Nation, and our Schools," Kettering Review, 1984

The world is separated politically into countries. But does it always have to be? Checking a map from a few years ago reveals many changes in political boundaries. Looking at a map from 100 years ago shows almost total change. That fact is hard for Americans to realize because the borders of the United States have changed only twice over the past 150 years — to include the new states of Hawaii and Alaska. Is it possible that in the near future borderlines between countries will have little meaning?

Globalization

Ernest Boyer's quote above is a comment on globalization — the increasing tendency for many interests and issues to be shared by nations. Many globalists warn that the very future of the earth depends on countries cooperating to solve major problems like instability in the world economy, pollution, overpopulation, loss of natural resources, hunger, international conflict, and climate changes.

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The European Parliament, the legislative branch of the European Union, holds plenary sessions once a month in Strasbourg, France. It also meets in Brussels and Luxembourg to exercise its three fundamental powers: the power to legislate, the power of the purse, and the power to supervise the executive branch (the European Council).

Revolutions in communications, travel, and technology make instant contact among nations possible. Many treaties and international agreements now bind countries together to address concerns over the economy, security, and the environment. Does this all mean that nations and governments as we know them today will disappear? Some observers think so. Some early signs include the following:

- International organizations. The 20th century saw new experiments with international peace organizations designed to solve disputes diplomatically rather than through war. The League of Nations, established just after World War I, was generally a failure since it could not prevent the advent of World War II. The United Nations replaced the League and has had a very mixed record as a referee in international conflicts. However, about 160 nations belong to the UN, and the organization is still alive and well after more than half a century.
- Regional organizations. Regional organizations have existed for many years, but some experts are seeing a blurring of national borderlines in many recent ones. An example is the European Union, which started as an effort to create a common marketplace among European nations with trade restrictions totally removed. But now nations are electing representatives to a European Parliament. Will shared political powers follow? NAFTA (North American Free Trade

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Agreement) binds Canada, the United States, and Mexico in a free trade zone. Many other regional organizations exist around the globe.

A Case for Independent Governments



While you're at school, children as young as five years old are working in factories to make the clothes and shoes that you and your classmates wear every day. Although globalization might mean freer trade and more rapid economic development, it has caused serious problems like sweatshops and child labor.

Most people cannot imagine nations ever entirely disappearing, even though the nation-state did not emerge in world history until the 18th century. There are many reasons why governments for individual countries still exist. Different people have different needs. Governments must vary according to the needs of the people they serve. Could the globe function under one world government, or even under tough restrictions from an international peace organization? People across the globe still have plenty of differences.

According to this point of view, independent governments that are adapted to their citizens still make the most sense.

Competition among nations is a well-established pattern. How could the countries of Europe who have been at war for centuries agree to submit to a single government? How could and why should the United States compromise with other governments if it remains the world's largest military superpower? The citizens of these nations have difficulty yielding their sovereignty — the right to determine their own affairs — to supranational organizations.

Will globalization be the answer to current world dilemmas? Or does globalization ignore the need for the continuation of nation-states? Whatever the future holds, governments will be a part of the attempt to address issues and solve problems. The systems may change, but the goals of maintaining order, creating prosperity, and protecting rights are unlikely to change.