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<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>What Is Politics?</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>The Constitution: Rules of the Game</td>
<td>17</td>
</tr>
<tr>
<td>3</td>
<td>The Executive Branch: The President and Bureaucracy</td>
<td>37</td>
</tr>
<tr>
<td>4</td>
<td>The Legislative Branch: Congress</td>
<td>57</td>
</tr>
<tr>
<td>5</td>
<td>The Judicial Branch: The Supreme Court and the Federal Court System</td>
<td>79</td>
</tr>
<tr>
<td>6</td>
<td>Civil Rights and Liberties: Protecting the Players</td>
<td>99</td>
</tr>
<tr>
<td>7</td>
<td>Voters and Political Parties</td>
<td>119</td>
</tr>
<tr>
<td>8</td>
<td>Interest Groups and the Media</td>
<td>139</td>
</tr>
<tr>
<td>9</td>
<td>Who Wins, Who Loses: Pluralism versus Elitism</td>
<td>159</td>
</tr>
</tbody>
</table>
CHAPTER ONE

What Is Politics?

CHAPTER OVERVIEW

The first chapter introduces students to the concept of politics and then applies it to governmental decision making. The Wasserman text uses Harold Lasswell’s definition of politics—“the process of who gets what, when, and how”—as the basis for examining how valued goods are distributed disproportionately, with a relatively small number of people reaping most of the benefits in comparison to what the mass public receives. In other words, it is implied that policy decisions are never neutral.

The concepts of power (the ability to influence another’s behavior), elites (those who get more of the values society has available than others), legitimacy (the acceptance of something as right), and authority (a legitimate, efficient form of power) are discussed. The author also addresses how American politics rests on bargaining, compromise, and conciliation rather than violence to maintain order and adapt to change. As important, he explains the meaning of a representative democracy and how citizens choose those who make decisions for them.

The responsibilities of government are investigated with a particular emphasis placed on the need for government to control conflict (disputes over distributions of a society’s valued goods), to make rules determining who gets the valued goods of society, and to regulate the use of “legitimate force.” A condition of anarchy, or a society without government, is shown to be unrealistic.

Using Microsoft as an example for studying different approaches to power-authority interaction, Wasserman distinguishes political science from the other social sciences, such as economics or history. Political scientists would look at how Bill Gates and his executives make decisions, the impact of the government’s antitrust suit against Microsoft, how the computer giant maintains its business preeminence, and how and why its leaders maintain power and authority. The short case study supports Lasswell’s claim that politics “is the study of influence and the influential.”

The author illustrates the life-and-death consequences of the political “game” with the example of the Federal Aviation Administration’s failure to regulate a door problem on the DC-10. Political considerations resulted in McDonnell Douglas (manufacturer of the DC-10) delaying the modifications for cargo doors. The result was a cargo door blowing off on a Turkish-owned DC-10, in 1974, resulting in the deaths of 346 people on board.

Wasserman concludes the introductory chapter by explaining the organization of the book and the reasons why everyone should care about the game of politics. Although politics is essentially a “spectator” sport, the major players owe their positions to voters.
LEARNING OBJECTIVES

After reading Chapter 1, the student should be able to do the following:

1. Define “politics” and explain its importance in American society, analyze Lasswell’s definition, and discuss the political significance of the “Guess Who’s Coming to Dinner?” boxed insert from the perspective of “equality.”

2. Explain the significance of power, authority, and political elites, as well as explain why U.S. power is “limited” regarding the ability to stabilize Iraq and ensure the election of a representative government sympathetic to America’s goals in the region.

3. Summarize the reasons why government is necessary, as well as its two key functions. Explain how and why the United States government protects the private distribution of most of society’s valued goods and simultaneously sets limits on that private distribution. Explain how government “alone” regulates the use of legitimate force.

4. Understand how democratic politics differs from rival approaches and what is meant by representative democracy. Explain how politics in a democracy behaves like a marketplace.

5. Distinguish what political scientists study from what experts in other disciplines such as history, economics, or psychology study. Summarize how political scientists would study Microsoft.

6. Appreciate the serious and complex nature of the “political game” and understand how and why politics affects the individual’s life in so many ways.

7. Review how politics was a “life and death” affair in the case of the Federal Aviation Administration, McDonnell Douglas, and the DC-10 cargo door catastrophe.

OUTLINE

I. Introduction

“The First Day of Class” provides an illustration of how people get and use influence, which is representative of Lasswell’s classic definition of politics as “the process of who gets what, when, how.”

II. Politics and Power

Power is the ability to influence another’s behavior. A distinction is made between the capacity for power (e.g., a large military) and the ability to apply it (e.g., the American problem ensuring a representative form of government in Iraq). Power is generally a means to other ends; for example, a method to acquire values, such as wealth.
A. **Elites.** “The elite” is defined as the group with most of the resources (both material and nonmaterial) that society values. The unequal distribution of wealth in America is used as an example of “the elite,” and is supported with statistics. For example, the top 5 percent of the population gets 21 percent of the national income. Elites may differ according to the value considered (e.g., wealth or respect), but generally possession of one value leads to acquisition and control of other values.

B. **Authority: Legitimate Power.** “Authority” is defined as legitimate power and includes not only legal obligations but also psychological and moral ones. Most people believe they should obey authority; therefore, the need for force is minimized, making authority an efficient form of power. See the “Guess Who’s Coming to Dinner?” boxed insert.

III. **The Need for Government**

Government is necessary to settle inevitable conflicts over the distribution of valued things. Government itself often becomes a potential threat; thus, its enormous power must be controlled. The American system of constitutional, representative, democratic government recognizes the need to limit government. Democracy chooses conciliation rather than violence. No group is viewed as having a monopoly on the truth.

A. **What Is Government?** It makes the rules determining who gets the things valued by society. This may mean the theoretical noninterference of the Constitution in the private economy or the actual use of government power to limit the private distribution of wealth by such devices as income taxes and welfare or direct government intervention in disputes among citizens.

B. **Making and Supporting Decisions.** Government alone regulates the use of legitimate force by employing, allowing, or preventing it. Government does not monopolize the use of legitimate force, but it alone sets limits to its use. It may intervene in disputes among citizens by enacting laws, imposing regulations, or by adjudication.

IV. **The Study of Politics**

Political science is grouped with the other social sciences as the study of interactions among people, but it is distinguished by its primary interest in the concepts of power and authority. A case study of the “society” of Microsoft is used to illustrate these differences.

A. **Political Science and Microsoft.** An economist, psychologist, and historian would all ask different questions about the computer software giant, Microsoft (questions could overlap). The political scientist would focus on the central question, “Who is getting what, when, and how?”
B. Why Give a Damn About Politics? Apathy also is a political position because, like political activism, it affects who gets what, and when and how. Almost every facet of American life is impacted by political decisions, including the food people eat, the availability of student loans, and protection against sexual harassment. See the “Who Needs Government?” boxed insert for a parable about how people, in this instance a constituent, have little appreciation for the array of government benefits and services that are available to them. There is a tendency to think taxes pay just for programs covering the disadvantaged.

V. What Is This Book About?

A brief outline of the chapters is given and the analogy of politics to a game is discussed. Politics is a game in form, but not in intent. It is deadly serious, played for high and varied stakes, and is highly complex, involving several overlapping games in which various groups contend for power to gain their values and protect their interests.

KEY CHAPTER TERMS AND IDENTIFICATIONS

politics
politics (Harold Lasswell)
power
authority as “legitimate power”
The Federalist Papers No. 51
“capacity for power”
effective influence
political elites
distribution of wealth
anarchy
political conflict
democracy
representative democracy
democratic politics (Bernard Crick)
free elections
government
values
“regulation of legitimate force”
power-authority interaction (social science approaches)
“influence and the influential”
“Who Needs Government?” (Senator Ernest Hollings)
the Federal Aviation Administration, McDonnell Douglas, and the DC-10
“game” of politics
“arenas” of politics
TEACHING SUGGESTIONS

1. Discuss how a political scientist might outline a study of the operations of a large university. What decisions would he or she examine? What would be some of the objectives of the study? How would it differ from approaches of other disciplines?

2. Ask the class to speculate on whether a “pure democracy” would work in America. Imagine if Americans had devices attached to their television sets and could key in a “yes” or “no” response to policy questions. Ross Perot, during his 1992 presidential bid, suggested the idea of a “teledemocracy.” Ask students whether this is feasible. The initial discussion could be followed by a brief explanation of Robert Dahl’s call for professional legislators due to the complexity of policy decisions.

3. Ask students if politics has been a “spectator sport” for most of their lives. Assuming it has been, discuss why this has been the case and what factors may change their attitude in the future.

4. Discuss whether the inequality of income in America has deleterious consequences for society. Is the inequality an inevitable part of capitalism? Should inequality be reduced through active intervention by the federal government? To start the discussion, it may be interesting to ask whether LeBron James (Cleveland Cavaliers) is “worth” the $90 million contract he signed with Nike or if there should be a limit on his earning power. Keep in mind that public opinion polls indicate that most Americans, regardless of their annual income, do not favor income leveling.

5. Ask students to cite an example of how a government policy affects them. Does the policy affect others in a different way? This could lead to a discussion of how policy decisions are never neutral.

SUGGESTED RESEARCH ASSIGNMENTS

1. Which political elites in your community wield the greatest power? Consider a recent local decision (e.g., zoning, education, or development) and examine who contacted local decision makers and influenced the policy outcome. If students research two decisions, ask them whether there were different players who wielded influence.

2. Have students write an essay explaining how they or their families have been affected by a government agency at either the local, state, or federal levels. Include whether the service was positive or negative. Suggestions could include getting a driver’s license at the Bureau of Motor Vehicles, applying for unemployment benefits, or arranging for a student loan.
3. As a follow-up research project, have a team of students investigate the final outcome of the government’s suit against Microsoft. What did this outcome reveal about the power of government versus the power of a giant corporation?

4. Ask students to interpret former senator Earnest Holling’s story about the irate taxpayer in the “Who Needs Government?” boxed insert. Have the same students interview friends, family members, or relatives about whether taxes paid to government are used appropriately. Findings could be presented in the form of a paper or class panel report. Instructors may have to seek approval from their college’s or university’s Institutional Review Board before students conduct the interviews.
MULTIPLE CHOICE QUESTIONS

1. Harold Lasswell defines politics as
   a. relationships among people involving power and authority.
   b. a process of who gets what, when, and how.
   c. the distribution of a society’s wealth.
   d. the dispersion of power.
   e. determining why certain groups get what and where.

   Bloom’s Skill: Knowledge       Reference: pg. 3

2. Power fundamentally involves __________ between or among people.
   a. friendships
   b. shared property
   c. animosities
   d. relationships
   e. competition

   Bloom’s Skill: Understanding       Reference: pg. 3

3. Power is
   a. the ability to influence another person’s behavior.
   b. having many advanced weapons.
   c. achieving voluntary consensus among groups.
   d. persuading people to act independently of government authority.
   e. having a secure livelihood.

   Bloom’s Skill: Knowledge       Reference: pg. 3

4. The elites in a society
   a. are those with college degrees.
   b. must be locally elected officials.
   c. are software designers and computer engineers.
   d. are the people who get a disproportionately large part of the society’s valued resources.
   e. comprise the majority of the population.

   Bloom’s Skill: Knowledge       Reference: pg. 4
5. What does the author mean when he writes that authority is “an efficient form of power”?
   a. Authority is distributed equally among political elites.
   b. Authority is backed by legal norms.
   c. Authority reduces inefficiencies in government spending.
   d. Authority involves restriction of individual liberties.
   e. Authority, once accepted, is less costly than force.

   Bloom’s Skill: Understanding       Reference: pg. 5

6. Which of the following statements is inaccurate?
   a. There are different elites depending on the value being sought.
   b. Income inequality is flattening.
   c. Legitimacy implies something is accepted as right.
   d. Elites often reinforce their position by gaining authority.
   e. People obey authority out of habit and because of a desire to be accepted by the group.

   Bloom’s Skill: Application       Reference: pg. 5

7. Anarchy is best defined as
   a. unlimited democracy.
   b. elected representatives running the government.
   c. rule by an elite.
   d. absence of government.
   e. a constant war between states.

   Bloom’s Skill: Knowledge       Reference: pg. 6–7

8. A primary characteristic of government is that it
   a. makes decisions quickly.
   b. is always democratic.
   c. is rarely coercive.
   d. protects what is of value in society.
   e. takes care of the poor.

   Bloom’s Skill: Knowledge       Reference: pg. 8

9. Which of the following statements is (are) incorrect?
   a. Democracies tolerate different opinions and interests.
   b. Democracy is a favored “label” for many governments.
   c. Citizen participation in voting must exceed 80 percent of eligible voters in order for a government to be considered democratic.
   d. Elites continue to hold power in a democracy.
   e. Democratic governance usually includes elected representatives who govern.

   Bloom’s Skill: Understanding       Reference: pg. 7

10. The study of “influence and the influential” most clearly falls under the social science of
   a. history.
   b. sociology.
   c. economics.
   d. psychology.
   e. political science.

   *Bloom’s Skill: Understanding Reference: pg. 9–10*

11. Welfare programs are an example of
   a. unlimited government spending.
   b. the way government regulates the distribution of wealth.
   c. the system of checks and balances.
   d. charity by the elites.
   e. government limiting the dynamics of capitalism.

   *Bloom’s Skill: Understanding Reference: pg. 9*

12. An example of a welfare program is
   a. food stamps.
   b. cash payments to single parents.
   c. subsidies to farmers to limit the amount of crops they grow.
   d. All of the above are correct.
   e. Only A & B are correct.

   *Bloom’s Skill: Application Reference: pg. 9*

13. Which of the following is an important question asked by a political scientist about
   Microsoft?
   a. How does Bill Gates decide how to spend his wealth?
   b. What production systems did Microsoft use to handle growth?
   c. How did Microsoft become the preeminent company in the software industry?
   d. What marketing tools did Microsoft use to get consumers to buy its products?
   e. Why did Microsoft quickly grow larger than its competitors?

   *Bloom’s Skill: Application Reference: pg. 10*
14. The moral of Senator Earnest Hollings’s story is that
a. people are ungrateful for the financial assistance the government provides them.
b. people expect government to take care of their needs, but do not want to shoulder
the responsibility for their own actions.
c. most people are oblivious about the extent to which government helps them in the
form of subsidized loans (e.g., FHA loans), social transfer payments (e.g., Social
Security), and government projects (e.g., interstate highways).
d. government has a hands-off approach to regulating the economy.
e. people would rather privatize public services.

*Bloom’s Skill: Understanding Reference: pg. 13*

15. In theory, the policy of the Constitution of the United States toward the distribution of
wealth is
a. to elevate state over federal control.
b. to establish itself as the supreme and sole authority.
c. to institute a central planning agency.
d. to protect minority economic rights.
e. noninterference.

*Bloom’s Skill: Understanding Reference: pg. 13*

16. Which of the following is an example of an act of government?
a. creating Pell grants to enable more students to attend college
b. unemployment rising 2 percent
c. the stock market going up 200 points
d. hurricane devastating central Florida
e. new children’s educational programs offered on cable TV

*Bloom’s Skill: Application Reference: pg. 13*

17. The opening dialogue of the book illustrates that
a. students have no power.
b. politics can happen anywhere.
c. students are apathetic about national politics.
d. teachers seldom exercise their authority.
e. teachers and students have similar political power.

*Bloom’s Skill: Understanding Reference: pg. 2*
18. The top 1 percent of the American population possesses what percentage of the nation’s wealth?
   a. 20
   b. 27
   c. 33
   d. 39
   e. 45

   Bloom’s Skill: Knowledge  Reference: pg. 4

19. The statement that the “United States is the most powerful nation in the world” actually means that America can
   a. exercise authority and leadership beyond its territorial boundaries.
   b. force other countries to assist in rebuilding Haiti after its earthquake.
   c. require elections for new government leaders in Iraq, Iran, and India.
   d. set up oil pipelines under the Pacific Ocean.
   e. None of the above is correct.

   Bloom’s Skill: Application  Reference: pg. 3

20. The author defines power as the
   a. victory of the strong over the weak.
   b. ability to influence another’s behavior.
   c. strength and size of a nation’s armed forces.
   d. use of force and coercion to achieve one’s goals.
   e. the ability to economically coerce other nations.

   Bloom’s Skill: Knowledge  Reference: pg. 3

21. Authority is
   a. the use of force over a weak opponent.
   b. legitimate power.
   c. coercive power.
   d. personified in the commander–in-chief.
   e. having a strong police force.

   Bloom’s Skill: Knowledge  Reference: pg. 5
22. Political conflict avoids becoming armed conflict when
   a. government is able to channel the conflict into resolution based on publicly
      accepted rules.
   b. the military steps in and crushes the opposition.
   c. competing factions purchase equal amounts of weapons.
   d. government collapses and tribal leaders emerge.
   e. a dictatorship of the masses is declared.

   Bloom’s Skill: Understanding  Reference: pg. 5

23. The tolerance of different opinions and interests is
   a. a threat to democratic rule.
   b. needed in any corporation.
   c. essential to all ideologies.
   d. the reason some people have great power over others.
   e. an essential part of democracy.

   Bloom’s Skill: Knowledge  Reference: pg. 5

24. According to the author, the best way to describe the “political game” in America is as
   a. simple and complex at the same time.
   b. stable and boring.
   c. complex and serious.
   d. complex and peripheral to our everyday lives.
   e. confusing but necessary.

   Bloom’s Skill: Knowledge  Reference: pg. 3

25. In the FAA-McDonnell Douglas DC-10 case, the author implies or asserts which of the
    following?
    a. The FAA immediately fixed the cargo door.
    b. McDonnell Douglas eventually complied with the FAA’s order to strengthen
cargo doors and cabin floors.
    c. The Canadian government was at fault for the cargo door problem.
    d. The FAA was guilty of political favoritism and weak supervision toward
McDonnell Douglas.
    e. It was a personal loss for the author, but the government was not to blame for the
    accident.

   Bloom’s Skill: Understanding  Reference: pg. 12
26. In the scenario “Guess Who’s Coming to Dinner,” what is demonstrated by the number of meals given to each person?
   a. Hunger is a problem caused by poor farming techniques.
   b. Having a democratic system of governance does not guarantee equitable distribution of wealth.
   c. Children get more food than adults in the U.S.
   d. Resource distribution occurs in a just and fair manner in the U.S.
   e. Americans are very concerned about inequities in resource distribution.

   Bloom’s Skill: Application   Reference: pg. 6

27. If the American government approaches the economy with policies of noninterference, that implies
   a. an economic depression.
   b. radical change and upheaval.
   c. support for society’s existing values.
   d. dissent from existing welfare programs.
   e. a healthy and growing economy.

   Bloom’s Skill: Application   Reference: pg. 5

28. The cost of the Iraq War, as of June 2009, equals
   a. giving 32 million four-year college scholarships.
   b. enrolling more than 100 million children in Head Start programs.
   c. building 5 million new public-housing units.
   d. All of the above are correct.
   e. Either A or B is correct.

   Bloom’s Skill: Knowledge   Reference: pg. 5

29. In Federalist 51, James Madison
   a. worries that too much democracy is as bad as a corrupt monarch.
   b. defends checks and balances within the new government structure.
   c. believes that if people are given total freedom, life can be safe and prosperous.
   d. argues for increased individual state powers to protect civil liberties.
   e. None of the above is correct.

   Bloom’s Skill: Understanding   Reference: pg. 8
30. The story by former senator Ernest Hollings demonstrates that
   a. Americans receive a lot of services from the government but think that others are getting the benefits.
   b. Americans need better services from government.
   c. people like paying taxes to support public services.
   d. veterans do not care about the needs of others.
   e. Americans are very aware of how their tax dollars are used.

   Bloom’s Skill: Understanding  Reference: pg. 13

TRUE-FALSE QUESTIONS

1. The “Guess Who’s Coming to Dinner?” boxed insert reveals that equality of wealth is a permanent attribute of American democracy and capitalism.

   Bloom’s Skill: Understanding  Reference: pg. 6

2. Authority is an inefficient form of power.

   Bloom’s Skill: Knowledge  Reference: pg. 5

3. Every day, every one of us deals with power and authority.

   Bloom’s Skill: Application  Reference: pg. 5

4. Whenever armed conflict is averted by negotiation and compromise, we see the essence of democratic politics.

   Bloom’s Skill: Application  Reference: pg. 7

5. Government places limits on the private distribution of valued goods.

   Bloom’s Skill: Knowledge  Reference: pg. 8

6. Activism and apathy are both “political positions.”

   Bloom’s Skill: Understanding  Reference: pg. 7

7. Overlapping players and objectives characterize the political game in America.

   Bloom’s Skill: Understanding  Reference: pg. 7

8. Politics in a democracy acts as a continually reacting “marketplace.”

   Bloom’s Skill: Understanding  Reference: pg. 7
9. The Federal Aviation Authority (FAA) was reluctant to require changes in plane construction to increase safety because some members of the FAA were “friendly with” the company owners who would have to spend more money to comply with the regulations.

   *Bloom’s Skill: Application*  
   *Reference: pg. 13*

10. More than 32 million Americans live below the poverty line.

   *Bloom’s Skill: Knowledge*  
   *Reference: pg. 4*

**ESSAY QUESTIONS**

1. How does the “First Day of Class” story demonstrate Harold Lasswell’s definition of politics?

   *Bloom’s Skill: Analysis*

2. Are political authorities necessary? Why or why not?

   *Bloom’s Skill: Evaluation*

3. List and explain the basic functions of government in American society. How does the game of politics differ from a basketball game at the neighborhood park?

   *Bloom’s Skill: Synthesis*

4. For each of the different perspectives of economist, historian, psychologist, and political scientist, create two sample research questions about the Microsoft company.

   *Bloom’s Skill: Synthesis*

5. How do governments affect the distribution of wealth in a society? Are certain methods considered more legitimate than others? Please explain.

   *Bloom’s Skill: Synthesis*

6. Explain why the U.S. government does not set up its own governments in Iraq and Afghanistan. What is the purpose of seeking elected, representative governments in these countries?

   *Bloom’s Skill: Analysis*
ANSWER KEY

Chapter 1

Multiple Choice


True-False


CHAPTER TWO

The Constitution: Rules of the Game

CHAPTER OVERVIEW

This chapter provides students with the “official rules” of the political game as embodied in the United States Constitution. The Constitution outlines the government’s structure (the three branches of the federal government), restrictions on how the game can be played, legal protections for the losers, and the “arenas” in which the game is played (federalism). The chapter also includes an explanation of the events surrounding the creation of the Constitution, the principles contained in the document, how it evolved over time, and why constitutional rules continue to influence American political life.

LEARNING OBJECTIVES

After reading Chapter 2, the student should be able to do the following:

1. Describe the political events that preceded the ratification of the Articles of Confederation, as well as the strengths and weaknesses of the Articles.

2. Explain the Framers’ political ideas and Charles Beard’s thesis regarding the Framers’ motives.

3. Summarize the important motives (Charles Beard’s thesis) and political ideas of the Framers.

4. Describe the ratification struggle, noting the differences between the Federalists and Anti-Federalists and the bargaining over addition of a bill of rights to the document.

5. List and explain the significance of the four major constitutional principles: separation of powers and checks and balances, federalism, limited government, and judicial review.

6. Explain the four major methods of how the Constitution can be changed: amendment process, judicial interpretation, legislation, and custom.

7. Elaborate on the reasons for the Constitution’s durability, such as the stability of American society and the document’s vagueness.
I. Introduction

“The Second Day of Class” is a witty dialogue that illustrates how students may have a more favorable view of the Framers than they do of contemporary officeholders. Contemporary politicians tend to be perceived as polar opposites: “patriots” versus “crooks.” Wasserman, however, is careful to explain, via the dialogue, that the Framers had electoral considerations much the same as current politicians. Both bargain and compromise to reach a consensus over language that was in the Constitution or is in legislation. The chapter details the official rules of the American political game as set forth in the Constitution.

II. Background to the Constitution

The Framers of the Constitution relied upon three primary sources while drafting the document: the English political heritage, American models of colonial and state governments, and their experience with the Articles of Confederation. The Magna Carta and writings of John Locke illustrate the English legal heritage that limited government authority. American models of government included elements of limited government, consent of the community (Mayflower Compact), separation of powers, dominance of the legislature, and regular elections. The failure of the Articles punctuated the need for a strong federal government that had the ability to impose taxes and direct authority over individual citizens.

A. The Articles of Confederation (1781–1789). Although there were many weaknesses inherent in the Articles, the Framers recognized the value of many provisions.

1. Weaknesses of the Articles included a weak “league of friendship” among the states, the requirement of unanimous approval by all 13 states for amendments, no executive branch, no national system of courts, and no congressional power to impose taxes.

2. Strengths of the Articles included the power to declare war, conduct foreign policy, coin money, manage a postal system, and oversee an army composed of state militias. A highly “democratic” feature was compulsory rotation in office. Another accomplishment was passage of the Northwest Ordinance.

3. By 1787, the Confederation faced severe financial difficulties (e.g., devalued currency, trade wars among the states), foreign threats to American soil from the British, French, and Spanish, and the fear of mob rule and economic disruption (Shays’ Rebellion).
B. The Constitutional Convention (May 25 to September 17, 1787). The Constitutional Convention met in Philadelphia, in strict secrecy. The delegates changed their original charge from a revision of the Articles to the creation of a new government.

The Constitution was a product of compromises concerning the representation of large and small states in Congress (the Great Compromise, whereby representation in the House was determined by a state’s population, while equal representation in the Senate was accorded to all states); regulation of commerce (no tax on exports); and slaves being counted as three-fifths of a person (slave trade was not banned until 1808).

C. The Framers. The Framers were politically experienced, well-educated nationalists and, generally, members of the conservative propertied elite. They were wealthy planters, merchants, and lawyers. Many of them owned slaves. Of the 55 delegates to the Constitutional Convention, 42 had served in the Continental Congress. Small farmers, common workers, and “liberals” in the elite were not represented. Leaders who represented the poorer majority, such as Thomas Jefferson and Patrick Henry, did not attend the convention. Note the boxed insert, “Colonial Drinking and Voting,” which explains James Madison’s aversion to popular politics whereby office seekers “bought” elections by plying voters with liquor. There is mention of a modern-day barbeque: “Rum punch was preferred, accompanied by cookies and ginger cake and occasionally a barbequed bullock or hog.”

Convention debates were not between the “haves” and the “have-nots” but rather among the “haves” from different regions.

D. Motives Behind the Constitution. Charles Beard argued, in 1913, that the delegates were mainly concerned with creating a central government committed to honoring previous debts and protecting their own property holdings and that the delegates did not favor democracy. Beard’s critics assert that the delegates had varied motives, such as promoting economic development and raising a federal army that could protect the states from foreign aggressors. Note the boxed insert, “Is the Constitution Anti-Democratic?” which mentions flaws inherent in the original document, including limited enfranchisement. Thurgood Marshall, the first African American to serve on the Supreme Court, argued the document was “defective from the start,” as it did not include women and minorities. According to Marshall, it was the Civil War that “created virtually a new Constitution using the Fourteenth Amendment to ensure the rights of all Americans.”

E. Federalists Versus Anti-Federalists. The Federalists favored a stronger central government to curb the power of the common people and of the states. The Anti-Federalists favored a weaker central government in order to tip the balance of power toward the states. They desired a rigid system of separation of powers and
effective checks and balances. The Constitution was the result of compromises between these two positions.

F. Ratification and the Bill of Rights. Conventions in nine states had to approve the Constitution. The Federalist Papers, authored by James Madison, Alexander Hamilton, and John Jay, stressed the advantages of national union and undoubtedly helped the ratification process, especially in the state of New York. The Anti-Federalists were successful in getting the Bill of Rights (the first 10 amendments) added to the Constitution, arguing the rights were sacred and universal for present and future generations.

III. Four Major Constitutional Principles

The Constitution establishes the structure of government, distributes certain powers, and puts restraints on the government. In short, the Constitution both grants and limits governmental power.

A. Separation of Powers and Checks and Balances. These principles place the powers of government in the care of separate branches and then mix together some of the powers to ensure the relative independence of the three branches (legislative, executive, judicial). Although never explicitly described in the Constitution, this philosophical principle was put into practice by the colonial governments. The branches of government are separate; however, in practice, they share the overall power of government.

Examples of checks and balances include, among others, the presidential veto, Senate confirmation of presidential nominations, and Senate confirmation of treaties. Note the boxed insert, “Madison on Separation of Powers and Government,” which contains an observation he made in The Federalist Papers No. 51: “If men were angels, no government would be necessary.”

B. Federalism. A federal system calls for authority to be distributed between a central government and state governments. This invariably leads to an inherent contradiction, that is, whether the central government can be supreme and state governments can be independent. The contradiction was resolved through the course of history (largely by the Civil War) in favor of the federal government. As the country increased in size and population, the need to solve problems (e.g., environmental regulations and corporate regulation) moved beyond the capacities of the states. The nationalization of political issues led, in part, to the nationalization of solutions in areas like public education and public safety, responsibilities originally reserved to the states.

1. The Debate over Modern Federalism. Modern federalism appears far different today from its original concept. The debate over modern federalism has resulted in liberals and conservatives battling over whether programs administered on a local level are closer to citizens’ lives and
more efficiently managed than are those administered by the federal
government. President Ronald Reagan adopted another approach to
federal-state relations, referred to as New Federalism, whereby large block
grants, which had few strings attached, were awarded to state and local
governments. President Bill Clinton and the Republican Congress worked
together, in 1996, to shift more responsibility to local governments and
reduced the federal role in a number of programs, including welfare.
President George W. Bush expanded the federal role in education, limited
access to drugs purchased in Canada, and challenged Oregon’s assisted-
suicide law, despite campaigning as one favoring limits on Washington
and more autonomy for state and local government. President Obama
supported federal stimulus money to supplement state funding during the
recession in 2009 and advocates for continued federal involvement in state
and local issues such as health care and education. Federalism remains a
dynamic system for representing the varied interests of a large, diverse
country.

C. **Limited Government.** This incorporates both civil liberties and civil rights and
ensures citizens’ rights against the government, as well as access to the
government. Examples are the rights to vote, to dissent, and to an impartial jury.

D. **Judicial Review.** This is a principle not specifically stated in the Constitution but
developed through judicial precedent beginning with the landmark Supreme Court
decision, *Marbury v. Madison* (1803). Its most vital function has been to protect
the union by allowing the Court to review state and local laws. Although few
federal laws have ruled unconstitutional by the Court, the same cannot be said for
hundreds of state and local laws.

IV. **How Is The Constitution Changed?**

The Constitution may be changed by four methods: (1) formal amendments, (2) judicial
interpretation, (3) legislation, and (4) custom. The Framers would be surprised at the
political process that operates under the Constitution today.

A. **Amendments.** Changing the Constitution through the amendment process is
difficult and rarely used. Four amendment methods exist. After an amendment
receives a two-thirds majority vote in both the House and the Senate, it is sent to
the states for ratification. Three-quarters of the state legislatures must then
approve it. Amendments generally have to be ratified within seven years of being
sent to the states. All but one amendment has been ratified by this method. The
exception is the Twenty-first Amendment, which was ratified by the required
three-fourths of states in conventions. Two other methods are for two-thirds of the
state legislatures to call for a national convention for proposing amendments,
which would then need to be ratified by either three-fourths of the state
legislatures or three-fourths of state conventions. The Twenty-seventh
Amendment governing the timing of congressional pay raises (1992) was the last one to be ratified by three-fourths of the states.

B. Judicial Interpretation. This is the most common method of changing the Constitution. The Supreme Court has reshaped the original document by interpreting vague constitutional phrases and allowing or disallowing practices by various political players. Supreme Court decisions have affected economic regulation, segregation of the races, obscenity laws, and voting rights. Indeed, the Supreme Court has been referred to as “a permanent constitutional convention.”

C. Legislation. Congress has filled in the framework of the Constitution by establishing lower courts, the cabinet, executive boards and commissions, regulations, and services (e.g., Social Security).

D. Custom. One of the most vague yet most significant methods of changing the Constitution is by custom. Many practices, which have become institutionalized, are not mentioned in the document (e.g., the presidential nominating conventions and the congressional committee system). Customary usage has even changed some clear intentions of the Framers, such as in the setting of excessive bail. Custom now allows a president to enter armed conflict (e.g., Korea or Vietnam) without a declaration of war.

V. Why Has the Constitution Survived?

The stability of American society is the key reason for its longevity. Social and political upheavals have all been handled within the same constitutional structure. The brevity of the document (approximately 7,000 words) and the ambiguity of constitutional language, which allows for different interpretations over time, also helped its survival.

VI. Case Study: Federalism in a Storm: The Katrina Disaster

On August 29, 2005, Hurricane Katrina hit the coast of Louisiana and Mississippi, causing coastal areas and New Orleans devastating damage. The levees protecting New Orleans collapsed, causing 80 percent of the city to be underwater and stranding 75,000 people. Louisiana governor Kathleen Blanco appealed for help to President Bush, who was slow to respond. The Federal Emergency Management Agency (FEMA) reacted slowly, in part due to its mission having been redefined to focus on relief after terrorist attacks following its absorption into the new Department of Homeland Security in 2003. New Orleans mayor Ray Nagin publicly called for help from the president and the governor and expressed his anger on several occasions to the media over the lack of response. Mistrust and political differences among the president, governor, and mayor added to delays in getting help. State and local governments were not prepared to deal with the disaster, and the federal government’s response was hobbled by miscommunication, political infighting, and lack of awareness of the severity of the disaster.
VII. Case Study: Federalism at 55 MPH

In 1995, Congress repealed the national 55-mile-per-hour speed limit law, which, on the surface, appeared to be a clear victory for states’ rights. A closer look at the Senate action reversing this unpopular measure reveals a comparable victory for federalism: the Senate also voted to maintain federal limits on big trucks, keep seat belt requirements, and require tough new state laws against drinking and driving by minors. Thus, the popularity or unpopularity of certain safety measures proved as influential as either political philosophy in the actions taken by Congress.

VIII. Wrap-Up

Wasserman raises two important questions: “Does the flexibility and ambiguity of the document mean that the Constitution, as a body of rules governing the American political game, is meaningless?” “Does the Constitution merely serve the interests of those in power and its interpretations change only as those interests change?” He concludes that it is “a symbol of a people’s ideals.” At base, the rules of the American political game are guidelines and goals that depend upon each political generation for their application.

KEY CHAPTER TERMS AND IDENTIFICATIONS

Declaration of Independence (1776)
Constitutional Convention (1787)
Magna Carta (1215)
John Locke
Mayflower Compact (1620)
Articles of Confederation (1781–1789)
Northwest Ordinance
unicameral legislature (Confederation Congress)
bicameral legislature
Continental Congress
Northwest Ordinance (1787)
Shays’ Rebellion (1786)
Great Compromise (1787)
Three-Fifths Compromise (1787)
Charles Beard’s An Economic Interpretation of the Constitution of the United States (1913)
The Federalist Papers No. 10
public interests vs. private interests (Framers)
Federalists vs. Anti-Federalists
Bill of Rights (1791)
separation of powers
checks and balances
Hofstadter’s “harmonious system of mutual frustration”
federalism
marblecake federalism
New Federalism
No Child Left Behind Act of 2001
limited government
rule of law
judicial review
Marbury v. Madison (1803)
Constitution (general knowledge of articles and amendments)
methods to change Constitution (formal amendment, judicial interpretation, legislation, and custom)
Article V
Tenth Amendment
Thirteenth Amendment
Fourteenth Amendment
Twenty-first Amendment
Twenty-seventh Amendment
“permanent constitutional convention”
devolution
exclusive power

TEACHING SUGGESTIONS

1. Do students have an idealistic view of the Framers of the Constitution? If so, what impacted their perception? Is their view of modern politicians equally unrealistic, albeit in the other direction? Why?

2. Compare and contrast the U.S. Constitution and the Articles of Confederation. Ask class members to explain what lessons the Framers learned from the Articles.

3. Read excerpts from the writings of the Anti-Federalists so students can better understand the precise nature of their objections to the proposed Constitution.

4. Ask the class to speculate on how American history could have been changed if the Constitution had not been ratified.

5. Ask students how the Constitution would look today if it had been rewritten every generation, as Thomas Jefferson proposed.

6. Debate the following assertion in class: “The Constitution was designed to be antidemocratic—to keep common people from having too much power.” Have students comment on Thurgood Marshall’s view of the original document.
SUGGESTED RESEARCH ASSIGNMENTS

1. Ask students to investigate why there have been calls for a new Constitutional Convention in recent years. What subjects would the new delegates consider? Also, what dangers might stem from a new convention? Finally, how would modern media coverage change this event?

2. Is a written constitution necessary for a democracy to exist? Great Britain does not have one, although some dictatorships have constitutions that promise individual rights against the state but do nothing to allow them. Ask students to consider, orally or in writing, which specific historical and political factors make constitutional rights relevant to a country’s behavior.

3. Have each student compare the U.S. Constitution to a state constitution and analyze the structures of governance and protection of rights contained in each.
CHAPTER TWO – TEST BANK

MULTIPLE CHOICE QUESTIONS

1. In the opening dialogue, the students considered the Framers of the Constitution to be
   a. above politics.
   b. politicians just like modern ones.
   c. dead, white males.
   d. uneducated.
   e. secretive.

   Bloom’s Skill: Understanding    Reference: pg. 18

2. The Magna Carta
   a. established the concept of a bicameral legislature.
   b. declared that the king’s power was unlimited.
   c. included the idea of natural rights for the individual.
   d. established the principle of judicial review.
   e. established the principle of checks and balances.

   Bloom’s Skill: Knowledge    Reference: pg. 18

3. The Articles of Confederation
   a. established a “league of friendship” among the states.
   b. required nine states of the 13 to approve new amendments.
   c. did give the power of taxation to the Continental Congress.
   d. included a mechanism to coordinate the state courts.
   e. included an executive appointed by the state legislatures.

   Bloom’s Skill: Understanding    Reference: pg. 20–21

4. A significant accomplishment of the government under the Articles of Confederation was
   a. the creation of a strong navy to defeat threats from the French.
   b. the strengthening of the national currency.
   c. creating rules for the admission of new states to the union.
   d. the creation of a body to coordinate the state courts.
   e. the institution of a national tax to pay off old war debts.

   Bloom’s Skill: Application    Reference: pg. 20–21
5. Which of the following was a primary influence on the Framers as they drafted the Constitution?
   a. the French Revolution
   b. the French and Indian Wars
   c. westward expansion
   d. advocacy for states’ rights by John Adams
   e. revising the Articles of Confederation

   *Bloom’s Skill: Understanding Reference: pg. 21*

6. The Constitutional Convention
   a. was a series of open meetings involving public input.
   b. was a set of secret meetings initially held to revise the Articles of Confederation.
   c. involved the governors of all the states in one private meeting to discuss creating a presidency.
   d. sought opinions of the public through a series of editorial columns in local papers.
   e. originally met to determine the location of the new capital.

   *Bloom’s Skill: Understanding Reference: pg. 21*

7. Which of the following was *not* an influence on the Framers?
   a. Plato’s *Republic*
   b. the Magna Carta
   c. John Locke’s *Second Treatise on Government*
   d. the *Mayflower Compact*
   e. the experience of locally elected colonial legislatures

   *Bloom’s Skill: Knowledge Reference: pg. 18*

8. Which of the following men did *not* attend the Constitutional Convention?
   a. Benjamin Franklin
   b. George Washington
   c. Thomas Jefferson
   d. John Adams
   e. Both C and D are correct.

   *Bloom’s Skill: Knowledge Reference: pg. 22*
9. The Great Compromise
   a. established representation based on population in the Senate.
   b. allowed state legislatures to choose House members.
   c. created the mechanism to end slavery.
   d. allowed for recognition of the United States by Great Britain.
   e. solved the problem of representation by big and small states through proportional representation in the House and equal state representation in the Senate.

Bloom’s Skill: Knowledge Reference: pg. 22

10. Which of the following is a true statement about the Federalists and Anti-Federalists?
   a. Both factions distrusted the power of state governments.
   b. Federalists were pessimistic about human nature, and Anti-Federalists were more optimistic about human nature.
   c. The Anti-Federalists preferred a nonelected judiciary and indirectly elected president.
   d. Both factions did not fear foreign threats.
   e. Neither faction had any concerns about slavery.

Bloom’s Skill: Understanding Reference: pg. 25

11. The Federalist Papers
   a. were written to persuade the public to support ratification of the Constitution.
   b. were an attack against the Framers and supported continuation of the Articles of Confederation.
   c. were written by three of the Framers under the pseudonym Publius and published in the New York newspapers.
   d. represented the debate about the Constitution between Thomas Jefferson and John Adams.
   e. Both A and C are correct.

Bloom’s Skill: Understanding Reference: pg. 26

12. Which of the following was not an author of the Federalist Papers?
   a. John Jay
   b. James Madison
   c. George Washington
   d. John Adams
   e. Both A and B are correct.

Bloom’s Skill: Knowledge Reference: pg. 26
13. Which of the following issues were not a major concern of the Anti-Federalists concerning the Constitution?
   a. the new powers granted to the national government
   b. ensuring that individual rights and liberties would be protected
   c. preserving the powers of the states
   d. ensuring that state criminal law would continue to be enforced by state courts
   e. keeping a check on the presidency from gaining too much power

   Bloom’s Skill: Understanding  Reference: pg. 26–27

14. Despite the principle of separation of powers, which of the following is an example of the president’s (the executive) legislative powers?
   a. the power to set tariffs on imported goods
   b. the power to recommend measures to Congress
   c. executive review of Supreme Court decisions
   d. the power to remove cabinet secretaries
   e. the ability to deploy troops to conflicts outside the U.S.

   Bloom’s Skill: Application  Reference: pg. 28–29

15. The U.S. Constitution is approximately
   a. 7,000 words.
   b. 30,000 words.
   c. 1,000 words.
   d. 17,000 words.
   e. 10,000 words.

   Bloom’s Skill: Knowledge  Reference: pg. 28–29

16. Why was the division of power among the three branches of government an insufficient means to balance their powers?
   a. The legislature, as the only initiator of laws, could dominate the other two branches.
   b. Congress has more members than the other two branches.
   c. Supreme Court judges are impeachable.
   d. The president could become a dictator.
   e. The president controls the military as commander-in-chief.

   Bloom’s Skill: Application  Reference: pg. 30
17. Judicial review is the practice of
   a. periodic review of presidential foreign policy by individual justices.
   b. review of Supreme Court decisions by Congress.
   c. systematic evaluation of lower court decisions by the Supreme Court.
   d. determination by the federal courts of the constitutionality of state and federal law
      and of actions by Congress and the president.
   e. purging of case decisions that no longer apply to the U.S. due to changing social
      and economic conditions.

   Bloom’s Skill: Understanding         Reference: pg. 29–30

18. Which of the following relationships is NOT an example of the system of checks and
balances built into the Constitution?
   a. A Supreme Court decision can be overturned by an amendment to the
      Constitution.
   b. A presidential veto can be overridden by a supermajority of Congress.
   c. House committee decisions can be overturned on the floor of the House by a
      majority vote.
   d. Presidential use of the military is limited by the appropriations power of
      Congress.
   e. Federal judges are appointed by the president and confirmed by the Senate.

   Bloom’s Skill: Application         Reference: pg. 29–30

19. Under the system of federalism,
   a. only the federal government has exclusive powers.
   b. only state governments have exclusive powers.
   c. power is unlikely to be concentrated in one level of government.
   d. only state governments act directly upon the people.
   e. states can band together in trade zones with special tariffs.

   Bloom’s Skill: Understanding         Reference: pg. 30

20. The Constitution can be amended by
   a. a two-thirds vote of each house of Congress and three-fourths of the state
      legislatures.
   b. a national referendum.
   c. a majority of the Supreme Court and Congress, with the president’s signature.
   d. a three-fourths vote of state legislatures and the president’s signature.
   e. a simple majority of the Congress and of the state legislatures.

   Bloom’s Skill: Knowledge         Reference: pg. 37
21. Public education involves the federal government in which of the following ways?
   a. overseeing local school boards
   b. forbidding racial discrimination
   c. ensuring equal funding for all schools
   d. providing funding for school construction
   e. establishing a mandated national high school exit exam

   *Bloom’s Skill: Application*  
   *Reference: pg. 31*

22. Backers of a balanced-budget amendment to the Constitution might consider the following strategy:
   a. seeking support for such an amendment through approval by at least 34 state conventions, as almost occurred in the 1980s.
   b. mounting a federal court case and seeking appeals to the Supreme Court.
   c. pursuing approval of an amendment in the House and Senate, to then be sent to state legislatures.
   d. collecting signatures to mount the proposal as a national referendum.
   e. lobbying for an executive order by the president.

   *Bloom’s Skill: Application*  
   *Reference: pg. 38*

23. The primary motivation of the Framers, according to Charles Beard, was to
   a. protect their property rights through creation of a strong national government.
   b. provide opportunities for political advancement for the Framers.
   c. strengthen states’ rights in order to allow more effective resolution of property disputes.
   d. create an egalitarian system of property distribution.
   e. allow the new federal courts to adjudicate all economic disputes.

   *Bloom’s Skill: Knowledge*  
   *Reference: pg. 23*

24. Which of the following presidents is credited with creation of the New Federalism?
   a. Bill Clinton
   b. George W. Bush
   c. Franklin D. Roosevelt
   d. Jimmy Carter
   e. Ronald Reagan

   *Bloom’s Skill: Knowledge*  
   *Reference: pg. 33*
25. The Twenty-seventh Amendment
   a. lowered the voting age to 18.
   b. reinforced the due-process clause.
   c. specifies parameters for congressional pay raises.
   d. liberalizes illegal searches and seizures.
   e. restricts presidents to two terms of office.

Bloom’s Skill: Knowledge             Reference: pg. 39

26. Realistic application of constitutional principles depends on
   a. the hypocrisy of politicians.
   b. the absolutist language of the document.
   c. an understanding of the motives of the Framers.
   d. current political relationships.
   e. a literal reading of the Constitution.

Bloom’s Skill: Application             Reference: pg. 45

27. Some might suggest that the Constitution favored placing power in the hands of
   economic elites. Which of the following does not fit this argument?
   a. the Electoral College
   b. the election of senators
   c. the Tenth Amendment
   d. the presidential veto
   e. the treatment of slavery

Bloom’s Skill: Application             Reference: pg. 39

28. The federal agency that handles disaster response is
   a. the Department of Defense.
   b. the Federal Emergency Management Agency.
   c. the Food and Drug Administration.
   d. the U.S. Congress.
   e. the White House Office.

Bloom’s Skill: Knowledge             Reference: pg. 31

29. President Bush and Governor Blanco struggled to agree about how to respond to Hurricane Katrina due to
   a. political differences and perceptions of incompetence by both.
   b. President Bush never having been in a hurricane before.
   c. Governor Blanco being a woman.
   d. Mayor Nagin’s lack of emotional response to the disaster.
   e. the loss of telecommunications in Louisiana.

Bloom’s Skill: Knowledge             Reference: pg. 31
30. James Bryce believed that the Constitution was a fine example of
   a. mass democracy at work.
   b. development of an oligarchical system of government.
   c. an incrementally improved system not far removed from the Magna Carta.
   d. a governing system that encouraged the proliferation of political parties.
   e. a confederation system of states sharing power.

   Bloom’s Skill: Application  Reference: pg. 40

TRUE-FALSE QUESTIONS

1. Most of the colonies were ruled by parliamentary systems, like the government in Great Britain, and mandated by the Magna Carta.

   Bloom’s Skill: Knowledge  Reference: pg. 19

2. Thomas Jefferson and Patrick Henry were instrumental in getting the Great Compromise passed at the Constitutional Convention.

   Bloom’s Skill: Knowledge  Reference: pg. 23

3. The “Great Compromise” meant that the equality of the states was assured in the Senate, while large and small state differences were maintained in the House.

   Bloom’s Skill: Understanding  Reference: pg. 22

4. The Anti-Federalists supported strong state governments because they believed that states would be close to the popular will.

   Bloom’s Skill: Knowledge  Reference: pg. 25

5. The Bill of Rights established the powers of individual government representatives.

   Bloom’s Skill: Understanding  Reference: pg. 26

6. A “block grant” is a wide group of civil rights that are granted to new citizens and immigrants.

   Bloom’s Skill: Understanding  Reference: pg. 33

7. Public education represents “layercake federalism” because local, state, and federal levels of government conduct parallel but separate functions.

   Bloom’s Skill: Application  Reference: pg. 31
8. Congress proposed all 27 constitutional amendments.

*Bloom’s Skill: Knowledge  Reference: pg. 37*

9. A shift toward cooperative federalism was evidenced by President Obama’s support of the stimulus bill that included temporary federal funding for state functions such as education and public safety.

*Bloom’s Skill: Application  Reference: pg. 34*

10. States can choose to ignore federal speed limit and other safety requirements if they are willing to forego federal funding for highways and roads.

*Bloom’s Skill: Application  Reference: pg. 35*

**ESSAY QUESTIONS**

1. Explain why many propertied elites, in the 1780s, were convinced that a strong national government was essential for the country to flourish.

*Bloom’s Skill: Analysis*

2. Explain what the author means when he asserts that the debates at the Constitutional Convention were between the “haves” and the “haves,” over their regional interests, not between the “haves” and the “have-nots.”

*Bloom’s Skill: Analysis*

3. Are there any drawbacks to having a system of checks and balances and separation of powers? Please explain. As modernization and technology become more widespread, can the federal government still operate effectively?

*Bloom’s Skill: Synthesis*

4. Why are there debates over “modern federalism?”

*Bloom’s Skill: Evaluation*

5. Using the amendment process and federalism as examples, explain how the Constitution influences current politics.

*Bloom’s Skill: Evaluation*
ANSWER KEY

Chapter 2

Multiple Choice


True-False

CHAPTER THREE

The Executive Branch: The President and Bureaucracy

CHAPTER OVERVIEW

This chapter stresses contrasting public perceptions of the presidency, its historical evolution, various “types” of presidents, and the several “hats” or roles the president wears such as chief diplomat, party leader, and commander-in-chief, and his influence over public opinion. The presidential relationship to the executive bureaucracy also is explored within the context of the bureaucracy as both a tool of and a limit on presidential power. A case study on President George W. Bush’s response to September 11 highlights his leadership skills, including how a president rallies the country during a crisis.

LEARNING OBJECTIVES

After reading Chapter 3, the student should be able to do the following:

1. Explain how constitutional provisions affect the performance and responsibilities of the president.
2. Review key events that shaped the evolution of the presidency.
3. Categorize presidents according to the “Buchanan,” “Lincoln,” and “Eisenhower” approaches, as well as the James David Barber typology.
4. Examine and describe the six overlapping presidential “hats” or roles.
5. Explain the significance of the Executive Office of the President, cabinet departments, executive agencies, government corporations, and regulatory agencies.
6. Describe the relationship between the president and the bureaucracy, the problems of the bureaucracy, and its policy-making powers and limits.
7. Explain how a president’s influence over public opinion can influence Washington’s policy agenda.
8. Explain President Obama’s approach to the presidency, particularly in a time of economic crisis.
9. Review the key points made in the chapter study regarding the terrorist attacks of 9/11 and their aftermath.
10. Explain the origins and purpose of the civil service.
I. Introduction

The president is the “superstar” in the political game. The president and the vice president are the only officials elected by the entire country. Yet, the public view of the president as the nation’s leader has historically led to unrealistic expectations and crushing disappointments. Clinton was one example of this. Yet, by contrast, George W. Bush’s presidential effectiveness has surprised those who underestimated his overall abilities. Note the boxed insert, “Obama: On the Presidency,” which provides his perspective on the role of the president as national leader. President Obama has tried to change both the politics of Washington and the way in which politics is conducted, although his effort to be bipartisan has fallen short of promised goals in his first year in office, evidenced by party line votes on the stimulus bill and health care reform.

II. The President and the Constitution

The Constitution grants few specific powers and duties to the president, but vague phrases have been interpreted so as to enlarge them. Presidential qualifications for office, the concept of “lame duck,” removal from office, including impeachment, and term limits are discussed.

A. The Electoral College. Presidents are chosen through the electoral college, which was intended by the Framers to filter the prejudices of the voting masses. The candidate who wins a plurality of a state’s votes is awarded all the state’s electoral votes in what is referred to as a winner-take-all system. The only exceptions to the practice are Maine and Nebraska. If a candidate does not win a majority of electoral votes (270 of 538), the election is decided by majority vote (26 of 50) in the House of Representatives, where each state delegation has one vote.

B. Vice President. The constitutional duties of the vice president are outlined, and the political importance of the office as a step to the presidency is discussed. The “new vice presidency” includes Al Gore, Dick Cheney, and Joe Biden, all of whom played important policy roles in partnership with the president.

III. History of the Presidency

The role and influence of the president have expanded far beyond the constitutional conception of a gentleman-aristocrat who stood above politics. Most members of the Constitutional Convention of 1787 did not envision a political role for the president. Congress was meant to stand supreme, but the responses of presidents to crises have increased the power of the office. Washington used residual powers (powers not mentioned specifically in the Constitution, but necessary to carry out other responsibilities) in putting down the Whiskey Rebellion; Jefferson weakened congressional control of foreign affairs by negotiating the Louisiana Purchase; and Abraham Lincoln expanded the role of the president in wartime. Franklin D. Roosevelt’s
response to the Great Depression and World War II firmly established the modern presidency and its strong leadership patterns. See Table 3.1 for a list of presidents.

IV. Types of Presidents

Personality and politics shape how presidents perform the duties of office. Three general approaches to studying presidential decision making are discussed. Attention also is given to James David Barber’s work on presidential character.

A. Buchanan Presidents. These presidents take a custodial view of their responsibilities, remain aloof from politics, and exercise only those powers directly stated in the Constitution. Buchanan presidents include, among others, Warren G. Harding, Calvin Coolidge, and Herbert Hoover.

B. Lincoln Presidents. These presidents are active politicians who take a strong leadership role in crises. They view the presidency as a stewardship, that is, the only limits on presidential action are those expressly stated in the Constitution; however, they do not interpret the Constitution narrowly. Lincoln presidents include, among others, Andrew Jackson, Theodore Roosevelt, Franklin Delano Roosevelt, Harry S. Truman, Lyndon Baines Johnson, and Richard Nixon.

C. Eisenhower Presidents. These presidents combine the two types by linking the political inactivity of the Buchanan model with an active role as the chief delegate of the people, who organizes and represents a national consensus. Recent presidents have all been active but have mixed these styles with varying emphases.

D. Modern Presidents. Although most modern presidents cannot be categorized easily, they leaned toward political activism. Wasserman gives a brief overview of Johnson, Nixon, and Ford: Johnson was a “master politician”; Nixon was outwardly above politics but, in reality, extremely partisan and engaged in illegal activities; and Ford, who was the first president to not be elected to office, was the calm in the midst of a firestorm. More attention is paid to Carter, Reagan, and G. H. W. Bush. Carter, although scrupulously honest, lacked leadership skills; Reagan, who was considered to be the Great Communicator, delegated broad powers to appointees; G. H. W. Bush had “two faces,” as he was successful in foreign affairs and mediocre in domestic matters. Much space is devoted to Clinton and G. W. Bush: President Clinton, in the beginning, initiated an activist administration by proposing a number of new initiatives, including health care, with mixed success. After the Republican takeover of Congress in 1994, Clinton’s ambitious legislative program stalled, so he compromised with the Republicans on some domestic issues (e.g., welfare reform), while positioning himself as a bulwark against congressional extremism. G. W. Bush, the first president to lose the popular vote since 1888, adopted a detached attitude, delegating responsibility to experienced administrators.
E. **A Psychological Approach.** Political scientist James David Barber combines the president’s style (his ability to interact) with his character (essential nature or personal qualities) to devise four categories of presidential character: active-positive (Truman, Kennedy, and Carter), active-negative (Johnson and Nixon), passive-positive (Reagan), and passive-negative (Eisenhower). These categories neither reflect the totality of a president’s career nor consider other political forces influencing the presidency. Barber has not yet categorized Clinton and Bush. See the boxed insert, “Presidential Mama’s Boys,” for an explanation of how presidents’ mothers have influenced their sons’ emotional makeup.

V. **Presidential Hats**

The presidency has expanded due to the history of the office, how the occupant views his role, and greater expectations of what the chief executive can do.

A. **Chief of State.** This symbolic and ceremonial function is combined with the real powers of the chief executive, thus enhancing the authority of the president and influence of his party. The chief-of-state role helps define the president as a symbol of the country.

B. **Chief Executive.** In theory, the president is in total control of the federal bureaucracy, which employs approximately 1.9 million civilians, spends more than $1.8 trillion a year, and ranks as the largest administrative organization in the world. Criticism of this bureaucracy is widespread, and most modern presidents have made its reduction a goal of their administration.

C. **Chief Diplomat.** There are fewer checks on the president’s conduct of foreign affairs than there are on his conduct of domestic matters. The president establishes relations with foreign governments, appoints ambassadors, and negotiates and signs treaties that take effect with the consent of two-thirds of the Senate. The Cold War extended the president’s diplomatic responsibility into nearly all areas of society. Investigations of covert actions have revealed the dangers of this trend. The Senate’s power to ratify or reject treaties has been weakened by the use of pure executive agreements that require no Senate approval or public disclosure. Congressional attempts to limit the use of executive agreements have failed, but Congress can refuse to appropriate funds to carry out the agreements.

D. **Commander-in-Chief.** The president was made commander-in-chief in order to maintain civilian control of the military, but in practice, his authority is represented by the secretary of defense and delegated to the leaders of the military. This role is an important adjunct to that of chief diplomat, because of the president’s power to use troops at home and abroad and because of the size and importance of the defense establishment. Although the Constitution gives Congress the power to declare war, presidents have initiated large-scale military involvement in both Korea and Vietnam. Reaction to this kind of action
E. **Chief Legislator.** It was not until the twentieth century that presidents regularly and actively used their constitutional right to recommend legislation in Congress. Presidents often try to control the national agenda by identifying important political issues during the annual State of the Union address and other important speeches. The president may get support for a bill by using either informal tactics, such as exclusion from social functions and threats to block a member’s special legislation, or his constitutional right to veto legislation. The threat of a veto is often used to force a compromise. The president has been traditionally limited to vetoing an entire bill, but in 1996, Congress gave the president a limited-item veto (enhanced rescission), the power to veto just parts of the bill with which he disagrees. But one year later, the Supreme Court ruled that the item veto was unconstitutional (*Clinton v. City of New York*). Note the boxed insert, “Presidential Arm Twisting,” for an imaginary exchange between a congressperson and the president.

F. **Party Leader.** The president’s duties as a head of his political party are to choose a vice president, to distribute offices, to try to fulfill the party platform, and to serve as chief fund-raiser and campaigner. His control is limited, however, by the decentralized nature of American politics. Ultimately, the degree of presidential involvement in party politics is up to the person who occupies the Oval Office. The author explains how Bush’s fundraising prowess and political skills exact loyalty from the party faithful.

VI. **The Public Presidency**

Presidents learn to cope with volatile attitudes about their performance in office. They have a cadre of subordinates who work to mobilize support for their initiatives through techniques similar to those employed in election campaigns. Wasserman explains techniques, such as “going public,” whereby presidents take their cases directly to citizens, “spin” control, whereby administration officials attempt to influence the way news is reported, and “war room” scenarios, in which strategies are formulated. The high visibility of office is both a blessing and curse: when things are going well, presidents are generally praised. Most Americans, however, are fickle. When their expectations are dashed, presidents must find means to improve their standing.

The media play a pivotal and often negative role in how the public perceives the president. This is seen in the vicissitudes experienced by Clinton and Bush. Note the boxed insert, “Presidential Privacy and the Press: FDR,” for how the media’s treatment of presidents has changed over time. Private matters remained private unless the actions
affected a president’s capacity to perform his official duties. See the boxed insert, “White House Spins British Withdrawal From Iraq,” as an excellent example of how the Oval Office attempts to influence the news.

VII. The Federal Bureaucracy

The word “bureaucracy” has a pejorative connotation that, for the most part, is unfounded. Bureaucrats or administrators implement public policy. Almost all units are within the executive branch of government: the Executive Office of the President, cabinet departments, executive agencies, and regulatory commissions.

A. The Executive Office of the President. This department was established, in 1939, to help the president manage the bureaucracy and has since grown into a major bureaucracy itself, employing approximately 1,400 people in eight agencies. See Figure 3.2 for units within the EOP. The White House staff, whose members are responsible solely to the president, has grown in authority at the expense of the cabinet. The National Security Council (NSC), established to help coordinate the Department of Defense and Department of State, varies in importance with its use by individual presidents. In the G. W. Bush administration, the NSC “became smaller and less public” than it was in the past. The author highlights the National Economic Council (NEC), Office of Management and Budget (OMB), and Council of Economic Advisers (CEA). See the boxed insert, “First Ladies in History,” regarding the role spouses play as trusted advisers to their husbands.

B. The Cabinet Departments. The expansion of cabinet departments, from three to 15, has been due, for the most part, to the growth of problems that people want the federal government to address. A good example of this expansion was the creation of the Department of Homeland Security (DHS), the newest cabinet department, which was created to deal with the terrorist threat after 9/11. The DHS houses 22 agencies and 170,000 employees. The cabinet has no real power, as a body independent of the president. Although many presidents enter office promising to give the cabinet more power, it rarely works that way. The degree of control that cabinet officers exercise over their individual departments varies. According to Wasserman, cabinet secretaries generally act as “lobbyists” for their departments rather than representatives of the president, which, in turn, lessens their importance to the chief executive. See Figure 3.1, “The Government of the United States,” for a layout of the executive branch departments, agencies, and commissions.

C. The Executive Agencies. The Office of Personnel Management (OPM) and the National Aeronautics and Space Administration (NASA) are like the cabinet departments, but they are not considered important enough to be included in the cabinet. Some agencies are government corporations, such as the Tennessee Valley Authority and the Post Office, which are semi-independent units performing business functions.
D. **The Regulatory Commissions.** Meant to be bipartisan and not under the control of the president, these relatively independent agencies of the government were established in order to regulate certain parts of the economy and to keep them responsive to public interests. Although the president appoints the members of the commissions and chooses the chairs, the commissions are relatively independent of all branches of government. However, they are often accused of being more responsive to the groups they regulate than to the public. Note the example of the Securities and Exchange Commission (SEC) and the Bernie Madoff scandal.

VIII. **The Problems of Bureaucracy**

Most Americans hold a critical view of the federal bureaucracy, as they perceive civil servants as “faceless administrators [who] blindly follow rules despite their impact on people’s lives.” In reality, bureaucrats are expected to apply standardized rules and treat all clients similarly or according to standard operating procedure.

The size and complexity of large bureaucracies makes it difficult to define responsibility, thus inhibiting public scrutiny and control. The necessity for expertise lessens bureaucrats’ appreciation of a broader view of the public interest.

A. **Rise of the Civil Service.** The establishment of the civil service, a major nineteenth-century reform that emerged after a disappointed office seeker assassinated President James Garfield, has improved the quality of government employees and added stability to government. The “spoils system,” which permitted elected officials to fill government positions, has been restrained by the professionalization of the bureaucracy. Today, the president fills approximately 5,000 patronage jobs.

B. **Bureaucrats as Policymakers.** The “ideal model” of separating policy and administration is incomplete and naïve. A bureaucrat is rarely politically neutral: he or she both implements policies initiated by others and makes policy due to his or her exercise of legislative, judicial, and executive power. For example, the Internal Revenue Service (IRS) holds hearings on tax cases and makes judicial findings.

C. **The President and the Bureaucracy.** The bureaucracy is a major source of information and power for the president, but its unwieldy structure requires controls and may often work against him. Keeping control over two million employees is a full-time job in itself. Members of the bureaucracy may work to protect their own interests or their respective department’s interests when threatened by budget cuts. They may ignore the president’s demands and delay or sabotage his agenda to gain the support of his bureaucracy; the president must bargain and persuade. See the boxed insert, “The President and the Mouse,” for a humorous anecdote regarding how it took an interagency task force to rid the Oval Office of two mice.
IX. Case Study: September 11: A President’s Trial by Fire

This is a case study about the way President George W. Bush responded to the 9/11 terrorist attacks. The president rallied the nation and promised to find those who were responsible for the unthinkable acts. He prepared the nation for a new kind of war, comforted the American people, and was a visible “democratic priest-king.” Bush, in his September 20 speech before Congress, delineated the lengthy and difficult challenges confronting the country. Recently, historian Joseph Ellis concludes that in the larger scope of history, 9/11 does not rise to the highest level of threat because it did not threaten the survival of the American republic.

X. Wrap-Up

The bureaucracy’s size and complexity impact how it reinforces the chief executive’s powers. The president, as an individual, and the presidency, as an institution, play central roles in the policy process.

Public criticism of policy decisions is generally aimed at the president. Whether this is deserved is another matter, as there are many historical, political, and legal limits to his power.

KEY CHAPTER TERMS AND IDENTIFICATIONS

democratic priest-king
Article II
Imperial Delegator (George W. Bush)
Twenty-second Amendment
lame-duck
Tilden-Hayes 1876 election
Electoral College
The Federalist Papers No. 68
new vice presidency
Whiskey Rebellion (1794)
residual or inherent powers
crisis leadership
Louisiana Purchase (1803)
Buchanan, Lincoln, Eisenhower presidents
hidden-hand leadership
stewardship presidency
New Deal
custodial view of presidential powers
New Democrat (Bill Clinton)
presidential character model (James David Barber)
presidential mama’s boys
chief of state
TEACHING SUGGESTIONS

1. Ask class members to define presidential “greatness.” List the characteristics of a great president and then ask students to consider whether any or all of these characteristics apply to any recent presidents. Include the performance of George W. Bush after 9/11 and President Obama dealing with the economic crisis.

2. Show a videotape of a recent presidential press conference or major speech. Ask students to judge how effectively the current president uses televisions to reach the public, as well
as the quality of his relationship with the press. Ask class members to explain how a hostile media can influence the public image of a president and his administration.

3. Review how the failings of regulatory commissions such as the Securities and Exchange Commission and the Federal Reserve contributed to the failure of banks and the Bernie Madoff scandal. Has Congress responded to strengthen or create new bodies to protect against these problems?

4. Elaborate the reasons why the War Powers Act of 1973’s effectiveness has been questioned.

5. Review the disputed presidential election of 2000. Ask students whether they believe the electoral college should be abolished.

SUGGESTED RESEARCH ASSIGNMENTS

1. Form a team of students to investigate how one applies for a civil-service job with the federal government. The students can report their findings to the class as a whole. They also could provide copies of application forms, as well as fundamental civil-service rules and regulations.

2. Presidential popularity rises and falls over time. Ask students to chart the public approval rating of the current president and have them write a brief paper accounting for its decline, rise, or stability.

3. Ask various students to investigate recent examples of the bureaucracy opposing a presidential directive. The students can report in class why the agency or department worked to stop the presidential action, how it was accomplished, and how the president responded. What were the roles of Congress and the media during the disagreement?

4. Ask a team of students to evaluate the role of Vice President Joe Biden in the Obama administration. What are his key policy roles? Is he a positive or a negative asset for President Obama?

5. How has Hollywood viewed the presidency? Have film producers and directors helped the American public to understand the presidency from both personal and institutional perspectives? Why or why not? See the boxed insert, “Hollywood and Presidents,” for ideas on how to approach the topic.

6. Ask students to research the effect of the Tea Party movement in opposing initiatives of the Obama administration. Has this effort had an effect on elections? How has it affected President Obama’s efforts to work in a bipartisan fashion on Capitol Hill?

7. Ask a student to access the Department of Homeland Security’s Web site and report what he or she finds about its mission and composition.
CHAPTER THREE – TEST BANK

MULTIPLE CHOICE QUESTIONS

1. Which of the following statements is inaccurate?
   a. Public opinion about presidents rarely, if ever, fluctuates.
   b. Although the president represents the entire citizenry, the office remains partisan.
   c. Presidents are bound to disappoint some people, as they have conflicting roles and limited executive power.
   d. Americans demand strong presidential leadership in times of crisis, which sometimes leads to concerns about the consequences of that very strength.
   e. Americans look to a president as a moral example.

   Bloom’s Skill: Understanding          Reference: pg. 49

2. Which of the following is a constitutional requirement for serving as president?
   a. being a resident of the United States for 14 years
   b. being a member of Congress for at least one term
   c. being a native-born citizen
   d. having no felony convictions
   e. Both A and C are correct.

   Bloom’s Skill: Knowledge            Reference: pg. 50

3. Which of the following is not true about the electoral college?
   a. Except for Maine and Nebraska, the states appoint their members of the electoral college on a “winner-take-all” basis.
   b. A presidential candidate needs 270 electoral votes to win office outright.
   c. If no candidate receives a majority in the electoral college, the election is decided by a majority vote in the House of Representatives, with each state delegation casting one vote.
   d. All electors must vote for the candidate that they pledged to support.
   e. Electors are typically chosen by state political parties to serve if the candidate of that party wins the most votes.

   Bloom’s Skill: Understanding          Reference: pg. 51
4. Which of the following presidents won both the popular vote and the majority in the electoral college?
   a. Ronald Reagan
   b. Rutherford B. Hayes
   c. Gerald R. Ford
   d. Al Gore
   e. John Quincy Adams

   Bloom’s Skill: Knowledge Reference: pg. 51

5. The Executive Office of the President includes which of the following?
   a. Office of the Vice President
   b. Office of Management and Budget
   c. White House Counsel
   d. Department of Homeland Security
   e. Office of the Press Secretary

   Bloom’s Skill: Knowledge Reference: pg. 70

6. George Washington’s action in putting down the Whiskey Rebellion
   a. was endorsed by the electoral college.
   b. is an example of the residual powers of the presidency.
   c. was considered unconstitutional at the time.
   d. shows how weak the presidency was prior to 1803.
   e. was condemned in a congressional resolution.

   Bloom’s Skill: Understanding Reference: pg. 53

7. Images such as “captain of the ship,” “finding common ground,” and “want to be president when there are big problems” come from
   b. James Buchanan.
   c. Gerald Ford.
   d. Dwight D. Eisenhower.
   e. Barack Obama.

   Bloom’s Skill: Application Reference: pg. 49

8. Buchanan presidents
   a. are favored by political commentator Pat Buchanan.
   b. are considered to be the greatest of all presidents.
   c. merge the active and administrative parts of executive power.
   d. view their presidential terms as primarily administrative.
   e. typically serve prior to a major war.

   Bloom’s Skill: Understanding Reference: pg. 56
9. Franklin D. Roosevelt is called the first “modern” president because he
   a. ran for three terms.
   b. attempted to pack the Supreme Court.
   c. was the first president to involve the United States in a world war.
   d. established strong leadership patterns in both domestic and foreign policy, and in creating the executive bureaucracy.
   e. used television to broadcast his speeches.

   Bloom’s Skill: Understanding           Reference: pg. 57

10. What family influence is attributed to creating the self-confidence found in many presidents?
   a. strong fathers
   b. strong mothers
   c. doting grandparents
   d. absent fathers
   e. caring maternal aunts

   Bloom’s Skill: Knowledge               Reference: pg. 59

11. The role of chief of state is most like
   a. the British prime minister.
   b. the Queen of England.
   c. the Secretary of State.
   d. the Chief Justice of the Supreme Court.
   e. a state governor.

   Bloom’s Skill: Knowledge               Reference: pg. 62

12. Which of the following would be considered a “Lincoln” president?
   a. Gerald Ford
   b. Ronald Reagan
   c. Warren G. Harding
   d. Dwight Eisenhower
   e. George H.W. Bush

   Bloom’s Skill: Knowledge               Reference: pg. 57

13. In which case did the U.S. Congress declare war?
   a. the Vietnam War
   b. the Kosovo conflict
   c. the Persian Gulf War
   d. World War II
   e. the war in Iraq

   Bloom’s Skill: Knowledge               Reference: pg. 64
14. How did the White House “spin” the story of British troop withdrawal from Iraq?
   a. The withdrawal was needed to make room for the U.S. troop surge.
   b. The withdrawal was recommended by Vice President Cheney.
   c. That this was a sign of political weakness for British Prime Minister Tony Blair.
   d. The withdrawal was a sign of success of the coalition and of the British presence in southern Iraq.
   e. The British were criticized for not standing with the U.S. during the new troop surge.

Bloom’s Skill: Understanding  Reference: pg. 60

15. Which of the following limits the president to two terms of office under most circumstances?
   a. the custom of presidents only running for two terms
   b. the Presidential Succession Act of 1949
   c. Article II of the Constitution
   d. the First Amendment
   e. the Twenty-second Amendment

Bloom’s Skill: Application  Reference: pg. 50

16. Which of the following had the most influence on Republican losses in the 2006 midterm congressional elections?
   a. rapidly rising unemployment
   b. the 1,000 point drop in the Dow Industrial Average
   c. public doubts about the course of the war in Iraq
   d. debates concerning banning gay marriage
   e. concerns about free trade with Latin America

Bloom’s Skill: Understanding  Reference: pg. 60

17. Which of the following statements about the pocket veto is correct?
   a. It is another name for a regular veto.
   b. Congress has an opportunity to override the pocket veto.
   c. It operates like an item veto because the “10-day” requirement is involved.
   d. The pocket veto is never overridden by a congressional vote.
   e. It was declared unconstitutional by the Supreme Court.

Bloom’s Skill: Understanding  Reference: pg. 65–66
18. Which of the following statements is (are) accurate?
   a. There are 12 cabinet departments.
   b. The Environmental Protection Agency (EPA) was recently elevated to cabinet status.
   c. The president can dismiss cabinet members.
   d. White House Office staff appointments require Senate confirmation.
   e. Federal judges confirmed by the Senate are immune from impeachment.

   Bloom’s Skill: Knowledge                 Reference: pg. 70

19. The Executive Office of the President
   a. was established in Article II of the Constitution.
   b. was established in the mid-20th century to assist the president in managing the bureaucracy.
   c. was an agency that Ronald Reagan tried to abolish when he assumed the presidency.
   d. has direct supervision over cabinet departments.
   e. reports directly to congressional committees.

   Bloom’s Skill: Knowledge                 Reference: pg. 70

20. Which of the following is not a “presidential hat”?
   a. Chief Legislator
   b. Head of Party
   c. Head of State
   d. Commander-in-Chief
   e. National Educator

   Bloom’s Skill: Knowledge                 Reference: pg. 62

21. Cabinet secretaries
   a. serve two-year terms that correspond to the House of Representatives.
   b. serve at the pleasure of the president.
   c. are confirmed by the Senate for up to six years.
   d. participate in all facets of the government.
   e. are required to take notes at all White House meetings.

   Bloom’s Skill: Understanding             Reference: pg. 70
22. Which of the following is responsible for coordination of agencies involved in military and foreign policy?
   a. the National Economic Council  
   b. the National Security Council  
   c. the State Department  
   d. the Department of Defense  
   e. the White House Office  

   *Bloom’s Skill: Knowledge*  
   *Reference: pg. 74*

23. A government corporation  
   a. is intended to oversee private corporations.  
   b. is intended to support its operations with its self-generated revenues.  
   c. is the preferred method of Republicans for organizing government services.  
   d. was a common form of government organization during the Gilded Age.  
   e. is set up to fund political campaigns.  

   *Bloom’s Skill: Application*  
   *Reference: pg. 77*

24. The problems of government bureaucracy could best be summarized as inefficiency due to the  
   a. capitalistic ideology of American government.  
   b. overly broad interests of most bureaucracies.  
   c. size and complexity of bureaucracies.  
   d. unqualified staffs that comprise the bureaucracy.  
   e. Both B and C are correct.  

   *Bloom’s Skill: Application*  
   *Reference: pg. 78*

25. Vice President Joe Biden seeks to  
   a. shrink the office of vice president to an advisory role to the president.  
   b. expand the office to include oversight of homeland security.  
   c. prosecute former Vice President Cheney for support for torture.  
   d. spend his time presiding over the Senate.  
   e. prepare to run for President in 2012.  

   *Bloom’s Skill: Application*  
   *Reference: pg. 52*
26. Which of the following is considered an expansion of the power of the presidency?
   a. Lincoln’s suspension of habeas corpus during the Civil War.
   b. George W. Bush’s approval of indefinite detention of terrorist suspects.
   e. Both A and B are correct.
   Bloom’s Skill: Application Reference: pg. 83

27. Which of the following pairs of first ladies are most similar in the way that they have interpreted their roles as public figures?
   a. Eleanor Roosevelt and Laura Bush
   b. Laura Bush and Michelle Obama
   c. Hillary Clinton and Michelle Obama
   d. Dolly Madison and Laura Bush
   e. Hillary Clinton and Laura Bush
   Bloom’s Skill: Application Reference: pg. 73

28. Which agency was supposed to prevent the financial havoc wreaked by Bernie Madoff?
   a. the Treasury Department
   b. the Federal Deposit Insurance Corporation
   c. the Federal Reserve
   d. The Council of Economic Advisors
   e. The Securities and Exchange Commission
   Bloom’s Skill: Application Reference: pg. 78

29. The civil-service system arose in the late 19th century as a response to
   a. the problems created by a small bureaucracy.
   b. the problem of states having too much public responsibility.
   c. the challenge of managing a growing rural economy.
   d. changing technological developments.
   e. the corruption and abuses of the spoils system.
   Bloom’s Skill: Knowledge Reference: pg. 80

30. President George W. Bush became a “democratic priest-king” immediately after
   a. proposing sweeping educational reform.
   c. proposing his tax cut.
   d. winning the popular vote in 2004.
   e. the results of the 2006 midterm elections.
   Bloom’s Skill: Application Reference: pg. 86
TRUE-FALSE QUESTIONS

1. The president and vice president are the only public officials elected by the entire nation.
   
   *Bloom’s Skill: Knowledge*  
   *Reference: pg. 48*

   
   *Bloom’s Skill: Application*  
   *Reference: pg. 64–65*

3. The line item veto was used often by President Clinton to balance the federal budget.
   
   *Bloom’s Skill: Knowledge*  
   *Reference: pg. 66*

4. Political patronage in federal employment was reduced over time due to the effects of the Pendleton Act.
   
   *Bloom’s Skill: Understanding*  
   *Reference: pg. 80*

5. Some observers believe that President Eisenhower practiced a “hidden-hand” style of presidential leadership.
   
   *Bloom’s Skill: Understanding*  
   *Reference: pg. 57*

6. Lame-duck status creates sympathy for outgoing presidents, thereby making them more popular than when they served.
   
   *Bloom’s Skill: Application*  
   *Reference: pg. 51*

7. President George W. Bush preferred to delegate responsibility to his advisors.
   
   *Bloom’s Skill: Understanding*  
   *Reference: pg. 59*

8. The Department of Homeland Security was created during the waning days of the Clinton presidency.
   
   *Bloom’s Skill: Knowledge*  
   *Reference: pg. 75*

9. A president is most likely to turn to the Department of Homeland Security to address problems in airport passenger security screening.
   
   *Bloom’s Skill: Application*  
   *Reference: pg. 75*

10. In 2000, George W. Bush lost the popular vote but won the electoral college vote.
    
    *Bloom’s Skill: Knowledge*  
    *Reference: pg. 51*
ESSAY QUESTIONS

1. Explain three reasons why presidential powers have expanded in the modern era. Be sure to include examples to support your claims.

*Bloom’s Skill: Analysis*

2. List and explain the significance of the six presidential “hats” or roles.

*Bloom’s Skill: Analysis*

3. Why do you think so much is expected of a president? Why is it likely that most expectations will not be met? Be sure to include a discussion of how presidents, the media, and the public contribute to the situation.

*Bloom’s Skill: Evaluation*

4. Compare the first year of President George W. Bush with the first year of President Obama. How have their presidencies been similar or different? How did each respond to crises they faced, and were these responses effective?

*Bloom’s Skill: Evaluation*

5. What are the major problems facing bureaucracies? What lessons about bureaucratic behavior can be learned from President Carter’s experience with the White House mouse?

*Bloom’s Skill: Synthesis*

6. How did September 11 and its aftermath challenge President Bush’s leadership abilities?

*Bloom’s Skill: Synthesis*

7. How and why is the bureaucracy both a supporter for the president and a restraint upon his actions?

*Bloom’s Skill: Evaluation*

8. What is “White House spin”? Explain how it was used to influence media coverage of President Obama’s decision to withdraw troops from Iraq.

*Bloom’s Skill: Analysis*
## Answer Key

### Chapter 3

#### Multiple Choice

1. A  
2. E  
3. D  
4. A  
5. B  
6. B  
7. E  
8. D  
9. D  
10. B  
11. B  
12. B  
13. D  
14. D  
15. E  
16. C  
17. B  
18. C  
19. B  
20. E  
21. B  
22. B  
23. B  
24. C  
25. A  
26. A  
27. B  
28. E  
29. E  
30. B

#### True-False

1. T  
2. F  
3. F  
4. T  
5. T  
6. F  
7. T  
8. F  
9. T  
10. T
CHAPTER FOUR

The Legislative Branch: Congress

CHAPTER OVERVIEW

This chapter begins with the constitutional expectation that Congress would be the democratic centerpiece of the federal government. Congress’s importance and complexity are illustrated in discussions of its election rules, size, composition, and structure. The author reviews the importance of party control, the decline of the Speaker of the House’s power, the budget process, and how a bill becomes a law.

In addition, he addresses topics including the congressional committee system, the role of seniority, and vital nonlegislative functions. The chapter concludes with a detailed case study of how Congress is trying to address the issue of climate change through development of the Waxman-Markey “cap and trade” bill to reduce carbon emissions through market mechanisms.

LEARNING OBJECTIVES

After reading Chapter 4, the student should be able to do the following:

1. Evaluate the difficulties legislators encounter trying to reconcile local and national interests.
2. Explain the prominent background characteristics of members of Congress.
3. Define and explain the significance of malapportionment, gerrymandering, and term limits.
4. Explain the functions of standing committees, subcommittees, conference committees, select and special committees, and joint committees.
5. Explain rules and procedures such as senatorial courtesy, discharge calendars, legislative oversight, and the filibuster.
6. Detail the various stages of the legislative process, including committee debate, floor votes, role of party leadership, and the veto process.
7. Explain the rationale behind the organizational structure of the House and Senate.
8. Detail the congressional budget process.
10. Explain the significant points made in “Controlling Global Warming—The House Climate Bill” case study.

OUTLINE

I. Introduction

To keep the legislature dominant, the authors of the Constitution gave the majority of powers and duties of government to Congress. Congress can levy taxes, borrow money, raise armies, declare war, set up the federal judiciary, regulate commerce, and coin money. Congress also controls presidential power by having the power to approve treaties, approve high-level appointments (including Supreme Court justices), create administrative offices, override the president’s veto, and impeach executive and judicial officers. Indeed, throughout the nineteenth century, Congress was the major player in shaping the country’s policies. Despite these controls, the executive branch has grown in power at the expense of Congress. Nonetheless, the legislature is vital to the political game.

II. Makeup of the Senate and House

Congress is a bicameral legislature, with 435 members in the House (based on a state’s population) and 100 members in the Senate (two per state). The average representative serves around 650,000 constituents, which is a considerable increase from the First Congress when a congressman represented approximately 50,000 people.

A. The Role of the Legislator. Legislators represent both national and local interests, making their role difficult, as these interests are often incompatible. However, constituents’ opinions must be heeded if members hope to win their reelection bids. Among the most vital work of a congressperson is constituency casework or solving constituents’ problems with the government (e.g., assisting veterans in obtaining information about federal programs for the disabled or helping someone negotiate the Social Security benefit maze).

B. Who Are the Legislators? Qualifications for membership are as follows: House and Senate members must be 25 and 30 years of age, respectively. Representatives serve two-year terms and senators serve six-year terms, with one-third of the Senate standing for election every two years. Congress is overwhelmingly white, male, Protestant, and dominated by the upper-middle-class professions of law, business, and banking. Women, blacks, and other minorities have been typically underrepresented, a situation that has improved in recent congresses. See the boxed insert, “The 111th Congress,” which contains an overview of the composition of both chambers. Senators were originally elected by the state legislatures to ensure less popular control, but the ratification of the Seventeenth Amendment, in 1913, changed the process whereby they are now elected popularly. Some members are criticized for spending their careers in Congress. The attempt by states to pass term limits was
C. **Malapportionment and Reapportionment.** “Malapportionment” refers to drawing districts with unequal populations, often done for partisan advantage. Gerrymandering is another device used to enhance a party’s position in a district, either by packing (designing a “safe” district of solid supporters) or by cracking (splitting the supporters of opponents). Racial gerrymandering became more common after the 1990 census. Malapportionment abuses have been largely corrected by the landmark Supreme Court ruling, *Baker v. Carr* (1962), which ruled unequal congressional districts to be unconstitutional. [*Wesberry v. Sanders* (1964) established the principle of one person-one vote.] Recent Supreme Court decisions have also limited the role of race in drawing districts. Still, politics remains key in drawing congressional district lines, as seen in the conflicts over population shifts to the West and South from the Midwest and Northeast following the 2000 census. After 1990, New York lost three house seats, and California gained seven seats. After the 2000 census, states in the Northeast again lost seats, while the Sunbelt gained seats in Congress. Florida, Georgia, Arizona, and Texas gained two congressional seats, while New York and Pennsylvania lost two each. Several midwestern and northern states lost one each, while a number of southern and southwestern states gained one. After 2000, redistricting helped Republicans to gain seven seats in the House. Redistricting generally helped incumbents retain their seats. See the boxed insert, “The Incumbent Protection Racket,” which explains many factors that give incumbents a significant advantage over their challengers.

D. **Organization of the House of Representatives.** The majority party chooses officers, controls debate, selects committee chairs, and holds a majority on every committee. The Speaker of the House, who is assisted by the majority leader and majority whip, has considerable power. See the boxed insert, “Nancy Pelosi: Madam Speaker,” for a brief portrait of the first woman to serve as House Speaker, a strong individual with political bloodlines who balanced party activism and motherhood to rise to the top position in the House of Representatives. The minority party has the same officers, minus the Speaker. Each party has a caucus, composed of all the members of that party in the House, which provides a fairly unified following for party leaders. The Republicans choose a Steering Committee, which functions as an executive committee for the caucus. After the 1994 election, the Democratic Party divided its Steering Committee into a Steering Panel, which nominates committee members, and a Policy Committee, which studies issues and writes bills.

E. **Organization of the Senate.** As president of the Senate, the vice president votes in case of a tie and has some procedural power. The “real” leader of the Senate is the Senate majority leader. He schedules debates, assigns bills to committees, and coordinates party policy. Majority and minority leaders, assisted by their whips, coordinate their respective party’s positions. The Senate, a smaller body, operates more informally than the House and is not as tightly controlled by its leadership. The
III. How Congress Works

Legislation can be introduced in either chamber, except for money-raising bills, which must originate in the House. See Figure 4.2 for a diagram of how a bill becomes law. The two chambers act separately in writing a bill, but the language of the measures they pass must be identical before final passage. Due to the number and complexity of issues before Congress, bills are immediately assigned to a committee, which must approve them before being presented to the whole body. About 20,000 bills are introduced in Congress each year. Approximately 80 to 90 percent of all bills die in committee and only 5 percent ever become law.

IV. The Committee System

Floor sessions are mostly formalities, as the real work of Congress takes place in committee rooms.

A. How Committees Work. There are four distinct types of committees: standing committees, conference committees, select or special committees, and joint committees.

1. Standing committees. These are the basic working units of Congress to which all prospective legislation must be assigned. There are 20 House committees and 16 Senate committees. Standing committees, as a rule, have subcommittees for a greater division of labor. Recently, Congress reduced the power of committees by increasing the influence of the party leadership. However, before any bill is sent to the floor for consideration, the committee with jurisdiction over the subject matter must still approve it.

2. Conference committees. These temporary bodies, which are created to work out differences in the House and Senate versions of a bill, are composed of senators and representatives. Conference committees bargain until a compromise is reached. Once the differences are resolved, the bill is sent to both houses for an up or down vote. Typically, senior members of the relevant committees serve on conference committees.

3. Select or special committees. These are created to do specific, temporary jobs, such as investigations. The Senate Special Committee on Whitewater, for example, was formed to investigate whether President Clinton engaged in improper activities regarding an Arkansas real estate project.
4. **Joint committees.** These are permanent bodies with members from both chambers. Their purpose is to coordinate policy and prevent duplication on routine matters. An example is the Joint Economic Committee.

B. **Committee Chairperson and the Seniority System.** An unwritten rule almost ensures that a majority party member, who has served longest on a particular committee, be given the chairpersonship. Committee chairs have formal power over the membership and procedure of their respective committees and informal influence through their years of experience. They hire staff and can usually kill legislation. Of late, the power of committee chairs has been limited by caucuses, which are led by party leaders. Advantages of the system are that experienced leadership is assured and rivalries are minimized. Critics, however, think it is undemocratic and unresponsive to change. They call it the “senility system.” This aside, some committee chairs opt to retire rather than relinquish their posts, as the GOP imposed term limits on the time a member could serve as head of a particular committee. Since 1995, party leadership has been strengthened at the expense of the committees.

C. **Specialization and Reciprocity.** Members of Congress are expected to specialize in the work of their committees, which tends to make them experts in a few areas and unfamiliar with others. As such, they rely on each other’s expertise and follow the lead of other committees on subjects outside their own field of expertise. This process has been diluted somewhat as party control of the legislative agenda reduced the impact of committee leadership.

D. **Major Committees in the House.** Discussed are the powerful Budget, Rules, Ways and Means, Appropriations, and Judiciary Committees.

1. **Budget.** The Congressional Budget and Impoundment Control Act of 1974 established the committee. It authorizes Congress to propose a comprehensive government budget as an alternative to the president’s budget. Designed to shift power back to Congress, it has not accomplished everything its supporters had hoped.

2. **Rules.** All House bills, except appropriations, must pass through this committee. Its power to set the terms of debate means it can delay, amend, or kill bills. The committee also acts as a “traffic cop” for the House Speaker.

3. **Ways and Means.** The powerful committee deals with tax and revenue bills that go to the floor under a closed rule, that is, no amendments can be attached to them. It has been the key committee on issues such as welfare reform, tax reform, and Social Security reform.

4. **Appropriations.** This committee, along with Ways and Means, is particularly powerful because of its ability to determine how and where the government will spend its money. It has become a key place for passing pork barrel bills.
E. **Major Committees in the Senate.** Discussed are the Appropriations, Finance, and Foreign Relations Committees. The Senate Rules Committee does not have the same level of importance as its House counterpart.

1. **Appropriations.** The committee receives money bills passed by the House and acts as a “court of appeals” for adding money to the legislation.
2. **Finance.** The committee handles tax legislation similar to the House Ways and Means Committee.
3. **Foreign Relations.** The committee acts as a watchdog over the president’s dominant position in foreign affairs. Its importance comes from the Senate’s role in confirming appointments of ambassadors and approving treaties.

F. **On the Floor and Beyond.** Once recommended by a committee, a bill is placed on a calendar for floor debate. In the House, the Speaker controls debate, with each member limited to five minutes. A simple majority vote of those present is needed for passage. The entire procedure is then repeated in the other chamber. Voting may follow conservative-liberal lines or regional patterns, but the most common division follows party lines. In extremely rare instances, bills put on the discharge calendar are enacted into law. Members sign a discharge petition to dislodge a stalled bill from committee. See the “Campaign Finance Reform” case study for an example of the procedure and its successful outcome.

The few mavericks show less loyalty to their party than do the other members. They tend to be popular at home, but not among their congressional colleagues. Nonetheless, loyalty has increased in both parties as they have become increasingly polarized. See the boxed insert, “Nastiness on Capitol Hill,” for a glimpse of the uncivilized behavior of some members.

G. **Filibuster.** A senator can delay or block an action by talking ad infinitum. A filibuster can be stopped only by a vote of cloture in which three-fifths of the members vote to end debate. Filibusters are most effective late in the session when legislation is logjammed. The minority party often uses the device to block the majority party’s initiatives. Senate Democrats held a 60-seat filibuster-proof majority (including two independents) from June 2009 through February 2010, losing it with the election of Republican Scott Brown to the seat held by the recently deceased Ted Kennedy of Massachusetts.

H. **Presidential Veto.** The president can stop legislation passed by Congress with a veto; however, Congress can override the veto by a two-thirds vote in each chamber. If the president does not sign or veto a bill within 10 days of receiving it, it becomes law without his signature. However, if Congress adjourns before 10 days of when the president received the bill and the president does not sign it, it does not become law. This is referred to as a pocket veto. Congress retains the advantage of riders or amendments to a bill that a president frequently does not like. Remember, while most governors have a line item veto, the president does
not. The legislative process is generally doubled, because authorization is followed by appropriation (funding). See the boxed insert, “The White House Trades for China Trade,” for an example of how the White House garners support for its most important agenda items by appealing to members’ district concerns.

I. The Budget Process. Congress has the “power of the purse.” The Congressional Budget and Impoundment Control Act of 1974 (Budget Act) enabled a congressional alternative to the president’s budget and required rigid deadlines (although in practice, they are seldom met) for Congress to complete its spending plan. The Act created House and Senate budget committees that guide Congress in setting total spending, tax, and debt levels. Aiding these committees is the Congressional Budget Office (CBO), which is the congressional counterpart to the Office of Management and Budget. The CBO analyzes the president’s budget proposals and matches Congress’s spending decisions with the budget targets.

Clinton and Republicans had bitter disagreements over the budget, which led to a government shutdown in late 1995 and early 1996. In 1998, Clinton and Congress claimed credit for balancing the budget. The surplus did not last for long. President Bush was successful in pushing a $1.35 trillion tax cut that reduced government revenues. The Bush tax cut, in addition to a volatile stock market, a recession, increased spending to fund the war on terrorism and the war in Iraq, resulted in a growing deficit that reached $521 billion in 2004, a stark contrast to the $236 billion surplus in President Clinton’s final year. The recent economic crisis and government intervention has caused a major increase in deficit spending. The Obama Administration passed a $750 billion economic stimulus package that, combined with lower tax revenue, resulted in a deficit of $1.5 trillion for 2009. See the “Prince of Pork” insert for the story of one of the leading “earmark” practitioners, Senator Robert C. Byrd of West Virginia.

V. Other Powers of Congress

Important nonlegislative functions of Congress include oversight of the executive branch through the right to create and determine the scope of administrative offices, the power to appropriate funds for these agencies, and the authority to investigate any area, activity, or organization. Note the role of the Government Accountability Office (GAO). Congressional oversight has been a major part of the allocation of the Troubled Asset Recovery Program (TARP) loans in 2009. The Senate must approve presidential appointments, such as ambassadors and cabinet members. Although most confirmations are pro forma, a relatively small number are rejected. Impeachment is a slow process, which is used sparingly. According to Wasserman, it is Congress’s “ultimate check over the executive.”

VI. Case Study: Controlling Global Warming—The House Climate Bill

Global warming, or climate change, has been recognized by over 2,000 scientists serving on the Nobel Prize-winning International Panel on Climate Change as a serious problem
caused primarily by carbon released into the atmosphere by burning fossil fuels. Alternatives for reducing carbon emissions included levying an “energy tax” on consumers or developing a market mechanism known as “cap and trade,” wherein polluters could buy and sell “credits” for emissions reduction. In essence, companies reducing emissions would build up credits that could then be sold to companies that did not meet emissions standards. The market would determine the value of the credits, but the net result would be a reduction of carbon emissions. The Waxman-Markey bill passed the House in June 2009 by a vote of 219–212, after several deals were cut with members to gain their votes (including a $1 billion guarantee of green energy jobs for low-income workers in order to get a vote from Congressman Bobby Rush of Chicago). The bill set a standard of a 20 percent reduction in carbon emissions by 2012, as well as a requirement that 20 percent of new electricity generation come from renewable energy sources. Carbon offsets were included in the bill, in which companies can choose to create carbon-consuming alternatives rather than reduce emissions (e.g., plant trees or pump carbon emissions underground.) The bill was attacked by Republicans (only eight of whom voted for it) as an energy tax on consumers and harmful to the economy. The bill is waiting for Senate action.

VII. Wrap-Up

Although congressional procedures are complex and confusing, the legislature has the ability to respond to the public’s demands and needs. If the legislative process appears slow and cumbersome, it is because it may be reflecting diverse viewpoints and strong opinions that exist among the citizenry. Congress was not designed to make the government run efficiently. It was established to reflect the wishes of the people being governed.

KEY CHAPTER TERMS AND IDENTIFICATIONS

Article I
bicameral legislature
constituency casework
careerism
terms of office
Seventeenth Amendment
incumbent advantage
malapportionment
*Baker v. Carr* (1962)
gerrymandering
“packing” and “cracking”
Speaker of the House
Republican Conference
Democratic Caucus
House majority and minority leaders
House majority and minority whips
Steering Committee
Policy Committee
president pro tempore
Grand Old Party (GOP)
franking privilege (the frank)
Senate majority and minority leaders
Senate majority and minority whips
Committee on Committees
Republican House Steering Committee
Democratic House Steering Panel
Democratic Policy Committee
Republican Senate Committee on Committees
Republican Senate Policy Committee
standing committees
seniority
“senility system”
conference committee
select or special committees
joint committees
specialization and reciprocity
calendars
discharge calendar
mavericks
filibuster
cloture
Rule 22
riders
pocket veto
item veto
congressional override
Congressional Budget and Impoundment Control Act of 1974
authorization and appropriation
C-SPAN
Congressional Budget Office (CBO)
budget deficits and surpluses
House Budget Committee
House Ways and Means Committee
House Appropriations Committee
House Judiciary Committee
House Rules Committee
closed rule
Senate Appropriations Committee
Senate Finance Committee
Senate Foreign Relations Committee
Senate Rules Committee
subcommittees
pork barrel bills
legislative oversight and investigations
committee and personal staff
Government Accountability Office (GAO)
impeachment
cap and trade
carbon offsets
Waxman-Markey bill

TEACHING SUGGESTIONS

1. If time and circumstances permit, invite a member of Congress to speak before the class. Interesting insights can be gained from the legislator’s presentation and class questions. Another option would be to invite a personal staffer.

2. Discuss whether party discipline, especially in the majority party, benefits or harms congressional effectiveness. Is centralized control democratic? Ask students for their opinions.

3. Given the high reelection rate for House incumbents, ask the class whether they support term limits. Ask what they consider to be a “fair” number of years for a member to serve. (The average length of service is approximately 10 years.) Ask class members to evaluate the Supreme Court’s reason for striking down term limits.

4. Why, if Congress is so unpopular, do individual congresspeople usually get reelected? What, if anything, should be done about the advantage incumbents have over challengers?

5. Ask students whether pork barrel legislation should be limited in light of mounting budget deficits. Refer to the boxed insert, “The Prince of Pork.”

SUGGESTED RESEARCH ASSIGNMENTS

1. Assign a team of students to investigate a senator’s voting record on five major bills during the current congressional term. Have the team compose a letter to the senator asking him or her the reasoning behind any one or all of those votes.

2. Have students write a brief research paper on why filibusters have increased in recent years. The students can use the Congressional Digest, Congressional Quarterly, or Congressional Record in their research. They should try to find examples of filibusters that occurred during the previous six years.
3. Examine the changes in congressional leadership styles since the Republican takeover of the Congress. Did power become centralized or decentralized in the leadership? Were committee chairs more influential? How does Newt Gingrich’s leadership style compare to Dennis Hastert’s leadership style?

4. Examine the relationship between Congress and President Obama before and after the 2010 midterm elections. Have students characterize the relationship in terms of partisanship and policy effectiveness.

5. Ask students to consider whether a straight energy-use tax or the cap-and-trade system would be more effective in creating incentives to reduce carbon emissions. Which is more important: economic growth or addressing climate change?
MULTIPLE CHOICE QUESTIONS

1. Congress has the power to
   a. raise state taxes.
   b. oversee state courts.
   c. command the military.
   d. override a presidential veto by a simple-majority vote.
   e. declare war.

   Bloom’s Skill: Understanding  Reference: pg. 92

2. The Seventeenth Amendment provides that
   a. senators shall be elected directly by voters.
   b. senators shall be elected indirectly by state legislators.
   c. House terms are fixed at two years.
   d. Senate terms are fixed at six years.
   e. the president is limited to two terms.

   Bloom’s Skill: Knowledge  Reference: pg. 95

3. Drawing district lines to ensure that one party holds the seat is called
   a. gerrying.
   b. packing.
   c. diffusing.
   d. cracking.
   e. “bakering.”

   Bloom’s Skill: Knowledge  Reference: pg. 97

4. In recent years, party loyalty in votes in both houses has
   a. increased among both Democrats and Republicans.
   b. decreased among both Democrats and Republicans.
   c. increased among Republicans and decreased among Democrats.
   d. remained static.
   e. shifted to more independent members of Congress.

   Bloom’s Skill: Understanding  Reference: pg. 113
5. The story of the “Prince of Pork” refers to
   a. a famous former chair of the House Agriculture Committee.
   b. the pork chop dinners offered at fund-raisers by the Porcine Association.
   c. the special subsidies for pig farming inserted into spending bills by the Arkansas congressional delegation.
   d. a former chef in the Senate dining room.
   e. Senator Robert C. Byrd’s use of earmarking to direct federal money to projects in West Virginia.

   *Bloom’s Skill: Knowledge  Reference: pg. 110*

6. A party caucus is
   a. a method used to stall debate on the Senate floor.
   b. needed to override a president’s veto.
   c. conducted by every newly elected member of Congress.
   d. a meeting of all members of the same party serving in the House or Senate.
   e. a communication between the president and leaders of both parties.

   *Bloom’s Skill: Knowledge  Reference: pg. 100*

7. The actual drawing of House district boundaries is done by
   a. the U.S. House of Representatives.
   b. municipal mayors.
   c. state legislatures and governors.
   d. the Supreme Court of the United States.
   e. an independent commission appointed by state courts.

   *Bloom’s Skill: Knowledge  Reference: pg. 97*

8. The president pro tempore of the Senate
   a. is the longest-serving member from the majority party.
   b. also serves as the chamber’s majority leader.
   c. is the most powerful party leader.
   d. appoints members of the Rules Committee.
   e. is not mandated by the Constitution.

   *Bloom’s Skill: Understanding  Reference: pg. 101*
9. Which of the following is a center of congressional power not specifically mentioned in the Constitution?
   a. the Speaker of the House
   b. congressional committees
   c. the Senate president
   d. the power to raise an army
   e. the ability to confirm presidential appointments to the federal judiciary

Bloom’s Skill: Understanding   Reference: pg. 92

10. The basic working units of Congress are
    a. conference committees.
    b. special committees.
    c. ad hoc committees.
    d. caucus committees.
    e. standing committees.

Bloom’s Skill: Understanding   Reference: pg. 104

11. Which of the following Senate committees is best suited to consider a bill to increase acquisition of land for national parks?
    a. Commerce, Science and Transportation
    b. Appropriations
    c. Energy and Natural Resources
    d. Rules and Administration
    e. Finance

Bloom’s Skill: Application   Reference: pg. 105

12. Which of the following is a constitutionally mandated leadership position in Congress?
    a. the House Speaker
    b. the House Majority Leader
    c. the Senate Majority Leader
    d. the Senate Minority Whip
    e. the House Minority Leader

Bloom’s Skill: Knowledge   Reference: pg. 102

13. In order to override a presidential veto, Congress needs
    a. three-fifths approval of both chambers.
    b. a majority of the House and two-thirds of the Senate.
    c. two-thirds approval of both chambers.
    d. two-thirds approval of the House.
    e. three-fifths approval of the Senate.

Bloom’s Skill: Knowledge   Reference: pg. 114–115
14. If a state’s population grows by 1 million since the last census, it is likely to get
   a. one new congressional seat.
   b. three new congressional seats.
   c. a new congressional seat if there was a loss of population in another state.
   d. a new Senate seat.
   e. Both C and D are correct.

   *Bloom’s Skill: Application  Reference: pg. 98*

15. Which career background is most common for legislators in Congress?
   a. college professors
   b. bankers
   c. lawyers
   d. farmers
   e. small businesspersons

   *Bloom’s Skill: Understanding  Reference: pg. 95*

16. Which of the following bodies sets the terms for debate and voting on legislation in the
    House of Representatives?
   a. the Democratic Caucus
   b. the Republican Caucus
   c. the Committee on Committees
   d. the Rules Committee
   e. the Ways and Means Committee

   *Bloom’s Skill: Knowledge  Reference: pg. 108*

17. The Appropriations Committee
   a. eliminates “pork barrel” spending by its 11 subcommittees.
   b. decides how and when to raise taxes.
   c. has unlimited spending powers.
   d. sets the annual budget for the United States.
   e. decides the level of funding for specific programs.

   *Bloom’s Skill: Understanding  Reference: pg. 109*

18. The Congressional Budget and Impoundment Control Act of 1974 attempted to give
    Congress more control over government expenditures by
   a. enabling Congress to propose an alternative budget to the president’s budget.
   b. establishing the Ways and Means Committee in the House.
   c. revoking the president’s right to submit a budget to Congress.
   d. establishing a new cabinet post to coordinate the budget.
   e. establishing the Appropriations Committee process.

   *Bloom’s Skill: Understanding  Reference: pg. 116*
19. What two informal rules allow committees to have power in Congress?
   a. reciprocity and specialization
   b. reciprocity and seniority
   c. specialization and seniority
   d. majority rule and the filibuster
   e. seniority and minority rights

   Bloom's Skill: Application   Reference: pg. 108

20. Which of the following statements is (are) not accurate?
   a. The seniority system favors members from one-party regions.
   b. The seniority system is often attacked as being undemocratic.
   c. Seniority is an unwritten rule, which is generally followed when appointing
      committee chairs.
   d. Seniority allows members to develop policy expertise.
   e. Seniority provides a mechanism for newer members to become committee
      leaders.

   Bloom's Skill: Understanding   Reference: pg. 125

21. The 111th Congress is known for
   a. having a larger Democratic majority than the 110th Congress.
   b. its resumption of control by a Republican majority.
   c. a period of time when Democrats enjoyed a filibuster-proof majority in the
      Senate.
   d. being a Congress of split-party majorities.
   e. Both A and C are correct.

   Bloom's Skill: Application   Reference: pg. 96

22. Which of the following rules in the Constitution has since been changed by amendment?
   a. direct election of House members
   b. ratification of treaties by a two-thirds majority in the Senate
   c. indirect election of Senate members
   d. the selection of committee chairs
   e. the term of office for members of Congress

   Bloom's Skill: Knowledge    Reference: pg. 101
23. Limiting how long a member of Congress can serve can occur by
   a. changing state law.
   b. amending a state constitution.
   c. amending the U.S. Constitution.
   d. changing federal law.
   e. a majority ruling by the U.S. Supreme Court.

   Bloom’s Skill: Application   Reference: pg. 98

24. Tax legislation is first sent to which House committee?
   a. Rules Committee
   b. Ways and Means Committee
   c. Appropriations Committee
   d. Energy and Commerce Committee
   e. Budget Committee

   Bloom’s Skill: Knowledge   Reference: pg. 109

25. Why are congressional staff referred to as the “hidden power on the Hill”?
   a. They are responsible for the election campaigns of Congress.
   b. They conduct door-to-door canvassing before elections.
   c. They are included in White House cabinet meetings.
   d. They are all attorneys.
   e. They often work to “sell” policies to their bosses in Congress and use this influence to get bills passed as actors “behind the scenes.”

   Bloom’s Skill: Understanding   Reference: pg. 111

26. Conference committees
   a. are temporary bodies comprised of “hand-picked” senators and representatives.
   b. are comprised of all majority-party members.
   c. meet to override a presidential veto.
   d. meet to schedule annual party caucus events.
   e. discuss pending legislation with the president.

   Bloom’s Skill: Understanding   Reference: pg. 111–112

27. The work of Independent Counsel Kenneth Starr illustrates
   a. Congress’s power to withhold appropriations.
   b. actions by joint committees.
   c. Congress’s power to investigate and initiate impeachment proceedings.
   d. the power of judicial review.
   e. the intervention of the U.S. Supreme Court

   Bloom’s Skill: Application   Reference: 119
28. Which of the following could be used by a Republican senator to block a bill proposed by the Democratic majority in the Senate?
   a. Rule 22
   b. the Rules Committee
   c. the cloture vote
   d. the filibuster
   e. Both B and C are correct.

   Bloom’s Skill: Application       Reference: pg. 114

29. The number of total congressional employees is close to
   a. 35,000.
   b. 5,000.
   c. 25,000.
   d. 15,000.
   e. 10,000.

   Bloom’s Skill: Knowledge       Reference: pg. 111

30. Congressional Republicans were opposed to the Waxman-Markey bill because
   a. they believed it would amount to a large consumer tax increase.
   b. they thought it did not go far enough to address climate change.
   c. Waxman was the Speaker of the House.
   d. environmental lobby groups had helped them in recent elections.
   e. they preferred strict government regulation to market-based solutions.

   Bloom’s Skill: Application       Reference: pg. 112

TRUE-FALSE QUESTIONS

1. The Republican majority in 1994 imposed six-year term limits on House committee chairs.

   Bloom’s Skill: Knowledge       Reference: pg. 107

2. A gerrymander can only occur in the Senate.

   Bloom’s Skill: Understanding       Reference: pg. 97

3. The Congressional Budget and Impoundment Control Act of 1974 created a new cabinet position to help pass the budget.

   Bloom’s Skill: Knowledge       Reference: pg. 97
4. There is no way to override a presidential veto.

*Bloom’s Skill: Knowledge*  
Reference: pg. 114–115

5. Until 1994, the Democrats had been the majority party in Congress, retaining unbroken control of both the House and Senate for the past 40 years.

*Bloom’s Skill: Knowledge*  
Reference: pg. 99

6. The Rules Committee is used by the minority party to ensure it has equal voice in floor debates on bills.

*Bloom’s Skill: Application*  
Reference: pg. 108–109

7. The vast majority of cloture votes in the Senate are usually successful.

*Bloom’s Skill: Understanding*  
Reference: pg. 114

8. A Republican senator might consider using the filibuster to block final passage of a climate change bill.

*Bloom’s Skill: Application*  
Reference: pg. 114

9. An independent businessperson running for office for the first time will very likely beat the Congressman who has served for ten years.

*Bloom’s Skill: Application*  
Reference: pg. 99

10. Since the position is mentioned in the Constitution, the president pro tempore of the Senate is among the most influential members of Congress.

*Bloom’s Skill: Understanding*  
Reference: pg. 101–102

**ESSAY QUESTIONS**

1. Congress is often criticized for being unrepresentative and ineffective. How would you defend Congress against these charges? Use the profile and performance of the 109th Congress in your answer.

*Bloom’s Skill: Evaluation*
2. Discuss how the House of Representatives differs from the Senate in structure and operating procedures. How would one expect the behavior of the two chambers to differ? Please provide examples to support your argument.

*Bloom’s Skill: Analysis*


*Bloom’s Skill: Evaluation*

4. Explain why incumbents have distinct advantages over challengers.

*Bloom’s Skill: Analysis*

5. Explain why so many proposed bills never get through both houses of Congress.

*Bloom’s Skill: Evaluation*

6. How do the rules of “specialization and reciprocity” support the powers of committees in Congress?

*Bloom’s Skill: Synthesis*

7. Why does Wasserman assert that “Congress was not set up to make government run more efficiently”?

*Bloom’s Skill: Analysis*

8. Is Congress the “center of the American political game”? Please explain.

*Bloom’s Skill: Evaluation*
Chapter 4

Multiple Choice


True-False

CHAPTER FIVE

The Judicial Branch: The Supreme Court and the Federal Court System

CHAPTER OVERVIEW

This chapter focuses primarily on the historical evolution of the United States Supreme Court and its “internal” and “external” limits. An important theme is the Supreme Court’s role as a player in the political game. The two competing approaches to judicial authority, judicial activism and judicial restraint, are examined. The chapter ends with a case study on racial segregation, which documents the road leading to its landmark decision, Brown v. Board of Education (1954).

LEARNING OBJECTIVES

After reading Chapter 5, the student should be able to do the following:

1. Diagram the federal court structure, including the respective patterns of appellate and original jurisdiction.

2. Explain the operation of the Supreme Court and define legal terminology, such as writ of certiorari.

3. Outline the important stages of the Supreme Court’s history, noting key cases and their significance in each historical era.

4. Summarize the important internal and external limits under which the Supreme Court operates.

5. Explain how and why the Supreme Court is an important political player in the American political system.

6. Distinguish between judicial activism and judicial restraint.

7. Understand the evolution of the Supreme Court as a policy-maker.

I. Introduction

The Constitution makes brief mention of the third branch of government: “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 federal court system, which now includes federal district courts and courts of appeals, hears cases concerning the United States Constitution and federal law.

II. The Federal Court System

The federal system is comprised of the United States Supreme Court, 13 Courts of Appeals, 94 District Courts, and special federal courts that handle specific types of cases, such as people’s claims against seizure of property and military appeals. See Figure 5.1 for a flowchart of the federal courts system.

A. U.S. District Courts. Federal District Courts are at the base of the federal legal system. Almost all cases involving federal law originate at this level. There are 94 District Courts throughout the country, with each state having at least one.

B. Courts of Appeals. There are 13 appellate courts that hear appeals from federal district courts and regulatory commissions. There are 12 geographical circuits, including the District of Columbia, and one United States Court of Appeals that has jurisdiction over special federal courts. Few cases go beyond this level to the Supreme Court.

C. Special Federal Courts. These courts were created by Congress to handle particular cases. The United States Claims Court, for example, hears cases involving people’s claims against government seizure of property.

D. Federal Judges. All federal judges are nominated by the president and confirmed by the Senate. To preserve their impartiality, judges hold office for life and can only be removed by impeachment. A “vacancy crisis” has occurred in recent years, which is due to the logjam of Clinton and Bush appointments to the federal bench. Democrats who are stalling the confirmations defend their inaction by noting that senators have not yet approved nominees from their respective states. Senatorial courtesy is a practice whereby senators of the same party as the president approve the nominee from their state before the person’s name is reported to the floor for a vote. The practice does not apply to Supreme Court nominees.

Republican presidents have appointed a majority of the current Supreme Court justices. See the boxed insert, “Presidents and the Court,” for an explanation of why many presidents have been disappointed with their selections.
E. **Jurisdiction.** This refers to the matters over which a court may exercise its authority. The federal courts have jurisdiction over all federal laws and disputes relating to the Constitution and treaties of the United States (jurisdiction assigned by the subject), as well as over all cases involving the United States as a party, two states or two citizens of separate states, ambassadors, or a citizen of the United States and a foreign citizen (jurisdiction assigned because of the parties). The courts have either exclusive jurisdiction or concurrent jurisdiction, which they share with state courts.

III. **U.S. Supreme Court**

The membership includes a chief justice and eight associate justices. See Table 5.1 for the current composition of the Supreme Court. A small number of the total cases handled by the federal court system ever reach the Supreme Court. The Court agrees to consider only about 100 cases of the approximately 7,400 petitions it receives in a term. Most cases come to the Court in the form of petitions from a *writ of certiorari*, which is an order from a higher to a lower court requesting the records of a case. The Court has both original and appellate jurisdiction.

A. **The Final Authority?** The Supreme Court is said to be the final authority, but its rulings may be reversed by a later Court ruling, a constitutional amendment, or by Congress rewriting a law. Also, the president or Congress may interpret vague wording in the Constitution to meet what is perceived as a societal need, such as committing military troops to a hostile situation without a formal declaration of war. Moreover, public acceptance of decisions, especially controversial ones like abortion rights and school prayer, is not automatic. Nonetheless, the public perception of the High Court tops that of the other two branches of government.

B. **Early Years of the Court.** During the first three years of the Supreme Court’s existence, no cases were brought before it. Some notables, such as Patrick Henry and Alexander Hamilton, refused presidential nominations. This changed under Chief Justice John Marshall’s leadership from 1801 to 1835 (see the boxed insert, “Chief Justice John Marshall”).

C. **Judicial Review and National supremacy.** Two early decisions increased the Court’s power significantly. *Marbury v. Madison* (1803) invalidated a section of the Judiciary Act of 1789, thereby establishing the principle of judicial review, and *McCulloch v. Maryland* (1819) established the federal government’s supremacy within its sphere of power. John Marshall, who is considered by most constitutional scholars as the High Court’s greatest legal mind, was chief justice for both cases. In 1857, the Supreme Court invalidated the Missouri Compromise (1820) by its ruling in *Dred Scott v. Sandford*. The decision represented another major expansion of the Court’s judicial power.

D. **The Court After the Civil War.** Since the Civil War, the Supreme Court became both more active and more conservative in its responses to the growth of
E. **Modern Courts.** Since 1937, three major trends can be identified: The Supreme Court has struck down much less federal legislation than it did in the five decades prior to the New Deal; it has avoided protecting private property rights; and it has shown increased concern for civil liberties.

The Court has taken a leading role in protecting people’s civil liberties and civil rights; for example, *Baker v. Carr* (1962) made malapportioned legislative districts justiciable, that is, capable of being decided by the Court. Political questions (nonjusticiable controversies) are matters the justices consider being within the purview of legislators or executive officials. A number of decisions, such as *Brown I* (1954), made racial discrimination illegal. Other decisions, such as *Miranda v. Arizona* (1966), protect the rights of the criminally accused. The Burger Court, while less active than the Warren Court before it, handed down major decisions legalizing abortion, allowing publication of the Pentagon Papers, allowing local communities to define obscenity, and restricting affirmative action programs. See the boxed insert, “The Court Examines Porn,” for an explanation on how the Burger Court researched its decision on what constitutes pornography.

F. **The Rehnquist Court** (1986–2005). The Rehnquist Court embraced judicial activism in support of federalism and invalidated twice as many federal laws as the activist Warren Court. It has struck down both conservative positions (e.g., stopping the execution of mentally retarded offenders) and “liberal” laws (e.g., allowing random drug tests of high school students). One of its most controversial decisions was *Bush v. Gore* (2000). See the boxed insert “*Bush v. Gore,*” for an account of the case.

During the 1995 term, the Court moved in a clearly conservative direction in the areas of race and religion. In *Rosenberger v. Rector and Visitors of University of Virginia,* it approved government funding for a religious activity. The Court, in *Zelman v. Simmons-Harris* (2002), allowed parents to use public vouchers for private tuition at parochial schools.

As interesting, the Court preserved the Miranda warning in *Dickerson v. United States* (2000). See the boxed insert, “Miranda: Pop Culture and the Court,” for Chief Justice Rehnquist’s reasoning.

The Rehnquist Court’s most important rulings involved federalism; for example, in *United States v. Lopez* (1995), the Court ruled that Congress exceeded its authority to regulate interstate commerce by passing legislation to keep guns out of schools. This was the first time, in six decades, that the Court had limited the
power of Congress to regulate interstate commerce. In *United States v. Morrison* (2000), it invalidated a federal law that allowed victims of violence to sue their assailants in federal court. The Court opined it is a noncommercial state issue that Congress does not have the power to punish. In *Federal Maritime Commission v. South Carolina Port Authority* (2002), it ruled that federal agencies may not hear complaints by private parties against states. The Rehnquist Court appeared to view the federal government as “too big, too powerful, and too incompetent” to deal with matters it perceived as best handled by the states.

G. The Roberts Court (2005–present). The new Chief Justice, John Roberts, appeared to have a solid conservative majority with the replacement of the swing vote of Sandra Day O’Connor with conservative Samuel Alito. However, in *Hamdan v. Rumsfeld*, the court ruled that the president must observe legal protections for detainees at Guantanamo. In *Lulac v. Perry*, the court upheld a Republican congressional redistricting plan but ordered the Texas state legislature to redraw a Latino district because it violated the Voting Rights Act. See the boxed insert, “The New Chief Umpire: John Roberts,” for a brief sketch of his background. President Obama appointed Sonia Sotomayor as the first Latina member of the U.S. Supreme Court, replacing the retiring David Souter.

IV. Strengths and Weaknesses of the Supreme Court

The federal judiciary, specifically the Supreme Court, is referred to as “the least dangerous branch of government.” Although it has the power of judicial review, it depends on other parts of government to enforce its rulings.

A. Internal Limits on the Court. Many limits on the Court’s power are self-imposed; for example, an actual case or controversy must be heard. Justices cannot arbitrarily decide what laws are unconstitutional or give advisory opinions on matters. The Court also abstains from resolving political questions, that is, issues to which the Constitution or federal law grants authority to another branch of government. The Court also refrains from deciding cases on constitutional grounds unless there is no other means to resolve them. The Court will not declare laws unconstitutional unless they clearly violate the Constitution. The remaining internal limit is *stare decisis* (precedent). This accounts for consistency and, some argue, predictability in its rulings.

B. External Limits. These limits have constitutional origins, especially the power and authority granted to Congress. Congress can set when and how often the Court meets, which, for all intents and purposes, it leaves to the discretion of justices. It also established the number of justices and restricts the Court’s original jurisdiction. As important, the Senate approves all nominees. With no military or bureaucracy to enforce its decisions, the Court’s authority is dependent upon the other branches of the government to enforce its decisions.
C. **Strengths of the Court.** The Supreme Court’s enormous prestige, the fragmented nature of the American constitutional structure, and the legal profession enhance its strength. These supports and the Court’s self-limitations have preserved the unique tradition of judicial review and the central importance of the Supreme Court in the political game. See the boxed insert, “The Court’s Supreme Popularity,” for public-opinion polls measuring confidence in the Supreme Court.

V. **The Court as a Political Player**

The Court is both a legal institution and political institution. There is little doubt that it makes far-reaching policy decisions, many of which are on politically charged issues. Its true authority remains dependent on other branches of government for enforcement and public willingness to abide by its decrees. See the boxed insert, “The Court Waits for an Election,” for how justices assess the political environment prior to making a landmark decision.

A. **Judicial Restraint Versus Judicial Activism.** These are the two competing approaches to the use of judicial authority: Judicial restraint calls for the Court to play a passive role, thereby allowing the other branches of government to lead the way in shaping policy. Judicial activism is when the Court perceives itself as an active partner with the other branches in resolving policy problems. The Warren Court exemplified judicial activism. Judicial activism and judicial restraint should not be confused with liberal versus conservative, as recent examples of judicial activism include the Rehnquist Court’s decisions limiting federal authority over the states and halting the vote count in the 2000 Florida election, both of which were seen as conservative reversals of liberal policies.

VI. **Case Study: Separate but Equal?**

The Supreme Court, in *Plessy v. Ferguson* (1896), approved the doctrine of “separate but equal,” thereby sanctioning legal segregation of the races through “Jim Crow” laws that prohibited blacks from going to the same schools, using the same hospitals, and eating at the same restaurants as whites. See the boxed insert, “American Apartheid,” for a discussion of segregation in the late nineteenth and early twentieth centuries. Starting in the 1930s, the Court began to strike down segregation laws, but it did not overturn *Plessy* until 1954 when it handed down its landmark decision, *Brown v. Board of Education*. The Court strengthened its commitment to eliminating segregation by outlawing it in interstate commerce, upholding voting rights for blacks, and reversing convictions of civil rights leaders. However, the struggle for equal rights has not ended. As noted by the author, “racism remains” in the American culture.

VII. **Wrap-Up**

Supreme Court decisions change over time as the political environment shifts. Most changes are gradual, as the Court has no enforcement mechanism of its own. It must rely on the executive and legislative branches of government, as well as public acceptance, if
its decisions are to carry weight. The court’s self-imposed limits and vast prestige help it to overcome resistance to some of its more controversial decisions. What cases are granted review and how the facts are interpreted depend on the Court’s composition.

KEY CHAPTER TERMS AND IDENTIFICATIONS

Article III
state courts
U.S. Supreme Court
U.S. District Courts
U.S. Courts of Appeals
U.S. Claims Court
U.S. Court of Military Appeals
original and appellate jurisdiction
“vacancy crisis”
 senatorial courtesy
exclusive and concurrent jurisdiction
memorandum orders
writ of certiorari
Dred Scott v. Sandford (1857)
Missouri Compromise (1820)
Marbury v. Madison (1803)
McCulloch v. Maryland (1819)
judicial review
national supremacy
implied powers
“court packing”
reapportionment
Baker v. Carr (1962)
Miranda v. Arizona (1966)
Pentagon Papers
political questions
Rosenberger v. Recto and Visitors of University of Virginia (1995)
Clinton v. City of New York (1997)
Dickerson v. United States (2000)
stare decisis (precedent)
judicial restraint
judicial activism
Thirteenth Amendment
Fourteenth Amendment  
Fifteenth Amendment  
Jim Crow laws  
sundown ordinances  
Plessy v. Ferguson (1896)  
Brown v. Board of Education (1954)  
Civil Rights Act of 1964  
affirmative action

TEACHING SUGGESTIONS

1. Review the backgrounds and judicial philosophies of the nine current justices of the Supreme Court. Ask members of the class to consider which justices comprise the “liberal faction” and which justices belong to the “conservative” coalition. Examine one or two recent Supreme Court rulings to demonstrate how the Court’s internal fragmentation, especially the recent 5–4 divisions, affected these rulings.

2. Arrange a debate between two student teams regarding the merits and demerits of judicial activism versus judicial restraint. Make sure both liberals and conservatives are represented on both sides. The students can prepare short briefing papers on the two judicial philosophies, which may be distributed to other members of the class prior to the debate. The teams may wish to use Bush v. Gore (2000) as part of their presentations.

3. Ask students to explain why Baker v. Carr (1962), Brown v. Board of Education (1954), and Roe v. Wade (1973) are “textbook” examples of how the Supreme Court makes policy.

SUGGESTED RESEARCH ASSIGNMENTS

1. Ask a panel of students to research the kinds of pressures placed upon Supreme Court nominees when they undergo Senate confirmation. The Robert Bork and Clarence Thomas nominations are two of the most interesting cases in recent history.

2. Divide the class into three subgroups. One group can prepare an oral report on the Rehnquist Court’s attitude toward federalism; another group can report on the latest rulings affecting civil rights; and the third group can handle cases affecting police powers.

3. Have students research why President Clinton and President Bush’s federal court appointments stalled. They should compare the numbers, check the Senate Judiciary Committee hearings, and ascertain whether senatorial courtesy was overlooked.
4. Have President Obama’s appointments to the federal bench been more liberal or moderate? How many have been held up by the threat of a filibuster or a “hold” on the nomination by Senate Republicans? How does President Obama’s prior experience as a constitutional law professor influence his perception of the role of the federal courts?
CHAPTER FIVE – TEST BANK

MULTIPLE CHOICE QUESTIONS

1. Which federal court(s) was (were) established by the Constitution?
   a. the U.S. Courts of Appeals
   b. the U.S. District Courts
   c. the U.S. Supreme Court
   d. the U.S. Court of Claims
   e. the military courts of appeal

   Bloom’s Skill: Knowledge   Reference: pg. 130

2. Which of the following statements about U.S. district courts is (are) accurate?
   a. District Court decisions are binding on the circuit region.
   b. District Courts are the intermediate level between courts of appeal and the Supreme Court.
   c. District Courts handle cases involving people’s claims against government seizure of property.
   d. Almost all cases involving federal law are first tried in District Courts.
   e. District Court judges serve a term of twenty years.

   Bloom’s Skill: Understanding   Reference: pg. 130

3. Judicial review includes which of the following principles?
   a. Senate confirmation of judicial appointees
   b. overturning segregation
   c. the practice of hearing cases on appeal
   d. original jurisdiction
   e. determining the constitutionality of federal and state law and the actions of Congress and the president

   Bloom’s Skill: Understanding   Reference: pg. 137

4. Which case established the principle of judicial review?
   a. Roe v. Wade (1973)
   b. McCulloch v. Maryland (1819)
   c. Marbury v. Madison (1803)
   e. Barron v. Baltimore (1821)

   Bloom’s Skill: Knowledge   Reference: pg. 137
5. Which of the following can create political pressure on federal judges?
   a. Judges can be impeached by Congress.
   b. They are appointed for life.
   c. Their salaries cannot be reduced.
   d. The budget for the judiciary is controlled by Congress.
   e. Both A and D are correct.

   Bloom’s Skill: Understanding  Reference: pg. 132

6. An example of the more conservative direction of the Rehnquist Court was
   a. upholding a federal law to keep guns out of public schools.
   b. overturning a state court’s decision in Bush v. Gore.
   c. limiting presidential power by ruling against the line item veto.
   d. narrowing the use of race in hiring for government programs.
   e. affirming the right to access abortion services.

   Bloom’s Skill: Understanding  Reference: pg. 141–142

   a. apportionment.
   b. abortion rights.
   c. segregation.
   d. affirmative action.
   e. compulsory military service.

   Bloom’s Skill: Knowledge  Reference: pg. 147

8. Which of the following were appointed to the Supreme Court by President George W. Bush?
   a. Samuel Alito and Ruth Bader Ginsberg
   b. John Roberts and Samuel Alito
   c. John Roberts and David Souter
   d. David Souter and John Paul Stevens
   e. Stephen Breyer and Sonia Sotomayor

   Bloom’s Skill: Knowledge  Reference: pg. 145

9. Which of the following is a restriction on congressional power over the federal courts?
   a. the power to create or expand federal courts
   b. judges being constitutionally appointed for life terms
   c. the authority of Congress to enact spending and revenue laws
   d. the ability to impeach federal judges
   e. Senate confirmation of federal judicial appointments

   Bloom’s Skill: Application  Reference: pg. 148
10. Senatorial courtesy
   a. gives a senator a role in appointing judges.
   b. means that questioning judicial nominees follows committee seniority.
   c. played a role in confirming judges in the nineteenth century but is no longer practiced.
   d. refers to senators not criticizing one another during floor proceedings.
   e. requires the president to ask permission of Senate leadership before making nominations to the federal bench.

*Bloom’s Skill: Understanding*  Reference: pg. 132

11. Judicial activism
   a. is closely identified with the Warren Court.
   b. involves judges with a strong background in elective office.
   c. may result in conservative as well as liberal positions.
   d. requires determining the original intent of the Framers.
   e. Both A and C are correct.

*Bloom’s Skill: Application*  Reference: pg. 152

12. The case of *Plessy v. Ferguson* (1896) upheld
   a. racial segregation.
   b. affirmative action.
   c. habeas corpus.
   d. legal representation.
   e. capital punishment.

*Bloom’s Skill: Knowledge*  Reference: pg. 155

13. _________ is considered to be the most influential Chief Justice in history.
   a. William Rehnquist
   b. Warren Burger
   c. Earl Warren
   d. John Marshall
   e. Oliver Wendell Holmes

*Bloom’s Skill: Understanding*  Reference: pg. 138

   a. invalidated the Missouri Compromise.
   b. upheld the Wilmot Proviso.
   c. declared the “one man, one vote” rule.
   d. challenged the right to own slaves.
   e. established school segregation.

*Bloom’s Skill: Understanding*  Reference: pg. 139
   a. is an example of a voting rights case.
   b. is an example of a racial-discrimination case.
   c. is an example of a criminal defendant case.
   d. is an example of a states’ rights case.
   e. is an example of a religious freedom case.

*Bloom’s Skill: Application*  
Reference: pg. 141

16. Which president appointed the first female Supreme Court justice?
   a. Jimmy Carter
   b. Ronald Reagan
   c. George H. W. Bush
   d. Bill Clinton
   e. Gerald Ford

*Bloom’s Skill: Knowledge*  
Reference: pg. 133

17. The Supreme Court relies on support from
   a. its enormous prestige.
   b. Democratic majorities in Congress.
   c. the obedience of state courts.
   d. Republican majorities in Congress.
   e. the popularity of its decisions.

*Bloom’s Skill: Application*  
Reference: pg. 138

18. Between 1900 and the mid-1930s, the Supreme Court exercised judicial review primarily in
   a. economic-regulatory cases.
   b. civil-liberties cases.
   c. separation-of-powers cases.
   d. racial-discrimination cases.
   e. foreign-policy cases.

*Bloom’s Skill: Understanding*  
Reference: pg. 137
19. Which of the following statements is (are) accurate?
   a. The Warren Court resisted Roosevelt’s court-packing plan.
   b. The Burger Court expanded the liberal activism of its predecessors.
   c. The Roberts Court represents a turn toward liberal activism.
   d. The Marshall Court was known for its reluctance to act on major constitutional case claims.
   e. The Rehnquist Court’s limiting federal authority over states is an example of conservative activists reversing liberal policies.

   Bloom’s Skill: Understanding Reference: pg. 141–142

20. The appointment of Justice Sonia Sotomayor by President Obama is an example of
   a. a Democratic president appointing a liberal justice.
   b. a Democratic president appointing a moderate justice.
   c. the desire of President Obama to move the Supreme Court in a more conservative direction.
   d. the value placed on justices with a strict constructionist philosophy.
   e. achieving the goal of a majority of women serving on the Supreme Court.

   Bloom’s Skill: Knowledge Reference: pg. 133

21. If an individual took a civil rights case to a U.S. District Court and lost, he or she could appeal the case to the next level in the federal court structure, which would be the
   a. U.S. Supreme Court.
   b. U.S. Court of Appeals.
   c. U.S. Court of Military Appeals.
   d. U.S. Claims Court.
   e. U.S. Civil Rights Court.

   Bloom’s Skill: Application Reference: pg. 131

22. Ideological composition of the Supreme Court became a significant factor in presidential appointments after the Senate defeat of the nomination of
   a. Alcee Hastings.
   b. Clement Haynsworth.
   d. Douglas Ginsberg.
   e. Hugo Black.

   Bloom’s Skill: Application Reference: pg. 133
23. Of the more than 10 million cases tried every year in the American legal system, how many petitions for review make it to the Supreme Court?
   a. approximately 500,000
   b. approximately 7,400
   c. approximately 1,000
   d. approximately 25,000
   e. approximately 15,000

   Bloom’s Skill: Knowledge Reference: pg. 136

24. “Court packing” refers to
   a. the practice whereby presidents appoint only judges of their own party to the bench.
   b. intimidating judges by filling the Court with rowdy observers.
   c. the occasion when the judges rule on more cases than the norm.
   d. adding seats to the Supreme Court to gain advantage through appointments.
   e. dividing federal district court boundary lines to favor specific judges.

   Bloom’s Skill: Knowledge Reference: pg. 139

25. The case of Sweatt v. Painter was one of the first cases to
   a. challenge the “separate but equal” ruling of Plessy v. Ferguson.
   b. reinforce legalized segregation by allowing a law school for blacks to be built in Texas.
   c. test the application of Brown v. Board of Education.
   d. require affirmative action standards for college admissions.
   e. challenge “right to work” laws.

   Bloom’s Skill: Understanding Reference: pg. 155

   a. enemy combatants be treated under the requirements of the Geneva Convention.
   b. the Pentagon increase spending on protective gear for U.S. troops in Iraq.
   c. detainees at Guantanamo be given legal rights to representation afforded other persons in the U.S.
   d. prisons operated by the Department of Defense protect the religious rights of all detainees.
   e. terrorist suspects be transported safely to foreign interrogation facilities.

   Bloom’s Skill: Understanding Reference: pg. 144–145

93
27. How many current justices on the U.S. Supreme Court were appointed by Democratic presidents?
   a. four
   b. three
   c. two
   d. one
   e. none

   *Bloom’s Skill: Knowledge*  
   *Reference: pg. 133*

28. The Rehnquist Court is considered to have
   a. restored the liberal-activist tradition of the Warren Court.
   b. moved the court in a more conservative direction.
   c. expanded its scope through doubling the number of cases it considered.
   d. increased protections of civil liberties for criminal defendants.
   e. expanded the use of presidential power through support of the line item veto.

   *Bloom’s Skill: Application*  
   *Reference: pg. 141–142*

29. A case challenging the rapidly growing public debt would likely not be considered by the Supreme Court because it is a
   a. question already settled in prior court decisions.
   b. question that might cause Congress to limit judicial salaries.
   c. case that should first be heard by a state supreme court.
   d. moot case.
   e. political question.

   *Bloom’s Skill: Application*  
   *Reference: pg. 147*

30. The United States has approximately how many attorneys?
   a. 500,000
   b. 750,000
   c. 1,000,000
   d. 1,500,000
   e. 3,000,000

   *Bloom’s Skill: Knowledge*  
   *Reference: pg. 149*
TRUE-FALSE QUESTIONS

1. The Sixteenth Amendment overturned a Supreme Court decision holding the property tax to be unconstitutional.
   
   Bloom’s Skill: Knowledge
   Reference: pg. 136

2. The Supreme Court can reverse its own decisions.
   
   Bloom’s Skill: Understanding
   Reference: pg. 136

3. Though there are up to 15 judges on an appeals court, only three usually hear each case.
   
   Bloom’s Skill: Understanding
   Reference: pg. 131

4. The case of *McCullough v. Maryland* helped to reinforce the doctrine of “national supremacy.”
   
   Bloom’s Skill: Knowledge
   Reference: pg. 138

5. A *writ of certiorari* is an order to any lower court to send the entire record of a case to a higher court for review.
   
   Bloom’s Skill: Knowledge
   Reference: pg. 136

6. The Constitution fixes the number of Supreme Court justices at nine.
   
   Bloom’s Skill: Knowledge
   Reference: pg. 140

7. Partisanship never plays a role in appointing judges.
   
   Bloom’s Skill: Understanding
   Reference: pg. 149

8. Strict constructionists would favor the current status of the Second Amendment.
   
   Bloom’s Skill: Application
   Reference: pg. 151

9. A political conservative would not favor judicial restraint concerning the current legal status of abortion.
   
   Bloom’s Skill: Application
   Reference: pg. 153

10. The Supreme Court is a political institution that sets national policy by interpreting the law.

   Bloom’s Skill: Application
   Reference: pg. 158
ESSAY QUESTIONS

1. In what ways is the federal court system responsive to political issues? In what ways is it shielded from political pressures?

*Bloom’s Skill: Analysis*

2. Discuss the relationship between judicial activism and judicial restraint, as well as liberalism and conservatism. How do the Warren and Rehnquist Courts conform to these terms?

*Bloom’s Skill: Synthesis*

3. Discuss the role that partisanship plays in appointing and confirming judges.

*Bloom’s Skill: Evaluation*

4. The author claims that the Supreme Court is “clearly the weakest of the three branches.” In your opinion, has the Court gotten weaker or stronger in recent years? Use specific examples to justify your position.

*Bloom’s Skill: Evaluation*

5. Was the *Brown v. Board of Education* (1954) decision a sudden reversal of the Supreme Court’s position on segregation? Please explain.

*Bloom’s Skill: Analysis*

6. What is the historic significance of *Bush v. Gore* (2000)? Why did Justice John Paul Stevens argue the decision harmed the public’s confidence in judges?

*Bloom’s Skill: Evaluation*

7. Which Supreme Court justices have disappointed presidents who originally appointed them? Cite examples from the textbook.

*Bloom’s Skill: Synthesis*

8. From a historical perspective, why does the author suggest “one of the ironies of American democracy is that the least democratic branch is also the most popular”?

*Bloom’s Skill: Analysis*

*Bloom’s Skill: Synthesis*

10. Why and how does the Supreme Court avoid political questions?

*Bloom’s Skill: Analysis*
ANSWER KEY

Chapter 5

Multiple Choice


True-False

CHAPTER SIX

Civil Rights and Liberties: Protecting the Players

CHAPTER OVERVIEW

This chapter distinguishes between civil rights and civil liberties. It also includes a discussion of the debate between those who advocate a partial incorporation of the Bill of Rights into the Fourteenth Amendment, as it applies to state governments, and those who suggest a complete incorporation. Four civil liberties (speech, religion, privacy, and due process) are itemized. The section on civil rights includes discussions of race and sex as “suspect classifications.” The parts’ various actors, such as judges, legal defense funds, private attorneys general, state agencies, and the public play in the debate and are explained in some detail. The chapter concludes with a case study on protecting liberties in the war against terrorism.

LEARNING OBJECTIVES

After reading Chapter 6, the student should be able to do the following:

1. Distinguish between the meanings and legal implications of civil rights and civil liberties.
2. Explain the doctrine of incorporation and the debate that surrounds it.
3. Apply recent Supreme Court decisions to the four most important civil liberties, explaining how those liberties have been modified.
4. Define such important terms as suspect classifications, equity, judicial activism and judicial restraint, private attorneys general, landmark decisions, injunctions, exclusionary rule, and affirmative action.
5. Summarize the key points from the chapter’s case study on “Fighting Terror, Guarding Liberties.”

OUTLINE

I. Introduction

Rules that protect the players govern both the legitimate means and ends of the political process. They are based on two principles: the government must not violate the rights of its citizens, and the government has an obligation to provide equal protection under the law for all groups in society. This chapter focuses on how the courts and other players protect civil liberties and civil rights.
II. What Are Civil Liberties and Rights?

Civil liberties are protections against government restrictions on the rights of speech, petition, assembly, and the press. These rights protect people when they participate in the democratic political system. The Constitution guarantees all citizens due process proceedings to ensure their liberties are protected. Safeguarding civil liberties is central to issues such as the right to criticize and oppose current policies, protection against government censorship, and the right to organize for elections.

Civil rights are protections, which are granted in the Fourteenth Amendment, against discrimination on the basis of race, religion, ethnicity, or gender. The Constitution recognizes that all citizens must be treated equally under the laws and, therefore, forbids discriminatory treatment of minorities or other groups. Conversely, no racial, religious, or ethnic group can claim privileged treatment. See the boxed insert, “Cartoons and Colleges in a Delicate Time,” which describes campus reactions to the posting of Danish cartoons of the Prophet Mohammed and the challenge of free-speech principles.

III. Expanding the Bill of Rights

The original Bill of Rights applied only to the federal government. It has been expanded, through the use of the Fourteenth Amendment, to apply to state governments and individuals and extended to cover new issues, such as due process rights in private institutions like universities.

Federal courts, to expand the application of the Bill of Rights to state governments, as well as to the federal government, have used the “due process” and “equal protection” clauses of the Fourteenth Amendment, which was ratified in 1868. The equal-protection clause has been applied to racial and sex discrimination in areas involving state interests or laws. It also has prevented discrimination by private individuals when their actions are aided by the state, further state activity, or involve a fundamental state interest. The vague phraseology of the due process clause has led to a debate over the extent to which the Fourteenth Amendment incorporated the Bill of Rights.

There are two competing judicial interpretations of the Fourteenth Amendment. Partial incorporationists argue that only some parts of the Bill of Rights should be included in the meaning of “due process.” They point to procedures guaranteeing fair trials and the First Amendment freedoms. As such, preferred freedoms—liberties necessary for a democracy to function—should be incorporated. The courts must decide applicability in each case. Complete incorporationists argue that every provision of the Bill of Rights is covered by the Fourteenth Amendment and must be recognized by the state courts. Although the Supreme Court has never adopted full incorporation, the cumulative effect of federal court decisions has been to incorporate almost all of the Bill of Rights into the Fourteenth Amendment.
IV. Civil Liberties: Protecting People from Government

Civil liberties provide protection for players in the political game against abuses of government authority, while making sure electoral losers have a fair chance to get back into power. These rules are essential to allowing democracy to work. They enable people to keep informed and to communicate with each other and with the government without fear. Indeed, Supreme Court Justice Oliver Wendell Holmes wrote that a democratic society needs competition among ideas as much as it needs economic competition.

Fundamental to Holmes’s thinking was that good ideas will drive bad ideas out of the market, with the public rejecting the false over the true. However, propaganda may sometimes overwhelm reason. A closer look at four important liberties (freedom of speech, freedom of religion, right to privacy, and due process) demonstrates their importance to the democratic processes of open discussion, opposition, and reform.

A. Freedom of Speech. This guarantee has been expanded to state governments under the Fourteenth Amendment, and the definition has been broadened to include such things as membership in organizations, public demonstrations, leafleting, symbolic speech (“speech plus,” which includes burning flags and wearing buttons with a message), and, with some debate, speech in cyberspace. However, the First Amendment does not protect speech that motivates listeners to illegal conduct or, apparently, politically incorrect acts on some high school and college campuses, such as the 2007 U.S. Supreme Court ruling against a pro-drug message displayed by a high school student in Morse v. Frederick (see boxed insert, “Cartoons and Colleges in a Delicate Time”). The First Amendment also protects people by prohibiting the government from forcing someone to say anything he or she does not believe. Note the boxed insert, “Conservative Bake Sale,” about conservative student organizations across the country that charged students differing prices for brownies depending on their race. College and university responses varied.

The First Amendment does not protect speech that leads to illegal conduct (e.g., yelling fire in a crowded theater when there is no fire), libel or slander, making or selling child pornography, or “fighting words.” However, the Supreme Court protected free speech online, even if pornographic, in its Reno et al. v. ACLU et al. ruling (1997). See the boxed insert, “Privacy on the Internet,” for government’s dilemma of how to balance a person’s privacy against monitoring security threats.

B. Freedom of Religion. Although there has never been a complete separation of church and state in America, the increasing political power of Christian fundamentalists has led them to attempt to redefine church-state relations. A proposed constitutional amendment to allow school prayer is an example of the freedom-of-religion controversy, and recent government guidelines have attempted to navigate this controversy. Most Americans favor prayer in school,
Yet, there has never been complete church-state separation. Note President George W. Bush’s plan to give government funds to faith-based groups for their charitable work. Also, note the 2002 Supreme Court decision that held educational vouchers are neutral with respect to religion, thus allowing parents to use government-funded vouchers to defray the cost of sending their children to religious schools. See the boxed insert, “Do’s and Don’ts on Religion in Public Schools.”

C. Right of Privacy. Protection from government intrusion into the private lives and beliefs of citizens is guaranteed by the First and Ninth Amendments. Although not explicitly mentioned in the Constitution, the courts have created a zone of privacy, guarding individuals from government intrusion. National-security priorities clashed with privacy concerns when the New York Times revealed a secret effort by the National Security Agency to monitor phone calls and e-mails of Americans without court-approved warrants. Congress wrote legislation in 2008 that set up rules for such surveillance tactics (which was voted for by then senator Obama). Issues of sexual conduct between adults (the state cannot prevent couples from using contraceptive devices) and abortion (states cannot forbid abortions in the first three months of the pregnancy) are also examples of testing privacy rights. But the courts also have placed limits on some of these freedoms. For example, homosexual marriages need not be recognized by the states, and states are not required to fund abortions for those individuals who cannot pay for them. Finally, in Romer v. Evans (1996), the Supreme Court ruled that Colorado could not prohibit local governments from protecting gays from discrimination.

D. Due Process Rights. These rights involve fundamental procedural fairness and impartial rulings by government officials, especially in criminal procedures. For example, these procedural guarantees include the presentation of charges, the right to a lawyer, time to prepare a defense, a speedy and fair trial by an impartial judge and jury of peers, and the right to appeal. These rights have been extended to state criminal trials and to other settings, such as educational and social-service hearings. These rights were granted in federal criminal trials under the Fifth and Sixth Amendments.

V. Civil Rights: Protecting People from People

The government can assume a positive role in protecting the rights of minorities of race, religion, sex, or national origin. Minorities may seek redress for discrimination through the political or judicial system. Of course, civil rights issues are not always clear-cut. Minorities who achieve the status of protected class are eligible for inclusion in affirmative action programs. Ironically, minorities seeking protection under affirmative action programs increasingly come into conflict with one another, rather than with the
majority. Nevertheless, these programs have also fueled white resentment against reverse discrimination.

A. **Which People Need Protection? Suspect Classifications.** There is a limit placed by the courts upon the government’s ability to classify and legislate for certain groups. The judiciary, under the doctrine of presumptive legislative rationality, routinely allows laws passed by Congress and state assemblies. If lawmakers apply racial or religious classifications, the courts subject these to close scrutiny, because they are considered to be suspect classifications. The burden of proof is on the government to prove that laws for a suspect category (i.e., a racial group) are necessary. Racial classifications are almost always considered suspect and are, therefore, struck down. Courts usually strike down most gender classifications, but a few are upheld, such as women not having to register for the draft.

B. **Race as a Suspect Classification.** In 1896, the Supreme Court, in *Plessy v. Ferguson*, supported state actions that segregated the races. But over a half-century later, in the landmark case of *Brown v. Board of Education* (1954), the Court reversed itself and established race as a suspect classification. The courts then struck down all laws based on race. This has been modified to allow government to make laws that will serve to eliminate prior inequities caused by state-sponsored segregation. The legal notion of “reverse discrimination” and placing limits on affirmative action began to emerge in the 1978 *University of California Board of Regents v. Bakke* case. The Rehnquist Court’s 1995 decision in *Adarand v. Pena* (1995) seemed to throw all racial classification into question. Although not declaring all affirmative action programs unconstitutional, the Court made clear that there had to be a compelling interest to relieve a specific case of discrimination. In 2003, the Court surprised constitutional scholars when it upheld the University of Michigan’s law school admittance policy to promote diversity (*Grutter v. Bollinger*), but in the same year it rejected the university’s undergraduate admittance standards that awarded applicants points based on their race without regard to individual merit. See the boxed insert, “University of Michigan and Affirmative Action.” Public opinion has moved from opposition to affirmative action programs to a mixed response, in part due to the drastic drop in minority student enrollment at California’s public universities following the ban on using race as an admission category.

C. **Is Sex Suspect?** Laws based on sex were supported in the past because they were thought to protect women. These laws were known as protective legislation. The women’s movement has objected to these laws as paternalistic, but sex remains an “uncertain” suspect category. In the area of discrimination based on sex, the Supreme Court has upheld the expansion of sexual-harassment law to cover all instances of harassment based on sex, regardless of gender. The *Oncale v. Sundowner* (1998) case established that males could be found liable for harassing other males in the workplace. It is likely that more sex-based classifications will fall as a result of present standards applied by the courts.
VI. **Actors in Civil Liberties and Rights**

The government, as well as voluntary organizations, is a player in the political game as it attempts to strike a balance between competing claims.

A. **Judges.** Judges play a leading role in protecting and expanding civil liberties and civil rights. Two approaches to the use of law shape society. Activist judges, along with those called civil libertarians, may support civil liberties and rights by backing class action suits that have wider implications or by applying the concept of equity. Equitable remedies allow the courts to prevent future discrimination by shaping remedies not covered by existing law, such as requiring school districts to develop plans to overcome racial imbalances. Non-activist judges are unsympathetic to class actions and tend to stress existing policies developed by Congress and the president. They tend to follow past decisions rather than expand the scope of constitutional protections. They see elected officials as having to be more accountable to the people.

B. **The Justice Department.** Historically, the Department of Justice has played a key role in protecting civil rights and liberties. But its role has varied by administration. The Department in the Reagan and Bush administrations opposed many civil rights measures, but the Clinton administration was generally supportive of civil rights groups and causes in a quiet way. George W. Bush, elected with little black support, pursued a moderately conservative course toward civil rights, although he opposed affirmative action. Bush’s attorney generals, John Ashcroft and Alberto Gonzales, were less active than their predecessors in civil rights enforcement.

C. **“Private Attorneys General.”** These are privately supported groups that sponsor cases against the government or other groups. They are funded in part by foundations and wealthy donors and in part by dues-paying members. The largest of these, the American Civil Liberties Union (ACLU), handles more than 6,000 cases a year, defending the rights of such groups as women, minorities, students, and minors. Minority group associations, such as the NAACP Legal Defense and Educational Fund, also have formed legal defense funds. These focus their efforts against discrimination in housing, schools, employment, voting rights, and the legal system. Two groups representing more recent rights issues are the Foundation for Individual Rights in Education (FIRE), a conservative/libertarian group that defends freedom of speech on college campuses, and the Council on American-Islamic Relations (CAIR), which defends American Muslim rights and promotes a positive image of Islam in the media.

D. **Legal Strategies.** These organizations use a variety of legal strategies. They search for patterns of discrimination, write articles in law journals, and offer services to individuals whose rights may have been violated. Organizations, such as the ACLU, concentrate on offering their services to individuals unable to pursue their cases alone, in the hopes of finding a test case (i.e., one that has a good chance of
E. **Obeying the Courts.** In addition to declaring state laws unconstitutional, the courts can issue injunctions and court orders to ensure that rights are protected. Federal orders must be obeyed by state officials and can be enforced by citations, fines, jail sentences, and the use of federal marshals or troops, as was done by both President Eisenhower and President Kennedy. Compliance often requires pressure from federal authorities, as was the case with police departments following the warning guidelines of *Miranda v. Arizona* (1966). The Court, however, narrowed the exclusionary rule, allowing evidence to be used if police officers “acted in good faith,” regardless of whether they followed all due process procedures.

F. **Public Opinion and Civil Liberties.** Judicial decisions are often not supported by public opinion. A majority of the public does not believe that criminals should be released on legal technicalities. The judiciary is not directly accountable to the public, and debate over its pronouncements is a sign of health in the system, although dissent may interfere with compliance. See the boxed insert, “Uncle Sam: Enemy of Civil Liberties?”, about instances in which the government violated people’s civil liberties.

VII. **Case Study: Fighting Terror, Guarding Liberties**

After 9/11, a potential conflict emerged between providing security against terrorist attacks and guarding people’s civil liberties. Over 1,200 individuals suspected of terrorist links were incarcerated without judicial review, counsel, or open hearings. Historically, the executive branch has abridged liberties during wartime, and the courts, along with public opinion, have supported those actions. The Bush administration defended its steps to thwart terrorism, but critics argued that the subversion of the Constitution could not be defended. The case of *Hamdi v. Rumsfeld* (2004) provides a detailed look at the arguments for whether foreign-born American citizens suspected of terrorist activity should receive constitutional protections. The Supreme Court ruled that Yasser Hamdi should have been afforded legal representation and due process rights, and it placed limits on claims of presidential authority to detain “enemy combatants” and deny their rights. Congress responded to the Court’s ruling with a law in 2006 that authorized the president to define enemy combatants, detain and interrogate them indefinitely, and also stripped the courts of jurisdiction over challenges to the president’s interpretation. This law reinforces the earlier effort to respond to terrorist threats through the Patriot Act, which is described in the boxed insert, “The Patriot Act.”

VIII. **Wrap-Up**

Civil liberties and civil rights are hallmarks of the American political system. Although it is easy to agree with these guarantees in the abstract, citizens often disagree with them in the particular. The real test is whether people can learn to be more tolerant. As Judge
Learned Hand wrote: “Liberty lies in the hearts and minds of men and women; when it dies there, no constitution, no law, no court can save it.” According to Wasserman, these rights and liberties protect all citizens, restrain the ambitions of leaders, and punctuate the fact that “majorities can be mistaken and that leaders can be misled.”

**KEY CHAPTER TERMS AND IDENTIFICATIONS**

civil liberties

civil rights

Bill of Rights

Fourteenth Amendment
due process
equal protection
campus “speech codes”
pREFERRED freedoms

partial incorporationists

complete incorporationists

First Amendment freedoms

speech plus

libel

slander

Communications Decency Act of 1996

* Reno et al. v. ACLU et al. (1997)*

free exercise of religion

educational vouchers

zone of privacy

* Romer v. Evans (1996)*

affirmative action

* Grutter v. Bollinger (2003)*

suspect classifications

presumptive legislation rationality

close scrutiny

* Plessy v. Ferguson (1896)*

* Brown v. Board of Education (1954)*

* University of California Regents v. Bakke (1978)*

* Cleveland Firefighters (1986)*

* Adarand v. Pena (1995)*

Proposition 227

equality of opportunity

equality of results

civil libertarians

* Oncale v. Sundowner (1998)*
class action suits
equity law

private attorneys general
American Civil Liberties Union
NAACP Legal Defense and Educational Fund, Inc.
National Organization of Women Legal Defense and Education Fund
Foundation for Individual Rights in Education (FIRE)
Council on American-Islamic Relations (CAIR)
test case
landmark decision
injunctions
orders
Miranda v. Arizona (1966)
exclusionary rule
Alien and Sedition Acts of 1798
enemy combatants
gag rule
USA Patriot Act of 2001

TEACHING SUGGESTIONS

1. Inviting a representative of the American Civil Liberties Union (ACLU) to class. The function of the ACLU can be explained to the class, as well as a number of important cases involving civil liberties.

2. Showing the documentary *Eyes on the Prize*, which chronicles the civil rights struggle. It provides an excellent example of nonviolent direct action. Ask students if they perceive themselves as citizen leaders.

3. Asking students their opinions on whether prayer should be permitted in the public schools. Despite the prohibition against school-sponsored prayer, it is possible that students may have experienced religious activities in their high schools before coming to college.

4. Having a debate on the issue of the Internet and pornographic materials. As preparation for the debate, review the Supreme Court ruling *Reno et al. v. ACLU et al.* (1997).

5. Discussing how the interpretation and protection of civil rights and liberties has changed under the Obama administration, as compared to the Bush administration. In particular, consider the situation of President Obama seeking to close the detention facility at Guantanamo Bay, as well as his initiative to end the “Don’t Ask, Don’t Tell” policy concerning gays in the military.
SUGGESTED RESEARCH ASSIGNMENTS

1. Study how other democracies approach issues of civil liberties and civil rights. How do freedom-of-speech laws differ between Great Britain and the United States? How are they similar?

2. Ask a team of students to interview local police officers regarding their use of the *Miranda* warnings in making arrests. In addition, what search-and-seizure procedures are they obligated to follow? The results of the interviews can be tabulated and form the core of a term paper. The project may require approval of the university’s Institutional Review Board.

3. Ask a few students to investigate the speech standards on their own campus. How have they evolved? How have they been applied? Are students and faculty familiar with them? How much support is there for them at your college?

4. Ask students to research and analyze sample court opinions concerning legalization of civil unions and gay marriage in states such as Massachusetts, Vermont, and California. Compare the rationale of the court in these decisions with the language of state constitutional bans on gay marriage, as found in states such as California, Ohio, and Missouri. What is the legal basis for each? Does this fit with the protection of civil rights and liberties as students see them? Should the U.S. Supreme Court consider ruling on a case testing the ban on gay marriage in California?
CHAPTER SIX – TEST BANK

MULTIPLE CHOICE QUESTIONS

1. Complete incorporation under the Fourteenth Amendment means that
   a. individuals are only protected against federal violations of civil rights.
   b. individuals are only protected against state violations of civil rights.
   c. individuals can sue foreign nationals for civil rights violations.
   d. individuals are protected against federal, state, and private violations of civil rights.
   e. corporate civil rights are protected under federal law.

   *Bloom’s Skill: Understanding*  
   *Reference: pg. 164–165*

2. The equal-protection clause
   a. allows state officials to discriminate based on race and sex.
   b. was used to order continuation of the vote recount in the 2000 presidential election.
   c. allows certain instances of equal discrimination against all races.
   d. prevents selective deployment of police forces in certain neighborhoods.
   e. prevents discrimination by individuals when it involves a fundamental state interest, such as education.

   *Bloom’s Skill: Application*  
   *Reference: pg. 164*

3. The controversy over discussion and display of Danish cartoon depictions of the Prophet Muhammad is an example of which of the following civil liberties issues?
   a. the right to bear arms
   b. the right to legal representation
   c. the right to free expression in speech and print
   d. the right to trial by a jury of peers
   e. the right to not have one’s religious views regulated by the government

   *Bloom’s Skill: Application*  
   *Reference: pg. 163*

4. The notion that a democratic society needs competition among ideas, as much as an economic marketplace needs competition, was stated by
   b. Oliver Wendell Holmes.
   c. Learned Hand.
   d. William Brennan.

   *Bloom’s Skill: Knowledge*  
   *Reference: pg. 166*
5. An African American student victimized by a racial epithet scrawled on his or her dorm wall should turn to which of the following groups for legal advice and assistance?
   a. Foundation for Individual Rights in Education
   b. American Civil Liberties Union
   c. National Association for the Advancement of Colored People
   d. Both B and C are correct.
   e. None of the above is correct.

_Bloom’s Skill: Understanding_  
_Reference: pg. 181_

6. The phrase “equal protection of the laws” is found in which amendment?
   a. First Amendment
   b. Fifth Amendment
   c. Fourteenth Amendment
   d. Twenty-first Amendment
   e. Twenty-seventh Amendment

_Bloom’s Skill: Knowledge_  
_Reference: pg. 162_

7. The Supreme Court struck down the Communications Decency Act of 1996 because
   a. the technology creating the Internet was too new.
   b. the law was too vague.
   c. it did not protect children from viewing offensive material.
   d. a majority of the Court watches pornography.
   e. the law was too specific.

_Bloom’s Skill: Understanding_  
_Reference: pg. 169_

8. The Bill of Rights is fundamentally designed to protect
   a. individuals from other individuals.
   b. state governments from the federal government.
   c. state governments from individual lawsuits.
   d. local governments from federal interference.
   e. individuals from government interference.

_Bloom’s Skill: Understanding_  
_Reference: pg. 166_

9. The Supreme Court found a “zone of privacy” that shields individuals from government intrusion through an interpretation of
   a. the constitutional provision against illegal searches.
   b. the legal arguments in _Plessy v. Ferguson_ (1896).
   c. the First and Ninth Amendments.
   d. the _Miranda v. Arizona_ decision.
   e. the Sixth Amendment.

_Bloom’s Skill: Understanding_  
_Reference: pg. 171_
10. In ACLU v. Ashcroft (2002), the Supreme Court ruled
   a. that the Child Online Protection Act went too far in restricting speech.
   b. that the Child Online Protection Act was constitutional.
   c. that the Communications Decency Act protected free-speech rights.
   d. that neither Act went far enough to protect children.
   e. that there can be no regulation of the Internet.

   Bloom’s Skill: Knowledge  Reference: pg. 169

11. According to the Supreme Court, affirmative action programs must now
    a. have a compelling interest behind them.
    b. be narrowly tailored.
    c. protect minorities regardless of individual merit.
    d. Both A and B are correct.
    e. include some form of quota system.

   Bloom’s Skill: Understanding  Reference: pg. 176

12. In Grutter v. Bollinger (2003), the Supreme Court ruled in favor of
    a. the equal-protection clause.
    b. the use of race as a diversity factor in law school admissions criteria procedures.
    c. all forms of affirmative action.
    d. the exclusionary rule.
    e. quota systems for hiring in local safety forces.

   Bloom’s Skill: Knowledge  Reference: pg. 177

13. Which of the following cases dealt with the issue of sexual harassment?
    e. Reno et al. v. ACLU et al. (1997)

   Bloom’s Skill: Knowledge  Reference: pg. 179

14. Which of the following was ruled to be a violation of the separation-of-church-and-state principle of the First Amendment?
    a. allowing publicly funded school vouchers to be used to pay for parochial school
    b. decorating city streets with stars and trees during the Christmas season
    c. exemption of religious property from taxation
    d. placement of a Ten Commandments monument in a state courthouse
    e. provision of a chaplain for the U.S. House of Representatives

   Bloom’s Skill: Application  Reference: pg. 171
15. The exclusionary rule refers to
   a. those cases that the Supreme Court will not hear.
   c. throwing out evidence obtained by unconstitutional means.
   d. an intent to withhold information from the courts.
   e. disallowing self-incriminating testimony at trial.

   Bloom’s Skill: Understanding  Reference: pg. 183

16. Which of the following is a right of due process?
   a. freedom of religious expression
   b. legal representation in a criminal trial
   c. freedom from the death penalty
   d. the right to bear arms
   e. the right to free speech

   Bloom’s Skill: Understanding  Reference: pg. 183

17. The American Civil Liberties Union (ACLU)
   a. defended individuals’ rights during the “red scares.”
   b. opposed speech codes on college campuses.
   c. concentrates on school desegregation suits.
   d. Both A and B are correct.
   e. agrees that speech should be limited in time of war.

   Bloom’s Skill: Understanding  Reference: pg. 181

18. A landmark case is one that
   a. is heard by the Supreme Court.
   b. creates a new general standard for judicial decisions.
   c. becomes an amendment to the Constitution.
   d. Congress refers to the Supreme Court.
   e. involves significant property rights issues.

   Bloom’s Skill: Application  Reference: pg. 181

19. Thurgood Marshall
   a. helped defend O. J. Simpson in his civil liability case.
   b. was the only male employee in the National Organization for Women Legal Defense and Education Fund.
   c. was the first African American appointed to the Supreme Court.
   d. wrote the landmark Brown v. Board of Education (1954) opinion.
   e. was the founder of the NAACP.

   Bloom’s Skill: Knowledge  Reference: pg. 181
20. When President Dwight D. Eisenhower sent federal troops to protect black students at Little Rock’s Central High School, he was
a. enforcing a court order.
b. protecting the rights of the accused.
c. adhering to provisions in the Equal Rights Amendment.
d. stopping the governor of Arkansas from filing an injunction.
e. enforcing provisions of the 1964 Civil Rights Act.

*Bloom’s Skill: Application  Reference: pg. 182*

21. Why did the National Security Agency monitor phone calls and e-mails without court-approved warrants?
a. to find communications between potential terrorists
b. to find people engaged in exchanging child pornography
c. to monitor communications among organized crime figures
d. to defeat a conservative conspiracy to overthrow the government
e. to break up illegal gambling operations

*Bloom’s Skill: Knowledge  Reference: pg. 171*

22. Which of the following is *not* a suspect class?
a. race
b. gender
c. sexual orientation
d. religion
e. ethnicity

*Bloom’s Skill: Knowledge  Reference: pg. 175*

23. The attitude of the Department of Justice toward civil rights groups during the Clinton administration was
a. generally hostile.
b. generally supportive.
c. one that preferred a “class conscious” approach.
d. one preferring a “color-blind” approach.
e. neutral.

*Bloom’s Skill: Application  Reference: pg. 180*
24. Which of the following counts as a “private Attorney General”?
   a. the National Association of Manufacturers
   b. the Roman Catholic Church
   c. Alan Dershowitz
   d. the legal counsel for AT&T Corporation
   e. the Council for American Islamic Relations

   Bloom’s Skill: Application    Reference: pg. 180–181

25. Which of the following countries does not restrict speech considered hateful or provocative of minorities or religions?
   a. the United States
   b. Canada
   c. the United Kingdom
   d. Germany
   e. India

   Bloom’s Skill: Knowledge    Reference: pg. 167

26. The right to legal representation and other basic rights of the accused are central issues in the case of

   Bloom’s Skill: Knowledge    Reference: pg. 186

27. Sexual harassment law is an example of
   a. affirmative action.
   b. a political question.
   c. the zone of privacy.
   d. protective legislation.
   e. reverse discrimination.

   Bloom’s Skill: Application    Reference: pg. 178

28. The USA PATRIOT Act does not include which of the following provisions?
   a. allowance of the use by the FBI of roving wiretaps
   b. authorization of the FBI to check individual library usage records
   c. sharing of evidence between the CIA and the FBI
   d. delays in notification of home and office searches
   e. indefinite detention of Arab Americans by local authorities

   Bloom’s Skill: Knowledge    Reference: pg. 188
29. Which of the following is *not* an example of government successfully restricting civil liberties?
   a. the “Gag Rule” of 1840
   b. suspension of printing of socialist newspapers during WWI
   c. President Nixon’s attempt to halt publication of *The Pentagon Papers*
   d. internment of Japanese Americans during WWII
   e. FBI spying on civil rights leaders during the 1960s

*Bloom’s Skill: Understanding Reference: pg. 184*

**TRUE-FALSE QUESTIONS**

1. The ability to petition government and the right to own a gun are examples of civil liberties protected by the Bill of Rights.

*Bloom’s Skill: Knowledge Reference: pg. 163*

2. Civil rights are the protections granted in the Constitution, recognizing that all citizens must be treated equally under the law.

*Bloom’s Skill: Knowledge Reference: pg. 164*

3. The Supreme Court has stated that only federal legislation can address civil liberties issues.

*Bloom’s Skill: Understanding Reference: pg. 164*

4. The Supreme Court ruled in *Miranda v. Arizona* (1966) that suspects do not have to be notified that they are entitled to an attorney.

*Bloom’s Skill: Knowledge Reference: pg. 182*

5. In the past few years, the courts and voters have reduced the impact of affirmative action.

*Bloom’s Skill: Application Reference: pg. 174*

6. Members of the American Civil Liberties Union (ACLU) are among the most ardent supporters of First Amendment rights.

*Bloom’s Skill: Understanding Reference: pg. 181*
7. After securing local permission and police protection, a public protest march by the Ku Klux Klan advocating for “white rights” is permissible under the First Amendment.

_Bloom’s Skill: Application_   Reference: pg. 181

8. Since most employees of the Justice Department are career civil servants, it does not matter who the president is when issues of civil rights and liberties arise.

_Bloom’s Skill: Application_   Reference: pg. 180

9. President Obama believes that affirmative action practices should be strengthened, with a return to the use of quotas to ensure minority representation in college admissions and employment.

_Bloom’s Skill: Understanding_   Reference: pg. 173

**ESSAY QUESTIONS**

1. Summarize the main philosophical differences between the partial incorporationists and the complete incorporationists. Do the same for judges who practice judicial activism versus those who believe in judicial restraint.

_Bloom’s Skill: Analysis_

2. Do Supreme Court justices follow the judicial philosophies expected of them by the presidents who nominate them? Please explain.

_Bloom’s Skill: Evaluation_

3. Should sex be considered a “suspect classification”? Should it be treated the same as race? Cite examples of where it has been treated the same and where it has been treated differently. Be sure to offer a strong justification for your point of view.

_Bloom’s Skill: Synthesis_

4. Compare the positions of Presidents Clinton, George W. Bush, and Obama on affirmative action. In your view, should affirmative action be strengthened, phased out, or replaced by a different policy?

_Bloom’s Skill: Evaluation_
Chapter 6

Multiple Choice


True-False

CHAPTER SEVEN

Voters and Political Parties

CHAPTER OVERVIEW

This chapter begins by examining the reasons for the growth of nonvoting in America. Among these are social class, the political socialization process, electoral barriers (registration), and income and educational levels. Subjectively, there is the growing sense of voter apathy, lack of political efficacy, and distrust of government. The historical development of American political parties and the two-party system is discussed, as are maintaining, deviating, and realigning elections. The functions, organization, and future of the Democratic and Republican parties are discussed. Particular attention is paid to new techniques in grassroots organizing, fund-raising, and use of the Internet, highlighted in the concluding case study, “Triple O—Obama’s Online Operation.”

LEARNING OBJECTIVES

After reading Chapter 7, the student should be able to do the following:

1. Explain the factors that influence whether people vote, such as class, occupation, income, partisan loyalty, registration requirements, and the sense of political efficacy.

2. Define and explain the significance of the political socialization process.

3. Diagram the structure of the American political party system.

4. Discuss the evolution of the American party system, from the Federalists to the Whigs to the Republicans and Democrats.

5. Distinguish among maintaining, deviating, and realigning elections.

6. Itemize the main functions of a political party.

7. Explain the factors that have promoted and weakened the American two-party system.

8. Discuss the phenomena of the “reappearing voter.”

9. Discuss how the use of online social networks and other tools affected the development and outcome of the 2008 presidential campaigns.
OUTLINE

I. Introduction

Players outside government—namely voters, political parties, interest groups, and the media—are important actors in the political game. How they play the game affects the benefits they get.

II. Voters

In addition to the constitutional requirements for voting eligibility (Twenty-sixth Amendment), the author examines the factors that influence voting behavior, including socialization and class. Attention also is paid to both objective and subjective reasons for abstention.

A. Who Votes? Citizens who are 18 years of age or older and who have satisfied other state requirements are eligible to vote (Twenty-sixth Amendment). Voter turnout hovers in the 50 percent range in presidential election years, while it is significantly lower in midterm elections (see Figure 7.1). In 2004 we saw 60 percent of eligible voters participate in elections, while in 2008 the participation rate increased to almost 62 percent.

B. Political Socialization. This is the process of learning political attitudes and behavior. Family background, schooling, peer groups, and ethnic and religious characteristics all influence the way people vote. Religion and ethnicity have become the basis for a “politics of identity,” which has brought new voters to the polls and also polarized politics, making compromise more difficult.

C. Class and Voting. “Class” is defined as a group’s occupation and income, as well as its awareness of its relation to other classes. There are three broad categories: working class, middle class, and upper class. The first category includes the majority of people who have relatively low-paying blue-collar and white-collar jobs. The middle class covers most professional occupations, such as teachers, engineers, businesspeople, bureaucrats, and skilled workers with annual incomes greater than $50,000. Those who direct major economic and political institutions constitute the upper class. These categories are actually subjective, because most Americans, whatever their incomes, place themselves in the middle class. However, class, as it is reflected in education, income, and occupation (social-economic status), influences people’s attitudes. For example, the working class tends to be more conservative on civil liberties issues and more liberal on economic issues, while the middle class shows opposite tendencies in the same areas.
III. Who Doesn’t Vote?

Objective factors, such as demographic characteristics and institutional barriers to voting, are discussed, as well as subjective factors like voter apathy, political alienation, political efficacy, and distrust of government.

Nonvoters are generally less educated, nonwhite, rural, southern, poor, and blue-collar workers. Young people also fit into this group. Stakeholders are more likely to vote and include white, middle-aged, college-educated, urban or suburban, affluent, white-collar groups. See Figure 7.2 for graphs of historic voting participation.

The author explains why class differences in voting behavior reflect differences in their levels of economic security. Differences in political socialization are also key to understanding why citizens do not vote.

Research indicates that electoral barriers affect voter turnout. Some state registration laws make voting inconvenient, although the National Voter Registration Act of 1993 (Motor Voter Act) facilitated the process by allowing voters to register when they get their drivers’ licenses.

A. Subjective Explanations. Voter apathy derives, in part, from alienating events, such as Watergate and Vietnam. The lack of political efficacy, that is, a sense that government is responsive to citizens’ needs, may account for part of the pattern. Other explanations for the phenomenon include lackluster campaigns and media negativity. Countering this trend is the recent increase in participation by young voters (see boxed insert, “The Vanishing Young Voter May Be Coming Back”). Contemporary political campaigns generate little excitement, as many congressional seats are uncontested, and presidential campaigns concentrate their efforts in a handful of battleground states. Media coverage of campaigns is often negative and favors reporting the horse-race aspect rather than issue differences. However, there has likely been an increase in “personal politics,” where people act individually in the social and economic spheres of society more than through formal voting.

IV. Political Parties

A political party is an organization that runs candidates for public office under a specific label. The Constitution, by decentralizing and diffusing power, created a need for political parties to centralize and concentrate power.

A. Party Functions. Political parties perform a number of functions, including contesting elections, organizing public opinion, building coalitions, and incorporating new ideas. See the boxed insert, “Political Parties around the World,” for a brief comparison of party systems.
1. Parties, by taking issue positions and educating voters, simplify choices people make at the polls. Parties recruit volunteers to mobilize support for their candidates.

2. Parties organize public opinion by synthesizing multiple viewpoints into a set by which people can judge the basic philosophy of candidates running under their banners.

3. Parties aggregate many interests by organizing regions, ethnic groups, and economic interests into larger coalitions for the goal of winning elections.

4. The major parties co-opt the stands that third parties and social protest movements take once the ideas appear to have public support.

B. The Rise of Today’s Parties. The Federalists and Anti-Federalists were originally factions that formed because of disagreement over constitutional issues. The Federalists championed a strong national government, and the Anti-Federalists supported the interests of the small farmer. The Anti-Federalists, which became the Democratic-Republican Party, kept control of the government until 1828 when they split into the Whig and the Democratic parties. Under Andrew Jackson, the Democratic Party became identified with the common people. The Republican Party, formed in 1854 as an antislavery party, first won the presidency with Abraham Lincoln.

C. Maintaining, Deviating, and Realigning Elections. Elections are maintaining (keeping party strength constant), deviating (showing a temporary shift in popular support for a party), or realigning (showing a permanent shift in support for and strength of a party). Between 1860 and 1932, the Republicans maintained control with only temporary deviations. In 1932, there was a major realignment in which the Democratic Party became the majority party under Roosevelt. Some party scholars argue that the 1968 Nixon-Humphrey election signaled the beginning of a rolling Republican realignment, which was strengthened by Reagan’s 1980 and 1984 victories. George H. W. Bush’s 1988 win continued Republican control of the White House, but in 1992, the moderate Democrat Bill Clinton won contested primaries and defeated Bush, in part because of the independent campaign of Texas billionaire Ross Perot, who captured 19 percent of the national vote. Republicans won control of both the House and Senate in 1994, precipitated by Clinton’s weakness in Congress and voter dissatisfaction and signaling the completion of a 20-year realignment of the South with the GOP. Clinton won reelection in 1996, while the Republicans held control of Congress.

D. 2004 and 2008: Whose Realignment? Many analysts believed that the victories of George W. Bush in 2000 and 2004, combined with significant gains for the Republicans in the House and Senate in 2002 and 2004, were caused by the shift of the South from the Democratic to the Republican Party. The GOP had the advantage of superior organization and a strong populist message that motivated the conservative faithful. Predictions of long-term Republican dominance were dashed in the 2006 midterm elections, where Democrats regained control in both chambers of Congress. Popular opinion turned against the president concerning
the war in Iraq, mishandling of the response to Hurricane Katrina, and the corruption and partisanship of several Republican leaders. The shift away from Republican candidates continued in 2008, when Democrats increased their majorities in the House and Senate and won the White House.

E. Polarizing the Parties: The Growth of Partisans. Although the images of the typical Republican and Democratic loyalists are stereotypes, there are actual demographic and issue differences between the two camps. Party leaders tend to be more polarized on issues than are party followers. (See Table 7.1, “How to Tell a Liberal from a Conservative.”) While conservative anger has been used to polarize the electorate and win elections through 2004, the strong independent bloc of voters made themselves heard in 2006 and 2008, attracted to Democratic themes of restoring moderation.

V. View From the Inside: Party Organizations

The general perception of parties as weak organizations may be misplaced, as parties provide valuable services to candidates. In response to candidate-centered campaigns, weak party loyalty, and interest group involvement in campaigns, parties became technology savvy, money-generating machines.

A. Machines—Old and New. Many local parties, especially in urban areas, maintained a tight grip on politics by controlling party nominations, patronage jobs, political favors, and party finances until they were weakened by the creation of public welfare agencies, in addition to the institution of civil service reforms and direct primaries. See the boxed insert, “Machine Politics.” Modern machines, which are service-oriented, use new voter contact technology to prosper. As a result, there has been a significant increase in the number of leadership PACs that serve congresspeople’s ambitions for higher office. Recent White Houses have been accused of using campaign staffers to create modern political machines, thus affording them the ability to run “permanent campaigns.”

B. American Party Structure. The pyramid structure of local, county, and state parties continues to underpin the national party organizations (see Figure 7.3). The job of “out-party” officials is “to show that the party is still alive” through fund-raising and voter registration drives. Government officials from the “in-party” use the party organization, not vice versa. State parties are usually stronger than local parties, due to their linkages with the national party structure, professional staffers, distribution of funds, and patronage.

C. National Party Organization. Between elections, a national committee, which maintains a professional staff, governs each party. Party committees raise hard money that is funneled to candidates’ campaigns and purchase costly campaign technologies, such as computerized direct mail and e-mail databases (see Table 7.2).
D. **Soft Money.** Much of the party activity at the state and local levels is supported by “soft money,” which includes unregulated contributions that are supposed to be used for party-building and get-out-the-vote activities. The national party committees raised soft money from wealthy individuals, corporations, and unions. The large contributions led directly to fund-raising scandals, which plagued the Clinton White House. Both political parties raised record amounts of soft money for the 2000 general election. See the boxed insert, “Money Talks, Nobody Walks.” In response to the public outcry for reform, which was spurred by the media, Congress passed the Bipartisan Campaign Finance Reform Act of 2002 (McCain-Feingold), banning all soft-money contributions to national political parties. The restrictions led to the creation of so-called 527 committees, which collect unregulated contributions. By the 2008 elections, record fund-raising and spending was still the norm, led by the unregulated efforts of 527s such as MoveOn.org, as well as the new applications of fund-raising via the Internet by the Obama campaign.

E. **The National Conventions.** National conventions are quadrennial events attended by delegates, who are chosen by state party organizations according to various methods. They adopt a party platform, which is a statement on issues used to distinguish the organization’s position from that of the opposition. Individual planks or issues in a platform can be controversial during a convention, such as when GOP women in 2000 pushed (unsuccessfully) for the inclusion of abortion rights. By a simple-majority vote, the delegates elect the party’s nominee for president. In recent decades, the presidential nominee has been chosen on the first ballot. A more apt description of the convention is that delegates ratify choices made by party voters in primaries and caucuses. The nominee, in advance of the convention, chooses a vice presidential running mate who “balances” the ticket. Consideration is given to factors that compensate for the presidential candidate’s weakness. The convention serves as a kick-off for the fall campaign.

VI. **View from the Outside: The Two-Party System**

The United States has a two-party system, which means that two parties dominate national politics. Some states are so heavily partisan that one party virtually controls their statewide offices and legislatures.

A. **Causes of the Two-Party System.** Reasons for the two-party system include the historic dualism, a moderate electorate, the electoral system, and the flexibility of the major parties.

1. The original Federalist-Anti-Federalist division established the tradition of two-party domination in America.
2. Most Americans are centrists, although the reason is somewhat unclear. It is difficult to determine whether the political system forces them to choose between two moderate parties or whether the major parties moderate to win elections.
3. Single-member district plurality elections penalize minority parties as opposed to proportional representation that gives them an opportunity to win seats.

4. The adaptability of the two major parties allows the major parties to co-opt a third party’s agenda item once it garners public support.

B. The End of the Two-Party System? Chances are the two-party system will remain intact despite its problems. The historical and structural factors have much to do with its survival. Of late, the major parties appear mired in polarized debates and unwilling to moderate their positions of hot-button issues. How this will affect voters’ support is anyone’s guess. The author suggests the two parties may be putting their heads in the sand by winning elections based on their fund-raising prowess and campaign techniques. The 2008 elections demonstrated the importance of moderate and independent voters.

VII. Case Study: “Triple O—Obama’s Online Operation”

The Obama campaign capitalized on a variety of online and electronic tools to get its message out through grassroots organizing and fund-raising. Social networking sites such as Facebook and MySpace were used to organize local groups of supporters. MyBarackObama.com was developed as a Web site that could be personalized by individual supporters. Texting was used to mobilize supporters in a variety of states during the midst of a heavy primary schedule. YouTube videos such as “I have a crush on Obama” by the “Obama girl” got 14.5 million “hits,” which, according to veteran campaign strategist Joe Trippi (who developed Internet applications for the 2004 Howard Dean campaign and then worked for Obama in 2008), were the equivalent of $47 million in paid television advertising. The campaign raised $500 million of its $750 million total online, with 26 percent of more than three million donors giving under $200.

President Obama continues to use the Internet to generate public contact and support, including an online appearance in March 2009. It is unclear if this has had a significant influence on public support for initiatives such as health care reform. “Organizing for America” is an ongoing initiative to keep donors and supporters connected to efforts by the Obama administration, typically featuring online updates and videos of the president’s appearances. Independent bloggers such as “Daily Kos” have not been as influential on public opinion as might have been expected, although they continue to be a source of analysis and potential news breaking stories for the mainstream media.

VIII. Wrap-Up

Most people participate in politics in some way, but low voter turnout raises serious questions about whether government is truly representative. Elections legitimize government. The two-party system, although mired in polarized debates, is in little danger of collapse. As long as the major parties are willing to address national concerns, they will remain important intermediaries between citizens and government. Nonetheless, they need to examine their place in the political system and reach disaffected voters.
KEY CHAPTER TERMS AND IDENTIFICATIONS

voter turnout
political socialization
social class
stakeholders
National Voter Registration Act of 1993 (Motor Voter Act)
electoral barriers to voting
nonvoters
political alienation
political apathy
political efficacy
lack of trust in government
subjective explanations for nonvoting
political party functions
third party (minor party)
Federalists
Anti-Federalists
Democrats
Whigs
Grand Old Party
Republican Party
Democratic Party
New Deal coalition
maintaining election
deviating election
realigning election
dealignment
rolling realignment
independent voters
myth of the independent voter
“typical” Republican voters (characteristics)
“typical” Democratic voters (characteristics)
party followers
liberal views
conservative views
partisanship (party identification)
issue voting
political machines
new machines
party boss
political patronage
leaderships PACs
permanent campaigns
pyramid-shaped party structure
in-party
TEACHING SUGGESTIONS

1. Ask the class members whether American voters should be required to vote. Would a fine for not voting increase voting in America?

2. Ask students about their earliest memories of political issues. Did parents discuss politicians and issues? Also, are the students’ political party affiliations the same as their parents?

3. What should be the role of money in politics? Has the Bipartisan Campaign Finance Reform Act of 2002 (McCain-Feingold) improved the integrity of the political process? How does the high cost of campaigns hurt the potential for third-party organizations?

4. Ask students if they have ever used political Web sites to learn about a candidate or party. Have them explain what they found.

5. Most students are told from elementary school through high school that they can be whatever they choose, including president. Ask students if this is a realistic expectation and why.
SUGGESTED RESEARCH ASSIGNMENTS

1. Assign teams to examine which issues most influenced the outcome of the 2004 presidential election.

2. Have students read transcripts of the three 2004 presidential debates, which are available on several Web sites, and examine polling data pertaining to voters’ perceptions of the winners and losers. Do they agree or disagree with the numbers, and why? The transcripts can be found by accessing: http://www.c-span.org/2004vote/debates.asp?Cat=Current_Event&Code=PresVP_04&Rot_Cat_CD=PresVP_04

3. Study the current political functions of the national nominating conventions. Why has network television coverage of these conventions declined in recent years?

4. Have class members research whether making voting easier (e.g., mail ballots) has bolstered voter turnout. They will need to determine the states that have passed reform legislation.

5. Have students research what their own county party does for candidates at election time. It would be instructive to ascertain whether the party still recruits candidates to run for office and, if so, the reason it continues the practice.
CHAPTER SEVEN – TEST BANK

MULTIPLE CHOICE QUESTIONS

1. Class identification in the United States is
   a. constant.
   b. weak.
   c. strong.
   d. important.
   e. divisive.

   Bloom’s Skill: Understanding  Reference: pg. 195

2. The National Voter Registration Act of 1993 (Motor Voter Act)
   a. allows voters to register when they get their drivers’ licenses.
   b. had little impact upon voter turnout.
   c. was struck down as unconstitutional.
   d. Both A and B are correct.
   e. requires people to register to vote when they turn 18.

   Bloom’s Skill: Understanding  Reference: pg. 199

3. A major factor contributing to nonvoting is
   a. high income.
   b. partisanship.
   c. reduction of barriers to voting.
   d. having a sense of political efficacy.
   e. political alienation.

   Bloom’s Skill: Knowledge  Reference: pg. 200

4. Declining public trust in government over the past 40 years is linked to
   a. the assassination of John F. Kennedy.
   b. the end of the Cold War.
   c. a rising sense of confidence in the ability of politicians.
   d. a general decline in voting.
   e. a steadily increasing standard of living for the poor.

   Bloom’s Skill: Understanding  Reference: pg. 200
5. Significant influences in the process of political socialization include
   a. parents.
   b. professional sports teams.
   c. party ward leaders.
   d. great grandparents.
   e. Both A and C are correct.

   Bloom’s Skill: Knowledge   Reference: pg. 194

6. The voting rate among 18–24-year-olds in 2004
   a. increased by 5 percent.
   b. decreased by 8 percent.
   c. increased from 47 percent to 60 percent.
   d. decreased from 55 percent to 30 percent
   e. increased from 36 percent to 47 percent.

   Bloom’s Skill: Knowledge   Reference: pg. 199

7. The best predictor of how a person will vote is his or her
   a. education.
   b. income.
   c. occupation.
   d. party identification.
   e. gender.

   Bloom’s Skill: Knowledge   Reference: pg. 207

8. Who was the founder of the Democratic-Republican Party?
   a. George Washington
   b. Thomas Jefferson
   c. Alexander Hamilton
   d. Andrew Jackson
   e. James Monroe

   Bloom’s Skill: Knowledge   Reference: pg. 205

9. Recent trends in political participation show that people are
   a. more involved in personal volunteer efforts but less involved in political party activity.
   b. less involved in political parties and more involved in running for public office.
   c. more involved as voters and less involved in volunteer activity.
   d. on the verge of creating a third political party.
   e. very apathetic on all levels.

   Bloom’s Skill: Understanding   Reference: pg. 194
10. The GOP broke new ground with the selection of which of the following as the chair of the Republican National Committee?
   a. Tim Kaine
   b. Howard Dean
   c. Michael Steele
   d. Dick Cheney
   e. Mitch McConnell

   Bloom’s Skill: Knowledge   Reference: pg. 214

11. ____________led the Democratic Party of 1828.
   a. Alexander Hamilton
   b. Abraham Lincoln
   c. Thomas Jefferson
   d. Andrew Jackson
   e. James Monroe

   Bloom’s Skill: Knowledge   Reference: pg. 205

12. The ‘typical” Democratic voter
   a. supports limited government.
   b. supports civil rights.
   c. is a corporate CEO.
   d. favors fundamentalist Christian social positions.
   e. wants the abolishment of private property.

   Bloom’s Skill: Application   Reference: pg. 207

13. A political party ________ political power.
   a. polarizes
   b. centralizes
   c. decentralizes
   d. balances
   e. reduces

   Bloom’s Skill: Application   Reference: pg. 207

14. American political parties
   a. organize public opinion.
   b. put together coalitions of different interests.
   c. demand party loyalty on all issues.
   d. Both A and B are correct.
   e. are open to minor parties gaining power.

   Bloom’s Skill: Understanding   Reference: pg. 208
15. The 1952 and 1956 Eisenhower elections are examples of ________ elections.
   a. maintaining
   b. dealigning
   c. deviating
   d. realigning
   e. highly partisan

   Bloom’s Skill: Understanding       Reference: pg. 206

16. Leadership PACs
   a. solidify support to their creators.
   b. promote the creators’ political ambitions.
   c. are generally ineffective at fund-raising.
   d. Both A and B are correct.
   e. were banned under recent campaign finance reform law.

   Bloom’s Skill: Understanding       Reference: pg. 211

17. The “emerging Democratic majority” as defined by Teixeira and Judis includes
   a. minorities.
   b. young people.
   c. those with college degrees.
   d. Both A and B are correct.
   e. A, B, and C are correct.

   Bloom’s Skill: Knowledge          Reference: pg. 208

18. Who was the most significant third-party candidate for president in 1992 and 1996?
   a. Ralph Nader
   b. Patrick Buchanan
   c. Strom Thurmond
   d. Bill Clinton
   e. Ross Perot

   Bloom’s Skill: Knowledge          Reference: pg. 207

19. The Whig party joined others to form the __________ Party.
   a. Republican
   b. Democratic-Republican
   c. Federalist
   d. Socialist
   e. Free Soil

   Bloom’s Skill: Knowledge          Reference: pg. 205
20. National party committees
   a. govern the national parties.
   b. never work with state and local party committees.
   c. are headed by the president (in-party) and losing presidential contender (out-party), respectively.
   d. maintain large professional staffs.
   e. Both A and D are correct.

   Bloom’s Skill: Understanding       Reference: pg. 214

   a. Chicago
   b. New York
   c. San Francisco
   d. Boston
   e. Cleveland

   Bloom’s Skill: Knowledge          Reference: pg. 217

22. Which presidential candidate refused to accept public matching funds for his campaign?
   a. Barack Obama
   b. John McCain
   c. Ronald Reagan
   d. Bill Clinton
   e. Jimmy Carter

   Bloom’s Skill: Knowledge          Reference: pg. 216

23. Good campaign advice for candidates running for office now would include
   a. focusing only on raising hard-money donations from wealthy contributors.
   b. depending on public funding for campaign support.
   c. appealing to independent and younger voters.
   d. ignoring the technical challenges of online campaigning.
   e. making good use of bloggers as campaign managers.

   Bloom’s Skill: Application        Reference: pg. 208

24. The bottom level of the typical state party organization is called the
   a. congressional district committee.
   b. ward or precinct.
   c. county committee.
   d. street committee.
   e. house committee.

   Bloom’s Skill: Knowledge          Reference: pg. 213
25. Which of the following tactics helped Barack Obama gain public recognition at the beginning of the nomination process in 2008?
   a. developing grassroots support in caucus states ignored by other candidates
   b. focusing only on delegate-rich large states
   c. campaigning heavily among Democratic voters in the South
   d. relying on Hollywood celebrity endorsements to generate public support for his campaign
   e. pledging to only use public campaign financing

   Bloom’s Skill: Knowledge Reference: pg. 223

26. Which system would work best to provide a new political party a voice in legislative deliberations?
   a. ballot initiatives
   b. single-member districts
   c. winner-take-all elections
   d. direct democracy
   e. proportional representation

   Bloom’s Skill: Application Reference: pg. 219–220

27. Small political parties have a better chance of gaining a legislative seat in a
   a. winner-take-all election system.
   b. proportional-representation system.
   c. system of widely diffused elective offices.
   d. political system that is reliant on corporate and union campaign donations.
   e. direct democracy without representative government.

   Bloom’s Skill: Application Reference: pg. 220

28. The “disappearing young voter” refers to
   a. the decline in young voters due to changes in birthrates.
   b. low voting rates explained by a lack of connection due to mobility and little party identity.
   c. the steady decline of voting among people under age 30, which continued through 2008.
   d. the high voting rate of young people who do not graduate from high school.
   e. the absence of young voters from national conventions.

   Bloom’s Skill: Application Reference: pg. 200

134

29. Based on the outcome of the 2008 elections, one might expect which of the following to have been true?
   a. Vigorous opposition by the Republican majority in the Senate will defeat many of President Obama’s initiatives.
   b. House Democrats will follow a moderate policy agenda.
   c. Republicans will move to a more liberal position on health care reform and government spending to help the economy.
   d. President Obama would pursue an ambitious agenda to help the economy, address health care reform, and pursue initiatives concerning green technology and education reform.
   e. President Obama would proceed cautiously, given his narrow election victory.

   *Bloom’s Skill: Application*  
   *Reference: pg. 208*

30. It is clear from analysis of the 2008 elections that
   a. the rapid increase of money in presidential campaigns has not abated.
   b. campaign spending has leveled off due to the reforms of the Bipartisan Campaign Reform Act.
   c. Republicans did not hold a fund-raising advantage over Democrats.
   d. PAC contributions dominated the financing of presidential campaigns.
   e. minor-party candidates continue to play an important role in determining the outcome of presidential races.

   *Bloom’s Skill: Application*  
   *Reference: pg. 215*

**TRUE-FALSE QUESTIONS**

1. Throughout American history, there have always been many active and successful parties.

   *Bloom’s Skill: Knowledge*  
   *Reference: pg. 202*

2. Most Americans view themselves as members of the middle class.

   *Bloom’s Skill: Understanding*  
   *Reference: pg. 195*

3. Nonvoters tend not to be as wealthy as voters.

   *Bloom’s Skill: Understanding*  
   *Reference: pg. 196*

4. The National Voter Registration Act of 1993 (Motor Voter Act) is an unqualified success.

   *Bloom’s Skill: Application*  
   *Reference: pg. 199*
5. Voter turnout is greater in the United States than in any other democracy in the world.

*Bloom’s Skill: Knowledge Reference: pg. 202*

6. Young voters under the age of 30 increased their participation in the 2004 and 2008 elections.

*Bloom’s Skill: Knowledge Reference: pg. 200*

7. The winner-take-all system of elections is a significant factor in the development of a two-party system.

*Bloom’s Skill: Knowledge Reference: pg. 219*

8. Whether e-campaigns are successful depends on more than blogs.

*Bloom’s Skill: Application Reference: pg. 223*

9. Use of the Internet for grassroots organizing, political commentary, and fund-raising has become a standard due to developments in the 2008 presidential campaigns.

*Bloom’s Skill: Application Reference: pg. 223*

**ESSAY QUESTIONS**

1. Explain why party scholars and political pundits are unwilling to write off political parties. What factors indicate that parties will remain important players in the political game?

*Bloom’s Skill: Evaluation*

2. Imagine that you are trying to persuade nonvoters that there are important benefits to voting. What would you say to them?

*Bloom’s Skill: Synthesis*

3. Imagine that you are a candidate for political office, seeking to topple the incumbent congressperson. How would you raise money for your campaign? What, if any, promises would you make? Could you keep them?

*Bloom’s Skill: Synthesis*
4. Have efforts to regulate campaign fund-raising and spending failed? Should the ideas of advocates such as Senator Mitch McConnell (R-KY) be adopted as an alternative (no-limits, full public disclosure of donations and spending.)

*Bloom’s Skill: Evaluation*

5. What are the advantages and disadvantages of a multiparty system?

*Bloom’s Skill: Evaluation*

6. Compare and contrast liberal political beliefs to conservative political beliefs.

*Bloom’s Skill: Analysis*

7. Why is it strategically better to run for an open seat than to run against an incumbent?

*Bloom’s Skill: Analysis*

8. Does use of the Internet by the Obama campaign in 2008 translate into continued success as a tool for keeping supporters informed and active during his presidency?

*Bloom’s Skill: Synthesis*

9. Is there a workable solution to increasing voter turnout? Or, is it better if nonvoters remain nonvoters? Please explain.

*Bloom’s Skill: Evaluation*

10. Describe the differences between liberals and conservatives on social and economic policy.

*Bloom’s Skill: Analysis*
ANSWER KEY

Chapter 7

Multiple Choice


True-False


CHAPTER EIGHT

Interest Groups and the Media

CHAPTER OVERVIEW

This chapter explores how interest groups and the mass media affect American politics. Various types of interest groups and tactics of influence are covered, along with the role of lobbyists. Another theme deals with money and its relationship to political campaigns, as shown by the power of political action committees (PACs). Reform proposals to curb the power of PACs are also noted.

The importance of the mass media’s relationship to national politics comprises the other half of the chapter. The chapter discusses the changing emphasis of news coverage from newspapers to television and now to the Internet, charting the relative decline in staffing of news bureaus for print and television news. The lack of attention to political news is noted, along with discussion of the influence of increasing corporate ownership of media groups. The interaction of politicians and media is examined, and the chapter ends with a case study of a fictional “day in the life” of a Senate candidate.

LEARNING OBJECTIVES

After reading Chapter 8, the student should be able to do the following:

1. List the various types of economic interest groups, with specific examples of each type.
2. Review the roles of the lobbyist and the various kinds of lobbying strategies.
3. Discuss the relationship between campaign contributions and political action committees.
4. Summarize how the media affect political life through media mergers, sound bites, media messages and profitability, news management, campaign advertising, and agenda setting.
5. Discuss the importance of the new media, including the Internet and alternative forums such as satirical news coverage, late-night hosts, and radio talk shows.
6. Summarize the key points found in the chapter case study, “The Candidate: A Day in the Life . . .”
I. Introduction

People are quick to blame interest groups and the media for what is wrong with politics. Special interests are perceived as game players with a disproportionate influence on policy decisions, and the media are considered distokers of the facts that favor entertainment over quality. Regardless of popular perception, the two are major actors in the game because they play critical roles as intermediaries between citizens and government.

II. Interest Groups

Interest groups organize to pursue a common interest by applying pressure on the political process. Alexis de Tocqueville noted the importance of interest groups as a buffer between a large state and individuals, preserving individuals’ rights. In general, interest groups are more tightly organized than political parties and financed by contributions or by dues-paying members.

A. Types of Interest Groups. The most important and widespread type of association is based on common economic interests. The most influential interest groups spend the most money to influence the political process. Business groups and corporations (e.g., Chamber of Commerce and National Association of Manufacturers), professional associations (e.g., American Bar Association and American Medical Association), labor unions (e.g., American Federation of Labor-Congress of Industrial Organizations and United Auto Workers), and agricultural lobbies (e.g., American Farm Bureau Federation and National Farmers Union) are among the most powerful groups seeking protection and favors. There also are racial (e.g., National Association for the Advancement of Colored People), environmental (e.g., Sierra Club), public interest (e.g., AARP), and political (e.g., National Taxpayers Union) groups that seek to influence government policies.

B. Lobbying. Interest groups or individuals put pressure on the government to act in their favor. The typical lobby is a professional staff of experienced people who provide information to congressional committees and the bureaucracy. These lobbyists include former members of Congress and individuals who worked in the executive branch. See the boxed insert, “Lobbying, Corruption, and Jack Abramoff,” for details concerning the lobbying scandal that brought down Republican Congressman Bob Ney in 2006.

Indirect lobbying may involve campaigns to enlist public recognition and support, as well as attempts to influence other interest groups for the cause. In some cases, groups will form a coalition to lobby for one specific goal. Direct lobbying usually takes place in congressional committees and executive bureaucracies. Lobbyists, bureaucrats, and congressional committees comprise the iron triangle.
See the boxed insert, “The Five Commandments of Lobbying,” for the informal rules to which successful lobbyists adhere.

Advocacy ads do not fall under campaign financing rules; thus, they can help a candidate and avoid restrictions on raising and spending money in an election. The Abramoff scandal put lobbying under harsh public scrutiny, but it is still an essential feature of American politics.

C. Campaign Contributions and PACs. The most controversial aspects of lobbying relate to campaigns and elections. Interest groups can support candidates who are receptive to their agendas or work to defeat candidates who may create barriers for their goals. Groups can establish political action committees (PACs) in order to influence elections. The number of PACs increased significantly following campaign finance reforms passed in the mid-1970s that put limits on individual donations. Money purchases access to legislators and their staffs.

The 2008 presidential elections were the most expensive in history. For an example of donation levels, see Table 8.1, “Obama’s Top Donors in 2008.” Laws limiting donations in the 1970s failed to curb the growth of PACs, which mushroomed from 608 in 1975 to 4,023 in 2003. See Table 8.2, “Top 12 PAC Contributors to Candidates, 2007–2008.” Spending on congressional campaigns grew rapidly. In 2008, the average amount spent on winning a House seat rose to $1.1 million, and to win a Senate seat cost an average of $6.5 million. New tactics to circumvent the McCain-Feingold campaign finance reform law include the practice of bundling contributions, while reliance on 527 spending has declined due to its lack of accountability to candidate campaigns.

D. Do Group Interests Overwhelm the Public Interest? Ambrose Bierce defined politics as “the conduct of public affairs for private advantage.” Lobbying expenditures have more than doubled from $1.4 billion in 1998 to $3.3 billion in 2008. The explosion in the number of interest groups has resulted in hyperpluralism, that is, too many groups making too many demands on government. However, most political scientists argue the case may be overstated, as special interests do not dominate the entire game. Politicians, other groups, and the media all limit the power of special interests and ensure that the results of the political competition remain unpredictable. Many studies indicate that lobbyists have little success in persuading members of Congress to change their minds; rather, they “gain support by presenting their cause as consistent with a popular concern.”

III. Media

“The fourth branch of government” aptly describes the media, as its power rivals that of the other three branches. Changes in news consumption and declining advertising revenue raise questions about the continuing role of the fourth branch, particularly the decline in news bureaus and rise of Internet and “infotainment” sources.

A. **What Are the Media?** The “media are those means of communication that permit messages to be made public” and include, among other forms, television, radio, newspapers, magazines, and the Internet. Television dominates the mass media and is, in turn, dominated by the three major networks, CBS, NBC, and ABC, plus Fox Broadcasting. (See Figure 8.1 for an illustration of audience reach of different media.) These networks function as agencies that produce and sell programs with advertising to their affiliates. Cable channels present a challenge to the networks, although their audience for news programs is still smaller than for prime-time network news. The Internet has expanded public access and influence on the news, particularly through Web sites dedicated to political coverage and analysis such as *Politico* and *Slate*.

B. **What Do the Media Do?** The media provide three major types of messages: news reports, entertainment programs, and advertising. The media’s most important function is agenda-setting, that is, putting together an agenda of national priorities. The age-old adage is: “The media can’t tell people what to think, but it can tell them what to think about.” As important, it frames issues, thereby influencing consumers’ perception of people, events, and issues. Entertainment programs subtly give images of “normal” behavior and turn political conflicts into personal problems. Advertising presents images of material comfort presumed to be within the reach of most people.

IV. **Media and the Marketplace of Ideas**

Although the Framers of the Constitution saw communications media as part of a free market of varied ideas, recent trends have countered this goal: self-imposed limits, government-imposed limits, and public-imposed limits.

The profit motive drives decisions made by the media, as they are privately owned. Ownership is concentrated among a relatively small number of corporations, which raises questions about the diversity of opinion available to consumers. The entertainment aspect of reporting is troublesome because quality seems sacrificed by quantity. The 24/7 news channels exacerbate the problem. Advertisers drive much of the content, as they have a set of expectations: They purchase time that nets a large audience of potential customers, which means programming should not distract from the ads. Consequently advertisers encourage conventional and inoffensive content. Much of the entertainment aspect of news reporting is related to audience appeal. Sound bites, action news, and hair-sprayed anchors keep restless viewers from channel surfing.

A. **Media and the Government.** Since 1934, the Federal Communications Commission (FCC) has regulated television and radio. The media provide mass venue for political campaigns. The media advertising accounts for 60 percent of campaign expenditures in presidential races. Satirical talk shows now play a large role in providing information on politics and elections. See the boxed insert, “Daily Show Shapes Political Journalism.”
Informal pressure by political leaders, through news management and promoting favorable images to the public, is widespread. The White House, for example, provides reporters with exclusive “leaks” of information and stages pseudoevents or activities that have little connection to reality, but are rather for show. Presidents have media experts and speechwriters on staff, all of whom perfect their images. See the boxed insert, “Mixed Media Messages,” for how officeholders, in this instance President Reagan, perceive almost any news coverage positively.

B. Media and the Public. The media have great influence on people’s political attitudes and actions, as they have the power to define alternatives. While they may check the activities of those in power, they primarily reflect and enhance the influence of the most powerful players in the political game. See the boxed insert, “Obama: The Prime Time Prez” for an account of how the White House has sought prime-time televised coverage of President Obama’s press conferences.

V. Case Study: “The Candidate: A Day in the Life . . .”

Although this is a fictitious account of being on the campaign trail, it reflects what life is like for a Senate candidate. The scenario opens with her morning schedule: Her typically early morning is dedicated to two towns that she hopes will provide exposure, personal contact, and money to a candidate whose advisers still disagree over whether she should carry a purse on the campaign trail. She meets local teachers for breakfast, parries a reporter’s question about her children, and has a good press conference. She does two press conferences a day, each with a new position paper, scheduled with hopes for a mention in the morning or evening papers or, the big prize, coverage on the evening news.

She runs to lunch at a senior citizens’ center because the volunteer college driver got lost. She hurries back to her motel to ask for more money from two well-off contributors in order to keep several effective ads on the air as the campaign winds down. More phone calls for more money are followed by filming of a television spot: 45 seconds on the screen, two grueling hours to film. Then it is off to two “coffees” hosted by supporters.

In the evening, she and her advisers discuss fine-tuning her aggressive attacks on her opponent, which are cutting into his lead but raising her “negatives.” She postpones a decision to take advantage of her opponent’s son’s activities, which may be unsavory, as a campaign issue and goes to a televised debate, the last event of the day. Having scored well against her opponent in the debate, she calls her husband and children at home for support and leaves word for another 5:00 a.m. wake-up call.

Candidates spend more time on media exposure and fund-raising than personal contact with voters; paradoxically, the core value that appeals to news media and to potential givers is personal contact.
VI. Wrap-Up

Interest groups and the media serve as the intermediaries between government and citizens. Interest groups provide opportunities for people to make their views known to elected officials by unifying them so they have a better chance of influencing decisions than if they contacted officeholders on their own.

The media set the agenda and frame news. Their simplification of complexities raises serious questions about the quality of news reporting. As important, the concentration of ownership raises doubts about diverse viewpoints being heard.

Although interest groups and the media are vehicles for mass participation, it may be that the real players use the institution to strengthen their own positions. Wasserman writes: “These instruments of power remain in the hands of the powerful.”

KEY CHAPTER TERMS AND IDENTIFICATIONS

- special interests
- Alexis de Tocqueville, *Democracy in America*
- interest group
- economic interest groups
- business interest groups
- professional interest groups
- labor interest groups
- agricultural groups
- public interest groups
- lobbying and lobbyists
- “Five Commandments of Lobbying”
- direct lobbying
- indirect lobbying
- grassroots lobbying
- universalized ticket-fixing
- iron triangle
- coalitions
- political action committees (PACs)
- access
- grand bazaar
- hyperpluralism
- *Buckley v. Valeo* (1976)
- 527 committees
- fourth branch of government
- wire services
- media messages
- media selectivity
- agenda-setting
concentration of ownership
cricket noodle news
marketplace of ideas
media mergers
penny papers
Federal Communications Commission (FCC)
sound bites
pseudoevents
news leaks
presidential press conferences
on message
E. E. Schattschneider’s “definition of alternatives”
media’s political functions

TEACHING SUGGESTIONS

1. Have students view television ads used in previous presidential campaigns. Ask for their reactions and discuss what messages were conveyed by those ads. An archive of these ads can be accessed at: http://www.livingroomcandidate.org/

2. Discuss the role that lobbyists and interest groups play in American politics. Why are some groups more successful than others? Discuss the ethics of retired members of Congress lobbying their former colleagues.

3. Have students debate the question of whether the many new media mergers in the past few years pose a threat to the free and diverse expression of ideas in America.

4. Ask students why so many young people are disinterested in politics. Ask how many class members watch an evening news program at least three times per week or read a daily newspaper. Ask what Internet news sources they use.

5. Ask the class to consider whether millionaires who run for elective office have a guaranteed advantage over their opponents based upon the historical record.

SUGGESTED RESEARCH ASSIGNMENTS

1. Ask students to visit Web sites of major interest groups, such as the Association of Trial Lawyers of America (ATLA), United Auto Workers (UAW), National Rifle Association (NRA), and the League of Women Voters (LWV). The purpose is to summarize the political stands of these groups and learn how they promote their interests.
2. Have students choose a current issue and trace how it gained prominence. Did the media set the agenda by its reporting or did interest groups first pressure legislators?

3. Have students ask roommates and friends what news items they recall from the current week. How much do people not assigned to watch the news recall about a week’s news?

4. Ask students to research how the media reacted to the televised presidential debates between John McCain and Barack Obama, as well as the vice presidential debate between Joe Biden and Sarah Palin. Which candidate did the media favor in each debate?

5. Ask two teams to debate whether money corrupts the political process.
MULTIPLE CHOICE QUESTIONS

1. Expenditures on lobbying from 1998 to 2008 have
   a. increased from $5 billion to $7 billion.
   b. decreased from $3 billion to $1 billion.
   c. remained roughly the same at $4 billion.
   d. more than doubled, from $1.4 billion to $3.3 billion.
   e. been cut due to controversy, from $2.3 billion to $1.5 billion.

   *Bloom’s Skill: Knowledge*  
   *Reference: pg. 233*

2. A group of retired plant workers seeking to maintain company health benefits might turn to which of the following for help?
   a. the AFL-CIO
   b. the National Association of Manufacturers
   c. the U.S. Chamber of Commerce
   d. the American Medical Association
   e. the Sierra Club

   *Bloom’s Skill: Application*  
   *Reference: pg. 239*

3. Which of the following is part of an issue network addressing education policy?
   a. an education reporter for the New York Times
   b. a lobbyist for the American Federation of Teachers
   c. the White House Chief of Staff
   d. the governor of California
   e. the superintendent of the Chicago City schools

   *Bloom’s Skill: Application*  
   *Reference: pg. 234*

4. Which of the following statements about interest groups is (are) accurate?
   a. According to Alexis de Tocqueville, associations are harmful to democracy.
   b. In general, political parties are more tightly organized than interest groups.
   c. Interest groups are financed through government grants.
   d. Interest groups only focus on public issues.
   e. In general, interest groups are more tightly organized than are political parties.

   *Bloom’s Skill: Understanding*  
   *Reference: pg. 230*
5. Which of the following groups is a business interest group?
   a. the American Bar Association
   b. the American Medical Association
   c. the National Association of Manufacturers
   d. the Environmental Defense Council
   e. the Kiwanis Clubs of America

   Bloom’s Skill: Knowledge   Reference: pg. 231

6. The “fourth branch of government” refers to
   a. state governments.
   b. political parties.
   c. the media.
   d. interest groups.
   e. the courts.

   Bloom’s Skill: Knowledge   Reference: pg. 243

7. Which of the following statements about interest groups is correct?
   a. Agricultural business interests have a very short history of influential lobbying activity.
   b. Labor unions are important financial supports of the Republican Party.
   c. Religious groups never try to influence public policy.
   d. Interest groups, such as the National Association for the Advancement of Colored People (NAACP) and Southern Christian Leadership Conference (SCLC), concentrate their efforts on economic and religious constituencies within the African American community.
   e. Environmental interest groups have had little success in their efforts over the past forty years.

   Bloom’s Skill: Application   Reference: pg. 230

8. The least likely contributor to Democratic candidates would be
   a. the National Organization of Women.
   b. the United Auto Workers.
   c. the National Association of Manufacturers.
   d. the Sierra Club.
   e. Harvard University.

   Bloom’s Skill: Application   Reference: pg. 231
9. When the television networks stress the issue of environmental pollution, rather than universal health care, they are performing the media function of
   a. agenda-setting.
   b. sound bites.
   c. entertainment.
   d. framing.
   e. objectivity.

   Bloom’s Skill: Understanding  Reference: pg. 249

10. The growth of political action committees
   a. has made politics cleaner and fairer.
   b. was an unanticipated consequence of campaign reform.
   c. forced big-money contributors to donate illegally.
   d. is a new phenomenon directly linked to the Republican control of Congress.
   e. has led to a decline in individual political contributions.

   Bloom’s Skill: Understanding  Reference: pg. 239

11. Which of the following is an example of a company trying to influence government to hurt its competition?
   a. a toy manufacturer seeking help from the Consumer Product Safety Commission
   b. local chambers of commerce holding fund-raisers for congressional candidates
   c. Microsoft lobbying the Dept. of Justice to investigate Google’s Book Search service
   d. IBM being sued under the Sherman Act for monopolistic practices in the 1970s
   e. WalMart offering health care benefits to its workers

   Bloom’s Skill: Application  Reference: pg. 231

12. Which of the following interest groups is considered to have the most influence over Congress?
   a. the American Bar Association
   b. the Sierra Club
   c. the National Education Association
   d. the National Chamber of Commerce
   e. the National Rifle Association

   Bloom’s Skill: Knowledge  Reference: pg. 236
13. Which of the following is not a “lobbyist commandment”?
   a. being well informed
   b. being well balanced
   c. demonstrating a constituent interest
   d. leaving a written summary of the case
   e. handing the elected official cash at the close of a meeting

   Bloom’s Skill: Understanding   Reference: pg. 235

14. Political action committee contributions typically
   a. are donated at the request of an elected official.
   b. go to incumbent candidates of both parties.
   c. go to the challenger to promote more competitive elections.
   d. Both A and B are correct.
   e. focus on new candidates challenging incumbents.

   Bloom’s Skill: Application   Reference: pg. 239

15. The idea that the political system has become clogged with too many interest groups and too much money is called
   a. hyperpluralism.
   b. diminishing PAC returns.
   c. associational bias.
   d. financial gridlock.
   e. campaign diminishment.

   Bloom’s Skill: Knowledge   Reference: pg. 242

16. Roughly how many former members of Congress and staffers serving as lobbyists were involved in the health care reform debate in 2009?
   a. about 100
   b. about 350
   c. Former members of Congress and staffers are permanently barred from lobbying.
   d. about 1,000
   e. Health care interests relied on physicians and administrators to conduct their lobbying.

   Bloom’s Skill: Knowledge   Reference: pg. 233
17. Which of the following rapidly rose to become a significant conservative voice among the TV networks?
   a. FOX
   b. ABC
   c. CNN
   d. CBS
   e. Turner Broadcasting

   Bloom’s Skill: Knowledge                  Reference: pg. 246

18. Which of the following is not a threat to the television networks?
   a. the Internet
   b. cable television
   c. newspapers
   d. CNN
   e. AM radio

   Bloom’s Skill: Understanding                Reference: pg. 256

19. The first news about the Monica Lewinsky scandal appeared
   a. on FM radio morning jockey shows.
   b. on prime-time news.
   c. on CNN.
   d. in the New York Times.
   e. through posts on the Internet.

   Bloom’s Skill: Knowledge                  Reference: pg. 247

20. Television advertisers tend to prefer programs that are
   a. intellectually thought-provoking.
   b. conventional and inoffensive.
   c. controversial and challenging.
   d. overly concerned with factual information.
   e. long and detailed.

   Bloom’s Skill: Understanding                Reference: pg. 250

21. Which of the following statements about the media is (are) accurate?
   a. More people get campaign information from cable television than they do from nightly network news.
   b. Television networks sell programs with advertising to affiliates.
   c. Newspaper circulation has increased over the last decade.
   d. The Internet is too difficult to access news easily.
   e. Both A and B are correct.

   Bloom’s Skill: Application                  Reference: pg. 250
22. The Federal Communications Commission (FCC)
   a. requires all networks to provide 20 hours per week of public access programming.
   b. benefits some companies by restricting access to the airwaves by some competitors.
   c. does not have authority to regulate TV and radio signals.
   d. can censor the content of all speech on radio.
   e. restricts the content and timing of political advertising.

Bloom’s Skill: Understanding  Reference: pg. 253

23. Which of the following is a tactic used by presidential administrations to manage the news?
   a. news blackouts
   b. exclusive “leaks”
   c. press conferences
   d. threats to shut down a media outlet for unfavorable coverage
   e. Both B and C are correct.

Bloom’s Skill: Knowledge  Reference: pg. 254

24. Rupert Murdoch’s media acquisitions and focus tend to reflect a consistent
   a. desire to promote conservatism in global politics.
   b. desire to promote liberalism in U.S. politics.
   c. interest in finding new ways to increase programming for children.
   d. business interest in expansion through appeal to prevailing political trends.
   e. desire to beat the ratings of CNN.

Bloom’s Skill: Application  Reference: pg. 252

25. Who wrote that “Americans of all ages, all conditions, and all dispositions constantly
    form associations”?
   a. Alexis de Tocqueville
   b. Theodore Roosevelt
   c. Franklin Delano Roosevelt
   d. George H. W. Bush
   e. Jack Abramoff

Bloom’s Skill: Knowledge  Reference: pg. 230
26. Bill Clinton’s “alternative media” strategy
   a. involved calling New York Times reporters at home.
   b. accelerated after the Monica Lewinsky scandal broke.
   c. involved granting interviews to local news anchors and holding televised town meetings.
   d. involved holding online press conferences.
   e. included organizing mass rallies for media coverage.

   Bloom’s Skill: Understanding Reference: pg. 254

27. The purpose of grassroots lobbying is
   a. to raise more funds than the opposition.
   b. to get constituents to contact their own representatives.
   c. to form a national coalition of different groups.
   d. to prevent rash legislation from being passed.
   e. to increase donations to political candidates.

   Bloom’s Skill: Understanding Reference: pg. 235

28. What was the White House reaction to Lesley Stahl’s critical report on Reagan’s use of television?
   a. CBS News was excluded from White House press conferences.
   b. Stahl was honored at a White House ceremony.
   c. The reaction was very positive, because of the good pictures of Reagan included in the report.
   d. The reaction was very negative, because of the critique of Reagan’s speaking ability.
   e. The White House had no comment.

   Bloom’s Skill: Knowledge Reference: pg. 255

29. Which of the following has the highest average number of viewers as of 2008?
   a. NBC Nightly News
   b. The O’Reilly Factor
   c. The Daily Show with Jon Stewart
   d. The News Hour with Jim Lehrer
   e. The CBS Evening News

   Bloom’s Skill: Knowledge Reference: pg. 245
30. Which of the following statements about interest groups and the media is (are) accurate?
   a. They are bridges, which allow people to play the political game.
   b. Interest groups dictate the media’s agenda.
   c. The media’s role as a major political player has diminished over the past decade.
   d. Interest groups unify people with common concerns to bring pressure on public officials.
   e. Both A and D are correct.

   Bloom’s Skill: Application  Reference: pg. 230

TRUE-FALSE QUESTIONS

1. Unlike political parties, interest groups do not compete for public office.

   Bloom’s Skill: Understanding  Reference: pg. 230

2. Campaign advertising amounts to approximately 90 percent of all expenditures in presidential races.

   Bloom’s Skill: Knowledge  Reference: pg. 250

3. Approximately two-thirds of the country’s adult population has Internet access.

   Bloom’s Skill: Knowledge  Reference: pg. 244

4. Wire services include publications such as the New York Times and the Wall Street Journal, which have national distribution.

   Bloom’s Skill: Knowledge  Reference: pg. 247

5. Newspapers are becoming increasingly competitive due to the large number of corporate mergers.

   Bloom’s Skill: Understanding  Reference: pg. 251

6. Among major American metropolitan areas, only New York City has three separately owned daily newspapers.

   Bloom’s Skill: Knowledge  Reference: pg. 251

7. The media build programs and news around advertising.

   Bloom’s Skill: Understanding  Reference: pg. 248
8. It was fairly easy for President Obama to keep his pledge to not have any lobbyists serve in his administration.

*Bloom’s Skill: Application*  
*Reference: pg. 234*

9. Rupert Murdoch continues to push a very conservative agenda in all of his media acquisitions.

*Bloom’s Skill: Application*  
*Reference: pg. 252*

10. A presidential candidate seeking to appeal to younger voters would be wise to make an appearance on *The Daily Show*.

*Bloom’s Skill: Application*  
*Reference: pg. 249*

**ESSAY QUESTIONS**

1. Why has grassroots lobbying increased in importance? Does this increase make the system more democratic or less democratic?

*Bloom’s Skill: Analysis*


*Bloom’s Skill: Analysis*

3. Evaluate the impact of satirical media such as *The Daily Show* on viewer attitudes about politics. In your view, is this a good trend?

*Bloom’s Skill: Evaluation*

4. Does the television’s need to be entertaining interfere with its political function as a channel of communication? Supply evidence to support your claims.

*Bloom’s Skill: Evaluation*

5. Please give examples of and explain how the White House attempts to control the news. Given the gamesmanship, is Washington, as one observer put it, the “land of make believe”?

*Bloom’s Skill: Synthesis*
6. Evaluate how the concentration of media ownership affects the news.

*Bloom’s Skill: Evaluation*

7. How do campaign contributions, lobbying, and the involvement of former members of Congress in lobbying activity contribute to the perception of a “culture of corruption” in Washington, D.C.?

*Bloom’s Skill: Synthesis*

8. Is the private life of an American president a proper concern of the media? Please explain.

*Bloom’s Skill: Analysis*

9. Does the rise of cable shows and Internet political sites and the decline of newspapers show a positive or a negative trend in public access to political information? Support your response with examples.

*Bloom’s Skill: Synthesis*

10. Assume you are opposing the incumbent representative in your congressional district. What strategies would you employ to gain the support of political action committees, politically active organizations, and the local newspaper?

*Bloom’s Skill: Analysis*
Chapter 8

Multiple Choice


True-False

CHAPTER NINE

Who Wins, Who Loses: Pluralism versus Elitism

CHAPTER OVERVIEW

This chapter examines two competing schools of thought, pluralism and elitism, that attempt to define the essential structure and nature of the political game.

Pluralism’s key concepts—fragmentation of power, bargaining, compromise, and consensus—are discussed, as well as criticism of the theory. Similarly, the view that a powerful elite class dominates politics is explained, with stress placed upon the “ruling class,” especially C. Wright Mill’s model of a unified group of leaders, drawn from the corporate, military, and political arenas. Critics of this view cite its overreliance on conspiracy theory by pointing to a lack of unity within and among elites.

The “debate” between the pluralist and elitist approaches centers upon how competitive and representative the elites are. The chapter closes with a discussion of recent modifications to the two theories, such as the plural elitism model—politics is divided into different policy arenas, with elite domination within each arena—and government as representing a broad range of interests rather than satisfying the demands of a particular constituency.

The chapter concludes by asking readers to make the choice between being a passive spectator or an active participant in the political game.

LEARNING OBJECTIVES

After reading Chapter 9, the student should be able to do the following:

1. Explain and summarize the basic assumptions of pluralism, as well as the criticisms directed at the approach.

2. Explain and summarize the basic assumptions of the power elite model, as well as the criticisms directed at the approach.

3. Understand the application of these theoretical approaches and examples of both.

4. Explain modifications to pluralism and the power elite approaches.

5. Appreciate the importance of an active, politically concerned citizenry.
OUTLINE

I. Introduction

The author questions whether the detailed examination of institutions, rules, and players obfuscates the game itself. He returns to the basic premise of the book, that is, to give students the tools necessary to answer the following questions: “Who (if anyone) is running the game? Who wins, who loses? Who plays and who watches?”

II. Pluralism

Pluralism is a group theory of democracy. People participate in politics by their membership in groups, and these groups, through competition and compromise, create public policy. There are four key concepts in the pluralist argument: fragmentation of power, bargaining, compromise, and consensus.

Power is fragmented so no one group is dominant; therefore, all must bargain. Power is divided, though not equally. The government acts as a referee in the bargaining process by ensuring the rules of the game are followed. It can intervene to help weaker groups. Compromise is the inevitable result of a competition among relatively equal rivals, and accommodation is made easier by the fact that most individuals are members of many groups. Underlying the entire process is a basic agreement or consensus on the general political ideals and goals of society. Agreement on rules and results is the “cement that holds society together.”

A. Examples of Pluralism. When major environmental groups decide that a new law regulating air pollution is needed, they raise funds from their members and seek compromises from chemical companies. The press weighs in and public opinion is heard, as in the Environmental Protection Agency (EPA) hearings before congressional committees. The resulting legislation reflects the relative power of the groups. Similarly, Robert Dahl’s seminal book *Who Governs?* concluded that there was no single elite that made important decisions in all areas of New Haven politics but, rather, several different groups. See the boxed insert, “The Pluralist View.”

B. Criticisms of Pluralist Theory. Many think that consensus on democratic ideals masks the real inequity of economic and social distributions of benefits, that the majority of individuals have no part in the political game, and that powerful elites prevent issues from ever reaching the public. Other critics point to the proliferation of groups that choke government with too many demands (hyperpluralism).

III. Elite

This view asserts that members of a unified, nonrepresentative elite class occupy decision-making positions in America and only look after their own interests. This power
elite of economic, political, and military leaders presumably encourages powerlessness below and is unresponsive to others.

A. **Elite Examples.** Key leadership positions within powerful institutions are reserved for the elite. The positions are open only to the country’s ruling class, who controls the economy and preserves the economic status quo. Decisions are the result not of consensus but of conflict between the haves and have-nots, and they reflect the domination of the form. Society is held together by force and control and assumes domination by the elite.

C. Wright Mill’s *The Power Elite* is the classic statement of the theory. According to Mills, a unified cadre of corporate, military, and political leaders dominates American policymaking. William Greider’s *Who Will Tell the People* is a 1992 study of Washington politics, where a “policymaking elite working with the wealthy economic interests dominates the creating and implementing of law.” In short, “no one” speaks for the people. See the boxed insert, “The Elite View.”

B. **Criticisms of the Elite View.** Although it is true that the number of persons in positions of power is limited, their unity is exaggerated, and the elites do compete among themselves. Often, elite views veer into conspiracy theories that do not analyze politics, but only assert secret cover-ups, which encourages apathy and cynicism among citizens, as well as fund-raising by demagogues.

IV. **The Debate**

Both approaches agree that while the majority participates as voters, only a small number of people participate fully in day-to-day politics. Therefore, the real question is how competitive and representative these elites are.

A. **Newer Views.** Recent modifications discuss a plural elitism theory. This modification stresses that politics is divided into different policy arenas. Different political conflicts are understood by different approaches; for example, small-town politics may be best studied using a pluralist approach, and foreign policy through the elitist model. These models also reflect differing political ideals. Pluralism seeks to maintain the existing political structure, while power elite theorists maintain that basic changes are needed for the United States to become a true democracy.

Others suggest how government itself acts. In both pluralist and elitist theories, government actions are considered the result of outside forces: compromises between competing groups and interests of a unified elite. However, government is more than a vehicle to reconcile competing demands.

Government has its own priorities and may, at times, act to represent a broad range of interests rather than benefiting a narrow constituency.
V. Wrap-Up

Americans can be passive spectators or active participants in shaping the way the political game is played. They can affect the outcome of politics, but they must, at the least, decide to join the game.

KEY CHAPTER TERMS AND IDENTIFICATIONS

pluralism (characteristics)
group theory of democracy
Robert Dahl’s *Who Governs?*
Robert Dahl’s *Democracy and Its Critics*
hyperpluralism
power elite
ruling class
Council on Foreign Relations
*Foreign Affairs*
old-boy network
C. Wright Mill’s *The Power Elite*
William Greider’s *Who Will Tell the People*
the military-industrial complex
conspiracy theory
plural elitism

TEACHING SUGGESTIONS

1. Ask students whether political elites are more committed to democratic values than are the mass public. Have them cite examples from recent events that support or refute this conclusion.

2. Ask class members to respond to the following questions: If the military-industrial complex (MIC) does, in fact, exist, how can one fight it? Is it possible to organize effective opposition to new weapon systems and national defense spending? Was the plan by President George W. Bush to reinvigorate the military in 2001 an illustration of the MIC at work? Why or why not?

3. Discuss some conspiracy theories that are widely circulated. Ask students whether they play a political function for certain political leaders. Who circulates them? Why are the followers of these leaders, and others, so willing to accept them as credible?
SUGGESTED RESEARCH ASSIGNMENTS

1. Have a student read *Who Will Tell the People* by William Greider and prepare a brief report, copies of which will be distributed to the class. The student will be responsible for defending Greider’s arguments.

2. Have a student read *Who Governs?* by Robert Dahl and prepare a brief report, copies of which will be distributed to the class. The student will be responsible for defending Dahl’s arguments.

3. Have students interview elected officials, such as a councilperson or school board member, or bureaucrats, such as a zoning commissioner or planning commissioner, to learn who influences policy. This may require them to obtain the approval from the university’s Institutional Review Board.
MULTIPLE CHOICE QUESTIONS

1. According to pluralistic theory, people get power through
   a. voting.
   b. joining the military-industrial complex.
   c. becoming a member of a group(s).
   d. joining a revolutionary party.
   e. becoming members of a state legislature.

   Bloom’s Skill: Understanding   Reference: pg. 264

2. Pluralism is a(n) ________ theory of democracy.
   a. conspiratorial
   b. vague
   c. group
   d. outsider
   e. elite

   Bloom’s Skill: Knowledge   Reference: pg. 264

3. In pluralist theory, the government acts as a(n)
   a. protector of the wealthy.
   b. referee.
   c. interest group.
   d. barrier.
   e. tool of elite influence.

   Bloom’s Skill: Understanding   Reference: pg. 264

4. The Council on Foreign Relations is an example of
   a. a grassroots organization.
   b. a bureaucratic agency.
   c. an office in the White House.
   d. a congressional committee.
   e. an elitist organization with strong political influence.

   Bloom’s Skill: Knowledge   Reference: pg. 268
5. The Council on Foreign Relations publishes which “must read” journal?
   a. The Economist
   b. National Journal
   c. Washington Quarterly
   d. Foreign Affairs
   e. Congressional Quarterly

   *Bloom's Skill: Knowledge*  *Reference: pg. 268*

6. The power elite theory is
   a. a theory of the political left.
   b. a theory of the political right.
   c. held by both the left and right.
   d. held only by political scientists in colleges.
   e. not considered relevant to understanding American politics.

   *Bloom's Skill: Understanding*  *Reference: pg. 269*

7. Which of the following is an important element of the power elite theory?
   a. Mass public opinion influences the power elite.
   b. Politics is a conflict between those with and without power.
   c. Power is held by a ruling class.
   d. Elites are usually drawn on the basis of merit from the lower classes.
   e. Both B and C are correct.

   *Bloom's Skill: Understanding*  *Reference: pg. 269*

8. Consensus is best described as
   a. the result of political compromises.
   b. common sense.
   c. a broad public agreement on basic political questions.
   d. the people of a country voting frequently.
   e. a supermajority vote in the House and the Senate.

   *Bloom's Skill: Application*  *Reference: pg. 264*

9. Which of the following is considered a power elite theorist?
   a. Robert Dahl
   b. C. Wright Mills
   c. Robert Putnam
   d. William Greider
   e. Both B and D are correct.

   *Bloom's Skill: Knowledge*  *Reference: pg. 268*
10. The political and policy dynamics documented in Robert Dahl’s *Who Governs?* might be found in which of the following situations?
   a. a small town with a history of certain families holding political office
   b. a county run by one political party with an extensive local network of loyalists
   c. a term-limited state legislature dominated by powerful utility, banking, and insurance lobbyists
   d. a heterogeneous city with many grassroots ethnic and policy groups lobbying City Hall
   e. Both A and B are correct.

   *Bloom’s Skill: Application Reference: pg. 266*

11. In the pluralist model, “bargaining results in a series of compromises that become ________”
   a. another series of compromises.
   b. the basis of a new political consensus.
   c. public policy or other political decisions.
   d. the basis for incumbent reelection.
   e. Both A and B are correct.

   *Bloom’s Skill: Application Reference: pg. 265*

12. The idea that politics is divided into separate policy arenas dominated by narrow elites is found in
   a. pluralism.
   b. elitism.
   c. consensus politics.
   d. plural elitism.
   e. elitist pluralism.

   *Bloom’s Skill: Knowledge Reference: pg. 271*

13. “In the United States the political stratum does not constitute a homogeneous class with well-defined class interests.” This assertion is associated with the ________ approach.
   a. pluralist
   b. power elite
   c. plural elitism
   d. hyperpluralism
   e. hyper elitism

   *Bloom’s Skill: Knowledge Reference: pg. 267*
14. In the power elite approach, power comes mainly from
   a. individuals.
   b. institutions.
   c. the mass public.
   d. Congress.
   e. the President.

Bloom’s Skill: Knowledge  Reference: pg. 268

15. Which of the following is provided through the mechanics of pluralism, according to Robert Dahl?
   a. Elites can manipulate mass opinion.
   b. Aspiring leaders can distribute resources to gain influence.
   c. Aspiring leaders are limited in the ability to control the political system.
   d. Elites have no voice at all in a pluralist system.
   e. Both B and C are correct.

Bloom’s Skill: Understanding  Reference: pg. 267–268

16. The idea that the unresponsiveness of the federal government to Hurricane Katrina was due to the large black population affected could be called
   a. hyperpluralist thinking.
   b. a critique of the incompetence of FEMA.
   c. an unfair blaming of nature for the disaster.
   d. a pluralist interpretation of government inactivity.
   e. a belief in an elite conspiracy.

Bloom’s Skill: Understanding  Reference: pg. 271

17. David Rothkopf’s book *Superclass: The Global Power Elite and the World They Are Making* suggests that approximately how many people have the ability to influence the lives of millions?
   a. 6,000
   b. 1 million
   c. 500
   d. 250,000
   e. less than 100

Bloom’s Skill: Knowledge  Reference: pg. 269
18. The central disagreement in the debate between pluralist and elitist theories concerns
   a. whether elites exist.
   b. whether the elites are representative and competitive.
   c. whether people directly participate in the political game.
   d. whether elites seek to depress voter turnout.
   e. whether there will be an armed overthrow of the elites.

   Bloom’s Skill: Application    Reference: pg. 270

19. In both pluralism and elitism, government actions are produced by
   a. forces generally external to the government.
   b. the result of irrational, corrupt forces.
   c. the consensus of society.
   d. the manipulation of a unified elite.
   e. the power of senior committee members in Congress.

   Bloom’s Skill: Understanding    Reference: pg. 270

20. Politics is compared to the “original primitive game of football” because
   a. there are few rules of behavior and conduct attached to politics, so participants can do anything to achieve political results.
   b. the football audience (the public) is free to join in the game.
   c. increasingly, the “game” of politics is scarred by violence directed at elected officials.
   d. it pits small towns against one another.
   e. Both A and D are correct.

   Bloom’s Skill: Understanding    Reference: pg. 273

21. The shifting and close votes in Congress in 2009 on health care reform that responded to positions staked out by industry, labor, and professional interest groups are a good example of
   a. control of the debate by power elites.
   b. the dynamics of pluralism in action.
   c. the stagnation caused by hyperpluralism.
   d. how completely unions control majority Democrats.
   e. the ability of business interests to defeat health care reform.

   Bloom’s Skill: Application    Reference: pg. 265
22. Under pluralism, a member of two interest groups competing over an issue such as health care or the environment would likely
   a. resign his or her membership from both groups.
   b. decide to remain neutral on the issue.
   c. try to have both groups reach a compromise.
   d. pick one side in the conflict.
   e. try and antagonize both sides.

   Bloom’s Skill: Application            Reference: pg. 265

23. Two essential elements of pluralist theory are
   a. elite conflict and mass consensus on all issues.
   b. consensus and elite agreement.
   c. compromise and conflict.
   d. consensus and conflict.
   e. consensus and compromise.

   Bloom’s Skill: Knowledge            Reference: pg. 264

24. Barack Obama’s presidential campaign grassroots organizing effort using the Internet’s variety of social-networking tools is considered
   a. an example of the manipulation of the masses by elites.
   b. an example of the presence of pluralist dynamics in national elections.
   c. to have played a very small role in his election.
   d. to have been an effective means of drawing large donors into his network.
   e. to be a key reason why his campaign spent far less than previous presidential campaigns.

   Bloom’s Skill: Application            Reference: pg. 271

25. Which of the textbook case studies provided an example of successful pluralist participation?
   a. the response to 9/11
   b. campaign finance reform
   c. the use of the Internet by Howard Dean’s campaign
   d. the administration’s response to Hurricane Katrina
   e. the fall of racial segregation

   Bloom’s Skill: Knowledge            Reference: pg. 271
TRUE-FALSE QUESTIONS

1. Bargaining and group membership are essential elements of pluralist theory.
   
   *Bloom’s Skill: Knowledge*  
   *Reference: pg. 264*

2. The Obama campaign used Internet social networks to broaden its grassroots support and involvement.
   
   *Bloom’s Skill: Knowledge*  
   *Reference: pg. 271*

3. According to critics of pluralism, powerful elites may prevent important issues from reaching the public arena for a decision.
   
   *Bloom’s Skill: Understanding*  
   *Reference: pg. 266*

4. Most Americans are active participants in the game of politics.
   
   *Bloom’s Skill: Knowledge*  
   *Reference: pg. 273*

5. Plural elitism suggests that the majority of people can effectively participate in politics.
   
   *Bloom’s Skill: Application*  
   *Reference: pg. 271*

6. Conspiracy theorists generally reject the view that government is a reflection of group compromises.
   
   *Bloom’s Skill: Understanding*  
   *Reference: pg. 271*

7. Power elite supporters argue that members of the Council on Foreign Relations do not represent the varied interests in American society.
   
   *Bloom’s Skill: Understanding*  
   *Reference: pg. 268*

8. A plural elitist might consider the compromises struck during the health care reform debate to be an example of elite interest groups each pursuing and achieving their separate sets of agendas.
   
   *Bloom’s Skill: Application*  
   *Reference: pg. 271*

9. The fundamental issue in the pluralist-elite debate is whether a small number of people dominate the political game.
   
   *Bloom’s Skill: Knowledge*  
   *Reference: pg. 270*
10. Earlier case studies clearly reveal that the political game can be placed under a “single umbrella of ideas.”

*Bloom’s Skill: Application*  
*Reference: pg. 273*

**ESSAY QUESTIONS**

1. How would pluralists argue that a presidential election reflects their approach? Give examples from the 2008 Obama and McCain campaigns and election.

*Bloom’s Skill: Analysis*

2. How would someone who subscribes to the power elite theory explain the dynamics of the 2008 presidential election?

*Bloom’s Skill: Analysis*

3. In your town, city, or community, which approach, or mixture of approaches, best explains the political decisions with which you are familiar? Support your answer with details and examples.

*Bloom’s Skill: Synthesis*

4. Now that you have finished reading the text, speculate on how more Americans can become participants in the political system. Among your cohorts, what techniques could be used to promote interest about political issues and personalities?

*Bloom’s Skill: Synthesis*

5. Take any two case studies from the text and apply the pluralist approach to one and the power elite approach to the other. Which makes the most sense of the material covered?

*Bloom’s Skill: Evaluation*
ANSWER KEY

Chapter 9

Multiple Choice


True-False