Study Guide

The Challenge of Democracy
American Government in a Global World
TEXAS EDITION

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CHAPTER 1

Freedom, Order, or Equality?

LEARNING OBJECTIVES

After reading this chapter, you should be able to

- Define the key terms at the end of the chapter.
- Describe the ways that globalization has affected government and society in the United States.
- Give practical examples of ways in which the values of freedom, order, and equality may conflict.
- Provide a conceptual framework for analyzing government.
- Discuss the three major purposes of government.
- Explain the two dilemmas of government.
- Sketch a continuum of ideological stances on the scope of government, ranging from totalitarianism to anarchism.
- Construct a two-dimensional, fourfold classification of American political ideologies, using the values of freedom, order, and equality.
- Distinguish between liberals and conservatives with regard to their attitudes about the scope and purpose of government.

FREEDOM, ORDER, AND EQUALITY, OR THE CHALLENGE OF DEMOCRACY

Chapter 1 explores the meaning of three of the text’s five major themes: freedom, order, and equality. These values are important ones in the U.S. political system. They often come into conflict with one another, however, thus posing a dilemma for people who are forced to choose between competing values. The chapter’s opening vignette, describing how globalization affects our housing market, reveals the costs and challenges associated with balancing freedom, order, and equality. The chapters ahead focus on the setting, structure, and institutions of U.S. government and the policymaking process; as we proceed, we will see many examples of these conflicting values.

CHAPTER OVERVIEW

The Globalization of American Government

Whereas nations used to be understood as independent political actors, global economic interdependence and the growing importance of international organizations challenge this independence. Nations are compelled to reconcile national political values with international values that may represent a different balance between freedom, order, and equality. The 1982 Law of the Sea Treaty was blocked until 2007. The U.S. Senate ratified the treaty in 2007 because the political climate had changed and certain advantages of the treaty became evident.
The Purposes of Government

Government is the legitimate use of force to control human behavior. Throughout history, government has served three major purposes: (1) maintaining order, including preserving life and protecting property, (2) providing public goods, and (3) promoting equality. Maintaining order, the first purpose, is the oldest and least contended purpose of government. Most would agree with Thomas Hobbes that the security of civil society is preferable to life in a warlike state of nature. But the question of whether maintaining order requires the government to infringe on an individual’s personal freedom is a tough one to answer. The second purpose—providing public goods—leads to questions of just what goods the government ought to provide. Over the years, the scope of the U.S. government has expanded considerably, as the government has assumed greater responsibility for providing an array of social benefits. The third purpose of government—promoting equality—is the newest and probably most controversial purpose of government today. It raises issues about the extent of the government’s role in redistributing wealth, regulating social behavior, and providing opportunities.

A Conceptual Framework for Analyzing Government

People often have difficulty understanding the U.S. government because they lack a framework to help them organize the facts of politics. The framework supplied in this text distinguishes between the values citizens pursue through government and the institutional models that guide them in their efforts to govern themselves democratically. The framework presented here uses five major concepts. The three presented in this chapter—freedom, order, and equality—represent what democratic governments try to do. The two remaining concepts concern how democratic governments do what they do; governments may behave according to pluralistic or majoritarian models. These models are explained more fully in the next chapter.

The Concepts of Freedom, Order, and Equality

Freedom, as used in this text, is synonymous with liberty, that is, the freedom to speak, worship, and so forth. In a narrow sense, order consists of preserving life and protecting property, but it may also refer to social order, which prescribes the accepted way of doing things. Equality is used to mean several different things: political equality, or equality of influence in the political process; social equality, or equality in wealth, education, and social status; equality of opportunity, or equality in chances for success; and equality of outcome, or equality for people in the end. The last concept is connected with the idea of entitlements and requires much more government intervention to sustain than either political equality or equality of opportunity.

Two Dilemmas of Government

Two major dilemmas confront government today. The first one, the original dilemma, involves tradeoffs between freedom and order. How much freedom are people willing to give up to achieve complete safety? How much insecurity are they willing to tolerate to preserve personal freedom? The second one, the modern dilemma, deals with the balance between freedom and equality. Should government act to promote equal access for women and African Americans to high-paying jobs, even though this restricts the freedom of their employers?

Ideology and the Scope of Government

Political ideologies provide their adherents with consistent, organized beliefs about government. Each ideology provides a different answer to questions about the scope of government, that is, how far government should go in maintaining order, providing public goods, and promoting equality.

Totalitarianism believes in total control by the government over business, labor, education, religion, sports, and the arts. Socialists would have government control basic industries but leave room for some
private ownership of productive capacities and for the operation of civil liberties. Some socialists practice democratic socialism, which guarantees civil liberties, free elections, and competitive political parties. Capitalists favor private ownership of the means of production and no government interference with business. Libertarians oppose government action except where absolutely necessary to protect life and property. Anarchists oppose all government.

Practical politics in the United States tend to be fought out in the middle ground of this continuum—a place inhabited by conservatives and liberals, who differ on both the scope and the purpose of government action. Liberals favor generous government support for education, wildlife protection, public transportation, and a whole range of social programs. Conservatives believe in smaller government and fewer social programs. In the past, liberals and conservatives have been distinguished by their attitudes toward the scope of government. Today this approach is not quite adequate; ideological divisions among Americans involve not only disagreements over the scope of government but also disagreements about the purposes of government, that is, the degree to which the government should promote freedom, order, and equality.

American Political Ideologies and the Purpose of Government

Liberals and conservatives differ on both of the major value conflicts described in this chapter. By using a two-dimensional classification system that depicts freedom and order on one axis and freedom and equality on the other, it is possible to obtain a more accurate picture of the differences between liberals and conservatives. This scheme yields a fourfold classification of American political ideologies. Under it, those who prefer order to freedom and freedom to equality are conservatives. Those who prefer equality to freedom and freedom to order are liberals. Those who prefer freedom above the other values are libertarians. Those who would give up freedom for either equality or order are called communitarians.

KEY TERMS

globalization
government
national sovereignty
order
liberalism
communism
public goods
freedom of
freedom from
police power
political equality
social equality
equality of opportunity
equality of outcome
rights
political ideology
totalitarianism
socialism
democratic socialism
capitalism
libertarianism
libertarians
laissez faire
anarchism
conservatives
liberals
communitarians

OUTLINING THE TEXT CHAPTERS

One good way to learn the material in the text is to outline each chapter after you have read it. This will help you understand how a chapter is organized and how its main points fit together. The act of writing the outline focuses your attention on the material and also reinforces what you have read.

Outlining styles tend to be idiosyncratic: one person might prepare an outline that uses full sentences or long phrases to help recall the substance of sections of the text; another might rely on brief phrases or key words. For starters though, you will probably want to use the chapter’s main headings and subheadings as the skeleton for your outline. Then flesh these out by noting the main points within each subheading, and where you think it is useful, add some notes to indicate just how each point is connected to the main heading.

Here is a sample outline of Chapter 1.

CHAPTER ONE—OUTLINE

I. The globalization of American government
   A. Principle of national sovereignty: Each national government has the right to govern its people as it wishes, without interference from other nations.
   B. Increasing globalization has eroded national sovereignty.
      1. Mr. Rodriguez and the U.S. mortgage crisis
      2. 1982 Law of the Sea Treaty
   C. U.S. foreign and domestic policies have faced international scrutiny.
      1. United States refused to participate in the International Criminal Court.
      2. United States’ trade policies are critical to good relations with our trading partners.

II. The purposes of government
   A. Definition of government: the legitimate use of force within territorial boundaries to control human behavior
   B. Maintain order
      1. State of nature survival and Thomas Hobbes
      2. Unalienable rights and liberalism
   C. Provide public goods
      1. Public goods: benefits available to all citizens that are not likely to be produced voluntarily by individuals
      2. Tension between government and private business
D. Promote equality
   1. Economic: redistribute wealth
   2. Social: regulate social behavior
   3. Tension between equality and freedom

III. A conceptual framework for analyzing government
   A. Definition of a concept: a generalized idea grouping events, objects, or qualities under a common classification or label
   B. Five concepts used in this text
      1. What government tries to do (values)
         a) freedom
         b) order
         c) equality
      2. How governments do it (models)
         a) pluralist
         b) majoritarian

IV. The concepts of freedom, order, and equality
   A. Freedom
      1. Freedom of: liberty
      2. Freedom from: immunity or, as used in this text, equality
   B. Order
      1. Preserving life
      2. Protecting property
      3. Maintaining social order: use of police power
   C. Equality
      1. Political equality
         a) one person, one vote
         b) ability to influence political decisions through wealth or status
      2. Social equality
         a) equality of opportunity: each person has the same chance to succeed in life
         b) equality of outcome
            (1) government redistributions of wealth to ensure that economic equality and social equality are achieved
            (2) governmental rights as entitlements

V. Two dilemmas of government
   A. The original dilemma: freedom versus order
   B. The modern dilemma: freedom versus equality

VI. Ideology and the scope of government
   A. Definition of an ideology: a consistent set of values and beliefs about the proper purpose and scope of government
   B. Continuum of ideologies based on beliefs about government scope
      1. Totalitarianism: controls all aspects of behavior in all sectors of society
      2. Socialism
         a) broad scope of state authority in the economic life of the nation
         b) communism versus democratic socialism
      3. Capitalism
         a) private business operating without government regulations
         b) U.S. capitalism: some regulation of business and direction of overall economy
      4. Libertarianism
         a) opposed to all government action except what is necessary to protect life and property
         b) liberal versus libertarian
5. Anarchism
   a) opposed to all government
   b) value freedom

C. Liberals and conservatives: the narrow middle
1. Liberals
   a) favor broad scope of government in providing public goods
   b) yet reject censorship, regulation of abortion
2. Conservatives
   a) oppose government role as activist in economy
   b) favor small government
   c) yet favor government regulation of social behavior

3. Need to look at both scope and purpose of government action

VII. American political ideologies and the purpose of government
A. Liberals versus conservatives: the new differences
1. Conservatives
   a) scope of government: narrow
   b) purpose of government: maintain social order
      (1) coercive power of state may be used to force citizens to be orderly
      (2) preserve traditional patterns of social relations
2. Liberals
   a) scope of government: broad
   b) purpose of government: promote equality (coercive power of state may be used)

B. Two-dimensional classification of ideologies
1. Dimensions
   a) freedom—order
   b) freedom—equality
2. Four ideological types
   a) libertarians
      (1) value freedom more than order
      (2) value freedom more than equality
   b) liberals
      (1) value freedom more than order
      (2) value equality more than freedom
   c) conservatives
      (1) value freedom more than equality
      (2) value order more than freedom
   d) communitarians
      (1) value equality more than freedom
      (2) value order more than freedom

RESEARCH AND RESOURCES
This chapter introduces three of the key concepts used to build the analytical framework of the text. Freedom, order, and equality are such important concepts and are so critical to the approach of *The Challenge of Democracy* that you may wish to learn more about these ideas. One way to go about it is to consult an encyclopedia or dictionary, such as the *Encyclopedia Britannica* or *Webster’s New World Dictionary*. (Access to *Britannica* is available online as a paid service. For a free trial, go to <http://www.eb.com>.) In these works, you will find a general treatment of the terms. A general encyclopedic discussion may include some material of interest to social scientists, but it may also include material more interesting to people in other fields (for example, philosophers may be more interested in the question of free will versus determinism, a question often included in general
discussions of freedom). However, these general reference works, while useful, may not provide quite the depth you want. You may find it helpful to turn to a more specialized work tailored to providing information about subjects as they apply to social or political science.

The following are some useful specialized dictionaries and encyclopedias:


**USING YOUR KNOWLEDGE**

1. Become familiar with specialized encyclopedias and dictionaries. Look up the terms *equality*, *freedom*, *democracy*, *ideology*, and *pluralism* in some of the works cited above. Compare the material covered in the different sources. Are all these terms included in every work?

2. Use your knowledge and resources to define *freedom*, *order*, and *equality*. Is there a common concept that can be used to define all these terms at once, or are they too different?

3. Visit the websites of groups that represent each of the four ideological types discussed in the chapter. At each site, see if you can find statements that illustrate the group’s viewpoint on freedom, order, and equality, the key values discussed in this chapter. How well does each group fit into the typology? You may try the websites listed here or at the end of the textbook chapter, or you may try to make your own list of ideologically oriented groups. For libertarians, try <http://www.lp.org>. For communitarians, try <http://www.gwu.edu/~ccps>.

**SAMPLE EXAM QUESTIONS**

**Multiple-Choice Questions**

(Answers to multiple-choice questions are at the end of the chapter.)

1. Approximately what percentage of people agree with the statement, “Politics and government seem so complicated that a person like me can’t understand what’s going on’’?
   a. 20 percent
   b. 40 percent
   c. 60 percent
   d. 80 percent
   e. 100 percent
2. “The legitimate use of force to control human behavior within specified geographic boundaries” is a definition of
   a. politics.
   b. government.
   c. democracy.
   d. totalitarianism.
   e. anarchism.

3. Why did the United States wait so long to ratify the Law of the Sea Treaty?
   a. feared it would undermine our sovereignty by delegating authority to an International Seabed Authority
   b. feared it would be too detrimental to the U.S. economy
   c. feared the United States would lose control of its moral authority in the regions
   d. feared the United States could not fulfill the environmental antipollution requirements for the region
   e. feared the United States would not have enough time to properly maintain its responsibilities

4. Which of the following is not one of the four indicators used to rank a country’s globalization?
   a. economic integration
   b. technological connectivity
   c. political engagement
   d. leadership coefficient
   e. None of the above; all are indicators of globalization.

5. Which political philosopher first defined the doctrine of liberalism, which linked the defense of property rights to the safeguards of individual liberties?
   a. Thomas Hobbes
   b. Thomas Jefferson
   c. John Locke
   d. Karl Marx
   e. James Monroe

6. The modern dilemma of government can be seen in
   a. Oregon’s approach to assisted suicide.
   b. Michigan’s approach to assisted suicide.
   c. employment provisions of the 1990 Americans with Disabilities Act.
   d. decisions leading up to the war in Iraq.
   e. decisions to ban smoking in public buildings.

7. Faced with the paradox of poverty and plenty in their nation, many European nations expanded the role of government to provide medical care, education, and income for a lifetime. What is this lifetime of government benefits called?
   a. from birth to burial
   b. from toddler to dodder
   c. from young to old
   d. from spring to winter
   e. from cradle to grave

8. What term do we use to describe the benefits and services available to all, such as education, sanitation, roads, bridges, etc.?
   a. global equity
   b. community services
   c. liberal ideals
   d. public goods
   e. national equity
9. Who was the first woman to receive the honor of lying in state in the U.S. Capitol rotunda?
   a. Rosa Parks
   b. Barbara Jordan
   c. Dolly Madison
   d. Eleanor Roosevelt
   e. Susan B. Anthony

10. Which of the following is not one of the four freedoms Franklin Roosevelt described and fought for during his terms in office?
    a. freedom from want
    b. freedom from fear
    c. freedom of religion
    d. freedom of speech
    e. freedom of equality

11. Which of the following exemplifies the effort to create gender equity in college athletic programs?
    a. the modern dilemma of government
    b. libertarian ideology
    c. the clash between equality and order
    d. the conflict between order and freedom
    e. conservative ideology

12. What is the political ideology that rejects all government action except that which is necessary to protect life and property?
    a. liberalism
    b. libertarianism
    c. capitalism
    d. anarchism
    e. socialism

13. During the 1960s, Congress passed legislation that requires men and women to be paid the same wage if they perform the same work. What is this an example of?
    a. government promoting order at the expense of freedom
    b. government promoting equality at the expense of order
    c. government promoting freedom at the expense of equality
    d. government promoting equality at the expense of freedom
    e. socialism

14. What term do we use for the belief that states should leave individuals free to follow their individual pursuits?
    a. democracy
    b. anarchism
    c. liberalism
    d. state of nature
    e. conservatism

15. In U.S. politics, the fight for the middle ground of government action takes place between
    a. conservatives and liberals.
    b. conservatives and libertarians.
    c. communists and liberals.
    d. socialists and liberals.
    e. socialists and conservatives.
16. The term *freedom*, as used in the text, is synonymous with
   a. equality.
   b. only equality of opportunity.
   c. only equality of outcome.
   d. liberty.
   e. order.
17. What term would we use to describe a person who values order and equality more than freedom?
   a. anarchist
   b. libertarian
   c. communitarian
   d. conservative
   e. liberal
18. Which of the following is *not* true?
   a. Libertarians value freedom above equality.
   b. Liberals value equality more than order.
   c. Conservatives value freedom more than equality.
   d. Communitarians value freedom more than order.
   e. Libertarians value freedom over order.
19. Established patterns of authority and traditional modes of behavior represent
   a. totalitarianism.
   b. police power.
   c. public goods.
   d. equality of opportunity.
   e. social order.
20. What term describes the idea that each person is guaranteed the same chance to succeed in life?
   a. economic equality
   b. communism
   c. equality of outcome
   d. political equality
   e. equality of opportunity
21. What do we call a consistent set of values and beliefs about the proper purpose and scope of government?
   a. political ideology
   b. political equality
   c. liberalism
   d. anarchism
   e. equality of opportunity
22. Which of the following would be an accurate description of today’s liberals?
   a. They oppose government in all its forms.
   b. They are strong adherents of government who believe government’s power should be unlimited.
   c. They believe in free enterprise without government interference.
   d. They promote equality of outcome while preserving order.
   e. They see a positive role for government in helping the disadvantaged.
23. Among the major purposes of government, the newest to be added to the list is
   a. promoting equality.
   b. maintaining order.
   c. restricting equality.
   d. providing public goods.
   e. protecting private property.

24. Which of the following is a case of government regulation of social behavior to enforce equality?
   a. a state law prohibiting assisted suicide
   b. a state law permitting assisted suicide
   c. a federal law outlawing pornographic material on the Internet
   d. a court decision permitting homosexuals to serve on a local police force
   e. a court decision forbidding homosexuals to serve on a local police force

25. Conservatives would be most likely to support which of the following?
   a. a government-sponsored program to combat poverty
   b. a Mothers Against Drunk Driving campaign to lower the drinking age
   c. reregulation of the airlines
   d. a constitutional amendment to prohibit flag burning
   e. affirmative action

**Essay Questions**

1. On a number of college campuses, fraternities and sororities are not permitted to serve alcohol at parties they host. Which of the values discussed in the chapter (freedom, order, or equality) would you say are involved in these conflicts? How are they involved? How do the values you have mentioned come into conflict with each other?

2. Why is the United States less globalized than other nations? What could we do to increase our globalization?

3. Explain the key differences between liberals and conservatives in modern U.S. politics.

4. According to the text, the newest major purpose of government is to promote equality. Explain the various meanings of the term *equality*. What aspects of this new purpose of government are controversial in the United States? Why?

5. How has globalization affected domestic political choices in the United States? Are international organization and conventions eroding U.S. national sovereignty?
ANSWERS TO MULTIPLE-CHOICE QUESTIONS

1. c
2. b
3. a
4. d
5. c
6. c
7. e
8. d
9. a
10. e
11. a
12. b
13. d
14. e
15. a
16. d
17. c
18. d
19. e
20. e
21. a
22. e
23. a
24. d
25. d
CHAPTER 2

Majoritarian or Pluralist Democracy?

LEARNING OBJECTIVES
After reading this chapter, you should be able to

- Define the key terms at the end of the chapter.
- Arrange types of governments on a continuum on the basis of the number of rulers they contain.
- Indicate how the symbolic value of democracy has changed over the years.
- List the four principles of procedural democracy.
- Outline the central principles of the substantive view of democracy.
- Point out the differences between the procedural and substantive views of democracy and indicate the key problems with each.
- Explain why representative democracy has replaced participatory democracy in the modern world.
- Compare the assumptions and mechanisms of the majoritarian, pluralist, and elite models.
- Discuss the pressures faced by newly democratizing states.
- Make a preliminary attempt to identify the strengths and weaknesses of the majoritarian, pluralist, and elite models as they apply to the American system.

MAJORITARIANISM, PLURALISM, AND THE CHALLENGE OF DEMOCRACY
Farm subsidies are hard to get rid of. Although a majority of Americans want to discontinue farm subsidies, they do little about it. On the other side, farmers actively support farm subsidies and support their interest group which lobbies hard to keep them. So the question becomes, Who should have their way, the non-vocal majority or the very vocal minority? If the minority keeps winning, how can that be? What is democracy? This chapter will explore the theory of democratic government and two theories of democracy, procedural democracy and substantive democracy.

CHAPTER OVERVIEW

The Theory of Democratic Government
Forms of government can be arranged on a continuum according to how many people hold power in them, that is, according to whether a government is based on rule by one (an autocracy), by few (an oligarchy), or by many (a democracy).

Historically, rule by the people—democracy—was greeted with scorn; in the modern world, however, most governments try to style themselves as democratic. This chapter provides methods for deciding on the validity of their claims. It defines democracy and tries to show the kind of democracy the United States is.
The authors present two different theories of democracy. The first is a procedural theory and emphasizes how decisions are made. It relies on four main principles: universal participation, political equality, majority rule, and responsiveness of representatives to the electorate. Under the requirements of the procedural theory, there need be no protections for minorities. The second theory is a substantive one and pays more attention to the content of what government does. Substantive theorists generally expect the government to protect the basic civil rights and liberties of all, including minorities; some substantive theorists go further and expect the government to ensure various social and economic rights. The difficulty with substantive theory is that it is hard to reach agreement on the scope of government action to bring about social and economic equality.

Institutional Models of Democracy

Democracies of today are representative democracies rather than participatory democracies. They require institutional mechanisms to translate public opinion into government policies. These institutional mechanisms may be designed to tie government policies closely to the will of the majority, or they may be structured to allow groups of citizens to defend their interests before government.

The classic model of democracy is the majoritarian model. It assumes a population of knowledgeable voters who willingly go to the polls to vote on issues and to select candidates who they believe will best represent them. The main tools of majoritarian democracy are elections, referenda, and initiatives. (Although public opinion in the United States supports national referenda, referenda and initiatives are available only at the state and local level.) While proponents of majoritarian democracy point to the stability of public opinion and to the desire of many Americans to become more involved in politics, critics argue that majoritarian assumptions do not correspond very well to U.S. political reality. For example, in the United States, citizens are not well informed and voter turnout is low. However, many voters make their choices with just a little information.

A second model, the pluralist model, better reflects the limited knowledge and participation of the real electorate. It envisions democratic politics taking place within an arena of interest groups. This model relies on open access that allows individuals to organize into groups to press their claims on multiple centers of government power (Congress, state legislatures, bureaucratic agencies, and so on).

A third model, elite theory, which is also discussed in this chapter, is more of an antidemocratic theory. Elite theory maintains that democracy is a sham, since power is really in the hands of a small number of individuals who control all government decisions and manipulate the political agenda. However, although in U.S. politics a small group of people can have a big impact, different groups affect different issues. This observation tends to undermine elite theory.

Politics of Global Change

As China created a new market economy, democratic values crept into China’s government system. Some people are expecting that freedom in the economic realm will translate into freedom of the political realm. Although the government now allows groups to organize and criticize their government, the Communist Party is trying to retain control. Over time, some people think, pressure will build to allow free elections and more citizen involvement in policymaking.

The Global Trend Toward Democracy

No government lives up fully to the standards of either the pluralist or the majoritarian model, but some nations come close enough to be called democracies.

Democracies have been rare throughout history. Democratization can only be achieved with great difficulty. Many nations who start the democratization process fail because of deep-seated differences in their societies. U.S. efforts to introduce democracy in Afghanistan and Iraq have focused attention on
the problems related to building new democracies. Struggles in these countries show that the transition to democracy is not easy and may be complicated by economic difficulties and ethnic tensions.

Does the United States qualify as a democracy? The authors contend that it does, and in this chapter and throughout the text they explore which model best describes American democracy. They argue that the pluralist model more closely conforms to the American system than either the elitist or the majoritarian model. At the same time, there are signs that the American system is becoming more majoritarian, because people seem to think that the pluralist system has not served the United States very well.

KEY TERMS
- autocracy
- oligarchy
- democracy
- procedural democratic theory
- universal participation
- political equality
- majority rule
- participatory democracy
- representative democracy
- responsiveness
- substantive democratic theory
- minority rights
- majoritarian model of democracy
- interest group
- pluralist model of democracy
- elite theory
- democratization

RESEARCH AND RESOURCES
The first chapter of this guide introduced you to specialized encyclopedias and dictionaries. Those fairly massive works are not updated very frequently, and they are geared to provide an introduction to, or an overview of, a subject. If you need in-depth information, you will probably want to start by looking for books on your subject. For that, begin with the Internet gateway that lets you search for books in your library. Visit the catalogs of other libraries, because your library may be able to borrow the book you need through an interlibrary loan service.

Since the process of writing, editing, and publishing books takes months, you will not usually find the most up-to-date information in books. Supplement your search by checking periodical indexes, journals, and newspapers. For help in locating specialized periodical literature in political science, try the four excellent indexes listed here. These indexes have long been available in paper form, but many college and university libraries now have access through the Web. Check with your librarian.

1. *ABC POL SCI*. Santa Barbara, CA: ABC-Clio. This index specializes in publications on political science and government. It includes foreign and non-English-language materials and is a little
harder to use than either of the next two. The subject index in the back of this work gives you reference numbers for articles. The articles are listed by reference number in the front of the volume.

2. *Public Affairs Information Service (PAIS).* New York: Public Affairs Information Service. This index includes books, government publications, and reports of public and private agencies, in addition to periodical articles on government, economic and social conditions, and business and international relations. Articles are indexed by subject.

3. *Social Sciences Index (SSI).* New York: H. W. Wilson Company. This index covers English-language periodicals in the social sciences, including anthropology, economics, environmental sciences, geography, law criminology, planning, public administration, psychology, social aspects of medicine, and sociology, as well as political science. Articles are indexed by subject and by author.

4. *LexisNexis,* a division of Reed Elsevier, provides online access to a wide variety of news articles about government, politics, business, and law. Many colleges have either the full version available or its somewhat scaled-down sibling, *Academic Universe.*

**USING YOUR KNOWLEDGE**

1. Check with your college library to see which paper and online indexes mentioned above are available for your use. Select at least two of the following—*SSI, ABC POL SCI, PAIS,* or *LexisNexis*—and look for works on democracy published in the last year. After you have located democracy in the indexes, browse through the list of titles, narrow your focus, and prepare a short bibliography on some aspect of democracy. (Examples might include “Democracy in the Third World,” “Democracy in Eastern Europe,” “Pluralist Democracy,” “Democracy in America,” and “Measuring Democracy throughout the World.”)

2. A number of websites devoted to democracy are indexed in the Google Directory at <http://directory.google.com/Top/Society/Politics/Democracy>. Visit some of these websites and describe the form of democracy advocated there. In particular, note whether each site supports a form of democracy that is more pluralist or more majoritarian.

**SAMPLE EXAM QUESTIONS**

**Multiple-Choice Questions**

1. What was the original purpose of the farm subsidies program in the 1920s?
   a. stabilize food choices
   b. offer more options for farmland production
   c. develop new species of crops
   d. stabilize food prices
   e. cause prices to fall

2. What term do we use to describe government power in the hands of a few powerful elite?
   a. autocracy
   b. democracy
   c. dictatorship
   d. monarchy
   e. oligarchy
3. What term do we use to describe a politician who appeals to and deceives the masses by manipulating their emotions?
   a. legislator
   b. demagogue
   c. elitist
   d. populist
   e. dictator

4. Which of the following is not one of the four principles of the procedural theory of democracy?
   a. political equality
   b. responsiveness
   c. protection of minorities
   d. universal participation
   e. majority rule

5. What term is best used to describe the concept of one vote per person?
   a. universal equality
   b. universal egalitarianism
   c. unicameral legislation
   d. political equality
   e. political leveling

6. What do we call the concept that everyone in a group must meet to make decisions, while observing political equality and majority rule?
   a. substantive theory of democracy
   b. procedural theory of democracy
   c. elite theory of democracy
   d. initiative and referenda
   e. none of the above

7. Which principle does procedural theory consider absolute?
   a. political equality
   b. responsiveness
   c. protection of minorities
   d. universal participation
   e. majority rule

8. The majoritarian model of democratic government
   a. offers protection for minority rights.
   b. relies on a relatively passive citizenry.
   c. is organized around the activities of groups.
   d. expects citizens to have a high degree of knowledge.
   e. fits well with the behavior of voters in America.

9. What is the form of democracy that selects individuals to govern on the behalf of others called?
   a. minority rule
   b. indirect democracy
   c. participatory democracy
   d. procedural democracy
   e. representative democracy
10. Approximately what proportion of Americans describe democracy by mentioning freedom, rights, and liberties?
   a. one-quarter
   b. one-third
   c. one-half
   d. two-thirds
   e. three-quarters

11. What is the primary mechanism for democratic government in the majoritarian model?
   a. universal participation
   b. popular election
   c. aristocracy
   d. elitism
   e. policy

12. Which of the following is not among the watchwords associated with pluralist democracy?
   a. one person, one vote
   b. divided authority
   c. decentralization
   d. open access
   e. government by groups

13. What do we call a special election to unseat an elected official?
   a. referendum
   b. recall
   c. procedural election
   d. initiative
   e. universal election

14. What factors are expected to motivate public officials to be responsive?
   a. campaign financing and redistricting
   b. recall and referendum
   c. reelection and the prospect of defeat at the polls
   d. watchdog groups and television
   e. lobbyists and coalitions

15. Elite theory appeals to people who believe
   a. the public should be actively engaged in politics.
   b. direct democracy is the only true democracy.
   c. in the principle of responsiveness.
   d. government should respond to the demands of many groups.
   e. wealth dominates politics.

16. What do we call a model of government that places a high value on participation through organized groups?
   a. elitism
   b. substantive democracy
   c. pluralism
   d. socialism
   e. majoritarianism
17. What is the key to the success of a majoritarian democracy?
   a. popular participation
   b. the presence of many organized groups
   c. decentralized government
   d. economic equality
   e. low citizen involvement in civic affairs
18. The two major mechanisms of a pluralist democracy are interest groups and
   a. centralized hierarchy.
   b. liberal campaign financing rules.
   c. popular elections.
   d. decentralized structure of government.
   e. capitalism.
19. What do we call the fundamental idea that government responsiveness comes through mass
   political participation?
   a. substantive democracy
   b. majoritarian democracy
   c. minority rights
   d. pluralist democracy
   e. elitist theory
20. The observed relationship between democracy and economic performance suggests that
democratic nations are
   a. no more or less prosperous than nondemocratic nations.
   b. less prosperous than nondemocratic nations.
   c. less likely to support free markets than nondemocratic nations.
   d. more prosperous than nondemocratic nations.
   e. retarding global economic growth.
21. Roughly what percentage of the American population follows what’s going on in government
   most of the time?
   a. 12 percent
   b. 18 percent
   c. 26 percent
   d. 39 percent
   e. 43 percent
22. The United Nations has tracked the number of democracies around the world and noticed an
increase in their number from 1990 to 2003. What percentage increase did the world see in the
number of democracies between 1990 and 2003?
   a. 3 percent
   b. 7 percent
   c. 10 percent
   d. 13 percent
   e. 16 percent
23. Democratic governments and processes
   a. guarantee correct decisions.
   b. are observed in nearly all contemporary nations.
   c. always protect minority rights.
   d. reject unlimited majority rule.
   e. may not necessarily result in desirable policies.
24. The principle of majority rule conflicts most directly with
   a. popular sovereignty.
   b. minority rights.
   c. universal participation.
   d. a sense of community identity.
   e. government responsiveness.

25. According to the theory of American democracy, what is the fundamental principle which provides social glue to generate trust and cooperation in the political system?
   a. civic participation
   b. popular elections
   c. campaign financing
   d. universal participation
   e. decentralized government

Essay Questions
1. What are the principal assumptions of each of the models of democracy? Are assumptions of either model more likely to be satisfied in practice?
2. Explain how the principles of procedural democracy may threaten liberty.
3. Advocates of participatory democracy maintain that all citizens must engage in the business of government and that government institutions should encourage this type of universal participation. What are the merits and disadvantages of this type of democratic governance? How have social changes undermined efforts to expand this type of participation in governance?
4. Explain how an economy built around a private sector and market forces are changing China’s government.
5. Discuss the difficulties of democratization and the forces that tend to interrupt that process.
ANSWERS TO MULTIPLE-CHOICE QUESTIONS

1. d
2. e
3. b
4. c
5. d
6. e
7. b
8. d
9. e
10. d
11. b
12. a
13. b
14. c
15. e
16. c
17. a
18. d
19. b
20. d
21. c
22. e
23. e
24. b
25. a
CHAPTER 3

The Constitution

LEARNING OBJECTIVES
After reading this chapter, you should be able to

• Define the key terms at the end of the chapter.
• Analyze the conflict between Britain and the colonies.
• Explain how the colonial and revolutionary experiences shaped America’s first attempt at self-government under the Articles of Confederation.
• Account for the failure of the Articles of Confederation.
• Outline the main features of the Virginia and New Jersey Plans and describe the major compromises made by the delegates at the Constitutional Convention.
• Explain the four basic principles underlying the Constitution and show how they reflected the Americans’ revolutionary values.
• Discuss the way the issue of slavery arose at the Constitutional Convention.
• Summarize the provisions of each article of the Constitution.
• Describe the formal and informal processes of constitutional change.
• Explain how the promise of a bill of rights was used to ensure ratification of the Constitution.

THE CONSTITUTION AND THE CHALLENGE OF DEMOCRACY

Contemporary efforts to craft a constitution for the European Union raise the types of questions and challenges that Americans had to confront in the 1780s. The U.S. Constitution was designed to reconcile order with freedom, a problem the text calls the original dilemma. The founders recognized the need for government to protect life, liberty, and property, but they had just won their freedom from Britain and they feared that a new, remote national government might threaten the very freedoms it was established to protect. In their first attempt to create a government under the Articles of Confederation, they gave too little power to the national government. As a result, that government was unable to maintain order in the society or economy. In drawing up the Constitution, the founders looked for ways to maintain order through the national government while still safeguarding freedom. To achieve this end, they designed four principal tools: the separation of powers, checks and balances, republicanism, and federalism.

Although the founders paid a great deal of attention to the conflict between order and freedom, they were not particularly concerned with the tension between freedom and equality; after all, as the authors of the text point out, that is a modern dilemma. The eighteenth-century document accepted slavery and left the qualifications for voting up to the states. As a result, African Americans, women, and poor people were all excluded from the political process. Only later did these matters of social and political equality become issues.
With respect to the text’s second theme—the conflict between pluralist and majoritarian models—this chapter points out that the constitutional order was designed to be pluralist. The founders were afraid of majority rule and relied on factions counteracting one another—a mechanism characteristic of pluralism.

CHAPTER OVERVIEW

Creating a government and establishing the rule of law has challenged numerous philosophers and politicians. Securing liberty, establishing order, and creating equality all need to be balanced, and then future change has to be anticipated and a mechanism to deal with it created. Although the U.S. Constitution is very brief, old, and durable, it has provided a remarkably stable political framework. At only 4300 words, the U.S. Constitution is one of the world’s best. It has outlasted most other constitutions, which have had to be replaced every seventeen years, on average. Our Constitution has survived numerous challenges to its authority, including a Civil War, but it also accommodated the United States’ growth and development from a collection of eighteenth-century agrarian states to a twentieth-century superpower. The document’s own historical roots grew out of three experiences: colonialism, revolution, and the failure of the Articles of Confederation.

The Revolutionary Roots of the Constitution

Although short, only 4300 words, the U.S. Constitution has remained flexible and durable. While most other constitutions have lasted 17 years on average, the U.S. Constitution has lasted much longer, over 225 years. In order to last, constitutions must be specific, yet flexible, and allow for citizen participation.

The British colonists in America enjoyed the rights of Englishmen and the freedoms of being in America. These rights included not being taxed without representation in the government. The colonists had their own colonial legislatures, which legislated for them on domestic matters, but Britain controlled overseas trade and foreign affairs. When Britain decided to tax the colonists to pay administrative (including defense) costs, the colonists viewed it as a violation of their right not to be taxed without having representation.

Remembering Watergate and the Constitution

The Watergate scandal of the 1970s is still our most serious constitutional crisis since the Civil War. The arrest of the five burglars and the two men with White House connections forced an investigation. This Watergate investigation later brought down President Nixon, who was found to be involved in the cover-up. This case brought up many questions as to the power of the executive and how much power it had compared to that of the legislature and the judiciary. Although Nixon resigned on August 9, 1972, there were no lasting political repercussions as have occurred in other nations.

In 1776 the colonies began to unite in their opposition to British policies, and colonial delegates to the Second Continental Congress declared America’s independence from Britain. The Declaration of Independence set out the philosophical justification for the break. Following arguments developed by the English philosopher John Locke nearly a century earlier, Thomas Jefferson asserted that the colonists had unalienable rights to life, liberty, and the pursuit of happiness; that people created governments to protect those rights; and that when a government threatened those rights, the people had the right to alter or abolish it. The declaration then listed a long series of charges against the king to show how he had violated the colonists’ rights, thus justifying their revolution.

From Revolution to Confederation

The Declaration of Independence and the Revolutionary War established that the American colonies would not be governed by England, but they did not determine how the new nation would be governed.
In their first effort to structure a system of government, the new American government established a republic under the Articles of Confederation. This system created a loose confederation that protected the sovereignty of the individual states. The Articles had several major failings: The central government had no power to tax or to regulate interstate or foreign commerce, there was no real executive to direct the government, and any new laws or amendment to the Articles required unanimous consent of the state legislatures. These flaws crippled America’s new government, society, and economic prosperity. Events such as Shays’ Rebellion soon underscored the need for a new form of government better equipped to maintain order. Delegates met in Annapolis, Maryland, in 1786 to discuss revising the Articles of Confederation. From the meeting in Annapolis, delegates formally arranged for a Constitutional Convention in Philadelphia the next year to propose changes to the Articles.

From Confederation to Constitution
The delegates who met in Philadelphia quickly agreed that more than minor changes were required. They debated James Madison’s Virginia Plan, which included among its provisions a strong central government with three branches (legislative, executive, and judicial); a two-chamber legislature, which could negate state laws (with representation in proportion to taxes paid or in proportion to the free population); and an executive selected by the legislature and limited to one term. Much of the Virginia Plan was adopted, but only after challenges and amendments. In particular, small states believed that the Virginia Plan did not represent their interests. One small-state challenge came in the form of the New Jersey Plan, which gave less power to the central government and proposed a one-chamber legislature in which states would have equal representation.

To solve the conflict between the big and small states over representation, the delegates fashioned the Great (or Connecticut) Compromise. Under this compromise, there would be a two-chamber legislature, and each state would have equal representation in the Senate and representation according to its population in the House of Representatives. Revenue bills would have to originate in the House.

Additional compromises resulted in a one-person executive who would serve a four-year term and be eligible for reelection. This executive (the president) would be selected by an electoral college, in which states would have the same number of votes as they had in the two chambers of the legislature (Congress) combined.

The Final Product
The Constitution begins with a preamble that creates a people, explains the reasons for the Constitution, articulates the goals of the government, and fashions that government. The Constitution is based on four major principles: republicanism, in which power resides in the people and is exercised by their representatives; federalism, which divides power between the national and state governments; separation of powers, which is the assignment of the lawmaking, law-enforcing, and law-interpreting functions of government to independent legislative, executive, and judicial branches in order to prevent a monopoly of power by one branch; and checks and balances, which give each branch some power to limit the actions of the other branches. The first of the seven articles of the Constitution establishes a bicameral (two-chambered) legislature endowed with eighteen enumerated powers, including the powers to tax and spend and to regulate interstate commerce. The elastic clause (Article I, Section 8) gives Congress the powers necessary to effect its enumerated powers.

The office of the executive is created in Article II, which describes the qualifications required for the presidency and specifies the process for selecting the president by the electoral college. Article II also lists procedures for removing the president by impeachment and describes the powers of the presidency.

Article III establishes a Supreme Court and specifies the method of appointing and removing judges. Most of the details regarding the judiciary were left up to Congress.
The remaining articles provide that each state must give full faith and credit to the actions of the other states. They also outline the procedure for admitting new states, establish the procedure for amending the Constitution, and specify that the Constitution is the supreme law of the land.

Some authors argue that the framers of the Constitution may have been motivated in part by economic issues, but their most important source of motivation was the inability of the national and state governments under the Articles of Confederation to maintain order. Their desire to create a system that would maintain order was so strong that the framers readily compromised to allow the institution of slavery to continue.

**Selling the Constitution**

The Constitution had to be approved by nine states before it could take effect. The campaigns for and against ratification were intense, and the votes taken in several states were quite close. For people to accept the Constitution, its supporters had to allay fears of government threats to freedom. The *Federalist* papers explained and defended the principles of the Constitution. Their authors argued that factions (pluralism), the mechanism of representation, and the application of checks and balances could be used to prevent tyranny. Finally, the promise to add a bill of rights placing certain fundamental rights beyond the bounds of government interference helped win support.

**Constitutional Change**

The Constitution provides a mechanism for amending it, including two means of proposing amendments (by a convention or by a two-thirds vote in each house of Congress) and two means of ratifying proposed amendments (by three-fourths of the states, either through their legislatures or through state conventions). The amendment process requires extraordinary majorities and makes formal constitutional change fairly difficult.

The Constitution changes in other ways, however. Through judicial interpretation, the courts often give new meaning to constitutional provisions and thus make the Constitution adaptable to a changing world. Changing political practice has also altered the way the Constitution is applied.

**An Evaluation of the Constitution**

The Constitution was successfully designed to provide the order lacking under the Articles of Confederation while at the same time protecting the freedom of individuals. Although our Constitution is one of the oldest and shortest constitutions in the world, it is considered one of the most successful. When first created, our Constitution was not concerned with social or political inequality—the issues that give rise to what is referred to in Chapter 1 of the text as the modern dilemma. These issues began to be addressed only after the Civil War, when amendments were added that dealt with the issue of inequality.

**Politics of Global Change**

The U.S. Constitution incorporates many of the lessons learned from the Articles of Confederation and many of the early state constitutions. Many nations have emphasized certain rights and privileges that they admire in the U.S. Constitution. Others have been more lenient with their rules and restrictions. The U.S. Constitution established a republican structure of government, in which the government rests on the consent of the governed. It was not the intent of the framers to create a democracy that rested on majority rule, however. Thus, from the outset, the Constitution was more pluralist than majoritarian.
KEY TERMS
Declaration of Independence
social contract theory
república
confederación
Articles of Confederation
Virginia Plan
legislative branch
executive branch
judicial branch
New Jersey Plan
Great Compromise
electoral college
extraordinary majority
republicanism
federalism
separation of powers
checks and balances
enumerated powers
necessary and proper clause
implied powers
judicial review
supremacy clause
Bill of Rights

RESEARCH AND RESOURCES
The framers of the Constitution produced a remarkably durable government framework. The system they designed combined strength and flexibility. Over the years, it has evolved and been adapted to fit the needs of the times. As circumstances change, decision makers fashion responses to new situations. The Constitution itself may be silent on a particular matter at issue. Yet, often policymakers will look to the founders for guidance. What exactly did they have in mind when they established a certain constitutional provision? Can a new course of action be justified by showing that it accords with the spirit of the Constitution?

What sources help reveal the intentions of the framers? Generally, good researchers try to rely on primary material—that is, on firsthand accounts, written by the participants themselves, or on official records of the debates—rather than on secondary material such as interpretations offered by analysts not party to the Constitutional Convention. You have already encountered one important primary
source of information about the intentions of the founders. The Federalist papers, written by Publius, were in fact coauthored by James Madison, the father of the Constitution. (They are available online at <http://www.law.ou.edu/hist/federalist>; a searchable version can be found at <http://www.yale.edu/lawweb/avalon/federal/fed.htm>.) The papers were written for a polemical purpose, namely, to put the best face possible on the Constitution in order to sell it to New Yorkers. Still, they have proved a valuable guide to understanding how Madison, at least, expected the Constitution to operate.

Another important primary source of information on the Constitution and the framers’ ideas about it is Max Farrand, ed., The Records of the Federal Convention of 1787 (New Haven, CT: Yale University Press, 1937). In this work, Farrand has compiled the Journal (essentially the minutes of the meetings) as well as the notes made by many of the participants, including Madison, Alexander Hamilton, Rufus King, James McHenry, George Mason, and others. There is an extensive index at the end of the fourth volume. Online, see the website of the Constitution Society at <http://www.constitution.org>, which carries an extensive collection of documents about the founding, including James Madison’s “Notes on the Debates of the Federal Convention.” (See <http://www.constitution.org/cs_found.htm>. This site also contains a selection of constitutions from around the world. Information about the lives of the framers may be found on the website of the National Archives and Records Administration at <http://www.archives.gov/national_archives_experience/charters/constitution_founding_fathers.html>.


**USING YOUR KNOWLEDGE**

1. Using the Records of the Federal Convention of 1787 or the National Archives and Records Administration website mentioned above, select a delegate to the convention and imagine yourself in his position. What were his main concerns? What interests does he seem to have represented? Why? What role did he play in the Convention? What do you know about his subsequent career?

2. Chapter 3 emphasizes the ways in which the original dilemma of freedom versus order influenced the design of the Constitution. What if a constitutional convention were called today, and as the one in 1787 did, simply decided to start anew? Speculate on what such a meeting might produce by outlining your own version of a modern constitution tailored for the United States today. Explain how your constitution would deal with both the original dilemma of freedom versus order and the modern dilemma of freedom versus equality.

3. The United States’ two most important political documents, the Constitution and the Declaration of Independence, both deal with the dilemma of freedom versus order. Read both documents and compare the ways they address that issue.

4. Obtain a copy of the constitution of a foreign nation and a copy of the constitution of one of the states of the United States (try <http://www.constitution.org/cons/natlcons.htm>). Compare these to the U.S. Constitution. What similarities or differences do you find?
SAMPLE EXAM QUESTIONS

Multiple-Choice Questions

1. How was the 2002 European attempt at making a constitution similar to that of America in 1787?
   a. Both attempts had to deal with the question of slavery.
   b. Both had to deal with monetary issues as their main obstacle.
   c. Both felt it necessary to work in secrecy.
   d. Both were asking the same questions about balance and power.
   e. Both had to develop a new method for electing an executive.

2. Approximately how many words does the U.S. Constitution contain?
   a. 1200
   b. 1900
   c. 2600
   d. 3400
   e. 4300

3. After the Boston Tea Party, what acts did the British Parliament pass to try and reassert power over the colonies in 1774?
   a. Stamp Acts
   b. Coercive Acts
   c. Power Acts
   d. Proprietary Acts
   e. Navigation Acts

4. What political philosophy presents the idea that all legitimate political authority is derived from the consent of the governed?
   a. social contract theory
   b. monarchy
   c. federalism
   d. independence theory
   e. economic theory of laissez faire

5. Which of the following is not one of the reasons that the Articles of Confederation failed?
   a. inability to regulate interstate commerce
   b. no independent leadership
   c. lack of a national currency
   d. need for unanimous consent to act
   e. lack of the power to tax by the national government

6. What was the plan developed at the Constitutional Convention to allow equal representation?
   a. New Jersey Plan
   b. Connecticut Plan
   c. Virginia Plan
   d. New York Plan
   e. Delaware Plan

7. What is the political organization of federalism?
   a. the division of power between national and state governments
   b. the separation of power across the branches of the federal government
   c. government by elected representatives
   d. mechanisms by which one branch of government may restrict another
   e. a strong central government at the expense of state or local governments
8. Which founding father is thought of as the father of the U.S. Constitution?
   a. John Adams
   b. Ben Franklin
   c. Thomas Jefferson
   d. James Madison
   e. George Washington
9. What did Shays' Rebellion show the need for?
   a. stronger judiciary to ensure equality
   b. stronger national government to preserve order and protect property
   c. weaker national government to preserve liberty
   d. weaker executive to enhance the application of order
   e. stronger state governments to preserve liberty and autonomy
10. The fact that Congress has two chambers, one in which states have equal representation and one in which state representation is based on population, is a result of
    a. the Virginia Plan.
    b. British influence over the federal convention.
    c. the New Jersey Plan.
    d. the Connecticut Compromise.
    e. the Federalist Plan.
11. What do the first three articles of the U.S. Constitution concern?
    a. taxing and spending
    b. addition of new states and territories
    c. methods of amending the Constitution
    d. ratification process
    e. operation and powers of the three branches of government
12. What did the Virginia Plan accomplish?
    a. allowed the national legislature to nullify state laws
    b. provided for the president to be chosen by an electoral college
    c. was supported by small states
    d. severely limited the scope of national government
    e. promoted political equality by giving the poor access to political power
13. Which famous historian came up with the argument that the Constitution was crafted to protect the economic interests of the founding fathers?
    a. Joyce Appleby
    b. W. E. B. Du Bois
    c. William McCluskey
    d. Charles Beard
    e. Samuel Tilden
14. What term is used to describe the principle of assigning lawmaking, law enforcing, and law interpreting to different branches of government?
    a. republicanism
    b. federalism
    c. confederation
    d. checks and balances
    e. separation of powers
15. What are the enumerated powers?
   a. powers assigned to Congress through the Constitution
   b. the numerical listing of powers from most important to least important
   c. powers that Congress creates for itself in order to function properly
   d. the most important powers of Congress listed under the superiority clause
   e. powers assigned to the executive branch by congressional laws

16. The principle that gives each branch of government some scrutiny and control over the other branches is
   a. republicanism.
   b. federalism.
   c. separation of powers.
   d. implied powers.
   e. checks and balances.

17. The *Federalist* papers did all of the following except
   a. provide a rationale for pluralism.
   b. outline the benefits of a large republic.
   c. argue for the necessity of a bill of rights.
   d. support a strong central government.
   e. point out how checks and balances would limit tyranny.

18. What did Madison believe would prevent a “tyranny of the majority” (mob rule)?
   a. congressional override
   b. presidential veto
   c. judicial review
   d. supremacy clause
   e. representation

19. What do amendments to the U.S. Constitution require?
   a. simple majorities
   b. extraordinary majorities
   c. approval only by the branches of the federal government
   d. approval by the major political parties
   e. unanimous approval by the states

20. The ninth state to ratify the Constitution in 1788, which officially empowered the new government, was
   a. Vermont.
   b. Delaware.
   c. New York.
   d. Virginia.
   e. New Hampshire.

21. What was the major premise of the Declaration of Independence?
   a. A government’s responsibility is to preserve order.
   b. Great Britain never had a legitimate claim over the people in the colonies.
   c. People have a right to revolt when they determine that the government is destructive to their rights.
   d. Only direct democracy is consistent with government for the American colonies.
   e. A strong central government must organize the various colonies.
22. What Supreme Court case of 1803 created the power of judicial review?
   a. Marbury v. Madison
   b. McCulloch v. Maryland
   c. Gibbons v. Ogden
   d. Plessy v. Ferguson
   e. Knight v. United States

23. In 1992, a long-forgotten amendment originally submitted to the states in 1789 was ratified. What does this amendment, the twenty-seventh, do?
   a. prohibits flag burning
   b. establishes equal rights for women
   c. guarantees the right to privacy
   d. prohibits legislators from voting themselves immediate pay raises
   e. requires the government to balance the budget

24. The only constitutional amendment to be repealed was the Eighteenth Amendment, which dealt with
   a. abortion and birth control
   b. the death penalty
   c. alcoholic beverages
   d. due process
   e. the electoral college

25. What does the power of judicial review permit?
   a. elected representatives to revise decisions made by judges
   b. voters to overturn decisions made by judges
   c. the president to freely select members of the Supreme Court
   d. courts to nullify acts of government that conflict with the Constitution
   e. courts to formally amend the Constitution

Essay Questions

1. The Declaration of Independence was used to sever our relationship with British. What were the justifications used in the document, and why are parts of it still relevant today?

2. What is the significance of the Federalist papers? Justify your answer.

3. Describe the campaign to have the Constitution ratified. How did the Bill of Rights fit into that campaign?

4. Compared to the other constitutions of the world, the U.S. Constitution is one of the shortest and one of the oldest. What characteristics of the U.S. Constitution have allowed it to last so long and work so well? Justify your answer.

5. How did the delegates to the Constitutional Convention balance the interests of large states and small states? Are these solutions or compromises practical in the contemporary United States? Do small states possess disproportionate influence over legislation or election outcomes?
ANSWERS TO MULTIPLE-CHOICE QUESTIONS

1. d
2. e
3. b
4. a
5. c
6. a
7. a
8. d
9. b
10. d
11. e
12. a
13. d
14. e
15. a
16. e
17. c
18. e
19. b
20. e
21. c
22. a
23. d
24. c
25. d
CHAPTER 4

Federalism

LEARNING OBJECTIVES
After reading this chapter, you should be able to

- Define the key terms at the end of the chapter.
- Explain why the founders adopted a federal system.
- Contrast the two competing views of federalism.
- Explain the significance of the elastic clause and the commerce clause as they pertain to federalism.
- Describe the tools used by the national government to extend its power over the states.
- Distinguish between categorical grants and block grants.
- Trace the shifting balance of power between national and state governments in the nineteenth and twentieth centuries.
- Discuss the difficulties associated with reshaping the federal system.
- Contrast the approaches taken by presidents from Richard Nixon through George W. Bush in their efforts to reshape federalism.
- List the main types of local government units.
- Outline the advantages and disadvantages of the federal system.

FEDERALISM AND THE CHALLENGE OF DEMOCRACY
Chapter 3 explained that the founders relied on a number of devices to protect freedom while providing order. One of these devices was federalism, a system that divides power between the national and state governments. Although the Constitution does specify the powers that belong to each level of government, the national government has used the elastic clause and historical circumstances to increase its power considerably. Hurricane Katrina illustrated the problems associated with federalism, when its respective components do not work together.

CHAPTER OVERVIEW

Theories and Metaphors
The federal form of government was the founders’ solution to the problem of making one nation out of thirteen independent states. Federalism is a form of political organization in which two or more governments exercise power and authority over the same people and territory. Federalism helped solve the problem of how to cope with diversity.

The founding of the United States gave rise to competing approaches to federalism. The first, dual federalism, emphasizes the following four points: (1) The national government may rule only by using powers specifically listed in the Constitution, (2) the national government has only limited purposes, (3)
national and state governments are sovereign in their own spheres, and (4) the relationships between the state and national governments are marked by tension. This view places importance on states’ rights; the state and national governments are as distinct and separate as the layers of a cake.

The second approach, cooperative federalism, highlights the following three elements: (1) National and state agencies perform joint functions, not just separate ones, (2) they routinely share power, and (3) power in government is fragmented rather than concentrated at one level. The functions of the state and national governments are intermixed, like the different flavors in a marble cake. Cooperative federalists stress the Constitution’s elastic clause, which has allowed the national government to stretch its powers.

Cooperative federalism has been associated with liberalism and the tendency to centralize power in the national government. Conservatives have tended to favor dual federalism, returning power to the states.

**Federalism’s Dynamics**

Although the Constitution defines the powers of the national and state governments, the actual balance of power between them has often been a matter of historical circumstances. Constitutional amendments have led to some change in the balance, but so have legislation and judicial interpretation.

Changes to our federal structure have come about during times of national crisis: the Civil War, World Wars, the Great Depression, and September 11, 2001. Most of the significant changes occurred during the Great Depression, when no one but the federal government could offer relief to Americans. The Great Depression changed how we thought about our government and what it could do for us. Further changes were made due to 9/11 and the passage of the USA Patriot Act.

One significant change came about through the Voting Rights Act of 1965. With this legislation, the national government forbade various practices used by the states to disenfranchise African Americans. Through judicial interpretation, the Supreme Court forced state and local governments to meet demands they were otherwise unwilling or unable to meet. The Court extended the Bill of Rights to the states, outlawing segregated schools, providing minimum standards of due process, and forcing the reapportionment of legislative districts according to the one person, one vote principle. Recently, the Court has shifted the balance back to the states with the exception of the decision involving the 2000 presidential election.

The balance of power between the national and state governments continues to shift. In the early nineteenth century, in *McCulloch v. Maryland*, the Supreme Court backed an interpretation of federalism that favored a strong national government. The states’ rights issue later stood at the heart of the dispute between the North and South that led to the Civil War. In the 1930s, the power of the national government expanded enormously as President Franklin Roosevelt coped with the problems of the Great Depression. The Supreme Court still held fast to a dual-federalist approach, however, and struck down many New Deal programs. By the late 1930s, the Court had altered its views about the balance of power between the national and state governments and sustained acts that expanded the power of the national government. The general welfare became an accepted concern of the national government, and thus our government started practicing cooperative federalism in all branches.

The national government also uses financial incentives to extend its power over the states. Grants give the national government substantial power to induce states to comply with national standards. Categorical grants, targeted for special purposes, leave recipients with relatively little choice about how to spend the money; block grants, awarded for more general purposes, allow the recipient more discretion.

One of the more overlooked areas of federalism is the role of state government. Recently, state government has grown enormously, and it has professionalized itself as well. More professionalized jobs, more active legislatures, higher salaries, growing state revenue, and more capable bureaucrats have all contributed to the rise of state government as a vital component of federalism.
Compared with What?

One of the most significant indicators of state government participation in federalism depends on how active and powerful a state’s governor is. Massachusetts has one of the strongest state governors in the nation, yet two of the largest states, California and Texas, have some of the weakest. Several factors contribute to a governor’s effectiveness: budget, veto, appointments, and so on.

Ideology, Policymaking, and American Federalism

Calls to reform the complicated federal system began with Nixon’s New Federalism, which relied primarily on block grants to shift the balance of power between the nation and the states. President Jimmy Carter, too, campaigned on a promise to reduce the size and cost of the national government, as did his immediate successors, Presidents Ronald Reagan and George H. W. Bush. Their efforts to reshape the federal system relied on program consolidation, budget cuts, and freedom for state officials in administering programs.

Although the national government now provides states with a smaller fraction of the funds they need, it still tries to tell state and local governments what to do. Since the mid-1960s, Congress has used preemption to take over functions that were previously left to the states. Preemption works through mandates (which force states to undertake activities) and restraints (which forbid states to exercise certain powers). It results in shifting costs to states for nationally imposed policies. The Republican-led 104th Congress enacted legislation to limit the national government’s ability to pass unfunded mandates on to the states.

Federalism and the American Intergovernmental System

The American system includes more than the one national and fifty state governments. Over eighty-seven thousand other governments also exercise power and authority over people living within the boundaries of the United States. Among them are municipal governments, county governments, school districts, and special districts.

Theoretically, one advantage of having so many governments is that they allow citizens the opportunity to decide their own fate in their local community, which they know intimately. However, people are less likely to participate in local elections than in national ones. A decentralized federal system gives more points of access to groups representing special interests. The multiplicity of governments also permits experimentation with new ideas and flexibility in responding to the diversity of conditions that exist around the country. But some argue that the profusion of governments makes government less comprehensible to the ordinary citizen.

In reality, the expectations of neither the liberals nor the conservatives have been fully met as federalism has evolved over the last decade. Greater professionalization in the state governments has made them more like big governments, ready to take an active role in solving problems. Sometimes this has meant that states have been willing to set higher standards than the national government for welfare, product safety, and the like.

Most conservatives would like to return power to the states and reduce the role of the national government. But as the national government worked to reduce its size and trim the tax burden it imposes on citizens, state governments grew and raised their taxes. Both liberals and conservatives now sound the theme of smaller, more efficient government.

Federalism and the International System

Federalism, or more accurately, the interaction of state and local governments, can have a big impact at the national or local level. One of the best examples is in trade policy. The world is highly globalized, and many states have no choice but to try and compete in the global market. Most U.S. states now work
hand in hand with the U.S. Commerce Department to better sell their products worldwide. As both entities, states and the federal government, work cooperatively, they are losing their individual identities, but this seems to be for the better.

**Politics of Global Change**

Some scholars suggest that the world is moving toward diminished state sovereignty and increased interstate linkages. The balance between regional autonomy and central government power, the central problem that federalism addresses, is confronted in contemporary efforts to create a European Union and in the creation of a new government in Iraq. The creation of the new Iraqi state will test the claim that the forces of federalism can overcome long-term religious, ethnic, linguistic, and cultural divisions.

**Federalism and Pluralism**

Although majoritarianism seemed to be the goal, pluralism has taken over much of U.S. government due to the existence and cultivation of diverse interests. Both forms of federalism support pluralism to some extent, but in different ways. Blurring the lines of state and federal responsibility promotes pluralism. At the same time, the federal government is relying more on coercive federalism, which encourages majoritarianism.

**KEY TERMS**

- sovereignty
- federalism
- dual federalism
- states’ rights
- implied powers
- cooperative federalism
- elastic clause
- commerce clause
- grant-in-aid
- categorical grant
- formula grant
- project grant
- block grant
- policy entrepreneur
- preemption
- mandate
- restraint
- municipal government
- county government
- school district
- special district
- home rule
RESEARCH AND RESOURCES

You will find considerable information about U.S. states in one of the most commonly available reference works, *The World Almanac and Book of Facts*. Online, the *Information Please Almanac* at <http://www.infoplease.com/states.html> offers profiles of each state but is less helpful as a source of comparative data. Links to the websites of individual states may be found at <http://dir.yahoo.com/Government/U_S_Government/State_Government>. *Project Vote Smart* <http://www.vote-smart.org> also provides information about state government, both current elected officials and current candidates for the National Council of State Legislatures (NCSL). The NCSL exists to serve state legislators by providing information, research on critical state issues, publications, meetings and seminars, a legislative information database, a voice in Washington, D.C., and staff to assist legislators and their staff in solving problems. The NCSL’s online presence can serve you in your quest for information about state governments. See <http://www.ncsl.org>.

USING YOUR KNOWLEDGE

1. Use a copy of the *World Almanac and Book of Facts*, and look up the word states to get a sense of the kind of comparative data available on a state-by-state basis, or go to the Government Census Bureau site <http://quickfacts.census.gov/qfd>. Next, select four states in different parts of the country, and profile each of them using a common set of characteristics you suspect might have political importance. (For example, you might look at net migration, ethnicity of population, indicators that show the importance of industry or agriculture, or military contracts.)

2. Tour websites of several state governments. Compare the types of information they make available.

3. Compare congressional election results for two states in 2004 and 2006. How many seats did each state have in the House of Representatives in 2004 and in 2006? How many votes did each major party receive statewide in 2004 and 2006? How many seats did each major party win in each state? Did one of the major parties benefit from redistricting?

GETTING INVOLVED

One of the great advantages of pluralist democracy is that it provides lots of opportunities for you to get involved. If you would like to learn more about the inner workings of government, you need not go to Washington, D.C. With over eighty thousand governments in our system, there are bound to be possibilities for internships right in your own backyard, in state and local government. It is not possible to provide detailed information for all fifty states, but here are a few examples of what is out there.

The Citizens’ Forum on Self-Government offers an eight-week program for interns to work on matters concerned with the structure and function of state and local governments. There is a small stipend. The application deadline is in mid-April. For further information, write the Intern Coordinator, Citizens’ Forum/National Municipal League, 55 West 44 Street, New York, NY 10036, or call 212-730-7930.

Like their Washington counterpart, several state legislatures have internships available. In Indiana, for example, the Democratic and Republican Caucuses in each house of the state legislature offer paid internships to students who help during the legislative session. In addition, the caucuses sometimes help place internship candidates in positions with interest groups or think tanks in the area. Some other states offering internships include Florida, Illinois, Michigan, Minnesota, Montana, New York, and Rhode Island.

Finally, many cities (including Oakland, California; Phoenix, Arizona; New York City; Detroit; and Los Angeles) offer internship possibilities. Try calling the local government personnel office in your own area to find out what is available near you.
SAMPLE EXAM QUESTIONS

Multiple-Choice Questions

1. What term best describes the quality of being supreme in power and authority?
   a. eminent domain
   b. stare decisis
   c. sentient
   d. sovereignty
   e. plurality

2. What do we call the view that the Constitution is a compact among sovereign states, so that the powers of the national government and the states are clearly differentiated?
   a. federalism
   b. marble cake federalism
   c. confederacy
   d. cooperative federalism
   e. dual federalism

3. Which of the following is not an element of cooperative federalism?
   a. National and state agencies rule jointly.
   b. The nation and the states routinely share power.
   c. Power is not concentrated at any one level.
   d. Congress and the executive work together to solve problems.
   e. None of the above; all are elements of cooperative federalism.

4. In early America, majorities feared that people from different regions with different values would rule them. What was the solution to this problem?
   a. majoritarianism
   b. national sovereignty
   c. bicameralism
   d. eminent domain
   e. federalism

5. What does the Tenth Amendment of the U.S. Constitution concern?
   a. states’ rights
   b. due process
   c. right to bear arms
   d. right to reasonable bail
   e. exclusionary clause

6. Which of the following is most closely associated with marble cake federalism?
   a. cooperative federalism
   b. dual federalism
   c. New Age federalism
   d. stratified federalism
   e. territorial federalism

7. What clause is used as the basis for Congress’s implied powers?
   a. free-exercise clause
   b. elastic clause
   c. exclusionary clause
   d. supremacy clause
   e. all of the above
8. Block grants can
   a. require state or local governments to match funds.
   b. leave little discretion to recipient governments.
   c. leave substantial discretion to state or local governments.
   d. rely exclusively on strict formulas to allocate aid.
   e. expand federal control over states.

9. What element of the U.S. Constitution gives Congress the power to supersede state voting qualifications and pass the Voting Rights Act of 1965?
   a. First Amendment
   b. Tenth Amendment
   c. Fourteenth Amendment
   d. Fifteenth Amendment
   e. Nineteenth Amendment

10. Which Supreme Court case upheld the doctrines of national supremacy and implied powers?
    a. Marbury v. Madison
    b. South Carolina v. Katzenbach
    c. McCulloch v. Maryland
    d. United States v. Butler
    e. Hamner v. Dagenhart

11. Which of the following events is most responsible for the end of dual federalism and the beginning of cooperative federalism and more reliance on the federal government?
    a. American Civil War
    b. Spanish American War
    c. World War I
    d. Great Depression
    e. Vietnam War

12. How did the Supreme Court’s decision in Brown v. Board of Education affect the country?
    a. increased the freedom of the states to regulate school attendance
    b. radically limited the scope and power of the federal government
    c. promoted equality by outlawing segregation in public schools
    d. upheld the role of the states in maintaining the traditional social order
    e. promoted majoritarian democracy by protecting voting rights

13. Which Supreme Court case concluded that Congress could not require local officials to implement a regulatory scheme imposed by the national government?
    a. Prinz v. United States
    b. United States v. Lopez
    c. Gibbons v. Ogden
    d. Bush v. Gore
    e. Atkins v. Virginia

14. What term is used to describe government money used for a specific purpose or project?
    a. clarified grant
    b. block grant
    c. projection grant
    d. categorical grant
    e. mandated grant
15. Which of the following is not generally advanced as an argument in favor of federalism?
   a. States, acting as laboratories of democracy, may experiment with new policies.
   b. People are free to vote with their feet by choosing the state whose laws suit them best.
   c. Federalism acts to promote racial equality.
   d. Federalism promotes access for a variety of groups and interests.
   e. Federalism recognizes the diversity of conditions in different states.

16. What term is used to describe government money used for general purposes?
   a. block grants
   b. clarified grants
   c. formula grants
   d. neighborhood grants
   e. mandated grants

17. Preemption has involved the use of
   a. mandates.
   b. restraints.
   c. increased federal power over the states.
   d. cost shifting to states.
   e. all of the above.

18. Which of the following is not one of the six categories of gubernatorial power?
   a. budget
   b. veto
   c. interpretation
   d. appointments
   e. party control

19. What program did Richard Nixon use to decentralize national policy and combine categorical
    grants into block grants?
   a. majoritarianism
   b. New Federalism
   c. nullification
   d. unfunded mandates
   e. pluralism

20. On the basis of a review of White House positions on cases before the Supreme Court, which of
    the following is most true?
   a. President Reagan was more likely to support states’ rights than President Clinton.
   b. President Clinton was more likely to support states’ rights than President Reagan.
   c. The White House always supports the expansion of federal power.
   d. The White House always supports states’ rights.
   e. The White House never stakes out a position on states’ rights.

21. Water is becoming a major problem in the U.S. West. Why?
   a. aging infrastructure
   b. overallocation and overuse
   c. continuous land development
   d. higher than expected population growth
   e. all of the above
22. Which of the following are some of the diverse elements of a country that the French Philosopher Montesquieu argued lawmakers should consider in formulating the laws of society?
   a. population
   b. climate
   c. size
   d. ethnicity
   e. economic resources

23. Which of the following would conservatives in Washington be more likely to favor?
   a. expanding the use of categorical grants
   b. concentrating power in Washington
   c. returning power to the states
   d. expanding the use of unfunded mandates
   e. reducing the authority of state government relative to Washington

24. Congressional district boundaries are typically drawn by the
   a. Supreme Court.
   b. Senate.
   c. House of Representatives.
   d. state legislatures.
   e. attorney general of the United States.

25. The Supreme Court’s decision in *United States v. Lopez* suggests a more narrow construction of which source of national governmental power?
   a. commerce clause
   b. unfunded mandates
   c. revenue sharing
   d. full faith and credit clause
   e. home rule

**Essay Questions**

1. Compare the different aspects of the two competing views of federalism discussed in this chapter. Justify your position with examples.

2. Discuss the factors and events that have led to the growth of our national government’s power.

3. Discuss how government has changed recently and how preemption and mandates have accelerated under the USA Patriot Act. Use specific examples of gaining and losing power.

4. Use the case of state building in Iraq to discuss the benefits and disadvantages of locating the principal powers of government at the regional level or in a central government. What types of tradeoffs and challenges does the state-building effort in Iraq represent?

5. How have the various federal grant programs helped or hindered government power at the federal level?
ANSWERS TO MULTIPLE-CHOICE QUESTIONS

1. d
2. e
3. d
4. e
5. a
6. a
7. b
8. c
9. d
10. c
11. d
12. c
13. a
14. d
15. c
16. a
17. e
18. c
19. b
20. b
21. e
22. d
23. c
24. d
25. a
CHAPTER 5

Public Opinion and Political Socialization

LEARNING OBJECTIVES
After reading this chapter, you should be able to

- Define the key terms at the end of chapter.
- Contrast the majoritarian and pluralist models of democracy with respect to their assumptions about public opinion.
- Explain what is meant by the shape and stability of the distribution of public opinion.
- List the agents of early political socialization, and describe their impact.
- List the major sources of continuing political socialization for adults.
- Show how social or demographic characteristics (such as education, income, ethnicity, region, or religion) are linked to political values.
- Analyze how the two-dimensional typology of political ideology presented in Chapter 1 applies to the actual distribution of political opinions among Americans.

PUBLIC OPINION, POLITICAL SOCIALIZATION, AND THE CHALLENGE OF DEMOCRACY
This chapter’s opening vignette contrasts public attitudes toward the death penalty from two different perspectives: the conservative perspective and the liberal perspective. Since a majority of Americans favor capital punishment, Governor Arnold Schwarzenegger of California has had to appease his conservative base, his party, and future voters by supporting it. Even as public support for capital punishment remains high in the United States, exoneration of death row inmates (with the aid of DNA testing) has led to concern about the possible execution of innocent persons and the suspension of the death penalty in Illinois. Yet American attitudes do change over time. Specifically, Americans are more likely to favor capital punishment during periods when the social order is threatened (for instance, by war, foreign subversion, or crime).

An examination of people’s opinions on the clashes between freedom and order and between freedom and equality shows that the public divides itself into the four ideological categories suggested in Chapter 1: conservatives, liberals, libertarians, and communitarians. Furthermore, the four groups differ in terms of their socioeconomic and demographic characteristics.

Public opinion is particularly important to the distinction between the pluralist and majoritarian models of democracy. These models differ in their assumptions about the role of public opinion. Majoritarians depend on an informed public with stable opinions acting to clearly guide public policy. They believe government should do what the public wants. Pluralists, on the other hand, do not expect the general public to demonstrate much knowledge or display stable or consistent opinions. Consequently, pluralists doubt that majority opinion can provide a good guide for public policy. Instead, they depend on interested and knowledgeable subgroups to compete in an open process to achieve public policy goals.
Opinion research certainly shows that the majoritarian assumptions about knowledge do not describe the public as a whole. Yet, lack of knowledge itself does not prevent people from expressing an opinion on an issue. However, when both knowledge and interest concerning an issue are low, public opinion is likely to be changing and unstable. Groups that are highly interested in an issue do have more opportunity to make an impact, yet such groups are often directly opposed by other groups. Politically powerful groups divide on what they want government to do. As a result, politicians have a great deal of leeway in deciding what policies to pursue. And as the opening vignette points out, although the government tends to react to public opinion, it does not always do what the people want.

CHAPTER OVERVIEW

Public Opinion and Models of Democracy
Statistics make it possible to analyze the public opinion of large groups. It has only been since the 1950s that polling has become more predictable and meaningful. Before then, polling was largely guesswork derived from editorials, speeches, voting records, and diaries. The differing models of democracy make several different assumptions. Majoritarians believe that the majority should have a great deal of influence in government, but pluralists believe that government should cater to the subgroups with clear and focused needs.

One of the largest polling groups is the Gallup Poll. Started by George Gallup in the 1930s, it is generally well respected, although it has been wrong. Its most notable mistake was announcing Thomas Dewey as the winner of the 1948 presidential election, just before Harry Truman won.

Sampling a Few, Predicting Everyone
In analyzing public opinion, researchers rely on sampling to predict what the population believes. In order for the sample to be predictably accurate, particular attention is paid to the sample’s randomness and size and the amount of variation in the population. In addition, researchers have to pay special attention to the bias of the questions.

The Distribution of Public Opinion
Once a poll is made, researchers often graph the results for interpretation. By graphing the results, researchers pay attention to the distribution of the sample, including both the shape (normal, skewed, or bimodal) and stability of the distribution over time.

Political Socialization
Public opinion is rooted in political values, which are in turn produced through a process of political socialization. Early political socialization comes from the family and school, as well as peer and community groups. Among adults, peer groups and media play a particularly influential role in the ongoing process of socialization. World events, like September 11 and Hurricane Katrina, can also have a significant affect on a person’s political values. Older Americans tend to rely more on newspapers and TV news, whereas younger Americans tend to rely on the radio and the Internet for news.

Social Groups and Political Values
People with similar backgrounds often share various learning experiences, and they tend to develop similar political opinions. Background factors generally believed to affect political opinions include education, income, region, ethnicity, religion, and gender. The role of ethnicity has changed over time. At the turn of the century, for example, there were major differences between the newer immigrants from Ireland, Italy, and eastern Europe and the predominantly Protestant early settlers of America.
Chapter 5: Public Opinion and Political Socialization

From Values to Ideology

Surveys show relatively little use of ideological labels by voters when they discuss politics, but most voters are willing to place themselves on a liberal-to-conservative continuum. Nonetheless, they often lack the consistent values and beliefs about the scope and purpose of government that characterize truly ideological thinking.

When people are asked to describe liberals and conservatives, they employ two different themes: First, they associate liberals with change and conservatives with the preservation of traditional values (freedom versus order); second, they link liberals with more interventionist government (freedom versus equality). When people are asked about their own attitudes on these issues, they separate into four groups, not two. This suggests that the liberal-conservative ideological framework oversimplifies matters, that ideology is not one dimensional. By examining where they stand on two areas of conflict—freedom versus order and freedom versus equality—Americans, as noted, may be divided into four ideological types: conservatives, liberals, libertarians, and communitarians. People with similar socioeconomic and demographic characteristics also often share the same ideological outlook. Minorities and people with less education and low incomes are often communitarians. Libertarians tend to have more education and higher incomes. Conservatives are more common in the Midwest, and liberals are more common in the Northeast.

Politics of Global Change

Political ideology changes over time, especially for those in the middle. Recent polls taken over a twenty-year period in fourteen different countries showed a distinct movement toward the middle. Citizens’ self-placement indicates a distaste for the recent growth of highly partisan politics.

Forming Political Opinions

Are Americans well informed about politics? There is certainly no lack of information available. Schools, universities and colleges, 24/7 news programs, television, internet, radio, and newspapers—we are awash in news, yet it does not permeate all of society. Caucasian males, the affluent, and older adults seem to know more about politics than everyone else. Although they may be less informed, many citizens form their political opinions around ideology; most citizens rely on other factors. This chapter considers three strategies for forming opinions: considering self-interest, using opinion schemas, or issue framing by political leaders.

Although self-interest is often the dominant influence on opinions about economic matters and matters of social equality, there are many issues for which personal benefit is not a factor. Citizens often have difficulty forming opinions in these areas, and they may change those opinions easily. Citizens rely on opinion schemas—networks of organized knowledge and beliefs that guide the processing of political information on a particular subject. Personal opinion schemes often parallel individuals’ ideological and partisan orientation. Americans have many sources of political information, yet their political knowledge and level of political sophistication tend to be low. On the other hand, recent research indicates that the basic institutions of U.S. government and the positions of the two major political parties on prominent issues are known to at least half the people. And, while individual opinions based on low information may change often, collective opinion is much more stable.

Finally, political leaders also influence the formation of public opinion. Favorable or unfavorable evaluations of a politician may shape public opinion concerning the politician’s proposals. Politicians are adept at framing policy choices they advocate in order to receive support from the public.
KEY TERMS
public opinion
skewed distribution
bimodal distribution
normal distribution
stable distribution
political socialization
socioeconomic status
self-interest principle
issue framing

RESEARCH AND RESOURCES
No doubt you are already familiar with a number of public opinion polls. Newspapers, magazines, and television news broadcasts often present information gathered through public opinion polling. Well-known polls include those done by the Harris and Roper organizations, ABC News/New York Times polls, CBS News/Washington Post polls, and, of course, the Gallup Poll. Data from these polls are often publicly available. The Gallup organization puts out a monthly publication giving the results of its surveys. Periodically, these surveys are indexed and bound in permanent volumes, which can be found in the reference sections of most college libraries. Gallup also maintains a website at <http://www.gallup.com> where you will be able to find current poll data, information on trends in presidential popularity, and poll results dating back to 1996. Another useful comprehensive inventory of current poll data is available at <http://www.pollingreport.com>.

Another excellent source of data on public opinion is the American National Election Studies, which may be found online at <http://www.electionstudies.org>. The mission of the American National Election Studies (ANES) is to “produce high quality data on voting, public opinion, and political participation that serve the research needs of social scientists, teachers, students, and policy makers concerned with understanding the theoretical and empirical foundations of mass politics in a democratic society.” The ANES Guide to Public Opinion and Electoral Behavior describes much of the survey data at <http://www.electionstudies.org/nesguide/nesguide.htm>.

USING YOUR KNOWLEDGE
1. Go to the Gallup Poll’s website about abortion (<http://www.gallup.com/poll/1576/Abortion.aspx>) and use it to answer these questions. Are the opinion distributions you find skewed, normal, or bimodal? Is the opinion distribution stable or unstable over time?

2. Using the website information in question 1, look at how opinions change as the specific text of the question changes. Is opinion on any particular question skewed? Does opinion on any question shift over time? How are the answers different on the basis of time scales of first trimester, second trimester, and third trimester?

3. Review the presidential approval ratings for George W. Bush reported on pollingreport.com (<http://www.pollingreport.com/BushJob.htm>). Describe the public assessment of the performance of President Bush at key points in his term. Are data from different polling sources consistent?
4. Visit the ANES Guide to Public Opinion and Electoral Behavior referenced above. Locate data on the ideology of the American electorate. How has the ideology of the electorate, as reported by respondents to the survey, changed over time?

SAMPLE EXAM QUESTIONS

Multiple-Choice Questions

1. Although American attitudes toward capital punishment remain high, which political party is most likely to support the death penalty in most cases?
   a. Democrats
   b. Republicans
   c. Libertarians
   d. Green Party
   e. All of the above provide equal support.

2. Which of the following is not a characteristic of public opinion?
   a. Citizens are willing to register opinions on matters outside their expertise.
   b. Governments tend to respond to public opinion.
   c. Public opinion places boundaries on allowable types of public policy.
   d. The public’s attitudes toward a given government policy can vary over time.
   e. Those who engage in public opinion surveys are more likely to vote.

3. The worst opinion poll error occurred in the 1948 election. Who was named the winner over Harry Truman?
   a. Richard Nixon
   b. John Anderson
   c. Thomas Dewey
   d. Herbert Humphrey
   e. Spiro Agnew

4. Which of the following is not necessary in order to determine the accuracy of a sample?
   a. normal distribution
   b. sufficient size
   c. random (everyone has an equal chance of selection)
   d. sufficient variety
   e. None of the above; all are correct.

5. Most people link their earliest recollections of politics with
   a. their family.
   b. their school experience.
   c. youth groups.
   d. television.
   e. their community.

6. Which model of democracy assumes that most people hold clear opinions on government policy?
   a. socialist
   b. pluralist
   c. pragmatist
   d. elitist
   e. majoritarian
7. Which of the following terms describes the shape of the distribution of public opinion?
   a. skewed
   b. normal
   c. bimodal
   d. stable
   e. all of the above

8. Which type of distribution indicates the greatest potential for political conflict?
   a. skewed
   b. normal
   c. bimodal
   d. stable
   e. none of these

9. Which principle postulates that what is learned first structures later learning?
   a. primacy principle
   b. engineered principle
   c. transfer principle
   d. structural principle
   e. construction principle

10. How many young American voters tend to identify with the party of their parents?
    a. just a few
    b. about one-quarter
    c. about one-third
    d. over half
    e. over three-quarters

11. Which of the following is a good defense against community pressures?
    a. peer groups
    b. schools
    c. community leaders
    d. media personalities
    e. none of these

12. According to recent studies, what percentage of Americans think that individuals should fight global warming by using mass transit and making homes more energy efficient?
    a. 85 percent
    b. 70 percent
    c. 55 percent
    d. 40 percent
    e. less than 40 percent

13. Which of the following consistently links to opinions which limit the government’s role in promoting order and equality?
    a. wealth
    b. education
    c. gender
    d. age
    e. ethnicity
14. Which of the following tends to favor government action to improve economic opportunity?
   a. wealth
   b. education
   c. gender
   d. age
   e. ethnicity

15. What do we call the method politicians use to define the way that issues are presented?
   a. ideologies
   b. opinion schemes
   c. issue framing
   d. opinion distributions
   e. opinion shapes

16. Which of the following tend to have the most knowledge about politics?
   a. women
   b. minorities
   c. the poor
   d. the young
   e. men

17. The size of the population sampled
   a. increases the accuracy of a random sample.
   b. decreases the accuracy of a random sample.
   c. has only a small effect on the accuracy of a random sample.
   d. if large, makes getting a random sample impossible.
   e. if small, makes getting a random sample impossible.

18. Most people respond that conservatives are
   a. free spending.
   b. open minded.
   c. fiscally responsible or tight.
   d. closed minded.
   e. in favor of lots of government.

19. Which group is most willing to sacrifice freedom and equality in order to preserve order?
   a. libertarians
   b. liberals
   c. communitarians
   d. conservatives
   e. none of the above

20. According to the Gallup Poll, support for gay marriage is strongly linked to
   a. age.
   b. income.
   c. education.
   d. knowledge.
   e. region.
21. When different questions on the same issue produce similar distributions of opinion, we call this effect?
   a. skewed.
   b. bimodal.
   c. stable.
   d. unreliable.
   e. normal.

22. Individuals in a homogenous community are highly likely to form opinions by
   a. socialization.
   b. self-interest.
   c. ideology.
   d. issue frames.
   e. rejection of cues from a peer group.

23. Only one other country in the world, besides the United States, believes the world is a safer place with Saddam Hussein out of power. What is that other country?
   a. Austria
   b. India
   c. Israel
   d. Russia
   e. United Kingdom

24. On which of the following types of issues is a gender gap likely to be found?
   a. decisions to send the nation to war
   b. decisions to promote equality
   c. decisions to apply the death penalty
   d. support for a political party in a presidential election
   e. all of the above

25. Who is the only public figure to have perfect name recognition among Americans?
   a. Arnold Schwarzenegger
   b. Al Gore
   c. George W. Bush
   d. Jay Leno
   e. none of the above

**Essay Questions**

1. What characteristics of American public opinion are revealed by examining public opinion on capital punishment?

2. Without a political party to vote for, describe the methods many independents use to vote.

3. How does public opinion change as the characteristics of a sample change? For example, how do the opinions of men and women differ? Old and young? Rich and poor? Educated and uneducated?

4. Identify and discuss the three key agents of early political socialization. Describe other ways by which a person’s political beliefs can change over time.

5. Discuss the limitations of the one-dimensional, liberal-conservative typology of political ideology. How does the liberal-conservative typology compare to the fourfold classification developed in Chapter 1 and here?
ANSWERS TO MULTIPLE-CHOICE QUESTIONS

1. b
2. e
3. c
4. a
5. a
6. e
7. e
8. c
9. d
10. d
11. a
12. b
13. a
14. e
15. c
16. e
17. c
18. b
19. d
20. a
21. c
22. a
23. b
24. e
25. e
CHAPTER 6
The Mass Media

LEARNING OBJECTIVES
After reading this chapter, you should be able to

- Define the key terms at the end of the chapter.
- Outline the technological changes and events that have influenced the development of the mass media in the United States.
- Explain who owns the media in the United States and how the media are regulated by the government.
- Discuss the consequences of private ownership of the media.
- Assess the validity of charges of media bias.
- Explain how people acquire news through the media.
- Describe how the mass media contribute to political socialization.
- Indicate the ways in which the mass media influence political behavior.
- Evaluate the contribution the media make to democratic government.

THE MASS MEDIA AND THE CHALLENGE OF DEMOCRACY
The mass media link the people and the government by making possible a two-way flow of information. The media report government actions to the people, and they also poll the public to assess public opinion on specific issues.

The text’s opening vignette illustrates the ways that our relationship is changing. The Internet is playing a more vital role in politics with 24/7 information, discussions, blogs, videos, and campaign financing. Candidates are using the Internet more and taking it very seriously. The campaigns of the future will be played out over the Internet, and the mass media is changing to accommodate these changes. Although the basic functions of broadcast media are critically important to the majoritarian model of democracy, pluralist democracy also relies on open access to channels of communication for organized interests. The growth and proliferation of new information technology, notably the Internet, has facilitated this type of communication.

The relationship between government and media highlights the tensions between freedom, order, and equality. Although the government originally regulated the airwaves simply to provide order, later government limitations on the freedom of broadcasters have helped provide greater equality of access to the airwaves. The Telecommunications Act of 1996 relaxed many restrictions on media ownership, thus allowing for greater concentration of the media in a limited number of hands. In 1999, the Federal Communications Commission (FCC) voted to allow a single company to own two television stations in the same major market. This promotes freedom, but it limits equality. On the other hand, in terms of coverage of events over the years, the media have tended to promote social equality. This may be seen in the coverage of the civil rights and women’s movements.
The freedom issue of greatest interest to the media, not surprisingly, has been the question of freedom of expression. Yet, as this chapter indicates, media coverage of events can contribute to disorder. To accept any one interpretation of an event as absolute means paying a high price, because freedom of the press is about questioning and the ability to criticize.

CHAPTER OVERVIEW

People, Government, and Communications

The media include the technical devices and processes used in mass communication, which allow individuals or groups to transmit information to large, heterogeneous, widely dispersed audiences. In democratic governments, the mass media promote a two-way flow of communication between citizens and the government. Today, media used in political communication include print media, such as newspapers and magazines; broadcast media, such as television and radio; and the Internet.

The Development of Mass Media in the United States

This chapter focuses on the political uses of mass media in the news industry. Specifically, this section focuses on the history of newspapers, magazines, radio, television, and the Internet.

U.S. newspapers offer broad, general coverage of contemporary topics. In the United States, newspapers generally began as party organs, sponsored by political parties to advocate their views. Large-circulation, independently owned daily newspapers grew up as new technologies made nationwide news gathering possible. The competition between newspapers that was characteristic of the nineteenth and early twentieth centuries had died out by the 1950s. By 2001, only thirty-two cities had more than one daily paper under separate ownership.

Magazines offer more specialized coverage of topics and often serve as forums for opinions rather than objective news reports. Even a magazine with a limited readership can exert influence by reaching attentive policy elites who in turn influence mass opinion.

Radio developed in the twenties and thirties and eventually became a truly national medium, linking stations across the country into a limited number of national networks. Many radio personalities have become nationally known, such as the conservative talk show radio hosts Rush Limbaugh and Bill O’Reilly. Although it has been around over eighty years, over 90 percent of Americans still listen to radio today.

Television technology spread after World War II, and today it reaches nearly every home in the nation. Stations are linked via several major networks. As television has evolved, the importance of newscasters has grown, as has the emphasis on exploiting the visual impact of news events.

The last quarter-century witnessed the introduction of new technologies that have been used for political communication and interaction. The Internet has made information readily available, offers news 24/7, and allows users to share their opinions. Today over 70 percent of Americans under sixty-five use the Internet on a regular basis. The Internet and related technology have been adopted by citizen organizations, government organizations, and election campaigns.

Private Ownership of the Media

In the United States, both the print and electronic media are privately owned. While this gives the news industry great political freedom, it also means that news is selected for its mass audience appeal, as judged by its impact on readers or listeners, sensationalism, treatment of familiar people or life situations, close-to-home character, or timeliness. The mass media are part of the entertainment industry, and news, too, is part of the entertainment package. The new and controversial trend toward
“infotainment,” a mixture of journalism and theater, has further blurred the distinction between news and entertainment.

The news media serve five specific functions for the political system: (1) reporting the news, (2) interpreting the news, (3) influencing citizens’ opinions, (4) setting the agenda for government action, and (5) socializing citizens about politics. They attempt to provide firsthand coverage of national news events. Their reporters may rely on news releases, news briefings, press conferences, leaks, and cultivation of background sources for their material. The tendency for news reporters to rely on the same sources of information has given rise to a style of reporting sometimes referred to as pack journalism.

Americans are more interested in domestic news than national or international news, and their primary concern is being informed about their local community. In an effort to make news understandable and interesting to viewers, television typically concentrates its attention on individuals rather than on political institutions, and on political horse races rather than on campaign issues.

Ownership of the media in the United States has become more and more concentrated as the same corporations control many newspapers and radio and television stations.

Government Regulation of the Media

The broadcast media operate under the regulations of an independent regulatory commission, the FCC. The FCC licenses broadcasters using the airwaves. In 1996, in a bipartisan effort, Congress undertook a major overhaul of the framework created under the 1934 law that established the FCC. Limits on media ownership were relaxed, and rate regulations were lifted. One immediate effect of this new system was increased concentration of the media. The long-term effects of this complicated law—part of which was declared unconstitutional in 1998—are uncertain.

The First Amendment guarantee of freedom of the press has been taken to cover all the media and has helped make the U.S. news media among the freest in the world. Historically, the broadcast media, which use the public airwaves, have been subject to some government regulation such as the equal opportunities and reasonable access rules.

Functions of the Mass Media for the Political System

Media executives function as gatekeepers, deciding which stories to report and how to handle them. Any selection process reflects something about the values of the selector, and in the case of the media, the process often leads to charges of media bias. News reporters have been criticized for liberal bias, while media owners are often charged with having a conservative bias. A study based on newspaper stories during the last weeks of the 2000 presidential election campaign showed that both major party candidates received negative coverage.

The mass media influence public opinion, the political agenda, and political socialization. People believe that the media influence public opinion. A number of studies, described in the text, have shown systematic and dramatic opinion changes, and errors, linked to television news coverage. Nevertheless, most scholars believe that the real power of the media consists of their ability to set the national agenda. Through the kind of stories they cover, the media help define the issues that get government attention.

The media also act as agents of political socialization. In this regard, their role is often contradictory. On the one hand, they contribute to American self-confidence by supporting public celebrations as great media events; on the other hand, they give airtime to events and activities that reduce the sense of national well-being. The entertainment divisions may promote the values of law-abiding citizens, or they may do the reverse. Some scholars maintain that the most important effect of the media is to further the dominance of the existing order, yet protests, strikes, and violence all receive extensive coverage.
Evaluating the Media in Government

Although presented as objective journalism, much of the media is criticized for their biased reporting, so almost everyone is skeptical of anything they encounter in the media. Studies have shown that although many television reporters are liberal, good press goes to both sides of the aisle. Conversely in radio, conservative radio seems to serve many more people than liberal radio, and both sides are extremely biased in their attitudes. We find that newspaper endorsements do not hold much weight with their readers anymore.

Since the 1960s, people have reported that they get more of their news from television than from any other source. However, studies have suggested that people’s reliance on television for their news and their trust in the medium might be overstated. Furthermore, research also indicates that the television hypothesis—that TV is to blame for Americans’ low level of political knowledge—oversimplifies the reality. They note that what people learn from different media is related to their cognitive skills. In addition, attentiveness to news tends to be related to people’s level of education, age, and gender.

In general, the media improve the quality of information citizens receive about the government. They also report on public opinion. Both of these functions help make responsible government participation possible. The media have mobilized government action to advance racial and sexual equality. They also uphold the value of freedom, when the freedom in question is freedom of the press. Nevertheless, press freedom may conflict with order and thus, like all democratic values, it is not without its costs to society.

KEY TERMS
mass media
attentive policy elites
two-step flow of communication
blogs
newsworthiness
market-driven journalism
infotainment
Federal Communications Commission (FCC)
gatekeepers
horse race journalism
media event
television hypothesis
political agenda
watchdog journalism

RESEARCH AND RESOURCES
Are you ready to become part of the attentive public? Why not get to know the public affairs magazines that help shape American opinion? The Readers’ Guide to Periodical Literature and some of the other indexes briefly mentioned in Chapter 2 of this study guide point you to articles in these publications. Many of them have set up websites where you can sample what they have to offer.
When you use publications for information, you should be aware that magazines often have an explicit or implicit ideological orientation. Certain publications present views from the American left; others give the opinions of those on the right. If you are trying to examine an issue thoroughly, you will probably want to weigh arguments from each side so it is important to make sure that not all of your background material comes from right-wing or left-wing publications.

Some important journals of opinion include the following:

- **On the right**


- **Somewhere in the center, generally striving for editorial balance**


  *Daedalus.* An academic quarterly; each volume focuses on a single topic and offers a variety of viewpoints. [http://www.amacad.org/publications/daedalus.aspx](http://www.amacad.org/publications/daedalus.aspx).

  *Harper’s.* Similar to the *Atlantic Monthly*, it now includes readings excerpted from other works and a wonderful index of offbeat facts in the front of each issue. The index is among the features included in the online site. [http://www.harpers.org](http://www.harpers.org).

- **On the left**

  *The New Republic.* A leading liberal periodical that has moved more to the right in recent years; highly opinionated and often acerbic. [http://www.tnr.com](http://www.tnr.com).


- **And finally, some online addresses for alternative publications mentioned in the text**


- **If you are unsure about a particular magazine’s ideological leanings, here is one source you might consult.**

USING YOUR KNOWLEDGE

1. Select one of the following controversial subjects:
   - Welfare reform
   - Affirmative action
   - Abortion
   - Reforming the income tax

   Using an Internet search engine like <www.google.com> or one of the Internet resources listed above, locate three or four articles on your topic in various magazines that have different ideological slants. Skim the articles. Do the opinions expressed in the articles seem to be consistent with the ideological orientations of the publications as described in the list above?

2. If it is possible in your television viewing area, watch two or three different evening network newscasts. Compare the stories covered in each. Make a log listing the stories in order, and record the length of each story. Compare the way each network treats each story. Do they use film footage? Is it relevant? Do they use graphics? Is the presentation strictly factual, or does a commentator give more of an editorial perspective?

3. Watch a televised news broadcast, and select the major political story covered. Compare the television coverage of that event or issue with newspaper accounts of the same story. What are the differences and similarities in the two accounts?

4. Many television news services have established online links, which can be found at the end of the chapter in your textbook. Watch the television news program, and then check out the online service. For example, try the all-news station MSNBC and then visit their website at <www.msnbc.com>. How does using the website affect your political knowledge?

5. What is the difference between hard news and soft news? Compare the treatment of a major political news story on A Current Affair, Hard Copy, or Larry King Live with coverage of the same issue on the PBS NewsHour with Jim Lehrer or the Sunday morning news programs such as Meet the Press, This Week, or Face the Nation.

GETTING INVOLVED

Students who want to learn more about the media from the inside may be interested in applying for internships with broadcasters, newspapers, magazines, or other media-related organizations. Here are a few of the opportunities available. Some may require previous experience in journalism, such as work on your college newspaper.

C-SPAN has internships for students interested in communications and politics. Students must meet three basic criteria: They must be college juniors or seniors, they must be interning for college credit, and they must be able to work a minimum of sixteen hours per week. Address: C-SPAN, Internship Program, 400 N. Capitol Street, NW, Suite 650, Washington, DC 20001. Telephone: 202-737-3220.

The Center for Investigative Reporting, a nonprofit, independent organization committed to investigative reporting, offers six-month paid internships to students who want to pair off with senior reporters and learn the techniques of investigative journalism. For winter internships, the deadline is December 1; for summer, it is May 1. Address: The Center for Investigative Reporting, c/o Communications Director, 500 Howard Street, Suite 206, San Francisco, CA 94105. E-mail: CIR@igc.apc.org. Find them online at <http://centerforinvestigativerouting.org>.
The Los Angeles Times hires interns for its California offices as well as one intern for its Washington bureau. Summer internships are eleven weeks long, with a December 1 application deadline; part-time internships lasting seventeen weeks are available in the fall and spring, with June 1 and October 1 deadlines, respectively. Address: Los Angeles Times, Editorial Internships, Times Mirror Square, Los Angeles, CA 90053. Find them online at <http://www.latimes.com>.

The Philadelphia Inquirer offers paid summer internships in reporting. Internships run from Memorial Day to late August. Applications are due in mid-January. For further information, contact Internship Coordinator, 400 North Broad Street, P.O. Box 8263, Philadelphia, PA 19101. Find them online at <http://www.philly.com/mld/inquirer>.

The Boston Globe offers full-time paid work for summer interns from June 1 to Labor Day. The program also includes seminars on legal issues, constitutional issues, and other issues related to journalism. An application form must be obtained from the Globe and returned by the application deadline of November 15. For further information, contact the Boston Globe, P.O. Box 2378, Boston, MA 02107-2378. Telephone: 617-929-2000. Find them online at <http://www.boston.com>.


The NewsHour with Jim Lehrer provides unpaid internships running twelve to sixteen weeks in New York, Washington, and Denver. For summer internships, apply by March 31; for fall, apply by July 31; and for spring, apply by October 31. For more information, write to PBS NewsHour, Internship Coordinator, 356 West Street, New York, NY 10019. Find them online at <http://www1.pbs.org/newshour/home.html>.

The New Republic offers paid internships to prospective journalists who wish to read unsolicited manuscripts, check facts, and write short articles, reviews, and editorials. They have rolling internships every season. Send a résumé and cover letter to Ben Wasserstein at job@tnr.com. No phone calls or postal mail accepted. Visit their website at <http://www.tnr.com>.

The Atlantic Monthly offers students an opportunity to work at an award-winning national magazine. Learn more online at <http://www.theatlantic.com/a/intern.mhtml#web>.

SAMPLE EXAM QUESTIONS

Multiple-Choice Questions

1. When is a democracy best served by the media?
   a. when it allows for a two-way flow of information
   b. when it allows for a one-way flow of information
   c. when it emphasizes the entertainment value of news
   d. when it does not publicize citizen grievances
   e. when it does not attempt to reflect popular views

2. Which of the following is true about the first American newspapers?
   a. They had very large circulations.
   b. They were mainly political organs.
   c. They featured nationwide news services.
   d. They were primarily intended to advertise products.
   e. They featured comics, sensational journalism, photographs, and sports sections.
3. Which of the following won an Oscar for his environmental and political documentary, *An Inconvenient Truth*?
   a. Michael Moore
   b. Rush Limbaugh
   c. Newt Gingrich
   d. Al Gore
   e. Jimmy Carter

4. Which of the following magazines has the greatest circulation?
   a. Time
   b. AARP Magazine
   c. Newsweek
   d. U.S. News & World Report
   e. Reader’s Digest

5. What term do we use to describe the mixing of news and diversion oriented to personalities or celebrities?
   a. soft journalism
   b. infotainment
   c. journiety
   d. the newsie news
   e. yellow journalism

6. After a 2006 court decision decided that bloggers had the same protection of sources as established media organizations, many feared
   a. a return to the fairness doctrine.
   b. a return to equality and civility.
   c. a move toward a wild west atmosphere.
   d. a move to decentralize mass media.
   e. the beginnings of a media war.

7. What percentage of adults surveyed admitted that they learned about the 2008 political campaigns from comedy shows like *The Daily Show* and *The Colbert Report*?
   a. 10 percent and under
   b. 15 percent
   c. 20 percent
   d. 25 percent
   e. 30 percent and over

8. Most Americans rely on which of the following as their chief news source?
   a. television
   b. newspapers
   c. magazines
   d. radio
   e. the Internet

9. Americans are *most* concerned about what is happening
   a. in the world.
   b. in their own community.
   c. in their state.
   d. to the president.
   e. in Congress.
10. From a 2005 analysis of 16,800 stories that were reported by newspapers and national news programs, over 50 percent of the stories were from which of the following categories?
   a. government and politics
   b. economy
   c. entertainment
   d. crime
   e. foreign affairs

11. Which of the following FCC regulations has been imposed on the print media?
   a. equal opportunities rule
   b. reasonable access rule
   c. fairness doctrine
   d. legibility criteria
   e. none of the above

12. As our population has increased, ABC, CBS, and NBC have experienced
   a. an almost 50 percent increase in their viewing audience.
   b. an almost 50 percent decrease in their viewing audience.
   c. almost no change in number of their viewing audience.
   d. an almost 25 percent increase in their viewing audience.
   e. an almost 25 percent decrease in their viewing audience.

13. Which independent regulatory agency of our government set the social, economic, and technical goals for the communication industry up through 1996?
   a. U.S. Postal Service
   b. Federal Aviation Commission
   c. Federal Telecommunications Panel
   d. U.S. Communications Agency
   e. Federal Communications Commission

14. What term do we use to describe the people who decide which events to report and how to report them?
   a. horse race journalists
   b. fairness doctrinaires
   c. policy specialists
   d. gatekeepers
   e. top dogs

15. What term do we use to describe news stories which focus on who is ahead in the polls and not on the candidate’s position on the issues?
   a. horse race journalists
   b. fairness doctrinaires
   c. policy specialists
   d. gatekeepers
   e. top dogs

16. Which of the following best describes those people who rely on television as their major source of political news and information?
   a. more informed about politics than everyone else
   b. no more and no less informed about politics than anyone else
   c. less informed about politics than everyone else
   d. more independent voters who rely on facts to make decisions
   e. a new breed of young, informed Americans
17. The mass media’s coverage of the civil rights movement tended to advance
   a. equality.
   b. order.
   c. majoritarian democracy.
   d. freedom.
   e. pluralism.

18. Which of the following can the media have the greatest influence with?
   a. setting the political agenda
   b. influencing the outcome of elections
   c. keeping an accurate historical record
   d. blending news and information
   e. creating and maintaining TV personalities

19. Which value is most likely to be held as absolute by the media?
   a. liberalism
   b. equality of access
   c. social order
   d. freedom of expression
   e. political equality

20. What term do we use to describe the tendency of many journalists to view their job as a search for inaccuracies in fact and weakness of arguments from politicians?
   a. focused journalism
   b. watchdog journalism
   c. sentinels
   d. gatekeeper journalism
   e. guardhouse journalism

21. What term do we use to describe the use of sophisticated data collection and analysis techniques to report the news?
   a. gatekeeper journalism
   b. analytical journalism
   c. focused journalism
   d. statistical journalism
   e. precision journalism

22. Which Congressional act in 1996 scrapped limitations on media ownership at both the national and local areas?
   a. Telecommunications Act
   b. Multi-Media Act
   c. Internet Reform Act
   d. Electronic Reform Act
   e. Public Airways Act

23. The television hypothesis postulates that those who watch more television are
   a. more informed and involved than everyone else.
   b. more liberal than those who do not.
   c. more conservative than those who do not.
   d. less informed and involved than everyone else.
   e. none of the above.
24. The two-step flow of communication relies on what actors to influence public attitudes and opinions?
   a. reporters
   b. editors
   c. attentive elites
   d. political parties
   e. interest groups

25. YouTube teamed up with CNN to host a presidential debate in 2008. What animated figure posed a question about global warming and the environment?
   a. Santa Claus
   b. Flakey, the snowflake
   c. Rudolph, the reindeer
   d. Larina, the polar bear
   e. Billiam, the snowman

Essay Questions

1. Has the availability of Internet news sources improved the type and quality of information available for citizens? What are the advantages and drawbacks of relying on the Internet for information about politics?

2. Explain how media executives, news editors, and reporters function as gatekeepers in directing news flow. What types of news are likely to get through the gate?

3. How do the media affect elections? Be sure to include an explanation of bias and perception.

4. What are the consequences of private ownership of the media? Explain how concentration of media ownership might undermine democratic government.

5. Where does the public get its news? How does the source of people’s news affect the bias of their news?
ANSWERS TO MULTIPLE-CHOICE QUESTIONS

1. a  
2. b  
3. d  
4. b  
5. b  
6. c  
7. e  
8. a  
9. b  
10. a  
11. e  
12. b  
13. e  
14. d  
15. c  
16. c  
17. a  
18. a  
19. d  
20. b  
21. e  
22. a  
23. d  
24. c  
25. e
CHAPTER 7

Participation and Voting

LEARNING OBJECTIVES
After reading this chapter, you should be able to

- Define the key terms at the end of the chapter.
- Distinguish between conventional and unconventional participation.
- Explain the difference between particularized participation and activities that are geared to influence broad policy.
- Compare U.S. political participation with participation in other democracies.
- Discuss the extension of suffrage to African Americans, women, and eighteen-year-olds.
- Explain the nature of initiatives, referendums, and recalls.
- Account for the low voter turnout in the United States.
- Evaluate the extent to which various forms of political participation enhance freedom, order, or equality.
- Assess the extent to which the various forms of participation fit the pluralist or majoritarian models of democracy.

PARTICIPATION, VOTING, AND THE CHALLENGE OF DEMOCRACY
How do you participate? Most Americans just go vote, yet thousands of Myanmar citizens voiced their political opinions against their government by protesting in the streets in 2007. Over thirty were killed and hundreds were arrested. Participation varies from country to country as does the definition of conventional and unconventional participation. This chapter will also look at voting and the expansion of those rights. Yet the question still remains for each individual and country to decide, how much and what types of political participation are necessary for democratic government?

The majoritarian model assumes that government responds to popular wishes articulated through conventional channels, primarily voting in elections. The majoritarians count each vote equally and hence are biased toward the value of equality in participation. Yet there is a strong bias in our voting system, since more of the higher income and better educated vote. This translates into a government catering to the needs of its wealthy and better-educated voters, even though a majority of people are considered middle or lower class.

The pluralist model emphasizes freedom. Citizens are free to use all their resources to influence government at any of the many access points available to them. Pluralism may seem to favor those with resources, but in contrast to majoritarianism, it allows plenty of room for unconventional political participation. However, when people are forced to rely on unconventional participation to be heard, it is hard to call the system democratic.
CHAPTER OVERVIEW

Democracy and Political Participation
Voting is central to democracy, but when voting is the only form of participation available, there is no real democracy. In addition to casting votes, citizens must also be able to discuss politics, form interest groups, contact public officials, campaign for competing parties, run for office, or protest government decisions. Currently, Myanmar does not allow its citizens to do this. Most Americans expect this freedom, and most take it for granted.

Political participation—the actions of private citizens that are intended to influence or support government or politics—may be either conventional or unconventional. Terrorism is considered an extreme case of unconventional participation, since the individual or group acting feel they have no hope of influencing the government any other way.

Unconventional Participation
Although we might consider protests and demonstrations to be acts of conventional participation, most demonstrations and marches, like the March on Selma in 1965, are considered acts of unconventional participation. Unconventional participation is relatively uncommon behavior that challenges the government and is personally stressful to participants and their opponents. These acts can include participation in protests and demonstrations, boycotts, sit-ins, or other mass political activities.

Despite a tradition dating back to the Boston Tea Party, unconventional participation is frowned on by most Americans, especially when it disrupts their daily lives. Yet Americans are more likely to engage in unconventional political participation than are citizens of other democratic states. Researchers find unconventional participation hard to study but suggest that groups resort to unconventional participation precisely because they are powerless and have been denied access to conventional channels of participation. Despite the public’s belief that unconventional participation is generally ineffective, direct political action sometimes works. Unconventional actions such as protests and marches tend to appeal to those who distrust the political system, create a strong sense of political efficacy, and manage to develop a sense of group consciousness.

Conventional Participation
The comparatively high rate of unconventional political participation presents a dilemma for American democracy, since the whole point of democratic politics is to make political participation conventional. Conventional political behavior includes (1) actions that show support for government, such as participation in patriotic celebrations, and (2) actions that try to change or influence government policies, either to secure personal benefits or to achieve broad policy objectives.

Attempts to achieve broad policy objectives include activities that require little initiative (voting) and those that require high initiative (attending meetings, persuading others to vote in a certain way, attending congressional hearings, or running for office). People also participate by using the court system (for example, by joining in class-action suits). Americans are less likely to vote than citizens in other democracies, but they are more likely to participate in other conventional ways.

Participation through Voting
In the United States, the right to vote was gradually extended to various disenfranchised groups (African Americans, women, and eighteen-year-olds). For much of the United States’ history, the nation departed considerably from the democratic ideal; yet in comparison with other countries, the United States has a good record of providing equal rights in voting.
In addition to selecting candidates for office, citizens of some states can vote on issues by means of referenda and initiatives, two devices not available on the national level. In 2002, voters in forty states approved 202 initiatives or referenda. The use of these alternatives more closely resembles direct democracy than our representative democracy, and they are not without drawbacks. For one thing, referendums and initiative elections are quite expensive and often increase, rather than decrease, the impact of special-interest groups. Some twenty states also provide for recalls, or special elections to remove an officeholder. The Internet has created new opportunities for citizens to interact, mobilize, and participate in these activities.

Voting for candidates is the most visible form of political participation. It serves democratic government by allowing citizens to choose the candidates they think would make the best public officials and then to hold officials accountable for their actions in government, either by reelecting or removing them. This assumes citizens are knowledgeable about what officials do and participate actively by going to the polls.

The United States holds more elections and has more offices subject to election than do other countries. However, American participation in elections is very low compared with that of other democracies.

**Explaining Political Participation**

Not only is voter turnout in the United States comparatively low, but it has also declined over time. However, other forms of participation are high and are on the increase.

Conventional participation is often related to socioeconomic status. The higher a person’s education, income, or occupational status, the more likely he or she is to vote or use other conventional means to influence government. On the other hand, unconventional participation is less clearly related to socioeconomic status. Over the years, race, sex, and marital status have been related to conventional participation in the United States. But the single most influential factor affecting conventional participation is education.

Arguments currently advanced to explain the decline in voter turnout point to the influx of new, young voters enfranchised under the Twenty-Sixth Amendment. Young voters are less likely to vote. Other reasons offered include the growing belief that the government is unresponsive to citizens and the decline in people’s identification with a political party. In addition, U.S. political parties are not as closely linked to specific groups, as are parties in other democracies; such links between parties and groups often help to mobilize voters. More recent studies show that close or competitive elections tend to draw more voters.

Another possible explanation for the low U.S. turnout is that it is more difficult to vote here than in other countries. In the United States, citizens are required to register in advance; this leaves the initiative up to the individual citizen. Registration requirements work to reduce the number of people eligible to vote on election day. The motor voter law makes it easier to register and is expected to increase participation. A final explanation for low turnout is that although the act of voting is relatively simple, learning about candidates takes a great deal of initiative, and many eligible voters may feel inadequate to the task.

**Participation and Freedom, Equality, and Order**

Whereas the relationships between participation and freedom and between participation and equality are clear, the relationship between participation and order is more complicated. Groups that resort to unconventional participation may threaten the social order and even the government itself. The passage of the Twenty-Sixth Amendment, which lowered the voting age to eighteen, is an example of a government effort to try to channel unconventional participation (strikes and protests) into conventional participation (voting) and thereby maintain order.
Participation and the Models of Democracy

In addition to their role in selecting officeholders, elections also serve to (1) socialize political activity, (2) institutionalize access to political power, and (3) bolster the state’s power and authority. Majoritarian participation focuses on elections and emphasizes equality and order. The decentralized American system of government allows for many forms of participation in addition to voting in elections, and this type of pluralism emphasizes freedom of individuals and groups.

KEY TERMS
- political participation
- conventional participation
- unconventional participation
- terrorism
- direct action
- supportive behavior
- influencing behavior
- class-action suits
- voter turnout
- suffrage
- franchise
- progressivism
- direct primary
- recall
- referendum
- initiative
- standard socioeconomic model

RESEARCH AND RESOURCES

For people interested in political parties and elections, *Congressional Quarterly’s Guide to U.S. Elections*, 4th ed. (Washington, DC: Congressional Quarterly Press, 2001), offers a gold mine of information. Among other things, the volume includes popular vote tallies for the following:

- U.S. House of Representatives from 1824 to 2000
- U.S. Senate from 1913 to 2000 (Remember, senators were elected by state legislatures before 1913.)
- Governorships from 1789 to 2000
- Presidential primaries from 1912 to 2000
- Southern primaries (a special focus since in the solid South the real political battle occurs in the primary, not the general election)

Another good source of voting data is the *America Votes* series edited by Richard Scammon and Alice McGillivray (also published by Congressional Quarterly Press). This handbook provides county-by-
county election returns for general elections for presidents, senators, representatives, and governors. It also gives election totals of primary contests for these offices.

Both of these works are great for providing actual election results. However, they do not help you much if you want to investigate some of the issues raised about how people evaluate candidates and how they participate in politics outside the voting booth. To find out more about these issues, you might turn to the bibliography given at the end of Chapters 5, 7, or 9, but even if you read every book listed, you might not find the specific answer to the exact question that interests you. You might, for example, want to know if high-school-educated African Americans are as likely as high-school-educated whites to participate in political activities other than voting. You might want to know if women differ from men in their ideological self-placement. Answers to your questions might not be readily available in books, but that does not mean it is impossible to discover the answers. The National Election Study (NES) reports a variety of survey responses on their website <http://www.umich.edu/~nes/nesguide/nesguide.htm>, or you may want to find out if computerized survey data are available on your campus.

Your government or political science department may have acquired election surveys provided by the American Political Science Association as part of its SETUPS series. Each SETUPS comes with a student guide that shows how to manipulate data.

**USING YOUR KNOWLEDGE**

1. Using the *Guide to U.S. Elections*, find the election returns for your county for the last three presidential election years. Compare the returns in the presidential races with those in the contests for the House of Representatives. What differences do you notice? Next, compare the House votes in presidential years with those in the intervening, off years. How do the turnout totals compare?

2. Interview a person who has engaged in unconventional participation. Find out what form this unconventional participation took, what the participant’s motivation was, and whether he or she felt the activity was successful. What led your interviewee to choose unconventional participation rather than conventional participation?

**GETTING INVOLVED**

**Voting**

The most basic way to participate in U.S. politics is to vote, but as the chapter points out, in order to vote, you must first be registered. Motor voter legislation made the task easier by allowing people to register by simply mailing in a card; in addition, there are some Internet sites available that help citizens obtain and fill out the forms needed for registration and also apply for an absentee ballot. Try Rock the Vote at <http://www.rockthevote.org>. Rock the Vote also offers opportunities for volunteers.

Students who study abroad can still vote. The Federal Voting Assistance Program (FVAP), located within the Office of the Secretary of Defense, administers the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) which requires that the states and territories allow U.S. citizens to register and vote absentee in elections for federal office. The FVAP also provides nonpartisan voter information. Find them on the Web at <http://www.fvap.gov>.

**Internships**

Project Vote Smart, a nonprofit, nonpartisan, grassroots effort, offers internships during the summer and throughout the school year. Interns cover every member of Congress, governor, and the president; they put out national surveys, compile performance evaluations and campaign finance information, work with journalists, and operate a database that supplies voter information. Contact the National
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Internship Coordinator, PVS National Internship Program, 129 NW 4 Street, Suite 204, Corvallis, OR 97330. Telephone: 541-754-2746 or 541-737-3760. Extensive information on these internships is available online at <http://www.vote-smart.org>.

SAMPLE EXAM QUESTIONS

Multiple-Choice Questions

1. Which of the following is the best definition of political participation?
   a. activities of people to influence or support government and policies
   b. actions to protect and defend our way of life
   c. people who do their civic duty and vote in every election
   d. activities necessary to ensure the survival of our form of government
   e. actions of governmental officials to compel the electoral activities of its citizens

2. Which of the following would least likely be considered conventional political participation in the United States?
   a. persuading people to sign a petition to put a candidate on the ballot
   b. demonstrating to change environmental policies
   c. attending a city council meeting
   d. casting a ballot
   e. writing a letter to a public official

3. Why do we know more about conventional participation than about unconventional participation?
   a. Unconventional participation is very difficult to study and rarely occurs.
   b. Unconventional participation is usually violent and thus very dangerous to study.
   c. Unconventional participation is usually studied by foreign political scientists.
   d. Unconventional participation is hard to study, and political scientists prefer not to study it.
   e. Unconventional participation is illegal, and thus, the research is illegal too.

4. What name was given to March 7, 1965, when six hundred marchers were beaten and tear-gassed by Alabama State Troopers as they marched from Selma to Montgomery?
   a. Trooper Tuesday
   b. Monstrous Monday
   c. Wicked Wednesday
   d. Thumper Thursday
   e. Bloody Sunday

5. Which of the following applies most to those who prefer direct political action?
   a. They distrust the political system.
   b. They have a sense of political efficacy.
   c. They have access to a network of organized groups.
   d. They identify strongly with members of a group.
   e. All of the above.

6. Which of the following was one of the earliest instances of unconventional participation in America?
   a. American Revolution
   b. Boston Tea Party
   c. Election of 1800
   d. War of 1812
   e. Women’s Rights Convention
7. Which of the following best describes political participation of U.S. citizens in comparison with activities of citizens in other democracies?
   a. Americans are more likely to vote and participate in lower-initiative activities.
   b. Americans are more likely to participate in all forms of activities.
   c. Americans are just as likely to participate in all forms of activities.
   d. Americans are less likely to participate in all forms of activities.
   e. Americans are less likely to vote and participate in lower-initiative activities.

8. What term do we use to describe a legal action brought by a person or group on behalf of a large number of people in a similar circumstance?
   a. class-action lawsuit
   b. nolo contendre
   c. eminent domain
   d. habeus corpus petition
   e. bill of attainder

9. Which of the following groups did the Nineteenth Amendment enfranchise?
   a. minority males
   b. immigrant males
   c. eighteen-year-olds
   d. senior citizens
   e. none of the above

10. What power were California voters exercising when they ousted Governor Gray Davis?
    a. unconventional participation
    b. initiative
    c. recall
    d. referendum
    e. direct primary

11. Which social scientist believes that we need regular, free, and fair elections in order to call ourselves an electoral democracy?
    a. Larry Diamond
    b. Joseph Leno
    c. Matthew Daily
    d. Paula Colter
    e. none of the above

12. What term do we use to describe the percentage of eligible voters who actually voted in a given election?
    a. direct primary
    b. voter turnout
    c. class-action numbers
    d. supportive behavior
    e. franchise percentage

13. Which of the following are factors that can contribute to conventional political participation in U.S. politics?
    a. education
    b. race
    c. age
    d. gender
    e. all of these
14. If voters are to hold public officials accountable through the electoral process, then which of the following assumptions must hold true?
   a. Officeholders must be motivated to respond to public opinion by the threat of defeat.
   b. Citizens must know the candidates for office.
   c. Citizens must know the record of the person holding office.
   d. Citizens must participate in the electoral process.
   e. All of the above.

15. What organization was created in the 1990s to help mobilize young voters and increase their turnout?
   a. Teen Turnout
   b. Pop Politics
   c. Rock the Vote
   d. Inside Voter
   e. Young Politicians

16. Which of the following would be described as supportive political behavior?
   a. casting a vote
   b. flying the flag
   c. participating in a demonstration
   d. collecting signatures on a petition
   e. working for a candidate

17. Majoritarian democracy encourages what type of participation by citizens?
   a. conventional
   b. unconventional
   c. direct action
   d. violent action
   e. boycotts

18. Which of the following would the standard socioeconomic model predict?
   a. People with low incomes are most likely to vote.
   b. White-collar professionals are not likely to participate in politics.
   c. Women are most likely to resort to unconventional participation.
   d. People with high levels of education are more likely to vote.
   e. People over the age of sixty-five are more likely to vote.

19. What term do we use to describe the political philosophy of reform that trusts the goodness and wisdom of individuals and distrusts political institutions and special interests?
   a. referendum
   b. direct primary
   c. initiative
   d. progressivism
   e. none of these

20. Which of the following do elections help?
   a. bringing communities closer together
   b. bolstering the state’s power and authority
   c. the judiciary to do a better job
   d. all of these
   e. none of these.
21. Which of the following democratic values can be enhanced by increasing opportunities for participation?
   a. freedom
   b. order
   c. equality
   d. all of the above
   e. none of the above
22. Which of the following was not a reform of the Progressive Movement?
   a. universal suffrage
   b. recall elections
   c. direct primaries
   d. referendums
   e. initiatives
23. Direct primaries were intended to shift political power to
   a. broadcast media.
   b. political parties.
   c. ordinary citizens.
   d. organized interests.
   e. business and corporate interests.
24. Which of the following was a key strategy Martin Luther King Jr. used in the civil rights movement?
   a. organizing mass letter-writing campaigns to legislators
   b. direct action to challenge specific cases of discrimination
   c. holding legislators accountable at the ballot box
   d. lobbying southern legislators
   e. campaigning for elected office
25. The Twenty-sixth Amendment was passed in 1971. What did it do?
   a. allowed women the right to vote
   b. limited presidents to two terms in office
   c. gave the president the authority to grant pardons
   d. lowered the voting age to eighteen-years-old
   e. prohibited Congress from giving itself a raise

Essay Questions
1. What are the primary forms of political participation encouraged by the majoritarian model and the pluralist model of democracy? Does the observed behavior of citizens in the United States suggest that either model accurately describes U.S. politics? Why or why not?
2. Discuss the legacy of the civil rights movement and how the Supreme Court case of *Brown v. Board of Education* and the Voting Rights Act of 1965 changed things.
3. Explain why people resort to unconventional political participation. Is it ever effective? Give examples to illustrate your answer.
4. Are Americans politically apathetic? What makes you think so, or can you prove that they are not. In either case, what can we do to increase voter turnout?
5. Explain how a person’s socioeconomic status, age, education and gender affect her or his political participation.
ANSWERS TO MULTIPLE-CHOICE QUESTIONS

1. a
2. b
3. d
4. e
5. e
6. b
7. c
8. a
9. e
10. c
11. a
12. b
13. e
14. e
15. c
16. b
17. a
18. d
19. d
20. b
21. d
22. a
23. c
24. b
25. d
CHAPTER 8

Political Parties

LEARNING OBJECTIVES
After reading this chapter, you should be able to

- Define the key terms at the end of the chapter.
- Describe the four most important functions of political parties.
- Trace the history of the major political parties in the United States.
- List the functions performed by minor parties.
- Account for the emergence of a two-party system in the United States.
- Assess the extent of party identification in the United States and its influence on voters’ choices.
- Summarize the ideological and organizational differences between Republicans and Democrats.
- Decide whether the American system is more pluralist or majoritarian in its operation.

POLITICAL PARTIES AND THE CHALLENGE OF DEMOCRACY

On the surface, the U.S. two-party system seems tailor-made for majoritarian democracy. Every election has two broad categories for voters to choose from, so opportunities for narrowly focused small groups to gain control of the government apparatus are reduced. At the same time, the party system reduces the amount of information voters need to make rational choices. However, even this seemingly majoritarian device does not fully realize its majoritarian potential.

Majority parties are not always able to implement the policies they favor, due mainly to the lack of effective party discipline. That deficiency, in turn, is related to the decentralized structure of U.S. parties. In a sense, the United States has not 2 but 102 parties—2 national organizations and 2 major parties in each of the 50 states.

On the whole, Democrats and Republicans differ with respect to their political ideologies. The Democrats are more liberal and tend to place a high value on political and social equality. They are willing to use the government to achieve a more egalitarian economy and society, but they do not wish to use the government to restrict individual freedom (in matters related to lifestyles, reproductive choices, or freedom of expression, for example) to protect the social order. Republicans, on the other hand, are more likely to prefer order and freedom to equality; they prefer limited government when issues of equality are at stake, but they are often willing to use government power to support a particular vision of social order, even at the cost of individual freedom.

However, these general statements of ideological differences between the parties tend to obscure the fact that there are ideological differences within the parties as well. Nonetheless, the difficulties U.S. parties have in maintaining discipline and coordinating the actions of government officials make it hard for them to fulfill the ideals of the majoritarian model. Even though U.S. politics is dominated by two parties, third-party candidates are always striving to advance their agenda, even if it ruins a victory for the candidate of one of the two major parties.
CHAPTER OVERVIEW

Political Parties and Their Functions

A political party is an organization that sponsors candidates for office under the organization’s name. The link between political parties and democracy is so close that many democratic theorists believe democracy would be impossible in modern nation-states without parties. Parties perform several important functions in a political system, including the following:

- **Nominating candidates for election to public office.** This provides a form of quality control through peer review by party insiders who know candidates well and judge their acceptability. Parties may also take an active role in recruiting talented candidates for office.

- **Structuring voting choices.** Parties reduce the number of candidates on a ballot to those that have a realistic chance of winning. This reduces the amount of information voters must acquire to make rational decisions.

- **Proposing alternative government programs.** Parties specify policies their candidates will pursue if elected. These proposed policies usually differ between the parties.

- **Coordinating the actions of government officials.** Parties help bridge the separation of powers, to produce coordinated policies that are effective in governing the country.

A History of U.S. Party Politics

Today, political parties are institutionalized parts of the U.S. political process, but they are not even mentioned in the Constitution. Although there were opposing factions from the beginning, the first party system developed during Washington’s administration. It was not until the election of 1800 that the parties began nominating their own candidates. In these early elections between the Federalists and the Democratic Republicans, the candidates receiving the most votes would be elected as president and vice president regardless of their party affiliation. Because the president and vice president could be of two different parties, they could possess opposing positions and ideologies. The Twelfth Amendment modified the electoral system so that the president and vice president were elected from the same party. And yet by 1820, the Democratic Republicans dominated the political system so that the Federalists did not even field a candidate. Soon the Democratic Republican Party began to fracture from within, and new parties began to emerge.

The first system developed during a period with limited suffrage and little popular participation in the electoral process. As states began allowing popular selection of presidential electors and relaxing the voting requirements, the first popular national political parties began to emerge as Andrew Jackson’s Democrats and John Quincy Adams’s Whigs. These new parties began to hold national conventions and draft party platforms. Slavery and sectionalism eventually destroyed the Whigs and led to the formation of a new party in 1855 opposed to the spread of slavery, the Republican Party.

Thus, the election of 1856 marked the first contest between Democrats and Republicans, the parties constituting our present-day party system. Since then, there have been three critical elections signaling new, enduring electoral realignments in which one of the two parties became dominant. In the period from 1860 to 1894, the electorate supported both sides equally. From the critical election of 1896 until 1930, Republicans dominated elections. The critical election of 1932 produced a Democratic majority. That majority retained control until 1994, when the Republicans gained control of both houses of Congress. We could be in a period of electoral dealignment, and, if so, party loyalties will become less important to voters.
The American Two-Party System

The history of U.S. party politics has been dominated by successive two-party systems, but minor parties—including bolter parties, farm-labor parties, ideological protest parties, and single-issue parties—have not fared well as vote getters. The main functions of third parties are to allow voters to express their discontent with the choices offered by the two primary parties, serve as policy advocates, and act as safety valves for the system.

U.S. election rules have supported the two-party system. Although candidates campaign for a popular vote in each state, the winner of the presidential race is decided in the electoral college. Even when one party wins a landslide presidential election, the loser can retain significant strength in other branches of the government. The federal structure also allows the loser party to retain strength in many of the fifty state governments. This makes it possible for the losing party to rebuild and eventually retake the presidency.

The longevity of the present two-party system is also a result of the tendency for citizens to be socialized from childhood to think of themselves as Democrats or Republicans. They identify with one party or the other, and this identification predisposes them to vote for candidates of that party. Whereas a citizen’s voting behavior may change from election to election or from candidate to candidate, party identification usually changes more slowly over time. As citizens begin voting against their party, only then do they consider reassessing their party identification.

Party Ideology and Organization

The Democratic and Republican Parties differ substantially in ideology. More Republicans than Democrats consider themselves conservative. The 2000 platform of the Republicans called for tax cuts, more military spending, and smaller government. On the other hand, the Democratic platform advocated active but smaller government, fiscal discipline, free trade, and tough crime policies. Both parties have and will spend huge sums of money on those things which they deem important.

The federal structure is apparent in the organization of the country’s political parties. Each party has separate state and national organizations. At the national level, each party has a national convention, national committee, congressional party conference, and congressional campaign committee. Historically, the role of the national organizations was fairly limited, but in the 1970s, Democratic procedural reforms and Republican organizational reforms increased the activity of the national organizations. The national organizations have increased in strength and financial resources, yet state party organizations are relatively independent in organizing their state activities, and so the system remains decentralized.

The Model of Responsible Party Government

Responsible parties are a key feature of majoritarian theory. For a party system to work, the following four things are necessary: (1) the parties must present clear, coherent programs, (2) the voters must choose candidates on the basis of these programs, (3) the winning party must carry out its program, and (4) the voters must hold the incumbents responsible for their program at the next election. This chapter argues that the first and third criteria are met in American democracy. The next chapter looks more closely at the remaining features.

KEY TERMS

- political party
- nomination
- political system
electoral college
caucuses
national convention
party platform
critical election
electoral realignment
two-party system
electoral dealignment
majority representation
proportional representation
party identification
national committee
party conference
congressional campaign committees
party machine
responsible party government

RESEARCH AND RESOURCES
This chapter indicates that the American system is built on a loose confederation of independent, state party organizations rather than a rigidly hierarchical structure with a national party at its apex. Indeed, until very recently, the national party all but went out of existence in nonpresidential election years. Thus, the two most conspicuous products of national party organizations have been the presidential nominating conventions and the party platforms.

If you are interested in doing research on party conventions or platforms, consult

*National Party Conventions, 1831–2004* (Washington, DC: Congressional Quarterly Press 2005). This publication includes excerpts of party platforms, as well as chronologies of nominating conventions and state-by-state votes of delegates on issues placed before the conventions. In addition to this work, the *Congressional Quarterly’s Guide to U.S. Elections*, mentioned in chapter 7, also provides a wealth of information on these topics.

The platforms of the major parties are available online at the American Presidency Project: <http://www.presidency.ucsb.edu>. Check in the documents section under Party Platforms.


USING YOUR KNOWLEDGE
1. Visit the Democratic and Republican websites at <http://www.dnc.org> and <http://www.rnc.org>, respectively. What similarities and differences do you notice in the information and services available at each site?

2. Find and read the Democratic and Republican Party platforms for an election held within the last twenty years. Note the areas of similarity and difference between the two. In the election year you
chose to examine, would you say that observers who might have claimed, “there’s not a dime’s worth of difference between the two parties” would have been correct? Give evidence to support your answer.

3. Using the Gallup Poll, National Election Studies, or other available survey data (see Chapter 5 of this study guide), research changes in party identification over the last twenty years.

GETTING INVOLVED
If you are interested in working for a political party, you may want to begin by contacting the local party organization in your county or joining the Young Democrats or Young Republicans on your campus. The congressional campaign websites for the two parties provide some help for those who want to volunteer: Republicans can be found at <http://nrcc.org> and <http://www.nrsc.org>, Democrats at <http://www.democraticaction.org> and <http://www.dsec.org>. There are some internships that are available for students who would like to become involved with the parties on the national level.

SAMPLE EXAM QUESTIONS

Multiple-Choice Questions
1. What is the third largest political party in the United States?
   a. Reform Party
   b. Green Party
   c. Constitutional Party
   d. Libertarian Party
   e. Socialist Party
2. How do political parties differ from interest groups?
   a. Only political parties provide information to voters about candidates.
   b. Only political parties sponsor candidates for office under their party’s name.
   c. Only political parties mobilize get-out-the-vote campaigns.
   d. Only political parties represent identifiable interests.
   e. Only political parties contribute funds to candidates.
3. Which of the following is not among the four most important functions of a political party?
   a. raising money for candidates
   b. structuring the voting choice
   c. nominating candidates for office
   d. proposing alternative government policies
   e. coordinating actions of government officials
4. Which organization functions as the bridge between powers to coordinate policies?
   a. congressional caucuses
   b. interest groups
   c. media outlets
   d. political parties
   e. presidential blue ribbon committees
5. Which of the following were the two earliest factions under British rule?
   a. Federalists and Anti-Federalists
   b. Republicans and Democrats
   c. Tories and Loyalists
   d. Democratic Republicans and Federalists
   e. Tories and Whigs
6. What institution, instead of the popular vote, elects our president?
   a. party primaries
   b. Congress
   c. Supreme Court
   d. electoral college
   e. interest groups

7. Why did the Whig Party ultimately fail?
   a. slavery and sectionalism
   b. rum, romanism, and rebellion
   c. electoral dominance of the Democratic Party
   d. personal magnetism of Abraham Lincoln
   e. emergence of the Federalist Party

8. Which of the following is not considered to have been a critical election?
   a. 1860
   b. 1896
   c. 1932
   d. 1976
   e. None of the above; all were critical elections.

9. What term refers to the statement of policies adopted by each party at their national convention?
   a. caucus
   b. party policies
   c. party platform
   d. conference confirmation
   e. party coalition

10. What was Lyman Baum’s ultimate Populist message in the *Wizard of Oz*?
    a. Government is just a pawn of the people.
    b. The powers-that-be survive by deception.
    c. Every man can make a difference.
    d. The people are just pawns of the government.
    e. There’s no place like home.

11. What term do we use to describe a change in voting patterns after a critical election?
    a. congressional conjunction
    b. political party purge
    c. electoral realignment
    d. electoral caucus
    e. electoral dealignment

12. Which of the following does responsible party government most closely resemble?
    a. majoritarian model of democracy
    b. pluralist model of democracy
    c. anarchism
    d. socialism
    e. federalism

13. Which of the following contributes to the persistence of the two-party system?
    a. constitutional recognition of two parties
    b. centralized national party organization
    c. proportional representation
    d. primacy principle
    e. political socialization
14. Although everyone agrees that rural voters have become more Republican, the 1990s could also be described by
   a. sudden electoral dealignment.
   b. gradual process of realignment.
   c. gradual growth of political identity.
   d. sudden restriction on political partisanship.
   e. none of the above.

15. Which of the following types of third parties rejects the prevailing doctrines and proposes radically different principles, which can favor government activism?
   a. bolter party
   b. single-issue party
   c. farmer-labor party
   d. electoral consignment party
   e. none of the above

16. What term do we use to describe the system by which one office, contested by two or more candidates, is won by the candidate who collects the most votes?
   a. reapportionment
   b. representative democracy
   c. majority representation
   d. electoral realignment
   e. proportional representation

17. Which of the following is not considered a reason why people vote for a third party?
   a. Third parties are policy advocates.
   b. Third parties function as safety valves for the disgruntled.
   c. Third parties allow voters to voice their discontent.
   d. Third parties advocate for the majority.
   e. None of the above; all are reasons people vote for third parties.

18. Imagine an election in which ten legislative seats are at stake. Party A receives 60 percent of the votes. Party B gets 30 percent of the votes. Party C tallies 10 percent of the votes. Thus, Party A is awarded six seats; Party B, three seats; and Party C, one seat. What is this an example of?
   a. proportional representation
   b. majority representation
   c. electoral dealignment
   d. reapportionment
   e. realignment

19. What is the most distinguishing feature of U.S. political parties?
   a. tight party discipline
   b. clear ideological definition
   c. absence of centralized power
   d. hierarchical organization
   e. relatively young age

20. What type of party typically acts as a safety valve, channeling discontent into conventional participation?
   a. minor parties
   b. major parties
   c. majority parties
   d. party machines
   e. party conferences
21. Which of the following is not part of the national party organization?
   a. national committee
   b. national convention
   c. congressional campaign committees
   d. national steering campaign
   e. congressional party conferences

22. During the 1970s, while Democrats concerned themselves with procedural reforms, Republicans were concerned with
   a. congressional reforms.
   b. organizational reforms.
   c. ethical reforms.
   d. moralistic reforms.
   e. procedural reforms.

23. Which of the following is true about third parties in the United States?
   a. They tend to be more successful at the state and local level.
   b. They tend to be more successful at the national level.
   c. They rarely have any impact on elections.
   d. They have an advantage due to proportional representation.
   e. They have an advantage due to the electoral college.

24. Which of these is not a characteristic of the responsible party model of government?
   a. Parties present clear programs to voters.
   b. Voters choose candidates on the basis of party.
   c. When in office, the winning party tries to carry out its program.
   d. Voters hold the governing party responsible for executing its program.
   e. Each party attempts to minimize its differences with other parties.

25. When people are asked about their political ideology, those who live on the East Coast tend to identify with
   a. the Republican Party.
   b. the Democratic Party.
   c. the Independent Party.
   d. the Libertarian party.
   e. no answer.

Essay Questions
1. Discuss the positive and negative aspects of third-party campaigns during national elections.

2. What is a critical election? Trace the history of the two-party system since 1860 by focusing on the four critical elections in our nation’s history.

3. Discuss the differences between majority representation and proportional representation. Would the United States benefit from either? How would it change?

4. Discuss the different aspects of the national convention of the political parties every four years. What are its goals, who participates, what kinds of power do they have, and what kinds of power do they not have?

5. How was the Wizard of Oz reflective of America society in the early 1900s? Discuss the vague references and the ultimate message Baum was trying to convey.
ANSWERS TO MULTIPLE-CHOICE QUESTIONS
1. d
2. b
3. a
4. d
5. e
6. d
7. a
8. d
9. c
10. b
11. c
12. a
13. e
14. b
15. e
16. c
17. d
18. a
19. c
20. a
21. d
22. b
23. a
24. e
25. b
CHAPTER 9
Nominations, Campaigns, and Elections

LEARNING OBJECTIVES
After reading this chapter, you should be able to

- Define the key terms at the end of the chapter.
- Trace the evolution of political campaigning from party-centered campaigns to candidate-centered campaigns.
- Give a thumbnail sketch of the nominating process for the presidency, Congress, and state offices.
- Outline the changes in the presidential nominating process since 1968.
- Explain how presidential campaigns are currently financed.
- List the three basic strategies used by political campaigns.
- Discuss the role of polling, news coverage, and political advertising in campaigns.
- Analyze the impact of split-ticket voting on U.S. politics.
- Describe the operation of long- and short-term forces on voting choice.
- Assess whether present voting patterns are more likely to lead to pluralist or majoritarian democracy.

NOMINATIONS, CAMPAIGNS, AND ELECTIONS AND THE CHALLENGE OF DEMOCRACY
How democratic and complex is our electoral system? The American system has features that are consistent with the pluralist model of democracy, features that are consistent with the majoritarian model of democracy, and features that may make it look rather undemocratic. Campaigns give organized groups the opportunity to influence the choice of candidates and the policies of government, which are consistent with the pluralist model. The nominating process and the electoral system are consistent with the types of popular control of government that the majoritarian model prescribes. When the outcome may not reflect the popular vote and the election costs require extensive fund raising, you have to wonder if the elections are truly democratic at all.

CHAPTER OVERVIEW
The opening case illustrates the complexity of the U.S. election system. In 2000, it took thirty-six days just to count all the U.S. votes for president, but in Canada it took the same amount of time to call a federal election, conduct the campaign, and decide the outcome. This chapter focuses on the various ways that states count ballots, parties nominate candidates, and candidates campaign. Unlike Canadian voters, American voters have to endure long, intensive campaigns and a mind-boggling number of candidates, issues, and constitutional amendments during their elections. And on top of all that, their presidential choice could still win the popular vote, but lose the electoral election for the White House!
The Evolution of Campaigning

Election campaigns, or organized efforts to persuade voters to choose one candidate over the others, have changed considerably over the years. In general, political parties play a much smaller role than they once did. The parties supply a label, as well as services and some funds. Candidates must campaign for their party’s nomination as well as for election. Instead of relying on party organizations, however, those seeking office use the services of pollsters, political consultants, the mass media, and, more recently, the Internet. In this new age of electronic media, campaigns have become more candidate centered than party centered.

Nominations

Unlike citizens of most other countries in the world, Americans nominate their candidates through an election by party voters. For most state and local offices, candidates are chosen through primary elections of various types—open, modified open, modified closed, and closed. Conventions changed significantly after 1968, and so did the way that parties choose their presidential candidates. Now the convention delegates typically vote to reflect the outcome of the party primaries or caucuses before the convention is held. As a result, the outcome of the nominating conventions is usually known long beforehand, but 2008 was an exception for Democrats. The Iowa caucus and the New Hampshire primary have become early tests of potential candidates’ appeal to party regulars and to ordinary voters. One of the characteristics of recent presidential elections is the increased front-loading in the delegate selection process.

Elections

Although most people do not know it, our electoral college indirectly elects our presidents. Each state’s number of electoral votes is equal to the size of its congressional delegation (senators plus representatives). The District of Columbia also has three votes. In most states, electoral votes are awarded on a winner-take-all basis, which allows a candidate to win the electoral vote and the presidency while losing the popular vote. In recent years, ticket splitting has been on the increase, and voters have tended to elect presidents from one party and members of Congress from the other party. Candidates for Congress are elected in a first-past-the-post system, which tends to magnify the victory margins of the winning party.

Campaigns

Candidates must pay attention to the political context of each election. Incumbent candidates will have an extreme advantage over a challenger, because of the incumbent’s name recognition. The size of the district, its voting population, and its socioeconomic makeup are also important.

Although good candidates and a strong organization are valuable resources in modern political campaigning, money is the lifeblood of any campaign. Without money, a campaign will die. In recent years, Congress has moved to set strict reporting requirements for campaign contributions and created the Federal Election Commission to monitor campaign finances. Presidential nominees are eligible for public funds to support their campaigns if they agree to spend only those funds. Private individuals, political action committees, and national party committees, however, could spend unlimited amounts to promote candidates. Exploiting a loophole in the law, parties raise soft money to support party mailings, voter registration, and get-out-the-vote campaigns, which benefit the whole ticket and are free of the limitations on candidates. The Bipartisan Campaign Finance Reform Act represents one attempt to restrict soft money spending, banning all soft money expenditures by the national party but permitting soft money expenditures by state party organizations and tax-exempt issue advocacy groups, called 527s. The new rules applied to the 2004 election cycle, but we are still seeing massive amounts of money being contributed and spent.
Campaign strategies can be party centered, issue oriented, or image oriented. Candidates use a mix of polls and focus groups to design their strategies. Most campaigns emphasize using the media in two ways: news coverage and political advertising. Each of these approaches to the media seeks the same primary goal: candidate name recognition. News coverage is often limited to brief sound bites, so candidates rely heavily on advertising to develop their name recognition. Ads often contain a good deal of information, although the policy content may be deceptive or misleading. The Internet has created new opportunities for candidates to reach voters. The Internet allows candidates to communicate with activists on substantive issues, to arrange meetings and speeches, and, more importantly, to increase the number of volunteers and campaign donations. The presidential candidacy of Vermont governor Howard Dean illustrated both the potential and the limits of the Internet as a campaign medium.

Explaining Voting Choice
Voting decisions are related to both long- and short-term factors. Among long-term factors, party identification is still the most important. Candidate attributes and policy positions are both important short-term factors. Although issues still do not play the most important role in voting choices, research suggests that there is now closer alignment between voters’ issue positions and their party identification. Given the importance of long-term factors in shaping voting choice, the influence of campaigns may be limited. U.S. elections have become so professionalized that many aspects of our campaign styles are showing up in foreign countries.

Campaigns, Elections, and Parties
As candidates rely more on the media, U.S. election campaigns have become highly personalized, swing states have received more attention, and party organizations have waned in importance. Surprisingly, most voters are not voting for party platforms but more for their party as a whole. This kind of voting behavior is more in keeping with the pluralist model of democracy. In other words, the two major parties are more concerned with winning than they are in resolving issues or problems.

KEY TERMS
- election campaign
- primary election
- closed primary
- open primary
- modified closed primary
- modified open primary
- presidential primary
- caucus or convention
- front-loading
- general election
- straight ticket
- split ticket
- first-past-the-post election
- open election
- Federal Election Commission (FEC)
RESEARCH AND RESOURCES

Since money is so important to political campaigning, you might want to know just where candidates get their money. One good resource is Joshua F. Goldstein’s *Open Secrets: The Encyclopedia of Congressional Money and Politics* (Washington, DC: Congressional Quarterly Press, 1996) or the website <http://www.opensecrets.org>. These sources profile members of Congress and presidents to reveal how much each received from PACs. PAC contributors are listed individually and are grouped in categories so you can find out instantly how much money a senator or representative received from business PACs, defense PACs, PACs concerned with abortion, PACs supporting Israel, and so on. The book also gives information on each Congress member’s committee assignments and voting record.

For up-to-date information delivered electronically, visit the sites of the Federal Election Commission (FEC) at <http://www.FEC.gov> and <http://www.tray.com/fecinfo>. These sites provide financial information about candidates, parties, and PACs.

USING YOUR KNOWLEDGE

1. Use online sources or *Open Secrets* to find out where your senators’ or representatives’ campaign funds came from. What proportion came from PACs? What kind of PACs provided the largest share of funds? How much money did the defeated candidate receive from PACs in the last election?


SAMPLE EXAM QUESTIONS

Multiple-Choice Questions

1. Although more than 130 million people went to the polls in the 2008 election, how many votes were cast for the various offices of president, congress, state executive, judges, and so on?
   a. about 122 million
   b. about 360 million
   c. about 580 million
   d. about 780 million
   e. over 1 billion

2. Which of the following is not one of the four aspects of an effective campaign?
   a. aligning party officials to support nominated candidate
   b. acquiring sufficient resources and analyze information about voters’ interests
   c. developing a strategy for appealing to voters’ interests
   d. delivering the candidate’s message to voters
   e. getting voters to cast their ballots
3. What do we call the preliminary election conducted within the party to select its candidates?
   a. general election
   b. straight party ticket election
   c. election campaign
   d. primary election
   e. conventional election

4. What term do we use to describe a primary election in which voters need not declare their party affiliation and can choose one party’s ballot to take into the voting booth?
   a. general primary
   b. open primary
   c. modified open primary
   d. modified closed primary
   e. closed primary

5. Which of the following holds a proportional primary?
   a. Democratic Party
   b. Republican Party
   c. Green Party
   d. Reform Party
   e. Constitutional Party

6. How many states currently hold a presidential primary instead of a caucus?
   a. 20
   b. 25
   c. 30
   d. 35
   e. 40

7. Which of the following would not be used to describe a contemporary presidential campaign?
   a. long
   b. expensive
   c. party dominated
   d. covered intensely by the media
   e. candidate determined before the convention

8. What term is used to describe the practice of moving delegate selection primaries and caucuses earlier in the calendar year to gain media and candidate attention?
   a. opening up the election
   b. modifying the election
   c. priming the election
   d. front-loading the election
   e. freeing the election

9. Statistically, which state primary has the greatest direct effect on who will win the presidential nomination?
   a. New York
   b. New Hampshire
   c. Maine
   d. Iowa
   e. South Carolina
10. Which of the following is true when there is no incumbent seeking reelection to the White House?
   a. The nomination process becomes contested in both parties.
   b. Candidates usually have heavy national party support when they win.
   c. The primary election goes smoothly.
   d. It takes very little money to run for president.
   e. Both sides are at a disadvantage.

11. What term do we use to describe the elections in between presidential election years?
   a. off-year elections
   b. senatorial elections
   c. midphase elections
   d. examination elections
   e. justification elections

12. Which constitutional amendment allows the three delegates from the District of Columbia to count in the electoral college?
   a. Twentieth
   b. Twenty-first
   c. Twenty-second
   d. Twenty-third
   e. Twenty-fourth

13. Every state will have a minimum of how many electoral votes?
   a. 1
   b. 2
   c. 3
   d. 4
   e. 5

14. What term is used to describe financial contributions given directly to a candidate running for a federal office or the presidency?
   a. rigid funds
   b. hard money
   c. stable funding
   d. foundational funding
   e. marble money

15. Which bill banned soft money party contributions in 2002?
   a. McCain-Feingold bill
   b. Thompson-McCain bill
   c. Gore-Gingrich bill
   d. Gramm-Rudman bill
   e. Kemp-Roth bill

16. What is the current maximum amount that an individual can give to a federal candidate?
   a. $1,000
   b. $1,200
   c. $1,500
   d. $2,000
   e. $2,300
17. What term describes an electoral strategy based on a candidate’s experience and leadership ability?
   a. party centered
   b. issue oriented
   c. image oriented
   d. negative
   e. first past the post

18. What does negative political advertising tend to do?
   a. It helps increase voter turnout.
   b. It has little effect in U.S. politics.
   c. It has about the same effects for challengers and incumbents.
   d. It works better for incumbents.
   e. It works better for challengers.

19. According to a 2007 national survey, where do people get most of their news about the candidates?
   a. radio
   b. television
   c. newspapers
   d. Internet
   e. magazines

20. What can tax-exempt issue advocacy groups (527s) do under the new campaign finance laws?
   a. raise and spend unlimited amounts of soft money
   b. specifically advocate the defeat or election of a candidate for office
   c. spend no money on television or other advertising
   d. contribute a maximum of $2,000 to any candidate for office
   e. contribute a maximum of $100,000 to the national committees of the major parties

21. How do we describe the action of a voter selecting candidates from different parties for different offices?
   a. balanced ticket
   b. nonpartisan ticket
   c. party-oriented ticket
   d. open ticket
   e. split ticket

22. Which of the following best describes first-past-the-post elections?
   a. The candidate with a majority of electoral votes wins the White House.
   b. A candidate wins the popular vote, but loses the presidency.
   c. Victory goes to the candidate with the most votes in a single district.
   d. A primary victory is assured for the candidate who wins the first two state primaries.
   e. They use a method of proportional voting, which allows everyone to benefit.

23. What did the 1974 Federal Election Campaign Act focus on?
   a. regulating hard money
   b. regulating soft money
   c. reducing spending by wealthy candidates
   d. reducing public financing of elections
   e. presidential elections, but left congressional elections unregulated
24. What is the most important long-term force affecting U.S. elections?
   a. party identification
   b. candidate attributes
   c. candidate issue positions
   d. media coverage
   e. political advertising

25. Which of the following areas have the politics of other countries been Americanized in?
   a. campaign financing
   b. election campaigns
   c. Internet campaigns
   d. party politics
   e. nominations and conventions

Essay Questions
1. Compare caucuses and primaries. Why are Iowa and New Hampshire so important? Are there differences, and does front-loading help or hurt the method used?
2. How does the effort to regulate campaign finances raise the tension between freedom and equality?
3. Discuss the changes in U.S. elections before 1968 and after 1968.
4. Should the nominating process for members of Congress or presidential nominees be closed to members of the candidate’s political parties? Why or why not? What effect would a closed process have on the types of candidates nominated?
5. What does it mean to say that campaigns are now candidate centered rather than party centered? Do you agree or disagree with this statement: “Presidential elections are no longer contests between candidates; they are battles among media teams”? Explain the reasons for your position.
ANSWERS TO MULTIPLE-CHOICE QUESTIONS

1. e
2. a
3. d
4. b
5. a
6. e
7. c
8. d
9. b
10. a
11. a
12. d
13. c
14. b
15. a
16. e
17. c
18. e
19. b
20. a
21. e
22. c
23. a
24. a
25. b
CHAPTER 10

Interest Groups

LEARNING OBJECTIVES
After reading this chapter, you should be able to

- Define the key terms at the end of the chapter.
- Outline the positive and negative roles played by interest groups in U.S. politics.
- Explain how interest groups form.
- Create a profile of the kind of person most likely to be represented by an interest group.
- Describe the major resources that interest groups use to influence policy.
- List the tactics used by interest groups to win the support of policymakers.
- Account for the recent increase in the number of interest groups.
- Discuss the impact of high-tech lobbying by interest groups.
- Discuss how interest group bias affects how interest groups are perceived and operate.

INTEREST GROUPS AND THE CHALLENGE OF DEMOCRACY

Although most Americans think we should do something to reduce our greenhouse emissions, it took thirty-two years for Congress to increase fuel efficiency standards on U.S.-made cars. While other countries began making fuel-efficient cars, Ford and GM successfully lobbied Congress for the right to continue making large inefficient cars. Now as gas prices have increased, consumers will be punishing Ford and GM for their choices.

The founders anticipated that factions or interest groups would play an important part in politics. James Madison’s writings show that they believed factions would thrive in an atmosphere of freedom: “Liberty is to faction what air is to fire.” The only way to eliminate factions or interest group politics was to curtail freedom. The founders were certainly not prepared to abandon the very value for which they had fought the Revolutionary War. So they proposed using factions to combat factions, with the government serving as the mediator.

More recently, pluralist political scientists have resurrected these Madisonian hopes. They have made it clear that U.S. politics is not majoritarian but has interest groups at its center. They also expect interests to counterbalance one another, and the system to provide open access. However, as this chapter indicates, some interests, notably those of business, are much better represented than others. Opportunities for access may often depend on money. The fact that there are no poor PACs and no food stamp PACs suggests that the interests of the poor may not be adequately represented. Insofar as political equality means one person, one vote, Americans are pretty much equal, but if political equality means more than that, then it follows that where contemporary interest group politics are concerned, social inequality leads to political inequality.
So why not limit the activities of interest groups to promote open access and make pluralism function as Madison expected it would? The answer is that limiting interest groups also means limiting the right of the people to petition their government—a fundamental freedom guaranteed under the Constitution.

CHAPTER OVERVIEW

Interest Groups and the American Political Tradition

Interest groups, or lobbies—organized bodies of individuals who share some political goals and try to influence policy decisions—have always been a part of U.S. politics. The Constitution itself was designed to preserve freedom by relying on what we now call pluralist politics, or, in Madisonian terms, the use of factions to counteract other factions. But giving people freedom to organize does not necessarily promote political equality. Thus, the value people place on equality may determine whether they believe that interest groups are bad or good.

Interest groups perform a variety of important functions in the American system: They represent their members to the government; they provide channels for citizen participation; they educate their members, government officials, and the public at large; they build the public agenda by putting issues before the government; and they monitor programs important to their members.

How Interest Groups Form

Modern pluralists believe that interest groups further democracy. They believe interest groups form naturally by a process similar to the invisible hand in economics. When unorganized people are adversely affected by change, they organize themselves into groups to protect their interests. Yet empirical evidence suggests that this doesn’t always happen; more than a simple disturbance is required. Strong leadership—provided by interest group entrepreneurs—may be critically important; in addition, social class is also a factor in interest group formation. Although the poor and less educated do form groups to advance their interests, middle- and upper-class individuals are much more likely to see the value of interest groups and to organize.

Interest Group Resources

An interest group’s strength and effectiveness usually depends on its resources. These resources include members, lobbyists, and money. Interest groups work hard to build their memberships and to combat the free rider problem. They also keep their members well informed of group activities. Lobbyists, preferably Washington insiders with previous government experience, present the group’s views to legislators and officials of the executive branch. Currently, an important resource used by interest groups is the political action committee (PAC). This type of organization enables a group to more easily make political campaign contributions in the hope of obtaining better access to officials. PACs may make influence a function of money (thereby reducing political equality), but limiting PACs would amount to a restriction on freedom of expression. Furthermore, PACs also allow small givers to pool their resources to obtain more clout.

Lobbying Tactics

Interest groups may seek help from the legislature, the courts, or the administration. Lobbyists carry out their task in several ways. They may use direct lobbying aimed at policymakers themselves, through legal advocacy, personal presentations, or committee testimony. Alternatively, they may rely on grassroots lobbying by enlisting group members to pressure elected officials through letters or political protests. Lobbyists may also use information campaigns, bringing their views to the attention of the general public through public relations methods. These campaigns may involve publicizing the voting records of legislators or sponsoring research. Lobbyists may exploit a variety of technical innovations,
especially the Internet, to organize and communicate with potential supporters. Finally, lobbyists may lobby for each other through coalition building.

**Is the System Biased?**

Are the decisions made in a pluralist system fair? Perhaps, if all significant interests are represented by lobbying groups and the government listens to the views of all major interests as it makes policy. Yet research shows that interest groups have a membership bias. Some parts of society are better organized than others, namely, the well educated, the wealthy, and professionals.

In addition to groups motivated by the self-interest of their members, there are also citizen groups or public interest groups motivated for reasons other than economic self-interest; these groups seek to achieve a common good that benefits all citizens. Although only a few of these liberal self-interest groups formed during the early twentieth century, more recently we have seen a distinct rise in their number. Organizations pursuing environmental protection, consumer protection, good government, family values, and equality for various groups are all increasing in number, and they receive significant coverage in the national press on their issues. Nevertheless, business groups enjoy a substantial advantage in Washington, D.C., especially on broad issues that unite a number of different industries.

Although the First Amendment guarantees the right to organize, interest groups may confer unacceptable advantages on some segments of the community. Especially with the Jack Abramoff scandal, efforts are being made to limit the impact of lobbyists, through increased federal regulations, tightened disclosure laws, gift and travel bans, more ethical rules, and a move toward more public financing of national campaigns.

**KEY TERMS**

- interest group
- lobbies
- lobbyist
- agenda building
- program monitoring
- interest group entrepreneur
- free-rider problem
- trade associations
- political action committee (PAC)
- direct lobbying
- grassroots lobbying
- information campaigns
- coalition building
- citizen groups
RESEARCH AND RESOURCES

One of the most significant recent developments in U.S. politics has been the proliferation of PACs. There are several sources of data on PAC activity, including


Here are websites for a few well-known interest groups.

- American Medical Association at <http://www.ama-assn.org>
- American Association for Retired Persons at <http://www.aarp.org>
- National Organization for Women at <http://www.now.org>
- National Rifle Association at <http://www.nra.org>
- Children’s Defense Fund at <http://www.childrensdefense.org>
- Christian Coalition at <http://www.cc.org>

USING YOUR KNOWLEDGE

1. Visit the websites of two or three interest groups. What types of information do they offer? What online strategies do they use to mobilize members?

2. Visit the sites of some of the lobbying firms listed on Yahoo. What types of services do they offer to their clients?

GETTING INVOLVED

There are plenty of opportunities to learn more about the Washington community and the think tanks and lobbyists that play such an important role in policymaking. The list provided here will give you some idea of the range of possibilities available.

**Internships at Think Tanks**

The American Enterprise Institute (AEI) assigns interns to work for resident scholars specializing in economic policy, foreign and defense policy, or social and political policy. Internships are available in the fall, spring, or summer and run twelve weeks. They are unpaid. Deadlines are September 1 for fall, December 1 for spring, and April 1 for summer. For further information, contact the American Enterprise Institute, Intern Coordinator, 1150 17 Street, NW, Washington, DC 20036. Telephone: 202-862-5800. Find AEI online at <http://www.aei.org>

The Brookings Institution assigns its unpaid interns to work on research involving political institutions, processes, and policies. Internships run twelve weeks and are available in the fall, spring, and summer. Deadlines are August 1 for fall, December 1 for spring, and April 1 for summer. Write to the Brookings

Common Cause uses interns to work for grassroots lobbying efforts in the states as well as to monitor congressional meetings and do other research. Write to Common Cause, Volunteer Office, 2030 M Street, NW, Washington, DC 20036. Telephone: 202-833-1200. You can also apply online at <http://www.commoncause.org/site/pp.asp?c=dkLNK1MQIWG&b=201408>.

**Internships with Interest Groups**

The Feminist Majority Foundation offers women and men the chance to lobby for women’s issues, including reproductive rights, sexual harassment, and women’s rights. Student interns may work in the Washington, D.C., or Los Angeles offices. For details, contact the Fund for Feminist Majority, 8105 West 3 Street, Suite 1, Los Angeles, CA 90048, or 1600 Wilson Boulevard, Suite 801, Arlington, VA 22209, or at intern@feminist.org. Telephone: 703-522-2214. See their website at <http://www.feminist.org>.

Americans for Democratic Action, long the nation’s best-known liberal organization, offers full- and part-time internships during the school year; there is no pay, but hours are flexible, and arrangements may be made with home institutions for coordinating course credit. Contact Americans for Democratic Action, 1625 K Street, Suite 210, Washington, DC 20005. Telephone: 202-785-5980. The ADA website is <http://www.adaction.org>.

The Union of Concerned Scientists involves students in research and lobbying on issues related to arms control and the impact of technology. The internships are paid, and thirty to forty hours of work per week is the normal expectation. For further information, contact the Union of Concerned Scientists, 1616 P Street, NW, Suite 310, Washington, DC 20036. Telephone: 202-332-0900. See their website at <http://www.ucsusa.org>.

The National Taxpayers Union works for lower taxes and reduced government spending. It offers paid internships to students interested in working on researching taxpayer issues, preparing a congressional spending analysis, and lobbying at the grassroots, national, or state levels. Students should apply six weeks ahead of the desired starting date and by April 1 for summer internships. For further information, contact the Internship Program, National Taxpayers Union, 325 Pennsylvania Avenue, SE, Washington, DC 20002. Telephone: 703-683-5700. Find out more online at <http://www.ntu.org>.

**SAMPLE EXAM QUESTIONS**

**Multiple-Choice Questions**

1. What did Madison see as the fundamental cause of factions?
   a. undemocratic tendencies
   b. economic motives
   c. America’s strong democratic culture
   d. the nature of man
   e. capitalism and the democratic nature of America

2. What is the general paradox of how we think about interest groups and lobbyists?
   a. We love them, but we don’t donate money to them.
   b. We hate them, except the ones that speak on our behalf.
   c. We love what they do, but we don’t like their methods.
   d. We think Congress is honest, but interest groups lie.
   e. We think Congress lies, but interest groups are honest.
Chapter 10: Interest Groups

3. Which of the following is not one of the roles of interest groups?
   a. nominating candidates
   b. program monitoring
   c. agenda building
   d. representation
   e. education

4. Which of the following best describes David Truman’s theory of interest groups?
   a. economic theory of interest group formation
   b. group leader theory of interest group formation
   c. flocking theory of interest group formation
   d. disturbance theory of interest group formation
   e. pluralism, which explains everything about our democracy

5. Why was Cesar Chavez successful in helping farmers form an interest group?
   a. He raised lots of money.
   b. He knew the right people.
   c. He was a dynamic leader.
   d. He organized effectively.
   e. He got the Democrats on his side.

6. Which of the following seems to have an advantage in forming interest groups?
   a. poor and uneducated
   b. laborers
   c. downtrodden with a good story
   d. wealthy and well educated
   e. artists

7. What is one of the most valuable resources of an interest groups?
   a. public interest
   b. media campaign
   c. access to a member of Congress
   d. computer access or knowledge
   e. members

8. Where do most PAC contributions come from?
   a. business groups and trade associations
   b. citizens’ groups
   c. women’s groups
   d. unions
   e. individuals

9. What is the most commonly used grassroots lobbying tactic?
   a. personal presentation of a group’s position
   b. legal advocacy
   c. testifying at committee hearings
   d. letter-writing campaign
   e. protests and demonstrations

10. Which of the following can be a problem for interest groups?
    a. free-rider problem
    b. maintaining membership
    c. attracting new members
    d. funding
    e. all of the above
11. Who would most likely belong to a group working to advance their interests?
   a. people receiving veterans’ benefits
   b. TANF recipients
   c. food stamp recipients
   d. people receiving Medicaid
   e. all of the above

12. What do we call an organized effort to gain public backing by highlighting a group’s views?
   a. interest group activity
   b. grassroots lobbying
   c. information campaign
   d. direct lobbying
   e. agenda building

13. Which of the following is a major difference between public interest groups and other lobbies?
   a. Public interest groups do not generally pursue the economic self-interests of their members.
   b. Public interest groups are always poorly funded.
   c. Public interest groups do not support conservative causes.
   d. Public interest groups still rely primarily on grassroots tactics.
   e. Public interest groups rely exclusively on legal advocacy.

14. The Internet has created what principal effect on interest group organizations?
   a. increased the costs for groups to organize
   b. decreased the costs for groups to organize
   c. increased regulation of group activities
   d. decreased in the number of organized interests
   e. increased the influence of groups over visible policy outcomes

15. Which of the following does not contribute to the increase of business lobbies in Washington?
   a. expanded scope of federal government activity
   b. competitive nature of business lobbying
   c. success of interest groups on the religious right
   d. success of liberal public interest groups
   e. increase in the total number of lobbying organizations

16. Which of the following would not be included in program monitoring by interest groups?
   a. filing lawsuits to stop agency actions
   b. publicizing agency failures
   c. pressuring administrators to change programs
   d. publicizing the costs of agency activity
   e. gaining access to administrators with PAC contributions

17. The success of 527s and the decline of political party membership signals a
   a. return to normalcy.
   b. shift to a more majoritarian society.
   c. shift to a more plural society.
   d. rise in tolerance.
   e. rise of intolerance.

18. Approximately what percentage of PAC contributions come from business, professional, or corporate interests?
   a. 15 percent
   b. 40 percent
   c. 50 percent
   d. 60 percent
   e. 85 percent
19. 527s possess one major difference from all other PACs. What is it?
   a. They can accept donations of an unlimited amount.
   b. They are nonprofit.
   c. They take a stand on the issues.
   d. They can endorse a candidate directly.
   e. All of the above.
20. Which of the following is not a tactic used in direct lobbying?
   a. testifying at a committee hearing
   b. organizing a demonstration
   c. legal advocacy
   d. personal contact
   e. None of the above; all are tactics used in direct lobbying.
21. What do Western democracies, think of the United States’ government?
   a. It is one of the most pluralist governments.
   b. It is one of the most majoritarian governments.
   c. It is neither more nor less pluralist than other governments.
   d. It has many groups that do not operate independently of government.
   e. It is the only nation that has organized groups active in politics.
22. Why do citizens’ groups have good credibility?
   a. They are well organized.
   b. They are not motivated by financial gain.
   c. They are large organizations.
   d. They are well financed.
   e. They are unlikely to rely on PACs.
23. What term do we use to describe several organizations banding together for the purpose of lobbying?
   a. information campaign
   b. agenda building
   c. coalition building
   d. trade association
   e. none of the above
24. Which of the following variables is frequently used to explain the likelihood of interest group formation?
   a. change in the environment
   b. leadership
   c. socioeconomic status of potential members
   d. activities of interest group entrepreneurs
   e. all of the above
25. There has been a rapid growth in recent years of ideological PACs that have no parent lobbying organization. What is the main function of these PACs?
   a. increasing the number of members
   b. pressuring lawmakers
   c. reacting quickly to bad bills or policies
   d. raising and channeling campaign funds
   e. obstructing or challenging legal opinions
Essay Questions

1. The U.S. automakers’ lobby has been very successful in keeping fuel efficiency standards low. Although this currently seems a bad thing, how has it benefited Americans until just recently?

2. What benefits do interest groups provide to the U.S. political system?

3. Describe the various methods of lobbying and why they can be so successful.

4. What are the different theories behind the formation and success of interest groups?

5. Have recent changes in campaign finance law restricted or expanded the activities of PACs? Should the United States engage in an effort to reform the way that PACs are organized and the way they operate?
ANSWERS TO MULTIPLE-CHOICE QUESTIONS

1. d
2. b
3. a
4. d
5. c
6. d
7. e
8. a
9. d
10. e
11. a
12. c
13. a
14. b
15. c
16. e
17. b
18. d
19. a
20. e
21. a
22. b
23. c
24. e
25. d
CHAPTER 11
Congress

LEARNING OBJECTIVES
After reading this chapter, you should be able to

- Define the key terms at the end of the chapter.
- Outline the constitutional duties of the House and Senate.
- Account for factors that influence the outcomes of congressional elections.
- Describe the characteristics of a typical member of Congress.
- Sketch the processes by which a bill becomes a law and an issue is placed on the congressional agenda.
- Explain the importance of the committee system in the legislative process.
- Distinguish between congressional rules of procedure and norms of behavior.
- List several important sources of legislative voting cues.
- Explain the dilemma that representatives face in choosing between trustee and delegate roles.
- Evaluate the extent to which the structure of Congress promotes pluralist or majoritarian politics.

CONGRESS AND THE CHALLENGE OF DEMOCRACY
The structure of Congress, both as it was designed by the founders and as it has evolved over the past two centuries, heightens the tension between pluralism and majoritarianism in U.S. politics. Under the Constitution, the system of checks and balances divides lawmaking power between Congress and the president. In addition, members of Congress are elected from particular states or congressional districts and ultimately depend on their constituents to reelect them. Two facts suggest majoritarian influence on Congress. First, to become law, legislation must be passed by a majority vote in each house. Second, in recent years at least, the party system, which may act as a majoritarian influence on politics, has had a greater impact on the way members vote. Considering the thin Democratic majority in both the House and the Senate resulting from the election of 2006, Congress will likely be more pluralistic in order to pass legislation on key issues faced by the nation.

Much about the structure of Congress reinforces pluralism. The committee structure encourages members of Congress to gain expertise in narrow policy areas. The experience members gain in these areas often leads them to look after particular constituencies or special interests. Furthermore, since the outcome of the legislative process is usually the result of vote trading, logrolling, bargaining, and coalition building, any final product is likely to represent all sorts of concessions to various interests.
CHAPTER OVERVIEW

The Origin and Powers of Congress

The U.S. Congress is a bicameral (two-house) legislature. Its basic structure grew out of the Great Compromise at the Constitutional Convention. As a result of that compromise, each state is represented in the upper house (or Senate) by two senators, who serve staggered six-year terms and in the lower house (the House of Representatives) according to its population. Members of the lower house serve two-year terms. In 1929, the total number of representatives was fixed at 435. Whenever the population shifts (as demonstrated by a decennial census), the country’s 435 single-member legislative districts must be reapportioned to reflect the changes and provide equal representation.

The Constitution gives the House and Senate shared powers. This includes the power to declare war, raise an army and navy, borrow and coin money, regulate interstate commerce, create federal courts, establish rules for the naturalization of immigrants. It also includes the power to “make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers.” Even though they share much, each house has its own set of powers.

There are several differences between the House and Senate in their constitutional responsibilities. All revenue bills must originate in the House. The House has the power of impeachment and the power to formally charge the president, vice president, and other civil officers of the national government with serious crimes. The Senate is empowered to act as a court to try impeachment, with the chief justice of the Supreme Court presiding. The Constitution gives the Senate some additional powers, such as approving presidential nominations including all federal judges, ambassadors, and cabinet members. The Constitution gives the president the power to negotiate treaties with foreign countries, but the Senate must approve any treaty with a two-thirds majority.

ELECTING CONGRESS

Although elections offer voters the opportunity to express their approval or disapproval of congressional performance, voters rarely reject House incumbents. Polls show that the public lacks confidence in Congress as a whole and supports term limits, but most people are satisfied with their own particular legislator. Incumbents have enormous advantages that help them keep their seats. For example, incumbents are generally much more attractive to PACs and find it easier to obtain funds for reelection campaigns. Incumbents usually have greater name recognition; they acquire this name recognition by using their franking privileges and building a reputation for handling casework. Gerrymandering during redistricting may also work to the benefit of an incumbent. Senate races tend to be more competitive than House races; incumbency is less of an advantage in the Senate, partly because of the greater visibility of challengers in Senate races. When challengers do defeat incumbents, it is often the case that the previous election was close or the ideology and party identification of the state’s voters favor the challenger.

Members of Congress tend to be white, male professionals with college or graduate degrees. There are relatively few women and minority group members in Congress. To remedy this situation, some people favor descriptive representation; others argue that devices such as racial gerrymandering discriminate unjustly against white candidates. Recent court decisions have dealt setbacks to racial gerrymandering.

HOW ISSUES GET ON THE CONGRESSIONAL AGENDA

Although many issues on the congressional agenda seem to be perennial, new issues do emerge. Sometimes a crisis or visible event prompts Congress to act; at other times, congressional champions of particular proposals are able to win powerful supporters for their ideas. Congressional leaders and committee chairpersons also have the power to place items on the congressional agenda, and they often do so in response to interest groups.
Chapter 11: Congress

The Dance of Legislation: An Overview

Bills become laws by a process that is simple in its outline. A bill may be introduced in either house. It is then assigned to a specialized committee, which may refer it to a subcommittee for closer study and modification. When the subcommittee has completed its work, it may send the proposal back to the full committee, which may then approve it and report it out to the chamber for debate, amendment, or a vote on passage. Floor procedures in the two houses differ substantially. In the House, the Rules Committee specifies the form of debate. In contrast, the Senate works within a tradition of unlimited debate and unanimous consent petitions. If a bill passes the two houses in different versions, the differences must be reconciled in a conference committee, and the bill must then be passed in its new form by each house. Once the bill has passed Congress, it is sent to the president for his signature, veto, or pocket veto. The pocket veto can be used only when Congress adjourns. Congress approved a line-item veto that allowed the president to invalidate particular sections of bills, but the Supreme Court declared it unconstitutional. President George W. Bush tried to get Congress to revive the line-item veto, but they were unable to pass legislation to that effect.

Committees: The Workhorses of Congress

The real work of lawmaking happens in the legislative committees. One of the reasons for the committee system is division of labor. The American system of specialized standing committees allows members of Congress to build up expertise in issue areas as they build up seniority in Congress. Standing committees are broken down into subcommittees that allow members to acquire even more specialized expertise. Subcommittees are often the dominant forces shaping legislation. In addition to their work on standing committees, members of Congress serve on joint committees made up of legislators from both houses; select committees established to deal with special issues; and conference committees created to work out differences between versions of legislation passed by the two houses. Leadership on committees is linked to seniority (although members have the option of a secret ballot).

Committee hearings represent an important stage in drafting legislation and are often used by legislators as ways of gaining publicity on an issue. Committees themselves differ in terms of style. Some work by consensus; others are more conflictive.

In addition to its responsibility for passing new laws, Congress must also keep watch over the administration of existing laws. Through this oversight function, Congress is able to monitor existing policies and programs to see if agencies are carrying them out as Congress intended. Oversight occurs in a variety of ways, including hearings, formal reports, and informal contacts between congressional and agency personnel. Since the 1970s, Congress has increased its oversight over the executive branch. Generally, it has done so in an effort to find ways to make programs run better; sometimes it tends to become involved in petty details, making itself vulnerable to the charge of micromanagement.

Reliance on a committee system decentralizes power and makes American democracy more pluralistic, yet there is a majoritarian aspect as well, since most committees approximate the general profile of the parties’ congressional membership, and legislation must still receive a majority vote in each house before becoming law.

Leaders and Followers in Congress

Each house has leaders who work to maximize their party’s influence and keep their chamber functioning smoothly and efficiently. Party leadership in the House is exercised by the Speaker of the House and the minority leader. In the Senate, power is vested in the majority and minority leaders. These four leaders are selected by vote of their own party members in the chamber. Much of their work consists of persuasion and coalition building.
Both houses use a formal procedure of rules and tradition to get their business done. An important difference between the two chambers is in the House’s use of its Rules Committee, which serves as the traffic cop governing the floor debate. Lacking a similar committee, the Senate relies on unanimous consent to govern the rules of debate. Moreover, unlike the House, the Senate has the power to call for a filibuster to prolong the debate on an issue.

Each house has its own formal rules of procedure specifying how debates are conducted in that chamber. In addition, each house also has unwritten, informal norms of behavior that help reduce conflict among people who often hold strongly opposing points of view but who must work together. Some norms, such as the apprenticeship norm, have been weakened, but, over time, successful members of Congress still learn to compromise to build support for measures that interest them.

The Legislative Environment
Legislators look to four sources for their cues on how to vote on issues. First, rank-and-file party members usually try to support their party when they can, and partisanship has increased in recent years as each of the major parties has become more homogeneous. Second, the president is often actively engaged in trying to persuade legislators to vote his way. The views of the constituents back home are a third factor in how legislators vote. Finally, interest groups provide legislators with information on issues and their impact on the home district. These four influences push Congress in both the majoritarian and the pluralist directions.

The Dilemma of Representation
Every member of Congress lives in two worlds: the world of presidents and the world of personalized shopping bags. Each member of Congress has to deal with the demands of Washington politics and the politics of his or her home district or state. A central question for representative government is whether representatives should act as trustees who vote according to their consciences or as delegates who vote as their constituents wish them to vote. In the U.S. Congress, members feel a responsibility to both roles. A need to consider the larger national interest pushes them to act as trustees, while the need to face their constituents at the next election leads them to act more like delegates. By and large, members of Congress do not consistently adopt one role or the other.

Pluralism, Majoritarianism, and Democracy
The U.S. Congress contrasts sharply with the legislatures in parliamentary democracies. Strong party systems and a lack of checks and balances to block government action make parliamentary democracies more majoritarian. Congress’s decentralization and the lack of a strong party system make Congress an institution better suited to pluralist democracy. Moreover, the population of the United States, with an increasing diversity of economic, social, religious, and racial groups, will influence Congress to be more pluralistic.

KEY TERMS
reapportionment
impeachment
incumbents
gerrymandering
casework
descriptive representation
racial gerrymandering
vetoes
standing committee
joint committees
select committee
conference committee
seniority
oversight
Speaker of the House
majority leader
filibuster
cloture
constituents
trustees
delegates
parliamentary system
earmarks

RESEARCH AND RESOURCES

For research on Congress, a useful starting point is Congressional Quarterly’s Guide to Congress, 6th ed. (Washington, DC: Congressional Quarterly Press, 2007). This work includes information on the origins and development of Congress, its powers and procedures, and the qualifications and conduct of its members. In addition, there are sections on Congress, the electorate, and pressures on Congress within our system. Finally, the volume contains a biographical index of every member of Congress from 1789 to the present day. Available online at <http://www.corporate.cq.com>.

Two other Congressional Quarterly publications, Congress and the Nation (mentioned in the Preface to the text) and Politics in America, are also helpful to those studying Congress. Editions of the latter work are published biennially and provide state-by-state summaries of current political issues as well as biographies of all current members of Congress, their interest group ratings, PAC support, committee memberships, and votes on key issues. The interest group ratings of members of Congress may also be found online using “Voter Information Services” at <http://www.vis.org>. A site sponsored by Rollcall, the newspaper of Capitol Hill, bills itself as “the premiere website for news and information about Congress.” You will find it at <http://www.rollcall.com>. Biographical information about members of Congress (past and present) can be searched for at <http://bioguide.congress.gov>. As mentioned in the text, the House and the Senate have extensive websites, <www.senate.gov> and <www.house.gov>.

What if these sources do not provide enough information for your purposes? Suppose you need to find the actual text of a Senate floor debate or a House committee hearing. You’ll want to turn to government documents. Floor debates are covered in the Congressional Record, published daily while Congress is in session and available online. To access it, try Thomas, the congressional website maintained by the Library of Congress at <http://thomas.loc.gov>.
Another important resource for research on Congress is the *Congressional Quarterly Almanac*. And the Open Secrets website about how much money Congress receives from the various special interest groups, online at <http://www.opensecrets.org>.

**USING YOUR KNOWLEDGE**

1. Using *Congressional Quarterly’s Weekly Reports* or the Internet resources suggested above, trace the legislative history of a bill passed by Congress in the last two years. When was the bill introduced? What were its major provisions? What committees examined it? Were there any major changes made by committees? What were they? Were there major amendments voted on during the floor debate?

2. Now, for a more extensive version of the above project, look up the House and Senate committee hearings on the bill. Who testified on behalf of the legislation? Who opposed it? What were the major arguments advanced by proponents and their opposition? Next, find the floor debates on the bill in the *Congressional Record*. Who supported the bill? Who opposed it? Why?

3. How does your representative fare in the ratings by Americans for Democratic Action? The Christian Coalition? The American Conservative Union? The AFL-CIO? Use the websites suggested above to find the answers to these questions.

4. Watch a House debate and a Senate debate on C-SPAN. What differences do you notice between the two? Next, watch a committee hearing. Describe the differences between committee hearings and floor debates.

**GETTING INVOLVED**

If you would like to have a chance to learn more about the life of a representative or senator, you might begin by contacting your own congressional representatives. They may welcome part-time volunteer help in their offices in the home district, or they may have internships available in their Washington offices. The Internet puts tremendous resources for finding congressional internships at your fingertips; just visit <http://www.senate.gov> and find the Senate Employment Bulletin located in the Visitors page.

*Roll Call*, the weekly newspaper covering Congress that circulates on Capitol Hill, offers internships. These internships are unpaid and last at least three months. For further information, contact *Roll Call*, 201 Massachusetts Avenue, NE, Washington, DC 20002. Find it online at <http://www.rollcall.com>.

**SAMPLE EXAM QUESTIONS**

**Multiple-Choice Questions**

1. The Great Compromise concerned
   a. slavery.
   b. division of voting rights.
   c. powers of the presidency.
   d. representation between the states.
   e. dispute of trading rules and regulations.

2. Which of the following is not a power of the U.S. Congress?
   a. to declare war
   b. to borrow and coin money
   c. to create federal courts
   d. to raise an army and navy
   e. to regulate intrastate commerce
3. Which of the following are the current majority in Congress?
   a. college-educated lawyers and businessmen
   b. blue-collar workers and soccer moms
   c. former actors and actresses
   d. African Americans
   e. Hispanics

4. Which of the following can occur after the president vetoes a bill?
   a. It cannot be reconsidered in that session of Congress.
   b. It becomes law if it is re-passed by at least three-fourths of the membership of each house.
   c. It becomes law if it is re-passed by at least two-thirds of those voting in each house.
   d. It becomes law if it is re-passed by a simple majority in each house.
   e. It becomes law if it receives unanimous support from each house.

5. Traditionally, the Senate allows unlimited debate on measures before it votes, but there is a
   procedure for ending debate. What is this procedure called?
   a. filibuster
   b. pocket veto
   c. cloture vote
   d. germaneness rule
   e. unanimous consent agreement

6. What term is used for the formal charging of a government official with “treason, bribery or other
   high crimes and misdemeanors”?
   a. filibuster
   b. gerrymandering
   c. apportionment
   d. impeachment
   e. casework

7. Every ten years we conduct a census which tracks our population shifts. What do we call the
   procedure in the House of Representatives to mirror these population shifts?
   a. reduction
   b. didaction
   c. reducement
   d. reapplication
   e. reapportionment

8. Which of the following is a power solely of the U.S. Senate?
   a. impeachment
   b. casework
   c. ratify treaties
   d. regulate intrastate commerce
   e. overturn presidential vetoes

9. Approximately what percentage of incumbent U.S. representatives can expect to be reelected?
   a. 50 percent
   b. 60 percent
   c. 70 percent
   d. 80 percent
   e. 90 percent
10. In the House of Representatives, who appoints the chair of a committee?
   a. majority leader
   b. Speaker of the House
   c. other members on the committee
   d. No one; the most senior member of the committee becomes the chair.
   e. committee members of the majority party

11. What is the function of the Rules Committee in the House?
   a. It determines only which members are eligible to vote on a bill.
   b. It determines only the length of debate on a bill.
   c. It determines whether a bill can be amended, while under consideration on the floor.
   d. It determines both the length of the debate and whether there are amendments.
   e. It determines which members may vote and the length of debate on a bill.

12. What is the most visible way that Congress performs its oversight function?
   a. hearings
   b. reports
   c. informal contacts with agencies
   d. legislation
   e. discrediting and dismantling programs

13. What do we call the temporary committee of Congress created to work out differences between
    the House and Senate versions of a specific piece of legislation?
   a. joint committee
   b. ad hoc committee
   c. select committee
   d. standard committee
   e. conference committee

14. To convict a president of impeachment, what portion of the Senate’s vote is necessary?
   a. simple minority
   b. simple majority
   c. two-thirds majority
   d. three-fourths majority
   e. unanimous vote

15. Where does the real power of the U.S. Senate reside?
   a. vice president of the United States
   b. Senate secretary
   c. speaker of the Senate
   d. president pro tempore of the Senate
   e. Senate majority leader

16. What term describes a delaying tactic used in the Senate that prevents action on legislation?
   a. logrolling
   b. gerrymandering
   c. pairing
   d. filibustering
   e. cloture
17. What term is used to describe a member of Congress who listens to what constituents want, but bases her or his vote on what she or he believes is best for them?
   a. trustee
   b. delegate
   c. majoritarian
   d. pluralist
   e. caseworker

18. Approximately what percentage of bills pass through conference committee?
   a. 5 percent
   b. 20 percent
   c. 50 percent
   d. 80 percent
   e. 95 percent

19. What do we call the process of reviewing agency operations to determine whether an agency is carrying out policies as Congress intended?
   a. oversight
   b. legislative review
   c. judicial review
   d. germaneness
   e. veto power

20. Which of the following is common under a parliamentary system of government?
   a. Government is divided.
   b. The chief executive is directly elected by the people.
   c. The leader of the majority party usually heads the government.
   d. Legislators are chosen through proportional representation.
   e. There are extensive checks and balances between the executive and the legislature.

21. How many seats are currently approved for occupation in the House of Representatives?
   a. 350
   b. 435
   c. 475
   d. 515
   e. 535

22. Which of the following does not influence legislators on how they vote?
   a. foreign diplomats
   b. the president
   c. interest groups
   d. political parties
   e. constituents

23. What is the greatest disadvantage of coalition governments?
   a. They tend to deny the will of the people too much.
   b. They tend to give too much power to the larger parties in power.
   c. They split up the votes, so that power is very tenuous.
   d. They give great leverage to small parties that do not appeal to most of the constituents.
   e. There are no real disadvantages of coalition governments.
24. The growth of partisanship in Congress indicates future growth in
   a. pluralism.
   b. majoritarianism.
   c. proportionality.
   d. agenda building.
   e. representation.

25. Which of these leaders is able to break a tie in the Senate?
   a. president
   b. president pro tempore
   c. vice president
   d. majority leader
   e. Speaker of the House

Essay Questions
1. What advantages does incumbency give a member of Congress? Is incumbency as great an advantage to senators as to representatives? Why or why not?
2. Does the congressional system, as it now operates, better fit the pluralist or majoritarian model of democracy? Please use examples for your justification.
3. Is Congress becoming more partisan? Why or why not? Why is this good or bad?
4. Distinguish between the trustee and delegate roles of representatives. Which role, if either, tends to be more characteristic of U.S. legislators?
5. What are the primary powers of Congress? What are the powers of the U.S. Senate and how are they different from the powers of the U.S. House of Representatives?
6. What is pork barrel spending, or earmarks? How are earmarks distinguished from other types of spending? Should reforms be considered to reduce earmarks?
ANSWERS TO MULTIPLE-CHOICE QUESTIONS

1. d
2. e
3. a
4. c
5. c
6. d
7. e
8. c
9. e
10. b
11. d
12. a
13. e
14. c
15. e
16. d
17. a
18. b
19. a
20. c
21. b
22. a
23. d
24. b
25. c
CHAPTER 12

The Presidency

LEARNING OBJECTIVES

After reading this chapter, you should be able to

- Define the key terms at the end of the chapter.
- List the powers and duties of the president, as set forth in the Constitution.
- Describe other sources that presidents have used to expand the authority of the office.
- Explain why presidential popularity usually declines while a president is in office.
- Outline the process by which presidents are elected.
- Explain why modern presidents are more likely to rely on the White House staff than on the cabinet for advice on policymaking.
- Explain what is meant by referring to the president as chief lobbyist.
- Point out the assets and liabilities a president brings with him or her trying to translate his or her political vision into public policy.
- Describe the special skills presidents need for crisis management.
- Discuss the role of presidential character in evaluating presidential candidates.

THE PRESIDENCY AND THE CHALLENGE OF DEMOCRACY

President George W. Bush uniquely illustrates the best and worst a president can be. His approval ratings hit record high levels after 9/11, but those approval ratings set record lows by the time he left office. His last two years in office were his least effective, but he had six years of a Republican Congress, which helped him expand the powers of his presidency and set in motion many far-reaching initiatives: No Child Left Behind, the USA Patriot Act, Prescription Drug benefit for seniors, the War on Terror, and others. Presidents are expected to take on a number of different roles, yet they face limits to their formal powers and experience dramatic fluctuations in support from the public.

The president and vice president are the only nationally elected political officials in the United States. As a result, there is strong moral pressure on the president to be the president of all the people. The president is potentially the focal point of majoritarian politics in the American system. He is in a unique position to see that the national interest is not always the sum of all our single or special interests.

Following opinion polls may make him aware of the need to appeal to the majority. Yet, the realities of U.S. presidential politics are more pluralistic than majoritarian. Although classical majoritarian theory might put a premium on being responsible to the people, the reality of presidential politics is that people to whom presidents respond are organized in groups.
CHAPTER OVERVIEW

The task of designing the office of chief executive presented the founders with a dilemma. They had just rebelled against a king and were reluctant to concentrate too much power in the hands of one individual. However, their experience under the Articles of Confederation convinced them that they needed strong national leadership, so they established the office of president. The new president would be chosen independently of Congress by an election in the electoral college. To limit presidential power, they relied on two things: the mechanism of checks and balances and their expectation that their first president, George Washington, would set good precedents.

The Constitutional Basis of Presidential Power

According to the Constitution, the president must be a U.S.-born citizen and at least thirty-five years old and have lived in the United States for a minimum of fourteen years. The president’s two main duties are as the administrative head of the nation and the commander in chief of our armed forces. In addition, the president has the power to convene Congress and to veto their legislation. Among his or her other powers, the president may grant pardons; appoint ambassadors, judges, cabinet members, and other key officials; and make treaties.

The Expansion of Presidential Power

The list of the president’s constitutional powers does not tell the whole story, however. Presidential power has increased tremendously since the Constitution was adopted. Presidential power increased aggressively through the use of the formal powers and broad claims that the president has certain inherent powers implied by the Constitution. Executive orders are the embodiment of the president’s inherent powers. In addition, Congress has also delegated power to the executive branch, allowing the president more freedom to implement policies.

The Executive Branch Establishment

The executive branch establishment gives a president substantial resources to translate an electoral mandate into public policy. She or he may call on the executive office of the president, the cabinet, or the vice president or may rely on the presidential staff, including the national security adviser, the Council of Economic Advisers, and the Office of Management and Budget. The methods presidents use to organize their staffs differ from administration to administration and generally reflect the individual chief executive’s own working style. Modern presidents usually rely much more heavily on the White House staff than on the cabinet (the heads of the executive departments and other officials) to make policy. President Carter and later Presidents Clinton and George W. Bush are unusual in that each involved their respective vice president in substantive policy matters; in general, presidents have rarely looked to their vice presidents for assistance on such matters. In theory, the cabinet also acts as a presidential advisory group, but the importance of the cabinet has declined with the increase in the importance of the White House staff.

Presidential Leadership

In recent years, journalists have paid increasing attention to aspects of the character issue. Scholars, too, have suggested that the electorate ought to pay more attention to a candidate’s formative experiences and basic psychological makeup. Strong self-esteem and emotional intelligence are the key factors needed to make a strong leader and have been present in many U.S. presidents.

The president’s ability to persuade is one of the most important factors determining how much power he or she has. Persuasiveness is often related to personality but may also result from reputation and
prestige. These attributes, in turn, spring from such things as past successes (at the polls or with Congress) and popularity. Presidential popularity may be affected by many factors, including economic conditions, wars, and unanticipated events. Presidents usually are at the peak of their popularity during the honeymoon period of their first year in office, and they monitor their popularity closely as a kind of report card. Good communication can serve to rally the public to the president’s side, but the ability to form congressional and interest group coalitions should not be overlooked.

One reason why presidents have trouble sustaining popularity is found in the difference between what it takes to win the presidency and what it takes to do the president’s job. Winning the election involves assembling a winning coalition of voters in enough states to provide a majority vote in the electoral college. Candidates are often tempted to be vague on issues, to avoid alienating voters on either side. But a candidate who is too vague may appear wishy-washy. Once in office, a winning candidate may try to claim a mandate for her or his policies on the basis of majoritarian backing from the voters. Divided government, with the presidency and Congress controlled by different parties, has made it more difficult in recent years for presidents to translate perceived mandates into policy, though polls suggest that the public prefers to have the control of government divided between Democrats and Republicans, and scholars are divided in their assessment of the productivity of divided government.

The President as National Leader
Presidents have differed considerably in their views of what government should do. Some, like Lyndon Johnson, emphasized the value of equality, while others, including Ronald Reagan, stressed freedom. The political agendas they set grow out of their general political ideologies, tempered by the realities of political life in Washington. Those who enter office after serious upheavals or political crises may have great opportunities to reshape the political agenda. In the modern era, presidents have assumed significant leadership in the legislative process. Departments and agencies clear their budgets and proposed legislation through the president. Presidents also act as chief lobbyists, trying to win support in Congress for their proposals. In this role, presidents may rely on their own personal contact with legislators, on contacts by their legislative liaison staffs, or on the aid of interest groups. Presidents may also use the threat of a veto as leverage to prevent Congress from passing measures of which they disapprove.

The President as World Leader
Presidents are concerned with three basic foreign policy objectives: national security, international stability and peace, and protection of U.S. economic interests. The collapse of the Soviet Union forced recent presidents to redefine foreign policy goals. One persistent question has been the extent to which we act in concert with international allies or go it alone to pursue our foreign policy objectives. The U.S. president must be able to handle a national crisis but also be able to deal with world crises. Presidents usually take a four-step approach to a crisis: Draw on the opinion of many advisers, not act with unnecessary haste, have a well-designed formal review process, and rigorously examine all assumptions before analyzing and developing a solution.

KEY TERMS
veto
inherent powers
executive orders
delegation of powers
Executive Office of the President
cabinet
RESEARCH AND RESOURCES

For up-to-date printed information on the president’s policies and actions, the best official source is the *Weekly Compilation of Presidential Documents* (Washington, DC: U.S. Government Printing Office), which is published every Monday by the Office of the Federal Register. For documents dating from 1993 on, you may wish to check online at <http://www.gpoaccess.gov/wcomp/index.html>.

In addition to this resource, the Federal Register also issues an annual bound volume entitled *Public Papers of the Presidents of the United States* (Washington, DC: U.S. Government Printing Office). These volumes are useful for researching the presidency from Truman’s administration to the present.

If you wish to study earlier occupants of the White House, you should turn to *A Compilation of the Messages and Papers of the Presidents, 1789–1927* (New York: Bureau of National Literature, 1928). This is a twenty-volume set containing official utterances of presidents from Washington to Coolidge. These volumes include presidential proclamations, addresses, annual messages, veto messages, and other communications to Congress, as well as articles about the issues that faced each president.

For the interim period not covered by either of the two works above, you will find the following two privately published works useful:


For current information online, the White House maintains a website at <http://www.whitehouse.gov>. There you can read about the president and vice president, search presidential documents, check out current press releases, listen to speeches, and even tour the White House from your desktop. If you are interested in historical information on individual presidents, including sound and video clips, check out C-SPAN’s “American Presidents: Life Portraits” at <http://www.americanpresidents.org>; also, see the Internet Public Library site at <http://www.ipl.org/ref/POTUS>.

USING YOUR KNOWLEDGE

1. Using the resources suggested above, try to learn the president’s position on the bill you researched in Chapter 10. Are there speeches or press conferences where he indicates his views on the bill? Is there a public ceremony where he delivered remarks as he signed the bill into law? Was there a veto message?

2. Use the Gallup Poll or other survey data to construct a graph showing the percentage of respondents who approve of the way President Clinton handled his job from 1993 to the end of his term. Do you observe any trends in your graph? How do the trends in your graph compare with
the usual trend in presidential popularity sketched out in the text? Try the same exercise for Presidents Reagan and George W. Bush.

3. Have you ever wanted to tell the president what you think? Send an e-mail to the president, using the e-mail address <president@whitehouse.gov>. Of course, you are extremely unlikely to find the occupant of the Oval Office responding to his own e-mail, but you can register your opinion on issues that are of significance to you. The White House does use this as one method of keeping track of public opinion. You could also call the White House at 202-456-1414.

GETTING INVOLVED

Ironically, perhaps, one accomplishment of the Clinton administration was the addition of the now-famous White House internship program. The program gives six hundred interns a year the opportunity to work in one of twenty-two White House offices, handling a range of chores from advance planning to staffing the visitors’ office. Internships are available for twelve-week sessions in spring or fall or for six-week summer sessions. For further information, see the White House website, <http://www.whitehouse.gov/government/wh-intern.html>.

SAMPLE EXAM QUESTIONS

Multiple-Choice Questions

1. What’s the main reason President George W. Bush was so ineffective during his second term in office?
   a. The vice president was too vocal.
   b. There were too many scandals.
   c. Scooter Libby was convicted and pardoned.
   e. All of the above.

2. Which of the following is one of the president’s checks on Congress?
   a. veto power
   b. appointment power
   c. ability to grant pardons
   d. commander-in-chief power
   e. administrative head of the nation

3. Although our founding fathers wanted a strong government, what were they most wary of?
   a. powerful Congress
   b. powerful Court
   c. powerful electorate
   d. powerful military
   e. powerful president

4. Which of the following actions of our president is not empowered by our Constitution?
   a. to act as administrative head of the nation
   b. to act as chief of his or her political party
   c. to act as commander in chief of the military
   d. to make treaties
   e. to appoint federal officers
5. Approximately how many vetoes were issued by our first sixteen presidents, from the time of Washington to Lincoln?
   a. almost 60
   b. about 75
   c. just shy of 100
   d. just a few more than 125
   e. over 150

6. When government is unable to act on policy issues, how do we describe that situation?
   a. congressional quagmire
   b. presidential fault line
   c. gridlock
   d. congressional veto
   e. congressional stalemate

7. Which of the following would not be considered a part of the Executive Office of the President?
   a. White House chief of staff
   b. Office of Management and Budget (OMB)
   c. national security adviser
   d. secretary of state
   e. all of the above

8. According to the Constitution, what entity has the power to declare war?
   a. Congress
   b. president, with the advice and consent of the Senate
   c. Supreme Court of the United States
   d. president, on the advice of the National Security Council
   e. president

9. What term is used to describe an endorsement from voters for the winner of a presidential election and her or his policies?
   a. congressional delegation of power
   b. home rule advantage
   c. inherent power
   d. pardon power
   e. mandate

10. Which of the following has not been a major factor in increasing presidential power?
    a. constitutional amendments expanding presidential power
    b. theory of inherent presidential power
    c. crises such as war or depression
    d. congressional delegations of power
    e. increasingly aggressive use of formal powers

11. When contemporary presidents face resistance from Congress, what do they typically do?
    a. bargain with a small number of party and committee leaders
    b. promote their objectives to a small group of party loyalists
    c. rally broad coalitions of public support to pressure Congress to act
    d. rely exclusively on fate and circumstance to win key votes
    e. rely on the power of the veto
12. Lyndon B. Johnson used to use *justice* and *injustice* as code words for the values of
   a. freedom and incarceration.
   b. punishment and freedom.
   c. order and chaos.
   d. equality and inequality.
   e. sharing and hoarding.

13. What other major country attacked Iraq at the same time the United States did in March of 2003?
   a. Russia
   b. China
   c. Great Britain
   d. France
   e. Germany

14. President George W. Bush named three countries as the axis of evil in today’s world. Besides Iraq and North Korea, Bush also named
   a. China.
   b. Afganistan.
   c. Myanmar.
   d. Syria.
   e. Iran.

15. What did the Articles of Confederation provide for?
   a. no head of state
   b. parliamentary government
   c. powerful head of state
   d. president similar to the one defined in the Constitution
   e. weak head of state

16. What was President Ford’s most controversial act in office?
   a. replacing Nixon
   b. pardoning Nixon
   c. defeating communism
   d. ending the Vietnam War
   e. initiating daylight savings time

17. Which president first required that all major legislation by an agency or department be cleared by the White House?
   a. Abraham Lincoln
   b. Teddy Roosevelt
   c. Woodrow Wilson
   d. Franklin Roosevelt
   e. Dwight Eisenhower

18. What do we call the situation in which one party controls Congress while the other party controls the White House?
   a. pluralism
   b. divided government
   c. cabinet government
   d. checks and balances
   e. separation of powers
19. Which of the following is not a constitutional requirement to become a presidential candidate?
   a. be a U.S.-born citizen
   b. be at least thirty-five years of age
   c. believe in the pursuit of happiness
   d. have lived in the United States a minimum of fourteen years
   e. None of the above; all are constitutional requirements.

20. Who is third in line to become U.S. president if the sitting president becomes incapacitated?
   a. secretary of state
   b. attorney general
   c. secretary of defense
   d. Speaker of the House
   e. president pro tempore

21. How would we best describe the contemporary role of the president in the legislative process?
   a. The president proposes and Congress disposes.
   b. Under the separation of powers, the president distances himself from the process.
   c. The president may serve as chief lobbyist and be active in all stages of legislation.
   d. The president is active only if his party controls Congress.
   e. The president can largely determine the content of legislation passed by Congress.

22. What is the major communications link between the president and Congress?
   a. legislative liaison staff
   b. vice president
   c. cabinet
   d. Office of Management and Budget
   e. Government Accountability Office

23. Which of the following is not one of the chief roles of the U.S. president?
   a. commander in chief
   b. chief diplomat
   c. chief lobbyist
   d. chief lawmaker
   e. chief law enforcer

24. What is the dilemma of majoritarianism versus pluralism for the U.S. president?
   a. The president must please a few people, while ignoring the masses.
   b. The president must please the masses, while catering to Congress.
   c. The president must do what is good for the whole country, while pleasing many constituencies.
   d. The president must please the justices, while catering to Congress.
   e. The president must do what is good for a few, in order to get a little for everyone.

25. Executive orders
   a. require the approval of Congress.
   b. carry the weight of law.
   c. require the approval of the Supreme Court.
   d. are explicitly described in the Constitution.
   e. none of the above.
Essay Questions

1. Does divided government mean we must suffer through gridlock? Draw on research discussed in the chapter in formulating your answer.

2. Explain the constitutional role of the vice president and how that position has changed according to the will of the president that he or she serves under.

3. Explain the dilemma that U.S. presidents have in that they must do what they think is right but they still have to please most of the people most of the time.

4. What factors influence the level of presidential approval? Discuss both factors that tend to reduce approval ratings and factors than tend to drive up approval ratings.

5. How did the events of September 11 affect the power of President George W. Bush. Are these changes a new direction, or do they continue trends that were observed prior to the attacks?
ANSWERS TO MULTIPLE-CHOICE QUESTIONS

1. d
2. a
3. e
4. b
5. a
6. c
7. d
8. a
9. e
10. a
11. c
12. d
13. c
14. e
15. a
16. b
17. d
18. b
19. c
20. e
21. c
22. a
23. d
24. c
25. b
CHAPTER 13

The Bureaucracy

LEARNING OBJECTIVES

After reading this chapter, you should be able to

- Define the key terms at the end of the chapter.
- List key factors that have contributed to the growth of the U.S. government bureaucracy.
- Explain the difficulties that surround efforts to reduce the size of the bureaucracy.
- Outline the basic types of organizations that make up the bureaucracy.
- Explain why presidents often feel they have inadequate control of the bureaucracy.
- Describe the formal and informal processes of bureaucratic policymaking.
- Explain the rational-comprehensive model of decision making, and compare it with real-world decision making.
- Give the main reasons why policies fail at the implementation stage.
- Describe the three major initiatives to reform the bureaucracy.

THE BUREAUCRACY AND THE CHALLENGE OF DEMOCRACY

Powerful reasons were needed to justify the invasion of Iraq. President Bush turned to the intelligence community for the rationale he needed. One of the strongest pieces of evidence was the assertion that one of the 9/11 hijackers had met secretly with Iraqi officials a few months prior to the attacks in the United States. This information later proved to be false, and thus an error by the bureaucracy partially influenced a president to initiate a war for the wrong reasons. Additionally, no weapons of mass destruction were found in Iraq, which created more bad news for the White House. Once again, the finger was pointed at the bureaucracy, in this instance the CIA, which may have caved in to pressure by the White House to provide a rationale for the war. Either way, the bureaucracy was wrong in the information it provided to the White House.

Every day, through the bureaucracy, the government is involved in hundreds of situations that involve conflicts among the values of freedom, order, and equality. Departments, bureaus, and agencies are required to make rules, to adjudicate, and to exercise administrative discretion to fill in the details left out of legislation passed by Congress. In their effort to achieve legislative goals, do bureaucrats go too far? Does the bureaucracy try to do too much? Is it out of control and out of touch?

From a majoritarian standpoint, the answers to these questions would seem to be yes. In recent years, the public has shown a preference for a smaller bureaucracy. Once again, however, we see the impact of pluralism on the American system. The various bureaus, agencies, and departments exist to do what some part of the population (call it a faction or an interest group) wants government to do. Often, the bureaucracy balances competing interests, thus doing a job political scientists think is essential if pluralism is to be democratic.
Efforts to reform the bureaucracy may run into trouble because of pluralist politics. Interest groups that have built up contacts with existing agencies will fight reorganization. Deregulation offers another method of reducing the bureaucracy, but it raises anew the fundamental questions related to the scope of government. It may provide greater freedom, but it may also result in inadequate protection, thus undermining order.

CHAPTER OVERVIEW

Organization Matters
The large, complex mass of organizations that administer the nation’s laws and implement government policies is known as the bureaucracy. Although there is no perfect way to structure all bureaucracies, it is clear that a bureaucracy’s organization directly affects its ability to perform effectively. The main function of the bureaucracy is to create order out of chaos. The British navy’s problems with German U-boats during World War I and World War II provide a good example of how to establish order in a chaotic society. Although the solution is never perfect, it worked well enough to defeat the U-boat menace. Clearly, organization matters.

The Development of the Bureaucratic State
Government at all levels has grown enormously in the twentieth century. This growth results from several factors.

- Increasing complexity of society and the range of functions embraced by government
- Changing attitudes about government’s responsibilities to society and government’s role in the marketplace
- Creation of the belief that certain segments of our society deserve some government support
- Ambitious officials who wish to expand their organizations to serve their clients more fully

On the whole, the public has little confidence in the government, but cuts in the government’s size are difficult, because each part of the bureaucracy does a job some part of society wants done. Interest groups with a stake in an agency or department will often organize to resist cuts. Pressure to restrict the federal bureaucracy but preserve government programs has led to a gradual devolution of authority to state and local governments and increasing use of private for-profit firms and nonprofit organizations to deliver government services.

Bureaus and Bureaucrats
The bureaucracy is not a unified entity but a collection of dozens of government organizations, including the following:

- Fifteen departments—cabinet-level organizations that cover broad areas of government responsibility and contain within them numerous subsidiary offices and bureaus
- Independent agencies and regulatory commissions—not part of any cabinet department and controlled to varying degrees by the president
- Government corporations—organizations that provide services, such as mail delivery and passenger rail, that could be provided by the private sector but have been made public because Congress decided it better serves the public interest

Many of the 2.7 million workers in the federal bureaucracy are part of the civil service, a system established to fill government jobs on the basis of merit rather than political patronage. The overall

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composition of the federal bureaucracy generally mirrors the population, and a much broader spectrum of Americans are represented in high-level civil service positions than either high-level corporate managers or high-level political appointees.

Although presidential appointees fill the top policymaking jobs in the federal bureaucracy, the bulk of civil service employees are independent of the chief executive. Even if they support the objectives of the president, agency administrators are constrained by demands from members of Congress and the scrutiny of organized groups attentive to agency policy choices.

**Administrative Policymaking: The Formal Processes**

Congress gives the cabinet-level departments and agencies it creates administrative discretion, that is, authority to make policy within certain guidelines. Sometimes the guidelines are vague. The wide latitude Congress gives the bureaucracy sometimes leads to charges that the government is out of control. But Congress does have the power to review the legislation that establishes bureaucratic organizations. It also controls the purse strings. Informal contacts between members of Congress and agency personnel also help Congress communicate its intentions to the bureaucracy.

Administrative discretion is exercised through rule making—the quasi-legislative process of formulating and issuing regulations. Regulations have the force of law. They are created in accordance with a formal procedure that allows affected parties to register their views. Regulations serve to balance the needs of society. Regulation-writing agencies attempt to strike a compromise between interests, but frequently compromises fail to please either side.

**Administrative Policymaking: Informal Politics**

Real-world decision making in government does not really resemble the textbook rational-comprehensive model, in which administrators rank their objectives and carefully weigh the costs and benefits of all possible solutions to a problem. In practice, policymakers find that their values often conflict; that their time, information, and options are limited; and that the decisions that are best in theory may in reality be politically impracticable. Policymaking becomes a matter of muddling through and tends to be incremental, with policies changing only very gradually over time.

Bureaucracies develop written rules and regulations to promote efficiency and fairness. In addition, certain unwritten rules and norms evolve, influencing the way people act on the job. Employees in a bureaucracy—the bureaucrats—wish to advance their careers, and as a result they may avoid rocking the boat, that is, engaging in behavior that might violate written or unwritten canons.

**Problems in Implementing Policy**

Policies do not always do what they are designed to do. To find out why, you have to look beyond the process of policymaking to policy implementation. Policies may fail because the directives concerning them or their implementation may be vague or because lower-level officials have too much discretion. Programs may fail because of the complexity of government; the necessary coordination among federal agencies or among federal, state, and local agencies may be impossible to achieve. Policies may also fail because policymakers overestimate the capacity of an agency to carry them out. While bureaucrats have often been criticized for having too much discretion, more recently critics have charged that bureaucrats need more flexibility to be able to tailor their solutions to fit the specific context.

**Reforming the Bureaucracy: More Control or Less?**

Because organization makes a difference in a bureaucracy’s ability to achieve its goals, people in government often tinker with organizational designs to make bureaucracy more effective. Three different reform strategies have emerged in recent years: deregulation, competition and outsourcing,
and performance standards. Many people feel that society is too regulated, and so push for deregulation of government’s rules and regulations. In other words, they push for more freedom and less order. Competition is about using more business practices, like supply and demand, to provide more and better services at a cheaper price. The use of performance standards was mandated when Congress passed the Government Performance and Results Act. The act requires each agency to develop strategic plans describing overall goals, objectives, and performance plans, and to publish reports with performance data on each measure.

KEY TERMS

- bureaucracy
- bureaucrats
- departments
- independent agencies
- regulatory commissions
- government corporations
- civil service
- administrative discretion
- rule making
- regulations
- incrementalism
- norms
- implementation
- regulation
- deregulation
- competition and outsourcing
- Government Performance and Results Act

RESEARCH AND RESOURCES

The U.S. government bureaucracy is large and complex, but there are some good reference tools to help you make sense of it. One of the best online sources is the United States Government Manual, available online at <http://www.gpoaccess.gov/gmanual/index.html>, published annually, and identified as the official handbook of the federal government. The website contains detailed information on all three branches of government as well as extensive material on departments and agencies. Typically, each agency description provides a list of the principal officials, a summary of the purposes and role of the agency, an outline of the legislative or executive functions, and a description of the agency’s activities. For links to home pages of individual federal departments and agencies, check out <http://www.gpoaccess.gov/agencies.html>.

The Federal Regulatory Directory, 13th ed. (Washington, DC: Congressional Quarterly Press 2007), contains much of the same information found in the United States Government Manual, though this work is not updated as frequently. It does have some other useful features, however. It opens with an introductory essay on the regulatory process, exploring the history of regulation and current trends and issues. There are detailed profiles of major regulatory agencies, including analyses of their past history,
current issues, and future prospects. Biographical sketches of major administrators within each agency are included also.

**USING YOUR KNOWLEDGE**

1. Using the Federal Regulatory Directory and the United States Government Manual, prepare a profile of at least two government departments. Outline the functions, present status, and future prospects of each. How large are their budgets? How many people does each employ? Have these figures increased or decreased? Have its responsibilities grown or decreased recently?

2. Visit the websites for the agencies you profiled in question 1. Describe the information presented. Note the similarities and differences between the sites. What types of users would each site serve best?

**GETTING INVOLVED**

As the chapter noted, the national government employs people all over the country in virtually every field imaginable. If you are interested in government, you may want to consider a career working in one of the many departments, bureaus, or agencies of the federal system. As noted in the text, all federal government employees (except for a very few political employees at the highest levels) are part of the civil service merit system. What should you do if you are interested in joining their ranks?

In the past, the Office of Personnel Management played the biggest role in the hiring process, but now the process is more decentralized. This means that in addition to visiting the Federal Job Information Center in your area and filling out Standard Form 171 (SF 171), the basic résumé form required in order to apply for most federal jobs, you’ll also want to contact particular agencies where you think your talents and interests could be put to use. If you are interested in positions in the area of international affairs, be sure to look at the Getting Involved section in Chapter 20.

There are many useful resources to help you learn more about the federal job-seeking process. Here are three.


Be warned: despite the titles of these books, getting a government job is not always an easy process.

**SAMPLE EXAM QUESTIONS**

**Multiple-Choice Questions**

1. Which office, run by Undersecretary Douglas Feith, released much of the incorrect intelligence used to justify the war in Iraq?
   a. Central Intelligence Agency’s Counterintelligence Unit
   b. Department of Justice’s Terrorism Department.
   c. Department of Defense’s Office of Special Plans
   d. Department of Justice’s National Security Unit
   e. Department of Defense’s Office of Intelligence and Terrorism
2. How does the U.S. government compare to other Western democracies?
   a. is relatively larger
   b. is relatively smaller
   c. offers a more extensive array of services
   d. imposes a higher tax burden on its citizens
   e. employs a higher proportion of the nation’s workers
3. What new department did President Bush create after the 9/11 attacks?
   a. Department of Commerce
   b. Department of Justice
   c. Department of Civil Service
   d. Department of Terrorism
   e. Department of Homeland Security
4. What do we call the large units of the executive branch, whose heads are the members of the president’s cabinet?
   a. departments
   b. government corporations
   c. regulatory commissions
   d. independent agencies
   e. none of the above
5. Why did we create the regulatory commissions?
   a. political pressure
   b. need of Congress to control consumers and businesses
   c. to give more power to interest groups
   d. to police unfair business practices or protect consumers
   e. to protect new market monopolies
6. How does our government usually reduce government?
   a. It cuts specific programs.
   b. It cuts personnel.
   c. It cuts funding.
   d. It combines agencies into one department.
   e. It splits departments into specific agencies.
7. Approximately how many civilian employees work for our national bureaucracy?
   a. 1.4 million
   b. 1.9 million
   c. 2.2 million
   d. 2.7 million
   e. 3.5 million
8. Approximately how many presidential appointees need to be confirmed by the U.S. Senate?
   a. 250
   b. 400
   c. 625
   d. 800
   e. 975
9. What term do we use to describe the formal administrative procedure that results in the issuance of regulations?
   a. adjudication
   b. rule making
   c. reorganization
   d. implementation
   e. incrementalism

10. In most situations, how does our bureaucracy create the “best” policy?
   a. outsourcing
   b. using common sense
   c. asking Congress
   d. asking the president
   e. none of the above

11. What do we call the informal and unwritten rules of behavior in government agencies?
   a. incrementalism
   b. patronage
   c. norms
   d. civil service
   e. deregulation

12. Why don’t administrative decisions follow the rational-comprehensive model?
   a. Policymakers have precise goals and values.
   b. Policymakers typically consider only a limited range of feasible solutions.
   c. Administrative decisions are rarely incremental.
   d. Administrative decisions are never guided by evaluations of efficiency.
   e. Congress controls most administrative decisions.

13. Why do so many bureaucrats follow the book?
   a. Following the book means following the law.
   b. Following the book is easiest.
   c. Following the book means being fair and impartial.
   d. Following the book ensures a healthy governmental agency.
   e. Following the book ensures congressional oversight and regulation.

14. Why do policies sometimes fail at the implementation stage?
   a. Policy directives are too precise.
   b. Coordination among implementing agencies is too complex and difficult.
   c. Policymakers have clear expectations about an agency’s capabilities.
   d. Government functions are too simplistic and easy to understand.
   e. All of the above.

15. When policies change slowly, bit by bit, step by step, over time, policymaking is said to be characterized by what?
   a. planning-programming budgeting system
   b. total quality management
   c. management by objective
   d. incrementalism
   e. merit criteria
16. What have recent efforts to reform the bureaucracy tended to emphasize?
   a. less reliance on the mechanisms of free markets
   b. more reliance on the mechanisms of free markets
   c. regulation
   d. centralization of power in Washington, D.C.
   e. elimination of clear performance standards

17. Where do departments, agencies, and corporations receive their official mandates from?
   a. Congress
   b. the president
   c. Constitution
   d. electorate
   e. citizen groups

18. In the last six years, by about what percentage has contracting out government programs and services to nonprofits and for-profit organizations grown?
   a. 50 percent
   b. 75 percent
   c. 100 percent
   d. 150 percent
   e. 200 percent

19. According to the text, which of the following did not spur the growth of bureaucracy?
   a. scientific and technological change
   b. desire to regulate business
   c. rise of the belief in progress
   d. belief that government should play a role in social welfare programs
   e. increase in the simplicity and ease of society

20. What was the civil service merit system supposed to reduce?
   a. patronage
   b. competence
   c. decentralization
   d. pork barrel politics
   e. incrementalism

21. What term refers to the process of putting specific policies into effect?
   a. incrementalism
   b. implementation
   c. procedural processing
   d. adoption
   e. none of the above

22. What was the major problem with relief efforts after Katrina from a bureaucratic position?
   a. There was no problem; it just takes time to organize large relief efforts.
   b. There were equipment delays and foul-ups in scheduling.
   c. Congressional oversight got in the way because they kept changing directives.
   d. State and local officials interfered and slowed down federal relief efforts.
   e. There was no clear chain of command; this made coordinating relief much more difficult.
23. What is the new major initiative that holds agencies accountable for their performance?
   a. Pendleton Act
   b. Government Performance and Results Act of 1993
   c. Reinvention of Government Act of 1996
   d. America First and Foremost Initiative
   e. Accountability Act of 1998

24. Which of the following is an example of an independent agency?
   a. National Endowment for the Arts
   b. Office of Management and Budget
   c. U.S. Postal Service
   d. National Aeronautics and Space Administration
   e. Department of Education

25. The tendency for big government to endure reflects the tension between what two philosophies?
   a. law and order
   b. freedom and equality
   c. majoritarianism and pluralism
   d. capitalism and communism
   e. laissez faire and socialism

Essay Questions
1. Why was the civil service system introduced, and what is it designed to do? Why might the system be frustrating to presidents?
2. Explain the objectives and content of recent efforts to reform our bureaucracy.
3. What were the major problems associated with reacting to the aftermath of Hurricane Katrina? Discuss the difficulties and the reforms that were made to correct them.
4. What went wrong with the justification for the war in Iraq. What reforms could be put in place to prevent this in the future?
5. Compare the successes and failures of the new Homeland Security Department.
ANSWERS TO MULTIPLE-CHOICE QUESTIONS

1. c
2. b
3. e
4. a
5. d
6. b
7. d
8. d
9. b
10. e
11. c
12. b
13. a
14. b
15. d
16. b
17. a
18. c
19. e
20. a
21. b
22. e
23. b
24. d
25. c
CHAPTER 14
The Courts

LEARNING OBJECTIVES
After reading this chapter, you should be able to

- Define the key terms at the end of the chapter.
- Explain the concept of judicial review and how it was established in *Marbury v. Madison*.
- Discuss how the U.S. version of judicial review is different from that of other countries.
- Sketch the basic organization of the federal court system.
- Explain the role of the federal district courts and federal appeals courts.
- Describe two ways in which judges exercise a policymaking role.
- Outline the routes by which cases come to the Supreme Court.
- Describe the formal procedures at the Supreme Court’s biweekly conferences.
- Explain ways in which justices, particularly the chief justice, influence court decisions.
- Describe the process of appointment to the federal judiciary.
- Evaluate the Supreme Court as an instrument of pluralist or majoritarian democracy.

THE COURTS AND THE CHALLENGE OF DEMOCRACY
In the American system, the courts interpret the law. Courts are made up of judges, and judges bring their own value systems with them to the job. Each judge will give a different weight to freedom, order, and equality. Since federal judges hold lifetime appointments to insulate them from politics, a president’s judicial appointees will continue to make decisions long after he leaves office. They may do so without regard for the will of the majority. The decision of the Supreme Court in the 1953 landmark case *Brown v. Board of Education of Topeka, Kansas*, changed American society forever. The Supreme Court justices had to decide which interpretation of the law to value. In turn, their interpretation would translate into what was best for American society.

When judges interpret laws and precedents loosely, in ways that are heavily influenced by their own values, they are said to be judicial activists. When they stick closely to the letter of the law and let their own preferences intrude as little as possible, they are said to exercise judicial restraint. Is judicial activism compatible with democracy? Sometimes it has promoted democratic ends, as in the one person, one vote decisions, for example. But the judiciary itself is the least democratic branch of government. Its members are protected from popular control, because they are appointed, not elected, to serve life terms. Through judicial review, the Supreme Court may, and has, overruled acts of the popularly elected Congress. Democracies are always wary of their court systems, because most judicial officials are appointed, which goes against the right of the people to determine their elected officials.
CHAPTER OVERVIEW

In American democracy, the court system is involved in many decisions. Yet the courts themselves are largely beyond democratic control. Judges are limited by statutes and precedents, but they still have substantial leeway in deciding how to interpret them. Thus their own values often influence their interpretations, setting the stage for judicial restraint or judicial activism.

National Judicial Supremacy

The founders could not agree on the details concerning the structure of the federal judiciary. So after creating a single Supreme Court, they left most of the details up to the first Congress. By the Judiciary Act of 1789, that Congress established a system made up of district courts, circuit courts, and the Supreme Court.

Under Chief Justice John Marshall, the Supreme Court developed into a powerful branch of government that could check the power of other branches through its use of judicial review. Judicial review was interpreted from the *Marbury v. Madison* case, where the Court established itself as the final authority on the meaning of the Constitution.

The implications of the *Marbury v. Madison* case and the interpretation of judicial review were enormous. Once these precedents were set, the Supreme Court had the ultimate check on the other branches of the federal government and, by extension, the ultimate check over state government. This kind of power, held by unelected officials, who usually kept their position for life, directly contradicted the philosophy behind our democratic society. And yet it is this separation from politics which allows the justices to think critically on their cases and not be swayed by what would politically expedient.

The Organization of Courts

The U.S. court system is complex. In addition to a national system, there are separate court systems operating in each state. The main entry points for cases into the national judicial system are the ninety-four federal district courts, which hear criminal cases involving violations of federal law, civil cases brought under federal law, cases in which the federal government is the plaintiff or defendant, and civil cases between citizens of different states when more than $75,000 is at issue.

Federal courts handle far fewer cases than state courts do, but the number of cases in federal courts has grown and is generally related to the overall level of social, political, and economic activity in the nation as a whole.

Judges exert a policymaking function by applying rules (precedents) established in prior decisions (common or judge-made law) and by interpreting legislative acts (through a process of statutory construction).

Appeals may be carried from federal district courts to one of the thirteen federal courts of appeals. Judges in the federal appeals courts sit in panels of three. They write and publish opinions on the cases they hear. These opinions establish legal precedents that serve as a basis for continuity and stability, following the principle of stare decisis.

Since relatively few cases are ever brought to the Supreme Court, the decision of a lower court is usually the final word. The decentralization of the system allows for individual judges in various district or circuit courts to interpret laws differently; this lack of uniformity may cause difficulties until discrepancies are resolved by a Supreme Court decision.
The Supreme Court

The Supreme Court makes national policies; its decisions affect the nation as a whole. The Court’s caseload rarely includes cases that it hears as part of its original jurisdiction under the Constitution, so the vast majority of cases come to the Court on appeal from lower federal courts or state courts.

The Court controls its docket and hears very few cases, less than a hundred a year. Cases usually come to it only after all other avenues have been exhausted and must concern a substantial federal question. Even when these preconditions have been satisfied, four justices must be interested enough to hear the case, or it is not argued before the Court.

In deciding which cases to review, the Court often takes cues from the solicitor general, the Department of Justice official who represents the government before the Court. The solicitor general performs a dual role as an advocate for the president’s policy preferences and as an officer of the Court, defending the institutional interests of the federal government.

Once a case is placed on the Court’s docket, each side is scheduled for thirty minutes of oral arguments before the Court. After a case has been heard, the nine judges meet in conference to discuss their positions. A formal vote decides the outcome and who will write the opinions, both the majority and the minority.

Justices differ markedly in their approach to the cases and the role they are supposed to play. Some may practice judicial restraint, trying to stick closely to the intent of the legislators who made the law and to previous decisions of the courts. Other justices may take on the role of judicial activist, interpreting the law more loosely and in accord with their own policy preferences. In recent history, as a result of many activist judges’ support for liberal ideas, judicial activism has been associated with liberalism. But the decision in the case of Bush v. Gore proves that conservative judges can also become judicial activists. Although justices may agree on what the particular result of a case should be, they may not agree fully on the legal reasons for the decision. In the Supreme Court’s policymaking, both the Court’s decision and the reasons offered for it are important. The opinion, or explanation of reasons for a decision, is critical. Sometimes justices may shift their votes if they do not believe an opinion is based on legal reasoning they are able to support.

Justices will try to win the support of their fellow justices in conference and also through their opinion writing. They may also try to influence the selection of personnel for the Court.

The chief justice is particularly well placed to exercise leadership on the Court. He or she directs the conference and, by tradition, speaks first and votes last in Court deliberations. When voting with the majority, the chief justice assigns the opinion. Astute use of these powers can make the chief justice an intellectual leader, a social leader, and a policy leader, although perhaps only Chief Justice Marshall ever fully filled all three roles.

Judicial Recruitment

There are no formal constitutional qualifications for federal judgeships, though a set of standards has evolved. By law, judges must be approved by the Senate. Over the years, an informal practice known as senatorial courtesy has given the senior senator of the president’s party a substantial amount of control over judicial appointments in his state, although this power is not as extensive as it once was. In addition, the American Bar Association screens candidates and ranks them as qualified or unqualified for office, though it has come to play a diminished role in the appointment process.

Presidents generally seek to appoint judges who share their ideological orientation. Thus, while President Carter sought judges who mirrored the population in race and gender, President Reagan and President George H. W. Bush looked for judges who valued order and appointed fewer women and
minorities to the federal bench. President Clinton, like President Carter, sought greater diversity in his appointments. President George W. Bush appointed the most Hispanic judges ever.

The Consequences of Judicial Decisions

Only a small percent of federal cases wind up in court. Many civil cases end in out-of-court settlements. In criminal cases, defendants often admit guilt and plea bargain.

Although the courts have the power to make judgments, they do not have the power to implement the policies they make. They must rely on the other branches of government for that. Judicial opinions are not always popular. Courts as institutions may appear to be countermajoritarian. Yet, a study of Supreme Court decisions shows that the Court mirrored public opinion in more than 60 percent of its decisions. (Two major exceptions are the abortion issue, where the public is sharply divided, and school prayer, where the public opposes the Court’s decisions.) The key reasons for this are that the Court tends to defer to the law, and the law tends to mirror public opinion. According to a 2005 Gallup Poll, six out of ten approve of the job the Supreme Court is doing.

The Courts and Models of Democracy

The major question in evaluating the role of the courts as creators of policy concerns how far judges stray from existing statutes and precedents. Majoritarians want judges to cling closely to the letter of the law, leaving it to the elected legislature to decide how much emphasis to put on equality or order. Pluralists think the values of judges should come into play to advance the values and interests of the population. Several aspects of the judicial system make it conform to the pluralist model. Among these are the decentralized court system, which offers multiple access points to the legal system, and class-action suits, which allow individuals to pool their claims.

KEY TERMS

judicial review
criminal cases
civil cases
plea bargain
common or judge-made law
U.S. district courts
U.S. courts of appeals
precedent
stare decisis
original jurisdiction
appellate jurisdiction
federal question
doector
rule of four
solicitor general
amicus curiae brief
judicial restraint
judicial activism
judgment
argument
concurrence
dissent
senatorial courtesy
class action

RESEARCH AND RESOURCES

An excellent starting point for research on the Supreme Court is Congressional Quarterly’s Guide to the U.S. Supreme Court, 4th ed. (Washington, DC: Congressional Quarterly Press, 2004). This hefty volume contains a brief (sixty-page) overview of the origins and development of the Court and detailed analyses of the role of the Court in the federal system, of Court decisions on individual rights, of pressures on the Court, and of the Court at work. It includes brief biographies of every justice who ever served on the Court and short summaries of major decisions.

What if you need more than a brief summary of a case; what if you must examine the actual opinion handed down by the Court? Suppose, for example, that you wanted to find the Supreme Court decision that forced President Nixon to surrender the Watergate tapes. The Internet simplifies the task. One method would be to use the Oyez site, <http://www.oyez.org/>, on which you locate cases by number, date, or term. If you are not able to use the Internet, consult the subject index in the back of Guenther’s United States Supreme Court Decisions. Look up the word Watergate, and you will find a reference leading to the place where the case you want appears in the listing in the front of the book. Regardless of the source you use, you will find the case cited as United States v. Richard M. Nixon, 418 US 683. This citation for the case refers to where it appears in U.S. Reports, the official version of the opinion published by the U.S. Government Printing Office. The number preceding US indicates the volume number, while the number following US gives the page number where the case is to be found.

Sometimes, if you are working on a project that involves references to eighteenth- and nineteenth-century cases, you will find cases cited as follows:

- Calder v. Bull (3 Dall. 386), 1798
- Fletcher v. Peck (6 Cr. 87), 1810
- McCulloch v. Maryland (4 Wheat. 316), 1819

Until 1875, the official reports of the Supreme Court were designated by the last name of the court reporter who recorded the decisions. The abbreviations in the above examples stand for the first three court reporters, whose names were Dallas, Cranch, and Wheaton. The citation for the McCulloch case tells you that it will be found in the fourth volume of Wheaton’s reports, on page 316.
Here is a list of the early reporters, their dates, and the redesignations assigned to make each conform to the *U.S. Reports* system.

<table>
<thead>
<tr>
<th>Early Designation</th>
<th>Abbr.</th>
<th>Dates Covered</th>
<th>U.S. Reports</th>
</tr>
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<tbody>
<tr>
<td>1–4</td>
<td>Dallas</td>
<td>(Dall.) (1790–1800)</td>
<td>1–4</td>
</tr>
<tr>
<td>1–9</td>
<td>Cranch</td>
<td>(Cr.) (1801–1815)</td>
<td>5–13</td>
</tr>
<tr>
<td>1–12</td>
<td>Wheaton</td>
<td>(Wheat.) (1816–1827)</td>
<td>14–25</td>
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<tr>
<td>1–24</td>
<td>Howard</td>
<td>(How.) (1843–1860)</td>
<td>42–65</td>
</tr>
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<td>1–2</td>
<td>Black</td>
<td>(Black) (1861–1862)</td>
<td>66–67</td>
</tr>
<tr>
<td>1–23</td>
<td>Wallace</td>
<td>(Wall.) (1863–1874)</td>
<td>68–90</td>
</tr>
</tbody>
</table>

To cite a case in a footnote or bibliography, you should include the official name of the case (usually the names of the two parties to the case), the volume of the report where the case appears (for example, Cr., Wall., US), the page number where the decision may be found, and the year in which the case was decided.

**Other Judicial Sites:** In addition to providing access to cases, the Oyez website mentioned above offers an opportunity to listen to the actual oral arguments of a large selection of cases before the Supreme Court, as well as extensive biographical material on the justices and a virtual tour of the Court building. The Federal Judicial Homepage, [http://www.uscourts.gov](http://www.uscourts.gov), offers general information about the court system as well as a map showing the circuits at [http://www.uscourts.gov/links.html](http://www.uscourts.gov/links.html). The American Judicature Society, which promotes the effective administration of justice and includes judges and lawyers as well as lay people in its membership, can be found online at [http://www.ajs.org](http://www.ajs.org).

**USING YOUR KNOWLEDGE**

1. Using the procedures outlined in the Research and Resources section above, locate the following cases:
   - *VMI* case
   - Cases involving *Hustler* publisher, Larry Flynt
   - *Roe v. Wade*

   Find each opinion online or on the library shelf, and copy the citation from each opinion.

2. Using the resources outlined in the section above, prepare a list of Supreme Court decisions dealing with each of these subjects.
   - Executive privilege
   - Children’s rights
   - The Internet
   - The veto power

   Give a full citation for each case.

3. Listen to the oral argument for at least one of the cases you found in question 1 or 2 above.
GETTING INVOLVED

If you see yourself sitting on the Supreme Court some day, perhaps you would like to take a crack at an internship while you are still in college. Most opportunities to work at the Supreme Court take the form of clerkships and are available only to recent law school graduates. There are, however, a small number of highly competitive internships available to undergraduates. Some background in constitutional law is usually expected. Internships are available in summer, fall, and winter. They are unpaid, although a small scholarship may be available. For further information, go to the Supreme Court of the United States’ website at http://www.supremecourtus.gov/jobs/jip/jip.html or contact them at Judicial Internship Program, Office of the Administrative Assistant to the Chief Justice, Room 5, Washington, DC 20543. Telephone: 202-479-3415.

Many local law firms and local courts (county and municipal courts) also offer internship opportunities.

SAMPLE EXAM QUESTIONS

Multiple-Choice Questions

1. When judges interject their own values into their interpretation of cases, what are they practicing?
   a. liberalism
   b. conservatism
   c. judicial restraint
   d. judicial activism
   e. stare decisis

2. What do we call the power to declare acts of Congress invalid?
   a. judicial review
   b. judicial restraint
   c. judicial activism
   d. adjudication
   e. original jurisdiction

3. Why was Alexander Hamilton in favor of judicial review?
   a. Justices needed to check the power of totalitarianism.
   b. Justices needed to check the power of legislative oppression.
   c. Justices needed to check the power of the electorate.
   d. Justices needed to check the power of the executive.
   e. Justices needed freedom to make their own laws.

4. What system ensured that federal judges could be independent of popular influences?
   a. lifetime appointments
   b. nomination or appointment process
   c. federal qualifications
   d. salary
   e. none of these

5. Which level of the federal courts system hears no cases of original jurisdiction?
   a. federal district courts
   b. federal tax court
   c. federal appellate courts
   d. U.S. Supreme Court
   e. None of the above; all hear cases of original jurisdiction.
6. Which of the following terms is used to describe a judicial ruling that serves as the basis for the ruling in a subsequent case?
   a. stare decisis
   b. nolo contendre
   c. precedent
   d. argument
   e. concurrence

7. What do we call a court case stemming from a dispute over an accident, contract, or divorce?
   a. crime
   b. civil case
   c. stare decisis
   d. criminal case
   e. plea bargaining

8. What is the term for the bias in favor of precedents or existing decisions?
   a. rule of four
   b. tort
   c. amicus curiae
   d. judicial review
   e. stare decisis

9. Approximately how many new civil and criminal cases did our federal district courts get in 2006?
   a. 125,000 or less
   b. 225,000 or so
   c. 325,000 or so
   d. 425,000 or so
   e. over 500,000

10. On what basis are appeals made?
    a. guilt or innocence at trial court
    b. new evidence from trial court
    c. plea bargain
    d. rulings and procedure of trial court
    e. stare decisis of original trial

11. Which of the following is true about the chief justice?
    a. assigns all opinions
    b. assigns opinions when voting with the majority
    c. speaks last in conference
    d. votes first in conference
    e. writes all opinions issued by the court

12. *Bush v. Gore* demonstrated that conservative judges may practice
    a. judicial activism.
    b. judicial restraint.
    c. stare decisis.
    d. the rule of four.
    e. amicus curiae.

13. What tactics do justices use to mold their colleagues’ views?
    a. racism
    b. bribery
    c. assault
    d. swearing
    e. none of the above
14. In what two types of cases can the Supreme Court hold original jurisdiction?
   a. cases in which a state is a party and those involving ambassadors
   b. cases involving ambassadors and elected officials
   c. cases of civil liberties and civil rights
   d. cases in which a state is a party and those involving elected officials
   e. none of the above

15. Which of the following are needed to win a seat on the federal bench?
   a. presidential nomination and approval by Congress
   b. open election and approval by Congress
   c. presidential nomination and approval by the House
   d. presidential nomination and approval by the Senate
   e. none of the above

16. Approximately how many laws have been declared unconstitutional by the U.S. Supreme Court?
   a. less than 50
   b. about 75
   c. about 100
   d. about 125
   e. 150 or more

17. What term do we use to describe the petitions sent to the Supreme Court for their consideration?
   a. petition of habeus corpus
   b. plea bargaining petition
   c. petition of certiorari
   d. writ of amicus curiae
   e. stare decisis petition

18. What official has the vital role of representing the U.S. government before the Supreme Court?
   a. attorney general
   b. Speaker of the House
   c. chief White House counsel
   d. president pro tempore of the Senate
   e. solicitor general

19. Which of the following must be true in order for a state case to come before the Supreme Court?
   a. Appeals in the state court system must be exhausted.
   b. It must raise a legal question.
   c. It must receive approval from the president.
   d. All of the above.
   e. None of the above.

20. Who determines the docket of the U.S. Supreme Court?
   a. president
   b. Congress
   c. Supreme Court
   d. solicitor general
   e. chief justice of the Supreme Court

21. What is the current salary of an associate Supreme Court justice?
   a. $175,000
   b. $203,000
   c. $229,000
   d. $241,000
   e. over $250,000
22. What is the term used for the disagreement with a majority decision by a justice?
   a. dissent
   b. concurrence
   c. ex post facto
   d. stare decisis
   e. nolo contendere

23. With major law firms offering $1 million or more to equity partners, why would anyone want to become a federal judge?
   a. looks good on the resume
   b. power and prestige of the office
   c. perks that go with the federal job
   d. better retirement package
   e. none of the above

24. What political term is used to describe a norm under which a nomination must be acceptable to the home state senator from the president’s party?
   a. nolo contendre
   b. stare decisis
   c. judicial restraint
   d. judicial activism
   e. senatorial courtesy

25. Which legal entity had the ability to prescreen judicial candidates in the past and still rates them today after their nomination?
   a. American Civil Liberties Union
   b. League of Women Voters
   c. Federal Bar Committee
   d. American Bar Association
   e. Independent Judges Union

Essay Questions
1. Distinguish between judicial restraint and judicial activism. Is there a necessary connection between restraint and activism on the one hand and political ideology on the other?

2. What is judicial review? Explain how it was established in Marbury v. Madison.

3. What are the steps for a case to be decided by the U.S. Supreme Court?

4. Explain how cases come before the U.S. Supreme Court on appeal. How do they decide which cases to accept, and how do they make their decisions?

5. How are justices chosen? What has changed or been proposed to change in the last two hundred years?
ANSWERS TO MULTIPLE-CHOICE QUESTIONS

1. d
2. a
3. b
4. a
5. c
6. c
7. b
8. e
9. c
10. d
11. b
12. a
13. e
14. a
15. d
16. e
17. b
18. e
19. a
20. c
21. d
22. a
23. b
24. e
25. d
CHAPTER 15

Order and Civil Liberties

LEARNING OBJECTIVES

After reading this chapter, you should be able to

- Define the key terms at the end of the chapter.
- Know how to differentiate between civil rights and civil liberties.
- Explain how the establishment clause of the First Amendment has been interpreted in cases involving the separation of church and state.
- Show how the free-exercise clause of the First Amendment has been applied to the issues of compulsory saluting of the flag and the use of drugs as a sacrament.
- Describe the two approaches developed by the Supreme Court for dealing with cases involving the free-expression clause of the First Amendment.
- Outline the evolution of the clear and present danger test.
- List the major exceptions to the First Amendment’s protection of freedom of speech.
- Discuss how prior restraint, libel, censorship, and shield laws affect freedom of the press in the United States.
- Explain how the Fourteenth Amendment has been used to extend the protections of the Bill of Rights to citizens in cases involving the states.
- Discuss where the Supreme Court found the right to privacy in the Constitution, and explain how this right has been applied in cases involving medical, sexual, and legal confidentiality.

ORDER AND CIVIL LIBERTIES AND THE CHALLENGE OF DEMOCRACY

The opening vignette illustrates how the courts are asked to balance order and freedom. Under what conditions can speech or expression be censored to prevent unrest or disorder? Is criticism of the president likely to promote disorder? This chapter looks at how the courts have resolved conflicts among the three values that are so important to democratic politics—order, freedom, and equality. Court decisions involve a balancing act among these values. A review of the cases in this chapter may lead a person to conclude that not one of these values is ever preferred unconditionally over the others. The freedoms of speech, press, and assembly are all particularly important to the conduct of democracy, yet the Supreme Court has sometimes limited them, in the name of order, when exercising these freedoms would create a very serious danger. Furthermore, where certain types of expression are concerned—for example, obscenity—the Court has sometimes chosen to uphold the value of order by supporting community standards. On the other hand, the fact that the exercise of these freedoms may offer an affront to the majority and threaten to disrupt established patterns of social order is not always enough to convince the Court to restrict them.
CHAPTER OVERVIEW

The Bill of Rights

In the American system, the values of freedom, equality, and order often conflict. In such cases, each side may claim that its view is rooted in the law. Disputes over issues involving such basic values are usually settled in the courts by our unelected judiciary. Conflicts often arise from different views on the rights of citizens, and a major source of people’s rights is in the Bill of Rights and the Fourteenth Amendment of the Constitution. The Constitution guarantees civil rights and civil liberties. A civil right declares what the government must do or provide; a civil liberty is a guarantee to individual citizens that acts as a restraint on government.

Freedom of Religion

The First Amendment provides for freedom of religion, speech, press, and assembly. These protections of individual freedoms may conflict with the need for order—an example of the original dilemma of government discussed in Chapter 1. Freedom of religion is guaranteed in two clauses. The first, the establishment clause, forbids any law that would create an official religion; the second, the free-exercise clause, prevents the government from interfering with the practice of religion. The establishment clause erected “a wall of separation between church and state.” The government is also supposed to be neutral between religions and between the religious and the nonreligious. On certain issues, such as government aid to church-related schools, the Supreme Court has allowed what opponents have seen as violations of the establishment clause. Reasoning that textbook loans and transportation are aids to students, not churches, the Court has allowed some support to church schools. In 1971, the Lemon test put forth guidelines for determining constitutionality under the establishment clause. The Court loosened its application of the Lemon test by allowing public school teachers to provide government-mandated classes to disadvantaged youngsters in New York parochial schools. A 2002 decision upholding school voucher programs further weakened the standards outlined in Lemon. The Supreme Court has also relaxed restrictions on the use of public funding for Christmas displays. On the issue of school prayer, however, the Court has maintained a consistent position that public school prayer violates the establishment clause. In 2000, the Supreme Court struck down the practice of organized student-led prayer at public high school football games.

The free-exercise clause also gives rise to conflicts when the practice of a certain religion leads a person to do what is forbidden by law or to refuse to do what is required by law. A person may not be forced to take a job that requires him or her to work on the Sabbath, but the Court has forbidden participation in traditional religious rituals that involve the use of illegal drugs. The Court reasoned that religious beliefs are inviolate, but antisocial actions in the name of religion are not protected by the Constitution. The perceived narrowing of the range of the free expression of religion led Congress to pass the Religious Freedom Restoration Act which required the government to meet strict scrutiny before interfering with religious practices. The Court quickly ruled the popular act unconstitutional, noting that Congress could not change the Constitution.

Freedom of Expression

Freedom of expression, including freedom of speech and freedom of the press, provides a right to unrestricted discussion of public affairs, yet these rights have never been absolute. Initially, the First Amendment clauses seemed aimed at preventing prior restraint. As the First Amendment speech doctrines developed, justices argued that speech creating a “clear and present danger” can be limited. “Symbolic speech” and “fighting words” may receive even less protection, though the Supreme Court has ruled that flag burning is a constitutionally protected form of expression. Obscenity—although hard to define—is not protected by the Constitution, and the Court agreed that the government can regulate the distribution of obscene materials. The Court has also affirmed a broad latitude for freedom of
speech in cyberspace. Yet in 1999, a federal court issued a permanent injunction closing a website of some antiabortion advocates who threatened doctors performing abortions.

Freedom of the press, including the ability to collect and report information without government interference, is crucial in a free society. Print media defend this freedom as absolute, although electronic media have had to accept some government regulation. Individuals may sue the media for libel, but public figures must show that there is malice involved when publishers print false statements about them. Basically, freedom of the press means freedom from prior restraint. The Court has been reluctant to limit freedom of the press in order to ensure a fair trial. However, reporters are not protected from the demands of law enforcement and may be required to reveal their sources. Only in the most extreme and compelling cases has prior restraint been considered justified, as, for example, when publishing certain material might mean nuclear annihilation.

The First Amendment also provides the right to peaceably assemble and to petition the government for redress of grievances. This right has merged with freedom of speech and freedom of the press under the general heading of freedom of expression.

The Right to Bear Arms

The Second Amendment’s guarantee of the right to keep and bear arms is a source of great controversy. Advocates of gun control see the guarantee as a collective one, centered on the right of states to maintain militias. Opponents of gun control argue that the amendment protects the individual’s right to own guns. In the 2008 ruling of District of Columbia v. Heller, the Supreme Court absolutely established the right of individuals to own guns for self-defense and struck down a citywide ban on handguns in Washington, D.C., and around the country. Federal gun restrictions were allowed to stand.

Applying the Bill of Rights to the States

The Bill of Rights was created to put limits on the power of the national government. Initially, its provisions did not apply to states. Under the Fourteenth Amendment, however, nearly all of the items in the Bill of Rights have gradually been extended to all levels of government. The Fourteenth Amendment guarantees people due process of law. The Court has interpreted this provision to mean that, in criminal proceedings, defendants in both state and national cases must be told about their constitutional rights, including their right to remain silent and their right to an attorney. The Court still allows jury size in trials to vary from state to state, however. The right to an attorney is considered fundamental, while the right to trial by a jury of a certain size is not. In one of the important cases of 2000, the court reaffirmed that Miranda had a constitutional rule, which Congress could not undermine through legislation. The Fourth Amendment provides people with freedom from unreasonable searches and seizures. The exclusionary rule, which disallows the use of evidence obtained illegally, helps to ensure this right, though this rule has been weakened in recent years. Interpretation of the exclusionary rule continues to divide the Court and serves as an example of the conflict between freedom and order.

The Ninth Amendment and Personal Autonomy

The Ninth Amendment left open the possibility that there were other rights, not enumerated, that might also be free from government interference. In the 1960s and 1970s, the Supreme Court used the Ninth Amendment as the basis for asserting that people have a right to privacy and that that right allows individuals to make their own choices about birth control and abortion. The appointment of conservative justices under Presidents Reagan, George H. W. Bush, and George W. Bush placed gay rights and abortion rights in question, but President Clinton’s more liberal appointees seem more likely to support those unenumerated rights. The discovery of new rights under the Ninth Amendment creates a difficulty for democracy. It removes questions about value conflicts from the arena of democratic politics and puts them under the protection of the Constitution and the unelected judicial branch.
KEY TERMS AND CASES

Terms
civil liberties
civil rights
establishment clause
free-exercise clause
strict scrutiny
free-expression clauses
prior restraint
clear and present danger test
fighting words
public figures
bills of attainder
ex post facto laws
obligation of contracts
Miranda warnings
exclusionary rule
good faith exception

Cases
Lemon v. Kurtzman
Lynch v. Donnelly
Sherbert v. Verner
Employment Division v. Smith
Gitlow v. New York
Brandenburg v. Ohio
Tinker v. Des Moines Independent County School District
Cohen v. California
Reno v. ACLU
Miller v. California
New York Times v. United States
District of Columbia v. Heller
Palko v. Connecticut
Gideon v. Wainwright

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**Miranda v. Arizona**

**Mapp v. Ohio**

**Griswold v. Connecticut**

**Roe v. Wade**

**Lawrence and Garner v. Texas**

**RESEARCH AND RESOURCES**

This chapter deals mostly with the protection and extension of civil liberties as a result of Supreme Court decisions. The text describes the Court’s recent discovery of a right to privacy. In the 1970s, Congress also took some measures to protect two individual rights not explicitly specified in the Constitution, namely the right to privacy and the right to information. Congress passed a pair of acts known as the Privacy Act and the Freedom of Information Act. The first of these grants all individuals access to information the government keeps about them; the second gives people the right to see much of the information collected by the government. This section of the study guide outlines methods for using these acts.

If you have used government documents, you have no doubt been amazed by the range of subjects they cover. Published government documents are only the tip of the information iceberg. The government collects information on practically everything, and much of that material is in file drawers and computers in Washington rather than published in government documents. How do you get information that is gathered, but not published, by the government? What rights do you have to it?

Answers to these questions are found in the Freedom of Information Act (FOIA). The FOIA, first passed in 1966, marked a revolution in government record handling. The act shifted the burden of proof. Formerly, the person requesting information had been required to convince the government that the material should be provided; now the government must provide information unless it can give a specific reason under the statute why the information should be denied. One Food and Drug Administration official reported that as a result of the FOIA, his agency “went from a situation in which about 10 percent of our records were disclosed before the act to a situation where now we estimate about 90 percent of the categories of records we have are disclosed.”

The FOIA applies to information held by the administrative agencies of the government (including the executive office of the president), but it does not apply to records held by Congress, the courts, or state governments (virtually every state has its own act governing availability of public records). In 1974, the FOIA was amended, speeding and easing the process of gaining access to records.

What sort of information may come to light under the FOIA? Here are some examples.

- FBI reports on high-profile deceased individuals at <http://foia.fbi.gov/room.htm>
- Records of regulatory agencies concerning pollution control programs (Environmental Protection Agency)
- FBI files on UFOs at <http://foia.fbi.gov/unusual.htm>
- Consumer complaints registered with the Fair Trade Commission

Under statute, nine categories of information may be denied you, including agency personnel records; material on criminal investigations that might be an invasion of personal privacy, deprive a person of the right to a fair trial, or compromise a confidential source; and properly classified national defense or foreign policy secrets. For information on how to file a FOIA request, try the Department of Justice site at <http://www.usdoj.gov/04foia/index.html>.
The FOIA protects your access to government materials, but under its provisions, you may be denied information of a sensitive or personal nature about individuals. You do have a right to obtain personal information about yourself, however. Under the Privacy Act, if you are a U.S. citizen, you are entitled to access government records kept about you. The government will have records on you in the following instances:

- You have ever applied for a federal grant or loan, including student aid.
- You have ever worked for a federal agency or government contractor or were a member of the armed forces.
- You were ever arrested by your local police and fingerprinted, and the FBI has a record of the arrest.
- You have ever traveled abroad, and the Department of State has a file on your conduct abroad.
- You have ever received Medicare or Social Security benefits.

To obtain information under the Privacy Act, follow the procedures sketched out by the FOIA. You can adapt the model to reflect the fact that you are using the provisions of the Privacy Act of 1974, 5 U.S.C. 552a.


**USING YOUR KNOWLEDGE**

1. Follow the process sketched out in the Research and Resources section to prepare a request for information obtainable under the Freedom of Information Act or the Privacy Act.

2. Visit the FBI’s electronic reading room, and browse the files for well-known people such as Mickey Mantle, Elvis Presley, John Wayne, and Jackie Robinson. What kinds of information were collected?

**SAMPLE EXAM QUESTIONS**

**Multiple-Choice Questions**

1. What entity was the Bill of Rights supposed to limit?
   a. federal government
   b. U.S. Constitution
   c. Congress
   d. state governments
   e. the president

2. Which of the following is another term for civil liberties?
   a. positive rights
   b. fighting words
   c. certiorari
   d. nolo contendre
   e. negative rights
3. If people possess rights, what do governments possess?
   a. might
   b. powers
   c. restraint
   d. values
   e. justice

4. Which clause has erected “a wall of separation between church and state”?
   a. exclusionary clause
   b. supremacy clause
   c. contingency clause
   d. establishment clause
   e. free-exercise clause

5. What aspect of the Court’s decision on religion was emphasized in Agostini v. Felton?
   a. privacy
   b. neutrality
   c. freedom
   d. order
   e. free exercise

6. The free-exercise clause of the First Amendment
   a. permits all beliefs and practices of all religions.
   b. allows government to overrule states in times of dire emergency.
   c. may, in rare cases, allow the government to compel belief.
   d. protects belief and practice of Christianity only.
   e. permits all beliefs but allows for the limitation of antisocial religious practices.

7. What term do we use to describe censorship before publication?
   a. exclusion
   b. strict scrutiny
   c. prior restraint
   d. ex post facto
   e. stare decisis

8. Our government needs the doctrine of strict scrutiny to
   a. subject religious practices to careful inspection.
   b. conform with constitutional limits on search and seizure.
   c. represent a compelling state interest if religious practice is restricted.
   d. stop speeches or acts that careful inspection reveals to be obscene.
   e. rarely use the power of the Supreme Court to challenge laws passed by legislatures.

9. Why did the Supreme Court reverse the decision in Brandenburg v. Ohio?
   a. It pleased the public.
   b. Evidence had been gathered illegally.
   c. There was no evidence that the danger was real.
   d. No crimes had been committed.
   e. It was politically advantageous to do so.

10. The Second Amendment
    a. entitles citizens to own any type of weapon
    b. places the burden of enforcement of weapons regulations at the federal level
    c. mentions the need for a well-regulated militia
    d. mentions the need for state or federal licensing restrictions on weapons
    e. none of the above
11. Which of the following upholds the idea that “undiﬀerentiated fear of apprehension of disturbance is not enough to overcome the right to freedom of expression”?
   a. Cohen v. California
   b. Palko v. Connecticut
   c. Tinker v. Des Moines Independent School District
   d. Sherbert v. Verner
   e. Gideon v. Wainwright

12. In which case(s) did the U.S. Supreme Court declare that the First Amendment protects the publication of all statements, even false ones?
   a. Sherbert v. Verner
   b. Slaughterhouse cases
   c. Barron v. Baltimore
   e. New York Times v. United States

13. Which of the following cases extended the Sixth Amendment provision for a right to counsel to the states?
   a. Palko v. Connecticut
   b. Near v. Minnesota
   c. Mapp v. Ohio
   d. Miranda v. Arizona
   e. Gideon v. Wainwright

14. What did the founding fathers mean for citizens to do with “the right of the people peaceably to assemble”?
   a. protect themselves against tyranny
   b. petition the government
   c. protest and help create new laws
   d. participate and help create new laws
   e. inform others of their rights as free men

15. Which amendment was used by the Supreme Court to justify an unenumerated right of privacy?
   a. First Amendment
   b. Second Amendment
   c. Sixth Amendment
   d. Ninth Amendment
   e. Fourteenth Amendment

16. What did Roe v. Wade settle for the nation as a whole?
   a. upheld order over freedom
   b. rejected all state regulation of abortion
   c. permanently settled the abortion question
   d. permitted unrestricted state regulation of abortion
   e. allowed abortions during the first three months of pregnancy

17. Which case was used by the Supreme Court to protect the emotive and cognitive elements of speech?
   a. Cohen v. California
   b. Palko v. Connecticut
   c. Near v. Minnesota
   d. Sherbert v. Verner
   e. Gideon v. Wainwright
18. Which of the following is the term to declare an action to be criminal after it has been performed?
   a. nolo contendre  
   b. habeus corpus 
   c. ex post facto law 
   d. strict scrutiny 
   e. exclusionary rule 

19. What do bills of attainder accomplish?
   a. They ban homosexual marriage throughout the United States. 
   b. They eliminated income taxes until overturned by Sixteenth Amendment. 
   c. They allow bills to become law without the president’s signature. 
   d. They pronounce an individual guilty of a crime without a trial being held. 
   e. They permit criticism of public officials without fear of retaliation. 

20. According to Justice Felix Frankfurter, what has the history of liberty been?
   a. an observance of procedural safeguards 
   b. an observance of due process 
   c. a weakening of the establishment clause 
   d. a strengthening of the free-exercise clause 
   e. an erosion of the restrictions on religion 

21. *Gideon v. Wainwright* concerns which amendment of the U.S. Constitution?
   a. First Amendment 
   b. Fourth Amendment 
   c. Fifth Amendment 
   d. Sixth Amendment 
   e. Eighth Amendment 

22. In 2000, Justice O’Connor sided with a coalition of liberal justices to strike down
   b. the *Lemon* test. 
   c. the right to counsel. 
   d. a Nebraska law that banned partial birth abortion. 
   e. the clear and present danger test. 

23. Concerning the exclusionary rule in the case of *Mapp v. Ohio*, the Supreme Court placed a 
   premium on the value of
   a. order. 
   b. equality. 
   c. freedom. 
   d. federalism. 
   e. free exercise of religion. 

24. In what case did the U.S. Supreme Court declare that the creation and use of military commissions 
   for the enemy combatants at Guantanamo Bay were unauthorized by Congress and violated 
   international law?
   a. *Knight v. United States* 
   b. *Hamdan v. Rumsfeld* 
   c. *Near v. Minnesota* 
   d. *Shadi v. Ashcroft* 
   e. *Lawrence and Garner v. Texas*
25. Before the Fourteenth Amendment was passed and applied to the states, the Constitution still barred both state and national governments from
   a. passing ex post facto laws.
   b. establishing an official religion.
   c. denying citizens the right to a jury trial.
   d. searching property without warrants.
   e. denying the free exercise of religious practices.

**Essay Questions**

1. How does the Supreme Court balance the tension between freedom of speech and the value of order? How has this balance changed over time? Provide examples of cases that balance these competing values.

2. Where did the Supreme Court find the justification for the *Roe v. Wade* decision? Outline activities in this area that are currently enforced as legal, and those which are currently enforced as illegal.

3. Which amendments to the U.S. Constitution protect the rights of the accused? Please discuss them in detail.

4. Discuss the recent decision on the Second Amendment. Will this substantially change anything? Will it make the United States safer for citizens or more dangerous?

5. In deciding cases involving civil liberties, has the Supreme Court held freedom, equality, or order as an absolute value? Defend your answer by providing examples from cases discussed in this chapter.
ANSWERS TO MULTIPLE-CHOICE QUESTIONS
1. a
2. e
3. b
4. d
5. b
6. e
7. c
8. c
9. c
10. c
11. c
12. d
13. e
14. b
15. d
16. e
17. a
18. c
19. d
20. a
21. d
22. d
23. c
24. b
25. a
CHAPTER 16

Equality and Civil Rights

LEARNING OBJECTIVES
After reading this chapter, you should be able to

- Define the key terms at the end of the chapter.
- Distinguish between equality of opportunity and equality of outcome.
- Explain why the Civil War amendments proved ineffective in ensuring racial equality.
- Outline the NAACP’s strategy for ending school segregation.
- Distinguish between de jure and de facto segregation.
- Describe the tactics of the civil rights movement in general and for the passage of the 1964 Civil Rights Act.
- Discuss the struggle for equality of Native Americans, minorities, and the disabled.
- List the major legislative and judicial milestones in the struggle for equal rights for women.
- Explain why women’s rights advocates favored the Equal Rights Amendment (ERA) as a way to extend equal rights to women.
- Discuss how affirmative action programs have led to charges of reverse discrimination.

EQUALITY AND CIVIL RIGHTS AND THE CHALLENGE OF DEMOCRACY

With the separate-but-equal decision of *Plessy v. Ferguson* in 1876, the national government tried to sweep the conflict between equality and freedom under the rug. By the Court’s ruling in *Brown v. Board of Education* in 1954 that “separate is inherently unequal,” the national government faced the tension between freedom and equality and the fact that more of one usually means less of the other. The meaning of equality also creates difficulties. Many who agree on the need for equality of opportunity will not support measures they think are geared to produce equality of outcome.

The struggle for civil rights also illustrates the conflict between pluralism and majoritarianism. In accepting the demands of African American citizens, the national government acts in a way that is more pluralist than majoritarian. As Chapter 1 pointed out, majoritarian democracy does what the majority wants and thus may allow discrimination against minorities, even though the substantive outcome (inequality) seems undemocratic.

Thus, questions about what kind of public policies should be adopted to achieve equality are often highly controversial. If the nation wants to promote racial and gender equality among doctors or sheet-metal workers, for example, it may design policies to help previously disadvantaged and underrepresented groups gain jobs in these areas. This practice, however, may lead to charges of reverse discrimination.

African Americans seeking civil rights not only had to contend with being members of a minority group, but they also were largely excluded from the electoral process. Under the leadership of the
National Association for the Advancement of Colored People (NAACP), they adopted the strategies of lobbying legislators and pressing claims before the judiciary, the branch of government least susceptible to majoritarian influences. Later, as the civil rights movement grew (and as majority opinion became more hospitable to their cause), they emphasized the importance of legislation as a method of achieving equality and also used the techniques of civil disobedience to challenge laws they believed to be unjust. This quest for racial equality remains incomplete. As part of a mandatory response to a new UN treaty, the U.S. State Department reported in 2000 that racial discrimination still persists in the United States. Under the same treaty, advocates of racial equality may appeal to an international authority to end racial or other forms of discrimination.

The women’s movement offers an interesting contrast to the case of African Americans. Women are not a minority group; they are a majority of the population. Yet, in the struggle to pass the Equal Rights Amendment (ERA), pluralism prevailed! Although a majority of Americans favored the amendment, it failed. The amending process, by requiring extraordinary majorities, gives enormous power to minorities bent on thwarting a particular cause.

CHAPTER OVERVIEW

Two Conceptions of Equality

Throughout much of American history, civil rights—the powers and privileges supposedly guaranteed to individuals and protected from arbitrary removal at the hand of government—have often been denied to certain citizens on the basis of their race or sex. The pursuit of civil rights in the United States has been a story of the search for social and economic equality, but people differ on what equality means. Most Americans support equal opportunity, but many are less committed to equality of outcome.

The Civil War Amendments

After the Civil War, the Thirteenth, Fourteen, and Fifteenth Amendments were passed to ensure freedom and equality for African Americans. In addition, as a response to the black codes, Congress passed civil rights acts in 1866 and 1875 to guarantee civil rights and access to public accommodations. While the legislative branch was attempting to strengthen African American civil rights, the judicial branch seemed intent on weakening them through a number of decisions that gave states room to maneuver around civil rights laws. States responded with a variety of measures limiting the rights of African Americans, including poll taxes, grandfather clauses that prevented them from voting, and Jim Crow laws that restricted their use of public facilities. These restrictions were upheld in \textit{Plessy v. Ferguson}, which justified them under the separate-but-equal doctrine. By the end of the nineteenth century, segregation was firmly and legally entrenched in the South.

The Dismantling of School Segregation

The National Association for the Advancement of Colored People (NAACP) led the campaign for African American civil rights. Its activists used the mechanism of the courts to press for equal facilities for African Americans and then to challenge the constitutionality of the separate-but-equal doctrine itself. In the 1954 case, \textit{Brown v. Board of Education}, a class-action suit, the Supreme Court reversed its earlier decision and overturned \textit{Plessy v. Ferguson}. It ruled that “separate educational facilities are inherently unequal” and that segregated schools must be integrated “with all deliberate speed” under the direction of the federal courts. The Court thus ordered an end to school segregation that had been imposed by law (de jure segregation), but in many parts of the country segregation persisted, because African Americans and whites lived in different areas and sent their children to local schools (de facto segregation). This problem led the courts to require the unpopular remedy of bussing African American and white children as a means of integrating schools. By 1974, however, the Supreme Court began to limit bussing as ordered by the judicial branch.

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The Civil Rights Movement

The NAACP’s use of the legal system ended school segregation and achieved some other, more limited goals, but additional pressure for desegregation in all aspects of American life grew out of the civil rights movement. The first salvo in the civil rights movement came when African Americans in Montgomery, Alabama, boycotted the city’s bus system to protest Rosa Parks’s arrest and the law that prohibited African Americans from sitting in the front of buses. Under the leadership of Martin Luther King Jr., the movement grew, and civil rights activities, including nonviolent civil disobedience, spread. In the early 1960s, President Kennedy was gradually won over to supporting the civil rights movement. In 1963, he asked Congress to outlaw segregation in public accommodations. Following Kennedy’s death, President Lyndon Johnson made passage of the Civil Rights Act of 1964 his top legislative priority, and the bill passed despite a long debate and filibuster in the Senate. More civil rights legislation followed in 1965 and 1968. This time, the legality of civil rights acts was upheld by the Supreme Court.

Having civil rights laws on the books does not mean discrimination will end once and for all, however. For one thing, the courts must interpret the laws and apply them to individual cases. In the Grove City College case, the Supreme Court offered a very narrow interpretation of a civil rights law, in effect taking the teeth out of the legislation. Congress reasserted its original, more sweeping intent in the Civil Rights Restoration Act of 1988.

Meanwhile, the Court, with a new conservative majority in the ascendancy, continued to issue decisions limiting the scope of previous civil rights rulings. Civil rights groups looked to Congress to restore rights previously recognized, but presidential vetoes scuttled such measures until 1991.

Despite Dr. King’s commitment to nonviolence, the struggle for civil rights was not always a peaceful one. White violence against civil rights workers included murders and bombings. By the late 1960s, racial violence had increased as African Americans demanded their rights, but many whites remained unwilling to recognize them. The African American nationalist movements, often militant, promoted black power and helped instill racial pride in African Americans.

Civil Rights for Other Minorities

Civil rights legislation won through the struggles of African Americans also protects other minorities. Native Americans, Latinos, and disabled Americans were also often victims of discrimination. Native Americans were not even considered citizens until 1924. The Indian reservations established by the U.S. government were poverty stricken. In the late 1960s and early 1970s, the frustrations of Native Americans erupted into militancy. By the mid-1970s and early 1980s, they began to win important legal victories, including compensation for land taken by the U.S. government. Recently, new entrepreneurial tribal leadership of Indian tribes has capitalized on the special status of their tribes and enjoyed economic success by sponsoring casino gambling ventures.

Latinos who migrated to the United States seeking economic opportunities found poverty and discrimination instead. This problem was compounded by the language barrier and the inattention of public officials to their needs. Latinos, too, have used the courts to gain greater representation on governing bodies. Recently, they have begun to be successful in obtaining elected and appointed political offices.

Building on the model of existing civil rights laws, disabled Americans managed to gain recognition as an oppressed minority and, through the 1990 Americans with Disabilities Act, receive the protection of a right of access to employment and facilities.

Although gays and lesbians have made significant progress, they have not yet succeeded in passing a complete civil rights law protecting their rights. The 2000 Supreme Court decision in Boy Scouts of America v. Byler was a setback for gay rights. The Court held that the Boy Scouts of America had the right to maintain its policy of excluding gay individuals from its membership.
America v. Dale illustrated the continued struggles of gays and lesbians for civil rights. The court ruled that homosexuals could be excluded from leadership positions in the organization. The demand for equality has recently been extended to the institution of marriage. In 2003, the state of Massachusetts recognized same-sex marriages, and in 2008 California did the same.

Gender and Equal Rights: The Women’s Movement
Civil rights have long been denied to women, partly as a result of policies designed to protect women from ill treatment. Only after a long struggle did women win the right to vote under the Nineteenth Amendment, passed in 1920. Yet gaining the right to vote did not bring the equality that women hoped for. Discrimination continued in the workplace and elsewhere. It took legislation such as the 1963 Equal Pay Act, the 1964 Civil Rights Act, and Title IX of the Education Amendments Act of 1972 to prohibit these other forms of discrimination against women. In the early 1970s, the Court began to strike down gender-based discriminations that could not be justified as serving an important government purpose. In 1996, the Court applied a new standard of skeptical scrutiny to acts denying rights on the basis of sex. This new standard makes distinctions based on sex almost as suspect as those based on race.

For many years, the Court proved reluctant to use the Fourteenth Amendment as the basis for guaranteeing women’s rights. As a result, proponents of equal rights for women sought an amendment to ensure that women’s rights stood on a clear constitutional footing. Although the ERA was ratified by thirty-five states, it fell three states short of the minimum number required for adoption and did not become the law of the land, although many states eventually adopted their own ERAs. Some scholars argue that, in practice, the Supreme Court has since implemented the equivalent of the ERA through its decisions.

Affirmative Action: Equal Opportunity or Equal Outcome?
The Johnson administration started a number of programs to overcome the effects of past discrimination by extending opportunities to groups previously denied rights. These affirmative action programs involved positive or active steps taken to assist members of groups formerly denied equality of opportunity.

These programs soon led to charges of reverse discrimination. The Court, however, has found some role for affirmative action programs. In the Bakke decision, a split court held that race could be one of several constitutionally permissible admissions criteria. In other cases, the Court has allowed the use of quotas to correct past discriminatory practices. In the Adarand case, however, the Court decided that programs that award benefits on the basis of race must themselves be held up to a strict scrutiny standard—a test few could pass. On the basis of the Adarand case, a federal court in 1996 rejected the use of race or ethnicity as a condition for admission to the University of Texas law school. The Supreme Court sent a mixed message in its review of University of Michigan affirmative action policies in 2003. The court ruled that an undergraduate affirmative action formula was unconstitutional, but that a law school admissions standard that included a racial preference was acceptable.

KEY TERMS AND CASES

Terms
equality of opportunity
equality of outcome
invidious discrimination
civil rights
black codes
racism
poll tax
racial segregation
separate-but-equal doctrine
desegregation
de jure segregation
de facto segregation
civil rights movement
boycott
civil disobedience
set-asides
protectionism
Nineteenth Amendment
sexism
Equal Rights Amendment (ERA)

Major Civil Rights Cases
Plessy v. Ferguson
Brown v. Board of Education
Brown v. Board of Education II
Boy Scouts of America v. Dale
United States v. Virginia
Regents of the University of California v. Bakke
Johnson v. Transportation Agency, Santa Clara County
Adarand Constructors v. Peña

RESEARCH AND RESOURCES
Chapter 14 of this study guide explained how to find a Supreme Court opinion. Once you have located an opinion, however, you might still have some difficulty figuring out how to read it. Cases are reported beginning with a heading that gives the parties to the case, the docket number, the dates on which the argument was heard, and the date on which the decision was handed down. Next, in rather small print, comes the syllabus. This includes a summary of the facts of the case and the legal questions it raised, as well as a summary of what the Court decided, or held, in the case. Next comes a paragraph, also part of the syllabus, explaining how the justices divided on the opinion. This paragraph identifies (1) the author of the Court’s opinion, (2) the justices who joined in that opinion, (3) those who concurred with it, and (4) those who dissented.

Justices concur when they vote with the majority on the decision but do not fully agree with the reasoning behind the majority’s decision. Justices in this position often write separate opinions detailing
their differences with the opinion of the Court and outlining the grounds on which they based their vote. Justices who are in the minority may choose to write dissenting opinions explaining the reasons for their disagreement with the majority. Writers of concurring and dissenting opinions all try to set out alternative views of the case, hoping that their views will influence and persuade Court members in future decisions.

After the syllabus comes the full text of the opinion of the Court. The opinion of the Court ends with the judgment—affirmed or denied. This is followed by the full text of any concurring opinions and then by any dissenting opinions.

More Civil Rights Websites

Learn more about the NAACP, its role in the civil rights movement, and its current agenda by visiting its website at <http://www.naacp.org>. Take a virtual tour of the National Civil Rights Museum through its website <http://www.civilrightsmuseum.org>. The site features material on topics including Brown v. Board of Education of Topeka, the Montgomery Bus Boycott, and the March on Washington. Numerous people contributed to the civil rights movement, and this website examines current trends and how leaders like Martin Luther King and Malcolm X influence people today. Get more information about these trends and people at <http://www.voicesofcivilrights.org>.

The Human Rights Campaign lobbies for gay and lesbian rights; it can be visited at <http://www.hrc.org>. The Feminist Majority Foundation’s website has a wealth of information on women’s rights in the United States and worldwide; their URL is <http://www.feminist.org>. For rights of the disabled, see the Disability Rights Education and Defense Fund online at <http://www.dredf.org>.

USING YOUR KNOWLEDGE

1. Select three of the cases discussed in this chapter of the text. Look them up in U.S. Reports, or find them online. (See Chapter 14 of this study guide.) For each case, note the vote tally, who authored the opinion of the Court, which justices joined in that opinion, which ones wrote concurring opinions, and which ones wrote dissents. Did any justices join in the concurring or dissenting opinions?

2. Visit the websites of at least two civil rights groups. You may want to start with some of those listed above. Compare the key issues facing each group and the strategies they are using to deal with those issues.

GETTING INVOLVED

Students interested in civil rights work have internship opportunities available. The NOW Legal Defense and Educational Fund has internships in New York and Washington for undergraduates interested in policy projects on women’s rights. Contact Ms. Jackie Butler, Administrative Assistant, NOW Legal Defense and Educational Fund, 99 Hudson Street, New York, NY 10013. Check out NOW’s home page at <http://www.now.org>.
SAMPLE EXAM QUESTIONS

Multiple-Choice Questions

1. The history of civil rights has primarily been a search for
   a. equal opportunity and equal rights.
   b. political and legal equality.
   c. employment and gender equality.
   d. social and economic equality.
   e. legal and monetary equality.

2. What does the term *equality of outcome* mean?
   a. It aligns American values of charity with Christian values of charity.
   b. It means greater uniformity in social, economic, and political power.
   c. Many believe it means more opportunity for everyone to succeed.
   d. It refers to a socialistic redistribution of money or goods.
   e. It is a majoritarian belief that citizens should sacrifice for the greater good.

3. What Court decision upheld separate-but-equal facilities for African Americans and whites?
   a. *Plessy v. Ferguson*
   b. *Brown v. Board of Education*
   c. *Sweatt v. Painter*
   d. *McLaurin case*
   e. *Dred Scott case*

4. Which of the following was *not* a result of the civil rights movement?
   a. increasing number of African Americans in public office
   b. more African American voters
   c. an immediate end to de facto and de jure segregation of schools
   d. an increase in African American nationalism
   e. legislation to reduce discrimination in employment

5. Which of the following is one of the more common methods of discrimination that includes forcing poor blacks to pay $1 or $2 in order to vote?
   a. affirmative action
   b. de jure segregation
   c. de jure discrimination
   d. black codes
   e. poll tax

6. One of the main founders of the NAACP was
   a. Rosa Parks.
   c. Martin Luther King Jr.
   e. Sammy Davis Jr.

7. The first test of the *Brown v. Board of Education* decision occurred in
   a. Alaska.
   b. Alabama.
   c. Georgia.
   d. Arkansas.
   e. Missouri.
8. *United States v. Virginia* introduced what standard to cases of gender discrimination?
   a. strict scrutiny
   b. skeptical scrutiny
   c. stare decisis
   d. gender gap
   e. sexism

9. How is de facto segregation different from de jure segregation?
   a. De facto segregation is voluntary, and de jure is government enforced.
   b. De facto segregation applies to those who can pay, and de jure applies to those who can’t.
   c. De facto segregation is political, and de jure is economic.
   d. De facto segregation is government enforced and de jure is voluntary.
   e. De facto segregation is secular, and de jure is religious.

10. What did the Voting Rights Act of 1965 accomplish?
    a. Nothing; it was declared unconstitutional.
    b. It had little effect on African American registration, because of de facto segregation.
    c. It didn’t do much of anything in all regions of the country.
    d. It improved voter registration among minority groups.
    e. Over time, it resulted in a lower turnout of African Americans voters.

11. Which of the following were *not* a result President Johnson’s efforts to end discrimination?
    a. Education Act of 1967
    b. Civil Rights Act of 1964
    c. Voting Rights Act of 1965
    d. Fair Housing Act of 1968
    e. Economic Opportunity Act of 1964

12. Which law prohibited sex discrimination in federally aided education programs?
    a. Elementary and Secondary Education Act of 1965
    b. Civil Rights Act of 1964
    c. Education Amendments Act of 1972
    d. Equal Rights Amendment
    e. Civil Rights Act of 1866

13. Which of the following is true about the Court’s ruling in *Grove City College v. Bell*?
    a. It broadly interpreted Title IX of the Education Amendments Act of 1972.
    b. It was the target of the Civil Rights Restoration Act of 1988.
    c. It was accepted by Congress as a faithful interpretation of legislative intent.
    d. It applied the law to entire institutions whenever any part of them discriminated against women or minorities.
    e. It was a major victory for proponents of gender equality.

14. Which of the following was *not* a success of the black nationalist movement?
    a. created black studies programs in U.S. colleges and universities
    b. encouraged blacks to vote in record numbers
    c. brought back pride in black history and culture
    d. nominated more blacks for elected office
    e. created more affirmative action programs

15. Which Supreme Court case overturned the separate-but-equal doctrine?
    a. *Milliken v. Bradley*
    b. *Brown v. Board of Education*
    c. *Boy Scouts of America v. Dale*
    d. *United States v. Virginia*
    e. *Regents of the University of California v. Bakke*
16. Numerous frustrated Native Americans acted out against the U.S. government and took matters into their own hands after decades of inaction. Which of the following was the result of Native American frustration and anger toward the U.S. government?
   a. bus boycott in Birmingham, Alabama
   b. 164 riots after the death of Martin Luther King Jr.
   c. record high voter registration drives
   d. seizure of Alcatraz Island
   e. none of the above

17. Johnson v. Santa Clara County reinforced the idea that what factor could be used in promotion decisions?
   a. gender
   b. race
   c. age
   d. sexual orientation
   e. religious practice

18. According to Homeland Security, there were 37.5 million foreign-born people living in the United States in 2007. Approximately what percentage of those people were here illegally?
   a. 8 percent
   b. 17 percent
   c. 24 percent
   d. 31 percent
   e. 35 percent or more

19. The Supreme Court appealed to what element of the Constitution to support the Civil Rights Act of 1964?
   a. elastic clause
   b. commerce clause
   c. Fifteenth Amendment
   d. First Amendment
   e. Nineteenth Amendment

20. Which of the following did not advance the equality of women?
   a. Nineteenth Amendment
   b. Civil Rights Restoration Act
   c. Equal Pay Act of 1963
   d. Civil Rights Act of 1964
   e. protective legislation

21. A method used to keep African Americans from voting was
   a. protectionism.
   b. literacy tests.
   c. set-asides.
   d. separate-but-equal elections.
   e. segregated education.

22. The Equal Rights Amendment
   a. was never ratified.
   b. guarantees equal pay for equal work.
   c. prohibits gender discrimination in education.
   d. was proposed in 1923, but not ratified until 1979.
   e. provides a constitutional basis for affirmative action.
23. The strike led by Cesar Chavez against California growers in 1965
   a. won better working conditions for immigrant workers.
   b. won better pay for immigrant workers.
   c. instituted a national boycott.
   d. won better housing for immigrant workers.
   e. all of the above.

24. What term describes the notion that women must be sheltered from life’s harsh realities and was used as the basis of the traditional laws, which defined women as second-class citizens?
   a. set-asides
   b. gender equity
   c. protectionism
   d. matrilineal
   e. genealogical classification

25. The 1990 Americans with Disabilities Act does not guarantee access to
   a. housing.
   b. employment.
   c. transportation.
   d. communication services.
   e. public accommodations.

Essay Questions
1. Explain the difference between criticism of public officials and defamation of character. Give examples of how free speech can be interpreted so many different ways.
2. What major methods of political participation did the NAACP use in its effort to integrate schools and the civil rights movement use in its effort to secure passage of civil rights legislation?
3. How did federal legislation discriminate against Native Americans in the past?
4. Have recent Supreme Court decisions expanded or contracted the scope of affirmative action? Reference specific cases and explain the broader effects of the particular decision.
5. Distinguish between equality of opportunity and equality of outcome. Which is more controversial? Why?
ANSWERS TO MULTIPLE-CHOICE QUESTIONS

1. d
2. b
3. a
4. c
5. e
6. b
7. d
8. b
9. a
10. d
11. a
12. c
13. b
14. e
15. b
16. d
17. a
18. d
19. b
20. e
21. b
22. a
23. e
24. c
25. a
CHAPTER 17

Policymaking

LEARNING OBJECTIVES
After reading this chapter, you should be able to

- Define the key terms at the end of the chapter.
- Describe the three main types of public policies.
- Describe the three primary public policy tools.
- Describe the four main stages in the policymaking process.
- Explain the causes of the fragmentation that often occurs in policymaking in the United States.
- Describe the means used to achieve coordination of policies.
- Explain the dynamics of issue network politics.
- Describe the role of the nonprofit sector in the provision of public services.

POLICYMAKING AND THE CHALLENGE OF DEMOCRACY
The government seeks to achieve its purposes by adopting plans of action, or policies. Government has several different, often competing purposes, including maintaining order, promoting freedom, and enhancing equality. Different people inside and outside government attach different weights to these purposes, in general and often in specific cases as well. Given the multiplicity of actors, values, and interests involved in the political process, policymaking can be a complicated, sometimes contradictory business, where plans often have unintended results.

Policymaking in the American system can be highly fragmented. Different organs of the national government often have overlapping jurisdictions or areas of responsibility. State governments, too, may develop policies. This fragmentation makes the policymaking process conform to the pluralist model. We have seen that the general public is not very well informed about politics; a weakness of the majoritarian model is that it threatens us with government by people who have little knowledge behind their decisions. In contrast, the people who make up issue networks concerned with specific areas of public policy bring enormous expertise to bear on public policy matters. Their activities fit well with a pluralist model of democracy, which promises considerable influence in the policy process to those with the greatest stake in an issue area. However, if pluralist politics are to be democratic, access must be open and different interests must be able to compete on a relatively equal basis.

CHAPTER OVERVIEW

Government Purposes and Public Policies
Governments attempt to achieve their purposes through public policies, that is, plans of action they adopt to solve social problems, counter threats, or use opportunities. Public policies are the means by which governments pursue certain goals in specific situations. Because people disagree on their
perceptions of situations and on the appropriateness of goals and means, they differ on which public policies should be created, adopted, interpreted, and changed.

**The Policymaking Process**

Policy choices may involve clashes between the competing values of freedom, order, and equality. The problem of illegal drug use pits advocates of legalization (proponents of freedom) against those who favor harsh penalties for drug use (proponents of order) and against those who favor treatment for drug addiction (proponents of equality). Currently, our government provides lots of penalties and some treatment, but there is no talk of legalization.

Public policies take one of three basic forms. *Distributive* policies provide a particular benefit or service to particular groups. *Redistributional* policies take resources from one sector of society and give them to another. *Regulatory* policies spell out the rules that guide government programs. Whatever the policy objectives of government, the main arsenal of tools are incentives and disincentives, direct provision of services, and rule setting. They are often combined to achieve a particular goal, and over time one approach may fall out of favor and another may be tried. Policies aimed at specific problems are not static; means, goals, and situations change. Public policies are typically reviewed and updated in stages.

- An agenda setting stage, in which a problem is defined as a political problem
- A policy formulation stage, in which possible solutions are developed in the form of policy proposals and decisions are made about which proposal (if any) to adopt
- An implementation stage, in which a policy is carried out (often amid difficulties in coordinating the activities of government officials at various levels, who must implement the policy)
- A policy evaluation stage, in which programs are analyzed to discover how well they work in practice

Evaluation results in feedback, that is, information that lets policymakers know how well programs are doing what they were created to do. Feedback information can be used to decide whether the programs should be continued, expanded, changed, or cut or whether new items should be put on the political agenda, and, hence, to a new cycle of policymaking.

**Fragmentation and Coordination**

The fundamental nature of U.S. government—federalism and the separation of powers—contributes to the fragmentation of policymaking by creating multiple centers of power. These centers of power may pursue competing policies in the same policy area. This circumstance may be the result of real conflict between branches of government or merely a lack of coordination within a branch. Sometimes, problems of fragmentation and coordination may be attacked by reassignment of agency jurisdictions, by reform of congressional committees, by Office of Management and Budget regulatory review, or by industry appeals for a single national policy to replace fifty state policies in an issue area.

In any given issue area, many interest groups try to influence policy. These private sector actors are effective when they are able to provide technical mastery of a policy area. In Washington, D.C., U.S. government often amounts to government by policy area, which involves interaction among various government institutions and private sector organizations. When changes in the Clean Air Act were considered, for example, a group of actors emerged with shared knowledge of this aspect of environmental policy, including members of Congress, EPA bureaucrats, consultants, lawyers representing environmentalists, lawyers representing industries, and public relations firms representing trade associations and trying to sway public opinion. These actors, who share a knowledge of and an interest in the particular policy under consideration, form an issue network.
Recently, the concept of issue networks has emerged to describe the policymaking process. Issue networks include a large and varied group of participants and are more easily penetrated than iron triangles (although they are still held together by technical mastery of particular policy areas). Individuals in an issue network speak the same language; they are united by shared knowledge of and experience in a policy area. Although it is desirable to have those with expertise influence policymaking, the dominance of iron triangles and issue networks in the process may make policymaking appear too responsive to the demands of small groups and hence undemocratic.

The Nonprofit Sector
Community-based organizations have become important players in the policymaking process. Nonprofits are voluntary organizations that use government funds to implement a government program. They provide vitally important services and tap into a large pool of volunteer labor. It is estimated that over 100 million Americans volunteer on a regular basis. According to one scholar, they are “the glue that holds civil society together.”

KEY TERMS
public policy
distributive policies
redistributinal policies
regulation
agenda setting
issue definition
policy formulation
implementation
policy evaluation
feedback
fragmentation
issue network
nonprofit organization

RESEARCH AND RESOURCES
Who makes up issue networks? Who influences policymaking? What are their names? For whom do they work? If you are interested in finding answers to questions like these, you might turn to a recent edition of Washington Representatives (Washington, DC: Columbia Books). This is an annual directory that lists lobbyists, consultants, legal advisers, foreign agents, and public affairs and government relations representatives. The work describes the clients handled by each representative, giving areas of interest and expertise, party affiliation, and ideological orientation. The volume also contains a list of organizations represented in Washington. Finally, it includes a list of selected topics that were cross-referenced so you can find out what companies or associations are likely to be active in what sort of policy discussions.
Public Policy Websites

USING YOUR KNOWLEDGE
1. Locate a copy of Washington Representatives. What kinds of groups take an interest in sugar production? Compare this list with those groups that lobby on women’s issues. Which issue (if either) would seem more likely to produce the kind of subsystem described as an iron triangle? Why?
2. Find a public policy issue discussed at MoveOn.org, Heritage.org, or Cato.org. Summarize the differences in their perspectives on the issue. What kind of evidence does each use in making its case?

GETTING INVOLVED
Many lobbying and advocacy firms offer internship opportunities. Contact information for many of these lobbying firms is available in copies of Washington Representative. Advocacy groups, such as environmental interest groups, the American Civil Rights Union, or the National Rifle Association, also use volunteers to coordinate outreach and education activities.

SAMPLE EXAM QUESTIONS

Multiple-Choice Questions
1. What do all government policies have in common?
   a. level of effectiveness
   b. broad purpose
   c. conclusion of government plans being carefully thought out and implemented
   d. end of all policies being government muddling through as best it can
   e. means by which certain goals are pursued in specific situations
2. Which of the following is **not** one of the elements people tend to disagree about?
   a. how effective the policy should be
   b. how the situation should be perceived
   c. means used to meet its goals
   d. goals government should have
   e. None of the above; all are elements people disagree on.
3. Which of the following is an example of a redistribution policy?
   a. funding Medicaid with income tax
   b. paying interest on national debt with the tax on capital gains
   c. tax reduction for businesses, while increasing the estate tax
   d. paying for our children’s education with a tax on espresso sales
   e. all of the above
4. Although most Europeans would throw the book at a drug dealer, what would most of them want to do with users?
   a. put them in prison too
   b. put them in mandatory education classes
   c. treat them as being sick
   d. force them into military service
   e. deport them and revoke their citizenship

5. Which of the following would be an example of regulation?
   a. food stamps
   b. public education
   c. federal highway system
   d. safety rules for commercial aircraft
   e. income tax deductions for charitable contributions

6. Which of the following is one of the most basic tools for achieving policy objectives?
   a. incentives
   b. gofers
   c. set-asides
   d. autocracy
   e. democracy

7. When you add federalism and the separation of powers to the policymaking process, what does it do to the process?
   a. makes it more fragmented
   b. makes it more majoritarian
   c. makes it better coordinated
   d. makes it more likely to emphasize order
   e. makes it more centralized

8. The study of government by policy areas concentrates on
   a. policymaking across institutions.
   b. policymaking within institutions.
   c. the majoritarian aspects of U.S. politics.
   d. public sector actors.
   e. private sector actors.

9. Which of the following is not one of the four stages in the policymaking process?
   a. policy formulation
   b. redistributive policy
   c. policy evaluation
   d. implementation
   e. agenda setting

10. One of the main factors explaining the rise of new issues is
    a. environmentalism.
    b. religion.
    c. economy.
    d. political elections.
    e. technology.
11. Which of the following strategies aims at reducing fragmentation and improving coherence of public policy?
   a. disbanding interagency task forces
   b. asking the national government to develop a single regulatory policy
   c. reducing the power of the Office of Management and Budget
   d. developing regulatory policies at the state level
   e. reducing the powers of congressional leadership

12. In policy areas that involve complex decisions, what types of actors tend to have the most influence?
   a. elected officials
   b. grassroots advocacy groups
   c. courts
   d. political parties
   e. technical experts

13. A problem associated with the new rules requiring more corn-based ethanol be used in gasoline is
   a. loss of more grassland for cultivation.
   b. rise in the amount of CO₂ produced using ethanol.
   c. lowered food prices.
   d. lowered price of corn in worldwide markets.
   e. all of the above.

14. The government can reduce the number of bureaucrats and not anger people with cutting services by working through
   a. the Internet.
   b. the media.
   c. issue networks.
   d. nonprofit organizations.
   e. the committee structure of Congress.

15. Which of the following would probably not be part of an issue network?
   a. lawyers
   b. lobbyists
   c. pilots
   d. consultants
   e. congresspeople

16. What is the common denominator in order to have a good chance of influencing policymaking in an issue area?
   a. money
   b. expertise
   c. party affiliation
   d. contacts and associates
   e. none of the above

17. The government discovers whether a policy is working through
   a. agenda setting.
   b. policy formulation.
   c. implementation.
   d. policy evaluation.
   e. regulation.
18. What do we call the stage of the policymaking process in which new issues are identified as problems to be addressed by government?
   a. agenda setting
   b. policy formulation
   c. implementation
   d. policy evaluation
   e. research and review

19. Policy formulation may be the result of actions by
   a. Congress.
   b. the president.
   c. the courts.
   d. administrative agencies.
   e. all of the above.

20. Which of the following best describes the implementation stage of the public policy process?
   a. runs smoothly, because government officials always willingly accept Washington’s dictates
   b. typically involves only Washington bureaucrats
   c. often involves bargaining and negotiation
   d. is strictly nonpolitical
   e. is the final stage in the policy process

21. On the basis of what you have read in this chapter, which of the following words best describes policy formulation?
   a. incremental
   b. cyclical
   c. radical
   d. static
   e. none of the above

22. The greatest number of nonprofits with an annual income over $25,000 are found in the area of
   a. charities.
   b. food distribution.
   c. health care.
   d. social service.
   e. environment.

23. Why are nonprofits usually able to deliver their services so inexpensively?
   a. deregulation of markets
   b. regulation of markets
   c. use of best business practices
   d. government oversight
   e. volunteer labor

24. What is the most likely reason people give charitable contributions to nonprofit organizations?
   a. requirement of citizenship
   b. feels good
   c. tax break
   d. ego
   e. payback
25. We call the part of the policymaking process in which proposals are developed and officials decide which one, if any, to adopt
   a. policy formulation.
   b. agenda setting.
   c. implementation.
   d. policy evaluation.
   e. research and review.

Essay Questions
1. How does government solve its problems? How are policies created and put in place? Why do they change over time?
2. Outline the three basic types of public policies. Give examples of policies in each category.
3. Does government by policy area promote pluralist or majoritarian democracy? Explain your answer and give examples.
4. What is an issue network? Describe how the Internet has encouraged issue networks to grow. Who joins them and what do they do? Give some examples of various issue networks.
5. How does political belief affect public policy? Explain and use examples.
ANSWERS TO MULTIPLE-CHOICE QUESTIONS

1. e
2. a
3. e
4. c
5. d
6. e
7. a
8. a
9. b
10. d
11. b
12. e
13. a
14. d
15. c
16. b
17. d
18. a
19. e
20. c
21. a
22. d
23. e
24. c
25. a
LEARNING OBJECTIVES
After reading this chapter, you should be able to
- Define the key terms at the end of the chapter.
- Compare laissez-faire, Keynesian, monetarist, and supply-side economic theory with respect to the role of government in the economy.
- Describe the functions of the Federal Reserve System.
- Outline the steps in the budgetary process.
- Show how the Gramm-Rudman Act represented a failure of the legislative and budgetary processes.
- Explain how the Budget Enforcement Act resulted in lower deficits.
- List the major objectives of tax policy.
- Distinguish between progressive and regressive tax policies.
- Compare tax burdens in the United States with those in other Western democracies.
- Assess the effectiveness of U.S. taxing and spending policies in producing greater economic equality.

ECONOMIC POLICY AND THE CHALLENGE OF DEMOCRACY
The opening case illustrates how government action can influence financial markets. With quick and decisive cuts in the lending rates, the Federal Reserve (Fed) headed off a major economic meltdown. In addition to saving the U.S. markets, these cuts also reversed global economic trends. Even after the historic cuts by the Fed, the White House and Congress cobbled together an economic stimulus package of rebates to Americans worth over $168 billion. Although government was able to avert this economic downturn, the housing meltdown is causing more economic trouble. Politicians will want to solve this problem, too, with more spending, but citizens have mixed feelings about too much spending.

Making economic public policy, which includes making decisions about taxing and spending, is a value-laden political process. First of all, it involves making choices about the role of government. Should the government maintain more of a hands-off approach, as laissez-faire economists (and, to a lesser extent, supply-side economists) believe? Or should it take a more active role? Public economic policy also requires choices between equality and freedom. The structure of the taxing and spending policies themselves reveals a good bit about the public value system. Whereas Americans are interested in political equality, they are much less committed to economic equality. Americans have moved away from progressive taxation, where the rich pay proportionately more and the tax system serves as a means of redistributing wealth and promoting equality.

One reason why the tax system has not been used to promote greater equality is that the government tends to respond to well-organized and well-financed groups. Thus, pluralist politics have given the
wealthy more clout than they might have had under a more majoritarian system. Yet the less
government intervenes, the more the markets can act in a volatile manner.

On the spending side, too, the impact of pluralism is apparent. Incremental budgeting processes have
given rise to clientele groups that pressure Congress to keep their favorite programs alive. Other groups
managed to get spending programs established firmly by law as entitlement programs. Measures such
as the Gramm-Rudman Act and pay-as-you-go restrictions proved inadequate to rein in uncontrollable
outlays. These failures illustrate a problem of the legislative process in a pluralist democracy, where
representatives find it too hard to say no to organized groups demanding expenditures or opposing tax
increases. The current debate revolves around the need to make the Bush tax cuts permanent or the need
to increase revenue to reduce deficits and the national debt.

CHAPTER OVERVIEW

Theories of Economic Policy
Taxing and spending are the government’s two major policy tools for influencing the economy. Their
use depends on policymakers’ beliefs about how the economy works and how much government should
be involved in the economy. Policymakers’ (and economists’) differences on this issue are rooted in
disagreements over economic theories and their assumptions.

Four important schools of thought are used to explain market, or capitalist, economies, where prices are
determined through supply and demand.

- **Laissez-faire doctrine** relies on economic competitors to weed out the weak and preserve the
  strong. Government should not interfere with the economy.

- **Keynesian theory** relies on the government to deal with the problems of depression and inflation
  by adjusting fiscal policies (government taxing and spending) and monetary policy (the money
  supply).

- **Monetarism** argues that the adjustments required by Keynesian theory cannot be made quickly
  enough or at the right time. Political forces make it difficult to cut spending or raise taxes when
  Keynesian theory requires. Monetarists, therefore, rely on controlling the money supply through
  the Federal Reserve System (a more politically independent body) to regulate the business cycle
  and manage inflation.

- **Supply-side economics** argues that the government should reduce its role in the economy by
  lowering taxes, thus leaving people with more money. People who have money will invest it in
  enterprises that will bring them more money. That will create jobs. Tax cuts for the rich will be
  good for everyone as the benefits will trickle down. Supply-side economics is a partial return to
  laissez-faire policies. It was also the theoretical underpinning of Reaganomics. In practice, several
  predictions of supply-side economics did not come true. In particular, under Reaganomics, while
  inflation and unemployment came down, tax revenues fell off and the federal deficit soared. The
  budget deficits continued until 1998, when an economic boom led to the first budget surplus since
  1969.
budget proposals to Congress. This gave the president the opportunity to set the government’s fiscal priorities and take the lead in the budgeting process.

The president’s budget is the result of considerable politicking by departments and agencies. The current budgeting process is described as a creaky conglomeration of traditional procedures combined with structural reforms from the 1970s, external constraints from the 1980s, and changes under the 1990 Budget Enforcement Act. The two-step authorization process divides budgeting responsibilities among several committees. This decentralization leaves many opportunities for interest groups to influence the process, and it makes it difficult to assign responsibility for decisions on the budget as a whole.

In the 1970s, Congress attempted to take back some of the control over the budgetary process that it had surrendered to the president. The new process involved structural reforms and a certain amount of coordination among committees, as well as the creation of the Congressional Budget Office, a source of expertise equivalent to that of the OMB. The new process broke down, however, when Congress was faced with the huge deficits of the 1980s. Alarmed by the growing deficit, Congress tried something more drastic, the Gramm-Rudman-Hollings Act, which was designed to act as an external constraint and force automatic, legislated across-the-board budget cuts whenever the deficit reached a certain size. The government was unable to meet the Gramm-Rudman deficit-reduction targets, however, and simply revised the targets to meet the deficit. Under the pressure of a recession, Congress passed the Budget Enforcement Act of 1990 (BEA), which capped discretionary spending and placed pay-as-you-go restrictions on mandatory spending. Congress bypassed these restrictions to enact the 2001 tax cut and permitted these restrictions to expire altogether in 2002. This change in procedure, coupled with the 9/11 attacks and a lengthy recession, resulted in a return to deficit spending and mounting federal debt. Although Democrats reinstated the BEA restrictions in 2007, the election year politics of 2008 brought about a heavy round of deficit spending.

**Tax Policies**

Tax policy is designed to provide the money government spends. Government may use tax policy to serve other purposes as well. Tax policy may be used as a method of making tax burdens more equitable or introducing Keynesian controls on the economy.

In President Reagan’s first term, taxes were cut, and the deficit soared. Beginning in his second term, Reagan urged tax reform—lowering taxes in the highest brackets, reducing the number of tax brackets, and eliminating deductions or loopholes, while neither increasing nor decreasing the overall amount of money raised. Tax reform was backed by both Republicans and Democrats. The movement in Congress gathered enough momentum that reform survived, despite pressure from interest groups for special treatment. The result was a somewhat simpler and considerably less progressive two-bracket tax system. Presidents George H. W. Bush and Clinton each added new brackets at the higher end of the income scale, thereby increasing the progressivity of the tax system. The 2001 tax cut advocated by President George W. Bush reduced the tax rates for upper-income tax payers (reducing progressivity) and resulted in lower federal revenues.

Although the tax burden on Americans has increased (doubling between 1953 and 1993), this has come about largely because of increases in state and local taxes and social security. Still, in comparison with other democracies, Americans are near the bottom of the list in terms of taxes paid.

**Spending Policies**

What does the government spend its money on? In 2009 for the first time since 1993, the largest expenditure went to national defense (22 percent); next came Social Security, followed by Medicare, income security, health programs, and then interest on the national debt. Government spending has
increased faster than inflation. However, in recent years, although government spending has increased, the nation’s GDP has increased more than spending.

Certain spending programs such as Social Security and Medicare are difficult to cut because they are legally mandated and backed by politically powerful interests, such as the elderly. Incremental budgeting has slowly increased government spending through the last few decades, and Congress has increased spending through earmarks and its undisciplined, discretionary spending. Overall, there are very few places left where government spending can be reduced. Although the public wants the benefits the government provides, it does not want the government to raise taxes to pay for them.

**Taxing, Spending, and Economic Equality**

Because it requires redistribution of wealth, economic equality can be attained only at the cost of economic freedom. Limited redistribution of wealth through the income tax has aimed at helping the poor reach a minimum standard of living, not at producing overall equality of outcome. In fact, the nation’s tax policies as a whole favor the wealthy, especially the wealthy who draw their money from investments rather than labor. Although the poor recoup money in transfer payments, regressive taxation claims a higher share of their income. Under capitalism, economic inequality is inevitable, but the degree of inequality may vary. Among Western democracies, the gap between the richest and poorest is largest in the United States. The United States, which prizes political equality, does not pursue the goal of economic equality with anywhere near the intensity of other nations. This may be the result of pluralist politics that give upper-income groups more opportunities to exercise influence outside of the one person, one vote arena of political equality. Yet, overall, American public opinion shows little support for redistributing wealth through progressive taxation. As a result, even a majoritarian tax policy might do little to reduce inequalities.

**KEY TERMS**

- economic depression
- inflation
- business cycles
- aggregate demand
- productive capacity
- gross domestic product (GDP)
- Keynesian theory
- fiscal policies
- monetary policies
- deficit financing
- Council of Economic Advisers (CEA)
- monetarists
- Federal Reserve System
- supply-side economics
- fiscal year (FY)
- budget authority
- budget outlays
receipts
federal debt
Office of Management and Budget (OMB)
tax committees
authorization committees
appropriations committees
budget committees
Congressional Budget Office (CBO)
Gramm-Rudman Act
Budget Enforcement Act (BEA)
mandatory spending
discretionary spending
entitlement
pay as you go
Balanced Budget Act (BBA)
progressive taxation
incremental budgeting
earmark
discretionary outlays
mandatory outlays
transfer payments

RESEARCH AND RESOURCES

For an overview of monetary policy, consult the website of the Board of Governors of the Federal Reserve System. See “About the Fed” at <http://www.federalreserve.gov>. The Fed website also announces the schedule of upcoming policy meetings and recent decisions about interest rates and the money supply.

USING YOUR KNOWLEDGE

1. Locate the websites maintained by the Democrats on the Senate Budget Committee and the Republicans on the Senate Budget Committee (see link above). How do the members from each party differ in their assessment of the economy and the budget?

2. A major concern of the text is political values. As this chapter indicates, two important sources of information about the values of a society are its tax code and its government’s budget. The taxing and spending policies of a nation give people incentives to do some things but not others. To gain insight into American values, do one of the following:

   • Obtain a copy of the filing instructions for the federal income tax. You can find IRS forms online at <http://www.irs.gov>. Look at the deductions allowed. What activities does the tax code seem to encourage? Do these tax regulations seem more likely to be the result of majoritarian or pluralist politics?

   • Obtain a copy of the current U.S. budget from the Budget of the United States Government website at <http://www.gpoaccess.gov/usbudget>. Page (or scroll) through and examine the spending categories and the kinds of activities the government funds. Do these expenditures seem more likely to be the result of majoritarian or pluralist politics? Why?

SAMPLE EXAM QUESTIONS

Multiple-Choice Questions

1. The economic theory that relies on the narrow pursuit of individual profit to serve the broader ends of society through an invisible-hand mechanism was first advocated by
   a. Adam Smith.
   b. Arthur Laffer.
   c. John Maynard Keynes.
   d. Milton Friedman.
   e. Alan Greenspan.

2. What is the biggest problem that government has with laissez-faire economics?
   a. allows too much control to the president
   b. does not allow enough control to Congress
   c. relies too much on Adam Smith’s outdated theories
   d. has no concern for an economic depression or inflation
   e. all of the above

3. What term is used to describe the total value of goods and services that can be produced when the economy works at full capacity?
   a. business cycle
   b. aggregate demand
   c. productive capacity
   d. economies of scale
   e. gross domestic product
4. The economist who in the 1930s first explained the business cycle, the expansion and contraction of business activity, was
   a. Adam Smith.
   b. Arthur Laffer.
   c. John Maynard Keynes.
   d. Milton Friedman.
   e. Alan Greenspan.
5. Historically, the major concern of the Federal Reserve System is
   a. inflation.
   b. economic growth.
   c. trade.
   d. government tax revenues.
   e. government spending.
6. To deal with problems of inflation and unemployment, monetarists would rely heavily on
   a. the fiscal tools of Keynesian economics.
   b. laissez-faire principles.
   c. use of the Federal Reserve System.
   d. supply-side economics.
   e. government planners to determine the price and quantity of goods produced in the economy.
7. Who was sworn in as chairman of the Federal Reserve Board by President Bush in 2006?
   a. Alan Greenspan
   b. John Maynard Keynes
   c. John Murtha
   d. James Paulson Jr.
   e. Ben Bernanke
8. The price of which of the following is not used to calculate the Consumer Price Index (CPI)?
   a. shelter
   b. stocks
   c. clothing
   d. medical services
   e. transportation
9. What policies are aimed at increasing the supply of goods and consist mainly of tax cuts and less regulation for business?
   a. supply-side policies
   b. laissez-faire policies
   c. monetary policies
   d. Keynesian policies
   e. none of the above
10. How would you describe U.S. taxes compared to those of most other democratic nations?
   a. much higher
   b. slightly higher
   c. roughly the same
   d. slightly lower
   e. much lower
11. Which congressional committees decide which programs are actually funded?
   a. Authorization Committees
   b. Appropriation Committees
   c. Conference Committees
   d. Funding Committees
   e. Tax Committees

12. The smallest component of the federal budget is
   a. foreign aid.
   b. defense spending.
   c. interest on the national debt.
   d. income security programs.
   e. Medicare and Medicaid.

13. One of the two major explanations for the general trend of increasing government spending is political. What is the other?
   a. monetary
   b. fiscal
   c. constitutional
   d. bureaucratic
   e. legal

14. Which of the following has historically been an example of progressive taxation?
   a. taxes of income from sales of real estate or stocks
   b. federal income tax
   c. Social Security tax
   d. state sales taxes
   e. all of the above

15. On the whole, U.S. tax policies favor which group the most?
   a. the wealthy who draw their income from capital
   b. middle-class workers
   c. the poor on welfare
   d. the working poor
   e. the elderly

16. Which of the following is not part of Reaganomics?
   a. tax cuts
   b. deregulation
   c. reducing demand
   d. cuts in social programs
   e. increased spending on the military

17. After the income tax was repealed in 1871, what did the government rely on for revenue?
   a. land sales
   b. mineral taxes
   c. export taxes
   d. tolls
   e. tariffs
18. What did the Budget and Accounting Act of 1921 provide for?
   a. raised taxes
   b. first tax cut in our history
   c. increased money supply
   d. higher budget deficits
   e. president to prepare budget

19. Approximately how much did President Bush propose for outlays in the 2009 budget year?
   a. under $1 trillion
   b. $1.75 trillion
   c. $2.50 trillion
   d. $3.10 trillion
   e. over $4 trillion

20. We call the amount of money a government agency is authorized to spend for programs
   a. off-budget expenditure.
   b. tax expenditure.
   c. budget authority.
   d. budget outlay.
   e. incremental budget.

21. According to the Federal Reserve System, the wealthiest 1 percent of American families control almost what percentage of the nation’s household wealth (property, stocks, and bank accounts)?
   a. 11 percent
   b. 22 percent
   c. 33 percent
   d. 44 percent
   e. 55 percent

22. Which committees of Congress are responsible for raising the revenue to run the government?
   a. Authorization Committees
   b. Appropriations Committees
   c. Conference Committees
   d. Funding Committees
   e. Tax Committees

23. What was the effective rate that everyone paid to Social Security in 2008?
   a. 3.25 percent
   b. 7.65 percent
   c. 11.85 percent
   d. 15.5 percent
   e. 19.45 percent

24. What 1990 law established pay-as-you-go restrictions for the first time in Congress?
   a. Balanced Budget Act
   b. Entitlements First Act
   c. Gramm-Rudman Act
   d. Budget Enforcement Act
   e. Spending Restriction Law
25. What was the largest expenditure in the 2009 annual budget?
   a. interest on our national debt
   b. military spending
   c. Social Security
   d. income security expenditures
   e. Medicare

Essay Questions
1. Explain the difference between progressive and regressive taxes. Is a flat tax progressive or regressive? Why?
2. What is the process for creating the national budget from the president’s office, through Congress, and back to the president?
3. What were the goals of the 2001 Bush tax cut? How well were they achieved?
4. How have tax laws changed from the Civil War through today?
5. What are the basic ways in which the Federal Reserve System affects the economy?
ANSWERS TO MULTIPLE-CHOICE QUESTIONS
1. a
2. d
3. c
4. c
5. a
6. c
7. e
8. b
9. a
10. e
11. b
12. a
13. d
14. b
15. a
16. c
17. e
18. e
19. d
20. c
21. c
22. e
23. b
24. d
25. b
CHAPTER 19

Domestic Policy

LEARNING OBJECTIVES
After reading this chapter, you should be able to

- Define the key terms at the end of the chapter.
- Trace the growth of the U.S. welfare state.
- Discuss the debates on Social Security.
- Explain how social welfare policies involve tradeoffs between equality and freedom.
- Discuss the reasons why the United States, unlike other industrialized nations, has not adopted a system of universal health coverage.
- Describe the major federal programs that provide access to health care.
- Distinguish between social insurance programs and public assistance programs.
- Describe changes made in the welfare system by the 1996 welfare reform law.
- Compare the costs and benefits of the American system of social welfare with those of other democratic states’ systems.
- Explain the federal government role in education.

DOMESTIC POLICY AND THE CHALLENGE OF DEMOCRACY
This chapter highlights the inevitable difficulty of balancing competing values when the government adopts public policy. Social insurance and welfare policies, for example, raise a conflict between equality and freedom.

Before the Great Depression, most aid for the poor came from private charities rather than the government. Old people got by on their savings or on private pensions rather than government-sponsored Social Security. By 1934, many states provided old-age assistance programs, but the economic hardships of the 1930s far outstripped the ability of such programs and private charities to cope. National relief efforts had to be launched. As a result, people’s attitudes about the role of government started to change. Throughout most of U.S. history, the government had confined its activities to protecting people and property, thereby providing security and order. In the thirties, people began to accept the idea that government should provide a kind of economic floor to protect people from falling into abject poverty.

The New Deal of the 1930s and the Great Society of the 1960s created many programs for aiding the poor. These programs’ costs were shouldered by taxpayers; this set up a conflict between freedom and equality. On the one hand, citizens may accept the notion that the government should help the poor; on the other hand, they may resent the loss of freedom to control the part of their income that goes to pay higher taxes.

Before the Depression, people who relied on others for charity were often seen as moral failures. But the poverty of the Depression was so widespread that it challenged this idea. Eventually, many federal
aid programs were viewed as entitlements, and aid recipients worked to protect the programs important to them. The domestic aid programs discussed in this chapter show pluralist politics in action. Older Americans of retirement age exercise enormous political power and are keenly interested in protecting the Social Security and Medicare programs. Under a 1996 welfare reform law, however, those defending the poor have suffered setbacks in preserving welfare as an entitlement, but George W. Bush came to the rescue with his new prescription drug benefit.

In 2003, President Bush pushed through the Medicare Prescription Drug, Improvement, and Modernization Act, and many seniors were thrilled. Their happiness was short lived as many became confused and disenchanted with the overabundant number of choices, plans, and programs. Not only seniors but many pharmacists were confused and upset. In addition to all this, new projections estimated that the program would cost almost double what President Bush said it would cost. Although there were lots of problems at its start, the program has been streamlined and debugged, so that many seniors are using it to good effect. As you find with most social programs, implementation is harder than you think it will be.

CHAPTER OVERVIEW

Recent changes to the Medicare program reveal the extent of conflict over the adequacy, costs, and scope of government efforts to provide access to health care. The chapter illustrates how policies that provide social insurance or public assistance raise conflicts between the values of freedom, order, and equality. These areas of public policy aim at alleviating some of the consequences of economic inequality. Government expenditures in these domestic programs represent more than half the national budget of the United States. These huge expenditures to promote equality also stimulate conflicts of values, since government policies that redistribute resources lessen individual freedom.

The Development of the American Welfare State

Virtually every modern nation is a welfare state—providing for its citizens through economic and social programs. Although social welfare programs date back to the Industrial Revolution, the modern welfare state received its impetus from the Great Depression and the New Deal. The Roosevelt administration’s attempt to manage the crisis, called the New Deal, had two phases. The first boosted prices and lowered unemployment. The second phase was more concerned with long-term reform and included a program of social insurance to aid the poor and elderly. The New Deal abandoned reliance on laissez-faire capitalism and a decentralized federal structure. Instead it emphasized more central-government control of the economy, and it set in motion long-term government expansion.

In the 1960s, President Lyndon Johnson launched the Great Society to combat political, social, and economic inequality through civil rights legislation, aid to education, and the War on Poverty. Though most of its programs disappeared during the Vietnam War, the War on Poverty did make the poor aware of their political power.

Social welfare is based on the premise that society has an obligation to provide for the basic needs of its members. In the 1980s, President Reagan questioned this assumption and shifted the emphasis from economic equality to economic freedom. This meant a reexamination of many federal social welfare programs. President Clinton charted a middle ground, but tight federal budgets have continued to make funds scarce for initiating or enlarging social welfare programs. This all changed, when George W. Bush’s administration expanded social welfare to include prescription drug medication for seniors.
Social Security
In the United States, social insurance programs are entitlements—benefits to which every eligible person has a legal right that the government cannot deny. The largest federal entitlement program is Social Security, an insurance program that provides economic assistance to the unemployed, disabled, and aged, without regard to their financial need.

Many European states adopted programs like Social Security after World War I; in the United States, the Social Security Act of 1935 was passed as part of the second phase of the New Deal. Money for the old-age benefits of Social Security is paid into a trust fund. Under a pay-as-you-go tax system, today’s workers support today’s elderly. When the program started, only a few people received benefits while many contributed. Over the years, however, the ratio of workers to benefit recipients has decreased. Meanwhile, Social Security benefits have increased, partly through cost-of-living adjustments (COLAs), enthusiastically supported by both political parties in the 1970s. Government officials expected to be able to finance these increases out of economic growth, but stagflation made that impossible. As a result, it became necessary to increase Social Security taxes and reduce benefits. Although the future effects of economic conditions on the Social Security system are hard to predict, few people argue about the need for the system. After President Bush won reelection in 2004, he proposed major reforms to allow individuals to invest their own payroll taxes in the stock market with the possibility of higher return. Democrats opposed his plan, and the reform bill stalled in Congress. The solvency of the current system will be tested soon as the baby-boomer generation retires.

Public Assistance
Public assistance, often called welfare, is government aid given to individuals on the basis of their need. In addition to establishing the old-age insurance program described above, the Social Security Act created categorical assistance programs for needy people who are old, blind, or disabled or have dependent children. These entitlement programs are funded jointly by federal and state tax revenues. Although the bulk of the funding comes from the national government, benefits vary from state to state. Until 1996, national standards were imposed on state programs. These standards established the national poverty level, which still helps measure how well public policies manage to achieve the American promise of equality. Today, women and their dependents (children) make up a growing proportion of poor Americans.

Two key programs—food stamps and cash payments—attempt to address the problem of poverty. In 1996, President Clinton and the Republican-led Congress produced compromise legislation that radically changed welfare. The new law ended Aid to Families with Dependent Children (AFDC), and introduced work requirements and limits on the length of time people can receive benefits. Under the new program, Temporary Assistance to Needy Families (TANF), states have greater latitude to shape their own welfare systems with block grants of funds provided by Washington. The changes are controversial, but, aided by a booming economy, they produced a rapid drop in the welfare rolls. The recession of 2001 was a significant test for the new reforms, a period in which an increasing number of female-headed households had no access to jobs or TANF income. However, the new rules seem to be working, since post-TANF welfare numbers are down and many who used to be on welfare are working steady jobs. On the flip side, most of the jobs are service industry jobs paying low wages without health care.

Health Care
The United States is the only industrialized country without a universal health-care system, and because of this, approximately 16 percent of the American population had no health insurance in 2007. Instead of a universal system, the United States has created a patchwork system designed to cover different
segments of the population. Even though Americans have less access to health insurance, we pay more for health care than any other industrialized nation. In the 1960s, as a part of Lyndon Johnson’s Great Society, Congress approved Medicare, a program of medical insurance for the elderly, and Medicaid, a need-based health program for the poor. These programs have faced financial problems, as medical costs have soared. The most recent reforms to Medicare include a prescription drug plan that is estimated to cost over $700 billion over the next ten years. Medicaid has overtaken Medicare as the largest government health-care program, currently covering nearly 20 percent of all children’s health-care costs and 40 percent of all long-term-care costs. A 1997 program, the State Children’s Health Insurance Program (SCHIP), extends government health-care subsidies to children.

Whereas Medicare, Medicaid, and SCHIP provide health care for the aged, children, and the poor, increased health-care costs and the difficulties of obtaining insurance helped put the issue of health care for all on the agenda. Health care raises the modern dilemma of government, which pits equality against freedom.

**Elementary and Secondary Education**

The debate on education concerns the dilemma of freedom versus equality. Historically, the federal role in education has been small, and federal funding accounts for a small portion of education financing. Traditional policy on education centered on providing equal access; however, recent reforms have emphasized accountability and freedom of choice for families. The No Child Left Behind Act of 2001 expands the federal role in monitoring student performance, ensuring teacher quality, and expanding choices for parents. The effects of this 2001 reform remained unclear, until recently. Many teachers are now teaching to the test, so much so that non-tested subjects are being ignored. Reauthorization of the act was not accomplished in 2007, so its future is currently in doubt.

**Immigration**

Although 72 percent of Americans are dissatisfied with the level of immigration into the United States, they are undecided on what to do about it. With over 12 million illegal immigrants currently in our country, it is uneconomical to capture and deport them all. Over 203,000 were deported in 2004, and over 1 million were allowed to leave voluntarily. President Bush tried to create a temporary worker program in 2007, but it was opposed by major Republican groups and some Democrats who were unhappy with some parts of the bill. With groups and people from both sides against it, the bill failed.

**Benefits and Fairness**

The government offers both means-tested and non-means-tested benefits to Americans. Most means-tested benefits require individuals to be under a certain level of income in order to qualify for help. Non-means-tested benefits offer help to all who need it. As program costs increase, many people believe that it might be fairer to apportion benefits according to need.

**KEY TERMS**

- public policy
- welfare state
- social welfare programs
- Great Depression
- New Deal
- Great Society
- War on Poverty
social insurance
Social Security
Social Security Act
public assistance
entitlements
poverty level
feminization of poverty
Temporary Assistance for Needy Families Act (TANF)
Medicare
Medicaid
Elementary and Secondary Education Act of 1965 (ESEA)
No Child Left Behind Act of 2001 (NCLB)
means-tested benefits
non-means-tested benefits

RESEARCH AND RESOURCES

Virtually every American is affected by the public policies described in this chapter. The programs themselves were created by acts of Congress, but as you learned in Chapter 12, Congress does not specify every detail concerning every program. Instead, Congress leaves a considerable amount of discretion to the agencies charged with administering the programs. These agencies make rules and establish procedures. But how can a citizen find out what the rules are? They are published in a government publication called the Federal Register. Since 1995, the Federal Register has been available online in a searchable form, which overcomes many of the difficulties of the older, printed version. The URL for the homepage of the Federal Register is <http://www.gpoaccess.gov/fr/index.html>. The printed version of the Federal Register can be difficult to use, but the government has issued a user’s guide to it. Instructions may also be found in Congressional Quarterly’s Federal Regulatory Directory. The Federal Register is published daily. It includes notices of proposed rule making, that is, agency proposals for new rules; these must be publicized before they can be implemented. When a proposed rule is adopted by an agency, it must be published again as a final rule. Federal rules undergo constant revision. Each year, the rules of all the agencies are collected into a set of volumes called the Code of Federal Regulations (CFR) that can be found online at <http://www.gpoaccess.gov/cfr/index.html>. The CFR assigns title numbers to broad subject areas affected by regulatory action; for example, Title 7 deals with agriculture, and Title 45 deals with public welfare. Each title is broken down into chapters (designated by Roman numerals), and the chapters are further subdivided into numbered parts. For example, the rules and regulations of the Drug Enforcement Administration would be found in Title 21, Chapter XIII, Part 1300 through the end of the title.

One relatively easy way to locate an agency’s regulations is to use the Federal Regulatory Directory, which includes as part of its description the CFR titles and parts used by agencies.

The following example should give you an idea of a method for looking up regulations in paper volumes. Work through each step outlined here. Suppose you wanted to find out if full-time college students are eligible to receive food stamps. First, you would need to know what agency administers the food stamp program. If you look under the words food stamps in the index of the Federal Regulatory
Directory, you will learn that the program is administered by an agency called the Food and Nutrition Service, which is part of the Department of Agriculture. If you read through the description of that agency, you will see a section marked “Rules and Regulations.” That section tells you where to look in the Code of Federal Regulations to find the rules affecting this agency and its programs. Specifically, it directs you to Title 7, Parts 210–299, of the CFR. If you obtain the volume of the CFR containing Title 7, Parts 210–299, you will find a table of contents directing you to subchapter C, “Food Stamp and Food Distribution Program.” The part most useful to you appears to be Part 273, “Certification of eligible households,” which includes a section (§273.5) labeled “Students” that outlines the eligibility requirements students must satisfy to receive food stamps. With online searching, entering the words students and food stamps will lead you to the same result and allow you to retrieve the text of the regulation instantly.

USING YOUR KNOWLEDGE
Use the Code of Federal Regulations to find the following:
- Student eligibility requirements for Pell grants
- Parity price of tobacco
- Regulations governing access to the Internet for schools and libraries

GETTING INVOLVED
Founded in 1981, the Center on Budget and Policy Priorities works on public policy issues affecting low-income families and individuals. They have full- and part-time paid internships available for undergraduate and graduate students. Learn more about these opportunities at their website at <http://www.cbpp.org/internship.html>. The Children’s Defense Fund offers internships on policy matters dealing with children, such as improving child health, nutrition, and the availability of child care. Find out more at their website at <http://www.childrensdefense.org/site/PageServer?pagename=Get_Involved_Jobs>.

SAMPLE EXAM QUESTIONS
Multiple-Choice Questions
1. Which of the following is not correct about Social Security, public assistance, health care, education, and immigration?
   a. All five are cabinet-level administrations with direct supervision by the president.
   b. All five create conflicting views of freedom, order, and equality.
   c. Despite terrorism concerns, all five still remain at the top of most Americans’ concerns.
   d. Together, these five areas represent more than half the nation’s annual budget.
   e. All five have the goal of alleviating some of the consequences of economic inequality.

2. Government programs that provide basic living standards for all its citizens are called
   a. social insurance.
   b. public policy.
   c. social welfare programs.
   d. public assistance programs.
   e. none of the above.
3. What did we call President Roosevelt’s programs designed to boost prices and lower unemployment through programs like the Civilian Conservation Corps?
   a. New Frontiers programs
   b. Social Ladder programs
   c. Positive Progression programs
   d. Economic Empowerment programs
   e. New Deal programs

4. Which of the following nations is the only one not to have a socialized health-care system?
   a. England
   b. Norway
   c. Denmark
   d. Germany
   e. none of the above

5. Which of the following is not true about the Great Depression?
   a. One out of four Americans lost their jobs.
   b. Unchecked, unemployment eventually stopped and turned into over employment.
   c. No growth occurred in the export markets.
   d. Commercial farmers produced more than they could sell profitably.
   e. The crisis fueled itself.

6. Approximately what percentage of all long-term-care expenses is covered by the Medicaid program?
   a. 25 percent
   b. 40 percent
   c. 50 percent
   d. 65 percent
   e. 75 percent

7. What term describes the social insurance program that provides economic assistance to people faced with unemployment, disability, or old age?
   a. War on Poverty
   b. SCHIP
   c. TANF
   d. Social Security
   e. Medicaid

8. What is a COLA?
   a. Cost of Living Adjustment
   b. Code of Leveling Amendment
   c. Cost of Legitimate Adjustment
   d. Cost of Leaving Assessment
   e. Crop Owned Leveling Advantage

9. What is the United States’ largest entitlement program?
   a. Social Security
   b. Medicaid
   c. Temporary Assistance to Needy Families
   d. Medicare
   e. State Children’s Health Insurance Program
10. Between the election of 2000 and the campaign for the White House in 2004, what changes were implemented to reform Social Security?
   a. Social Security taxes were increased.
   b. Social Security benefits were cut.
   c. The retirement age was adjusted upward.
   d. Young workers were given the option of creating a private savings account.
   e. No reform measures were passed.

11. Which of the following contributed to the feminization of poverty?
   a. increased divorce rate
   b. lack of affordable child care
   c. increases in teenage pregnancy
   d. limited employment opportunities for single women with young children
   e. all of the above

12. Besides cost, what is the other major issue confronting our health-care system?
   a. choice
   b. access
   c. insurance
   d. supervision
   e. quality

13. In 2006, approximately what percentage of Americans lived below the poverty line?
   a. 12 percent
   b. 16 percent
   c. 20 percent
   d. 22 percent
   e. 25 percent

14. In 2007, what percentage of Americans had no health insurance?
   a. 12 percent
   b. 16 percent
   c. 20 percent
   d. 22 percent
   e. 25 percent

15. Medicare was designed to serve
   a. children.
   b. the poor.
   c. the elderly.
   d. veterans.
   e. all of the above.

16. What is the likely outcome of the Medicare Prescription Drug and Modernization Act of 2003?
   a. It will reduce the number of individuals eligible for Medicare.
   b. It will expand the number of individuals eligible for Medicare.
   c. It will reduce the cost and scope of the Medicare program.
   d. It will expand the cost and scope of the Medicare program.
   e. It will have no effect on the cost or size of the Medicare program.
17. Social welfare policy in the United States is based on what premise?
   a. Society has an obligation to provide for the minimum welfare of its members.
   b. The government should take from each according to his or her ability and give to each according to his or her need.
   c. Laissez-faire systems are best.
   d. No redistribution of wealth should take place in a just society.
   e. No individuals should be compelled to participate in social insurance programs.

18. Which of the following is not one of the four groups eligible for Medicaid?
   a. children under age twenty-one
   b. disabled veterans
   c. poor adults
   d. adults over sixty-five
   e. the blind and disabled

19. What does it mean when we describe Social Security as a pay-as-you-go system?
   a. You pay in while you are working, and the money is saved until you retire.
   b. Today’s workers support today’s elderly.
   c. It is financed out of income taxes.
   d. It is a means-tested program.
   e. It is a progressive tax.

20. Medicaid insures what proportion of American children?
   a. 1/10
   b. 1/8
   c. 1/6
   d. 1/5
   e. 1/3

21. What do the data on health expenditures and longevity indicate?
   a. The larger a country’s per capita health expenditures, the longer its citizens will live.
   b. The larger a country’s total health expenditures, the longer its citizens will live.
   c. The smaller a country’s per capita health expenditures, the longer its citizens will live.
   d. The smaller a country’s total health expenditures, the longer its citizens will live.
   e. Health expenditures do not seem to be closely related to longevity.

22. What is the main purpose of the Elementary and Secondary Education Act of 1965?
   a. It established free education for all U.S. children.
   b. It tried to improve educational equity in the United States’ schools.
   c. It initiated the school free lunch program.
   d. It improved standards so more children could go to college.
   e. All of the above.

23. What education law did the Russian satellite Sputnik help create?
   a. National Defense Education Act
   b. National College Attainment Act
   c. National Education Standards Act
   d. No Child Left Behind Act
   e. Education Employment Act
24. The federal debate on illegal immigration is mostly about what two issues?
   a. border security and a temporary worker program
   b. a temporary worker program and effective deportation methods
   c. effective deportation methods and preventing human rights abuses
   d. preventing human rights abuses and ways to stop employers from hiring illegal immigrants
   e. ways to stop employers from hiring illegal immigrants and border security

25. Which of the following would be considered a means-tested benefit?
   a. tax cut
   b. sales tax
   c. Pell Grants
   d. Social Security
   e. Medicare

**Essay Questions**

1. Why is the United the States the only industrialized country without universal health care? What are our major concerns about a universal system?

2. What methods did the War on Poverty use in its effort to eradicate poverty?

3. What are the principal components of the No Child Left Behind Act? How is this reform expected to improve access to quality education?

4. What are the main obstacles to reforming our Social Security system, and what is going to happen if we do not reform it? Explain your answers.

5. Illegal immigration is a major concern in the United States today. How bad is it? What are the major issues, and what are we doing to try and solve this problem?
ANSWERS TO MULTIPLE-CHOICE QUESTIONS
1. a
2. c
3. e
4. e
5. b
6. c
7. d
8. a
9. a
10. d
11. e
12. b
13. a
14. b
15. c
16. d
17. a
18. a
19. b
20. d
21. e
22. b
23. a
24. e
25. c
CHAPTER 20

Global Policy

LEARNING OBJECTIVES
After reading this chapter, you should be able to

- Define the key terms at the end of the chapter.
- Describe the changes in outlook and priorities that characterized the United States’ emergence as a superpower following World War II.
- Outline the basic consensus that characterized U.S. foreign policy during the Cold War.
- Explain why that consensus broke down.
- Show how foreign policy issues have become more “intermestic” since the end of the Cold War.
- Describe the impact of the September 11 terrorist attacks on U.S. foreign policy strategy and choices.
- Discuss the impact of trade and investment policies on foreign policy.
- Outline the president’s chief powers in the area of foreign policy, and list the devices presidents have used to avoid congressional limitations on those powers.
- Describe the roles played by the Department of State, Department of Defense, National Security Council, and Central Intelligence Agency in making foreign policy.
- Identify other players in the foreign policy–making process.
- Assess the limits of public opinion as a guide for foreign policy.

GLOBAL POLICY AND THE CHALLENGE OF DEMOCRACY
The United States faces numerous global challenges today. Global warming could create serious hazards in the near future. Although many scientists now believe in global warming, numerous skeptics remain, and the Bush administration chose not to place any limits on our greenhouse gases. We also have problems with our trade imbalance, debt owed to foreign countries, and competition for jobs in our free trade world. The United States is currently grappling with the outsourcing of jobs to foreign countries, and we are learning that globalization brings both costs and benefits.

Policymakers may want a stable and clean environment, but they also want economic prosperity. Achieving these goals may lead the United States to consider some revolutionary ideas. Is green technology profitable? Can we turn from a fossil fuel society to incorporate more wind, solar, and nuclear power? Will we think of something else? In the midst of all this, can we still fight a war on terror and keep up the pressure on human rights violators? Whereas recent research has suggested that the American public is generally consistent in its foreign policy views and responsive to candidates’ foreign policy positions, it is still hard to see the making of foreign policy as the outcome of a majoritarian process.
Certainly the foreign policy arena is full of examples of pluralistic politics in action. Ethnic groups, foreign governments, businesses, and unions may all lobby in support of foreign policy interests. But in foreign policy, the president still remains the most important actor.

CHAPTER OVERVIEW
The United States is becoming more and more sensitive to the needs of the global environment. We now track carbon footprints and have had an extensive debate on global warming. What pushed us forward were the higher gas prices, which sent everyone scrambling to find their own niche in the new green economy. Although many citizens are calling for U.S. greenhouse gas restrictions, we cannot do anything that will further damage our already weakened economy. Our government is tasked with the delicate job of balancing our environmental needs against our economic needs and making sure that both benefit from our foreign policy.

Making Foreign Policy: The Constitutional Context
Under the Constitution, the president is clearly the chief actor in foreign policy matters, but as elsewhere in the system, Congress has several prerogatives that serve as checks on his powers. However, presidents have frequently used tools like executive agreements, economic treaties, undeclared wars, discretionary funds, and transfers of authority to sidestep constitutional limitations on their foreign policy powers. The War Powers Resolution (1973) was an attempt by Congress to limit the ability of the president to sustain undeclared wars. The resolution has not been successfully implemented.

Making Foreign Policy: Organization and Cast
The major organizations responsible for formulating and conducting foreign affairs are the Department of State, the Department of Defense, the National Security Council (NSC), and the Central Intelligence Agency (CIA). The Department of State has the most to do with the overall conduct of foreign affairs, yet it has a relatively small staff (especially in comparison with the Department of Defense) and has often been criticized for its inertia. The Department of Defense manages U.S. military forces and provides civilian control over the military. The NSC advises the president on how best to coordinate and balance domestic, foreign, and military affairs. The CIA gathers intelligence about the actions and intentions of foreign powers. It also performs certain covert operations. The CIA is one of the most prominent agencies of the U.S. Intelligence Community. The CIA has been the focus of recent criticism due to faulty intelligence about weapons of mass destruction in Iraq.

Due to globalization and interdependence of social, environmental, and economic issues with political matters, other cabinet level agencies gather and contribute to the Intelligence Community. The Department of Agriculture offers farming assistance abroad. The Commerce Department monitors trade regulations; this prevents other nations from gaining access to advanced U.S. technology. The Department of Energy monitors foreign nuclear weapons programs. The number of players involved in making foreign policy has increased to include numerous nonprofit agencies and several state governments.

A Review of U.S. Foreign Policy
The Monroe Doctrine of 1823, which advocated an isolationist policy and nonintervention in European politics, dominated U.S. foreign policy in most of the nineteenth century. World War II and its aftermath brought a decisive change, as globalism replaced isolationism. Following the war, the United States became a superpower and adopted a policy of containment to limit Soviet expansion. The pillars of containment were military, economic, and political. Militarily, the United States agreed to station a large force permanently in Europe. Economically, the Marshall Plan provided millions in aid which
helped rebuild and reenergize much of Western Europe. Politically, the United States forged many alliances through the North American Treaty Organization (NATO). Even with all three pillars in place, containment required the threat of nuclear retaliation to keep the Soviets in check.

In the first decade or so of the containment policy, the United States relied heavily on nuclear deterrence to hold the Soviets in check. The shift from near-exclusive reliance on nuclear deterrence to flexible response under President Kennedy created a need for greater military spending. In addition, Kennedy committed himself to nation-building policies in the developing world. The commitment the United States made to nation building in Vietnam cost well over 58,000 American lives and badly damaged the U.S. foreign policy consensus.

President Nixon pursued a policy of détente toward the Soviet Union and also opened the way for relations with the People’s Republic of China. The post-Vietnam era saw Jimmy Carter’s attempt to base foreign policy on human rights, and Ronald Reagan’s reemphasis on military strength and anticommunism as the backbone of U.S. foreign policy. With the decline of communism in Eastern Europe, the United States’ chief adversary paled in strength. But no clear, consistent foreign policy vision emerged to help policymakers balance the conflicting demands of establishing a stable world order, promoting the creation of free institutions, and creating a level of international economic equality adequate to protect against instability.

Late in 1990, Saddam Hussein ordered Iraq’s military to take over the small oil country of Kuwait. George H. W. Bush successfully crafted a coalition of international support to push Saddam Hussein’s army from Kuwait in 1991. Bill Clinton committed the United States to a broader international role as he sought to enlarge the number of free-market economies and engage global security and economic challenges. After 9/11, George W. Bush asserted the nation’s right to preemptively attack potential threats, and engaged in two major military campaigns, one in Afghanistan and one in Iraq. Bush has broadened the role of the military and reasserted the role of the United States as a global superpower.

**Global Policy Issue Areas**

In the post–Cold War era, defense and military issues continue to be important. But the end of the Cold War shifted attention to new foreign policy issue areas that highlight the extent to which the United States exists in an interdependent community of nations. Economically, the United States is linked to the rest of the world through aid, trade, and investment. The United States must also weigh the advantages and risks of ignoring human rights violations. The inequality between rich and poor nations is growing; this will raise tensions and make future negotiations difficult. Environmentally, Americans are finding that the choices and activities of one nation may have an ecological impact on the rest of the world. Additionally, the United States has to contend with its overabundance of smog and toxic emissions. When other nations have problems at home, it can make trade difficult.

**The Public and Global Policy**

Historically, the public has paid little attention to traditional concerns of foreign policy issues. Recently, however, there has been a steady increase in the percentage of people who believe the United States should play an active part in world affairs. The making of foreign policy does not closely adhere to majority rule. Interest groups, including ethnic groups, business groups, unions, and others, are becoming increasingly involved in the process. The media also help shape the process, particularly through their function as agenda setters.

**KEY TERMS**

*executive agreement*

*Intelligence Community*
isolationism
Cold War
containment
North Atlantic Treaty Organization (NATO)
nation building
Nixon Doctrine
détente
peace through strength
enlargement and engagement
preemptive action
global policy
sovereign wealth funds
free trade
comparative advantage
fair trade
managed trade
protectionists

RESEARCH RESOURCES

What is the U.S. policy toward Myanmar or Morocco or Burkina Faso or Argentina? You can find the answers by consulting Background Notes on Countries of the World, a series of loose-leaf publications prepared by the Department of State. This material is also accessible online through the State Department’s web page at <http://www.state.gov/r/pa/ei/bgn>. These notes give information on the history, population, economy, and government of every country in the world, with a summary of the current status of each country’s relations with the United States. These notes are also very useful for travelers. The Department of State’s website also provides information on policy issues as well as U.S. policy toward nations and regions. Check their home page at <http://www.state.gov>.

What about defense policy? Where can you find information on defense and foreign policy? Start with the Department of Defense’s official website at <http://www.defenselink.mil>. How do you discover how U.S. defense spending compares with the defense spending of other countries? Try World Military Expenditures and Arms Transfers, published annually by the U.S. Arms Control and Disarmament Agency, a part of the federal government. Another source for research into weapons systems is the Defense and Foreign Affairs Handbook (Washington, DC: Defense and Foreign Affairs), which includes descriptions of the defense capabilities of nations around the globe. It offers a handy guide to who’s who in politics and defense, as well as a list of corporations that supply armaments to the government and descriptions of the kinds of products they supply. The Stockholm International Peace Research Institute (SIPRI) publishes an annual yearbook on armaments, disarmament, and international security. Much of their data is available online through their website at <http://www.sipri.se>. For a respected source critical of defense spending, try the Center for Defense Information at <http://www.cdi.org>. For a pro-defense spin, visit the Heritage Foundation’s National Security site at <http://www.heritage.org/research/features/nationalsecurity>. 
USING YOUR KNOWLEDGE

1. Select an important foreign policy issue (such as U.S. policy toward Iran or nuclear nonproliferation). Visit the Department of State’s website to find current U.S. policy. Have there been debates in Congress on the issue? If so, what positions have been stated? Finally, research public opinion on the issue.

2. Using Internet resources, trace U.S. defense spending over the past decade. How does it compare to the defense spending of other NATO nations, such as the United Kingdom Britain or France?

GETTING INVOLVED

Careers in Foreign Affairs

Students interested in careers in international affairs often hope to work for the Department of State. As this chapter points out, the bad news is that positions as foreign-service officers are highly competitive. There is good news, though, namely, that there are many other opportunities to work for the U.S. government in the area of international affairs. There are also opportunities to be involved in international affairs working for nongovernment organizations.

Foreign Service. As the text mentions, the first hurdle for those seeking a foreign-service appointment in the Department of State is a written examination. To obtain further information, visit the Department of State’s careers website at <http://www.state.gov/m/dghr/hr>.

Other Departments in International Affairs. There are many other ways to pursue a career in international affairs. Here is a short list of other federal departments and agencies that deal with international matters.

The Department of Agriculture runs international affairs and commodity programs as well as marketing and inspection programs. Try browsing the department’s career website at <http://www.usda.gov/wps/portal/ut/p/_s.7_0_A/7_0_1OB?navtype=MA&navid=CAREERS>.

To learn more about CIA positions, visit their website at <https://www.cia.gov/careers/index.html>.

You might be interested in the International Trade Administration of the Department of Commerce. This organization tries to promote overseas markets for U.S. goods. Their website is at <http://www.commerce.gov/JobsCareerOpportunities/index.htm>.

The Peace Corps at <http://www.peacecorps.gov> accepts volunteers for two-year terms in over seventy countries. The agency also has its own staff of regular employees overseeing operations. For further information, contact the Peace Corps, Office of Personnel, 1990 K Street, NW, Washington, DC 20526.

Internships

If you contemplate a career in the field of international affairs or foreign policy, you may want to take a closer look. Some of the possibilities for internships in government, as well as in think tanks and with interest groups, include the following:

With the U.S. Government

The Department of State offers both paid summer internships and work-study internships. These internships are highly competitive and may even include work overseas. The lead time for obtaining Department of State internships is fairly long, since successful applicants may need to be put through a security clearance. Applications for summer are usually due around November 1. For further information, visit <http://www.careers.state.gov/student/index.html>.
The CIA offers internships paid at the rate of $300 to $375 per week. These are available at its Langley, Virginia, headquarters as well as elsewhere. Its undergraduate internships are open to minority and disabled students in their junior and senior years of college. Applications for summer spots are due early—September 30! For more information, visit <https://www.cia.gov/careers/student-opportunities/index.html>.

The Peace Corps also offers a year-round, two- to six-month internship program in its HQ’s offices. These internships are unpaid. Applicants must submit a Standard Form 171 Personal Qualifications Statement. For more information and to apply, visit their website at <http://www.peacecorps.gov/index.cfm>.

Outside Government

The Center for Defense Information gives students with an interest in defense policy and related public policy issues the opportunity to serve as research and outreach assistants. These competitive, paid internships are offered in spring, summer, and fall. The deadlines are October 15 for spring, March 15 for summer, and July 1 for fall. For further information, visit their website at <http://www.cdi.org> or contact the Intern Coordinator, Center for Defense Information, 1779 Massachusetts Avenue, NW, Washington, DC 20036.

The Heritage Foundation conducts research and publishes papers on a wide variety of international political, economic, and security issues and offers internships during the fall and spring semesters. To find out more, visit their website at <http://www.heritage.org/About/Internships>.

SAMPLE EXAM QUESTIONS

Multiple-Choice Questions
1. What 1997 treaty, designed to reduce greenhouse emissions, did President Bush decline to support when he became president in 2001?
   a. Oslo Accords
   b. Nairobi Agreement
   c. Warsaw Pact
   d. Treaty of Paris
   e. Kyoto Treaty
2. Which of the following would not be considered a problem attributable to globalization?
   a. global warming
   b. lowered food production
   c. increasing trade deficit
   d. increasing national debt
   e. competition for jobs due to free trade
3. A pact between the United States and another country concerning their joint activities, which needs no formal approval from the U.S. Senate is called a(n)
   a. preemptive action.
   b. comparative advantage.
   c. flexible response.
   d. executive agreement.
   e. détente.
4. What document, passed over President Nixon’s veto, requires the U.S. president to consult with Congress before involving U.S. troops in hostilities and to notify Congress within forty-eight hours of such an intervention?
   a. War Powers Resolution
   b. Marshall Plan
   c. détente
   d. NATO Accords
   e. executive agreement
5. What executive cabinet department was the first to be created by Congress in 1789?
   a. State Department
   b. Treasury Department
   c. Justice Department
   d. War Department
   e. none of these
6. Which U.S. executive agency conducts signal intelligence using supercomputers, satellites, and other high-tech equipment?
   a. Central Intelligence Agency
   b. National Security Council
   c. Federal Bureau of Investigation
   d. NATO Headquarters Intelligence Agency
   e. National Security Agency
7. The U.S. policy to stop Soviet expansion during the Cold War was called
   a. the Marshall Plan.
   b. flexible response.
   c. containment.
   d. mutual assured destruction.
   e. preemptive action.
8. President Clinton’s policy following the collapse of communism to increase the spread of market economies and increase the U.S. role in global affairs was called
   a. the Clinton Doctrine.
   b. preemptive action.
   c. détente.
   d. enlargement and engagement.
   e. comparative advantage.
9. What group of advisers assists the president in molding a coherent approach to foreign policy by integrating and coordinating details of domestic, foreign, and military affairs?
   a. National Security Agency
   b. Department of Defense
   c. National Security Council
   d. State Department
   e. Central Intelligence Agency
10. Which foreign policy served to scale back U.S. overseas commitments by linking commitments to interests?
    a. Monroe Doctrine
    b. Truman Doctrine
    c. Carter Doctrine
    d. Nixon Doctrine
    e. Clinton Doctrine
11. Which is not true of the international liberals?
a. They use international government to protect the environment.
b. They use international government to improve conditions of workers.
c. They use international government to aid children in foreign countries.
d. They use international government to advance the rights of women.
e. They use international government to provide subsidies to national businesses.

12. A foreign policy power explicitly assigned to the president under the Constitution is the power to
a. declare war.
b. receive ambassadors.
c. conclude executive agreements.
d. raise revenue for the armed forces.
e. all of the above.

13. Which of the following agencies does the Agency for International Development (AID) work with on a regular basis?
a. Central Intelligence Agency
b. Department of Agriculture
c. Peace Corps
d. Defense Department
e. all of the above

14. Which U.S. president used a policy of peace through strength during his administration?
a. Jimmy Carter
b. Ronald Reagan
c. George H. W. Bush
d. Bill Clinton
e. George W. Bush

15. Which of the following is true about the United States’ active role in world affairs?
a. Neither the public nor the foreign policy elites support an active role.
b. The public does not support an active role, but the foreign policy elites do.
c. The public supports an active role, but the foreign policy elites do not.
d. Both the public and the foreign policy elites support an active role.
e. The foreign policy elites have only recently begun to support an active role.

16. Approximately what percentage of the federal budget is devoted to foreign aid?
a. 1 percent
b. 5 percent
c. 15 percent
d. 25 percent
e. 35 percent

17. After the end of the Cold War, what new kind of policy replaced our policy of containment?
a. enlargement and engagement policy
b. disengagement policy
c. détente policy
d. global policy
e. preemptive policy
18. Creating order through the use of international agreements to outlaw unfair business practices is called
   a. flexible response.
   b. fair trade.
   c. free trade.
   d. comparative advantage.
   e. managed trade.

19. Which of the following is not one of the big emerging markets (BEM) the United States is interested in?
   a. Indonesia
   b. Mexico
   c. Brazil
   d. South Africa
   e. none of the above

20. An economic policy to allow businesses in different nations to sell and buy goods without paying tariffs or having other limitations is called
   a. flexible response.
   b. fair trade.
   c. free trade.
   d. comparative advantage.
   e. managed trade.

21. An executive agreement
   a. has no legal standing.
   b. has the legal status of a treaty.
   c. requires ratification by the Senate.
   d. is outside the range of presidential power.
   e. is a power reserved for the president by the Constitution.

22. When did the United States break out of its policy of isolationism and become a superpower?
   a. after the Civil War
   b. after World War I
   c. after World War II
   d. during the Vietnam War
   e. after the 9/11 terrorist attacks

23. The War Powers Resolution
   a. greatly diminished the ability of presidents to conduct undeclared wars.
   b. played no role in the George W. Bush administration’s decisions related to the war on terror.
   c. increased the role of the House of Representatives in foreign policy choices.
   d. resulted in a major reorganization of the Department of Defense.
   e. failed to diminish the ability of the president to conduct undeclared war.

24. Which is not true for the international conservatives?
   a. They favor spending for national defense.
   b. They favor support of U.S. intelligence agencies.
   c. They favor placing U.S. forces under the command of international organizations.
   d. They favor using the military only to fight in defense of vital national interests.
   e. They oppose other nations monitoring human rights conditions in the United States.
25. What organization was created in 1995 in order to regulate trade among the NATO nations and is headquartered in Geneva, Switzerland?  
   a. World Trade Organization  
   b. World Economic Council  
   c. Economic Council Organization  
   d. International Committee on Economics  
   e. Economic Trade Council

Essay Questions
1. How has globalization affected U.S. foreign policy choices and strategies?  
2. What role did NATO play in U.S. foreign and defense policy for Europe that came as part of the aftermath of World War II and the effort of containment?  
3. Describe the major approaches to managing trade. What are the advantages and drawbacks of each?  
4. Which agencies play a major role in our foreign policy, and what are their roles?  
5. What role has the United States played concerning major environmental issues?
ANSWERS TO MULTIPLE-CHOICE QUESTIONS
1. e
2. b
3. d
4. a
5. a
6. e
7. c
8. d
9. c
10. d
11. e
12. b
13. e
14. b
15. d
16. a
17. d
18. b
19. d
20. c
21. b
22. c
23. e
24. c
25. a
CHAPTER 21

The Social, Economic and Political Cultures of Texas

Learning Objectives

After reading this chapter you should be able to

- Define the key terms at the end of the chapter.
- Differentiate between the dominant set of core values in Texas.
- Explain the roots of Texas Culture and list the various ethnic backgrounds.
- Analyze and explain the strengths and weaknesses of the Texas economy.
- Differentiate between the various economies of the thirteen regions of Texas.
- Explain why the Texas economy is diversified today.
- Discuss the changing population culturally and numerically and explain how those changes will affect Texas in the future.

THE POLITICAL CULTURE OF TEXAS AND THE CHALLENGE OF DEMOCRACY

The opening vignette discusses the difficulties of the illegal immigrant problem in America, but especially in Texas. Texas has been seeing a massive influx of illegal immigrants in recent years. In a response for calls to reform immigration, President Bush tried to push through new proposals, but they were blocked and no reforms have taken place. Governor Perry and other state officials have been slow to respond also, since the demographics of Texas have been changing.

Texans have a long history of taking matters into their own hands, which has a lot to do with their individualistic spirit. At the same time, Texans take pride in their history and traditions. Years of immigration, and a high birth rate among minorities, have slowly changed the demographics of Texas. Within the next decade, the Hispanic population will become the new majority in Texas. These changes in population will have a profound impact on the nature of Texas society, culture, economy and political environment.

CHAPTER OVERVIEW

Texas society changes everyday. Immigration and natural population are already affecting Texas’ society and economy, and will eventually change its political environment. The core values of Texans has been shaped and molded from Texas’ history, which include Spanish, Mexican and American traditions. Although much of Texas’ history has been tied to Mexico’s history and the acts of early settlers, more recent history has been tied to the three major industries of Texas; cotton, cattle and oil. Currently, Texas has diversified its economy, but it is still struggling to make sure that all Texans have equal access to all the opportunities the state can offer.
The Political Culture of Texas

Based on the political culture theories of Daniel Elazar, Texas’ political culture embraces the values of both traditionalistic and individualistic cultures. Texans are traditional in expecting government to maintain the status quo, and expect it to limit itself to very specific tasks. Texans are also individualistic in that we distrust government and rely on citizen initiatives to get things done. The Political Culture of Texas is a reflection of the deep and rich history of the state and its strong ties to Mexico.

Who We Are: The Changing Demographic Profile of Texas

Texan continues to change and grow even as you are reading this passage. Two major changes for Texas will occur in the next few decades. The Anglo population, which has always been in the majority, will be supplanted by a rising number of Hispanic Texans. Also, the population of Texas will recognize that it is an urban population, since 80% of Texas’ 23+ million citizens live in an urban area. Both these changes are already affecting Texas’ politics, economy and society.

The Texas Economy

The third largest economy in the United States, Texas generates an amazing amount of production and wealth. Although the Texas economy used to revolve around cotton, cattle and oil, it has diversified over the last 20 years. Today, Texas is a big producer of high tech equipment and has profited handsomely from NAFTA. Most of these economic forces in Texas are located in the Texas Triangle, a region centering on Houston, San Antonio and Dallas/Fort Worth. While it may be a great place to relocate a business, Texas can be a challenging environment for finding educated workers. Texas will need to do better, if it wants to attract more businesses to the region.

KEY TERMS

political culture
traditionalistic political subculture
individualistic political subculture
moralistic political subculture
patrón politics
gross state product
maquiladoras
tax abatement
colonias

RESEARCH AND RESOURCES

One rich source of commonly asked questions and links is the TexasOnline website, created by Governor Perry. <http://www.texasonline.com/> This portal was ranked as the best e-government website in America by Brown University. There are links to agencies and helpful information that most people want to know.

Another helpful site for information and to get a better feel for the political and economic culture of Texas is the Secretary of State’s website. <http://www.sos.state.tx.us/about/newsreleases/index.shtml> This site contains information on election results and procedures, state rules, corporate and uniform commercial codes, statutory documents and a section on the Texas Border and Mexican Affairs.
A great way to get a real “feel” for Texas culture, especially if you haven’t been there, is to visit the Travel Texas website. This site has information about all the different regions of Texas, including history, attractions, major cities and links to many of the places and sites mentioned.

<http://www.traveltex.com/Index.aspx>

**USING YOUR KNOWLEDGE**

1. Using the resources suggested above, try to find out how your county voted in the 2006 state elections and the 2008 Presidential election. After perusing the data on who your county voted for, can you get a sense of the politics of your county? Make sure to look at the major races, like governor, lieutenant governor and attorney general, but also look at the race for your President, US representative, state representative and state senator. Are you surprised by the results of these elections? Can you discern a general pattern?

2. The Travel Texas website allows individuals thinking of visiting Texas to look at where they are going and what they can do when they get there. It is also a good resource for history about specific towns, cities and regions. This site divides up Texas into seven different regions, go look at three of these regions and read about how different they are. How are the three regions that you looked at different, and how are they the same?

**GETTING INVOLVED**

Traditionally, Texas politics has been the playground of the upper class, but it’s not that hard to play. You could start by attending a local City Council or County Commissioners meeting. Find out what they are doing and let them know what you think about it. You can easily e-mail your mayor or City Council, or you could address them at their next meeting. If you have the time, volunteer to serve on a City Advisory Committee, where your input would be valued and acted upon.

**SAMPLE EXAM QUESTIONS**

**Multiple-Choice Questions**

1. What vital element(s) of our political culture must be produced in order for it to be perceived as legitimate?
   a. colonias
   b. inherent power
   c. goodwill and public trust
   d. public policy consistent with culture
   e. stability, economic health and strategic vision

2. Which political subculture of Texas distrusts government, expects corruption, downplays citizen participation and stresses individual economic prosperity?
   a. pragmatic subculture
   b. traditionalistic subculture
   c. moralistic subculture
   d. individualistic subculture
   e. none of these

3. What Mexican state did Texas use to be a part of back in the early 1800’s?
   a. Nuevo Leon
   b. Sonora
   c. Zacatecas
   d. Veracruz
   e. Coahuila

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4. According to T.R. Fehrenbach which two adjectives would be describe the early Texas settlers?
   a. rash and headstrong
   b. self-motivated and self-reliant
   c. self-absorbed and militaristic
   d. proper, yet productive
   e. productive and visionary

5. What term refers to the traditionalistic border culture where political outcomes are controlled by a sponsor?
   a. Hispanic politics
   b. Mexican politics
   c. Patrón politics
   d. Texas politics
   e. Maquiladora politics

6. The “Texas Triangle” consists of the region in between the cities of Dallas/Fort Worth, San Antonio and what other city?
   a. Austin
   b. Brownsville
   c. Corpus Christi
   d. Houston
   e. El Paso

7. Most of the recent growth in Texas’ population is due to which of the following?
   a. immigration
   b. natural population growth
   c. adoptions
   d. disaster relief efforts
   e. naturalization

8. Which of the following is one of the main reasons corporations are willing to move their businesses/headquarters to Texas??
   a. Government price controls
   b. lower oil prices
   c. uneducated labor pool
   d. NAFTA
   e. tax abatements

9. Which of the following describes the current status of average Hispanic American in the United States today?
   a. Almost 40% of Hispanic child live below the poverty line.
   b. Almost one-third of Hispanic children dropout of high school.
   c. Hispanic homeownership lags behind white homeowners by almost 30%.
   d. Over one-quarter of all Hispanics are without health insurance.
   e. all of these are correct.

10. Which of the following is LULAC’s top concern for the Hispanic Community?
    a. political access
    b. education
    c. civil rights
    d. health
    e. economic power
11. What is the major industry of southeast Texas?
   a. oil and gas  
   b. timber  
   c. high tech  
   d. cotton  
   e. agriculture

12. What economic term describes the production of raw materials exported to other markets?
   a. patrón economy  
   b. colonias economy  
   c. perpetual economy  
   d. colonial economy  
   e. material economy

13. Approximately how much did the Texas Gross State Product (GSP) produce in 2006?
   a. A bit over $250 billion  
   b. Just under $500 billion  
   c. Right at $750 billion  
   d. A bit over $1 trillion  
   e. Just under $1.5 trillion

14. Which sector of the current Texas economy generates over three-quarters of the wealth?
   a. construction sector  
   b. education sector  
   c. technology sector  
   d. health sector  
   e. service sector

15. Although many businesses consider Texas a good place to do business, what is their one area of major concern?
   a. governmental regulation  
   b. lower quality education  
   c. environmental regulations  
   d. state income tax  
   e. generous labor benefits

16. In her past, Texas played a major role in the nation’s energy policies. Which of the following are affected by the Texas economy today?
   a. high tech development  
   b. health  
   c. education  
   d. cattle  
   e. all of these

17. Which region is the largest in Texas, encompassing 41 counties still centered around producing oil, gas, cotton and cattle?
   a. High Plains  
   b. Northwest Texas  
   c. West Texas  
   d. Upper Rio Grande  
   e. South Texas Border
18. Which county has doubled in population over the last 30 years and accounts for 20% of the state’s employment and over 25% of its GSP?
   a. Metroplex
   b. Alamo/San Antonio
   c. Coastal Bend
   d. Gulf Coast
   e. High Plains

19. Which regions is composed of 20 counties and centers its economy around a large military base, state universities and a number of high-tech research and manufacturing interests?
   a. Gulf Coast
   b. Upper East Texas
   c. Metroplex
   d. Alamo/San Antonio
   e. Central Texas

20. Which region encompasses 16 counties and is the major financial and banking center of Texas?
   a. Metroplex
   b. Alamo/San Antonio
   c. Gulf Coast
   d. Capital
   e. Coastal Bend

21. How does income of Texas teachers compare to the rest of the nation?
   a. In the top 10% of the US.
   b. Ranked 24th out of the 50 states.
   c. Ranked 31st out of the 50 states.
   d. Ranked 39th out of the 50 states.
   e. In the bottom 10% of the US.

22. Although Suburban Texas is quite wealthy, how does that compare to the state’s border regions?
   a. Just about the same.
   b. Way above the suburban areas.
   c. Just above the suburban areas.
   d. Way below the suburban areas.
   e. Just below the suburban areas.

23. What political term do we use to describe the subdivisions along the Texas-Mexico border and lack basics services, like water and electricity?
   a. patrón communities
   b. colonias
   c. meagervilles
   d. haciendas
   e. waypoints

24. What is the main cause of the growing income inequality in Texas?
   a. economic stagnation in the entire state
   b. stagnant wages of the low-skilled workers
   c. stagnant wages of the highly-skilled workers
   d. high property taxes and insurance rates
   e. low average income of Texas’ main workforce
25. When you compare Hispanic and African-American populations to the white population, which of the following is true?
   a. The incomes of African-Americans and Hispanics are roughly one-fourth that of whites.
   b. The incomes of African-Americans and Hispanics are roughly one-third that of whites.
   c. The incomes of African-Americans and Hispanics are roughly one-half that of whites.
   d. The incomes of African-Americans and Hispanics are roughly two-thirds that of whites.
   e. None of the above

**Essay Questions**

1. What are the core values of Texans and what does this mean in real terms?
2. What is going to happen to the Texas population over the next 30 years and how is that going to affect the social and political landscape of Texas?
3. Explain what the Texas economy used to be based upon and what the Texas economy is based upon today.
4. Explain the regional variations throughout Texas and how this helps or hurts the Texas economy.
5. Discuss the differences between the lifestyle of low-skilled Texas and those who are highly-skilled. How will this situation affect Texas if it continues?
ANSWERS TO MULTIPLE-CHOICE QUESTIONS

1. d
2. d
3. e
4. b
5. e
6. d
7. a
8. e
9. e
10. b
11. b
12. d
13. d
14. e
15. b
16. a
17. a
18. d
19. e
20. a
21. c
22. d
23. b
24. b
25. d
CHAPTER 22

The Texas Constitution

LEARNING OBJECTIVES

After reading this chapter you should be able to

- Define the key terms at the end of the chapter.
- Differentiate between the Texas Constitution and the U.S. Constitution.
- Define and explain the state’s powers.
- Explain the importance of federalism.
- Compare and contrast all 8 Constitutions which have governed the Texas region.
- Classify and explain the different functions of each section of the Texas Constitution.
- Explain why the current Texas Constitution is NOT the Constitution of 1876.
- Outline the process and problems with amending the Texas Constitution.
- Analyze why recent attempts to amend the Texas Constitution have failed.

AMENDMENTS IN A CROWDED CONSTITUTION

The opening vignette highlights the two major problems with our Texas Constitution, it is overly detailed and has been amended way too many times. Texas has a long tradition of passing very strict and detailed Amendments to its Constitution. Although this helps in certain situations, it does not allow for much interpretation, and thus becomes less useful. In addition, this tradition has led to a very crowded Constitution. As of November of 2007, the Texas Constitution has 456 Amendments. Although Texas is bad, Alabama is worse with over 760 Amendments to its state Constitution.

CHAPTER OVERVIEW

The task of designing a Constitution for a State is much more involved than a National Constitution. Although it provides a basic framework for the state government, a State Constitution also provides many detailed rules for governing. This chapter discusses how the Texas Constitution evolved from its beginnings in 1824 as a Constitution for a Mexican province to the 1876 Constitution which we use today. The Texas Constitution has evolved many times and has turned into a wordy and confusing document with over 90,000 words and over 450 Amendments.

Texas Within the Federal System

Citizens gain access to government goods and services through a federal system. Our federal system allows us an opportunity to participate more at the federal, state and local levels. Each level of government cooperates with those above it to provide the best kind of domestic goods and services possible. Although they cooperate, each level of government also has its own set of
powers, which are granted and limited by the U.S. Constitution. Although there are problems, we have found ways to make it work for us.

The Texas Constitution and Its History
The area of land, known today as the State of Texas, has been governed by eight different Constitutions. The first two Constitutions were created while under Mexican authority. Texas then became a free nation and created its own Constitution, using the U.S. Constitution as a model. There have been five State Constitutions from 1845 to 1876. Although amended extensively, the 1876 Constitution is still in force today.

The Texas Constitution Today
Considered one of the most confusing Constitutions in the United States, the Texas Constitution is second in word count at 90,000+ words, and the fourth most amended with over 450 approved Amendments as of 2007. The Texas Constitution also has the distinction of having one of the longest sentences ever with 756 words! Despite attempts to re-write the document, Texans have had to settle for continuously amended the document to get rid of out-dated rules, misspelled words, poor punctuation and improper grammar.

Although somewhat restrictive, Texas has exceeded the U.S. Constitution in two key areas. The Texas Constitution gave women equal rights in 1972 and gave right to the victims of violent crimes in 1989. The U.S. Constitution does not mention these issues.

Articles III, IV & V establish the three branches of Texas Government; the Texas Legislature, the Texas Executive and the Texas Judiciary. The Texas Legislature is a part-time, bicameral legislature, which meets every other year for the first 140 days. The Constitutional authors of 1876 intentionally weakened the Texas Executive. Texas had a bad episode with one Governor in 1874, and did not want another episode like that, so they intentionally limited the Governor’s powers. The Texas Judiciary is one of the most complex in the nation, due to its partisan elections and dual nature. Texas is one of the few states to have both a Supreme Court and a Court of Criminal Appeals with relatively equal powers, but separate spheres of influence. The remaining 14 Articles of the Texas Constitution concern numerous rights and policies, and the last Amendment concerns amending the Texas Constitution.

Amending the Texas Constitution takes two-thirds of both houses of the Texas legislature to agree and then a majority vote by Texas voters. Most Amendments to the Texas Constitution have dealt with removing limitations on Texas Government, expanding public education and state finances. Despite all these changes, the structure of Texas Government has remained relatively the same. Even though the Texas Constitution remains confusing, it still works for Texas. As long as Texans have no major problems with the Texas Constitution, plans to re-write the Texas Constitution will stay in the planning stages.

Attempts at Reform
There have been several attempts in recent years to revise the Texas Constitution, but no majority consensus could be reached. The most serious attempt at revision occurred in 1974, when the Texas Legislature convened as a constitutional convention. Unfortunately, partisan bickering divided many members on some key questions. Many members wanted to strengthen the Executive Branch and give the Governor more power. Another reform would require every Justice of the Peace to have a completed law degree, which would throw 90% of the current Justices out of office. The final problem was keeping Texas a “right-to-work” state. Many members wanted that changed to allow Labor Unions more power, but it was blocked and the Legislature never approved this Constitution.
Other attempts at revising the Texas Constitution came in 1999 and 2001. In 1999, Senator Bill Ratliff and Representative Rob Junell made several proposals to alter the structure of Texas Government, but these proposals never made it out of committee. Junell tried again in 2001, but without the backing of the Governor, his proposals died in committee, again. Efforts at Constitutional reform will continue to suffer without widespread support among the legislature, the governor and the general public.

**KEY TERMS**
- federalism
- Bill of Rights
- police powers
- secession
- Reconstruction
- suffrage
- separation of powers
- checks and balances
- Grange
- habeas corpus
- amendability
- constitutional revision commission

**RESEARCH AND RESOURCES**
A copy of the current Texas Constitution, can be found at this site; <http://www.constitution.legis.state.tx.us/>. For a look at the Amendments passed during the Nov., 2007 Election go to this large pdf site; <http://www.tlc.state.tx.us/pubsconamend/analyses07/analyses07.pdf>.

The Texas State Library site contains a good bit of history about the Texas Constitution; <http://www.tsl.state.tx.us/treasures/constitution/>. The University of Texas Tarlton Law Library has a digitized copy of all the Texas Constitutions from 1824 through 1876, as well as other valuable resource links; <http://tarlton.law.utexas.edu/constitutions/text/1876index.html>.

A good, general resource for all things Texas can be found through the Texas Handbook On-Line, a project of the University of Texas at Austin Libraries and the Texas State Historical Association. <http://www.tsha.utexas.edu/handbook/online/>.

**USING YOUR KNOWLEDGE**
1. Look up the current Constitutional Amendments and see how they will affect you, or your parents. Which Amendments would you vote for, or vote against and why?
2. E-Mail your State Representative and/or State Senator, and ask them why they have not proposed re-writing the Texas Constitution? Ask them if they will consider convening a Constitutional Convention after the next election, and see what they say.
GETTING INVOLVED

With over 450 Amendments added to it already, the Texas Constitution is rather crowded and confusing in some places. Try reading through it and writing your own Amendment to fix a sentence or a section of our Constitution, then send it to your State Representative or State Senator in Austin. Find them at the state legislative site; <http://www.capitol.state.tx.us/>. Who knows, maybe they will use your suggestion!

SAMPLE EXAM QUESTIONS

Multiple-Choice Questions

1. What kind of Amendment to the Texas Constitution did Lance Armstrong support in 2007?
   a. Redefine powers of Texas Government.
   b. Allow for Texas Government to borrow money.
   c. Prohibition on gay marriage.
   d. Allow Texas Government to issue $3 billion in bonds for cancer research.
   e. Allow Texas Government to reorganize how they finance education.

2. What are the three main tasks of state government?
   a. Dividing, running and legitimizing government.
   b. Electing, empanelling and empowering government officials.
   c. Providing education, basic services and law enforcement to the general public.
   d. Regulating trade, law and order and spending revenue.
   e. Legislating, enforcing the law and interpreting the law.

3. What term do we use to describe the division of power between the central government and regional governments?
   a. federalism
   b. federal authority
   c. separation of powers
   d. checks and balances
   e. secession

4. Which U.S. Constitutional Amendment works in conjunction with our Bill of Rights to protect the citizen’s freedoms and rights at the state level?
   a. First Amendment
   b. Ninth Amendment
   c. Fourteenth Amendment
   d. Eighteenth Amendment
   e. Nineteenth Amendment

5. Which of the following is NOT a power of state government?
   a. conducting elections
   b. coining money
   c. maintaining a militia
   d. provide for public health
   e. protect citizens and maintain social order

6. One power states do not have is the power to withdraw from the Union known as the United States. What is this power called?
   a. remission
b. suffrage
c. secession
d. exhumation
e. recidivism

7. Which of the following is an advantage/aspect of federalism?
   a. Allows for experimentation at the local level.
   b. Allows citizens to participate more directly with government decision-making.
   c. Allows flexibility between the national and state governments.
   d. All of the above
   e. None of the above

8. Which of the following was one of the main reasons that Texans were dissatisfied with the state government of Texas and revolted in 1836?
   a. Liberal laws
   b. Laws published only in Spanish
   c. Laws specifically discriminated against Anglos
   d. Liberal religious laws
   e. Military enrollment requirement

9. What was a major aspect of the 1836 Texas Constitution?
   a. universal suffrage
   b. outlawed slavery
   c. protected ownership and community property rights
   d. unicameral legislature
   e. liberal taxing and spending policies

10. What term describes a major strength of the Texas Constitution whereby each branch of government exercises some form of control over the others?
    a. federalism
    b. federal authority
    c. separation of powers
    d. checks and balances
    e. secession

11. Which Texas Constitution specified that Austin would become the state capital, until an election by the people, which just confirmed Austin as our permanent state capital?
    a. 1827 Constitution of Coahuila y Tejas
    b. 1836 Constitution of the Republic of Texas
    c. 1845 first Texas State Constitution
    d. 1861 Confederate Constitution
    e. 1876 Current Texas Constitution

12. Which Constitution is remembered for its straightforward and simple approach to governing and was admired by Washington politicians at the time?
    a. 1836 Constitution of the Republic of Texas
    b. 1845 first Texas State Constitution
    c. 1861 Confederate Constitution
    d. 1866 Presidential Reconstruction Constitution
    e. 1869 Congressional Reconstruction Constitution

13. Which Texas Constitution required an oath of loyalty to the Confederacy?
    a. 1836 Constitution of the Republic of Texas
    b. 1845 first Texas State Constitution
    c. 1861 Confederate Constitution
d. 1866 Presidential Reconstruction Constitution  
  e. 1869 Congressional Reconstruction Constitution

14. Why were the Texas constitutional delegates of 1875 “angry, frustrated and frightened?”
   a. Popular support for the Grange grew.  
   b. General lack of faith in government.  
   c. Dissatisfaction with Reconstruction.  
   d. All of these.  
   e. None of these.

15. How many Articles are written into the current Texas Constitution?
   a. Three  
   b. Seven  
   c. Thirteen  
   d. Seventeen  
   e. Twenty One

16. Compared to the U.S. Constitution’s Bill of Rights, what is so special about the Texas Constitution’s Bill of Rights?
   a. More restrictive  
   b. More detailed  
   c. No habeus corpus guarantees  
   d. Closed access to the court system  
   e. No Due Process rights

17. What term do we use to describe the right of an accused person to be brought before a judge and informed of the charges against them?
   a. secession  
   b. nolo contendre  
   c. habeus corpus  
   d. stare decisis  
   e. public mandate

18. Article II defines how the powers of Texa government are separated, but it also makes what prohibition about the duties of one person?
   a. Prohibits one person from holding an office in more than one branch.  
   b. Prohibits one person from serving more than two terms as Texas Governor.  
   c. Prohibits one person from serving more than four terms in the Texas Legislature.  
   d. Prohibits one person from sitting on more than one Texas judicial bench.  
   e. Prohibits one person from running for more than one office.

19. According to your text, most of the powers of the Texas Governors office come not through the constitution, but by what method?
   a. check on other branches  
   b. political influence  
   c. partisan politics  
   d. electorate  
   e. judicial appointments

20. According to the Texas Constitution, which entity appoints our judges?
   a. The Secretary of State  
   b. The Attorney General  
   c. The Governor  
   d. The Texas Senate  
   e. None of these
21. Which Article of the Texas Constitution addresses the establishment of and funding for 
public education?
   a. Article IV
   b. Article V
   c. Article VI
   d. Article VII
   e. Article VIII

22. Which of the following best described the Texas Legislature?
   a. Full-time, unicameral legislature meeting once every year.
   b. Full-time, bicameral legislature meeting once every other year.
   c. Part-time, unicameral legislature meeting once every year.
   d. Part-time, bicameral legislature meeting once every year.
   e. Part-time, bicameral legislature meeting once every other year.

23. Which of the follow ultimately doomed the attempt to revise the Texas Constitution in 
1974?
   a. Requiring Justices of the Peace to have a law degree.
   b. Universal suffrage
   c. A “right-to-work provision” prohibiting union membership as a requirement for hiring.
   d. A provision for a state income tax.
   e. Strengthening the powers of the Governor.

24. According to Representative Rob Junell, why did his efforts to revise the Constitution fail in 
2001?
   a. wrong type of political environment
   b. no momentum from high-profile politicians or special interest groups
   c. crushed in committee
   d. no support from Governor Perry
   e. “red-herring” political maneuver

25. Without public support, what is the considered the best, and only way, to revise our Texas 
Constitution?
   a. Legislation
   b. Judicial interpretation
   c. Amendments
   d. Executive mandates
   e. None of the above

**Essay Questions**

1. Discuss some of the major problems and advantages of the current Texas Constitution.

2. Specifically, how does the Texas Constitution differ from the U.S. Constitution?

3. Explain the evolution of the Texas Constitution since 1824.

4. Discuss the specific restrictions of our current Texas Constitution, and why they were 
thought to be necessary in 1876.

5. Explain why attempts to reform/revise the current Texas Constitution have failed.
ANSWERS TO MULTIPLE-CHOICE QUESTIONS

1. d
2. e
3. a
4. c
5. b
6. c
7. d
8. b
9. c
10. d
11. c
12. b
13. c
14. d
15. d
16. b
17. c
18. a
19. b
20. e
21. d
22. e
23. c
24. b
25. c
LEARNING OBJECTIVES
After reading this chapter you should be able to

- Define the key terms at the end of the chapter.
- Analyze and explain the powers and duties of each branch of Local Government.
- Discuss the relationship between State and County Governments.
- Compare and contrast the differences between County Revenue source and City revenue sources.
- Differentiate between Economic Development of Texas counties and cities.
- Explain the different types of city government.
- Discuss the challenges facing Texas counties and cities today.
- Explain how the Councils of Government can be effective if it is voluntary.
- Differentiate between the different types of Special Districts in Texas and how each is special.

KATRINA GAVE HOUSTON A GOOD REPUTATION
Although the federal government is supposed to take the lead in disaster relief, the City of Houston and Harris County went above and beyond their normal responsibilities to take care of people who fled from Hurricane Katrina, and stayed during Hurricanes Rita and Ike. Houston opened the Astrodome, their human services and their hearts to the displaced people of Louisiana, and then used it as a shelter for subsequent Hurricanes Rita and Ike. In all, the Astrodome accommodated over 150,000 evacuees. During times of crisis, these events were a perfect example of how local governments can come together to solve problems.

CHAPTER OVERVIEW
This chapter examines four major areas of local government; county government, city government, the Councils of Government and Special Districts. County government should be thought of as an extension of state government at the local level. The main source of authority at the county level is the Commissioner’s Court. City Government can be incorporated or unincorporated. City’s over 5000 can create a Home Rule Charter and run themselves, with most giving most authority to a City Council, who hires a city manager to run things on a day-to-day business. The Council of Government is a voluntary organization designed to aid in planning on a regional scale. Special Districts run independent agencies designed to accomplish a specific purpose, such as school districts, airports, community colleges, water districts, etc… Since most people interact with and take an interest in government at the local level, it is important for you to learn about the agencies that will affect you the most.
County Government

As the Texas population has grown, so has the number of counties. Thirty-six were operating by the time of the 1845 Constitution, and we reached our current total of 254 counties in 1931. No matter the number of the counties, they are still subordinate units of state government.

Although 80% of the Texas population lives in an urban county, the majority of Texas counties are rural. The four most populated counties, Harris, Dallas, Tarrant and Bexar, represent the three corners of the “Texas triangle” of population. Commissioners courts rule as the governing body of every county, but each county also has several major elected officials. Every county elects a sheriff for law enforcement, but in many urban counties, the sheriff is limited to running the county jail. Counties also elect a District Attorney for felonious crimes and a County Attorney for juvenile crimes, family violence and most DUI/DWI’s. Some smaller counties combined the District Attorney and County Attorney offices. Counties also elect Justices of the Peace for minor misdemeanor crimes, and Constables to serve warrants. Other officials include the County Clerk, District Clerk, County Treasurer and/or County Auditor, who handle administrative duties, taxing and spending duties.

Most county revenue comes from property taxes and the commissioners court spends most of this revenue building and maintaining roads and bridges. The local Central Appraisal District estimates property values every year. Additional revenue can come from state and federal agencies, but are usually limited to specific programs. In some instances the county can take .05% of sales taxes or create a special taxing district.

Counties are very big into stimulating business and attracting businesses to their county, so they can expand their own tax bases. Many counties have established a county development board to oversee economic development. Recent changes in state tax laws have reduce property tax rates and increased taxes on businesses.

Texas counties continually petition the Texas Legislature for new laws and powers. The Texas Constitution severely limits the power to pass ordinances over their own areas. One possible solution is to allow counties to create their own “home rule charters” to pass their own rules and regulations, instead of going to the Texas Legislature all the time. Poor Texas counties have always had a hard time providing police and fire services because of the low property taxes of their counties. Many counties have formed groups to better cooperate and petition Austin together.

City Government

City, or municipal, government can make its own rules. Once a town reaches a population of 5000, it can create a “home rule charter” to make its own rules, or ordinances. Although there are several forms of city government, most cities use the Council-Manager form of government. With the Council-Manager form of government, the city council chooses a City Manager to run the day-to-day operations of the city. Other cities elected to keep the Strong Mayor form of government, where the mayor chooses people to run the city on a day-to-day basis. A little used form of government is the Commission, which has individual councilmen choosing Dept Heads to run city offices. Elections of city officials can be at large, where everyone can vote for anyone, or by place, where city residents can only vote for councilpersons in their district.

Most cities have two major sources of revenue, sales taxes and property taxes. They can also assign fees for certain permits and services. For major initiatives, cities can sell bonds. Cities will also receive funds from the federal, state and independent agencies in the form of grants for specific purposes.
To add to their tax base, cities try and attract new businesses to their area. Many cities have even created economic development boards financed by a special sales tax. These special tax funds are to be used for improving the quality of life for all city residents.

Although cities have the power of eminent domain and annexation to increase their bases, their main problem is financial. Somehow, cities have to come up with the funds to combat homelessness, mandated environmental regulations, unemployment, and traffic congestion. Several new municipal organizations have been formed to help cities cope, like the Texas Municipal League and the Texas League of General Law Cities. Yet no matter what they do, Texas cities will be facing growing populations and more problems over the next 30 years.

Councils of Government
A voluntary organization designed to help coordinate the planning efforts of various regions in Texas. Their main function is to help coordinate infrastructure planning and assisting local governments in meeting the requirements of federal mandates. Currently, there are 24 different councils operating in Texas.

Special Districts
Of all our special districts, the most numerous, and many consider the most important, are the Texas Independent School Districts (ISD’s). Although we only have 254 counties in Texas, we have over 1000 ISD’s. The day-to-day operations of ISD’s are run by a superintendent, who is chosen by a publicly elected board of trustees. Most of a citizen’s local taxes go to pay for the local schools. Although we pay a lot for our schools, Texas education is considered one of the worst in the nation.

There are numerous other special districts that you should be aware of. Many perform basic functions like your local water district or your local airport. Some are educational like your local community college, and other try to provide a public service, like mass transportation. Whatever the special district, remember that all of them are accountable to the general public, so you can have input into their operation and expansion.

KEY TERMS
- general law units of government
- home rule charter
- ordinances
- commissioners court
- single-member district election
- at-large election
- earmarked taxes
- special taxing district
- county reinvestment zone
- county development district
- county development board
- commission government
- weak mayor-council government
strong mayor-council government

council-manager government

by place

cumulative voting

eminent domain

extraterritorial jurisdiction (ETJ)

annexation

Council of Government (COG)

independent school district (ISD)

RESEARCH AND RESOURCES

Most local governments have their own websites, which can be found by entering “county of _____” or “city of _____” in a search engine. Each will have its own design, but all will have links to the different offices and officials of local government. Many will even allow you to pay bills or taxes on-line. Whichever site you go to, they will all have some sort of history, calendars and a list of services. Some of Texas’ major cities and county governments are listed below:

City of Houston: <http://www.houstontx.gov/>  Harris County: <http://www.co.harris.tx.us/>
City of Austin: <http://www.ci.austin.tx.us/>  Travis County: <http://www.co.travis.tx.us/>
City of San Antonio: <http://www.ci.sat.tx.us/>  Bexar County: <http://www.co.bexar.tx.us/>
City of Ft Worth: <http://www.fortworthgov.org/>  Tarrant County: <http://www.tarrantcounty.com/>
City of Midland: <http://www.ci.midland.tx.us/>  Midland County: <http://www.co.midland.tx.us/>
City of Brownsville: <http://www.cob.us/>  Cameron County: <http://www.co.cameron.tx.us/>

For a quick look at lots of numerical data on individual cities and counties, check out the “Quick Facts” section of the U.S. Census Bureau. Once into the State of Texas, you can chose individual cities and counties to look at. <http://quickfacts.census.gov/qfd/states/48000.html>

Councils of Government can be reached through their home page. <http://www.txregionalcouncil.org/>

USING YOUR KNOWLEDGE

1. Using the resources suggested above, learn about your own town. Who is your mayor? Who is on your City Council and what are they talking about this month? Check out the city calendar and see if you can attend a meeting of your City Council.

2. Do you know who your county officials are? Go to your county website and explore who your elected officials are. Find your County Clerk and see if you can register to vote. Most clerks have Voter Registration information on-line. You can’t participate, if you don’t vote, and registering to vote is the first step!

3. Do you know who is on your local school board? Find your school boards website and see what they are doing. Did you enjoy the textbooks you had in high school? Your local school board helps choose which books are used. Take a look, see what’s up and get involved.
GETTING INVOLVED

Go to your city website and see what Community Advisory Boards they have. Most cities have Library Committees, Park Boards and Transportation Boards, but larger towns have Community Development Block Grant Committees, who make recommendations about where and how to spend thousands of dollars from the Housing and Urban Development Administration. Volunteer some of your time (usually one meeting month), and give back to your community with your own judgment and advice.

SAMPLE EXAM QUESTIONS

Multiple-Choice Questions

1. In addition to police and fire protection, garbage collection and street repair, local government is also responsible for providing “public goods.” What are these “public goods” that local government is supposed to provide?
   a. community cars and homes
   b. cattle, bison and other herd animals
   c. holiday gifts and merchandise
   d. food and clothing
   e. parks, hospitals and schools

2. Currently, Texas has the largest number of counties of any state in the U.S. How many counties does Texas have?
   a. 133
   b. 182
   c. 254
   d. 297
   e. 331

3. What is the synonym for ordinances?
   a. taxing
   b. spending
   c. local laws
   d. sports facilities
   e. schools

4. Which of the following counties has a population under one thousand?
   a. Borden
   b. Bexar
   c. Travis
   d. Fort Bend
   e. Sterling

5. Which of the following is the head governing entity of every county in Texas?
   a. City Council
   b. District Attorney
   c. County Judge
   d. Justices of the Peace
   e. Commissioners Court
6. What entity is considered the chief law enforcement officer of the county?
   a. County Sheriff
   b. County Attorney
   c. District Attorney
   d. County Judge
   e. Justice of the Peace

7. What Texas official is elected to serve legal papers, such as warrants?
   a. County Judge
   b. District Attorney
   c. Justice of the Peace
   d. County Attorney
   e. Constable

8. Which county entity’s job is to act as the official repository of all county documents, files, transcripts and other information as needed, but also records all vital statistics?
   a. County Judge
   b. Constable
   c. Tax Assessor-Collector
   d. County Auditor
   e. None of these

9. What entity sets property values for cities and counties property taxes?
   a. Tax Assessor-Collector
   b. Central Appraisal District
   c. County Treasurer
   d. County Auditor
   e. District Clerk

10. What is the main source of income for counties?
    a. fees and handling charges
    b. sales taxes
    c. special taxes
    d. property taxes
    e. state and federal grants

11. What do we call designated areas characterized as blighted in which a county wants to spur economic growth?
    a. county development district
    b. eminent domain
    c. county reinvestment zone
    d. duty free economic region
    e. county economic revival area

12. What term is used to describe the unplanned and impoverished settlements along our southern border with Mexico?
    a. mestizos
    b. extraterritorial jurisdiction
    c. water sheds
    d. colonias
    e. magadores
13. Which of the following is an advantage of having a Home Rule Charter?
   a. Cities can write their own ordinances.
   b. Bars annexation by another city.
   c. Allows cities to annex more land.
   d. Tailors laws to needs of city residents.
   e. All of these.

14. What was the first community to adopt the Commission form of government in 1901?
   a. Austin
   b. El Paso
   c. Galveston
   d. Houston
   e. San Antonio

15. Which of the following is a disadvantage of the Commission form of government?
   a. City operations cannot be overseen by a central official.
   b. No potential for infighting.
   c. Conflict resolution was too easy.
   d. Allowed too many minorities to get into office.
   e. All of these.

16. We used to vote for every City Council seat with an at-large election. Why are most seats
    or all seats one the City Council become single-member district elections?
   a. Reform proposed by the Progressives.
   b. Result of rampant corruption in Municipal Government.
   c. Allowed for more representation by minorities.
   d. Allowed for more cohesion and cooperation.
   e. All of these.

17. What term do we use to describe the method of voting where a voter can cast more than one
    vote in the same race?
   a. multiple voting
   b. cumulative voting
   c. multi-vote election
   d. additive voting
   e. multi-task voting

18. What is the oldest and most traditional way of organizing city government?
   a. Mayor-Council
   b. Weak Mayor
   c. Strong Mayor
   d. Council-Manager
   e. Commission

19. What is the primary method of financing city government?
   a. sales taxes and fees
   b. fees and property taxes
   c. sales taxes and property taxes
   d. sales taxes, property taxes and fees
   e. None of the above
20. What kind of tax money can be used for parks, sports, entertainment facilities, affordable housing, job training and educational facilities?
   a. 4A tax money
   b. 4B tax money
   c. 4C tax money
   d. 4D tax money
   e. 4E tax money

21. What term do we use to describe the process by which governments extend their geopolitical boundaries by incorporating adjacent land areas?
   a. eminent domain
   b. annexation
   c. extraterritorial jurisdiction
   d. transcendentalism
   e. public right-of-way

22. How much land can a city legally annex every year?
   a. 2.55%
   b. 5%
   c. 7.5%
   d. 10%
   e. As much as they want.

23. Which of the following entities is allowed to join a Council of Government?
   a. cities
   b. municipal utility districts
   c. counties
   d. soil and drainage districts
   e. all of these

24. What does the acronym MUD stand for?
   a. Mayor Uniform Decision
   b. Manager Uniform Division
   c. Municipal Utility District
   d. Managerial Utility Decision
   e. none of these

25. What sort of pressure will lead many urban areas to consider forming a rapid/mass transit authority in the future?
   a. public pressure
   b. federal air quality standards
   c. global warming
   d. scientific pressure
   e. None of the above

**Essay Questions**

1. Discuss some of the major problems with our structure of County Government and what we can do about it.

2. What are the problems with the sources of revenue for the counties and what options do they have?

3. Differentiate between the Weak-Mayor and the Strong-Mayor forms of government.
4. Discuss the advantages and disadvantages of eminent domain to Municipal government and citizens.

5. Discuss the advantages and disadvantages of annexation.

ANSWERS TO MULTIPLE-CHOICE QUESTIONS

1. e
2. c
3. c
4. a
5. e
6. a
7. e
8. e
9. b
10. d
11. c
12. d
13. e
14. c
15. a
16. c
17. b
18. d
19. e
20. b
21. b
22. d
23. e
24. c
25. b
CHAPTER 24

Political Parties, Interest Groups and Elections in Texas

LEARNING OBJECTIVES
After reading this chapter you should be able to

- Define the key terms at the end of the chapter.
- Differentiate between a Political Party and an Interest Group.
- Describe how Texas went from a Democratic state to a Republican state in 30 years.
- Explain how Texas political parties are organized.
- List some of the major objectives of both the Republican and Democratic Party Platforms.
- Describe the role and effect of minor parties in Texas politics.
- List and describe each type of Interest Group in Texas.
- Explain the various tactics used by Interest Groups to influence politicians.
- Describe the process for winning a Texas Primary.
- Differentiate between a majority requirement and a plurality requirement.
- Explain about the poll tax and why voter turnout is falling.
- Discuss the current policy in Texas on campaign contributions and how that affects elections.

TEXAS POLITICS IS EXCITING AGAIN

2008 will go down as one of the most exciting campaigns in recent memory. Not only was the general campaign electrifying, the primary on the Democratic side actually meant something when it came to Texas! New voters on both sides participated in the Democratic and Republican primaries in record numbers. The Democratic campaign was especially intense as supporters for both Hillary Clinton and Barack Obama fought each other tooth and nail for Texas’ delegates. Although Obama won, voters on both sides have been encouraged and invigorated to participate in future, primaries and elections.

CHAPTER OVERVIEW

In order for our democracy to succeed, we need citizen participation. Although Texas has done a very good job of denying people the right to participate in its past, it is a very open system today. Any Texan can join a political party, or not, join an interest group, or not, or vote for a candidate or not. Texas needs citizen participation now more than ever. Although wealthy Texans have significant influence, citizens are still free to make up their own minds and can ignore the influence of others. Understanding the process is vital to a citizen’s participation, so they can be assured that they are making the right choices for themselves, their state and their country.
Political Parties in Texas

Political Parties are united by a common ideology and sponsor candidates for office. Parties involve citizens by asking for their votes, support and help in evaluating candidates. Although Texas has been a one party state, it has now become a two party state, with one party holding very little power.

Democrats dominated Texas politics since the 1870’s, but the 1980’s saw an end to their hold on government. In just 20 years, Texas went from Democratic to Republican control. The redrawing of district lines throughout Texas in 2002 gave Republicans the ability to takeover the majority in both houses of the State Legislature. The new federal districts created a majority for the federal delegates going to the U.S. House of Representatives in 2003. Two major factors combined to assist the change from Democrats to Republican in the 1980’s; influx of new, conservative citizens and a relaxation of the voting restrictions.

The Republican’s rise to power started with the election of Republican Governor Bill Clements in 1978. A bitter Democratic primary encouraged many to vote Republican in protest against the Democratic nominee. Thus, large numbers of conservative Democrats got used to voting Republican. The Reagan Revolution only reinforced their new beliefs and encouraged many to join the Republican Party. Today almost 40% of Texans call themselves Republican and just over 30% called themselves Democrats. Although the last gubernatorial election was contentious, Republicans easily maintained control of all the other statewide offices and the Texas Legislature.

Although both Political Parties have state organizations, both are having a hard time maintaining their organizations throughout the state. As such, candidates for office run candidate centered campaigns and ask for very little party involvement. Republicans have tried to compensate for this by promising to follow the “responsible party model.” This strategy has not been very successful, as such, there is a schism between the social conservatives and the economic conservatives in Texas.

Although minor parties have almost no chance of winning an election in Texas, they do have influence over the outcome of elections. They are also very active in Texas, because they are able to run candidates against Republicans without a Democratic opponent, and thus will always have ballot access. Of all the third parties currently organizing in Texas, the Libertarian Party remains the largest. Yet, too many Texans are still loyal to the two major parties for the independents to anything more than pull a few votes away from the two major candidates.

Interest Groups in Texas

The power of Interest Groups (IG’s) in Texas is a direct reflection of the amount of money and the number of members that they have. Those Interest Groups who can generate an immediate benefit from their actions, usually see plenty of money and members. Other groups who find ways to directly benefit their members only, also receive large amounts of money and members. And yet, there are still large numbers of people who donate their time and money to Interest Groups just because they have a deep, emotional commitment to the cause. Additionally, there are a large number of Interest Groups top chose from.

Interest Groups can be divided up into three general types; Economic, Equal Opportunity and Public. Economic IG’s represent business concerns and focus their energies on keeping governmental taxes and regulations to a minimum. Equal Opportunity IGs want to rid the world of discrimination and promote equality in schools and the workplace. Public IGs try to represent everyone and try to influence government for the good of all. Although other IGs score a victory
from time to time, the Economic IGs are the most powerful of the three and have significant influence in Texas Politics.

Interest Groups use a variety of tactics to influence policy makers. Lobbying, direct contact with a policy maker, is the most effective tactic and also makes for a very lucrative career. IG’s also spend much of their time electioneering, or helping candidates get elected with contributions of time, money and/or personnel. IG’s without monetary resources will try to bring public pressure to bear through a grassroots campaign. If all else fails, the IG’s tactic of last resort is litigation. IG’s have gotten very good with these tactics and exert a powerful influence on Texas politics.

Although business interest dominate most of Texas politics, some smaller groups have been effective. The AFL-CIO, teachers, Hispanic Texans and the Christian Right have all scored successes over the last few years, and they won’t be the last. Although money is the dominant resource, general public can exert a powerful influence, when it feels the need and is focused.

Elections in Texas

Free and fair elections signify a healthy democracy, although most people think Texas has a healthy democracy, we are on the lower end of the participation rates. In the past, participation was a factor of discrimination, the poll tax and one-party rule, but historic trends of low participation and the influence of wealthy donors has combined to keep the Texas turnout low. Still others could be discouraged by the complexity of the voting process.

Elections are a two stage process. Stage one involves the Primary Elections, where an entire field of candidates from one party is narrowed down to one. Yet even this stage can have two parts. If the winner of the Primary Election does not with by a simple majority (50% +1), then they must participate in a Run-Off Election to be decided by one of the top two vote getters. Once the candidate for the party is decided, then the candidates from all the parties go head to head in the General Election, where the candidate with the most votes wins.

Sometimes office holders cannot fulfill the duties of their office due to death or disease. In these cases, Texas holds a Special Election to fill the unexpired term of the office holder. Although this process is available, more recently, the Governor appoints someone to hold the office until the next regular Election Date comes up. Even when a regular Election Dates comes up, it is hard to get Texans to participate.

Although Texas has a history of discouraging participation, voter requirements today are minimal. Registering to vote is simple and easy, with some counties having Voter Registration material on-line. Texas has even adopted a more liberal absentee voting practice, which gives everyone two weeks of eligible voting opportunities before the official election day. Despite these measures, overcoming a tradition of non-participation takes time, and the money from the wealthy donors is hard to overcome.

Monetary contributions to candidates and office holders is a continuous process. Candidates are always vying for contribution dollars, and incumbents push for re-election funds continuously. In many cases, those who pay the most, get appointments to many of the Texas Boards that the Governor has to fill, like the Highway Commission, the Transportation Board and the Board of Regents for Universities. Although more recent laws put some moderate limits on judicial campaign contributions, there are no limits on contributions to candidates running for legislative or state-wide offices.

KEY TERMS

political party
RESEARCH AND RESOURCES
Texas has lots of politically active Interest Groups.

Some of the more active groups are list below with their web addresses.

National Organization for Women  www.now.org
National Rifle Association       www.nra.org
Texas Association of School Boards www.tasb.org
Texas Common Cause               www.commoncause.org
Texans for Public Justice        www.tpj.org
Texas State Teachers Association www.tsta.org
Texas Trial Lawyers Association www.ttla.com

Here are a few sites for some think tanks in Texas:
Center for Public Policy Priorities www.cppp.org
Center for Responsive Politics     www.opensecrets.org
Freedom Works                      www.freedomworks.org
Texas Public Policy Foundation     www.tppf.org

Active Interest Groups are supposed to report to the Texas Ethics Commission. Here is their web address and links to campaign finance reports. www.ethics.state.tx.us

USING YOUR KNOWLEDGE
1. Using the resources suggested above, try to learn which ones are politically active and have, or have not, endorsed a candidate in the upcoming Texas Governor’s election?

2. Using the Texas Ethics Commission website, find out how much your Texas House Representative collected in their last election.

3. Check out the Center for Responsive Politics website and look at all the industries that gave money to members of Congress. Find the PAC section and find out which Interest Group PACs gave money. Look at who gave the most, and which political party they gave it to. As you can see, it is pretty easy to see who is giving and who is getting.

GETTING INVOLVED
What is stopping you from joining a Political Party? Many times it does not take anything more than interest to join, but it helps to make a small, monetary donation. Either way, part of being a citizen is voicing your opinions on subjects, and joining a Political party or an Interest Group is a
good way to do that. You become part of something bigger than yourself, and maybe you can help change things for the better. (Of course, changing things for the better is all a matter of perception.)

Most candidates, parties and interest groups have websites for more information. You can sign-up for newsletters, volunteer, officially join, get educated and/or make donations. Try looking around and see what interests you, then get involved and be sure to VOTE!

**SAMPLE EXAM QUESTIONS**

**Multiple-Choice Questions**

1. Which of the following should be considered as the main reason why democracy works?
   a. money
   b. candidates
   c. citizen participation
   d. interest group efficiency
   e. pluralist competition

2. Which of the following has the most advantage in Texas politics today?
   a. government boards
   b. citizens with superior resources
   c. grassroots candidates
   d. political parties
   e. older citizens

3. What term do we use to describe the drawing of district boundaries to benefit a party or candidate?
   a. party politics
   b. political gerrymandering
   c. incumbent prerogative
   d. political patronage
   e. stare decisis

4. Which U.S. President’s policies split Texas Democrats into liberal and conservative wings?
   a. Warren G. Harding
   b. Calvin Coolidge
   c. Herbert Hoover
   d. Franklin D. Roosevelt
   e. Harry S. Truman

5. Who was the first Republican to win a statewide office since Reconstruction in 1961?
   a. John Tower
   b. Bill Clements
   c. George H.W. Bush
   d. Randy Travis
   e. Payne Stewart

6. The Reagan Revolution shifted America’s political agenda away from social welfare programs and more towards what kind of programs?
   a. conquering space
   b. economic and military matters.
   c. espionage of corporate and political secrets
   d. environmental progress
   e. education and health programs
7. Which of the following best describes candidates from both parties?
   a. simple majoritarians
   b. media dominated
   c. party dominated
   d. self-recruited
   e. populist

8. Which of the following is NOT part of the “responsible party model?”
   a. candidates pledge to implement ideas
   b. party is held accountable by the voters
   c. clear choice of ideologies
   d. party has plurality of votes
   e. all are part of the “responsible party model”

9. Which of the following is NOT part of the “state party’s organization?”
   a. precinct committees
   b. county committees
   c. candidate committees
   d. state party committee
   e. all are part of the “state party’s organization”

10. Why does a third party in Texas have a hard time winning elections?
    a. ballot is too complicated
    b. popular and wealthy businessmen runs for office
    c. crises in Texas government
    d. issue not being addressed by major parties
    e. access to ballot too difficult

11. What percent of the total vote on a statewide ballot must a third party obtain in order to stay on the ballot for the next election?
    a. 3%
    b. 5%
    c. 7%
    d. 9%
    e. 10% or more

12. What type of Interest Groups are the most common and most influential in Texas?
    a. Economic IG’s
    b. Equal Opportunity IG’s
    c. Public IG’s
    d. Professional IG’s
    e. Environmental IG’s

13. What is the union’s solution to the free-rider problem?
    a. prohibition of all overtime
    b. increase in nationalism
    c. moral majority
    d. adoption of “right-to-work” laws
    e. union shop contracts

14. Which Texas Supreme Court case initiated by the Mexican American Legal Defense and Education Fund forced Texas to change its school financing policies?
    a. *Hazelwood v Texas*
b. *Plessy v Ferguson*

15. Which of the following considered one of the most effective Public Interest Groups?
   a. Sierra Club
   b. Christian Coalition
d. *Kirkland v Smith*
   e. *Abbot v Texas*

16. What term do we use to describe a paid professional retained by an Interest Group to talk with a public official and try to influence their policy preferences?
   a. scabs
   b. politician
c. gerrymanderer
d. lobbyist
e. trustee

17. What is the most common form of electioneering?
   a. campaign contributions
   b. providing in-kind services
c. public endorsement
d. organizing volunteers
e. donation of personal time to campaign

18. What term do we use to describe exerting pressure on politicians through the public?
   a. astroturf campaign
   b. public service campaign
c. professional campaign
d. grassroots campaign
e. colonial style campaign

19. The power of interest groups is a function of resources and what?
   a. intensity of attitude
d. purity of beliefs

20. What do we call the political process by which those who aspire to public office gain access to that office?
   a. caucus’
b. gerrymander
c. elections
d. nominations
e. majorities

21. What is the term used to describe moving a state’s primary to earlier in the calendar year in order to give the state primary more meaning and media attention?
   a. grassroots primary
b. banking the election
c. election demonstration
d. front-loading the election
e. electioneering

22. What is the margin for winning Texas’ general election?
   a. simple majority
   b. 2/3 vote
   c. supermajority or ¾ vote
   d. plurality
   e. none of these

23. Which Texas official supervises the general election and tallies the votes form each county?
   a. Attorney General
   b. Lieutenant Governor’s Office
   c. Governor’s Office
   d. Comptroller of the Public Accounts
   e. Secretary of State

24. Which of the following is NOT one of the qualifications for voting?
   a. U.S. citizen (born or naturalized)
   b. Texas resident
   c. 18 years of age or older
   d. resident of the county you will represent
   e. register 15 days before the election

25. How often do candidates with the most money win their elections?
   a. 50%
   b. 60%
   c. 70%
   d. 80%
   e. 90%

**Essay Questions**

1. Why was Texas a one-party state for so long, and what changes to make it a two-party state again?

2. Why have wealthy Texans been able to dominate Texas politics for so long?

3. Who are the dominant Interest Groups in Texas and why have they stayed so powerful and influential for so long?

4. Describe the process a candidate must follow starting with their self-nomination and culminating in Texas’ General Election.

5. Explain why voter turnout is so low in Texas and what we can do to change that?
ANSWERS TO MULTIPLE-CHOICE QUESTIONS

1. e
2. b
3. b
4. d
5. a
6. b
7. d
8. d
9. c
10. e
11. b
12. a
13. e
14. c
15. b
16. d
17. a
18. d
19. a
20. c
21. d
22. d
23. e
24. e
25. e
CHAPTER 25

The Texas Legislature

LEARNING OBJECTIVES
After reading this chapter you should be able to

- Define the key terms at the end of the chapter.
- List the powers and duties of the Legislature, as set forth in the Texas Constitution.
- Describe the unique features of being a Texas Legislator as compared to other states.
- Explain how a bill becomes a law in Texas.
- Outline the process by which legislators are elected and how long they serve.
- Describe the two primary forms of legislative oversight and the impeachment process.
- Explain what is meant by reapportionment and redistricting.
- Compare and contrast the history of Texas as a one-party state to its current status as a two-party state.
- Describe how the Speaker of the House and the Lieutenant Governor lead the legislature and influence the committees.
- Discuss the role of lobbyists on the legislature and what could be done to change that.

THE TEXAS LEGISLATURE AND CHALLENGING THE SPEAKER
After gaining control of the Texas House of Representatives in the 2002 election, Republicans elected Tom Craddick as the first Republican speaker in more than 100 years. Yet his style of leadership was seen as “high-handed and vindictive,” so Republicans hoped to change the rules in 2007. If they could a secret ballot for the Speaker’s election, many thought they would vote against Craddick. Craddick was able to keep the vote open, and thus keep his seat for one more term, but his style of leadership had run its course, and near the end of the 2007 session, many Republicans openly revolted against Craddick’s leadership. By 2009 Republicans were ready for a new leader and after a long battle, were able to replace Craddick with the Representative from San Antonio, Joe Straus.

CHAPTER OVERVIEW
No matter what people say about the legislature, it remains the most powerful branch of the Texas government. Since it affects almost every aspect of society in Texas, including schools, regulations of business and taxes, it only makes sense to understand what it does and how it does it. We will start with an overview of the Legislature’s structure and organization, then move on to the allocation of power. We will finish with a look at the legislative process and how the legislature develops policy and the budget every two years. No matter what you think of the legislature, Texas politics revolves around it.
The Structure and Organization of the State Legislature

The founders of the 1876 Constitution feared a strong executive, so they made sure to place most of the power in the hands of the legislature. Just like the U.S. Congress, the Texas legislature is a bicameral body with a Texas House of Representatives (150 members) and a Texas Senate (31 members). Texas House members serve for two years in office, while Texas Senators have four years in office. The qualifications for both houses are minimal, but what do you expect for a part-time legislator?

Unlike much of the rest of the country, the Texas legislature remains a part-time governmental entity. Both houses meet in session every other year, and only for 140 working days. Supporters of this method point to the advantages of limiting government, allowing members to pursue outside interests and jobs, and saving the state lots of money. Detractors argue that the practice is out dated and is the reason why Texas moves from one crisis to the next. Another argument against continuing this practice is that it places an extraordinary amount of reliance on special interests, who take full advantage of their access. Additionally, without enough time to do their jobs, the Governor is compelled to call special sessions of the legislature on a fairly regular basis. Although the part-time legislature may have worked for much of the 19th and 20th centuries, it seems to be struggling to fulfill its duties in the first few years of the 21st century.

Responsibilities of the Legislature

The main duty of a legislator is to act as a representative for the people of their district. Those who act on the wishes of their citizens are known as instructed delegates, but those who act upon matters in a way that benefits Texas as a whole are known as trustees. Either way, we send our representatives to Austin to create laws and adopt a two year budget.

There are five major steps for a bill to pass, before it becomes law; introduction, committee process, floor action, conference committee action and the governor’s action. Every bill must be introduced by a member of the legislature, and must pass through both house of the legislature. Once a bill is introduced, it goes to a committee to be “marked up.” Once all changes are made, the bill should be approved by the committee and sent to the floor of the chamber for debate. If it passes both houses with a majority vote, then most bills go to a Conference Committee, where all discrepancies are worked out. Once the committee agrees upon a compromise, they send the bill back to both houses for final approval, and then send the bill to the Governor’s office. The Governor can sign the bill into law, let the bill become law without their signature, or veto the bill. In addition to this heavy legislative session, members of the legislature also perform some oversight duties.

The Texas legislature has no time for actual oversight of the Texas agencies, so it must oversee through two indirect methods; accounting oversight and policy oversight. With accounting oversight, the legislature traces how agencies manage and spend their money. With policy oversight, the legislature reviews reports to see if their policies are having the effects that they intended for them. In addition, the legislature will watch many of the elected officials, and they do have the power to call themselves into session for an impeachment proceeding. Although this has rarely occurred, it has been done.

Reapportionment and redistricting occur every decade after the federal census. Reapportionment is needed to make sure everyone is represented fairly, and that every representative will represent about the same number of people. Redistricting redraws the boundaries of each district, so that the area they represent contains about the same number of people as every other area. Usually there is no question about the number of people in every district, but representatives do worry about the kinds of people are in every district. Ideally, districts should be drawn to represent the people proportionally, but both sides would rather be disproportional, to benefit their party. This
kind of gerrymandering occurs every ten years, and is why most redistricting plans end up in the courts, with Texas judges making the final decisions on what is and what is not fair.

**Power and Politics in the Texas Legislature**

Historically, the Texas Legislature has been dominated by conservative Democrats, but now it is dominated by conservative Republicans. For one hundred years, Texas mirrored the rest of the southern states and allowed conservative Democrats to run the Texas government. It was during the 1970's that conservative Republicans took advantage of some opportunities and were able to elect Bill Clements to the Governor’s office. By 2000, Republicans controlled every statewide office and the Texas House. Two years later, they grabbed the Texas Senate too, and now have complete control of Texas government. Although republicans have the upper hand at the moment, the changing demographics of Texas keep things competitive and promises to make politics a lively occupation in the next twenty years as the republican majority is eroded.

The most powerful members of each house are their leaders; the Speaker of the House and the lieutenant governor in the Texas Senate. Most people consider the lieutenant governor to be the most powerful official in Texas, due to their responsibilities in both the Texas Senate and the Texas Executive. Both leaders preside over their house, appoint members to committees and schedule bills for debate. These powers allow them to control both houses and gain the loyalty and obedience of many members. Probably the most powerful influence of the lieutenant governor rests with his leadership role on the Legislative Budget Board. Money equals power, and the lieutenant governor has a huge amount of say in how much is spent and what it is spent on. Although both leaders exert an enormous amount of influence and power, they cannot control everything all the time, and many members will work their own agendas in committee and/or during the floor debates.

Committees in Texas are much different than Congress. Instead of specializing in one or two areas, Texas Legislators can be moved to a new committee every session. Unlike Congress, which is highly partisan, the Texas legislative leaders appoint members of both sides to chair committees. Of course, the party in control will appoint members of their own side to the more important committees. However, due to their temporary nature, legislators rely heavily on outside groups for information and support.

Special Interest Groups play a vital role in the Texas Legislature, as they have access to expertise and specialized knowledge about a great many things. The legislators count on the interest group’s expertise and knowledge to make decisions about bills going through the legislature. Yet at the same time this allows interest groups the opportunity to present their own interpretation of that information. Additionally, interest groups provide contributions, volunteers, services in-kind and endorsements to candidates. There have been several instances where interest groups have corrupted some legislators, so this is a very big problem for Texas government.

**KEY TERMS**

- bicameral legislature
- biennial sessions
- special session
- instructed delegate
- trustee representation
- conference committee
- legislative oversight
reapportionment

gerrymandering

redistricting

one-party state

Speaker of the House

lieutenant governor

ad hoc committee

interim committee

Legislative Budget Board

two-thirds rule

Sharpstown Scandal

“Dirty Thirty”

RESEARCH AND RESOURCES

Do you have any idea who represents you in the Texas Legislature? Don’t you think it is time you found out? It’s easy enough to do. Go to the Legislative website <www.capitol.state.tx.us> and look for the “Who Represents Me?” box on the right-hand side of the page. Submit your address and it will list both your federal and state representatives with contact information for you.

You will also find links to the biographies of the Legislature’s leaders:
Lieutenant Governor David Dewhurst - <http://www.senate.state.tx.us/75r/LtGov/Ltgov.htm>

Three very important Boards for citizens and members of the legislature:
Legislative Budget Board - <http://www.lbb.state.tx.us/>
Legislative Reference Library - <http://www.lrl.state.tx.us/>
Texas State Library - <http://www tsl.state.tx.us/>

All these links are good for information on bills, campaign funding, history, etc… Of course, there will not be any bills until the next session in January of 2009.

A couple good links for general information:
About Texas - <http://www.tsl.state.tx.us/ref/abouttx/index.html>

USING YOUR KNOWLEDGE

1. Using the resources suggested above, learn about the leaders of the legislature. One is chosen by the people of Texas to lead, and one is chosen by their chamber to lead. Which is which? Since they are in positions of power, why not write them and let them know what they are doing well, and what you think they should work on next session.

2. Do you know which committees your representatives are on? First, find out who your State representative and senator are, then look up committee assignments, and see which ones they are on. Do their committees cover something that you are concerned about? If so, write and tell them how you feel, and if you have a solution.
3. Go to the Legislative Budget Board’s website and see if you can find Budget 101: A Guide to the Budget Process in Texas. Read the section on Strategic Planning and Performance Measures. Do you agree with the reasoning behind this process? Do you feel more comfortable with this knowledge? Would you do something different? Next research the Budget Process. Who else is involved besides the Texas Legislature and what is their role? As you can see from this simple exercise, there are lots of people involved in creating, authorizing and approving the Texas budget.

GETTING INVOLVED
If you are truly interested in politics as a career, then interning/volunteering during a legislative session is a must. From January to May in every odd-numbered year the Texas Legislature is in session and they need student volunteers to help in Austin. Talk to your state representative or state senator and see what you need to do to apply. You may even be able to get college credit for your experience, so talk to your instructors and college before you go. In addition to finding this a very rewarding experience, you will gain valuable knowledge and make many friends and contacts, which will help you after you finish up college.

SAMPLE EXAM QUESTIONS

Multiple-Choice Questions
1. What political term do we use to describe our two-house legislature?
   a. dual domed
   b. binominal
   c. dual chambered
   d. bicameral
   e. biennial

2. The Texas Legislature is unique for its part-time status and biennial sessions. How many other states also have biennial sessions?
   a. two
   b. three
   c. four
   d. five
   e. six

3. Which of the following is NOT a qualification for being a state representative in Texas?
   a. Must be at least 26 years old.
   b. Must be a U.S. citizen (born or naturalized).
   c. Must be a resident of the state for at least two years.
   d. Must have lived in their district for at least one year.
   e. All are qualifications for being a state representative.

4. What do we call a session of the legislature called by the Governor outside of their regular meeting time?
   a. ad hoc session
   b. Texas bull session
   c. extraordinary session
   d. special session
   e. extraneous session

5. What is the current annual salary for a Texas Legislator?
   a. They work for free.
b. $7200

c. $18,300

d. $24,750

e. Over $30,000

6. If a bill plans to raise taxes, what entity must be the first to initiate the bill?

   a. Texas Senate
   b. Texas Governor
   c. Texas Comptroller
   d. Texas voters
   e. Texas House of Representatives

7. How many times must a bill be read to each legislative house before a final vote?

   a. one time
   b. two times
   c. three times
   d. four times
   e. five times

8. What is the main function of the Conference Committee?

   a. to work out differences between two versions of a bill
   b. to set standards of conduct in both houses during the session
   c. to create a schedule of committee meetings acceptable to both houses
   d. to inform the governor of current and future legislation
   e. to generate reports about all the new bills passed by the legislature

9. What action by the Texas Governor allows him to delete items from appropriations bills?

   a. line-item veto
   b. party-line veto
   c. gubernatorial veto
   d. power veto
   e. late session veto

10. Who is the only Texas Governor to be successfully impeached by the Texas Legislature?

    a. Bill Connelly
    b. James Ferguson
    c. Clayton Williams
    d. Preston Smith
    e. James Hogg

11. What process describes the reallocation of congressional seats among the states?

    a. remanagement
    b. reduction
    c. redesignation
    d. reassignment
    e. reapportionment

12. What process, initiated by Governor Perry in 2003, forced many Texas Democrats to leave the state, thus leaving the Texas Legislature with too few members to function?

    a. Legislative repopulation
    b. Legislative retuning
    c. Legislative proportioning
    d. Legislative redistricting
    e. Legislative reapportionment

13. Currently, how many women served in the 2007 Texas House of Representatives?

    a. 19
b. 27
c. 33
d. 45
e. 57

14. How many Hispanics are served in the 2007 Texas Senate?
   a. 6
   b. 8
   c. 11
   d. 12
   e. 15

15. What entity chooses the Speaker of the Texas House?
   a. Texas Senators elect the Speaker
   b. Texas Representatives elect the Speaker
   c. Texas Governor appoints the Speaker
   d. Texas Railroad Commission appoints the Speaker
   e. Texas Voters elect the Speaker

16. Who assigns Senators to committees and designates the committee chairperson?
   a. The Texas Governor
   b. The Texas Lieutenant Governor
   c. The Speaker of the House
   d. The Texas Attorney General
   e. Texas’ Congressional Delegation

17. What term describes a special committee appointed to address a specific policy problem?
   a. special committee
   b. oversight committee
   c. mandate committee
   d. condiment committee
   e. ad hoc committee

18. What do we call the Texas Senate rule that prevents any legislation from being considered for debate unless two-thirds of the members vote for consideration?
   a. two-thirds rule
   b. senatorial courtesy
   c. rule of conditions
   d. rule of standardization
   e. rule of debate

19. Which elected official is considered the most powerful politician in the state of Texas?
   a. The Texas Governor
   b. The Texas Lieutenant Governor
   c. The Speaker of the House
   d. The Texas Attorney General
   e. The Texas Comptroller

20. What Texas entity is authorized with drafting a budget proposal for the state before every session?
   a. Conference Committee
   b. Governor’s Blue Ribbon Board
   c. Railroad Commission
   d. Senate Finance Committee
21. Which of the following committees has a jurisdiction so broad as to allow almost any piece of legislation to be assigned to it?
   a. Business and Commerce Committee
   b. Reclamation Committee
   c. Environmental Committee
   d. State Affairs Committee
   e. Finance Committee

22. How many permanent committees are currently operating in the Texas House of Representatives?
   a. 22
   b. 36
   c. 50
   d. 64
   e. 78

23. What 1971 stock fraud scandal was Frank Sharp at the heart of?
   a. Savings and Loan Scandal
   b. Fraudulent Stock Scandal
   c. DFW Bank Scandal
   d. Los Lobos Scandal
   e. Sharpstown Scandal

24. Which group of legislators worked tirelessly in the 1970’s to bring reform and ethical standards to the Texas Legislature?
   a. Nifty Nineteen
   b. Dirty Thirty
   c. Uniform Unit
   d. Covert Twenty-Eight
   e. Ethical Eighty

25. According to Don Adams, who does he think is controlling the Texas legislative process?
   a. Political parties
   b. Special interests
   c. Citizens of Texas
   d. Texas Governor
   e. Texas Judiciary

Essay Questions
1. Discuss the advantages and disadvantages of a 140 day session for the legislature every other year. In your opinion, is this a good thing, or a bad thing? Why or why not?
2. Differentiate between an instructed delegate and trustee representation. Which do you prefer, and why?
3. Explain why the recent round of redistricting was so difficult in Texas.
4. Why is Texas’ Lieutenant Governor considered weak, but seems to wield so much power? Be sure to explain his dual role and why it gives him so much power.
5. Explain why Interest Groups and lobbyists are able to exert so much influence on the Texas legislature.
ANSWERS TO MULTIPLE-CHOICE QUESTIONS

1. d
2. d
3. a
4. d
5. b
6. e
7. c
8. a
9. a
10. b
11. e
12. d
13. c
14. a
15. b
16. b
17. e
18. a
19. b
20. e
21. d
22. b
23. e
24. b
25. b
CHAPTER 26

The Texas Executive and Bureaucracy

LEARNING OBJECTIVES
After reading this chapter you should be able to

- Define the key terms at the end of the chapter.
- Differentiate between the federal executive of the U.S. and the plural executive of Texas.
- Describe Texas Constitutional requirements to become Governor and remuneration.
- Explain the formal roles of the Texas Governor.
- Discuss the various ways that the governor can approve and disapprove bills.
- Explain why the Texas Governor is considered a “weak” governor and how a smart governor can strengthen their position.
- Differentiate between a pardon, a reprieve, and a commutation and discuss the entities which wield these powers.
- Discuss the powers of the Lieutenant Governor and explain why they are so formidable.
- Define the roles of the other four statewide elected offices in Texas.
- Discuss the various positions the Texas Governor can appoint.
- Explain how the Texas Bureaucracy works.
- Discuss how the Texas budget is prepared and approved.
- Analyze how Texas controls its bureaucracy and explain how it supervises itself.

CSI AND THE TEXAS PRISON SYSTEM
Scientific advances have repudiated the convictions of some Texas convicts. New methods of analysis have proven that the people convicted of crimes are innocent. Unfortunately, the State of Texas executed Cameron Willingham in 2004 before a new technique could prove his innocence. In order to stop these kinds of mistakes, Governor Perry signed HB 1068, which created the Texas Forensic Science Commission. This commission is charged with the oversight duties of criminal labs across the state. Although some doubt its effectiveness, others applaud the effort as the first step towards better, and fairer, justice in Texas.

CHAPTER OVERVIEW
Texas’ Executive Branch operates as a plural executive, meaning numerous elected officials, not just the Texas Governor, run the Texas Bureaucracy. Texans elect a Governor, but they also elect a Lieutenant Governor, Attorney General, Comptroller, Land Commissioner and Agriculture Commissioner. Unlike other states, which allow their governor to appoint these positions, Texas has weakened the power of its governor significantly. Although weak, the Texas Governor still has a strong veto power and the power to appoint some board and commission members.
What the Constitutional Says: The Plural Executive

The Texas Bureaucracy shares power and responsibility. In addition to the six elected officials and the Secretary of State, who is appointed, the Texas Bureaucracy has over 200 boards and commissions running things. Most of the boards and commissions are appointed by the Governor, but the Texas Railroad Commission and the State Board of Education are elected. This plural executive was established through the 1876 Texas Constitution, because of the infamous acts of the last reconstruction governor, E. J. Davis. Texans in the Post-Davis era wanted to be sure that his abuses of power never happened again.

The Texas Governor

The Texas Governor is both weak and powerful. Although most of his official powers have been severely restricted, he does have a very strong veto power. His unofficial powers can also be very strong, if used correctly. If we ever write a new Constitution, the governor’s powers will most likely be increased.

Constitutional requirements and office perks are rather self explanatory. The qualifications to become Texas Governor are very easy to satisfy; U.S. Citizen, 30 years old and 5 year Texas resident. Additionally, the governor is barred from holding any other office. Although the Texas Legislature authorized an increase in the Texas Governor’s salary, Governor Perry declined to accept it. The current salary for the Texas Governor remains at $115,345 per year. They also get the use of the Governor’s Mansion in Austin.

As with our U.S. President, the Texas Governor fills many roles. As the chief legislator for Texas, the Texas Governor tracks legislation and to make the final decision on whether to veto a bill, or not. The Texas Governor has three choices; Sign the bill into law, allow the bill to become law without his signature, or veto the law. Although the legislature can override a veto, they almost never get the chance, since it is usually out of session when the Governor vetoes bills. Sometimes the governor will call a special session, but this is not something done lightly as it is considered extremely expensive and Texas is a rather frugal state.

Other roles of the Texas Governor are rather limited. The governor has little input into the Texas budget, but very strong input into its final approval, as the governor can use their full veto or line-item veto power on appropriation bills. As Commander in Chief, the governor directs the state militia through the adjutant general, appointed by the governor. As Chief Executive Officer, the main function of the governor is to appoint members to the 200+ Texas boards and commissions. As for the law enforcement function, the governor has very little direct power beyond a 30 day stay of execution. Clemency and commutation to a lesser sentence must come from the Texas Board of Pardons and Paroles. Although the Texas Governor has many roles, the powers within them are very few, and generally weak.

Other Officials in the Executive

Contrary to the Texas Governor’s powers, the other statewide elected officials have much authority over their departments. The Lieutenant Governor holds little power in the executive branch, but as head of the Texas Senate, the Lieutenant Governor wields very strong powers. The Attorney General issues advisory opinions on Texas law and represents the state in all suits upon which the state is a party. They also spend a great deal of time collecting child support payments. The Comptroller of Public Accounts collects taxes and certifies the budget. The Agricultural Commissioner promotes and markets Texas’ agricultural products abroad. Also, and perhaps more importantly, the Agricultural Commissioner ensures that all measuring devices are accurate. The General Land Commissioner manages the 20+ million acres of state land and awards leases for mineral and grazing rights. The leases profits go to fund the Texas Permanent School Fund.
The governor can appoint over 3000 people in a four year term, but the two most important positions are the Secretary of State and the Adjutant General. The Secretary of State collects, reports, and certifies state election results. The Adjutant General commands the Texas State Guard, the Texas Army National Guard and the Texas Air National Guard. The governor’s staff spends most of their time on vetting and approving appointments.

**Boards, Commissions, and Regulatory Agencies**

Texas has over two hundred agencies and boards, and their main function is to regulate the economy. The most important agency is considered to be the Texas Railroad Commission, which also regulates the oil and gas industry in addition to the railroads. The Texas Commission on Environmental Quality regulates Texas’ natural resources particularly as it relates to public health. Most board members are appointed for six-year terms, although the Railroad Commissioners are elected to six-year terms.

**How the Texas Bureaucracy Works**

What government does for citizens is the job of our bureaucracy. Bureaucracy implements the laws passed by the legislature. And yet, the bureaucracy will always try to expand its scope and power. Therefore be wary of bureaucracy and only allow it the power that it needs, and not what it would like.

The full range of an agencies power is determined by the legislature, but the interpretation of how to implement the law is up to the agency. This implementation process is called rule making. The agency will make, and post, the rules for public consumption and comment. They may, or may not, make changes based on the public comments, and then they will enact the rules. Many times the rules work out just fine, but other times they need to be changed, and will then go through the rule making process again. In some cases, the public will sue the agency, and the case will be heard by an administrative court judge, who will then make his/her own interpretation of the legislature’s intent. Either way, the agency will still administer the rules.

One of the Executive Branch’s main duties is to make sure a balanced budget is created every two years. The comptroller determines the amount of revenue before the start of every session, and then certifies the budget is balanced afterwards. The lieutenant governor assists the Senate in making sure the budget is proposed, re-written and finalized. The legislature as a whole makes sure the budget is authorized, and then appropriates the proper funds. The governor makes sure the budget is balanced by cutting with a line-item veto, or altering an agencies appropriation. If the appropriation is adjusted, the governor is limited to no more than a 10% cut or a 5% increase, and all changes are subject to the approval of the Legislative Budget Board, which is chaired by the lieutenant governor. Sometimes it’s hard for all these groups to function together effectively.

There are checks to the growth and power of the bureaucracy. The legislature created the Sunset Advisory Commission to conduct mandatory reviews of every agency. Several agencies have been abolished, or merged, due to the commission’s recommendations. Another check on these agencies are the numerous people who work for them. Many civil servants will make public any irregularities in the system, if the need arises. Although we count on the agencies to work for us, we will not tolerate them working against us.

**KEY TERMS**

- plural executive
- ad valorem taxes
- item veto
senatorial courtesy
reprieve
commutation
pardon
advisory opinions
rule making
enabling language
balanced budget
Economic Stabilization Fund
Division of Budget and Planning
sunset provisions

RESEARCH AND RESOURCES
For up to date information on the Texas Governor, go to the governor’s website:
<www.governor.state.tx.us/>. You will see a list of priorities and what the governor plans to do about them. If you happen to be in Austin, you can also visit the Governor’s Mansion. (Note: the Governor’s Mansions closed in October of 2007 for extensive remodeling, and burned in June of 2008 as the result of arson. Please check the Governor’s website for updates on the progress of the Mansion’s renovations.)

Lieutenant Governor: <www.senate.state.tx.us/75r/LtGov/Ltgov.htm>

For help with agencies and services, visit the TexasOnline Portal website; <www.texasonline.com> The Texas State Library is also a good source for current policies and information about numerous state agencies. <www tsl.state.tx.us/>

Texas Attorney General: <www.oag.state.tx.us/>
Comptroller of Public Accounts: <www.cpa.state.tx.us/>
Commissioner of the General Land Office: <www.glo.state.tx.us/>
Commissioner of Agriculture: <www.agr.state.tx.us/>
Secretary of State: <www.sos.state.tx.us/>
Adjutant General: <www.agd.state.tx.us/>

Boards and Commissions
Railroad Commission: <www.rrc.state.tx.us/>
Texas Education Agency: <www.tea.state.tx.us/>
Texas State Board of Education: <www.tea.state.tx.us/shoe/>
Texas Higher Education Coordinating Board: <www.thecb.state.tx.us/>
Texas State Board for Educator Certification: <www.sbec.state.tx.us/>

USING YOUR KNOWLEDGE
1. Are you thinking of being a teacher? If so check out the website for Educator Certification. Or if you are interested in what Higher Education is doing, look at the THECB website to see all the initiatives the state is doing to make your college a better place for you to learn.
2. Ever wonder about all the elections we have? Look at the Secretary of State’s website to look at past results and upcoming elections. You can search results by county, city, or town.

3. Ever wonder where your tax dollars come from, and how they are spent? Look at the Comptroller of Public Accounts website. You can look at all the taxes that are collected in addition to sales taxes. You can also see where the money is spent. If you have any questions about what you are looking at, send them an e-mail.

GETTING INVOLVED

Why not take part in the next General Election? Voting Administrators in every county are looking for people to man the polls, and you will get paid for your time. People are needed not only on the Tuesday we vote, but also for the two weeks before during the absentee voting period. Call your voting Administrator today, to help out your state, your county and your community.

SAMPLE EXAM QUESTIONS

Multiple-Choice Questions

1. What term describes our multimember elected officials who are responsible for administering of the state’s government?
   a. legislative bureaucracy
   b. administrative tapestry
   c. community administration
   d. multiple mission management
   e. plural executive

2. Who is the only Texas Governor to be impeached?
   a. James Ferguson
   b. Preston Smith
   c. E. J. Davis
   d. James Hogg
   e. Sam Houston

3. Which of the following qualifications are necessary to be Texas Governor?
   a. Texas resident for 10 years
   b. Thirty years old
   c. Must be registered to vote
   d. Must own property
   e. All of these

4. Currently, what is the salary Texas Governor?
   a. $4000
   b. $7200
   c. $25,825
   d. $78,315
   e. $115,345

5. What method can the Texas Governor use to eliminate spending in an Appropriations Bill, without vetoing the whole bill?
   a. discretionary caps
   b. pocket veto
   c. item veto
   d. executive privilege
6. What keeps the Texas Governor from nominating, then renominating the same person for the same office, over and over, and over again?
   a. Gubernatorial nominees can only serve one term.
   b. Gubernatorial nominees are limited in power and scope.
   c. A rejection by the Texas Senate bars them from further service.
   d. Texas Governor is only allowed one nomination per office.
   e. Texas Comptroller can block any subsequent nominations to the same office.
7. Which entity writes the official, Texas’ biennial budget?
   a. Texas Governor’s Office
   b. Texas Comptroller
   c. Texas Attorney General
   d. Secretary of State
   e. Legislative Budget Board
8. By themselves the Texas Governor can only grant which of the following for convicted felons, without the help of the Texas Board of Pardons and Paroles?
   a. Clemency
   b. Pardon
   c. Commutation
   d. 30 day Reprieve
   e. None of these
9. Currently, what is the salary of Texas’ Lieutenant Governor?
   a. $4000
   b. $7200
   c. $25,825
   d. $78,315
   e. $115,345
10. Which entity officially certifies the Legislature’s Budget as balanced?
    a. Texas Governor
    b. Texas Comptroller
    c. Texas Attorney General
    d. Secretary of State
    e. Legislative Budget Board
11. Which entity has the main responsibility for collecting child support payments?
    a. Texas Governor’s Office
    b. Texas Comptroller
    c. Texas Attorney General
    d. Secretary of State
    e. Adjutant General
12. Which entity has the main responsibility for collecting, recording and certifying election results?
    a. Texas Governor’s Office
    b. Texas Comptroller
    c. Texas Attorney General
    d. Secretary of State
    e. Adjutant General
13. Which entity has the duty of regulating the oil and gas industry?
    a. Texas Railroad Commission
    b. Texas Transportation Agency
c. Texas Commission on Environmental Quality  
d. Texas Alcoholic Beverage Commission  
e. Texas Air Quality Agency  
14. Which Texas agency has the duty of monitoring air quality in Texas?  
a. Texas Railroad Commission  
b. Texas Transportation Agency  
c. Texas Commission on Environmental Quality  
d. Texas Alcoholic Beverage Commission  
e. Texas Air Quality Agency  
15. Which Supreme Court Justice said, “Many people consider the things which government does for them to be social programs, but they consider the things government does for others to be socialism?”  
a. Thurgood Marshall  
b. Felix Frankfurter  
c. John Paul Stevens  
d. John Marshall  
e. Earl Warren  
16. Which entity determines the scope and organization of an agency?  
a. Texas Governor’s Office  
b. Texas Legislature  
c. Texas Comptroller  
d. Texas Supreme Court  
e. Texas Attorney General  
17. To what entity can one challenge an agency’s rules or interpretation of law?  
a. Legislative Budget Board  
b. Texas Governor  
c. Secretary of State  
d. Administrative law judges  
e. Texas Lieutenant Governor  
18. Which of the following is commonly known as the State of Texas’ “rainy day fund?”  
a. Texas Lottery Profits Fund  
b. Permanent School Fund  
c. Economic Development and Trade Fund  
d. Teacher Retirement Pension Fund  
e. None of the above  
19. Which entity has the constitutional duty of certifying the Legislative budget?  
a. Texas Governor’s Office  
b. Texas Legislature  
c. Texas Comptroller  
d. Texas Supreme Court  
e. Texas Attorney General  
20. Which of the following steps is not needed to formulate a balanced budget in Texas?  
a. Planning and Preparation  
b. Public Hearings and Input  
c. Authorization and Appropriation  
d. Governor’s Approval  
e. All are necessary steps
21. With the approval of the Legislative budget Board, the Texas Governor can cut up to what percent out of an agencies budget?
   a. 3%
   b. 5%
   c. 7%
   d. 10%
   e. 15%
22. Normally the state of Texas’ Fiscal Year begins on the first of what month?
   a. September
   b. October
   c. November
   d. December
   e. January
23. In what month does Texas’ fiscal year begin?
   a. February
   b. April
   c. June
   d. September
   e. October
24. Which agency periodic reviews of every state agency to determine whether the agency should continue, be merged with another agency or scrapped?
   a. Railroad Commission
   b. Sunset Advisory Commission
   c. Legislative Budget Board
   d. Texas Attorney General Review Committee
   e. Texas Governor’s Blue Ribbon Commission
25. When corruption occurs in a Texas agency, who usually brings these problems to light?
   a. Texas Attorney General
   b. Adjutant General
   c. Civil Servants
   d. Secretary of State
   e. None of the above

Essay Questions
1. What are the main roles of the Texas Governor and what are his/her duties in each role?
2. Why is the Lieutenant Governor of Texas considered the most powerful politician in the state?
3. Explain the numerous steps of the budgetary process in Texas.
4. Discuss the numerous options that the Texas Governor has in approving, or not approving, bills. Remember to include how the legislature being in session, or not, affects the governor’s option.
5. Explain how the Texas Bureaucracy is kept in check.
ANSWERS TO MULTIPLE-CHOICE QUESTIONS
1. e
2. a
3. b
4. e
5. c
6. c
7. e
8. d
9. b
10. b
11. c
12. d
13. a
14. c
15. e
16. b
17. d
18. e
19. c
20. b
21. d
22. a
23. d
24. b
25. c
CHAPTER 27

The Texas Legal System and the Courts

LEARNING OBJECTIVES
After reading this chapter you should be able to

- Define the key terms at the end of the chapter.
- Explain the Court Structure of Texas and describe the powers and duties of each judge.
- Differentiate between original jurisdiction and appellate jurisdiction.
- Differentiate between a misdemeanor and a felony.
- Describe the difference in crime and punishment between capital murder and a first-degree felony.
- Differentiate between criminal law and civil law.
- Explain what a plea bargain is.
- Differentiate between a grand jury and a trial, or petit, jury.
- Explain the three factors which appear to facilitate the Death Penalty in Texas.

WHERE HAVE THE JURY TRIALS GONE?
Fear of crippling judgments, huge court costs and lost time, have reduced the number of jury trials by 45% over the last two decades in Texas. Many litigants are opting for arbitration as a viable alternative. If that doesn’t work, then a bench trial is the next best option for many. This could be a tragedy, because a “jury trial is to prevent oppression by the government.” Everyone deserves their day in court, and it would a shame to lose that just for the sake of saving a few extra dollars.

CHAPTER OVERVIEW
The Texas legal system is not like the federal legal system. We have two high courts and we elect our judges through partisan elections. More than 3000 judges and courts deal with all our civil and criminal problems. Yet this confusing and complicated system plays a significant role in the life of every Texan.

Texas Court Structure and Organization
According to the Texas Constitution, judicial cases can start at three different levels of the Texas judicial system. Most minor misdemeanors are handled through Justice of the Peace and Municipal courts. County courts handle more serious misdemeanor cases and the District Courts handle all felonies. The two highest courts in Texas are both the Texas Supreme Court, which handles all civil and juvenile appeals, and the Texas Court of Criminal Appeals, which handles all criminal appeals. Each court has its own qualifications and regulations.
Each Texas court has its own distinctive flavor. For example, Justices of the Peace do not need a law degree to run their court. Municipal judges are hired by cities. Some County Court judges do not have any legal duties and just oversee the Commissioners Court. The upper-level Appellate Courts review the lower courts’ trials to make sure the proper procedures were followed and to consider any new arguments on either side. Although complex, the Texas system gets the job done.

The Legal Process in Texas

The American legal system has its roots in English Common Law, which is based on the rule of precedent, or stare decisis. The final decision of every case is based on what happened in similar cases before, but to reach that decision, we developed the adversarial system. Two lawyers will apply legal tactics of questioning in the court room to try and prove or disprove the charge. Although our system is not a mirror of common law, we have learned our system well, and it works for us.

We designed criminal law to forbid and punish certain conduct, and Texas takes its crime prevention very seriously. As such, Texas has more people incarcerated than any other state. Texans see incarceration as a punishment for those who break the law, and as a preventative measure for those who are thinking of breaking the law. Yet through it all, the Texas crime rate remains much higher than the national average. Most criminal cases are processed not through a trial, but through a plea bargain. Plea bargains provide lesser sentences for a guilty plea. While criminal cases are a concern of the government, civil cases are not a concern of the government.

For civil cases, the government’s job is to provide a forum for people to work out their differences. These cases cover torts, contracts and family law and usually involve money. Whether civil or criminal, we count on our judges and lawyers to be fair and play by the rules.

Participants in the Texas Legal System

Our legal system is composed of judges, attorneys and juries. We expect, and need, them to act fairly and follow the procedures as created for the judicial system. Although they may be trying hard, we still have a ways to go.

We want our judges to be impartial, but Texans choose their judges through partisan elections. Many ask how judges with a bias can be fair? Both sides go back and forth on the issues, but the reality is that our system is much less biased than it used to be.

With almost 90,000 licensed attorneys in Texas, attorneys are crucial to the system. Each has passed a rigorous program of law studies from one of Texas’ nine accredited law schools, and all who pass the standardized bar exam meet the minimum qualifications to practice law. Each attorney also takes a pledge of professionalism.

There are two kinds of juries in the legal system, grand juries and trial, or petit, juries. A grand jury looks only at evidence and reaches a decision on if enough evidence exists to warrant a trial on a person’s guilt of innocence. Trial juries determine a person’s guilt or innocence based on the evidence and testimony presented during a trial. Juries can be of six or twelve individuals, and the resident of every county can be called at anytime to serve.

The Politics of Judicial Selection

The controversy over judicial selection will remain strong no matter which side you are on. Both sides can make very strong and valid arguments. The current trend is to make slow reforms to the current system to try and address some of the opponents concerns. Many of these reforms sound promising, such as removing judicial races from straight party ballot selection, increasing
One major reform underway is for the death penalty. There are three main factors keeping the death penalty in place. First, Texas judges are elected, so they need to hand down tough penalties, or they will not get re-elected. Second, Texas relies on court-appointed attorneys to defend many accused of capital murder, and most have little or no experience in these cases, which puts them at a disadvantage. And finally, before the 1990’s the juries were not required to consider other factors, like youth, mental status, etc… Put these all together and you get lots of people being sent to death row. Although Texas no has life without parole as an option in capital murder cases, proponents of the death penalty are in the driver’s seat, and the opponents of the death penalty have a long way to go before they can even think of stopping it.

KEY TERMS
jurisdiction
misdemeanors
felony
magistrate
criminal law
precedent
common, or judge-made, law
adversarial system
civil law
plea bargain
affirmative action
grand jury
trial jury (petit jury)
judicial independence
recusal

RESEARCH AND RESOURCES
Access to general information and links to numerous Texas Courts can be found at the Texas Court Online website: <www.courts.state.tx.us/>.
Texas Supreme Court: <www.supreme.courts.state.tx.us/>.
Texas Court of Criminal Appeals: <www.cca.courts.state.tx.us/>.

USING YOUR KNOWLEDGE
1. Does your town have a Municipal Court or Justice of the Peace? Go to the Texas Court Online website and check to see if there is a Municipal Court or Justice of the Peace in your town. Look at their biography, in your opinion, are they qualified? How does a Justice of the Peace compare to a Municipal Court judge?
2. Now look for all the District Judges in your County. Do you know any of them? Do you know anything about them? Most people don’t, and yet we vote them into office. Look at their biographies, check the local newspapers, talk to people about them. Inform yourself about these judges before the next election.

3. Why not do the same thing for the Texas Supreme Court and Texas Court of Criminal Appeals Justices? These justices run our legal system, and their opinions matter, a lot. Make sure the right people are sitting in those chairs, so educate yourself about them.

GETTING INVOLVED
Did you skip out on jury duty? Not only will that get you in trouble, but you missed one of your civic duties. Our government, and the legal system, do not run themselves. It takes participation by citizens to work. The next time you get a jury summons, serve with pride.

SAMPLE EXAM QUESTIONS

Multiple-Choice Questions

1. Which of the following are reasons why many litigants do not want a jury trial?
   a. Jury trials can cost too much.
   b. Jury trials are less powerful, than a bench trial.
   c. Jury trials don’t take enough time.
   d. Jury trials are too confusing.
   e. All of these

2. What does our legal system provide for our society?
   a. a means of conflict resolution
   b. organization and rules for society
   c. provide security and predictability
   d. enforcing conformity to society’s values
   e. all of these

3. What term do we use to describe the less serious criminal offenses, usually punishable by a fine and/or incarceration of one year or less?
   a. jurisprudence
   b. plea bargain
   c. felony
   d. jurisdiction
   e. misdemeanor

4. Which of the following is the only judge in Texas that needs no law degree?
   a. Justice of the Peace
   b. Municipal Judge
   c. District Court Judge
   d. Appellate Court Judge
   e. Supreme Court Judge

5. Which of the following is the only judge in Texas that is hired as an employee?
   a. Justice of the Peace
   b. Municipal Judge
   c. District Court Judge
   d. Appellate Court Judge
   e. Supreme Court Judge
6. Which of the following is the first judge to handle felony cases?
   a. Justice of the Peace
   b. Municipal Judge
   c. District Court Judge
   d. Appellate Court Judge
   e. Supreme Court Judge

7. Which of the following has the final say in all juvenile cases within the state of Texas?
   a. County Courts
   b. District Courts
   c. Texas Supreme Court
   d. Texas Court of Criminal Appeals
   e. None of these

8. What is the current incarceration punishment for a third degree felony?
   a. 2 to 10 years
   b. 2 to 20 years
   c. 3 to 30 years
   d. 5 to 50 years
   e. 5 to 99 years

9. What is the maximum amount of jail time for a class B misdemeanor?
   a. 90 days
   b. 180 days
   c. 1 year
   d. 3 years
   e. 5 years

10. What is the most important function of the County Judge?
    a. Presiding over the commissioner’s court.
    b. Presiding over the processing of speeding tickets.
    c. Presiding over misdemeanor cases.
    d. Presiding over felony cases.
    e. Presiding over the processing of plea bargains.

11. Which of the following has no original jurisdiction and only has written records to work from?
    a. TX County Courts
    b. TX Court of Appeals
    c. TX Municipal Courts
    d. TX Supreme Court
    e. TX Justice of the Peace Courts

12. Which of the following is the claim that a prisoner is unlawfully detained?
    a. nolo contendre
    b. habeas corpus
    c. stare decisis
    d. en banc
    e. voir dire

13. What term describes the common law practice of deciding cases through clash of opposing sides, moderated by a neutral judge?
    a. nolo contendre
    b. stare decisis
    c. adversarial system
    d. plea bargaining
14. In its simplest form, what can we say that criminal law does?
   a. deters all crime
   b. equal punishment for all
   c. preemptive deterrence
   d. restricts ability to make wrong choices
   e. forbids and punishes particular conduct

15. What state has the highest rate of incarceration?
   a. Alabama
   b. California
   c. Delaware
   d. Louisiana
   e. Texas

16. What method is used to settle most criminal cases?
   a. jury trial
   b. plea bargain
   c. nolo contendre
   d. judge trial
   e. grand jury

17. How many law schools does the state of Texas currently have accredited?
   a. 9
   b. 11
   c. 12
   d. 13
   e. 15

18. Which ruling ended affirmative action in Texas in 1995?
   a. *Hazelwood v Texas*
   b. *Hopwood v Texas*
   c. *Gratz v Bollinger*
   d. *Smith v Texas*
   e. *Brown v Board of Education*

19. Which entity indicts someone for felony charges, but does not prove guilt or innocence?
   a. jury trial
   b. plea bargain
   c. nolo contendre
   d. judge trial
   e. grand jury

20. What entity may remove a judge from office, suspend them, censure them or discipline them?
   a. the State Commission on Judicial Conduct
   b. the Texas Attorney General
   c. the Secretary of State
   d. the Texas Supreme Court
   e. the Texas Legislature

21. Unlike Texas’ partisan elections to choose judges, what system do most states use?
   a. Gubernatorial Appointment
   b. Merit Selection
   c. Legislative Appointment
   d. Non-Partisan Election
e. Combination of all

22. The Texas Constitution requires all Supreme and Appellate Court Justices to be how old?
   a. 25 years old
   b. 30 years old
   c. 35 years old
   d. 40 years old
   e. 45 years old

23. What is the prevailing sentiment behind the selection of judges by our Texas Governor and voters?
   a. compassion and equality
   b. conservative and pro-business
   c. studious and scholarly
   d. “good old boy/girl” from a Texas Law School
   e. flamboyant and famous

24. Why must most judges take a tough stance on crime, and along with prosecutors, push the death penalty?
   a. because they are naturally mean spirited
   b. because they have compassion for the victims
   c. because “eye for an eye” equality makes sense
   d. because they vie for the attention
   e. because they are elected in partisan elections

25. On average, how long do convicts wait on death row before the death penalty is carried out?
   a. 2 ½ years
   b. 3 ½ years
   c. 5 ½ years
   d. 7 ½ years
   e. 9 ½ years

**Essay Questions**
1. Does it work to have two high courts in Texas instead of just one? Describe the pros and cons of the Texas court system.
2. What are the differences between Justices of the Peace and Municipal Judges?
3. Explain the differences between grand jury and a petit jury.
4. Describe the problems with selecting judges in Texas and explain what Texas reforms are being considered.
5. Explain the pros and cons of the death penalty as it relates to Texas.

**ANSWERS TO MULTIPLE-CHOICE QUESTIONS**
1. a
2. e
3. e
4. a
5. b
6. c
7. e
8. a
9. b
10. a
11. b
12. b
13. c
14. e
15. d
16. b
17. a
18. b
19. e
20. a
21. b
22. c
23. b
24. e
25. d