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To the Student

This Study Guide with Readings is a self-study accompaniment to American Government, Brief Version, Eighth Edition, by James Q. Wilson. It serves two purposes. First, it supplements, but does not replace, the text. By using these two works together, you will be able to learn the most from the text and enhance your general knowledge of the structure and operation of U.S. government. Second, this Study Guide will assist you in practicing and preparing for your exams and should serve to improve your test-taking skills. These two purposes are inseparable. Good study habits, including hard work, practice, and review, are critical to learning and understanding any subject matter, and a thorough understanding is the best preparation for exams.

This introduction begins with an overview of what you should expect to learn from a college-level course on American government. Detailed advice is offered on how to get the most from this Study Guide, and some suggestions for obtaining supplementary information from additional readings and Internet resources are provided.

THE STUDY OF U.S. GOVERNMENT

In colleges and universities, U.S. government is usually taught as part of an academic discipline known as political science. Political science, however, differs from typical high school courses in several respects. High school government courses customarily emphasize history. Furthermore, high school courses generally seek to promote citizenship by, among other things, encouraging you to vote.

While this approach and goal is important, college-level political science develops a broader, more theoretical perspective of government. Political science is often about contemporary government rather than history. It compares the U.S. political system with other systems and does not necessarily assume that our system or our Constitution is superior to others. It focuses mainly on how government really works. It provides, for instance, answers to and explanations for the following questions: Why do senior citizens have more political influence than do college students? Why do members of Congress spend more time talking with constituents and lobbyists, attending committee meetings/hearings, and participating in fact-finding missions than they do debating legislation? How and why have presidential candidates and the media contributed to more candidate-centered campaigns that don’t focus on issues and party labels? Do the federal courts merely apply the law or do they make policy, and are they sensitive to public opinion? Why do interest groups sometimes seem to reflect the views of the top leadership of their organization rather than the views of the rank-and-file membership on policy issues?

Political science occasionally frustrates students seeking one “correct” or “perfect” solution to real-world problems. Political science theories often provide conflicting or even equally valid perspectives on issues. A case in point deals with the issue of symbolic speech: according to one constitutional theory, flag and draft card burning and painting exhibits that some people find offensive and indecent are forms of “free expression” protected by the First Amendment. Yet, according to another constitutional theory, only “speech” and “press” are protected by the First Amendment, while the First Amendment does not extend to flag and draft card burning and painting exhibits. Another case involves searches and seizures: according to one constitutional perspective, evidence obtained by police without a search warrant based on probable cause is a violation of the Fourth Amendment protection against illegal searches and seizures, and hence, inadmissible in court (“exclusionary rule”). Nonetheless, according to another constitutional perspective, evidence seized by police with the aid of a search
warrant they believe to be valid is still admissible in court (“good-faith exception”) if it later turns out that the warrant was defective (for example, the judge used the wrong form).

Political science sometimes forces students to grapple with uncertainties. Students wrestle with debatable assumptions about human nature and with competing explanations for why humans behave as they do. For instance, they discover inherent contradictions between cherished ideals such as liberty and democracy. Moreover, they investigate basic value conflicts between interest groups, each with a good argument to support the assertion that its cause is just.

This is not meant to suggest that political science is an abstract or subjective field of study. To the contrary, political science requires precise conceptualizations and rigorous, objective analysis. It, at times, even involves the utilization of mathematical logic and quantitative data. Some have dismissed the importance of what political scientists do as nothing more than “precision guesswork.” Yet, there is some truth to this claim because political science does attempt to explain government logically, and like any other science that tries to understand human beings, it is hardly exact. The complexities of humans create many challenges in political science. They also make it a fascinating subject, and one well worth your time and effort to study.

HOW TO USE THIS STUDY GUIDE

You should use this Study Guide to do exactly what the title says: to guide you through the text material. This guide will highlight what is important in each chapter (the study objectives are located under the rubric “Chapter Focus”). In addition, the guide will assist you in reviewing each chapter to make sure that you have covered and understood the pertinent facts, principles, and processes presented (Study Outline, Key Terms Match, Did You Think That…?, Data Check, and Applying What You’ve Learned). This guide also includes a Practice for Exams section that consists of true/false, multiple choice, and essay questions. You should not treat these questions merely as a practice exam. Use each set of questions as a way of furthering your understanding of what Professor Wilson has written, and what your instructor has presented in class. As you answer each question, review the text material, as well as your own notes (from both the text and your class). Understanding the subject will help you to do well on exams. Preparing for exams will, in turn, help you to understand the subject.

Chapter Focus

Before beginning each chapter of American Government, read through the study objectives in the Chapter Focus section. You can utilize these objectives to organize your thoughts and understand the textbook material. Keep the framework of each objective in mind as you read through the chapter, using each component of each objective as a heading for summarizing, in your own words, the important facts, concepts, ideas, and explanations presented. By the time you have completed each chapter, you should be able to write out a clear and accurate statement fulfilling each objective. You should always remember to think about how current U.S. government and politics conform, or do not conform, to the expectations of the Framers of the U.S. Constitution.

Chapter Outline

The Chapter Outline presents a section-by-section overview of the chapter. You should check the outline both before and after reading each text chapter. It should serve to reinforce the major chapter topics and clarify the relationships among them. Nevertheless, you should not use the outline as a replacement for reading the text. You need to understand the material on its own terms. This can be done only by reading each chapter and not by simply relying on the chapter outline.
Key Terms Match
This section reviews the terms considered central to an understanding of the chapter’s material. Test yourself on each of these terms, court cases, and political figures. If a term, make sure that you can give more than just a simple definition. When pertinent, give an example, cite an appropriate court case, and place the term in a broader theoretical context (answer the question: “so what?”). If a court case, be able to discuss the specifics of the case, the reasons why the decision was made, and its political significance or implications (again, “so what?”). If a political figure, discuss who that person is and how he/she has contributed to the U.S. government and politics.

Did You Think That . . . ?
This section presents several statements that, on closer examination, prove mythical. Your task is to explain why each statement is incorrect. Completing this section will help you focus on important distinctions made in the chapter.

Data Check
The Data Check exercises emphasize points made in the various graphs, maps, and tables appearing in the text chapter. Too often, students neglect these helpful aids to comprehension. Completing this section will help you get the most out of the text’s valuable visual resources.

True/False Questions
Mark the response you think is correct (true or false). Make sure that you understand, for each statement that you think is false, why it is false (space is provided after each true/false item to explain your choice). You can also use the space to indicate why you think a statement is true. Check your responses with the ones provided in the Answer Key.

Multiple-Choice Questions
Multiple-choice should not be confused with “multiple-guess.” A multiple-choice question will generally not have just one obvious answer, with the other choices so ridiculously irrelevant as to be easily dismissed. Don’t just look for some key word in each choice that you know is related to the statement or question. Each choice listed may have some term or idea that is related, but only one will correctly complete the statement introduced or answer the question asked. Only one choice is correct. To assist students the seventh edition provides a brief explanation as to why the “incorrect” choices are wrong.

Use the multiple-choice items to help you to review and understand the textbook material. Make sure that you understand why your choice correctly completes each statement or answers each question and why the other choices do not. Refer to the text to review the appropriate material addressed in each multiple-choice item. Check your answers with the ones provided in the Answer Key.

Essay Questions
Each chapter is accompanied by a series of essay questions. Most of these questions refer to specific details or an analysis provided in a particular section of a chapter. Others require you tie together information collected throughout a chapter, or, on occasion, ask you to connect themes and information from different chapters.

It is not unusual for college students (particularly first-year students) to have great difficulty in answering essay questions. You may encounter questions that can be answered correctly in different ways from different perspectives. The best answers, however, are often the most complete. Others may not be correct at all, either because they contain factual errors or, more commonly, because they do not
address the question asked. To assist you with crafting successful answers to essay questions, the following simple guidelines are provided:

1. Read each question carefully. Focus. Reread. Figure out what the question really asks and answer accordingly. Do not simply read the question superficially and then start to write the first thing that comes to mind. Never write an answer based on “what you think the professor wants.” If you approach the question in this manner, there is a high probability that you don’t understand the question.

2. Organize. Outline each essay before you start to write. Use the outline to divide your essay into paragraphs, with each paragraph addressing a different part of the question. Begin each paragraph with a topic sentence or thesis statement, and use subsequent sentences in the paragraph to present supporting factual evidence, examples, finer points of logic, and conclusions. Organization saves time, and it improves both the strength of your reasoning and your recollection of information.

3. Attack questions directly, and stay focused. Do not waste time restating questions. Use the first sentence of each essay either to introduce your major argument(s) or to explain a term that reasonably requires explanation at the beginning of the essay. Then, develop your logic more fully, and discuss specific facts and examples. Remember, summary is not enough. You should evaluate material and organize ideas into coherent, cogent arguments. If relevant, acknowledge opposing points of view without diluting strength of argument. Try not to repeat yourself. Stick to what the question asks. Do not get sidetracked onto peripheral arguments. Constantly review the essay for contradictions.

4. Make sure to devote enough space and time to each part of the question. In short, be sure that your essay is balanced, while covering all aspects of the question.

5. Define key concepts clearly and accurately. Essay questions usually demand logical application of concepts to relevant facts, and good essays almost inevitably result from clear and accurate concept definitions. Conversely, vague, inaccurate, or even erroneous concept definitions almost always lead to confused and incomplete essays.

6. Always be as specific as possible. Try to find words that express exactly what you mean.

7. Explain fully. Never assume that certain points are obvious or that the grader of your essay can read your mind. If you want the grader to know what you mean, then say it! Develop cause-and-effect relationships as explicitly as possible. Support conclusions with well-reasoned arguments and evidence. If you claim that something is true, explain why you believe it to be true. Also, try to explain why possible alternatives to the correct answer can be logically refuted. Use examples to illustrate and clarify key points.

Applying What You’ve Learned

This section suggests extra projects that will help you develop a keener understanding of certain key concepts by asking you to gather and analyze data and to conduct simple research studies relevant to these concepts. These projects can be completed with or without the supervision of your instructor.

Learning by Doing

This section presents ideas for classroom simulations that will assist you and your fellow students in broadening your appreciation for, and comprehension of, the practice of American government and politics. It is through the playing of various roles that the class will experience how and why political actors behave the way they do, how institutions respond in the manner in which they do, and the implications of the actions (or inactions) for society. These simulation projects are best carried out with the supervision of your instructor.
Answer Key
Answers to all chapter exercises (except for essay questions and some Applying What You’ve Learned questions) appear at the end of the Study Guide.

Classic Statements
In addition to these chapter components, the Study Guide includes five “Classic Statements” derived from the literature of American government and corresponding to one or more chapters of the text. These selections shaped political thought at the time they appeared and remain influential today. As you read each essay, consider (1) what the author is saying, (2) in what ways the author’s central themes are relevant to American government and politics today, and (3) how the reading is related to the textbook coverage. Questions following each reading will help you focus on these three issues.

Suggested Readings
At the end of each chapter, Professor Wilson lists and describes a number of additional readings that you may consult to enhance your understanding of the chapter material. In addition, you may supplement these readings with material drawn from “current events” forums such as television network news programs, public affairs broadcasts on PBS or C-SPAN, daily newspapers (for example, the New York Times, the Washington Post, or the Christian Science Monitor), and weekly newsmagazines (such as Time, U.S. News, or Newsweek). As your knowledge of the principles of American government increases, you will find it easier to comprehend and evaluate information from all these sources.

Resources on the World Wide Web
At the end of each chapter, Professor Wilson lists a number of relevant Internet resources. (These lists of Internet addresses were accurate at the time this book went to press.)

Think of the Internet as an “information highway,” not only because of the long range of its access points, but because, like a highway, there exist multiple paths to reach any point. However, the Internet should never be used as a substitute for a library, although it can cut down on the time you need to track down some of your relevant sources of information. Therefore, it would be wise to spend some time familiarizing yourself with the Internet, perhaps setting aside a certain period of time each day for this purpose.

In conclusion, it should be remembered that a study guide is useful only if it supplements your diligent study of the text itself. As mentioned earlier, it cannot replace the text, nor can it guarantee success on examinations. Used with the text, however, this Study Guide should noticeably boost your course performance and, hopefully, heighten your appreciation of American government.
CHAPTER 1

What Should We Know About American Government?

CHAPTER FOCUS
The purpose of this chapter is to give you an understanding of the unique aspects of American politics, policies, and institutions when compared to those of other free nations in the world, particularly European democracies. After reading and reviewing the material in this chapter, you should be able to do each of the following:

1. Explain why American government, although familiar to its own citizens, is unique among global democratic political systems in terms of both politics and policy outcomes.
2. Explain that American democracy’s distinctiveness is a product of two closely related factors: the Constitution and the citizenry’s opinions and values.
3. Distinguish between the two concepts of democracy mentioned in the chapter.
4. Define and summarize the major constitutional components, political processes, and the strengths/weaknesses associated with presidential and parliamentary democratic systems.

STUDY OUTLINE
I. What Should We Know About American Government?—Aspects of American Democracy
   A. American political system differs from British system
      1. President suggests policy, does not determine it
      2. Congress alters presidential proposals, does not rubber-stamp them
      3. Bureaucracy carries out policies without resistance, not as president or Congress wants
      4. Citizens, not legislators, challenge laws
      5. Local officials encouraged to follow national policies
   B. American versus European politics
      1. Schools and police controlled locally, not nationally
      2. Candidates nominated in primary, not by party
      3. Labor unions less dominant in United States
      4. Little socialist influence in United States
      5. Greater degree of religious fundamentalism
      6. Judges active in formulating public policy
      7. President needs approval of Senate for treaties
   C. American versus European policy
      1. Lower tax rate
      2. Slower to adopt welfare programs
      3. Main industries not “nationalized”
      4. Legislative/executive deadlocks more frequent
   D. American differences result of two factors
      1. Constitutional system (checks and balances)
      2. Values of population
E. Differing Systems  
1. Presidential  
2. Parliamentary

II. The Meanings of Democracy  
A. Two “democratic” political systems  
1. Direct democracy (New England town meeting)  
2. Representative democracy (Republic)

III. Representative Democracy  
A. Required conditions  
1. Freedom of speech and press  
2. Freedom to organize and petition government  
3. Fair access to political resources  
4. Respect for rights and opinions of others  
5. Belief in the legitimacy of political system

B. Representative democracy: the parliamentary system  
1. Power vested in national legislature—centralized  
2. Legislature chooses chief executive (majority party)  
3. Prime minister and cabinet make important decisions  
4. Bureaucracy agent of chief executive  
5. Little court interference  
6. Party accountable to voters at election time

C. Representative democracy: the presidential system  
1. Separately elected legislative and executive branches (separation of powers)  
2. Independent judiciary  
3. Bureaucratic loyalties divided between legislature and executive branch  
4. National political power  
5. Policy acceptability at each stage of policy process  
6. Accountability difficult to pinpoint

D. Protecting those in the minority  
1. Preserving human rights  
2. Liberal democracy

E. Additional terms  
1. Government  
2. Authority  
3. Power  
4. Politics

F. Should the United States change to the parliamentary system?  
1. Less policy deadlock  
2. Better official accountability to voters  
3. American system has worked in past and has produced policies similar to Europe’s  
4. American voters may desire “continuous” influence over policymaking instead of just voting every two or four years.
KEY TERMS MATCH

Match the following terms and descriptions:

5. _____ A political system in which political decisions are made by officials elected by the people to serve as their representatives.
   
   a. direct democracy
   b. government
   c. liberal democracy
   d. parliamentary system
   e. politics
   f. presidential system
   g. primary
   h. authority
   i. representative democracy
   j. republic
   k. power

6. _____ The use of legitimate force.
   
   a. direct democracy
   b. government
   c. liberal democracy
   d. parliamentary system
   e. politics
   f. presidential system
   g. primary
   h. authority
   i. representative democracy
   j. republic
   k. power

7. _____ The right to exercise power.
   
   a. direct democracy
   b. government
   c. liberal democracy
   d. parliamentary system
   e. politics
   f. presidential system
   g. primary
   h. authority
   i. representative democracy
   j. republic
   k. power

8. _____ One of the two forms of representative democracy in which political power is vested in separately elected branches of the national government.
   
   a. direct democracy
   b. government
   c. liberal democracy
   d. parliamentary system
   e. politics
   f. presidential system
   g. primary
   h. authority
   i. representative democracy
   j. republic
   k. power

9. _____ An institution that has the authority to make decisions the whole society must follow.
   
   a. direct democracy
   b. government
   c. liberal democracy
   d. parliamentary system
   e. politics
   f. presidential system
   g. primary
   h. authority
   i. representative democracy
   j. republic
   k. power

10. _____ The competition and other activities surrounding issues such as who will run the government and about what decisions it will make.

11. _____ A democratic government with special guarantees of personal freedom.

12. _____ The name given to the form of representative democracy created by the Framers of the U.S. Constitution.

13. _____ A political system in which all or most citizens participate directly in making governmental decisions.

14. _____ One of the two forms of representative democracy in which political power is vested in an elected legislature.

15. _____ An election held within a political party to determine which of its candidates for an office will represent the party in the general election.
DID YOU THINK THAT . . . ?
A number of misconceptions are listed below. You should be able to refute each statement in the space provided, referring to information or argumentation contained in this chapter. Sample answers appear at the end of this chapter.

1. “‘Politics’ and ‘government’ mean essentially the same thing.”

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

2. “Private ownership of industries is as common in European countries as it is in the United States.”

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

3. “A government that exerts a strong degree of power over its citizens must also have the authority to do so.”

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

4. “The U.S. President and British Prime Minister are both elected to their respective positions in the same manner.”

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

TRUE/FALSE QUESTIONS
Read each statement carefully. Mark true statements T. If any part of the statement is false, mark it F, and write in the space provided a concise explanation of why the statement is false.

1. T F In Great Britain, the legislature automatically approves almost any policy that the prime minister proposes.

______________________________________________________________________________
______________________________________________________________________________

2. T F America has followed a system of direct democracy since its inception.

______________________________________________________________________________
______________________________________________________________________________

3. T F Representative democracy was actually referred to as a republic by the Framers of the Constitution.

______________________________________________________________________________
______________________________________________________________________________

4. T F Politics consists of those institutions that have the authority to make decisions that are binding to the whole society.

______________________________________________________________________________
5. T F Primary elections are generally more important in Europe than in the United States.

6. T F Religious leaders in America are more likely to affect political decisions than are religious leaders in Europe.

7. T F The tax burden in the United States is about half that in Sweden and many other European countries.

8. T F For much of the 1980s, the U.S. government had neither a budget nor the authority it needed to borrow money to pay its bills.

9. T F One aspect of American politics is that cities, states, and the national government never need to compete with each other to determine who makes what decisions.

10. T F Democracy as used in this book refers to the type of democracy illustrated by the New England town meeting.

11. T F The theory of a parliamentary system of representative democracy is that policies should be tested for their acceptability at every stage of the policy-making process.

12. T F The separation of legislative and presidential powers is an important feature of the American political system.

13. T F Governors in Britain sometimes must be induced to follow national policy.

MULTIPLE CHOICE QUESTIONS

Circle the letter of the response that best answers the question or completes the statement.

1. Which of the following would be least likely to happen in a parliamentary system such as Great Britain’s?
   a. The legislature automatically approves a policy that the prime minister proposes.
   b. The courts would declare new laws unconstitutional.
   c. The legislature and the prime minister agree on a policy.
   d. Voters throw out an entire legislature because its policies are unpopular.
   e. The legislature investigates an agency’s failure to implement a policy.

2. Which of the following statements about authority is correct?
   a. It is defined as the right to use power.
   b. It resides in government, not in the private sector.
   c. It typically results from the naked use of force.
   d. It is the opposite of legitimacy.
   e. It is only legitimate in a direct democracy.
3. Government differs from other institutions (e.g., a college or corporation) in that government:
   a. has a monopoly over the use of legitimate force.
   b. involves conflict and the need to resolve this conflict.
   c. has a leader chosen under a democratic system.
   d. can legitimately require people to follow certain rules of conduct.
   e. derives its power solely on unwritten understandings.

4. An example of just how different American politics are from politics in Europe is the fact that:
   a. in America, party leaders decide who gets on the ballot.
   b. most European countries have no large socialist political party.
   c. in America, the legislature and not judges decides whether abortion should be legal.
   d. in many nations, the majority of workers belong to unions.
   e. most European countries have a higher level of tolerance for social inequality.

5. In Europe, the police and public schools are usually controlled by the:
   a. governor.
   b. state government.
   c. city government.
   d. provincial government.
   e. national government.

6. A democracy is government by the _____.
   a. well-established
   b. people
   c. bureaucracy
   d. democrats
   e. majority party

7. New England town meetings are commonly cited as the closest approach in America to:
   a. a parliamentary system.
   b. direct democracy.
   c. democratic centralism.
   d. representative democracy.
   e. federalism

8. When the U.S. President signs a treaty, he is making a promise only to try and get the _____ to ratify it.
   a. House of Representatives
   b. Cabinet
   c. White House office
   d. Senate
   e. states

9. The theory of representative democracy holds that:
   a. individuals acquire power through competition for the people’s vote.
   b. it is unreasonable to expect people to choose among competing leadership groups.
   c. government officials should represent the true interests of their clients.
   d. the middle class has gained greater representation at the expense of the poor and minorities.
   e. social elites will have the greatest representation.

10. Freedom of speech and press exist in order for representative democracy to function so:
    a. candidates can mount an effective campaign.
    b. people will obey the political system’s laws without being coerced.
    c. voters and representatives can communicate openly with one another.
    d. that winners in an election are allowed to assume office.
    e. the media can serve as a fourth branch of the government.
11. In a parliamentary system, political power at the national level is _____:
   a. subordinate to regional governments.
   b. decentralized.
   c. highly fragmented.
   d. very difficult to pinpoint.
   e. centralized.

12. Compared with the bureaucracy in a parliamentary system, bureaucracy in a presidential system works for:
   a. the president only.
   b. the legislature only.
   c. both the president and legislature, and with judicial oversight.
   d. both the president and legislature, but without judicial oversight.
   e. the majority party of the Congress.

13. A common criticism of the presidential system in the United States, based on separate branches of government sharing power, is its lack of:
   a. accountability.
   b. checks and balances.
   c. opportunities for voters to voice their opinions regarding government policies.
   d. decentralism.
   e. policy testing.

ESSAY QUESTIONS
Practice writing extended answers to the following questions. These test your ability to integrate and express the ideas that you have been studying in this chapter.

1. What is meant by the word democracy? Distinguish between direct democracy and representative democracy.

2. American politics and policies are different than those in most European counties. How do we explain these differences?

3. If the United States used a parliamentary system of representative democracy, how would the head of state be chosen? What would be his/her relationship with the legislature? How would citizens approve or disapprove of this leader’s policies?

4. What conditions are required for representative democracy to function? What would happen if these conditions were not met?

5. Distinguish between the terms “authority” and “power.” Is it possible for a government to have both?
RESEARCH AND RESOURCES

Suggested Readings


ANSWERS

Key Terms Match
1. i
2. k
3. h
4. f
5. b
6. e
7. c
8. j
9. a
10. d
11. g

Did You Think That…?
1. Government refers to the institutions that have the authority to make decisions binding on society; politics refers to the activity by which conflict is carried on over who will run the government and what decisions it will make.
2. In much of Europe, the government owns the airlines, telephone systems, steel mills, automobile factories, and oil companies.
3. People must recognize a government’s right to rule (authority). Some governments exercise power with little or no authority to back it up.
4. In a parliamentary system such as Great Britain’s, the prime minister is chosen by the majority party of the parliament. In a presidential system like that of the United States, there are separately elected branches of the national government.

True/False Questions
1. T
2. F. The Framers of the Constitution chose a representative democracy.
3. T
4. F. This is the definition of government, not politics.
5. F. In Europe, party leaders, and not primary elections, determine who gets on the ballot.
6. T
7. T
8. T
9. F. Our system of federalism has actually created much debate on this topic.
10. F. It refers to representative democracy; a New England town meeting is an example of a direct democracy.

11. F. They are tested only at election time, when both policies and the legislature are voted on.

12. T

13. F. There are no governors in the British system of government.

**Multiple Choice Questions**

1. e
2. a
3. a
4. d
5. e
6. b
7. b
8. d
9. a
10. c
11. e
12. c
13. a
CHAPTER 2
The Constitution

CHAPTER FOCUS
The purpose of this chapter is to introduce you to the historical context within which the U.S. Constitution was written and in particular to the colonists’ quest for liberties they felt they had been denied under British rule. After reading and reviewing the material in this chapter, you should be able to do each of the following:

1. Contrast the goal of the American Revolution (liberty) with the goals of the French and Russian Revolutions. Identify the liberties that Americans sought to protect.
2. Explain the notion of “higher law” by which the colonists felt they were entitled to certain natural rights. List these rights.
3. Compare what the colonists believed was a legitimate basis for government with what monarchies (as in Great Britain at the time) believed was a legitimate basis for government.
4. Discuss the notion of the “real” revolution in America.
5. List and discuss the shortcomings of government under the Articles of Confederation.
6. Discuss the backgrounds of the writers of the Constitution, and explain why these men tended to be rather mistrustful of the notion of democracy.
7. Compare and contrast the Virginia and New Jersey plans, and show how they led to the “Great Compromise.”
8. Explain why the separation of powers and federalism became key parts of the Constitution even though they made the system less democratic and less efficient.
9. Show how James Madison’s notions of human nature played an important role in the framing of the Constitution.
10. Explain why the Constitution did not include a bill of rights. Then explain why one was added.
11. Explain why the Founders failed to address the question of slavery in a definitive way.
12. Summarize Charles Beard’s analysis of the economic motivations of the Framers and the counter-analyses of those who disagree with Beard.
13. Explain the past and present relationship between liberty and equality.

STUDY OUTLINE
I. Liberty—the Goal of the American Revolution
   A. Views on liberty
      1. Americans entitled to liberty as English subjects
      2. Liberty threatened by unwritten constitution and human nature
      3. Four categories of liberties the colonists felt they were being denied
         a) The right to bring cases before truly independent judges
         b) The right to be free of British troops in their homes
c) The right to have free trade
d) The right of taxation with direct representation
4. Liberty supported by “higher law” and “natural rights”
5. Declaration of Independence principles should be put into effect in government
6. Lockean influence

B. John Adams and the “real” revolution—Constitutional Government
1. Government by consent, not by tradition
2. Liberty found in written constitutions
3. Rights spelled out
4. Authority in hands of elected representatives

II. Weaknesses of the Confederation
A. Weaknesses: Nation in shambles
1. Only a “League of Friendship”
2. Could not levy taxes or regulate commerce
3. Sovereignty, independence retained by states
4. One vote in Congress for each state
5. Nine of thirteen votes in Congress required for any measure
6. Delegates picked, paid for by legislatures
7. Little money coined by Congress
8. Army small, dependent on state militias
9. Territorial disputes between states
10. No national judicial system
11. All thirteen states’ consent necessary for any amendments

B. Meeting at Mount Vernon (1785) and Annapolis Convention (1786) led to Constitutional Convention
1. Washington and Hamilton felt that a stronger central government was needed
2. Fear that states were about to collapse from internal dissention

III. The Constitutional Convention
A. The lessons of experience
1. Founders’ objective: revision of Articles to protect life, liberty, and property; no accepted theory guided them
2. Madison saw confederations as too weak while stronger governments trample liberty
3. Shays’s Rebellion fueled concern on weakness of Articles

B. The Framers
1. Who came: men of practical affairs
2. Intent to write an entirely new constitution
3. Agreement: liberty must be preserved, government based on consent of governed, separation of powers
4. Only twelve of the thirteen states were present—Rhode Island absent

IV. The Challenge: Popular Government Can Lead to Tyranny as Easily as to Anarchy
A. Issues to be addressed
1. The consent of the governed
2. Separation of powers
3. The role of the national government
4. The role of the states

B. The Virginia Plan
1. Design for a true national government
2. Two houses in legislature
3. Two key features of the plan
   a) National legislature with supreme powers
   b) One house elected directly by the people
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C. The New Jersey Plan
1. Sought to amend rather than replace the Articles
2. Unicameral legislature—each state had one vote
3. Protected small states’ interests

D. The Great (Connecticut) Compromise: reconciling small and large states
1. House of Representatives based on population—elected by people (large states dominate)
2. Senate of two members per state and chosen by state legislatures (small states dominate)
3. The creation of the Electoral College in selecting a president
4. New spirit of accommodation after compromise
5. Committee of Detail completed draft

V. The Constitution and Democracy
A. Founders did not intend to create pure democracy
1. Physical impossibility in a vast country
2. Mistrust of popular passions
3. Intent instead to create a republic with a system of representation

B. Popular rule only one element of the new government
1. State legislators to elect senators
2. Electors to choose president
3. Two kinds of majorities: voters and states
4. Judicial review another limitation
5. Amendment process (see the “Ways of Amending the Constitution” box)

C. Key principles
1. Separation of powers between branches
2. Federalism (state/national division)
3. Checks and balances to share powers, not separate them (see the “Checks and Balances” box)

D. Government and human nature
1. Madisonian view: cultivation of virtue would require a government too strong, too dangerous; self-interest should be freely pursued
2. Separation of power harnesses ambition
3. Federalism divides power by promoting “factions” and encouraging competition

VI. The Constitution and Liberty
A. Issue in state conventions was liberty, not democracy

B. The Antifederalist view
1. Liberty could be secure only in small republics
   a) In big republics national government would be distant from people
   b) Strong national government would use its powers to annihilate state functions
2. There should be many more restrictions on government and authority in states
3. Madison’s response: personal liberty safest in large (“extended”) republics (Federalist No. 10)
   a) Coalitions likely more moderate there
   b) National government should be somewhat distant to be insulated from passions
4. Reasons for the absence of a bill of rights
   a) Most states had bills of rights
   b) Intent to limit federal government to specific powers
   c) Constitution already contained many protections (see the “Constitutional Protections” box)

C. Need for a bill of rights
1. Ratification impossible without one—must quell Anti-federalists’ fear

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2. Promise by key leaders to obtain one
3. Bitter ratification narrowly successful

VII. The Constitution and Slavery
A. Slavery not directly mentioned
B. Slavery indirectly mentioned three times in relation to representation
C. Apparent hypocrisy of Declaration signers—some were slave owners themselves
D. Necessity of Compromise: otherwise no ratification
   1. Sixty percent of slaves counted for representation (Three-fifths Compromise)
   2. No slavery legislation possible before 1808
   3. Escaped slaves to be returned to masters
E. Legacy: Civil War, continuing problems

VIII. Political Ideals or Economic Interests?
A. Beard’s interpretation—1913 book
   1. Dominant economic interests produced Constitution
   2. Lesser interest: real property (land)
   3. Wealthy urban and commercial classes had advantages over farmers, debtors, and masses in ratification struggle
B. Critique of Beard
   1. Economic interests of 1787 complex and diverse
   2. Did not follow neat class lines in support of Constitution

IX. Liberty and Equality
A. Founding Fathers and the end of social inequalities
   1. Madison and Jefferson: citizens naturally differed in ability
   2. Government should not create “unnatural” inequality
B. Contemporary feeling that government must restrain economic inequalities
   1. Inequalities can be legally prohibited
   2. To some, liberty and equality are in conflict
   3. To Framers, political privilege was the worst inequality; today, differences in wealth are a focal point of discussion

X. A Recipe for Moderation
A. U.S. system of government allows for moderate change in policy
B. British system of government permits bold or dramatic action

KEY TERMS MATCH
Match the following terms and descriptions:

1. ____ An alliance among different interest groups or parties to achieve some political goal
   a. Shays, Daniel
   b. Sovereignty
   c. Majority Rule
   d. Coalition
   e. An Economic Interpretation of the Constitution
   f. Madison, James
   g. Antifederalists
   h. Articles of Confederation
5. ____ Led a group of ex-Revolutionary War soldiers and forcibly prevented the western Massachusetts court from sitting.

6. ____ A doctrine that states offices will be filled by those candidates who win the most votes and that laws will be made by whichever side in a legislature has the most votes.

7. ____ Those who opposed giving as much power to the national government as the Constitution did, favoring stronger states’ rights instead.

8. ____ A law-making body with only one chamber.

9. ____ A document that can serve as the fundamental law of a nation.

10. ____ The government charter of the states from 1781 until the Constitution of 1787.

11. ____ The first ten amendments to the U.S. Constitution.

12. ____ The power of the legislative, executive, and judicial branches of government to block some acts by the other two branches.

13. ____ The power of the courts to declare acts of the legislature and of the executive to be unconstitutional.

14. ____ A series of political tracts that explained many of the ideas of the Founders.

15. ____ A constitutional proposal that the smaller states’ representatives feared would give permanent supremacy to the larger states.

16. ____ A constitutional proposal that made membership in one house of Congress proportional to each state’s population and membership in the other equal for all states.

17. ____ A constitutional principle separating the personnel of the legislative, executive, and judicial branches of government.
18. _____ Any act of a legislature that declares a person guilty and sets the punishment without benefit of a judicial trial.

19. _____ Apportioned seats in the House of Representatives by adding the proportion of all “other persons” to the number of free persons.

20. _____ A constitutional proposal that would have given each state one vote in a new congress.

DID YOU THINK THAT . . . ?

A number of misconceptions are listed below. You should be able to refute each statement in the space provided, referring to information or argumentation contained in this chapter. Sample answers appear at the end of the Study Guide.

1. “The American Revolution was fought in order to achieve the ideals of equality and democracy.”

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

2. “The Constitutional Convention was a legal assembly sanctioned by the thirteen original states.”

______________________________________________________________________________
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3. “From the beginning, the Framers had envisioned the inclusion of a Bill of Rights to the Constitution.”

______________________________________________________________________________
______________________________________________________________________________
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4. “The Founders regarded self-interest as a good principle around which to organize politics.”

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______________________________________________________________________________
______________________________________________________________________________

5. “The writing and publishing of the Federalist Papers ensured a simple ratification process for the new constitution.”

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
6. “Over the past two-hundred years none of the Antifederalists’ fears have ever come to be realized.”

7. “The Constitution had nothing at all to say about slavery.”

TRUE/FALSE QUESTIONS
Read each statement carefully. Mark true statements T. If any part of the statement is false, mark it F, and write in the space provided a concise explanation of why the statement is false.

1. T F The Russian and Chinese Revolutions were chiefly fought for equality and not liberty.

2. T F The colonists’ explanation for the inadequacy of the British government was human nature.

3. T F In late-eighteenth century America, all people had property of some kind.

4. T F A flexible amending process was a characteristic of the Articles of Confederation.

5. T F The Articles of Confederation were so flawed that many states refused to ratify them.

6. T F All thirteen states were represented at the Constitutional Convention.

7. T F George Washington believed the country could survive only with a strong government.

8. T F Shays’s Rebellion seemed to indicate the inability of state governments alone to cope with serious popular uprisings.

9. T F The Virginia Plan appeared to favor the larger states, whereas the New Jersey Plan was more acceptable to the smaller ones.

10. T F The Great Compromise reconciled the interests of both large and small states.
11. T F Judicial review is a way to limit the power of popular majorities.

12. T F James Madison, like Aristotle, thought that government had an obligation to cultivate virtue among those who were governed.

13. T F The concept of separation of powers was based on the premise that humans were by nature fair and honest.

14. T F Federalism was conceived as a system for keeping some factions from dominating others.

15. T F Under federalism, states surrender their power to the national government.

16. T F The Antifederalists wanted most of the powers of government in the hands of a strong central government.

17. T F The Federalist Papers were written in defense of the new constitution.

18. T F The promise of an addition of a bill of rights was essential in winning ratification of the new constitution.

19. T F Slavery is not even indirectly mentioned in the Constitution.

20. T F The Bill of Rights gave women the right to vote.

MULTIPLE CHOICE QUESTIONS

Circle the letter of the response that best answers the question or completes the statement.

1. The goal of the American Revolution was:
   a. equality.
   b. fraternity.
   c. liberty.
   d. wealth.
   e. none of the above.

2. Grievances the colonists had with the British included the following:
   a. not being able to bring their cases before independent judges
   b. being subjected to the burden of British troops in their homes
   c. not being able to engage in free trade
   d. all of the above
   e. none of the above
3. In the Declaration of Independence, Thomas Jefferson changed the word property to:
   a. personal wealth.
   b. the pursuit of happiness.
   c. civil rights.
   d. economic independence.
   e. inalienable rights

4. History showed the Founders that confederacies were:
   a. too strong to rule effectively.
   b. adequate for a democracy.
   c. prone to establishing dictatorships.
   d. too weak to govern and tended to collapse from internal dissention.
   e. none of the above.

5. Shays’s Rebellion stirred fears that state governments were:
   a. becoming too powerful.
   b. about to collapse.
   c. opposed to liberty.
   d. seeking independence.
   e. unresponsive to human rights.

6. Our system of checks and balances allows the courts to check Congress by:
   a. declaring a law unconstitutional.
   b. vetoing a bill passed by Congress.
   c. refusing to approve presidential appointments.
   d. proposing constitutional amendments.
   e. imposing congressional term limits.

7. The central issue in the framing of the Constitution was the issue of how:
   a. strong to make the central government.
   b. best to divide powers among the branches of government.
   c. best to break with Great Britain.
   d. to adopt liberty but still allow slaveholding.
   e. to ensure a strong chief executive.

8. According to the Virginia Plan proposed at the Constitutional Convention, all state laws would be:
   a. immune from interference by the central government.
   b. immediately null and void, and new, national laws would be enacted.
   c. phased out over a twenty-year period.
   d. subject to revision by a national judiciary.
   e. subject to veto by a national legislature.

9. The New Jersey Plan was primarily a reaction by some states to the fear that:
   a. legislative veto power called for by the Virginia Plan would seriously undermine individual states’ rights.
   b. the weak central government devised by the Virginia Plan would grant too much power to rural states.
   c. the strong central government devised by the Virginia Plan would grant too much power to small states.
   d. the Virginia Plan gave too much power to populous states.
   e. Shays’s Rebellion demonstrated the inadequacies of too strong of a central government.
10. Originally, Senators were chosen by:
   a. lower courts.
   b. electoral votes.
   c. state legislatures.
   d. small factions.
   e. bureaucratic elites.

11. The importance of the Connecticut or Great Compromise, adopted by the Constitutional Convention on July 16, 1787, was that it:
   a. ensured slavery would be allowed to continue.
   b. established a single one-state formula under which all states would benefit.
   c. strengthened the power of larger states at the expense of smaller states.
   d. granted equal power to the three branches of the new central government.
   e. ensured support for a strong national government from small as well as large states.

12. To ratify an amendment __________________ of the state legislatures must approve it.
   a. one-half
   b. three-fifths
   c. three-fourths
   d. two-thirds
   e. none of the above

13. Congress can check the president in the following way:
   a. by passing a law over the president’s veto.
   b. by declaring a law unconstitutional.
   c. by nominating judges.
   d. by disallowing the electoral college.
   e. by exercising the concept of executive privilege.

14. James Madison believed that the proper way to keep government in check while still leaving it strong enough to perform its essential tasks was to allow:
   a. slavery to continue.
   b. judicial review.
   c. factions the ability to dominate the government.
   d. the self-interest of one person to check the self-interest of another.
   e. everyone the right to vote including women and slaves.

15. To James Madison, an important source of national unity and a guarantee of liberty in society was:
   a. self-interest.
   b. government-encouraged virtue.
   c. a political elite.
   d. a strong and free press.
   e. political party membership.

16. The Antifederalists are best described as:
   a. nationalists.
   b. monarchists.
   c. populists.
   d. states’ righters.
   e. elitists.
17. Compared to Federalists, Antifederalists tended to favor a:
   a. strong national government as a protection against political privilege.
   b. weak, decentralized government as a protection against social inequality and differences in wealth.
   c. weak, decentralized government as a protection of liberty.
   d. strong national government as a protection against political privilege.
   e. strong role for the national judiciary.
18. The power to declare an act of congress unconstitutional is known as the power of:
   a. factions.
   b. federalism.
   c. democracy.
   d. judicial review.
   e. democracy.
19. Madison’s main argument in favor of a federalist position, stated in *Federalist* Nos. 10 and 51, was in defense of:
   a. large republics.
   b. small democracies governed by direct democracy.
   c. bill of rights.
   d. large legislatures with small districts and frequent turnover.
   e. states’ rights.
20. A person cannot be imprisoned without first being brought before a judge who in turn finds sufficient cause for his/her detention. This protection is known as:
   a. a bill of attainder.
   b. an ex post facto law.
   c. habeas corpus.
   d. judicial review.
   e. double jeopardy.
21. One reason for adding a bill of rights to the Constitution included the following:
   a. the Constitution did not contain specific guarantees of liberty.
   b. it satisfied the Federalist position.
   c. it was part of the Great Compromise.
   d. it resolved the issue of National Supremacy.
   e. it settled the issue of slavery.
22. The Bill of Rights of the Constitution was intended to limit the power of:
   a. state governments over citizens.
   b. citizens to amend the Constitution.
   c. the federal government.
   d. legislatures to amend the Constitution.
   e. citizens over state governments.
23. Which of the following liberties was included in the Constitution before the Bill of Rights was added?
   a. protection from “cruel and unusual punishment.”
   b. freedom of speech
   c. the right to bear arms
   d. protection from double jeopardy
   e. habeas corpus
24. __________ introduced the Bill of Rights at the first session of the first Congress in 1791.
   b. James Madison.
   c. Thomas Jefferson.
   d. Ben Franklin.
   e. none of the above.

25. In the Constitution slavery was:
   a. directly mentioned in relation to the Electoral College.
   b. outlawed after twenty years.
   c. denounced as inhuman.
   d. expressly permitted in the South.
   e. not specifically mentioned.

26. Sentiment of the various state delegations to the Constitutional Convention toward slavery can best be described as:
   a. highly mixed, with many states strongly opposed and others strongly in favor of slavery.
   b. unified and strongly opposed to slavery.
   c. largely divided according to class, with urban and commercial delegates mostly in favor of slavery.
   d. unified and strongly in favor of slavery.
   e. unified with the exception of two southern states.

27. Slaves were indirectly mentioned in the constitution for the purpose of:
   a. democracy.
   b. equity.
   c. factions.
   d. representation.
   e. political parties.

28. _______________ was the first and most influential historian to argue that some of the Founding Fathers at the Constitutional Convention voted in ways that would protect their own economic interests.
   a. Thomas Jefferson.
   c. James Madison.
   d. Ben Franklin.
   e. Charles Beard.

29. The Framers believed that equality was:
   a. protected by limited government.
   b. inconsistent with liberty.
   c. guaranteed by political privilege.
   d. a meaningless abstraction.
   e. an impossible goal to achieve.

30. Women did not gain the right to vote until the passage of the _____ Amendment.
   a. Second
   b. First
   c. Twenty-fourth
   d. Nineteenth
   e. Fourth
ESSAY QUESTIONS
Practice writing extended answers to the following questions. These test your ability to integrate and express the ideas that you have been studying in this chapter.

1. Discuss the colonist thinking with regard to “higher law” and “natural rights” and demonstrate how this kind of thinking was bound to come into conflict with continued British rule in America.

2. Show how historical experience with problems created by the Articles of Confederation led to the creation of a stronger form of government under the Constitution.

3. Do you agree or disagree with Charles Beard’s assertion that participants of the Constitutional Convention might have been motivated out of self-interest. Why or why not?

4. What is the difference between equality and liberty? Is it possible to have one without the other? Please explain.

5. Compare and contrast the Virginia Plan and New Jersey Plan, and show how they led to the Great Compromise.

6. What did the Constitution say on the subject of slavery, and why did it fail to outlaw the practice?

APPLYING WHAT YOU'VE LEARNED

The Constitutional Division of Power
The Constitution is designed to prevent tyranny and ensure individual liberties. The division of power between the branches of government is one of the chief instruments for accomplishing these twin goals. Delineating the authority of each of the branches is therefore critical in comprehending the American form of government. The Constitution divides power within the government at the national level in two ways: (1) the separation of powers and (2) the system of checks and balances.

The Constitution is far from precise, however, in defining the authority possessed by each branch. Certain powers are clearly shared, whereas the assignment of others to the different branches is ambiguous. It would be helpful to untangle the constitutional division of powers before proceeding further in the text.

Shared Powers
Some powers defined in the Constitution cannot be implemented without cooperation between the branches. Turn to the text of the Constitution at the end of the book in responding to the following questions.

1. What is the constitutional duty of the vice president in relation to the Senate?

2. What role does the Congress play in regard to the impeachment process of a U.S. president?
3. What are the roles of the president, Senate, and House of Representatives in enacting legislation?

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

4. What is a presidential veto, and how can it be overridden?

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

5. What are the roles of the president, Senate, and House of Representatives in concluding treaties with foreign countries?

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

6. What are the respective roles of the president and Senate in placing individuals onto the National Judiciary?

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

Ambiguous Powers

The Constitution does not enumerate all powers, nor is it always specific about authority. Wrestle with the following questions. Don’t be surprised if some answers elude you.

1. On the death, resignation, or impeachment of the president, does the vice president assume all powers of the president or merely serve as acting president? Can a senile president be removed from office?

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

2. If the president’s cabinet is not specifically mentioned in the Constitution, then why is he able to form one?

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________
3. Can the courts declare acts of the government to be in violation of the Constitution and therefore void? Do all federal courts possess this power or only the Supreme Court?

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

4. Are members of Congress subject to the same impeachment process as the President?

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

5. How can a president claim executive privilege (regarding certain types of information) when there is no direct constitutional mention of such a power?

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

6. Can the president, as commander-in-chief of the armed forces, invade a country without the prior approval of Congress? Must the president await a declaration of war by Congress before resisting an armed invasion of the country? Can the president veto a declaration of war approved by Congress?

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

**Separation of Powers and Checks and Balances**

The Constitution is based on the assumption that overlapping areas of authority among the different branches protect the U.S. system of representative government. Answer the following questions to illustrate this point:

1. In what ways can Congress alter the make-up of the Supreme Court?

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

2. How can the Supreme Court’s interpretation of the Constitution be altered?

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
3. Do the courts have any authority over the behavior of the president? Does the Constitution mention any such power?

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

4. What authority does Congress have over lower (inferior) federal courts?

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

RESEARCH AND RESOURCES

Suggested Readings


Resources on the World Wide Web

To find historical and legal documents:

- Emory University Law School: [http://www.law.emory.edu/FEDERAL/usconst.html](http://www.law.emory.edu/FEDERAL/usconst.html)

To look at current cases about the Constitution:

- Yale University Law School: [http://www.yale.edu/lawweb/avalon/avalon.htm](http://www.yale.edu/lawweb/avalon/avalon.htm)
ANSWERS

Key Terms Match
1. d
2. e
3. f
4. b
5. a
6. c
7. g
8. r
9. m
10. h
11. i
12. j
13. p
14. n
15. t
16. o
17. s
18. l
19. k
20. q

Did You Think That…?
1. As it is argued throughout this chapter, the dominant ideal of the revolutionists was that of liberty. The goals of equality and democracy were much less central to this revolution than they were to the French or other revolutions.

2. Strictly speaking, the Constitutional Convention, never approved by Rhode Island, decided to exceed its legal mandate of drafting *amendments* to the Articles and cloaked all of this by proceeding in secrecy.

3. The Framers actually thought they had created a government with specific, limited powers. That turned out to be tactical mistake and at least the promise of a bill of rights was necessary to secure ratification of the new Constitution.

4. The Founders were suspicious of human self-interest and hoped to limit its potential bad effects by allowing various interests to check one another in the political sphere.

5. The original Constitution still had no bill of rights. The demand of protection for liberty from the Antifederalists still had to be met.
6. Many of their fears have in fact been realized: Congress taxes heavily and the Supreme Court overrules State Courts.

7. The Constitution acknowledged slavery by allowing the slave trade to continue for twenty years, by providing for the return of fugitive slaves to their masters, and by counting a slave as three-fifths of a person for purposes of apportionment.

**True/False Questions**

1. T  
2. T  
3. F. The Articles represented a loose alliance of the original thirteen colonies.  
4. F. The exception was black slaves.  
5. F. The Articles were ratified by all thirteen colonies.  
6. F. Rhode Island refused to send anyone.  
7. T  
8. T  
9. T  
10. T  
11. T  
12. F. Madison believed that the proper way to keep government in check was to allow the self-interest of one person to check the self-interest of another.  
13. F. It was based on individuals’ pursuit of self-interest.  
14. T  
15. F. States share power with the federal government.  
16. F. They believed that most powers should reside with state legislatures and state courts.  
17. T  
18. T  
19. F. “All other persons” is an indirect reference in the Constitution to slaves.  
20. F. The Bill of Rights did not give women the right to vote.

**Multiple Choice Questions**

1. c  
2. d  
3. b  
4. d  
5. b  
6. a  
7. a
Applying What You’ve Learned

Shared Powers
1. It is the vice president’s constitutional task to preside over the Senate and to vote in case of a tie.
2. Articles of impeachment are voted on in the House of Representatives (majority vote). To be removed from office, a president must be convicted by a two-thirds vote in the Senate.
3. The president can propose legislation and either signs or vetoes bills that pass both houses. All legislative power is vested in the House and in the Senate; all bills raising revenue must originate in the House, but the Senate can concur and amend.
4. Veto: president refuses to sign legislation into law that has passed both houses; can be overridden by a two-thirds vote of both houses.
5. The president negotiates treaties, the Senate gives advice and consent to treaties, and the House has no role in making treaties.
6. The president will make a nomination to the court, and it is the role of the Senate to either confirm or deny the nomination.

**Ambiguous Powers**

1. The Constitution is silent on whether the vice president assumes the powers of the president; the first vice president succeeding to the presidency (John Tyler) exercised full powers of office. The president cannot be removed from office for senility because the Constitution permits impeachment only for treason, bribery, and high crimes or misdemeanors. The Twenty-fifth Amendment does allow a transfer of power to the vice president if the president is determined to be incapacitated.

2. It has long been assumed that a president will need to confer with the heads of the executive departments. The cabinet serves the president in this capacity.

3. The power of judicial review is not mentioned in the Constitution (it was acquired by Supreme Court interpretation in *Marbury v. Madison*); all courts, even state ones, have this power.

4. Article I, Section 5 of the Constitution allows Congress to “punish its members for disorderly behavior.” Congress tends to use two methods of discipline: censure and expulsion. The process is therefore not the same as followed for impeaching a president.

5. Presidents have often been successful in their claim of executive privilege by basing such a claim on the following two concepts: separation of powers principle and the principle of governing. The courts have tended to respect a president’s claim despite no direct constitutional mention of executive privilege.

6. There is no clear answer, but only Congress can declare war. In the *Prize* cases, the Supreme Court allowed the president to repel an attack on the United States without prior approval. The president can veto a declaration of war.

**Separation of Powers and Checks and Balances**

1. Technically Congress can alter the number of justices on the court, impeach judges it does not like, and alter the composition of the Supreme Court by the kinds of appointments it is willing to confirm (Senate).

2. Only a constitutional amendment can alter the Supreme Court’s interpretation of the Constitution.

3. Courts can use the power of judicial review over the acts of presidents, but the power is not in the Constitution.

4. Congress can create lower federal courts and establish their jurisdictions.
CHAPTER 3
Civil Liberties

CHAPTER FOCUS
This chapter surveys a number of pressure points that have developed in the American political system regarding the liberties of individuals and the government’s involvement in protecting or restricting those liberties.

1. Discuss how the government protects and restricts personal liberties.
2. Explain how the structure of the federal system affects the application of the Bill of Rights. How has the Supreme Court used the Fourteenth Amendment to expand coverage in the federal system? Describe the incorporation doctrine and indicate how the Court has applied it. Also, discuss the importance of the due process clause.
3. Explain the reason behind the Supreme Court’s protective attitude toward freedom of expression. Identify and define several exceptions to free expression and several court-devised doctrines that protect free expression.
4. Compare the free exercise and establishment clauses in terms of religious freedom.
5. Discuss the significance of \textit{Miranda v. Arizona} and how that case illustrates the due process principle.

STUDY OUTLINE
I. Civil Liberties (see the “Liberties in the Constitution” box)
   A. Definition of civil liberties
      1. Freedom of expression
      2. Freedom from arbitrary arrest
   B. Bill of Rights and incorporation
      1. Originally planned to protect citizens only from federal government
      2. Fourteenth Amendment applied through due process and equal protection
      3. Incorporation applied Bill of Rights to states through Fourteenth Amendment
   C. Numbers of lawsuits indicate continuing commitment to, and preoccupation with, rights
   D. Few rights are absolute, most are in conflict
II. Freedom of Expression
   A. Courts have continued to broaden the area of free expression
   B. Burden of proof placed on government (six doctrines)
   C. Exceptions to protection of First Amendment
      1. Libel, except of public citizens
      2. Illegal actions with political or social messages
      4. Obscenity
   D. Definition of “people” for First Amendment purposes
   E. Campaign finance reform law
III. Church and State
   A. “Free exercise” clause
1. Relatively clear meaning: no state interference
   a) Law may not impose special burdens on religion
   b) But no religious exemptions from laws binding all
   c) Some cases difficult to settle
      (1) Conscientious objection to war, military service; what is “religion”?
      (2) Refusal to work Saturdays; unemployment compensation
      (3) Refusal to send children to school beyond eighth grade: when is religion exempt?

B. The establishment clause (see the “Landmark Cases: Religious Freedoms” box)
   1. Jefferson’s view: “wall of separation”
   2. Congress at the time: simply “no national religion”
   3. Ambiguous phrasing of establishment clause
   4. Supreme Court interpretation: “wall of separation”
      a) 1947 New Jersey case: busing is religiously neutral
      b) Later struck down school prayer, “creationism,” in-school “released time”
      c) But allowed some kinds of aid to parochial schools
      d) School vouchers
      e) Three-part test for constitutional aid
         (1) Secular purpose
         (2) Neither advances nor inhibits religion in impact
         (3) No excessive government entanglement with religion
      f) Recent departures: Nativity scenes
      g) Ten Commandments

IV. Crime and Due Process
A. The exclusionary rule
   1. Most nations punish police misconduct apart from the criminal trial
   2. United States punishes it by excluding improperly obtained evidence
   3. Supreme Court rulings: based on Fourth and Fifth Amendments
      a) 1949: declined to use exclusionary rule against states
      b) 1961: changed, adopted it in Mapp case
   4. Reasons for exclusionary rule
      a) Deter police from using illegal means
      b) Not convicted on tainted evidence

B. Search and seizure
   1. When can “reasonable” searches of individuals be made?
      a) With a properly obtained search warrant with probable cause
      b) Incident to an arrest
   2. What can police search incident to an arrest?
      a) The individual being arrested
      b) Things in plain view
      c) Things under the immediate control of the individual
   3. Purpose of law: protect places where there is “reasonable expectation of privacy”
      a) One’s body
      b) One’s house but not one’s motor home
      c) Private employer has more freedom to search than government

C. Confessions and self-incrimination
   1. Constitutional ban originally against torture and involuntary confessions
   2. Extension of rights in 1960s
      a) Escobedo
      b) Miranda case: “Miranda rules” (see the “Miranda Rules” box)

D. Relaxing the exclusionary rule
1. Positions taken on the rule
   a) Any evidence should be admissible; police misconduct open to suit
   b) Rule too technical to work
   c) Rule a vital safeguard
2. Court adopts second position through good faith and public safety exceptions

E. Terrorism and Civil Liberties
1. Increased federal powers to investigate terrorists enacted by Congress in 2001
2. Military tribunals can be used to try non-citizens suspected of terrorism
3. Criticized by civil liberties organizations
4. Use of military tribunals historically upheld by Supreme Court

KEY TERMS MATCH
Match the following terms and descriptions.

Set 1

1. _____ The First Amendment clause guaranteeing religious freedom.
   a. ex post facto laws
2. _____ The First Amendment clause prohibiting an official religion.
   b. civil liberties
3. _____ The prohibition against the use of illegally obtained evidence in court.
   c. Third Amendment
4. _____ A Supreme Court ruling that further asserted that certain rights apply to the states.
   d. Palko v. Connecticut
5. _____ Specifically banned in the Constitution under Article I.
   e. establishment
6. _____ A constitutional amendment guaranteeing the right not to have soldiers forcibly quartered in your home.
   f. exclusionary rule
7. _____ A doctrine that expanded the scope of permissible expression by holding that restriction on the right of expression must utilize the least restrictive means to achieve its ends.
   g. due process of law
8. _____ A type of right protected by the Constitution that includes freedom of expression and freedom from arbitrary arrest and prosecution.
   h. free exercise
9. _____ Portion of the Fourteenth Amendment stating that no state shall "deprive any person of life, liberty, or property."
   i. good-faith exception
   j. least means
10. _____ A modification of the exclusionary rule allowing evidence in a trial even though it was obtained without following proper legal procedures if the police believed a defective warrant was valid when executed.

Set 2
1. _____ Harming another by publishing defamatory statements.
   a. libel
   b. *Miranda v. Arizona*
   c. wall of separation
   d. no prior constraint
   
2. _____ A 1961 Supreme Court case used by the court to enhance the exclusionary rule in order to enforce a variety of constitutional guarantees.
   e. obscenity
   f. *Mapp v. Ohio*
   g. Fifth Amendment
   h. probable cause
   i. search warrant
   j. USA PATRIOT Act
   k. symbolic speech

3. _____ A form of expression not protected by the Constitution that is defined as any work, taken as a whole, that appeals to the prurient interest of the average person of the community, that depicts sexual conduct in a patently offensive way, and that lacks literary, artistic, political, or scientific value.

4. _____ A written authorization to police officers to conduct a search.

5. _____ A Supreme Court case that led to rules that police officers must follow in warning arrested persons of their rights.

6. _____ Increases federal powers to investigate terrorists.

7. _____ A phrase used to describe keeping church and state apart.

8. _____ Term used to describe when the police have a good reason to believe that a crime has been committed and the evidence bearing on that crime will be found at a certain location.

9. _____ The right not to be compelled to give evidence against oneself.
10. _____ A form of expression not protected by the Constitution that allows the punishment of an illegal action so long as government’s aim is not to suppress speech, but only to punish the act itself.

11. _____ A court-devised doctrine that expanded the scope of permissible expression by holding that courts will rarely allow the government to censor in advance any speaking or writing.

**DID YOU THINK THAT . . . ?**
A number of misconceptions are listed below. You should be able to refute each statement in the space provided, referring to information or argumentation contained in this chapter. Sample answers appear at the end of this chapter.

1. “The first amendment guarantees the right of all Americans to say whatever they want at any time or any place.”

   ______________________________________________________
   ______________________________________________________
   ______________________________________________________

2. “The Bill of Rights applies uniformly to both federal and state governments.”

   ______________________________________________________
   ______________________________________________________
   ______________________________________________________

3. “Flag burning and draft card burning are afforded the same free speech protection under the law.”

   ______________________________________________________
   ______________________________________________________
   ______________________________________________________

4. “The language of the First Amendment clearly requires the separation of church and state.”

   ______________________________________________________
   ______________________________________________________
   ______________________________________________________
5. “A non-citizen suspected terrorist or anyone who harbors a terrorist can only be tried in a civilian court.”

6. “Since our country’s inception, the exclusionary rule has been applied by all levels of government.”

TRUE/FALSE QUESTIONS
Read each statement carefully. Mark true statements T. If any part of the statement is false, mark it F, and write in the space provided a concise explanation of why the statement is false.

1. T F Civil liberties are limitations placed by the Constitution on what powers the government can exercise over people.

2. T F The Constitution guarantees the rights of individuals against infringement by other individuals.

3. T F The First Congress proposed twelve amendments that became known as our Bill of Rights.

4. T F The Fourteenth Amendment incorporated the specific guarantees of the Bill of Rights, so that most of its provisions applied to state government.

5. T F The doctrine of incorporation was necessary in order to enhance the powers of state governments.

6. T F Due process and equal protection are concepts not actually found in the Constitution.

7. T F In the United States, the burden is on individuals to prove that government is restricting free expression.

8. T F The courts will not allow the government to restrain or censor in advance any speaking or writing, regardless of how potentially libelous it may be.
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23. T F Ernesto Miranda’s confession was ruled involuntary because he did not have a lawyer present when he was questioned and had not waived his right to a lawyer.

24. T F The government may tap, with a court order, Internet communications.

25. T F Your house is an example of an area where you have an expectation of privacy.

MULTIPLE CHOICE QUESTIONS

Circle the letter of the response that best answers the question or completes the statement.

1. A basic difference between the Bill of Rights and the Constitution proper is that the former:
   a. covers what government cannot do.
   b. authorizes government to censor newspapers.
   c. protects free speech.
   d. applies principally to states.
   e. specifically addresses slavery.

2. The due process clause of Section I of the Fourteenth Amendment states that:
   a. no state shall “deny to any person within its jurisdiction the equal protection of the laws, without due process.”
   b. Congress shall make no law prohibiting the “free exercise” of religion, without the due process of law.
   c. Congress shall make no law “respecting an establishment of religion, without the due process of law.”
   d. no state shall “deprive any person of life, liberty, or property, without the due process of law.”
   e. no company can discriminate against an applicant based on race.

3. The possibility that the Bill of Rights might restrict some state actions came about with the adoption of:
   a. the Sedition Laws.
   b. the Fourteenth Amendment.
   c. the state-limiting clause.
   d. non-fundamental categories in the Supreme Court.
   e. the federal income tax.

4. America, as a nation, is preoccupied with the rights of its citizens, in part because of the specific protection afforded by the Constitution. Another reason for this preoccupation is that:
   a. many of its immigrants had suffered persecution abroad.
   b. the Bill of Rights was not intended to protect individuals.
   c. in America, it is relatively difficult to redress violations of rights through the judicial system.
   d. the power of state governments is so limited.
   e. in America, we have a strong fear of a monarchy.

5. The ban on double jeopardy can be found in which constitutional amendment?
   a. the Fifteenth
   b. the Fourth
   c. the Fourteenth
   d. the First
   e. the Fifth
6. The right of free expression, though not absolute, enjoys a higher status than the other rights granted by the Constitution. This is known as the doctrine of:
   a. prior restraint.
   b. preferred position.
   c. neutrality and clarity.
   d. least means.
   e. higher power.

7. The doctrine that protects an individual’s right to utter almost any inflammatory statement, except one that will actually lead to an illegal act, is known as:
   a. no prior restraint.
   b. neutrality.
   c. imminent danger.
   d. least means.
   e. preferred status.

8. In general, you may make false and defamatory statement about public officials so long as you lack:
   a. actual malice.
   b. presumed competence.
   c. provocative motivation.
   d. venal motivation.
   e. actual proof.

9. Harming another person by writing or publishing statements that defame his or her character is known as:
   a. libel.
   b. slander.
   c. clarity.
   d. neutrality.
   e. least means.

10. In 1997 the Supreme Court expanded its protection of free speech to the Internet by ruling that the ______ of 1996 was unconstitutional.
    a. hard-core pornography act
    b. sexual conduct act
    c. privacy act
    d. communications decency act
    e. lobbying act

11. Burning the American flag was recently considered by the Supreme Court to be a protected form of:
    a. symbolic speech.
    b. judicial activism.
    c. libel.
    d. slander.
    e. imminent danger.

12. The two clauses of the First Amendment that deal with religion are concerned, respectively, with:
    a. free exercise and establishment.
    b. prohibition and free exercise.
    c. separation and prohibition.
    d. prohibition and free exercise.
    e. equality and separation.
13. The First Amendment states that Congress shall make no law prohibiting the “free exercise” of religion. It may, however:
   a. make laws that impose a special burden on religion.
   b. bind members of all religions to the same laws.
   c. insist that church and state remain separate.
   d. make laws respecting the establishment of a religion.
   e. allow regions of America to interpret the “free exercise” clause as they see fit.

14. Draft laws have always exempted _____ from military duty.
   a. moral persons
   b. politicians’ sons
   c. minorities
   d. political party members
   e. conscientious objectors

15. Current Supreme Court rulings would permit all of the following forms of state aid to church-related schools except:
   a. salary supplements to teachers of non-religious subjects.
   b. construction of college buildings.
   c. textbook loans.
   d. tax-exempt status for the schools.
   e. allowing parents to deduct tuition on their state income tax returns.

16. The Supreme Court has always held that _____ materials have no redeeming social value and can be regulated by the state.
   a. educational
   b. extremist
   c. politically motivated
   d. election year
   e. obscene

17. The United States deals with the problem of illegally obtained evidence by:
   a. dismissing cases that offer such evidence.
   b. allowing only conclusions drawn from it to be presented in court.
   c. dismissing the officers involved in obtaining it.
   d. punishing police misconduct apart from the criminal trial.
   e. suing the state in which the incident occurred.

18. The argument that tainted evidence cannot be used in court if citizens’ rights are to be maintained leads to what is called:
   a. double jeopardy.
   b. plea bargaining.
   c. disciplining of police officers.
   d. the Miranda warning.
   e. the exclusionary rule.

19. The arrest of Dollree Mapp for possessing obscene pictures was voided by the Supreme Court because:
   a. the pictures were not obscene by community standards.
   b. the police were actually looking for drugs.
   c. Mapp was not notified of her rights.
   d. the police had not obtained a search warrant.
   e. the pictures were not in “plain view.”
20. Police may legally search persons for evidence either when they have a search warrant or when:
   a. they have probable cause.
   b. they are in hot pursuit.
   c. someone has complained.
   d. they legally arrest those persons.
   e. the police already know the individual.

21. The landmark Supreme Court case that held that involuntary confessions could not be used in state trials is known as:
   c. Brown v. Board of Education.
   e. Gutter v. Bollinger.

22. The Supreme Court has ruled that some drug testing is permissible, even in the absence of suspicion or a search warrant. An example is the testing of:
   a. any federal employee.
   b. railroad employees involved in accidents.
   c. cabinet officers and other government officials.
   d. airline pilots.
   e. politicians.

23. An example of a good-faith exception to the exclusionary rule would be if police conduct a search:
   a. incidental to an arrest.
   b. with a properly obtained search warrant.
   c. without a warrant but with concern for public safety.
   d. of an automobile believed to be carrying drugs.
   e. of things under your immediate control.

24. After the attacks of September 11, 2001, Congress passed and the president signed the _________ to increase federal power to investigate terrorists.
   a. NAFTA agreement
   b. U.S.A. Patriot law
   c. CAFTA agreement
   d. Brady Bill
   e. Budget Act of 2002

25. The largest legal issue created by the country’s war on terrorism is whether _________ can be detained by our government without access to a court.
   a. deserters
   b. conscientious objectors
   c. enemy combatants
   d. illegal immigrants
   e. none of the above

ESSAY QUESTIONS
Practice writing extended answers to the following questions. These test your ability to integrate and express the ideas that you have been studying in this chapter.

1. What is the doctrine of incorporation? Summarize the history of the incorporation process. Do you believe that the process is complete today, or can you imagine its going further in the future?
2. What competing claims has the Supreme Court typically weighed in dealing with obscenity cases? Why do you believe that it has had such difficulty in arriving at lasting standards?

3. What are the ambiguities in the establishment clause on religion, and what problems have these created for the courts over the years?

4. In your opinion, should the U.S. Constitution (specifically the Bill of Rights) apply to individuals that are not U.S. citizens? Why or why not?

APPLYING WHAT YOU’VE LEARNED

The text discusses numerous civil liberties issues and explains how each is protected through the Supreme Court’s interpretations of the Bill of Rights. To determine your comprehension of the material, consider the facts of cases presented in the courts and derive the appropriate conclusion on the following issues:

1. Speech and national security: During a demonstration against the war in Vietnam involving rioting, police order student protesters to leave. A student replies that they will return later to take the street. The student is arrested for advocating an illegal act.

   Result and explanation: __________________________________________________________
   ___________________________________________________________________________
   ___________________________________________________________________________

2. Libel: Hustler magazine published a parody of an advertisement depicting the Reverend Jerry Falwell. The ad, which indicated in small letters that it was not to be taken seriously, presented a phony interview with Falwell in which he discussed his first sexual encounter—with his mother. Because the ad was untrue, Falwell sued for libel.

   Result and explanation: __________________________________________________________
   ___________________________________________________________________________
   ___________________________________________________________________________

3. Confession and self-incrimination: A man suspected of participating in a crime was called on the phone and requested to appear at the police station voluntarily to answer questions. On his arrival, the man was not informed of his Miranda rights and made incriminating statements. He claimed the statements could not be used against him in court because the police had failed to read him his rights.

   Result and explanation: __________________________________________________________
   ___________________________________________________________________________
   ___________________________________________________________________________
RESEARCH AND RESOURCES

Suggested Readings


Resources on the World Wide Web

Court cases: [http://www.law.cornell.edu/](http://www.law.cornell.edu/)

[http://www.aclu.org/](http://www.aclu.org/)

[http://jurist.law.pitt.edu/terrorism/terrorism3b.htm](http://jurist.law.pitt.edu/terrorism/terrorism3b.htm)
ANSWERS

Key Terms Match

Set 1
1. h
2. e
3. f
4. d
5. a
6. c
7. j
8. b
9. g
10. i

Set 2
1. a
2. f
3. e
4. i
5. b
6. j
7. c
8. h
9. g
10. k
11. d

Did You Think That…?
1. No right is absolute. Examples include abusing the 911 System and yelling “fire” in a theatre when there is no fire.

2. The Bill of Rights originally applied only to national officials. Then several rights were “incorporated” by the Court into the Fourteenth Amendment due process clause to protect citizens against certain acts of state officials. Activist courts have expanded the list of actions prohibited under the due process clause, whereas judges practicing judicial conservatism have consolidated or cut back on protections. Individuals are protected not only by the Bill of Rights but also by state constitutions, which contain their own bills of rights.
3. It is illegal to burn a draft card; it is not illegal to burn the American flag. The key distinction is that the government has a right to run a military draft and so can protect draft cards. But the only motive the government has in banning flag burning is to restrict this form of symbolic speech, and that makes it improper.

4. What the First Amendment says is that Congress shall pass no law prohibiting the “free exercise” of religion, nor shall it make any law “respecting the establishment of religion.” The Supreme Court allows government involvement in religious activities so long as this involvement has a secular purpose, neither advances nor inhibits religion, and does not foster an excessive entanglement with religion.

5. In the aftermath of the terrorist attacks on September 11, 2001, President Bush, by executive order, proclaimed that such persons will be tried by a military rather than a civilian court. In the past the Supreme Court has upheld this practice.

6. It wasn’t until 1949 that the Supreme Court began to consider applying the exclusionary rule to the states.

True/False Questions

1. T
2. F. There are no constitutional protections against actions by private individuals, only those of the federal government.
3. F. Only ten of the twelve amendments were ratified.
4. T
5. F. The doctrine of incorporation actually limited the powers of state governments by applying the Bill of Rights to them as well as the federal government.
6. F. These two clauses are specifically found in the Fourteenth Amendment.
7. F. The burden is on the government to prove that its restriction of free expression can be justified.
8. T
9. F. Libel—defaming another’s character in speech or writing—is not protected by the Constitution, although public officials must prove “actual malice” before statements are considered libelous.
10. F. The Court believed that this would be a dangerous precedent to set.
11. F. Only if the incitement to action is immediate and direct.
12. T
13. F. The Court ruled that “indecent” is too vague a term to be a standard.
14. T
15. F. The Court has interpreted the wording of the First Amendment to mean that just such a wall should exist.
16. F. The Court ruled that busing is a religiously neutral activity, such as fire and police protection.
17. F. The Court has stated that the Constitution does not prevent states from doing this.
18. T
20. F. It applies to all levels of law enforcement.
21. F. Your stomach is private and therefore immune from search without a warrant.
22. T
23. T
24. T
25. T

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

**Applying What You’ve Learned**
1. Under the principles of the *Brandenburg* decision, the statement is constitutional. The potentially lawless action advocated in the statement is not “imminent,” because it can occur at an indefinite future time.
2.  Falwell lost the libel suit. He could not prove damage to his reputation because the statement was not believable.

3.  The statements were not barred from court. The man was not deprived of his freedom to leave the police station when questioned by the police. *Miranda* warnings apply only when a person is detained before being questioned by the police.
CHAPTER 4

Civil Rights

CHAPTER FOCUS
This chapter examines the progression of the civil rights movement in America. It includes a focus on the status of civil rights for blacks and women. The chapter also focuses on related issues such as gay rights and abortion. After reading and reviewing the material in this chapter, you should be able to do each of the following:

1. Discuss the concept of the right to privacy.
2. Summarize the historic importance of the Brown decision in 1954 as well as the 1964 Civil Rights Act.
3. Describe some of the similarities and/or differences between the black movement and the women’s movement. Also, be able to discuss the related issues involving the draft, abortion, and gay rights.

STUDY OUTLINE

I. Race and “strict scrutiny”
A. Brown decision outlawed school segregation
   1. Race became a “suspect classification” with respect to government action
   2. 1964 Civil Rights Act outlawed private discrimination
   3. Supreme Court has not held the Constitution to be color-blind
B. Equality of opportunity vs. equality of result
   1. College admissions and race
      b) Regents of the University of California v. Bakke (1978)
   2. Public law schools
      a) Achieving diversity

II. Sex and “reasonable classifications”
A. Sex not a “suspect classification”
   1. Gender-based differences prohibited such as different drinking ages, Jaycees exclusion, mandatory pregnancy leaves, etc.
   2. Gender-based differences allowed, such as all-boy/girl schools, widows’ property tax exemption, etc.
   3. The draft
      b) Congress may draft men only

III. Abortion (see the “Landmark Cases: Privacy and Abortion” box)
A. States and police powers
B. “Zone of privacy”
C. Roe v. Wade gave rise to two intense groups: opponents and defenders of abortion (forbid abortion vs. allowing federal funding)
D. Neither movement has succeeded, but *Roe* limited in *Casey*

IV. Gay Rights
C. Issue of gay marriage

**KEY TERMS MATCH**

Match the following terms and descriptions.

**Set 1**

1. _____ A doctrine of equal pay for substantially equal work.
   - a. separate- but equal doctrine

2. _____ A type of right protected by the Constitution involving the rights of citizenship, such as the right to vote and to be free from unjust discrimination.
   - b. suspect classifications

3. _____ A Supreme Court decision declaring segregated schools inherently unequal.
   - c. equality of opportunities

4. _____ This is the process of giving preference to racial minorities in the areas of employment and schooling to compensate for past discrimination.
   - d. police powers

5. _____ This is the negative effect that allegedly occurs when racial minorities are given preferences for jobs, contracts, and university admission, etc.
   - e. *Brown v. Board of Education*

6. _____ Belief until 1954 that as long as schools that blacks and whites attended were equal in quality, then racially segregated schools was not unconstitutional.
   - f. civil rights

7. _____ Classification of people on the basis of their race and ethnicity are subject to this category.
   - g. comparable worth

8. _____ Argument that the constitution should be color-blind when it comes to opportunities in America.
   - h. reasonable classification

9. _____ The court standard that any law that classifies people on the basis of sex cannot by arbitrary.
   - i. affirmative action

   - j. reverse discrimination
10. ____ The authority of a government to safeguard and promote public order, safety, and morals.

DID YOU THINK THAT . . . ?

A number of misconceptions are listed below. You should be able to refute each statement in the space provided, referring to information or argumentation contained in this chapter. Sample answers appear at the end of this chapter.

1. “It is okay to try to cure discrimination with discrimination.”

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

2. “Both sex and race fall into what is termed a ‘suspect classification’.”

______________________________________________________________________________

3. “The right to privacy is directly mentioned in the Constitution.”

______________________________________________________________________________
______________________________________________________________________________

4. “Brown v. Board of Education rested on data that indicated that blacks who were segregated felt inferior, and therefore, their education suffered.”

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

TRUE/FALSE QUESTIONS

Read each statement carefully. Mark true statements T. If any part of the statement is false, mark it F, and write in the space provided a concise explanation of why the statement is false.

1. T F Civil rights apply to individuals, not to corporations.

______________________________________________________________________________

2. T F Treating groups of citizens differently is always unconstitutional.

______________________________________________________________________________

3. T F Since the Brown decision, the Supreme Court has interpreted the Fourteenth Amendment to mean that the Constitution is color-blind.

______________________________________________________________________________

4. T F Your house is an example of an area where you have an expectation of privacy.

______________________________________________________________________________
5. T F Beginning with the *Brown* case, virtually every form of racial segregation imposed by law has been struck down.

6. T F A university medical school cannot use explicit racial quotas in admitting students.

7. T F Women can be barred from certain jobs because of arbitrary height and weight requirements.

8. T F Congress, under a Supreme Court ruling, may legally draft men without also drafting women.

9. T F All-male, state-supported military schools must admit females.

10. T F Congressional legislation has clearly defined what sexual harassment means.

11. T F *Roe v. Wade* made all abortions legal.

12. T F The *Casey* decision overturned *Roe v. Wade*.

13. T F Privacy is specifically mentioned three times in the Constitution.

14. T F In 2003 the Court struck down Texas sodomy laws.

**MULTIPLE CHOICE QUESTIONS**

Circle the letter of the response that best answers the question or completes the statement.

1. Citizenship rights, including the right to vote and to be free from unjust discrimination, are usually called:
   a. civil liberties.
   b. amendments.
   c. bills of attainder.
   d. federal questions cases.
   e. civil rights.

2. The _____ held that as long as the schools that blacks and whites attended were substantially equal in quality, then segregated schools were not unconstitutional.
   a. double-jeopardy doctrine
   b. suspect classification doctrine
   c. strict scrutiny doctrine
   d. reverse discrimination doctrine
   e. separate-but-equal doctrine
3. An example of a difference in treatment toward certain groups that qualifies as reasonable is:
   a. classifying people according to race.
   b. taxing different classes at different rates.
   c. classifying people according to ethnic group.
   d. testing for AIDS according to class.
   e. utilizing a poll tax based on race.

4. The importance of the *Brown v. Board of Education* civil rights case was that the Supreme Court:
   a. declared unconstitutional laws that created schools that were separate but obviously unequal.
   b. declared unconstitutional laws that supported schools that were separate but unequal in subtle ways.
   c. ruled that racially separate schools were inherently unequal and therefore unconstitutional.
   d. ruled that schools that discriminated on the basis of race could be denied access to federal funds.
   e. ruled that states have no authority when it comes to education.

5. Which of the following statements about the equal protection clause of the Fourteenth Amendment is true?
   a. Its primary purpose was to bar segregated schools.
   b. It only limits the action of state governments.
   c. It made illegal discrimination on the grounds of race, color, or national origin.
   d. It made illegal discrimination on the grounds of religion.
   e. It only applies to the southern states.

6. In the *Adarand* case, the Court concluded that any racial classification must serve a:
   a. compelling government interest.
   b. the best needs of society.
   c. contemporary need for justice.
   d. need for reverse discrimination.
   e. need to be separate-but-equal.

7. A supporter of equality of results as a way of redressing past civil rights inequities would be most likely to advocate:
   a. freedom-of-choice school districts.
   b. eliminating job barriers.
   c. busing for racial integration of schools.
   d. color-blind administration of the laws.
   e. regional interpretations of equality.

8. The *Bakke* decision held that medical schools, in making admissions decisions:
   a. may not take into account an applicant's race.
   b. may use whatever criteria they see fit.
   c. may use race but not explicit quotas.
   d. may not admit a percentage of whites greater than the percentage of total white applicants.
   e. may use discrimination to cure discrimination.

9. Among the general standards for quota and preference systems that seem to be emerging from recent Supreme Court rulings is that:
   a. explicit numerical quotas are permissible in most cases.
   b. preferential treatment is more likely to be looked on favorably than compensatory action.
   c. involuntary preference systems will be easier to justify.
   d. such systems must correct an actual pattern of discrimination.
   e. monetary compensation is an equivalent alternative.
10. Congress responded to the feminist movement by passing laws that:
   a. required equal pay for equal work.
   b. gave women equal access to entry to all private organizations.
   c. prohibited discrimination on the basis of sex in employment and among students in any school or university.
   d. required equal pay for comparable work.
   e. implemented a “sliding scale” compensation package for working women.

11. All-boy and all-girl public schools are permitted if enrollment is _____ and quality is _____.
   a. mandatory, nearly equivalent.
   b. low, high.
   c. involuntary, equal.
   d. voluntary, low.
   e. voluntary, equal.

12. An example of a court decision allowing differences based on sex is one that ruled that:
   a. the navy may allow women to remain officers longer than men without being promoted.
   b. both men and women may be punished for statutory rape.
   c. business and service clubs can exclude women for membership.
   d. girls can be barred from Little League baseball teams.
   e. men can have a different minimum drinking age.

13. In the case of *Rostker v. Goldberg*, the Supreme Court held that:
   a. the drafting of men only was a denial of equal treatment.
   b. the drafting of women only was a denial of equal treatment.
   c. Congress may choose to draft men, but not women.
   d. women in the military must be treated the same as men.
   e. women can only serve in segregated units.

14. Which of the following statements about a woman’s right to abortion is correct?
   a. It was to be guaranteed under the Equal Rights Amendment.
   b. Until 1973, it was decided by states.
   c. It is protected under the right to privacy statute of the Fourteenth Amendment.
   d. Until *Roe v. Wade*, it was regulated by federal law.
   e. States don’t have to abide by the *Roe v. Wade* decision.

15. The Supreme Court’s ruling in *Row v. Wade* had the specific effect of:
   a. striking down a Texas ban on abortion.
   b. ruling the Hyde Amendment unconstitutional.
   c. denying the use of Medicaid funds for abortions.
   d. outlawing all state bans on abortion.
   e. enhancing states’ rights.

16. In *Bowers v. Hardwick*, the Court held that privacy was designed to protect:
   a. family, marriage, procreation, and bore no connection to homosexual activity.
   b. family and marriage only.
   c. only those with deep religious beliefs.
   d. homosexual activity only.
   e. anti-sodomy laws.
17. Critics of overturning the *Bowers* case worry that the court will soon expand the definition of privacy to include:
   a. homosexual teachings in private schools.
   b. protecting homosexuals in America’s pulpits.
   c. same-sex marriages.
   d. covering up sex abuse scandals in America’s churches.
   e. not acknowledging HIV positive students in America’s public schools.

**ESSAY QUESTIONS**

Practice writing extended answers to the following questions. These test your ability to integrate and express the ideas that you have been studying in this chapter.

1. Explain the effect of *Brown* in the line of Supreme Court decisions on civil rights and the kinds of political change *Brown* in turn produced.
2. What forms the basis for reverse discrimination? Do you believe that the government sometimes tries to cure discrimination with discrimination?
3. Does the right to privacy include homosexual conduct? Do you agree with the Court in striking down sodomy laws in Texas? Why or why not?
4. When it comes to equal rights should women be subject to the draft? Why or Why not?

**APPLYING WHAT YOU’VE LEARNED**

The text discusses numerous civil rights issues and explains how each is protected through the Supreme Court’s interpretations of the Bill of Rights. To determine your comprehension of the material, consider the facts of cases presented in the courts and derive the appropriate conclusion on the following issues:

1. Bob Jones University is a private (non-profit) university that believes in strictly interpreting the Bible. It will expel (or deny admission to) a student who engages in interracial dating. The Internal Revenue Service can deny tax-exempt status to private schools that practice racial discrimination. The university sued in Federal District Court arguing that this IRA policy violates the school’s free exercise of religion.

   Result and explanation: ____________________________________________________________
   ____________________________________________________________________________
   ____________________________________________________________________________

2. The University of California created a special admissions program for minorities at a state medical school. Allan Bakke applied to the University of California Davis Medical School for two consecutive years and was rejected. In both years, black applicants with significantly lower grade point averages and medical aptitude test scores were accepted. Bakke sued claiming reverse discrimination.

   Result and explanation: ____________________________________________________________
   ____________________________________________________________________________
   ____________________________________________________________________________
RESEARCH AND RESOURCES

Suggested Readings


Kull, Andrew. *The Color-Blind Constitution*. Cambridge, Mass.: Harvard University Press, 1992. Argues that the Supreme Court was wrong when it failed to declare that the Constitution was color-blind.

Resources on the World Wide Web

Civil Rights Division of Department of Justice: [http://www.usdoj.gov/](http://www.usdoj.gov/)

Court cases: [http://www.law.cornell.edu/](http://www.law.cornell.edu/)

ANSWERS

Key Terms Match

Set 1
1. g
2. f
3. e
4. i
5. j
6. a
7. b
8. c
9. h
10. d

Did You Think That…?
1. No. Reverse discrimination is a prime example.
2. No. While race is a “suspect” classification, sex is not. Racial distinctions are subject to strict scrutiny.
3. No. Privacy is nowhere mentioned in the constitution but it is believed to be strongly inferred.
4. Although such a finding was used by the Court, the case also rested on the constitutional argument that to segregate people on the basis of race was inherently unequal and violated the Fourteenth Amendment. Even if blacks had felt superior in racially segregated situations, such state-sponsored segregation would have been unconstitutional.

True/False Questions
1. F. Corporations enjoy a large number of civil rights.
2. F. It is unconstitutional only if it is unreasonable.
3. F. It has insisted in some cases that race be taken into account.
4. T
5. T
6. T
7. F. They can’t be.
8. T
9. T
10. F. Since there is almost no law governing what sexual harassment means, it must be inferred from regulatory decisions and court rulings.
11. F. *Roe v. Wade* made abortion legal only during the first trimester.

12. F. It upheld *Roe v. Wade* but also upheld a variety of restrictions imposed by the state of Pennsylvania on women seeking abortions.

13. F. Privacy is nowhere mentioned in the Constitution.

14. T

**Multiple Choice Questions**

1. e

2. e

3. b

4. c

5. b

6. a

7. c

8. c

9. d

10. a

11. e

12. a

13. c

14. b

15. a

16. a

17. c

**Applying What You’ve Learned**

1. The Bob Jones University lost the suit. The Court held that non-profit private schools that prescribe and enforce racial discrimination (admissions standards) on the basis of religion do not qualify as tax-exempt organizations.

2. The Supreme Court of 1978 struck down the special admissions program on the grounds that it excluded a white applicant because of his race and violated his rights under the Equal Protection Clause.
CHAPTER 5

Federalism

CHAPTER FOCUS
The central purpose of this chapter is to introduce you to some of the complexities of government in the United States caused by the adoption of a federal system—that is, one in which both the national and state governments have powers independent of one another. You should also note how the nature and the effects of U.S. federalism have changed throughout U.S. history and continue to change to this day. After reading and reviewing the material in this chapter, you should be able to do each of the following:

1. Explain the difference between federal and centralized systems of government, and give examples of each.
2. Show how competing political interests at the Constitutional Convention led to the adoption of a federal system, but one that was not clearly defined.
3. Outline the ways in which the courts interpreted national and state powers and how the doctrine of dual federalism came to be moot.
4. State why federal grants-in-aid to the states have been politically popular, and cite what have proved to be the pitfalls of such grants.
5. Distinguish between categorical grants and block grants or general revenue sharing.
6. Explain why, despite repeated attempts to reverse the trend, categorical grants have continued to grow more rapidly than block grants.
7. Distinguish between mandates and conditions of aid with respect to federal grant programs to states and localities.
9. Discuss if or to what extent federal grants to the states have succeeded in creating uniform national policies comparable to those of centralized governments.

STUDY OUTLINE
I. Governmental Structure
   A. Federalism
      1. Definition: political system with local governmental units, in addition to national one, that can make final decisions
      2. Examples of federal governments: protected by both constitution and habit
      3. Protection for local government
      4. Examples of unitary and confederal governments
      5. National government largely does not govern individuals directly but gets states to do so in keeping with national policy
   B. Views on federalism
      1. Negative views: “blocked” programs, protected powers, and prevented progress
      2. Positive views: combines strength, flexibility, and liberty
   C. Increased political activity
1. Most obvious effect of federalism: facilitates mobilization of political activity
2. Federalism lowers the cost of political organization at the local level

II. The Founding
A. A bold, new plan to protect personal liberty
   1. Founders believed that neither national nor state government would have authority over the other
   2. Power derived from the people
   3. New plan had no historical precedent
   4. Tenth Amendment was added as an afterthought, to define the power of states
B. Elastic language in Article I: necessary and proper
   1. Precise definitions of powers politically impossible because of competing interests (e.g., commerce)
   2. Hence vague language—“necessary and proper”
   3. Hamilton’s view: national supremacy because Constitution supreme law
   4. Jefferson’s view: states’ rights with people ultimate sovereign

III. The Evolving Meaning of Federalism
A. Impact of the Supreme Court
   1. McCulloch v. Maryland (1819)
      a) Could Congress charter a national bank? Yes, “necessary and proper”
      b) Could states tax such a bank? No, “national supremacy”
   2. Federal government cannot tax state bank
B. Civil War
   1. Doctrine of Nullification battle
   2. Northern victory settled the issue—nullification struck down
C. Dual federalism
   1. Both national and state governments supreme in their own spheres
   2. Interstate versus intrastate commerce
      a) Congress could regulate interstate commerce
      b) States could regulate intrastate commerce
      c) Supreme Court makes less distinction between interstate and intrastate commerce—more federal regulation
      d) Recent Supreme Court decision restores authority to states

IV. The Division of Powers: Federal-State Relations (see the “States and the Constitution” box)
A. State authority
   1. Over police
   2. Over public schools
   3. Over use of land
B. Public/Congress are local-minded and preserve local government
C. Federal courts and fiscal federalism weaken local control

V. Fiscal Federalism
A. Grants-in-aid
   1. Grants show how political realities modify legal authority
   2. Began before the Constitution with “land grant colleges,” various cash grants to states
   3. Dramatically increased in scope in the twentieth century
   4. Free money
B. Rise of Federal Activism: 1960s shift in grants-in-aid
   1. From what states demanded
   2. To what federal officials found important as national needs
C. The intergovernmental lobby
   1. Hundreds of state and local officials lobby in Washington
   2. Purpose: to get more federal money with fewer strings
D. Categorical grants versus block grants
   1. Categorical grants for specific purposes; often require local matching funds
   2. Block grants are for more general purposes, better liked by recipients, fewer strings

VI. Devolution
   A. Effort to shift functions to states
      1. 1994 elections
      2. Welfare
   B. Congress takes the lead

VII. Federal aid and federal control
   A. Mandates
      1. Federal rules that states or localities must obey, whether receiving aid or not
      2. Administrative and financial problems often result
      3. Impact of mandates and congressional response
   B. Conditions of aid
      1. Attached to grants states receive voluntarily
      2. Conditions range from specific to general
      4. Unfunded mandates Reform Act
      5. Procedural point of order
   C. Rivalry among the states: distributional formulas in block grants
      1. Increased competition a result of increased dependency
      2. Snowbelt (Frostbelt) versus Sunbelt states
      3. Difficulty telling where funds spent
      4. Census takes on monumental importance
   D. Federalism and Public Policy
      1. Diversity in local policies produced
      2. Increases difficulty in running programs

VIII. Evaluating Federalism
   A. Federal/state officials must bargain
      1. Formerly favored local interests
      2. Federal needs dominated in 1960s
   B. Presidents have tried to reverse “national trend”
      1. Nixon’s “New Federalism”
      2. Reagan’s attempt to consolidate categorical grants
   C. Need to allocate federal and state functions more clearly
      1. Reagan’s doomed plan on welfare responsibility
      2. Future sorting out of federal “marble cake” unlikely
### KEY TERMS MATCH

Match the following terms and descriptions.

1. _____ Article VI of the Constitution that states the laws and treaties of the federal government are the “supreme law of the land.”
2. _____ A form of federal regulation used to reduce local control over local government service through federal grants.
3. _____ A federal grant for a specific purpose, often with accompanying conditions and/or requiring a local match.
4. _____ A system in which sovereignty is wholly in the hands of the national government.
5. _____ A system in which the state governments are sovereign and the national government may do only what the states permit.
6. _____ A system in which sovereignty is shared between the national and the state governments.
7. _____ An opportunity for a member of Congress to object to a federal mandate costing states and cities more than $50 million.
8. _____ The clause that stipulates that powers not delegated to the United States are reserved to the states or to the people.
9. _____ A Supreme Court decision embodying the principle of implied powers of the national government.
10. _____ View that the national government is supreme.
11. _____ The doctrine espoused by Calhoun that states could hold certain national policies invalid within their boundaries.

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<td>3.</td>
<td>c. categorical grants</td>
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<td>4.</td>
<td>d. Hamiltonian position</td>
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<td>5.</td>
<td>e. confederation system</td>
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<td>m. <em>McCulloch v. Maryland</em></td>
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12. _____ The doctrine that both state and national governments are supreme in their respective spheres.

13. _____ Refers to the wording of the “necessary and proper” clause.

14. _____ An effort to shift responsibility for a wide range of domestic programs from Washington to the states.

15. _____ Federal funds provided to states and localities.

16. _____ A rule that requires states to spend money but does not allow federal money to be used.

DID YOU THINK THAT . . . ?
A number of misconceptions are listed below. You should be able to refute each statement in the space provided, referring to information or argumentation contained in this chapter. Sample answers appear at the end of this chapter.

1. “Most governments in the world today have both national and state governments, as in the United States.”

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

2. “The powers of the national and state governments were clearly established in the Constitution.”

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

3. “The doctrine of nullification continues to be a source of power for state governments.”

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

4. “America today resembles more of a unitary system than a system of federalism.”

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
5. “The nature of federalism has remained consistent throughout U.S. history.”

6. “Since the 1970s, more federal aid to the states has become unrestricted rather than having strings attached.”

TRUE/FALSE QUESTIONS
Read each statement carefully. Mark true statements $T$. If any part of the statement is false, mark it $F$, and write in the space provided a concise explanation of why the statement is false.

1. T F The Constitution of the former Soviet Union only in theory created a federal system.

2. T F Devolution refers to the federal government giving programs back to the states.

3. T F In *McCulloch v. Maryland*, the Supreme Court concluded that chartering a bank was within the powers of Congress.

4. T F The Tenth Amendment was added to the Constitution in order to enhance the powers of the federal government.

5. T F The doctrine of nullification held that a state, within its boundaries, could refuse to enforce a federal law that exceeded the national government’s authority.

6. T F The doctrine of dual federalism came out of the debate on nullification.

7. T F The federal government sometimes finds that the political limitations on its exercise of power over the states are greater than the constitutional limitations.

8. T F Interstate and intrastate commerce mean the same thing.

9. T F Today, most commerce is regulated at the state level.
10. T F The most important attraction of federal grants-in-aid has been federal budget surpluses.

11. T F The term “block grant” is often used as a synonym for “revenue sharing.”

12. T F The federal government has increased the number of strings attached to the spending of grant money.

13. T F Devolution refers to the attempt to shift important functions back to the states.

14. T F Mandates are conditions attached to the receipt of a specific federal grant.

15. T F Conditions of aid are binding on local governments only when they receive federal monies for the projects in question.

16. T F An example of a condition of aid is seen in the passage of a law forbidding discrimination of handicapped people in any program receiving federal aid.

17. T F The ten-year census has no impact on the distributional formulas of federal grants.

18. T F Education, law enforcement, and land-use controls are examples of policies the people want local control over.

19. T F Though the federal government pays for most of the interstate highway programs, local officials decide where those highways go.

20. T F Local policies in America are less diverse than in any other industrialized democracy.

MULTIPLE CHOICE QUESTIONS

Circle the letter of the response that best answers the question or completes the statement.

1. Since the adoption of the constitution in 1787, the single most persistent source of political conflict has been:
   a. slavery.
   b. the economy.
   c. the provision of social welfare programs.
   d. relations between the national and state governments.
   e. the regulation of business.
2. One important feature of a federal system such as that of the United States is that:
   a. in matters of national concern—military spending, for example—state and local
governments will make governing difficult.
   b. the cost of organized political activity will be higher than in a unitary system.
   c. most local programs such as welfare and taxation will be funded and regulated at the
national level.
   d. different political groups pursuing different political purposes will come to power.
   e. special interest groups are discouraged from forming.
3. Ukraine, formerly one of the Soviet republics, had its own local unit of government. Yet the
former Soviet Union was not considered a federal system. This is because, in the Soviet Union:
   a. local governments were not legally independent of the central government.
   b. local government officials were not elected democratically.
   c. the central government did not have a constitution.
   d. central government officials were appointed by local governments.
   e. there were not three distinct branches of government.
4. Governments are not federal unless local units of governments can:
   a. exist independently and make their own decisions on some matters.
   b. overrule the federal government.
   c. secede from any voluntary union.
   d. have equivalent powers with the federal government.
   e. be exempt from federal court intervention.
5. The government in the South during the Civil War was called a “Confederacy.” A true
confederacy differs from the federalist system of the United States in that it:
   a. grants more sovereignty to the individual states.
   b. permits state governments to do only what the central government allows.
   c. is legally and politically independent of any other government.
   d. gives local units of government a specially protected existence.
   e. does not contain a specific guarantee of liberty.
6. The standard used to determine when the national government may exercise powers not
specifically mentioned in the Constitution is:
   a. “necessary and proper.”
   b. “preferred freedoms.”
   c. “clear and present.”
   d. “mutual noninterference.”
   e. “concurrent powers.”
7. After the Civil War, the debate about the meaning of Federalism focused on the interpretation of
the _________________.
   a. necessary and proper clause.
   b. commerce clause.
   c. doctrine of incorporation.
   d. grant-in-aid system.
   e. confederal system.
8. In short, a federal system lowers the cost of organized political activity by virtue of the
__________ of authority.
   a. centralization.
   b. decentralization.
   c. opposition.
   d. claiming.
   e. challenging.
9. In the United States, highways and some welfare programs are largely _____ functions.
   a. federal
   b. regional
   c. confederal
   d. constitutional
   e. state

10. One clear outcome of the Civil War was that the _____ government would be supreme.
    a. provincial
    b. county
    c. city
    d. national
    e. state

11. An important outcome of Chief Justice John Marshall’s ruling in *McCulloch v. Maryland* (1819) was to:
    a. place limits on the constitutional powers granted to Congress by refusing McCulloch’s appeal.
    b. give greater power to the states in taxing agents of the federal government, including banks.
    c. protect newspaper editors who publish stories critical of the federal government.
    d. confirm the supremacy of the federal government in the exercise of the constitutional powers granted to Congress.
    e. enhance protections afforded under the First Amendment.

12. Chief Justice John Marshall was a stanch supporter of the _____ when it came to his view of federal powers.
    a. anti-federalist position
    b. necessary and proper position
    c. Jeffersonian position
    d. confederal position
    e. Hamiltonian position

13. The doctrine of nullification refers to:
    a. the power of Congress to veto state laws that violate the Constitution.
    b. the claimed authority of the states to declare a federal law void for violating the Constitution.
    c. the power of the president to veto state laws for violating the Constitution.
    d. the authority of the president to dissolve Congress and to call for new elections.
    e. the ability of Congress to overturn a presidential veto.

14. There were four reasons that federal money seemed so attractive to state officials. Which of the following is not one of those reasons.
    a. during most of the nineteenth century and the early twentieth century the federal government was taking in more money than it was spending.
    b. the income tax. It served as a flexible tool of public finance.
    c. the federal government managed the money and thus became less worried about the public debt.
    d. states wanted to give up as much local control as possible.
    e. the politics of “free money.”
15. All but which of the following are reasons grant-in-aid systems grew rapidly throughout the twentieth century?
   a. The federal government could shift taxation to states.
   b. The federal government had the money to spend.
   c. The federal government could print money when it needed it.
   d. It was politically wise for states to get money from the federal government rather than by raising their own taxes.
   e. Cities were prohibited from raising their own revenue.

16. The use of federal money to finance state-run programs is called:
   a. dual federalism.
   b. residual funding.
   c. mandating.
   d. the grant-in-aid system.
   e. regressive tax system.

17. According to your text, the grant-in-aid system grew rapidly because it helped state and local officials resolve a dilemma. This dilemma was how to:
   a. get federal money into state hands without violating the Constitution.
   b. limit federal taxation power without reducing aid to states.
   c. increase federal taxation power without violating the Constitution.
   d. shift financial control of state programs to the federal government without violating states’ rights.
   e. fund two world wars.

18. A major shift in the focus of federal grant-in-aid programs took place in the 1960s. This shift was toward:
   a. meeting the demands of individual states and cities.
   b. requiring states to fund national programs.
   c. meeting national needs such as reducing pollution.
   d. requiring states to share their revenues with other states.
   e. advancing states’ rights.

19. Until the 1960’s most federal grants-in-aid were designed to essentially serve __________ purposes.
   a. national.
   b. presidential.
   c. state.
   d. congressional.
   e. federally mandated.

20. Members of the intergovernmental lobby are chiefly concerned with obtaining:
   a. political appointments.
   b. constitutional amendments.
   c. federal funds.
   d. equal rights.
   e. equal access to political resources.

21. The requirement that a state or locality match federal money is most common with:
   a. categorical grants.
   b. land grants.
   c. block grants.
   d. revenue sharing.
   e. tax-exempt organizations.
22. A block grant is essentially a:
   a. grant that benefits a single local unit, or block.
   b. group of categorical or project grants.
   c. reverse grant-in-aid where money flows from states back to the federal government.
   d. project grant with tighter restrictions.
   e. grant that only cities can receive.

23. Block grants were designed to remedy a common criticism of categorical grants, namely:
   a. their lack of specificity.
   b. the lack of condition under which such grants were made.
   c. the difficulty of adapting categorical grants to local needs.
   d. their discriminatory nature—decisions are too often based on politics.
   e. their lack of federal oversight.

24. According to your text, both revenue sharing and block grants have enjoyed only marginal success, in part because:
   a. the federal government steadily increased the number of strings attached to such grants.
   b. money from categorical grants shrunk so low as to make these other grants essential.
   c. these grants were based on local priorities rather than on the needs of the nation as a whole.
   d. these grants discouraged federal control over how the money was to be used.
   e. many states refuse the money.

25. A method by which block grants and other federal funds are allocated:
   a. federal controls.
   b. distributional formulas.
   c. procedural points of order.
   d. mandates
   e. conditions of aid.

26. In order for states to qualify for certain federal highway funds, they must allow drivers to make a legal right-hand turn after stopping at a red light. This requirement by the federal government is known as a:
   a. mandate.
   b. *quid pro quo* order.
   c. condition of aid.
   d. *pro bono* requirement.
   e. directive.

27. In general, the states exercise predominant authority over the following services:
   a. the police.
   b. public schools.
   c. the use of land.
   d. all of the above.
   e. none of the above.

28. Inaugurated in the 1920s, __________ proved to be a marvelous flexible tool of public finance:
   a. federalism
   b. interstate commerce
   c. intrastate commerce
   d. intergovernmental lobbies
   e. the income tax
29. Reagan’s 1981 proposal for more clearly sorting out national from state and local responsibilities was unsuccessful largely because it would have:
   a. turned the responsibility for education over to the national government.
   b. made welfare a purely local matter.
   c. ended the kinds of ambiguity on which courts thrive.
   d. created huge federal budget deficits.
   e. undermined the opposition party.

30. There are two kinds of federal controls on state government activities:
   a. reforms and acts.
   b. block grants and categorical grants.
   c. mandates and conditions of aid.
   d. implied powers and reserved powers.
   e. federal guarantees and federal inquiries.

ESSAY QUESTIONS
Practice writing extended answers to the following questions. These test your ability to integrate and express the ideas that you have been studying in this chapter.

1. How do the objectives of the Founders in writing the Constitution (see Chapter 2) relate to the institution of federalism in theory, that is, in the thinking and political values of the Founders?

2. Given the changes that have occurred in federalism in practice in the past two centuries, does federalism today still serve the purposes for which it was designed?

3. Discuss the differences between the Hamiltonian and Jeffersonian views of federalism. Which do you agree with and why?

4. Cite the two fundamental questions that the Supreme Court answered in handing down its decision in *McCulloch v. Maryland*, and explain the impact this decision had on the development of the federal system.

5. Which level of government (national or state) do you believe should have the final say in areas such as highway speed limits and drinking ages? Why?

RESEARCH AND RESOURCES

Suggested Readings


**Resources on the World Wide Web**


Supreme Court decisions: [http://www.findlaw.com/cascode.supreme.html](http://www.findlaw.com/cascode.supreme.html)

Information on state governments: [http://www.csg.org/](http://www.csg.org/)

National Governors’ Association: [http://www.nga.org/](http://www.nga.org/)
ANSWERS

Key Terms Match
1. a
2. i
3. c
4. p
5. e
6. h
7. b
8. o
9. m
10. d
11. n
12. g
13. k
14. f
15. j
16. l

Did You Think That…?
1. In most nations, regional or local governments are only administrative units of the national government.
2. Vague language regarding federal powers in the Constitution was deliberate, owing to unresolved political struggles.
3. The issue was settled by the Civil War. States cannot declare act of Congress unconstitutional.
4. States still retain a great deal of authority in areas such as law enforcement, public schools, and the use of land which helps meet the definition of federalism.
5. From differing interpretations by Hamilton and Jefferson, through attempts at nullification leading to the Civil War, right down to contemporary struggles between state and national officials, federalism has always been a bone of contention and subject to change.
6. Despite attempts to give the states more discretion in how they spend federal grants, block grants have continued to grow more slowly than categorical grants.

True/False Questions
1. T
2. T
3. T
4. F. It was added to protect the rights of the states and the people.
5. T
6. F. It came out of the debate regarding the commerce clause.
7. T
8. F. The difference centers on certain issues that may occur within a state or between states.
9. F. It is regulated at the federal level.
10. F. Access to money they did not have to raise themselves has been the greatest attraction to state officials of federal grants-in-aid.
11. T
12. T
13. T
14. F. Mandates apply whether or not states and cities receive federal aid for certain actions.
15. T
16. T
17. F. A change in the census for a city or state could translate to millions of dollars gained or lost.
18. T
19. T
20. F. Local policies are more diverse.

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

Public Opinion and the Media

CHAPTER FOCUS
The purpose of this chapter is to explore what is meant by the phenomenon referred to as “public opinion” and to investigate the effects of public opinion on our democratic form of government. The chapter also examines the historical evolution, up to the present, of relations between government and the news media—how the media affect government and politics and how government seeks to affect the media. After reading and reviewing the material in this chapter, you should be able to do each of the following:

1. List the sources of our political attitudes, and indicate which are the most important sources. Assess the influence of various religious traditions on political attitudes.
2. Explain why there is no single cleavage between liberals and conservatives in this country and why there are crosscutting cleavages. Explain the significance of these facts. Assess the significance of race in explaining political attitudes.
3. Define political ideology and state why most Americans do not think ideologically. Summarize the liberal positions on the economy, civil rights, and political conduct. Describe the major policy packages of the Democratic party, and indicate which groups in the Democratic coalition can be identified with each package.
4. Identify which elite groups have become liberal, and compare their current attitudes with the past political preferences of these groups. Discuss the “new class” theory as an explanation for changes in attitudes. Analyze why these changes are causing strain in the political party system.
5. Describe the evolution of journalism in American political history, and describe the differences between the party press and the mass media of today.
6. Demonstrate how the characteristics of the electronic media have affected the actions of public officials and candidates for national office.
7. Describe the effect of the pattern of ownership and control of the media on the dissemination of news, and show how wire services and television networks have affected national news coverage. Discuss the influence of the national press.
8. Describe the rules that govern the media, and contrast the regulation of electronic and print media. Describe the effect of libel laws on freedom of the press and of government rules on broadcasters.
9. Assess the effect of the media on politics, and discuss why it is difficult to find evidence that can be used to make a meaningful and accurate assessment. Explain why the executive branch probably benefits at the expense of Congress.
10. Evaluate the impact of the media on public opinion and politics.
STUDY OUTLINE

I. Introduction
   A. Government policy often at odds with public opinion
      1. Constitution designed to achieve goals, not to follow majority will
      2. Framers’ views on “publics”
      3. Public opinion polls vague (see the “Art of Public-Opinion Polling” box)
      4. Government more attentive to elite views
   B. Status of media
      1. Media enjoys wide freedom in United States
      2. Media privately owned
   C. What is public opinion?
      1. Poorly informed
      2. Unstable
      3. Sensitive to wording of poll questions
   D. Americans and the federal government
      1. Steady decline in trust of government in Washington since 1960s
      2. Distrust directed at government officials not people
      3. Reasons for distrust: Vietnam and political scandals
      4. Trust destined to decline after abnormally high levels of confidence in government in 1950s
      5. September 11, 2001 terrorist attack

II. The Origins of Political Attitudes
   A. The role of the family
      1. Party identification of family learned well
      2. Much continuity between generations
      3. Declining ability to pass on identification since 1950s
      4. Younger voters exhibit less partisanship
      5. Parents less influence on policy preferences
      6. Few families pass on clear ideologies
   B. Effects of religion
      1. People of different religious traditions have different attitudes on certain issues
      2. Religious traditions affect view of human nature and thus politics
      3. Impact of church endorsements unclear
   C. Effects of education
      1. College education usually makes voters more liberal
      2. Effect extends beyond end of college
      3. Faculty attitudes an important factor
      4. Effect growing as more go to college
      5. American political elites
         a) New class
         b) Traditional middle class
         c) Culture war
   D. The “gender gap”
      1. Has existed as long as voting records exist
      2. Women primarily GOP in 1950s but Democrat since late 1960s
      3. Male-female differences over social issues such as war, gun control, etc.
      4. Largest gender difference on use of force and future
III. Cleavages in Public Opinion

A. Other factors
   1. In past, income and occupational cleavages
   2. Today, more cleavages on race, religion, etc.
   3. No single factor explains differences in attitudes in the United States
   4. Some believe the factor is social class

B. Occupation
   1. More important in 1950s on unemployment, education, and housing
   2. Occupation-policy correlation has grown weaker today due to education

C. Race
   1. Becoming more important on busing, home sales, and death penalty
   2. Blacks most consistently liberal group within Democratic party
   3. Economic progress no guarantee of change in black attitudes; better-off more skeptical

D. Region
   1. Southerners more conservative than northerners; non-economic issues greatest regional difference
   2. Southern lifestyle different—more accommodating to business, less to labor
   3. Lessening attachment to Democratic party during the 1980 and 1984 elections in South

IV. Political Ideology

A. Define terms liberal and conservative

B. Political ideology—a coherent and consistent set of beliefs

C. Consistent attitudes
   1. Most citizens display little ideology; moderates dominate
   2. May have strong political predispositions
   3. “Consistency” criterion somewhat arbitrary since poll questions simplistic
   4. Some believe ideology increased in 1960s
   5. Others argue that poll questions were worded differently

D. Activists
   1. Much more likely to have an ideology
   2. Result of better information and strong political convictions

E. Various categories of opinion
   1. Economic policy: liberals favor jobs for all, medical care, education, and taxation of rich
   2. Civil rights: liberals prefer desegregation, equal opportunity, etc.
   3. Public and political conduct: liberals tolerant of demonstrations, marijuana, etc.

F. Analyzing consistency
   1. Some “inconsistent” attitudes are consistent, leading to four categories of ideologies:
      a) Pure liberal: liberal on both economic and social issues
      b) Pure conservative: conservative on both economic and social issues
      c) Libertarian: conservative on economic issues, liberal on social issues
      d) Populist: liberal on economic issues, conservative on social issues
   2. Many still do not fit in any category
   3. Activists are often quite consistent
   4. Informed voter likely to be more ideological

V. The Impact of the Media

A. Mass media and American politics have changed since the 1930s and 1960s

B. Expansion on types of media
VI. The Structure of the Media
A. Degree of competition
   1. Newspapers—number of newspapers has not declined, but competition within cities
   2. Radio and television decentralized and locally owned
B. The national media
   1. Broadcast services offset local orientation
   2. Consists of wire services, national magazines, TV networks, and national newspapers
   3. Significance: more important in D.C. and more liberal
   4. Roles played: gatekeeper, scorekeeper, and watchdog
C. The Internet and the World Wide Web

VII. Rules Governing the Media
A. Freedom of the press
   1. Newspapers almost entirely free, need no license
   2. Radio and television protected by courts
   3. Reporters want right to keep sources confidential (see the “On Background” box)
   4. Most states and federal government disagree on reporter confidentiality
B. Regulation and deregulation
   1. FCC licensing
   2. Recent movement to deregulate

VIII. Government and the News
A. Prominence of the president
   1. Theodore Roosevelt: systematic cultivation of the press
   2. Franklin Roosevelt: press secretary a major instrument for cultivating press
   3. Press secretary today: large staff, many functions
   4. White House Press Corps
   5. Unparalleled personalization of government
B. Coverage of Congress
   1. Never equal to that of president
   2. House quite restrictive
   3. Senate more open

IX. Interpreting Political News
A. Public reliance on TV
   1. Most Americans get news from TV, but increasingly distrust what they see
   2. Media may possess different views/values versus general public
   3. Intense competition among TV networks for an audience
B. Are news stories slanted?
   1. Various factors influence how stories are written
   2. Types of stories: routine, selected, and insider
C. News Leaks
   1. Insider stories raise questions of informant’s motives
   2. American government is “leakiest” due to separation of powers
D. The influence of media opinions on public opinion
   1. Does media change public thinking? Unlikely in most cases
   2. Media’s greatest influence over issues on which public has little information
   3. Media does place issues on the “public agenda”
   4. TV gives politicians access only if they provide what TV finds profitable: scandals, visuals, sound bites, and pettiness
   5. Politicians able to shape media through press officers, targeting 6 P.M. news, spin control, leaks, rewards, and penalties
<table>
<thead>
<tr>
<th>Key Terms Match</th>
<th>Definition</th>
<th>Term</th>
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<tbody>
<tr>
<td>1. ____</td>
<td>Differences in political views between men and women.</td>
<td>a. elites</td>
</tr>
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<td>2. ____</td>
<td>People who have a disproportionate amount of political power.</td>
<td>b. culture war</td>
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<td>3. ____</td>
<td>Middle-income people who live in cities, do not attend church, and have mostly liberal political views.</td>
<td>c. publics</td>
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<td>4. ____</td>
<td>A survey technique used to ensure each person has an equal chance of being surveyed.</td>
<td>d. FCC</td>
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<td>5. ____</td>
<td>One who is conservative on both economic and personal-conduct issues.</td>
<td>e. gatekeeper</td>
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<td>6. ____</td>
<td>One who is conservative on economic issues, liberal on personal-conduct issues.</td>
<td>f. gender gap</td>
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<td>7. ____</td>
<td>One who is liberal on economic issues, conservative on personal-conduct issues.</td>
<td>g. poll</td>
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<td>8. ____</td>
<td>Sensationalized news reporting.</td>
<td>h. libertarian</td>
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<td>9. ____</td>
<td>The government agency charged with regulating the electronic media.</td>
<td>i. new class</td>
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<td>10. ____</td>
<td>A term used by the Framers to describe what we today call “factions.”</td>
<td>j. party press</td>
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<td>11. ____</td>
<td>A term used to describe the clash between the new class and the traditional middle class.</td>
<td>k. political socialization</td>
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<td>12. ____</td>
<td>The role played by the national media in influencing what subjects become political issues and for how long.</td>
<td>l. popular press</td>
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<td>13. ____</td>
<td>A survey of public opinion.</td>
<td>m. populist</td>
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<td></td>
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<td>n. liberal</td>
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<td>o. pure conservative</td>
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<td></td>
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<td>p. random sample</td>
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<td></td>
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<td>q. scorekeeper</td>
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<td></td>
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<td>r. conservative</td>
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<td></td>
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<td>s. spin control</td>
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<td></td>
<td></td>
<td>t. watchdog</td>
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<td></td>
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<td>u. yellow journalism</td>
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</table>
14. _____ Newspapers created, sponsored, and controlled by political parties to further their interests.

15. _____ The process by which young people acquire their attitudes about politics.

16. _____ The use of key aids by politicians to shape the way a political event is interpreted by the media.

17. _____ Describes a person who wishes the government to do more to help improve their lives.

18. _____ The role played by the national media in investigating political personalities and exposing scandals.

19. _____ Describes a person that it is by personal action rather than government programs that improves their lives.

20. _____ Self-supporting daily newspapers aimed at a mass readership.

21. _____ The role played by the national media in keeping track of and helping make political reputations.

DID YOU THINK THAT . . . ?
A number of misconceptions are listed below. You should be able to refute each statement in the space provided, referring to information or argumentation contained in this chapter. Sample answers appear at the end of this chapter.

1. “Opinions coming from the media never differ from those of mainstream society.”

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

2. “Religion does not seem to shape people’s views on politics.”

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
3. “Most Americans take consistently liberal or conservative positions on issues.”

4. “Political activists are much less likely to think in ideological terms.”

5. “Freedom of the press means that Congress cannot regulate the mass media.”

6. “The media can shape politics but politicians themselves are unable to shape the media.”

7. “Media manipulation has had a major demonstrable effect on voting behavior in most elections.”

8. “Most Americans today believe television news is always fair and balanced.”

TRUE/FALSE QUESTIONS

Read each statement carefully. Mark true statements T. If any part of the statement is false, mark it F, and write in the space provided a concise explanation of why the statement is false.

1. T F In America, radio and television stations are privately owned.

2. T F In the United States, the media are given a higher degree of freedom than almost any other nation.

3. T F Americans overall are sensitive to the wording of poll questions.
4. T F The public’s trust in government is higher now than in the early 1960’s.

5. T F Children appear to be more likely to accept their parents’ beliefs on policy than their parents’ party identification.

6. T F Evangelical Christians have become attached to Democratic presidential candidates.

7. T F The gender gap in American public opinion has existed as long as voting records exist.

8. T F Social class is probably a better indicator of political attitudes in England or France than in the United States.

9. T F Blacks are the least consistently liberal minority group within the Democratic party.

10. T F Southern white voters remain loyal supporters of the Democratic party.

11. T F In their political attitudes, Asian Americans are more like Latinos and African Americans than like whites.

12. T F Ignorance is one variable that makes public opinion hard to measure.

13. T F Political activists display more consistent attitudes than do average citizens.

14. T F A liberal on economic issues is one who favors government efforts to increase tax rates for wealthy individuals.

15. T F “Pure conservatives” oppose all sorts of government extension, whether into economic or lifestyle matters.

16. T F Americans are increasingly showing more trust in their government.

17. T F The new class draws more power from governmental than business institutions.

18. T F Around the turn of the century, “yellow journalism” was supported by those who favored political reform.
19. T F The term “culture war” describes the clash between gays and the religious right.

20. T F The gender gap has all but disappeared in America.

21. T F The region of America one lives in has no bearing on political attitudes.

22. T F Most states, unlike the federal government, have passed laws that force reporters to disclose their confidential sources.

23. T F Social class is used by some writers to explain public opinion.

24. T F The term “gatekeeper” describes the relationship between Congress and the media.

25. T F Television stations get their FCC licenses renewed automatically unless some community group formally objects.

26. T F Insider stories concern public events that any reporter can find out about but that few reporters bother to cover.

27. T F The insider leak is a comparatively new phenomenon in American politics.

28. T F The media is likely to have the most effect on how we think about matters on which we are not well-informed.

29. T F Presidents have been known to reward journalists by giving them exclusive interviews or insider stories.

30. T F The media are able to regulate and control opinion and politics in America.

MULTIPLE CHOICE QUESTIONS
Circle the letter of the response that best answers the question or completes the statement.

1. All of the following were intended to be checks on public opinion except:
   a. the Bill of Rights.
   b. the independent judiciary.
   c. federalism.
   d. the separation of powers.
   e. the separation of church and state.
2. The Framers did not try to create a government that would do from day to day “what the people want.” They created a government for the purpose of achieving certain __________.
   a. types of equality.
   b. factions.
   c. goals.
   d. incentives.
   e. political outcomes.
3. Compared with the media in other western democracies, media in the United States:
   a. are more nationally oriented.
   b. have a greater variety of extreme left- and right-wing views.
   c. are mostly privately owned.
   d. are controlled by fewer hands.
   e. reflect more elitist views.
4. Public opinion on many matters suffers from all of the following except:
   a. ignorance of subject matter.
   b. a well-informed citizenry.
   c. instability in attitudes.
   d. sensitivity to poll questions.
   e. gullibility.
5. Scholars call the process by which young people acquire their attitudes _______.
   a. political socialization
   b. libel
   c. publics
   d. random samples
   e. sampling errors
6. Since 1960 evangelical Christians have become more attached to _____.
   a. Democratic presidential candidates
   b. Republican presidential candidates
   c. those candidates that only strictly interpret the bible
   d. those candidates that only liberally interpret the bible
   e. none of the above
7. Which of the following factors appears to have the least effect on political attitudes?
   a. religion
   b. peer influence
   c. the gender gap
   d. higher education
   e. role of the family
8. Studies show that attending college usually shifts one’s attitudes in a liberal direction. One reason may be the influence of __________.
   a. money.
   b. religion.
   c. family.
   d. professors.
   e. race
9. Conservatives tend to be committed to which of the following?
   a. abortion on demand  
   b. traditional family values  
   c. non-marital sex  
   d. a tolerance for social experimentation  
   e. taxing the rich heavily  

10. __________ are much more likely than the average citizen to think in ideological terms and to take “consistent” position on various issues.
   a. Liberals  
   b. Conservatives  
   c. Populists  
   d. Political activists  
   e. Libertarians  

11. According to the text, if you are in favor of reducing federal taxes and also quarantining AIDS victims, you would be labeled a:
   a. pure liberal.  
   b. pure conservative.  
   c. libertarian.  
   d. populist.  
   e. radical.  

12. According to the text, if you are in favor of greater government regulation of business and also the legalization of prayer in school, you would be labeled a:
   a. pure liberal.  
   b. pure conservative.  
   c. libertarian.  
   d. populist.  
   e. none of the above.  

13. The clash between the new class and the traditional middle class is sometimes referred to as a:
   a. gender gap.  
   b. sampling error.  
   c. form of libel.  
   d. cross-cutting cleavage.  
   e. culture war.  

14. The gender gap tends to disappear when gender-sensitive issues such as __________ are not mentioned.
   a. war, gun control, and pornography  
   b. sports, equal rights, and abortion  
   c. education, the press, and the government  
   d. religion, music, and the Supreme Court  
   e. education, politics and religion  

15. In comparison to other democratic nations, America has a very _____ broadcasting industry.
   a. nationally-oriented  
   b. nationally owned  
   c. centralized  
   d. conservative-oriented  
   e. decentralized
16. No one may operate a radio or television station without a license from the:
   a. Federal Communications Commission.
   b. local government in that community.
   c. state government.
   d. national media.
   e. White House office.
17. _____ was the first president to systematically cultivate the press.
   a. Abraham Lincoln
   b. Ronald Reagan
   c. John F. Kennedy
   d. Teddy Roosevelt
   e. Bill Clinton
18. One of Jimmy Carter’s signal achievements in dealing with the press in the 1976 primary campaign was:
   a. keeping a low profile.
   b. taking newsworthy positions on important issues.
   c. defusing an initial bias against him among reporters.
   d. getting himself mentioned with great frequency.
   e. insulating himself from public opinion.
19. An irony concerning government regulation of the news media is that:
   a. American media are less regulated than foreign media despite the greater need for regulation here.
   b. legislation designed to intimidate the media has, in fact, made them more hostile toward officials.
   c. the least competitive part of the media is almost entirely unregulated, whereas the most competitive part is substantially regulated.
   d. the most influential media, the broadcast media, show highly concentrated patterns of ownership by a few large corporations.
   e. the first amendment was never meant to apply to the press.
20. The president of the United States is unlike the chief executive of other nations with regard to the:
   a. hostility with which he is normally treated by the press.
   b. use of the press secretary as an instrument for dealing with the press.
   c. legal protection he enjoys from stories that defame or ridicule him.
   d. close physical proximity between the press and the center of government.
   e. high degree of privacy the press provides him.
21. In an age in which the media are very important, who among the following is best positioned to run for president?
   a. a House member
   b. a senator
   c. a governor
   d. a big-city mayor
   e. a military official
22. Which of the following *most* influences editors while deciding which stories to include in the daily newspaper?
   a. They are tightly constrained by the volume of “hard” news that must be included.
   b. They are tightly constrained by the limited amount of material available to them.
   c. They are tightly constrained by the need to include popular or “catchy” feature stories.
   d. They have considerable latitude to express their ideological biases in the selection of “background” or “feature” stories.
   e. They are tightly controlled by opinion polls.

23. Politicians have become more heavily dependent on the media as:
   a. the public has become better educated.
   b. public affairs have become much more complex.
   c. the scope of government has expanded.
   d. political party organizations have declined.
   e. technology has improved.

24. The content of radio and television is regulated in ways that newspapers and magazines are not. For example, broadcasters are required by law to:
   a. sell equal time to all candidates.
   b. allow individuals the right to reply to an attack that occurred on a regular news program.
   c. allow a candidate to petition for a station’s endorsement.
   d. present contrasting sides of controversial public issues.
   e. censor political material in advance.

25. Regarding their relationship with the media, American public officials generally:
   a. try to avoid the media to prevent damage to their reputations.
   b. spend a great deal of time cultivating the media.
   c. rely on the media to take the initiative on press coverage.
   d. rely on the media only to the extent the media can help set a political agenda.
   e. look to the media to help form their opinions.

26. According to recent polls, Americans claim to get most of their news from:
   a. television.
   b. local newspapers.
   c. national newspapers (*New York Times*, etc.).
   d. national news weeklies (*Time*, etc.).
   e. internet.

27. The Associated Press and UPI generally supply newspapers with what type of stories?
   a. feature
   b. routine
   c. insider
   d. investigative
   e. sensationalized

28. The aspect of news reporting in which the political ideology of journalists is most likely to come into play is the issue of:
   a. how to handle routine stories.
   b. how much space to give a story.
   c. how long to carry a story.
   d. which stories to cover.
   e. prior ratings with similar stories.
29. One reason there are so many news leaks in the United States is that:
   a. most public officials receive some money from the media.
   b. government employs so many press officers.
   c. power is so decentralized.
   d. presidential rewards are so attractive.
   e. Congress encourages them for political gain.
30. On which of the following issues are the media likely to have the greatest influence on the national political agenda?
   a. an issue such as unemployment that affects people personally
   b. an issue such as the environment with which people have little personal experience
   c. an issue such as abortion or school prayer with which the courts have been involved
   d. an issue such as school taxes that affects people at the local level
   e. an issue that will cost the least in taxpayers dollars.

ESSAY QUESTIONS
Practice writing extended answers to the following questions. These test your ability to integrate and express the ideas that you have been studying in this chapter.

1. Discuss the comparative roles played by the family, religion, gender, and education in forming Americans’ political outlook. Of the four, which would you say has been gaining in importance recently, and why?
2. Explain what the words liberal and conservative mean in the United States today, compared with their earlier meanings. Discuss to what extent these terms are useful in characterizing the political attitudes of the average American.
3. Compare and contrast the “new class” and the traditional middle class, or “old class,” as to their makeup and their political beliefs and allegiances. What effect on American politics is likely to occur from the growth of the “new class”?
4. Discuss how media coverage of politics and political candidates has changed since the 1960s.
5. Do you believe that some news stories are slanted? If not, why? If so, what in your opinion would the motivation of the media be in slanting the news?
6. Discuss the role the national media plays as gatekeeper, scorekeeper, and watchdog.
7. Since the early 1960’s there has been a more or less steady decline in the proportion of Americans who say they trust the federal government in Washington to do the right thing. Please discuss some of the reasons given in the text to explain the decline. How would you rate your level of trust?
8. Describe and discuss the resources used by the press and by the government in the adversarial relations increasingly common between them.

APPLYING WHAT YOU’VE LEARNED

Which Sources of Information Are the Best?
How much information can the public obtain from television news? Is it comparable to what can be obtained by reading a daily newspaper? This exercise might help you make up your own mind about adequate sources for keeping informed regarding public affairs.
1. Choose a network station (either ABC, CBS, or NBC) and prepare to watch the local news and the national news with a tape recorder or a VCR. Make arrangements with your library to obtain a copy of a good major newspaper such as the *New York Times*, the *Washington Post*, the *Philadelphia Inquirer*, the *Los Angeles Times*, or the *Atlanta Constitution*. Also arrange to obtain copies of a local newspaper.

2. For three days watch the news programs on television. Record any story dealing with foreign affairs. After watching for three days, answer these questions.
   a. How many stories on foreign affairs were broadcast by the national news? By the local news?
   b. How many minutes did each story run? What was the average length of a foreign-affairs story on national news? On local news? (You can rerun the tape, using a watch, to compute the time of each story.)
   c. How many words are contained in the average story broadcast on national news? On local news? (To compute this, first determine the approximate number of words per minute in a story by running the tape recorder or VCR for a minute and counting the words.)

3. Examine the major-newspaper and the local-newspaper coverage of the same stories for the same time period. Determine which stories in the newspapers dealt with the stories broadcast by the news programs.
   a. Using a ruler, determine the number of column inches devoted to each story.
   b. Count the number of words in each column inch, then multiply by the number of inches to determine the number of words in each story.
   c. How many words are contained in the average story printed by the major newspaper?
   d. How many words are contained in the average story printed by the local newspaper?

4. List all of the foreign-affairs stories covered by the national news program for the three-day period. List all of the foreign-affairs stories covered by the major newspaper for the three-day period. Which source covered more stories? Was there a significant difference?

5. Construct a table, such as the one shown here, to summarize your results.

<table>
<thead>
<tr>
<th>National News Show</th>
<th>Local News Show</th>
<th>National Press</th>
<th>Local Press</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Stories Covered</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Words in Average Story</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If you wish, you may substitute economic news, presidential news, or any other political topic for the foreign-affairs news.
Are the Media Critics of, or Apologists for, the System?

In addition to assessing the extent of coverage, political scientists are interested in determining the content of news stories, to see whether their tone is supportive of the political system. How do editorial writers and columnists portray political institutions and leaders?

By performing the following exercise, you can learn how to carry out content analysis on media portrayal of the presidency.

1. Arrange to obtain copies of a major newspaper for six days. If you cannot do so, obtain the New York Times on microfilm for a six-day period.

2. Examine any editorials or signed columns of opinion on the inside pages that make mention of the president.

3. After reading each article, evaluate it on each of the dimensions listed in the accompanying table, using a scale of 1-5. A “5” would mean that the article was favorable to the president. A “1” would mean that the article was unfavorable. For anything in between, use numbers 2, 3, and 4.

<table>
<thead>
<tr>
<th>Article</th>
<th>Expertise of the Administration</th>
<th>Timeliness of the Decision</th>
<th>Success of the Policy</th>
<th>Honesty of Subordinates</th>
<th>Responsiveness of the Public</th>
<th>Secretiveness of Officials</th>
</tr>
</thead>
<tbody>
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</tr>
</tbody>
</table>
4. Are most of the numbers clustered on the low side of the table? Do you think that it is a fair assessment of editorial writers and columnists to state that they view themselves in an adversary relationship with the White House? That they see themselves as perennial critics of the performance of the president? Or do you think that the newspapers are primarily apologists for the administration in power?

RESEARCH AND RESOURCES

Suggested Readings


Braestrup, Peter. The Big Story: How the American Press and Television Reported and Interpreted the Crisis of Tet 1968 in Vietnam and Washington. Boulder, Col.: Westview, 1977, 2 volumes. A massive, detailed account of how the press reported one critical event; the factual accuracy or inaccuracy of each story is carefully checked.


Resources on the World Wide Web

Opinion polls:
   Gallup: http://www.gallup.com/

Media:
   To search many newspapers: http://www.ipl.org/
   CNN/TIME news: http://www.allpolitics.com/
   CBS News: http://www.cbsnews.com/
   FOX News: http://www.foxnews.com/
   Washington, D.C., newspapers:
      Washington Post: http://www.washingtonpost.com/
      Washington Times: http://www.washtimes.com/
ANSWERS

Key Terms Match
1. f
2. a
3. i
4. p
5. o
6. h
7. m
8. u
9. d
10. c
11. b
12. e
13. g
14. j
15. k
16. s
17. n
18. t
19. r
20. l
21. q

Did You Think That…?
1. Many times news stories are written with a slant. Some journalists write stories to shape what citizens think.
2. Religious traditions actually help to explain how political attitudes are formed and transmitted in families.
3. Most Americans do not display ideological thinking. They may take liberal positions on some issues and conservative positions on others. They may be inconsistent—by supporting government social welfare programs but at the same time applauding efforts to reduce government spending in general. There seem to be various combinations involving some liberal and some conservative positions, and each of these combinations attracts candidates and voters.
4. They are actually much more likely than the average citizen to think in ideological terms and take “consistent” positions on various issues.
5. Print media can be regulated as business (antitrust laws, postal regulations, labor-management laws). Courts can apply the laws of libel and obscenity. Electronic media are regulated because they use public airwaves and are considered a public trust.

6. Politicians can shape the media to a degree through press officers, spin control, leaks and other methods.

7. Surveys have not demonstrated a significant difference between those watching TV a great deal and those watching little during a campaign. Newspaper endorsements and editorials seem to have little effect. Advertisements provide more information than do news spots, and debates, which provide even more information, did seem to have had an influence on voters in 1960 and 1976. Perhaps the greatest effect of the media is on primary campaigns, especially benefiting those who are not well known.

8. Americans are increasingly distrustful of what they see in television news. By 1998 nearly 60 percent of Americans thought that news stories were often inaccurate and politically biased.

**True/False Questions**

1. T
2. T
3. T
4. F. The level of trust has dropped significantly since the early 1960’s.
5. F. It is the other way around.
6. F
7. T
8. T
9. F. They are the most consistently liberal group within the Democratic party.
10. T
11. F. They are more like whites on most issues.
12. T
13. T
14. T
15. F. Pure conservatives favor tough government control of crime, pornography, etc.
16. F. There is actually a steady decline in trust.
17. T
18. F. They opposed such journalism.
19. F. It describes the clash between the new class and the traditional middle class.
20. F. There are still sizeable differences on how men and women view such issues as going to war and gun control.
21. F. There are differences between those in the North, South, East and West. Especially when race and religion and considered.
22. F. Most states have not.
23. T
24. F. It describes the media’s role in influencing what subjects become national political issues, and for how long.
25. T
26. F. Insider stories are not based on public events but on leaks or investigative reporting.
27. F. Leaks to the press go back as far as government itself.
28. T
29. T
30. F. They can shape and influence them but not control them.

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

Political Parties and Interest Groups

CHAPTER FOCUS

First, this chapter provides a detailed exploration of one unique aspect of American politics: political parties, with emphasis on the two-party system. Second, the chapter surveys the wide variety of interest groups or lobbies that operate in the United States and also assesses the impact they have on the political system. After reading and reviewing the material in this chapter, you should be able to do each of the following:

1. Define the term political party and contrast the structures of the European and American parties, paying particular attention to the federal structure of the American system and the concept of party identification.
2. Trace the development of the party system through its four periods, and offer reasons that parties have been in decline since the New Deal period.
3. Describe the structure of a major party and distinguish powerful from powerless party organs. Discuss the difference between “representational” and “organizational” party structures, and indicate why the Democrats use one system and the Republicans another.
4. Define intraparty democracy and state its effect on the last few Democratic nominating conventions in the last few contests. Evaluate the relative strengths of state party bosses in recent years, and discuss the increasing importance of primaries in relation to the boss system at conventions.
5. Describe the machine, discuss its functions, and trace its decline. Contrast its structure with that of ideological and reform parties.
6. Offer two explanations for the persistence of the two-party system. Explain why minor parties form and discuss different kinds of parties. Analyze why they are so rarely successful.
7. Describe some of the issue differences between delegates at Democratic and Republican conventions, and indicate whether or not there are major differences between the parties.
8. Explain why the characteristics of American society and government encourage a multiplicity of interest groups, and compare the American and British experiences in this regard.
9. Describe the historical conditions under which interest groups are likely to form, and specify the kinds of organizations Americans are most likely to join.
10. Describe relations between leaders and rank-and-file members of groups, including why the sentiments of members may not determine the actions of leaders.
11. Describe several methods that interest groups use to formulate and carry out their political objectives, especially the lobbying techniques used to gain public support. Explain why courts have become an important forum for public interest groups.
12. List the laws regulating conflict of interest, and describe the problems involved with “revolving door” government employment.
STUDY OUTLINE

I. Parties—Here and Abroad
   A. Party definition: a group that seeks to elect candidates to public office by supplying them with a label. It operates in three arenas:
      1. In the minds of the voters
      2. As an organization for recruiting and campaigning
      3. As a set of leaders in government
   B. European parties more centralized
      1. Party the only route to nomination
      2. Elected officials vote with the party
   C. American parties quite decentralized: federalism, laws, and primaries weaken control of government
   D. Political culture
      1. Parties unimportant to average American
      2. Parties dominate more in Europe with dues and meetings

II. The Rise and Decline of the Political Party
   A. The Founding
      1. Founders were worried about factions
      2. Jefferson’s Democratic Republicans
      3. Hamilton’s Federalists
      4. By 1820 Federalist party ceased to exist
   B. The Jacksonians: mass political participation because more people eligible to vote
      1. Political participation a mass phenomenon
      2. Political conventions emerge
      3. Jackson’s Democrats
      4. Whigs—opponents of Jackson
   C. The Civil War and sectionalism
      1. Jacksonian system unable to survive slavery issue
      2. Republicans become dominant due to Civil War
   D. The era of reform
      1. Progressive push measures to curtail parties (primary elections, civil service, etc.)
      2. Effects: made parties weaker but also political corruption reduced

III. The National Party Structure Today
   A. Party organization: a loose structure
      1. Role of national convention
      2. Role of national committee
      3. Republicans: bureaucratized party operating as consulting firm
      4. Democrats: factionalized party but changing to compete
      5. National committees raise both federal and soft money
   B. National conventions
      1. National committees issue call, set selection rules
      2. Actual formulas very complex
      3. Manner of choosing delegates is important
      4. Current Democratic rules: weaken influence of party leaders
      5. Consequences of reforms: delegates ratify decisions of voters; parties attract different white-collar voters
IV. State and Local Parties: Key Party Organizations in the United States
   A. The machine
      1. Recruitment via tangible incentives—money, jobs, and favors
      2. High degree of leadership control
      3. Abuses controlled by reforms (example: Hatch Act)
      4. Both self-serving and public regarding
   B. Ideological parties
      1. Principle above all else but contentious
      2. Usually a third party
      3. But some local reform clubs (New York, California)
      4. Often intense factionalism within clubs
   C. Solidary groups
      1. Most common form of party organization
      2. Members motivated by sociable enjoyment/friendships
      3. Neither corrupt nor inflexible, not hard working
   D. Sponsored parties
      1. Created or sustained by another organization
      2. Example: Detroit Democrats controlled by UAW
      3. Not very common
   E. Personal following
      1. Examples: Kennedys, Curleys, Talmadges, Longs; candidates need own money
      2. Viability today, affected by TV and radio
      3. Advantage: vote for the person but harder to know with so many candidates
      4. Disadvantage: takes time to know the person and disbands after election

V. The Two-Party System
   A. Rarity among nations today
   B. Evenly balanced nationally, not locally
   C. A permanent feature due to electoral laws and public opinion
   D. The two-party system caused by electoral laws
      1. Single member not proportional representation
      2. Plurality to win
      3. Electoral College good example
   E. The two-party system caused by public opinion
      1. Two broad voter coalitions but back agreement on values
      2. Minor parties have difficult time since major party accommodates dissidents (see the “Types of Minor Parties” box)

VI. Nominating a President
   A. Are the delegates representative of the voters?
      1. Democratic delegates much more liberal
      2. Republican delegates much more conservative
      3. Explanation of this disparity? Revise rules on delegate selection
   B. Who votes in primaries and caucuses?
      1. Primaries now more numerous and more decisive
      2. Primary voters apparently more ideological
      3. Caucuses overrepresent activist opinion even more
C. Who are the new delegates?
   1. However chosen, today's delegates a new breed—unlikely to resemble average citizen; usually ideologically motivated activists
   2. Increase in partisan loyalties and voting among Americans since 1980s
   3. Advantages of new system include significance of activists but favors candidate with strong views
   4. Disadvantage: may nominate presidential candidates unacceptable to voters or rank and file

VII. Do the Parties Differ?
   A. George Wallace: “not a dime’s worth of difference”
   B. Some differences between party rank/files
   C. Greater ones among activists/leaders/officials
   D. Candidate many need to appeal to extremes rather than center to win nomination

VIII. Interest Groups
   A. The proliferation of interest groups
      1. Many kinds of cleavage in the country
      2. Constitution makes for many access points
      3. Political parties are weak
   B. Interest group activity varies over time
      1. Since 1960, proliferation began
      2. 1770s, independence groups
      3. 1830s and 1840s, religious, antislavery groups
      4. 1860s, craft unions
      5. 1880s and 1890s, business associations
      6. 1900s and 1910s, most major lobbies of today
   C. Factors explaining the rise of interest groups
      1. Broad economic developments
      2. Government policy itself
      3. Emergence of strong leaders, usually at certain times
      4. Expanding role of government in a given area

IX. Kinds of Organizations
   A. Institutional interests
      1. Defined: individuals or organizations representing other organizations
      2. Types: business firms (e.g., General Motors and trade/governmental associations)
      3. Concerns—bread-and-butter issues
      4. Other interests—governments, foundations, universities
   B. Membership interests
      1. Americans join some groups more frequently than in other nations: sense of duty
      2. Most sympathizers do not join
   C. Incentives to join membership organizations
      1. Solidary incentives—pleasure, companionship (League of Women Voters, AARP, NAACP, Rotary, etc.)
      2. Material incentives—money, things, services (farm organizations, retired persons, etc.)
      3. Purpose of the organization itself—public-interest organizations (e.g., Ralph Nader’s PIRGs)
   D. Influence of the staff
      1. Staff influence the greatest in groups based on solidary and material incentives
      2. Interest group behavior: more staff wants than members’ beliefs
X. Funds for Interest Groups
   A. Foundation grants
      1. Public-interest groups dependent
      2. From 1970 to 1980, Ford Foundation contributed $21 million
   B. Federal grants and contracts
      1. National Alliance for Business and summer youth job programs
      2. Money given to project, not group
      3. Cutbacks in early 1980s under Reagan administration
   C. Direct mail
      1. Unique to modern interest groups
      2. Letters must generate 2–3 percent check return

XI. Problem of Bias
   A. Reasons for belief in upper-class bias
      1. More affluent more likely to join
      2. Business/professional groups more numerous; better financed
   B. Why these facts do not decide the issue
      1. Describe inputs not outputs; groups better at blocking than passing laws
      2. Groups often divided among themselves
   C. Important to ask what the bias is
      1. Many conflicts are within upper-middle class
      2. Pluralist view was probably wrong in the 1950s

XII. Activities of Interest Groups
   A. Information
      1. Single most important tactic; access to legislators depends on credible information
      2. Most effective on narrow, technical issues
      3. Officials also need cues; ratings systems
   B. Public support
      1. In the past, lobbyists used mainly insider strategy
      2. Increasingly, lobbyists use outsider strategy
      3. Central to outsider strategy is grass-roots lobbying
      4. Some groups try for grass-roots support (abortion, Medicare, Social Security, environmental protection, and affirmative action issues)
   C. Money and PACs
      1. Greatest flow since attempted regulation
      2. Number of PACs quadrupled from 1975 to 1982
      3. Rise of the ideological PAC; most conservative
      4. Average corporate PAC donation modest
      5. Most PAC donations go to incumbents in Congress
      6. No evidence yet that PACs influence voters, except where voters have no interest and/or any guide for ideology
   D. The “revolving door”
      1. Promise of future jobs to officials
      2. Few conspicuous examples of abuse
   E. Demonstrations
      1. Disruption always part of American politics
      2. Used by groups of varying ideologies, etc.
      3. Better accepted since 1960s and now conventional
      4. History of “proper” persons using disruption: suffrage, civil rights, antiwar movements
      5. Officials dread no-win situation
XIII. Regulating Interest Groups
A. Protection by First Amendment
B. 1946 law accomplished little in requiring registration
C. New lobby act enacted by Congress (Lobbying Disclosure Act of 1995)
   1. Broadens definition of a lobbyist
   2. Lobbyists must report twice annually
D. Significant restraints prior to 1995 still in effect
   1. Tax code: threat of losing tax-exempt status
   2. Campaign finance laws limit size of contribution
   3. Limits of new law and no enforcement organization created

KEY TERMS MATCH
Match the following terms and descriptions.

1. _____ Any group that seeks to influence public policy.
   a. caucus
   b. Democratic-Republicans
   c. federal money
   d. Hatch Act of 1939
   e. ideological parties
   f. institutional interests
   g. interest group
   h. material incentives
   i. national party convention
   j. personal following
   k. political efficacy
   l. progressives
   m. political machine
   n. political party
   o. public-interest lobby
   p. single-member districts
   q. soft money
   r. solidarity incentives
   s. Federalists
   t. plurality
11. _____ A political party organization built around allegiance to a particular candidate.

12. _____ Simply refers to getting more votes in an election than the other candidates—but not necessarily a majority.

13. _____ A group that seeks to elect candidates to public office by supplying them with a label.

14. _____ The ultimate authority in both major political parties in the United States.

15. _____ Members of the House of Representations are elected from these.

16. _____ Parties that value principle above all else.

17. _____ Campaign money which is not regulated by the government.

18. _____ Political party founded by Alexander Hamilton.

19. _____ A closed meeting of party leaders to select party candidates.

20. _____ Campaign money which is subject to regulation by the government.

DID YOU THINK THAT . . . ?

A number of misconceptions are listed below. You should be able to refute each statement in the space provided, referring to information or argumentation contained in this chapter. Sample answers appear at the end of this chapter.

1. “As interest groups have declined in relative importance, political parties have grown stronger.”

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

2. “The Founders believed that a party system was essential for democracy.”

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________
3. “The delegates to national party conventions have accurately reflected the sentiments of rank-and-file members.”

4. “There is not a dime’s worth of difference between the two major parties.”

5. “Interest group activity has no protection under the Bill of Rights.”

6. “The unorganized are unrepresented in American politics.”

7. “The most effective way for interest groups to advance their causes is to buy influence with money.”

8. “The use of public displays and disruptive tactics to further a political cause began in the 1960s with the protests against the Vietnam War and the civil rights demonstrations.”

TRUE/FALSE QUESTIONS
Read each statement carefully. Mark true statements T. If any part of the statement is false, mark it F, and write in the space provided a concise explanation of why the statement is false.

1. T  F The political parties of the United States are the oldest in the world among democratic nations.

2. T  F Americans do not usually join parties except by voting for their candidates.
3. T F The Founders recognized the inevitability of political parties and encouraged their formation.

4. T F Hamilton and his followers were known as the Democratic Republicans.

5. T F The Whigs were strong supporters of Andrew Jackson.

6. T F The modern Republican party began as a third party.

7. T F In the world today, a two-party system is a rarity.

8. T F Big-city machines were caused by the floods of immigrants from Ireland, Italy, and elsewhere in the late nineteenth century.

9. T F Party machines tend to be highly ideological in their choice of candidates to support.

10. T F Today, the old-style machine is almost extinct.

11. T F Over the decades the Democrats and Republicans have been about equally balanced at the national and state levels.

12. T F From 1968 to 1988, the Democratic party won five out of six presidential elections.

13. T F The greater ideological commitment of convention delegates compared with average voters is explained by the quota rules for delegate selection.

14. T F Today, three-fourths of the states have primaries that choose the great majority of convention delegates.

15. T F Most European democracies are two-party systems.

16. T F Interest groups tend to proliferate more in cities such as Chicago, where the political party is strong, than in Los Angeles, where parties are weaker.

17. T F Only since 1960 have interest groups proliferated rapidly in the United States.
18. T F  The National Independent Retail Jewelers and the League of Women Voters are examples of institutional interest groups.

19. T F  Ideological parties value principle above all else.

20. T F  The American Association of Retired Persons is an example of an interest group that offers material incentives to prospective members.

21. T F  There are no conservative organizations comparable to Ralph Nader’s ideological interest groups.

22. T F  Institutional interests are individuals or organizations representing other organizations.

23. T F  Direct mail solicitations for interest group funding are as old as the Post Office.

24. T F  There is no bias in regard to interest groups.

25. T F  A legislator would be more likely to support a proposed law if several ideologically similar lobbies all supported it.

26. T F  PACs reached huge proportions only after laws to regulate campaign contributions were enacted.

27. T F  Ideological PACs generally raise more money than business or labor PACs.

28. T F  Most money given by PACs to candidates running for Congress goes to incumbents.

29. T F  Politicians generally are comfortable with situations in which disruptive tactics are pursued by interest groups.

30. T F  Interest groups receive broad protection under the second amendment.
MULTIPLE CHOICE QUESTIONS

Circle the letter of the response that best answers the question or completes the statement.

1. The oldest political parties in the world are currently found in:
   a. India.
   b. the United States.
   c. Great Britain.
   d. Switzerland.
   e. Russia.

2. In Europe candidates for elective office are generally nominated by:
   a. local referenda.
   b. aristocrats.
   c. party leaders.
   d. national primaries.
   e. direct democracy.

3. One striking difference between American and European political parties is:
   a. European parties do not directly choose the chief executive.
   b. the American system centralizes political authority.
   c. the American system decentralizes political authority.
   d. political parties in America are growing stronger.
   e. political parties in America directly choose the chief executive.

4. If an American political party wins control of Congress, it does not win the right to choose the:
   a. senate majority leader.
   b. majority party whips.
   c. house majority leader.
   d. speaker of the house.
   e. chief executive.

5. Thomas Jefferson, among other founders of our nation, was adamantly opposed to political parties because:
   a. the Constitution made clear the dangers of partisanship in government.
   b. political parties during the early years of the republic were both strong and centralized.
   c. disputes over policies and elections were not easily separated from disputes over governmental legitimacy.
   d. political parties during the early years of the republic represented clear, homogeneous economic interests.
   e. it might cost him his bid to become president.

6. Political parties have declined in significance as a result of changes in the __________ under which they operate.
   a. proportional
   b. multi-party system.
   c. legal rules.
   d. national convention system.
   e. single-member districts.
7. Compared to the Democratic party during the 1960s and 1970s, the Republican party was:
   a. more factionalized.
   b. better organized.
   c. more loosely organized.
   d. underfinanced.
   e. only dominant at the national level.

8. Compared with the Republicans, the Democratic national party structure:
   a. has more participation by volunteer party activists.
   b. has more participation by the party’s office holders.
   c. supplies more financial help to the party’s candidates.
   d. gets more of its money from small individual contributors.
   e. receives more support from Veterans’ groups.

9. Much of the money raised by political parties is regulated by the:
   a. Supreme Court.
   b. executive branch.
   c. federal bureaucracy.
   d. party chairman.
   e. Federal Election Commission.

10. Ideological parties value ______ above all else.
    a. money
    b. power
    c. prestige
    d. principle
    e. winning

11. The chief disadvantage of a solidary association is that its members:
    a. are looking for patronage.
    b. hold fanatical opinions.
    c. dislike machines.
    d. may not work hard.
    e. tend to be lower income.

12. Almost all elections in the United States are based on:
    a. the plurality system.
    b. the majority system.
    c. proportional representation.
    d. a combination of systems.
    e. states’ rights.

13. That the two-party system has persisted in the United States is perhaps best explained by what two factors?
    a. democracy and the decentralization of power
    b. the strength of political parties and the media
    c. electoral laws and public opinion
    d. religion and the First Amendment
    e. military and economic power
14. A person wanting to win an election will usually try to form a(n) __________.
   a. soldiery group.
   b. ideological party.
   c. purposive group.
   d. political machine.
   e. personal following.

15. Party activists are not likely to:
   a. resemble the average citizen.
   b. take issues seriously.
   c. work very hard.
   d. support candidates with strong ideological appeal.
   e. use the media to promote their views.

16. The chief disadvantage to parties of the current system of presidential nomination is that it:
   a. increases the chances of nominating a candidate unappealing to the rank and file.
   b. decreases the chances of a faction’s bolting the party.
   c. increases the chances of a faction’s bolting the party.
   d. affords little opportunity to minorities to voice their concerns.
   e. makes the choice of a vice-presidential candidate unimportant.

17. The advantage of the new primary system that has developed in America is that it:
   a. increases the role that rank-and-file voters have in influencing the party’s candidate choice.
   b. increases the chances that the party will nominate a candidate who is appealing to the average voter.
   c. increases the opportunity for those with strong policy preferences to play a role in the party.
   d. decreases the likelihood that one party or the other will gain control of the presidency for several terms.
   e. centralizes power in the hands of only a few party members.

18. How can the differences between the two major parties in America best be characterized?
   a. There are very large differences in policy views.
   b. There are large policy differences among activists and much smaller ones among the rank-and-file.
   c. There are only trivial differences.
   d. There are differences on social issues but not on economic issues.
   e. There are differences only on use of force issues.

19. To obtain power within a political party, an individual must usually:
   a. move toward the center.
   b. move away from the center.
   c. avoid publicity.
   d. reflect the views of the average voter.
   e. use the media.

20. Where political parties are strong, interest groups are likely to be:
   a. equally strong.
   b. independent.
   c. weak.
   d. more numerous.
   e. even stronger.
21. It has been observed that interest groups are created more rapidly in some periods than in others. This suggests that these groups:
   a. are the result of the diversity of American society.
   b. arise when labor is strong.
   c. arise when social conditions demand action.
   d. do not arise inevitably out of natural social processes.
   e. arise during specific cycles.

22. The growth of numerous public-interest lobbies in the 1960s was an example of interest groups forming as a result of:
   a. government policy.
   b. the emergence of talented leadership.
   c. the enlargement of governmental responsibilities.
   d. broad economic developments.
   e. government scandals.

23. Institutional interests are defined as individuals or organizations representing:
   a. the Congress.
   b. the President.
   c. the Judiciary.
   d. other organizations.
   e. the republican party.

24. Compared with the British and Germans, Americans’ sense of political efficacy—a citizen’s sense that he/she can understand and influence politics—is:
   a. much less.
   b. slightly less.
   c. about the same.
   d. much greater.
   e. nonexistent.

25. Most of the money PACs collect goes to:
   a. liberals.
   b. incumbents.
   c. conservatives.
   d. trade associations.
   e. businesses.

26. On most issues, how legislators vote can be explained primarily by their:
   a. PAC money received.
   b. years in office.
   c. personal ethics.
   d. personal morals.
   e. ideological outlook.

27. Interest groups with large staffs are likely to take political positions in accordance with:
   a. rank-and-file opinion.
   b. the view of the general public.
   c. staff beliefs.
   d. government policy.
   e. opinion polls.
28. Which of the following interest groups is likely to have the most difficult time raising money?
   a. a lobbying organization representing a nonprofit organization
   b. a lobbying organization representing a for-profit organization
   c. a membership organization relying on appeals to purpose
   d. a membership organization relying on solidarity incentives
   e. a lobbying organization well connected to Washington

29. Of the three major sources of funds available to interest groups, the one that is unique to modern interest groups is:
   a. foundation grants.
   b. federal grants and contracts.
   c. computerized direct-mail solicitations.
   d. public funding via the personal tax return.
   e. payroll deductions.

30. To say that “the pressure system has an upper-class bias” is to:
   a. state an important principle of lobbying.
   b. state an incorrect view of lobbying.
   c. say much about the people who join groups, but nothing about positions the groups will take.
   d. say much about the positions groups take, but nothing about the people who join these groups.
   e. compare apples to oranges.

31. The single most important tactic open to interest groups is:
   a. the ability to supply credible information to the right person.
   b. bribery.
   c. phone calls.
   d. using the Internet.
   e. buying access to decision makers.

32. A political “cue” signal official as to:
   a. political scandals.
   b. intense media coverage.
   c. pork-barrel spending.
   d. what values are at stake with an issue.
   e. economic downturns.

33. The scholarly evidence that PAC money buys votes in Congress is:
   a. sketchy at best.
   b. fairly strong, but still inconclusive.
   c. substantial.
   d. conclusive.
   e. totally false.

34. This term describes when government officials take lucrative jobs in the private sector after they leave government.
   a. The revolving door.
   b. The iron triangle.
   c. Soft money.
   d. Hard money.
   e. Incumbency.
35. Interest group activity is a form of _____ protected by the _____.
   a. actual speech, First Amendment.
   b. exaggerated speech, Second Amendment.
   c. political speech, First Amendment.
   d. prolific, Fourth Amendment.
   e. slurred speech, Fifth Amendment.
36. Public displays and disruptive tactics—marches, sit-ins, picketing, etc.—have always been a part of:
   a. communist systems of government.
   b. socialist systems of government.
   c. only European politics.
   d. only Middle Eastern politics.
   e. American politics.

ESSAY QUESTIONS
Practice writing extended answers to the following questions. These test your ability to integrate and express the ideas that you have been studying in this chapter.

1. Why are more Americans likely to join an interest group than a political party? Why are parties growing weaker in America? In your opinion, are political parties becoming obsolete?
2. The text lists and describes several types of local political party organizations (for example, machines). What are the major types of these organizations? What are some of the advantages and disadvantages of each type in terms of (a) the degree of political participation they encourage, (b) their ability to give voters a reasonable choice of candidates and policies, and (c) their ability to introduce needed political reforms.
3. To what extent are the delegates who attend Republican and Democratic national conventions representative of average voters? Why should this be so? What reforms have been attempted—and by what party—in an effort to change this situation?
4. Why is it so difficult to regulate interest groups? Do you believe that tighter regulation of interest groups is needed? Why or why not?
5. Explain the difference between organizational and membership-type interest groups and discuss how you might expect their conduct in the political system to vary.
6. In 1968 Alabama governor George Wallace stated that there was not “a dime’s worth of difference” between the two parties. Do you agree or disagree with this statement as applied to toady’s political environment. Please explain your answer in detail.
APPLYING WHAT YOU'VE LEARNED

Political parties mean little to most Americans. Belonging to the Democratic or the Republican party is of no consequence to the average citizen. For this reason, more people are calling themselves independents—members of no party. Have political parties become irrelevant today? The text presents abundant evidence supporting the continued importance of political parties. To be sure, meaningful differences separate the two major parties of the United States. How can the general public be convinced of this?

From the material discussed in the chapter, construct a strategy to get people interested in becoming involved in party politics. At the least, your strategy should address the following concerns:

1. What advantages does active membership in a political party provide? Consider the different types of parties that exist at the local level and the benefits derived by members from each kind of party structure.

2. Should parties play more of a role in selecting candidates for the general election? Would this actually lower an already low voter turnout in America? Would it be beneficial by allowing only those who really care about the candidates to choose them? Could this actually strengthen parties?

3. Neither major party is representative of its typical voter in selecting candidates for presidential elections. What accounts for this problem? How can it be corrected to entice more people into active party participation? Consider the factors that have weakened parties as well as why this problem is a recent one.

4. How would your strategy differ in attracting members to the Democratic versus the Republican party? What are the strengths and weaknesses of both parties in the way they are organized? How can the weaknesses be corrected without altering the basic character of each party?
RESEARCH AND RESOURCES

Suggested Readings


Resources on the World Wide Web

Some political parties:

Democratic National Committee: http://www.democrats.org/
Republican National Committee: http://www.rnc.org/
Green party: http://www.greens.org/
Libertarian party: http://www.lp.org/
Reform party: http://www.reformparty.org/

Some interest groups:

An overview: http://www.capweb.net/

A few specific interest groups:

Conservative:

American Conservative Union: http://www.conservative.org/
Christian Coalition: http://www.cc.org/

Liberal:

American Civil Liberties union: http://www.aclu.org/
Americans for Democratic Action: http://www.adaction.org/

Environmental:

Environmental Defense Fund: http://www.edf.org/

Civil rights:

NAACP: http://www.naacp.org/

Feminists:

National Organization for Women: http://www.now.org/
ANSWERS

Key Terms Match
1. g
2. f
3. r
4. h
5. o
6. b
7. l
8. k
9. d
10. m
11. j
12. t
13. n
14. i
15. p
16. e
17. q
18. s
19. a
20. c

Did You Think That…?
1. It is just the opposite. Parties are decentralized and growing weaker in America.
2. They were suspicious of parties, viewing them as illegitimate factions. Neither the Federalist nor the Antifederalist party viewed political opposition as legitimate. Not until the 1830s and the rise of the Democratic and Whig parties was party competition for office routinized and legitimated as part of the American system.
3. Those who are likely to be chosen convention delegates—party activists—are more ideological or issue oriented than are the rank-and-file. Democratic delegates are more liberal and Republican delegates more conservative than party members. Paradoxically, the rule changes give activists more opportunity to make the party less representative of the sentiments of the rank-and-file.
4. On most issues, the differences between Democratic and Republican voters are not very large. Among party delegates, however, there are sharp differences on most issues, for reasons noted above. These differences often extend to party candidates as well.
5. Interest groups actually have very broad protection under the First Amendment.
6. Sponsored groups may act as surrogates. Other groups may join with sponsored groups in coalitions—a situation that occurred in the early stages of the civil rights movement. There are executive branch agencies and members of Congress who also may take up the banner for a politically unorganized group.

7. Money is probably one of the least effective ways for an interest group to advance its cause; passage of the campaign reform law in 1973 saw to that. More effective are activities that supply credible information to legislators and bureaucrats. Other important activities include the public support campaign, such as mail and telegram campaigns.

8. Such activities are hardly new in American history; they were among the favorite tactics of the American colonists seeking independence. Many other groups over the past two centuries have used protest and even violence to further their causes, including pro- and anti-labor groups and the Ku Klux Klan.

True/False Questions
1. T
2. T
3. F. They opposed them.
4. F. They were known as the Federalists.
5. F. They were actually in opposition to Jackson.
6. T
7. T
8. F. They had been perfected prior to the arrival of these immigrants.
9. F. Traditionally, machines are nonideological; they are more interested in getting candidates elected than in supporting particular issues.
10. T.
11. F. Only at the national level.
12. F. It was the Republicans.
13. F. Even with the quota, great diversity exists.
14. T
15. F. Most European democracies are multi-party systems.
16. F. The party is stronger in Chicago, where interest groups must work within the party.
17. F. Also in the 1770s, 1830s–1840s, 1860s, 1900s–1920s.
18. F. The LWV is a membership interest group.
19. T
20. T
21. F. Mountain States Legal Foundation is a conservative answer to Nader.
22. T
23. F. These are a comparatively recent phenomena.
24. F. They do have an upper-class bias.
25. T
26. T
27. T. But they spend less on campaigns and give less to candidates.
28. T
29. F. They avoid such situations as politically risky.
30. F. Protection comes in the form of the First Amendment.

**Multiple Choice Questions**
1. b
2. c
3. c
4. e
5. c
6. e
7. b
8. a
9. e
10. c
11. d
12. a
13. c
14. e
15. a
16. a
17. c
18. b
19. a
20. c
21. d
22. c
23. d
24. d
25. b
26. e
27. c
28. c
29. c
30. c
31. a
32. d
33. a
34. a
35. c
36. e

Applying What You’ve Learned
1. Political parties at the local level offer some form of incentive to join, from solidary incentives to tangible rewards. The advantages of membership depend on the type of party structure in that area.

2. Energy should be devoted at the local level because of the decentralized structure of political parties. At the local level, focus is on the appropriate incentive for the type of party structure in the area. At the national level, both presidential nominees and issues have much to do with attracting party support; this makes appealing candidates and issues the key to recruitment. The Republicans have had much success with computerized, targeted mailings.

3. The national conventions of both parties are dominated by delegates who are more ideological than the average citizen. The same is true of voters in primaries. The switch to primaries partially accounts for this trend, as does the fact that Democrats have evolved into a factionalized party in which groups are represented. Parties need to diminish the influence of ideologies. One way is to strengthen the power of party leaders, perhaps by selecting fewer convention delegates in primaries.

4. Republicans have a more bureaucratic party, leading to greater success at the national level; the party needs to strengthen itself at the local level. The Democrats are successful at the local level because of party identification but are hurt at the national level by their factional nature and their positions on social and tax issues. Republicans need to become more representative, Democrats more bureaucratic.
CHAPTER 8
Campaigns and Elections

CHAPTER FOCUS
This chapter provides an overview of some of the scholarly examinations, the common folklore, and the amazing intricacies of America’s most enduring and exciting political institution, the election. Major topics include, but are not limited to, the debate over just how democratic elections are (given a very low voter turnout), the new personalistic nature of campaigning in the latter part of the twentieth century, the role that money plays in determining outcomes, the role of special interest groups, so-called realigning elections, and the elements of successful coalition building by Democrats and Republicans. After reading and reviewing the material in this chapter, you should be able to do each of the following:

1. Explain why elections in the United States are both more democratic and less democratic than elections of other countries.
2. Show how control of elections has shifted from the states to the federal government, while explaining what effect that shift has had on blacks, women, and youth.
3. Argue both sides of the debate over how much voter turnout has declined over the past century, as well as those factors that tend to hold down voter turnout.
4. Demonstrate the differences between the party-oriented campaigns of the nineteenth century and the candidate-oriented ones of today, explaining the major elements of a successful campaign for office today.
5. Discuss the partisan effects of campaigns, or why the party with the most registered voters does not always win the election.
6. Define the term realigning election and discuss the major examples of such elections in the past, as well as recent debates over whether realignment is again underway.
7. Describe what the Democrats and the Republicans, respectively, must do to put together a successful national coalition to achieve political power in any election.
8. Outline the major arguments on either side of the question of whether elections result in major changes in U.S. public policy.
9. Discuss the importance of campaign funding to election outcomes, and the major sources of such finding under current law. Consider how successful reform legislation has been in purifying U.S. elections of improper monetary influences.
STUDY OUTLINE

I. Introduction
   A. Many U.S. elections, but low participation
   B. Weak political parties in the United States and many offices to fill
   C. Voter participation higher in parliamentary democracies where fewer elections held

II. Political Participation
   A. Forms of participation
      1. Voting the most common (especially among activists)
      2. Money to a candidate and political organizational membership common
      3. Six forms of political participation
      4. Striking fact: over 40 percent vote only or do nothing
   B. Why people participate
      1. Strong sense of civic duty
      2. Americans face difficulties in voter registration
      3. American parties do less to lure voters to polls than Europe
      4. Americans more likely to join community organizations than to vote.
   C. Who participates?
      1. Those with more education; older voters; men more than women; higher income
      2. Blacks: participate less, but considering education/income, more
      3. Rate of participation increasing (nonvoting ways)
      4. Officials more in tune with activists

III. Historical Voting Patterns
   A. The rise of the American electorate
      1. Vote limited to taxpayers or property owners
      2. By Jackson era, suffrage was broadened
      3. Fifteenth Amendment, Supreme Court, and 1965 Voting Rights Act all removed voting restrictions on race
      4. Black registration in South dramatically increased
      5. Women suffrage through Nineteen th Amendment: rise of gender gap
      6. Twenty-Sixth Amendment gave vote to 18-year-olds
   B. Voting turnout
      1. Debate over declining percentages (real vs. apparent)
      2. Australian ballot, strict registration reduced turnout (reforms)
      3. Voter turnout—when measured against voting age population—has not fallen since the early 1970s

IV. Explaining—and Improving—Turnout
   A. Apathy a poor explanation
   B. Problem: small fraction of voters registered
      1. Burden on citizen to register, politics not as important here, parties weak
      2. Alternatives: same day registration, compulsory voting, larger government role
   C. Parties not as important in United States
   D. Parties do not mobilize voters

V. Political Campaigns (see the “Kinds of Elections” box)
   A. Factors increasing personalistic campaigning
      1. Primary elections weaken parties
      2. Political funding and jobs go to candidate
      3. Reliance on mass media, candidate image
      4. Decline in party identification
B. Strategy
1. Campaign is an “exercise in uncertainty”
2. Strategy must attract wavering voters
3. Need to win the primary campaign: attract enthusiasts
4. Must move to political center once nomination attained
5. 1988: Dukakis (competence), Bush (Reagan VP), Clinton (nontraditional)
6. Incumbency can dictate choice
7. How to use television to reach the most people

C. Using television
1. Paid ads (“spots”); news broadcast (“visuals”)
2. “Visuals” are cost-free—perhaps greater credibility with voter
3. Campaign debates—difficult to know exact effect on election outcome

VI. The Effects of Campaigns
A. Do campaigns make a difference?
B. Three reasons why Democrats do not always win:
1. Democrats less firmly wedded to party than Republicans
2. Republicans do better among independent voters
3. Republicans more likely to vote than Democrats
C. Usefulness of private polls
1. Ascertaining voter perceptions and candidate appeals
2. Usually provide only general guidance (Reagan’s competence theme)
D. Fewer the sources of voter information, more significant the campaign

E. Single-issue groups
1. Prominent in the 1980s and 1990s with decline in parties
2. But nothing new about their existence
3. Little evidence that ideological groups make a significant difference in general
4. Such groups can be important in primary elections

VII. How to Win an Election
A. Three things decide presidential elections
1. Political party affiliation
2. State of the economy
3. Character of the candidates
B. Other things affect presidential elections
1. Vice-presidential nominee
2. Role of the media
3. Issues candidates propose
4. Religion
C. How issues affect presidential elections
1. Voters may think parties represent their positions on issues: liberals vote Democratic; conservatives vote Republican
2. Some issues are more important than others, and importance of issue varies from election to election
3. Many people try to judge issues by engaging in retrospective and prospective voting
D. Congressional elections are different than presidential ones
1. In many districts, one party or another has a huge advantage
2. Small size of congressional district means that member of Congress gets to know most voters
3. Same factors affecting presidential elections affect congressional elections where one party does not have a big advantage
VIII. Election Outcomes
A. Republican-Democratic party shifts over time
B. Party realignments
   1. Critical or realigning—“sharp lasting shift in the popular coalition supporting one or both parties”
   2. Five realignments: 1800, 1828, 1860, 1896, 1932
   3. Regularity of cycle—28 to 36 years
   4. Two kinds of realignments: disappearance of major party or a shift
   5. Clearest cases: 1860 (slavery); 1896 (economics); 1932 (depression)
   6. Realignment function of new vital issue that cuts across party lines
   7. Was 1980 to 1988 a realignment? No mandate
   8. Some realignment of whites in South moving to GOP
C. Party decline
   1. Blue states and red states.
   2. Office-bloc ballot made straight-party ticket voting more difficult
D. A winning coalition
   1. Loyalty of key party groups as well as importance
   2. Democratic coalition—blacks most loyal, then Jewish voters; has lost hold on Catholics, Southerners, white blue-collar workers
   3. Republican coalition: businessmen, professionals, farmers (though volatile), poor people (under $5000 per year)
   4. General conclusions: winning coalition must be put together each election

IX. Modern Technology and Political Campaigns
A. Little evidence on effect of media
B. Television, radio, and newspapers
   1. TV and radio suffer from “selective attention” and “mental tune-out”
   2. “Spots” give viewers more information than visuals
   3. Newspaper endorsements important in some circumstances
C. Computers and direct mail
D. Are today’s voters manipulated? Media focuses less on how people vote than on how politics is conducted; consequence is running campaign divorced from governing

X. Elections and Money
A. Impact of money
   1. Winner usually outspends loser
   2. Outspending opponent more important to challenger than to incumbent (hence, incumbents’ interest in restricting campaign funds)
B. Sources of campaign funds
   1. PACs
   2. Bipartisan Campaign Reform Act (BCRA)
   3. Independent expenditures
   4. Soft money
   5. Matching funds
C. BCRA – three changes
   1. Banned soft money to national political parties
   2. Restricted independent expenditures
   3. Limit on individual contributions

XI. The Effects of Elections on Policy
A. Are elections meaningless?
   1. Does policy remain the same regardless of officeholder?
   2. Any policy proposal will encounter opposition
B. Raising and spending money
   1. Law weakens parties
   2. BCRA effect on some groups unclear
   3. Democratic groups
   4. Republican groups
   5. Supreme Court and BCRA
   6. Bypassing federal rules

C. American elections can signal dramatic change (1860, 1932, 1964, 1980, 1994)

D. Periods of consolidation may make elections “appear” unimportant

E. Kind of campaign affect kind of people willing to run

KEY TERMS MATCH

Match the following terms and descriptions.

1. _____ Legislation that gave women the right to vote in all elections.
2. _____ The citizen simply ignores or gets irritated by messages that do not accord with existing beliefs.
3. _____ Legislation that made it illegal to exclude potential voters on the basis of color.
4. _____ A document that is government-printed, of uniform size, and cast in secret.
5. _____ A time during which a sharp, lasting shift occurs in the popular coalition supporting one or both parties.
6. _____ The practice of voting for one major party’s candidates in state or local elections and the other’s at the national level.
7. _____ A party realignment that occurred during the 1932 election in which urban workers, southern whites, northern blacks, and Jewish voters joined together to make the Democratic party the majority party.
8. _____ A politician that currently holds a specific elective office.

   a. Austrailian ballot
   b. Christian Coalition
   c. critical or realigning period
   d. Fifteenth Amendment
   e. incumbent
   f. independent expenditures
   g. turnout
   h. mental tune-out
   i. motor voter registration bill
   j. New Deal coalition
   k. Nineteenth Amendment
   l. BCRA
   m. position papers
   n. prospective voting
   o. retrospective voting
   p. primary election
   q. single-issue groups
   r. soft money
   s. split-ticket voting
   t. pocketbook vote
   u. straight-ticket voting
   v. Twenty-Sixth Amendment
   w. mental tune-out
   x. Voting Rights Act of 1965
9. _____ The percentage of the voting-age population that votes.

10. _____ A group of conservative fundamentalists.

11. _____ A phenomenon in which a citizen simply ignores or is irritated by messages on radio and television that do not mesh with existing beliefs.

12. _____ PAC contributions for advertising supporting or opposing a candidate that are made without a candidate’s direction and approval.

13. _____ Required states to allow people to register to vote when applying for a driver’s license, at various state offices (e.g., those serving the disabled or welfare recipients), and by mail.

14. _____ Legislation that gave eighteen-year-olds the right to vote in all U.S. elections.

15. _____ A piece of legislation designed to regulate interest group money.

16. _____ Written in order to state a candidate’s position in regard to certain issues.

17. _____ Ideological groups that urge their followers to vote for or against a candidate solely on the basis of some cause.

18. _____ A federal law that suspended the use of literacy tests for voting and authorized the appointment of federal examiners to order the registration of blacks.

19. _____ Voting for a candidate because one favors his or her ideas for addressing issues after the election.
20. _____ Voting for the candidate or party in office because one likes or dislikes how things have gone in the recent past.

21. _____ Describes how some people will cast their vote in relation to how the economy is doing.

22. _____ Voting for candidates who are all of the same party.

23. _____ Used to select a party’s candidate for an elective election.

24. _____ Monetary donations given by individuals, unions, and corporations to state political parties that can be spent in ways that help presidential candidates.

DID YOU THINK THAT . . . ?
A number of misconceptions are listed below. You should be able to refute each statement in the space provided, referring to information or argumentation contained in this chapter. Sample answers appear at the end of this chapter.

1. “One reason that people in America get involved in politics is because of the rewards.”

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

2. “Registered American voters vote less frequently than do their counterparts in Europe.”

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

3. “Republicans only focus on winning the presidency while Democrats only focus on Congress.”

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

4. “The candidate that spends the most money in a campaign always wins.”

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
5. “Most money for presidential and congressional campaigns comes from large corporate donors, labor unions, and PACs.”

6. “Voters generally choose candidates on the basis of issues presented during campaigns.”

7. “Low voter turnout is simply a natural by-product of a democracy.”

TRUE/FALSE QUESTIONS

Read each statement carefully. Mark true statements T. If any part of the statement is false, mark it F, and write in the space provided a concise explanation of why the statement is false.

1. T   F The percentage of Americans voting in elections is lower than the percentage of voters in most European countries.

2. T   F Political parties play a smaller role in American elections than in other countries.

3. T   F The fact that Americans are involved in politics in many more ways than just voting may help explain why the turnout in American elections is so much lower than in most other democratic countries.

4. T   F Americans face greater difficulty in registering to vote than citizens of almost any other country.

5. T   F People with higher education and income tend to be more politically active.

6. T   F Overall, blacks participate in politics more frequently than whites.

7. T   F Women secured the right to vote before blacks did.
<p>| | | |</p>
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<tr>
<td>8.</td>
<td>T F</td>
<td>Proportionately fewer voting-age Americans vote today than in the latter part of the nineteenth century.</td>
</tr>
<tr>
<td>9.</td>
<td>T F</td>
<td>Older people are more politically active than younger people.</td>
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<td>10.</td>
<td>T F</td>
<td>The percentage of registered American voters participating in elections is lower than the percentage of registered voters participating in European elections.</td>
</tr>
<tr>
<td>11.</td>
<td>T F</td>
<td>Apathy is largely to blame for low voter turnout in the United States.</td>
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<tr>
<td>12.</td>
<td>T F</td>
<td>“Get-out-the-vote” campaigns are unlikely, in the text’s view, to do much good.</td>
</tr>
<tr>
<td>13.</td>
<td>T F</td>
<td>In this country, the ability to reward followers with patronage jobs often is in the hands of an elected official.</td>
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<tr>
<td>14.</td>
<td>T F</td>
<td>To win a primary, a candidate must mobilize a relatively small number of enthusiasts.</td>
</tr>
<tr>
<td>15.</td>
<td>T F</td>
<td>It is usually harder for a candidate to avoid taking controversial stands in a primary than in a general election.</td>
</tr>
<tr>
<td>16.</td>
<td>T F</td>
<td>What helped Bill Clinton in winning the 1992 presidency was his successful mobilization of the issue-oriented activists in the party.</td>
</tr>
<tr>
<td>17.</td>
<td>T F</td>
<td>For most voters, an election is a retrospective judgment on the performance of whoever has been in office.</td>
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<tr>
<td>18.</td>
<td>T F</td>
<td>Visuals are likely to have greater credibility than spots with television viewers, although they probably give viewers less information.</td>
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<tr>
<td>19.</td>
<td>T F</td>
<td>In most European nations, voter registration is done for you by the government.</td>
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<tr>
<td>20.</td>
<td>T F</td>
<td>A higher percentage of Democrats than Republicans vote in elections.</td>
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<tr>
<td>21.</td>
<td>T F</td>
<td>As usual, the president’s party (Democratic) lost seats in congress in the 1998 off-year election.</td>
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<td><strong>22.</strong></td>
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<td><strong>26.</strong></td>
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<td><strong>27.</strong></td>
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<td><strong>28.</strong></td>
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<td><strong>29.</strong></td>
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<td><strong>30.</strong></td>
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<td><strong>31.</strong></td>
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<td><strong>32.</strong></td>
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<td>F</td>
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<td><strong>33.</strong></td>
<td>T</td>
<td>F</td>
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<tr>
<td><strong>34.</strong></td>
<td>T</td>
<td>F</td>
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<tr>
<td><strong>35.</strong></td>
<td>T</td>
<td>F</td>
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MULTIPLE CHOICE QUESTIONS

Circle the letter of the response that best answers the question or completes the statement.

1. One reason that anybody participates in voting in the U.S. is that many Americans have a strong sense of __________ that tells them they ought to vote.
   a. activism.
   b. civic duty.
   c. party affiliation.
   d. realigning.
   e. selective attention.

2. This term describes those individuals outside of government who actively promote their political party or issue by voting, giving money, etc.: 
   a. activists
   b. reservists
   c. proponents
   d. isolationists
   e. generalists

3. One way that blacks were prevented from voting prior to the passage of the Voting Rights Act of 1965 was by requiring them to:
   a. sign grandfather clauses.
   b. register six months in advance of an election.
   c. become American citizens.
   d. pass literacy tests.
   e. own at least five acres of land.

4. At the time the constitution was ratified, the vote was limited to __________ and __________.
   a. taxpayers; property owners.
   b. white males; women.
   c. women; property owners.
   d. taxpayers; blacks.
   e. northern blacks; taxpayers.

5. A key reason why most people don’t get involved in politics is because they:
   a. are too hard to understand.
   b. are too boring.
   c. only appeal to the rich.
   d. offer few rewards.
   e. are always someone else’s responsibility.

6. One explanation given by the text for the decline in American voter participation in presidential elections after 1900 is that:
   a. parties began functioning to mobilize mass voter turnout.
   b. fewer citizens were directly affected by the outcome of presidential elections.
   c. other forms of political participation became less accessible to citizens.
   d. election fraud was rampant in the nineteenth century.
   e. immigration increased.

7. Adoption of the Australian ballot enables United States citizens to vote:
   a. by party rather than candidate.
   b. more easily.
   c. by absentee ballot.
   d. in secret.
   e. only a straight party ticket.
8. Voter turnout is defined as:
   a. how many people vote republican.
   b. how many people vote democrat.
   c. how many people identify themselves as independent.
   d. the percentage of the voting-age population that votes.
   e. the percentage of Americans that register to vote.

9. In states that have instituted same-day voter registration, the effect on voter turnout has been:
   a. a decline.
   b. a slight increase.
   c. a major increase.
   d. no impact at all.
   e. impossible to tell.

10. Which of the following statements about campaigning in America is true?
    a. Parties play a minor role compared to Europe.
    b. Parties play a larger role today than they did at the beginning of the 20th century.
    c. Campaigns for national office are usually organized on behalf of a slate of candidates of the same party.
    d. A candidate’s staff will usually continue to function even after the election.
    e. A candidate must campaign in every state.

11. A campaign organization set up by a presidential candidate typically consists of all of the following except:
    a. a group of PACs and union leaders.
    b. a paid staff of fund-raisers, lawyers, accountants, and others.
    c. a volunteer staff from several key states.
    d. a number of advisers on key issues.
    e. none of the above.

12. In 1993, Congress passed the _____ in order to simplify voter registration.
    a. motor-voter bill
    b. voting right act
    c. civil right act
    d. campaign reform act
    e. simplification act

13. Electronic advertising is usually devoted to building a candidate’s _____.
    a. personality
    b. character
    c. image
    d. charisma
    e. ego

14. There are two ways to use television: ____________ and ______________.
    a. splits; declines.
    b. selective attention; mailouts.
    c. spots; primaries.
    d. spots; visuals.
    e. visuals; debates.
15. What would happen if presidential campaigns were decided simply by party identification?
   a. The Democrats would always win.
   b. The Republicans would always win.
   c. The Democrats would win most of the time.
   d. The Republicans would win most of the time.
   e. Nothing would change.

16. “I’m voting for Candidate Goodbrain because I like her views on the environment, social welfare, and revenue sharing.” Such a vote is called:
   a. prospective.
   b. retrospective.
   c. matching.
   d. preemptive.
   e. contagious.

17. Campaigns are more likely to be important for:
   a. national elective offices.
   b. low-visibility offices.
   c. when a candidate has very few opponents.
   d. elections that are highly covered by the media.
   e. primary elections only.

18. An election that results in one party’s gaining long-term dominance over the others is referred to as a:
   a. landmark election.
   b. shifting election.
   c. realigning election.
   d. consolidation election.
   e. temporary gain.

19. An example of a single-issue ideological group that urges its followers to vote or against a candidate solely on the basis of some cause would be which of the following:
   a. Congress Watch.
   b. Christian Coalition.
   c. United Auto Workers.
   d. U.S. Chamber of Commerce.
   e. National Association of Police Chiefs.

20. Presidential elections are usually decided by three things:
   a. money; platform and charisma.
   b. charisma; vice-presidential running mate and money.
   c. political party affiliation; state of the economy and the character of the candidates.
   d. money; media and gender.
   e. none of the above.

21. Party realignments most often occur as a result of disagreement over real issues. An example of an issue that caused a realignment is:
   a. the War of 1812, which split the Federalist party in half.
   b. slavery in 1860, which split the Democratic party in half.
   c. the gold crisis of 1910, which split the Republican party in half.
   d. the civil rights movement of the 1960s, which split the Democratic party in half.
   e. the stock market drop of 1987.
22. Which of the following is not considered as an item that would greatly influence the outcome of an election:
   a. religion
   b. political party affiliation.
   c. character of the candidates.
   d. state of the economy.
   e. none of the above.

23. The one dramatic shift in presidential voting patterns since 1972 has been among:
   a. women, who have grown increasingly Democratic and independent.
   b. blacks, who have grown increasingly Republican and independent.
   c. Hispanics, who have grown increasingly Democratic and independent.
   d. southerners, who have grown increasingly Republican and independent.
   e. white males, who have grown increasingly liberal.

24. The office-bloc ballot made it possible for voters for the first time to:
   a. vote in secret.
   b. connect party labels to candidates’ names.
   c. cast a straight-party vote.
   d. split their votes between party tickets.
   e. vote while still at their place of work.

25. One major effect of ticket-splitting in national elections is a(n):
   a. increase in the frequency of major party realignments.
   b. divided government, in which one party controls the presidency, the other Congress.
   c. decrease in the number of races in which the two candidates are separated by less than ten percentage points.
   d. gradual emergence of parties as a political force.
   e. strengthening of third parties.

26. Blacks and Jews have been the most loyal supporters of:
   a. the Democrats.
   b. independent candidates.
   c. minor parties.
   d. the Republicans.
   e. various interest groups.

27. In numbers rather than percentage, the smallest contribution to Democratic vote totals is made by:
   a. union members.
   b. blacks.
   c. Catholics.
   d. southerners.
   e. religious fundamentalists.

28. Since the early 1950s, politicians campaigning for public office have recognized that:
   a. the media has a significant effect on the public’s understanding of the issues.
   b. the media is not interested in covering political events.
   c. the media is not particularly useful in their campaigns.
   d. the media can assist them in developing a name recognition and a national constituency.
   e. the media is an entity to be avoided.
29. When a citizen sees or hears only what he or she wants (on television and radio), it is called:
   a. the marriage syndrome.
   b. mental tune-out.
   c. direct advertising.
   d. media reform.
   e. selective attention.

30. Assume you are running for office on the “Greenbelt” ticket and need to reach all of the environmentalists in your area. Your best bet is to rely on:
   a. a paid television ad.
   b. direct mailing.
   c. a news broadcast.
   d. a televised debate.
   e. a phone book.

31. Campaign-finance rules prohibit cash contributions from any individual in excess of:
   a. $10.
   b. $100.
   c. $2,000.
   d. $10,000.
   e. there is no set limit.

32. Candidates running in a primary election for their party’s presidential nomination can receive:
   a. only money from states on which they are on the ballot.
   b. only money from special interest groups.
   c. only federal money with the required number of ballot signatures.
   d. matching funds.
   e. matching funds if the party is running at least 15% in the polls.

33. When PACs make independent expenditures on behalf of a candidate, the legal limit on such expenditures is:
   a. $3,000.
   b. $15,000.
   c. $20,000.
   d. $5,000 per candidate per election or $15,000.
   e. there is no legal limit.

34. Campaign contributions by political action committees (PACs) generally favor:
   a. incumbents.
   b. conservatives.
   c. Republicans.
   d. supporters of organized labor.
   e. liberals.

35. Which of the following candidates would automatically be entitled to full federal support for his/her general election campaign?
   a. one who obtained more than 5 percent of the popular vote in the election
   b. one who took no money from PACs or other interest groups
   c. one who has obtained at least 50,000 signatures in all fifty states
   d. one who has won a major party’s nomination
   e. one who refused all federal support in the last election
36. The two major U.S. political parties can best be described as:
   a. strong coalitions of groups that traditionally support each party.
   b. weak coalitions of diverse elements.
   c. broad coalitions of single-issue groups.
   d. stable political entities of growing strength.
   e. galvanized groups with a strong central structure.

37. One way to bypass many of the federal rules on campaign finance is to solicit money over the:
   a. airwaves of public television.
   b. airwaves of radio talk-show hosts.
   c. use of cable television.
   d. telephone.
   e. internet.

38. Which of the following statements is true about most presidential elections?
   a. They do not produce any major party realignment.
   b. They are generally decided by prospective voting patterns.
   c. They generally provide the winner with a clear mandate.
   d. They are usually fought over a dominant issue.
   e. They are usually decided well in advance.

ESSAY QUESTIONS

Practice writing extended answers to the following questions. These test your ability to integrate and express the ideas that you have been studying in this chapter.

1. Discuss those aspects of elections that can be said to make American politics more democratic than the politics of most other countries, along with those aspects of elections that can be said to make American politics less democratic.

2. What are the major factors that appear to hold down the level of voter turnout in the United States? What sort of program might you design if you wanted to overcome some of these problems and thus increase voter turnout?

3. Outline the history of the growth of voting in this country. Discuss where we are likely to go from here: broadening the franchise to include more groups of people, keeping it about the same, or constricting it in the future.

4. The book lists several items such as religion that seem to have very little impact on the outcome of elections. In your opinion, why aren’t these items more relevant? Explain in detail.

5. Discuss why more and more Americans are classifying themselves as independent. Do you believe that this could ultimately give rise to more viable third party candidates?

6. Do you believe that today’s candidates seem more “packaged” than ever before? Discuss the use of the media in presenting a candidate’s personality to the public.

7. List the major regulations on campaign financing imposed by Congress prior to 2002 and the effects that these regulations are likely to have on candidates, donors, parties, and American politics generally.

8. Discuss three major changes in campaign financing due to the Bipartisan Campaign Finance Reform Act of 2002.
APPLYING WHAT YOU'VE LEARNED

The previous chapter shows why presidential nominees rarely represent the preferences of the average voter. Chapter 6 outlines the mechanics of the election process. If political candidates do not share the concerns of the majority, it is not enough to complain about the quality of candidates; much of the blame must be assigned to the selection procedures. What can be done to remedy the situation? The text discusses not only how elections are conducted in the United States but also the consequences—both positive and negative—of each facet of the current system.

This exercise provides an opportunity to apply the chapter’s material by dealing with a problem of enormous national concern: how can the election process be modified to produce presidential nominees more aligned with the preferences of the majority? The chapter provides the information necessary to identify the factors that skew elections away from the political center. The assignment is to locate these areas and to apply the appropriate solution. Attention should be given to the following considerations:

1. The power of political parties in choosing candidates has been diminished by recent changes, such as the passage of campaign finance laws and the adoption of delegate selection rules (for presidential nominations). Should the power of parties in the nominating procedure be increased? If so, how? From your knowledge of the past, what dangers can you see in allowing parties a large role in candidate selection? What benefits could the nation obtain from more active party involvement in the nominating process?

2. Should candidates pay more attention to the political polls? Should candidates adjust their position on an issue in response to public opinion polls on that given issue? What are the possible advantages and disadvantages of doing so?

3. The nature of primary elections contributes to the lack of representativeness of presidential nominees. Since elections are dominated by ideological voters, candidates are compelled to take extreme positions on issues to attract support. Have primaries become a national liability? Is the European method of candidate nomination preferable? Given the material presented in this and other chapters, how can the average voter be enticed to participate in primary elections? Is the caucus system a better alternative? Did any of the earlier methods of selecting presidential nominees more dependably produce representative candidates?
4. The consequences of finance reform laws have been both positive and negative. One of the negative consequences is that certain types of candidates benefit from these restrictions: incumbents, candidates who are wealthy, and those with close ties to PACs. How can campaign finance laws be refined to allow more equitable competition in elections?

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

RESEARCH AND RESOURCES

Suggested Readings


Resources on the World Wide Web

Project Vote Smart: http://www.vote-smart.org/
Campaigns and candidates: http://www.eq.com
Election history: http://clerkweb.house.gov/
League of Women Voters: http://www.lwv.org/
Kids Voting USA: http://www.kidsvotingusa.org/
ANSWERS

Key Terms Match
1. k
2. w
3. d
4. a
5. c
6. s
7. j
8. e
9. g
10. b
11. h
12. f
13. i
14. v
15. l
16. m
17. q
18. x
19. n
20. o
21. t
22. u
23. p
24. r

Did You Think That…?
1. Politics in America actually offers very few awards.
2. According to the text, the turnout rates of registered Americans are comparable to rates of Europeans, who are registered by their governments.
3. No. Example: Since 1994, the Republicans have basically controlled the Congress. American President Bill Clinton (1992–2000) was a democrat serving during the same frame.
4. This is not always true. Political party affiliation, the state of the economy and the character of the candidate can be deciding factors.
5. Presidential campaigns rely on a mixture of public and private sources of funds for their financing. In terms of private funding, however, both for presidential and congressional campaigns, most money comes from individual donors who, by law, are limited to donations of $2,000.

6. As many as two-thirds of the electorate choose on the basis of party loyalty or personality themes rather than, or in addition to, issues. Many voters know how they intend to vote before the election campaign.

7. Democracy has really nothing to do with the problem. There are other identifiable factors for low voter turnout such as weak political parties in America.

**True/False Questions**

1. T
2. T
3. T
4. T
5. F. It is just the opposite.
6. F. It is just the opposite.
7. F. It was the other way around.
8. T
9. T
10. F. These two figures are comparable.
11. F. The text argues that getting people registered is the major problem, and that apathy is not the only cause of this.
12. T
13. T
14. T
15. F. The other way around.
16. F. He won his party’s nomination without mobilizing the issue-oriented activists.
17. T
18. T
19. T
20. T
21. F. They actually gained five seats in the House and held even in the Senate.
22. T
23. T
24. F. It has rarely made a difference.
25. F. There seem to have been only five realigning elections since 1880.
26. T
27. F. It was slavery.
28. F. It played a big role in the presidential primary election of 2004.
29. F. It can be a factor, but not an absolute.
30. T
31. T
32. F. The limit was recently raised to $2.00 per candidate.
33. F. The Supreme Court has made it clear that it is hard to regulate political money.
34. T
35. T

Multiple Choice Questions
1. b
2. a
3. d
4. a
5. d
6. d
7. d
8. d
9. b
10. a
11. a
12. c
13. e
14. d
15. a
16. a
17. b
18. c
19. cb
20. c
21. b
22. a
23. d
Applying What You’ve Learned

1. Yes, by increasing the power of party leaders in choosing the party’s nominee and by giving parties more control of financing. The danger in this strategy is corruption from leadership control. The nation would benefit from more attractive and appealing candidates who are not forced into taking extreme ideological positions.

2. While political polls are important, most people want a candidate that will “stick to their guns” and not appear indecisive. If a candidate constantly shifts in accordance with ever-changing polls then that would resemble more of a direct democracy (with its inherent problems – see Chapter 1) than a representative democracy. However, the positive is that the candidate is paying attention to the people.

3. Some European countries have mandatory voter participation; other countries have easier registration requirements. A caucus tends to be dominated by party regulars; the benefit is that party leaders exercise greater control in a caucus, which could result in more electable candidates.

4. The text mentions the following reforms: public financing of congressional races, restrict or abolish PAC contributions, shorten campaign season, reduce number of presidential primaries, and provide free or low-cost television for campaign speeches.
CHAPTER 9

Congress

CHAPTER FOCUS
The central purpose of this chapter is to describe the Framers’ understanding of the role of Congress and to describe the roles and organization of Congress today. You should pay particular attention to the effects of organizational characteristics on the behavior of members of Congress and on the way that the House and the Senate perform their functions. After reading and reviewing the material in this chapter, you should be able to do each of the following:

1. Explain the differences between Congress and Parliament.
2. Describe the role that the Framers expected Congress to play.
3. Pinpoint the significant eras in the evolution of Congress.
4. Describe the characteristics of members of Congress.
5. Outline the process for electing members of Congress.
6. Identify the functions of party affiliation in the organization of Congress.
7. Explain the effect of committee reform on the organization of Congress.
8. Describe the formal process by which a bill becomes a law.
9. Identify the factors that help to explain why a member of Congress votes as he/she does.
10. Explain the ethical problems confronting Congress.

STUDY OUTLINE
I. Uniqueness of the U.S. Congress
   A. Only democratic government with a legislative branch
   B. Comparison with British Parliament
      1. Parliamentary candidates are selected by party
         a) Members of Parliament select prime minister and other leaders
         b) Party members vote together on most issues
         c) Re-nomination depends on loyalty to party
         d) Principal work is debating national issues
         e) Very little power, very little pay
      2. Congressional candidates run in a primary election, with little party control
         a) Vote is for the man or woman, not the party
         b) Result is a body of independent representatives
         c) Members do not choose the president
         d) Principal work is representation and action
         e) Great deal of power; high pay; parties cannot discipline members
II. The Evolution of Congress
   A. Intent of the Framers
      1. To oppose concentration of power in a single institution
      2. To balance large and small states: bicameralism
3. To have Congress be the dominant institution

B. General characteristics of subsequent evolution
   1. Congress generally dominant over the presidency for more than 140 years; exceptions:
      brief periods of presidential activism
   2. Major struggles were within Congress

C. After 200 years, House has usually embraced the view that power of individual members
   should be protected versus opportunities for leadership
   1. Flirted with strong party leadership in late nineteenth and early twentieth centuries
   2. When Republicans gained control in 1995, party leadership reasserted itself
   3. Of late, the power of party loyalty has grown in House, while it has become weaker
      among voters

D. The decentralization of the Senate
   1. Never flirted with tight organization
   2. Always insisted on unlimited debate
   3. 1913 amendment permitting direct election (17th Amendment)

III. Who is in Congress? (see Table 9.1)
   A. House characteristics
      1. 435 member based on population (census every decade)
      2. Northeast has lost seats; South/Southwest has gained in recent years
      3. Two-year terms, elected in districts about equal in population
   
B. Senate
      1. Constitution-mandated two senators per state
      2. Six-year terms, staggered elections

C. Sex and race
   1. Average: middle-aged white males
   2. Number of women has increased (49 in House, 8 in Senate)
   3. Number of blacks has increased (39 in House, 1 in Senate)
   4. Importance of personal characteristics varies with issues (e.g., blacks and civil rights)

D. Incumbency
   1. Low turnover rates and safe districts common in Congress before 1980s
   2. Incumbents increasingly viewed as professional politicians and out of touch with the
      people by the 1980s
   3. Call for term limits; however, natural forces were doing what term limits were
      designed to do by the mid-1990s
   4. Influx of new members should not distort incumbents’ advantage
   5. Incumbents’ advantage due to name recognition and credit for local projects

E. Party
   1. Prior to 1950s, Democrats were beneficiaries of incumbency
   2. Incumbents—particularly, Democrats—associated with the “mess in Washington”
      (e.g., budget deficits, scandals, bickering, special privileges)
   3. Republicans control House and Senate after 1995

IV. Getting Elected to Congress
   A. Need to win at least a plurality of votes under a party label
   B. Winning the primary
      1. Collect signatures on petition to enter primary
      2. Some states have run-off primary
      3. Reduces influence of political party
      4. Candidates run personalized campaigns; offers them independence from party in
         Congress
V. The Organization of Congress: Parties and Interests
   A. Party organization—majority/minority leaders elected by own party members
   B. The Senate
      1. President pro tempore presides; member with most seniority in majority party
      2. Leaders are the majority leader and the minority leader, elected by their respective party members
      3. Party whips keep leaders informed, round up votes, count noses
      4. Policy Committee schedules Senate business
      5. Committee assignments
         a) Democratic Steering Committee
         b) Republican Committee on Committees
   C. The House of Representatives
      1. Leaders have more power due to chamber size and rules
      2. Speaker of the House, as leader of majority party, presides over House
         a) Decides who to recognize to speak on the floor
         b) Rules of germaneness of motions
         c) Decides to which committee bills go
         d) Appoints members of special and select committees
         e) Has some patronage power
      3. Majority party chooses majority leader; minority party chooses minority leader
      4. Each party has a whip
      5. Democrats use Steering and Policy Committee for assigning committee slots and scheduling; Republicans divide responsibility between two committees
      6. Each party has a congressional campaign committee
   D. Party voting
      1. Problems in measuring party votes (90% or 50% opposition figure can be used)
      2. Party voting quite low by either measure
      3. Ideology an important variable explaining party voting
      4. Congressmen need advice on floor voting since they have little information—another variable behind party voting
   E. Caucuses: rivals to parties in policy formulation
      1. By early 1980s, more than seventy
      2. House black caucus particularly well known
   VI. The Organization of Congress: Committees (see the “Standing Committees of the Senate” and “Standing Committees of the House” boxes)
   A. Legislative committees—most important organizational feature of Congress
      1. Consider bills or legislative proposals
      2. Maintain oversight of executive agencies
      3. Conduct investigations
   B. Types of committees
      1. Select committees—groups appointed for a limited purpose and limited duration
      2. Joint committees—those on which both representatives and senators serve
      3. Conference committee—a joint committee appointed to resolve differences in the Senate and House versions of the same piece of legislation before final passage
   C. Standing committees (permanent)—most important type of committee
      1. Majority party has majority of seats on the committees
      2. Each member usually serves on two standing committees
      3. Only committees that can report legislation
      4. Chairs are elected, but usually the most senior member of the committee is elected by the majority party

6. Committee “bill of rights” of 1970s changed several traditions:
   a) Opened more meetings to the public
   b) Allowed television coverage of meetings
   c) Effort to reduce number of committees in 1995–1996
   d) Greater rights for minority members

7. Republican-sponsored changes in 1995 reduced further the powers of committee chairs (e.g., six-year limits and election by secret ballot)

D. Committee styles
   1. Decentralization has increased individual member’s influence
      a) Less control by chairs
      b) More amendments proposed and adopted
   2. Ideological orientations of committees vary, depending on attitudes of members
   3. Certain committees tend to attract particular types of legislators
      a) Policy-oriented members
      b) Constituency-oriented members

VII. The Organization of Congress: Staffs and Specialized Offices
   A. Introduction
      1. In 1900s, congressmen had little staff support
      2. Since 1947, five-fold increase in staff size
   B. Tasks of staff members
      1. Personal staff focuses on constituency service, perhaps explaining re-election success
      2. Committee staff vary in terms of partisanship
      3. Personal staff see themselves as advocates for boss, assuming entrepreneurial function
      4. Reliance on staff makes Congress less collegial and deliberative
   C. Staff agencies offer specialized information
      1. Congressional Research Service (CRS) supplies information
      2. General Accounting Office (GAO) audits and recommends
      3. Office of Technology Assessment (OTA) evaluates policy impact on technology
      4. Congressional Budget Office (CBO) advises on impact of spending
   D. Reasons for a more polarized Congress
      1. Way congressional districts are drawn
      2. Voters becoming more partisan
      3. Role of Seniority

VIII. How a Bill Becomes Law (see the “How a Bill Becomes a Law” box)
   A. Introducing a bill
      1. Introduced by a member of Congress
      2. Much legislation has been initiated in Congress
      3. Legislation drafted by the president is shaped by Congress
      4. Resolutions
         a) Simple—passed by one house affecting that house
         b) Concurrent—passed by both houses affecting both
         c) Joint—passed by both houses, signed by president (except for constitutional amendments)
   B. Study by committees
      1. Bill is referred to a committee for consideration by either Speaker or presiding officer
      2. Revenue bills must originate in the House
      3. Hearings are often conducted by several subcommittees: multiple referrals (replaced by sequential referral system in 1995)
      4. Committee reports a bill out to the House or Senate
a) If bill is not reported out, the House can use the discharge petition
b) If bill is not reported out, the Senate can pass a discharge motion
5. House Rules Committee sets the rules for consideration
   a) Closed or restrictive rule: sets time limit on debate and restricts amendments
   b) Open rule: permits amendments from the floor
   c) Use of closed or restrictive rules growing
d) Rules can be bypassed by the House
   e) No direct equivalent in Senate
C. Floor debate, House
   1. Committee of the Whole—procedural device for expediting House consideration of bills but cannot pass bills
   2. Committee sponsor of bill organizes the discussion
D. Floor debate, Senate
   1. No rule limiting debate or germaneness
   2. Entire committee hearing process can be bypassed by a senator
   3. Cloture—three-fifths of Senate must vote for a cloture petition
   4. Both filibusters and cloture votes becoming more common
   5. Filibuster and “Exceptional Circumstances”
E. Methods of voting
   1. To investigate voting behavior, one must know how a legislator voted on amendments as well as on the bill itself
   2. Procedures for voting in the House: voice, division, teller, and roll call
   3. Senate voting is the same except no teller vote or electronic counter
   4. Differences in Senate and House versions of a bill
      a) If minor, last house to act merely sends bill to the other house, which accepts the changes
      b) If major, a conference committee is appointed
         (1) Decisions are made by a majority of each delegation; Senate version favored
         (2) Conference reports back to each house for acceptance or rejection
   5. Bill, in final form, goes to the president
      a) President may sign it
      b) If president vetoes it, it returns to the house of origin
         (1) Either house may override the president by a vote of two-thirds of those present
         (2) If both override, the bill becomes law without the president’s signature
IX. How Members of Congress Vote
   A. Representational view (vote pleases constituents) has some merit under certain circumstances
      1. Correlation strong on civil rights bills
      2. Correlation weak on foreign policy measures
      3. “Passionate” issues (e.g., gun control, abortion) difficult vote for members
      4. Constituency influence more important in Senate votes
      5. Public opinion not strong and clear on most congressional votes to support this view
   B. Main cues for organizational voting (vote pleases fellow members) are party and ideological affinity
   C. Attitudinal view (vote based on own ideology)
      1. Democrats and Republicans differ along liberal/conservative lines
      2. Opinions of House members closer to average voter; Senators less so
      3. Democrats more ideologically divided
      4. Conservative coalition, when formed usually wins (e.g., Reagan years)
D. What It all Means
1. Members have localistic view
2. Policy making is decentralized
3. Members are individualist, with highly partisan views
4. Does not often engage in careful consideration

X. Ethics and Congress (see the “How Congress Responds to the Misconduct of Members” box)
A. Separation of powers and corruption
   1. Fragmentation of power increases number of officials with opportunity to sell influence
   2. Forms of influence: money and exchange of favors
B. Problem of defining unethical conduct
   1. Violation of criminal law is obviously unethical
   2. Problems are raised over types of employment, income, campaign, contributions, or intervention with an executive agency
C. House and Senate ethics code
   1. Rules are directed at financial transactions
   2. Seem to favor wealthy over members of modest means

XI. The Power of Congress (see the “Congress Obeys the Law” box)
A. Reassertion of congressional power in 1970s
   1. Reaction to Vietnam and Watergate
   3. Congressional Budget and Impoundment Control Act of 1974
   4. Increased requirement for legislative veto
B. Congressional power never as weak as critics have alleged
C. Presidential-congressional conflicts
   1. Especially sharp when different parties control the two branches
   2. Basic willingness of Congress to follow president on budget, foreign affairs
   3. Congress reluctant to criticize a popular president

KEY TERMS MATCH
Match the following terms and descriptions:

Set 1
1. _____ A means by which the House can remove a bill stalled in committee.
   a. attitudinal view of representation
   b. policy committee
   c. closed rule
   d. cloture
   e. blue dog democrats
   f. discharge petition
   g. filibuster
   h. organizational view of representation
   i. rules committee
   j. party vote
   k. party whip
2. _____ The theory of congressional voting behavior which assumes that members make voting decisions in order to please fellow members and obtain their goodwill.
3. _____ Plays an important role in the consideration of bills.
4. _____ A Senate rule offering a means for stopping a filibuster.
5. _____ A rule issued by the Rules Committee that does not allow a bill to be amended on the House floor.

6. _____ A means by which senators can extend debate on a bill in order to prevent or delay its consideration.

7. _____ A group of moderate-to-conservative democrats.

8. _____ The extent to which members of a party vote together in the House or the Senate.

9. _____ A theory of congressional voting behavior that assumes that members make voting decisions based on their perception of constituents’ wishes to ensure their own reelection.

10. _____ A theory of congressional voting behavior which assumes that members vote on the basis of their own beliefs because the array of conflicting pressures on members cancel one another out.

11. _____ Unrelated amendments added to a bill.

12. _____ Group of democratic senators that assigns other senators to the senate’s standing committee.

13. _____ An individual who assists the party leader in staying abreast of the concerns and voting intentions of the party members.

14. _____ Composed of a dozen or so senators who help the party leader schedule senate business.

l. steering committee
m. representational view of representation
n. riders
Set 2

1. _____ A special type of joint committee appointed to resolve differences in the House and Senate versions of a piece of legislation.

2. _____ The legislative leader elected by party members holding the majority of seats in the House or Senate.

3. _____ Investigates policies and recommendations on almost every aspect of government.

4. _____ A permanent committee of each house with the power to report bills.

5. _____ The ability of members of Congress to mail letters to their constituents free of charge.

6. _____ An association of members of Congress created to advocate a political ideology or a regional, ethnic, or economic interest.

7. _____ A congressional voting procedure that consists of members answering yea or nay to their names.

8. _____ The legislative leader elected by party members holding a minority of seats in the House or Senate.

9. _____ A committee on which both representatives and senators serve.

10. _____ Asserts how many times members of Congress spend a lot of time providing services, speeches, and mail to their local constituents.

11. _____ A resolution used to settle housekeeping and procedural matters that affect both houses.

a. caucus
b. concurrent resolution
c. conference committee
d. general accounting office
e. congressional research service
f. franking privilege
g. joint committee
h. joint resolution
i. majority leader
j. minority leader
k. congressional budget office
l. roll call vote
m. localistic viewpoint
n. standing committee
o. appropriations bills
p. committee of the whole
12. _____ A resolution requiring approval of both houses and the signature of the president and having the same legal status as a law.

13. _____ Created in 1974, advises Congress on the likely impact of different spending programs and attempts to estimate future economic trends.

14. _____ Whoever happens to be on the floor, as long as at least one hundred members are present can debate, amend, and decide issues.

15. _____ Direct the spending of money.

16. _____ Part of the Library of Congress that responds to requests by members of Congress for information.

DID YOU THINK THAT . . . ?

A number of misconceptions are listed below. You should be able to refute each statement in the space provided, referring to information or argumentation contained in this chapter. Sample answers appear at the end of this chapter.

1. “The Founders desired and expected the president and Congress to have equal authority.”

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

2. “The terms Parliament and Congress mean the same thing.”

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

3. “In Congress, Democrats and Republicans are loyal to their respective parties and vote accordingly.”

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
4. “The committee system plays no essential role in how a bill becomes law.”

5. “A good, strong code of ethics would largely eliminate problems of corruption in Congress.”

TRUE/FALSE QUESTIONS
Read each statement carefully. Mark true statements T. If any part of the statement is false, mark it F, and write in the space provided a concise explanation of why the statement is false.

1. T F In the United States members of Congress select the president.

2. T F If members of a party in power in Parliament vote against their leaders, a new government must be formed.

3. T F Congress is not constitutionally independent of the president.

4. T F The Framers did not want all powers concentrated in a single government institution.

5. T F To get elected to the House or Senate in most states, you only need to win more votes than the other candidates.

6. T F Because of population movements, many northeastern states have been losing seats in the House.

7. T F There has been no concern about establishing term limits for members of Congress.

8. T F Two senators from a given state are given staggered terms so that they don’t have to run against each other.

9. T F Americans tend to dislike both their legislators and the Congress.

10. T F Incumbents still enjoy enormous advantages in congressional elections.
11. T F A filibuster can only be used in the senate.

12. T F The most important person in the House is the party whip.

13. T F Ideological differences between party members in the House are more important than regional differences.

14. T F Just because one party has a majority in the House or Senate does not mean that it “controls” that chamber.

15. T F You have to win a majority of votes cast to get elected to Congress.

16. T F Most of the power in Congress is found in the party organizations.

17. T F Standing committees are more permanent and more important than select committees.

18. T F To a considerable degree, selecting committee chairmen by vote of a party caucus results in strong legislative leadership.

19. T F Congressional committees, although directed by the majority party, develop policies on the basis of verifiable evidence within the party context.

20. T F In recent years, the fastest-growing bureaucracy in Washington, D.C. has been the executive branch.

21. T F Congressional staffers often wield considerable political clout.

22. T F Committees are where the real work of Congress is done.

23. T F It is difficult for Congress to obtain a comprehensive view of an issue that cuts across committee boundaries.

24. T F Most bills sent to committees become law.

25. T F A filibuster is the means by which cloture is invoked.
26. T F How a member of Congress voted on key amendments to a bill is often more important than how that member voted on the bill itself.

27. T F Voters are becoming more partisan as a result of Congress becoming more partisan.

28. T F Legislators are more likely to vote as their constituents want on foreign policy measures than on domestic policy issues.

29. T F Most congressional votes are not known to most citizens.

30. T F Since most of the real business of Congress is done in committees and subcommittees, the process of making policy is highly centralized.

31. T F The spirit of individualism in Congress has increased the power of party leadership.

32. T F Most bills are not carefully deliberated by legislators.

33. T F Compared to a unitary system, a federal system with separation of powers limits opportunities for corruption.

34. T F Illegal payoffs to members of Congress appear to be the most frequent types.

35. T F Since the 1930s and 1960s, most scholars believe that the president has lost power to Congress.

MULTIPLE CHOICE QUESTIONS

Circle the letter of the response that best answers the question or completes the statement.

1. A person ordinarily becomes a candidate for representative or senator by:
   a. appealing to party leaders.
   b. serving first in the state legislature.
   c. running in a primary election.
   d. serving first in a government agency.
   e. paying the required fee of $5,000.
2. Members of a parliament can only make one important decision which would consist of the following:
   a. whether to provide for a militia.
   b. whether to “make all laws necessary and proper.”
   c. whether to support the government.
   d. whether to borrow money.
   e. whether to coin money.

3. A basic difference between a parliament such as Great Britain’s and the U.S. Congress is that:
   a. the principal role of Congress is to debate national issues.
   b. members of a parliament have more power and higher pay.
   c. members of Congress are more likely to “vote the party.”
   d. Congress does not select a president.
   e. members of Parliament are more emotional.

4. A person becomes a member of the United States Congress by winning a __________ and a __________.
   a. primary; general election.
   b. plurality; staggered election.
   c. constituency; plurality.
   d. discharge petition; voice vote.
   e. caucus; primary election.

5. Despite the ups and downs of party leadership, the power of party loyalty has _____ in the House.
   a. declined
   b. grown
   c. not been measured
   d. stayed the same
   e. been insignificant

6. The general trend in power distribution and decision making throughout the evolution of Congress has been toward:
   a. centralization—more power for leadership.
   b. decentralization—more power for leadership.
   c. centralization—more power for individual members.
   d. decentralization—more power for individual members.
   e. decentralization in order to cede more power to the president.

7. Each state must have at least one representative; how many more it has depends on its _____.
   a. relevance
   b. geographical size
   c. proximity to Washington, D.C.
   d. per capita income
   e. population

8. Originally members of the U.S. Senate were selected by:
   a. direct election of the people.
   b. the electoral college.
   c. party leaders.
   d. state legislatures.
   e. two-party caucuses
9. In terms of the composition of its membership, the House since 1950 has become:
   a. less male and less white.
   b. less male and more white.
   c. more male and less white.
   d. more male and more white.
   e. not noticeably different.

10. Today House membership has become less of a career with a(n):
   a. higher turnover of members.
   b. decrease in marginal districts.
   c. increase in safe districts.
   d. lower turnover of members.
   e. higher number of forcible removals due to ethics violations.

11. By 1995, there were scores of new members who were serving their first or second term. Which of the following factors contributed to this?
   a. after the 1990 census, many incumbents were in new districts that they could not carry
   b. voter disgust at a variety of scandals
   c. the Republican Congressional victory of 1994
   d. all of the above
   e. none of the above

12. Possible reasons why incumbents win so frequently include all of the following except:
   a. voting for the person rather than the party.
   b. access to free mailings.
   c. free publicity.
   d. name recognition.
   e. personal finances.

13. Probably the major reason why the tendency of voters to return incumbents to office has helped Democrats more than Republicans is that:
   a. Democrats have more effectively organized the media and various interest groups to support their incumbents.
   b. the advantages of incumbency began to take effect at a time when Democrats controlled Congress.
   c. Democrats have been able to use their power more effectively to change election rules.
   d. the powers of incumbency tend to be more closely associated with “Democratic causes,” such as civil rights.
   e. Democrats are more effective at fundraising.

14. A candidate running for Congress today is most likely to attempt to instill among voters a high opinion of the:
   a. democratic system.
   b. home district.
   c. candidate.
   d. candidate’s party.
   e. federal system.

15. True leadership in the senate resides with the:
   a. majority leader.
   b. minority leader.
   c. president pro tempore.
   d. majority whip.
   e. minority whip.
16. For newly elected Senators, their political careers, chance to help their constituents, etc. will depend largely on their _____ assignments.
   a. committee
   b. individual
   c. fund-raising
   d. investigative
   e. temporary

17. Leadership position in the House carry more power than in the Senate because of:
   a. the number of members.
   b. house rules.
   c. focused committees.
   d. decentralization in the House.
   e. the charisma of House leaders.

18. Among the many powers of the House Speaker is that he:
   a. decides to which committee bills go.
   b. assigns party members to the various committees.
   c. keeps party leaders informed about the opinions of their party members.
   d. schedules legislation.
   e. is a member of the National Security Council.

19. Since 1975, the Speaker has been able to select the majority party members of the _____, which plays an important role in considering bills.
   a. standing committee
   b. ethics committee
   c. select committee
   d. conference committee
   e. rules committee

20. One reason why members of Congress tend to support the policy positions of their party is that:
   a. those positions often coincide with their own ideology.
   b. congressional rules require party support on all “partisan issues.”
   c. support for the party position is essential in the eyes of most voters.
   d. the party pays most of their campaign expenses.
   e. they can be “fined” for not doing so.

21. A growing rival to the parties in Congress as a source of policy leadership is (are) the:
   a. junior members.
   b. Democratic Study Group.
   c. General Accounting Office.
   d. congressional caucuses.
   e. third parties.

22. A coalition of moderate-to-conservative Democrats in the House:
   a. blue dog democrats
   b. yellow dog democrats
   c. Christian coalition
   d. mudruckers
   e. Democratic Study Group
23. Because they are usually the only ones that can report out bills, the committees that are the most important are the:
   a. joint committees.
   b. conference committees.
   c. standing committees.
   d. select committees.
   e. semi-active.

24. Since the 1970s, the chairpersons of House committees have been chosen by:
   a. secret ballot.
   b. voice vote.
   c. seniority.
   d. the committee on committees.
   e. roll call vote.

25. If you were a newly elected member of the House of Representatives interested in becoming an expert on a particular policy, and in influencing your colleagues on this policy, you would probably ask to be assigned to the:
   a. Rules Committee.
   b. Ways and Means Committee.
   c. Public Works and Transportation Committee.
   d. Ethics Committee.
   e. Agriculture Committee.

26. A major function of a legislator’s staff is to help _____ solve problems and thereby help that member of Congress get reelected.
   a. other members
   b. bureaucrats
   c. the executive branch
   d. interest groups
   e. constituents

27. Which of the following is not a staff agency that works for Congress?
   a. congressional research service
   b. general accounting office
   c. congressional budget office
   d. office of budget and management
   e. none of the above

28. Which of the following statements about introducing a bill in Congress is correct?
   a. A bill not passed during the life of one Congress cannot be introduced again during the next Congress.
   b. Bills are initiated by the president, not by Congress.
   c. A bill not passed during the life of one Congress is dead.
   d. Most bills introduced today are private rather than public bills.
   e. all proceedings must be closed to the public.

29. A bill is referred to a committee for consideration by either the _____ or _____.
   a. party whip, minority leader.
   b. committee chairman, caucus leader.
   c. sergeant at arms, minority leader.
   d. Speaker of the House, Presiding Officer of the Senate.
   e. minority leader, party chairman.
30. The effect of allowing bills to be debated under open rather than closed or restrictive rules is to:
a. reduce the time needed to vote on a final bill.
b. give greater control to the committees.
c. set a time limit on debate.
d. increase the number of amendments.
e. allow more access to special interests.

31. Unlike the House, the scheduling of legislation in the Senate is:
a. controlled by the Rules Committee.
b. initiated by means of a discharge petition.
c. governed by closed rather than open rules.
d. determined by the majority and minority leaders.
e. only accomplished via the vice-president.

32. Which of the following statements about different methods of voting for a bill in the House and Senate is correct?
a. Roll-call votes in the House are handled orally.
b. Individual votes may be recorded or not.
c. Roll-call votes are less numerous today than they were forty years ago.
d. A division vote involves members shouting “yea” or “nay.”
e. Electronic voting is never used.

33. Which of the following statements about conference committee reports is correct?
a. They can be amended but cannot be rejected.
b. They can neither be rejected nor amended.
c. They must be approved by a majority of each party delegation.
d. They tend to favor the House version of a bill.
e. They only apply to appropriations bills.

34. The explanation for congressional voting behavior that assumes that members vote to please their constituents is referred to as:
a. representational.
b. conventional.
c. organizational.
d. attitudinal.
e. pork-barreling.

35. As a member of Congress, you vote for a dairy-support bill because it is consistent with your thinking as a liberal Democrat. Political scientists would describe your vote as:
a. attitudinal.
b. organizational.
c. representational.
d. conventional.
e. atypical.

36. Over the past three decades, senators, compared with the average voter, were consistently more:
a. conservative.
b. liberal.
c. conservative in the 1970s and liberal in the 1980s and 1990s.
d. liberal in the 1970s and conservative in the 1980s and 1990s.
e. independent on all issues.
37. Which of the following aspects best characterized the structure of the House of Representatives during the 1970s, 1980s, and 1990s?
   a. powerful committee chairpersons; long apprenticeship for new members; small congressional staffs.
   b. localized viewpoint; decentralized policy making.
   c. centralized party leadership; rapid turnover of membership; many amendments and filibusters.
   d. decentralized and weak party leadership; fewer amendments and filibusters; broad, national viewpoint.
   e. centralized leadership and localized viewpoints.

38. Rules that assume money is the only source of political corruption fail to account for:
   a. the role of education.
   b. the influence of parties.
   c. political alliances and personal friendships.
   d. income derived from speaking and writing.
   e. the role of the media.

39. In 1973, Congress passed, over a presidential veto, the _____ giving Congress more authority in the use of American forces aboard.
   a. War Powers Act
   b. Congressional Budget Act
   c. Ethical Control Act
   d. Campaign Finance Act
   e. Education Control Act

40. Congress was moved to reassert its authority beginning in the early 1970s as a consequence of:
   a. Watergate and the energy crisis.
   b. Vietnam and Watergate.
   c. rampant inflation and Vietnam.
   d. the energy crisis and rampant inflation.
   e. immigration and wages.

ESSAY QUESTIONS
Practice writing extended answers to the following questions. These test your ability to integrate and express the ideas that you have been studying in this chapter.

1. Do you think Congress has ceded too much power to the president over the past sixty years? Why or why not?

2. Should members of Congress adopt term limits? What would be some of the advantages and disadvantages of having term limits?

3. Which of the three kinds of explanations listed in the book on how members of congress vote do you agree with? Discuss some of the other influences that can impact how members vote.

4. A democratic government is based on the idea that the will of the people prevails. Does Congress act this way? In answering, consider elections to Congress, how Congress operates, and the factors that influence the voting behavior of members.
APPLYING WHAT YOU’VE LEARNED

The legitimacy of republican government depends on the degree to which elected representatives express the will of their constituents. The view that unless majority opinion is enacted in legislation, the people cannot be said to rule, is much too simplistic, however. Representatives must also resist temporary impulses that consume the public. The majority can sometimes be swayed by irrational emotions, especially during times of crisis. In such instances, obeying popular opinion could threaten the national welfare.

Members of Congress have a difficult balancing act to perform when deciding whether to yield to popular preferences in situations in which their personal convictions are in disagreement. But why should members of Congress even worry? Fewer than half of Americans of voting age know the name of the person representing them in Congress, and eighty-one percent cannot say how their representative voted on any piece of legislation in the last two years. Because more than ninety percent of the members of Congress are reelected to office, it would seem that legislators have little to fear from their constituents no matter how they vote.

Is the concept of representative government a farce in the United States? This question can be answered only by examining how members of Congress actually vote. The text outlines three theories of the voting process in Congress: representational, organizational, and attitudinal. Review the chapter to become familiar with these three versions of congressional voting behavior. According to the text, each view has merits as well as flaws.

John Kingdon has developed a model that incorporates elements from each theory of how members in Congress make up their minds on voting decisions. [Randall Ripley, Congress: Process and Policy, 4th ed. (New York: Norton, 1988), p. 133.] The model takes into account most aspects of Congress, from staff to party leadership to constituents, and thus provides a useful framework for structuring the material in the chapter. The model is based on three assumptions:

1. Members search for information about a decision they must make only if they define that decision as having some kind of problem associated with it.

2. Members have no problems with, or difficulty in making, many decisions. This is true when (a) all the forces that normally affect members’ decisions (interest groups, staff, constituencies, administration, party leadership, other members, and personal attitudes) agree that a given decision is proper, (b) members feel very strongly about the matter at hand, or (c) members have well-established voting records on the issue or ones that are similar.

3. Members make up their minds in a “consensus mode of decision” most of the time. They first determine whether a vote is controversial; if it isn’t, any decision is relatively cost free. When the potential for controversy is perceived, members will check their “fields of forces” to see how much conflict exists. If the actors in the fields of forces all agree on the proper decision, a member will go along with them. If only one actor is out of line, most of the time the member will vote against the actor (ninety-three percent of the time in Kingdon’s data). If two actors are out of line, the chances of going with the minority forces rise (seventeen percent of the time in Kingdon’s data). It is worth noting that the force called “own attitude” is by far the most potent in explaining members’ defections from the majority view of fields of forces in disagreement with their views. Members use a calculus—which varies in detail from person to person—in arriving at decisions. The calculus allocates weight both to outside forces and to the members’ own judgments.
The model combines many topics discussed in the chapter in an integrated fashion. Consider the following issues raised by the model:

1. It is only on controversial questions that members even consider what relevant actors (or forces) think about a voting decision. If few votes fall into this category, how do members decide on votes that are noncontroversial? The chapter provides numerous clues. Reread the material on the legislative process, focusing on how most decisions are made in Congress.

2. Kingdon assigns almost equal weight to each force. Does any material presented in the chapter suggest that certain actors may be more significant at times? Does the issue involved in a particular vote enhance the importance of one actor over that of others?

3. Kingdon indicates that members’ personal beliefs are especially important in voting decisions. Are there any reasons for members’ values to operate to the advantage of constituents rather than outside forces?

4. The text enumerates many flaws in the three views of voting behavior in Congress. Does Kingdon’s model possess any of these deficiencies?

5. Does Kingdon’s model apply equally to voting habits in both the House and the Senate? Keep in mind that outside forces operate quite differently on the members of each chamber.
6. How would you amend Kingdon’s model in light of these considerations?

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

RESEARCH AND RESOURCES

Suggested Readings


Mayhew, David R. *Congress: The Electoral Connection*. New Haven: Conn.: Yale University Press, 1974. Argues that a member of Congress’s desire to win reelection shapes his or her legislative behavior.


Resources on the World Wide Web

House of Representatives: www.house.gov

Senate: www.senate.gov

Library of Congress has two web sites about Congress:

  thomas.loc.gov
  http://thomas.loc.gov/links/

For news about Congress:

  Roll call magazine: www.rollcall.com
  C-SPAN programs about Congress: www.c-span.org

For Congressional voting records, campaign contributions, and ethics:

  www.citizen.org/congress
ANSWERS

Key Terms Match

Set 1
1. f
2. h
3. i
4. d
5. c
6. g
7. e
8. j
9. m
10. a
11. n
12. l
13. k
14. b

Set 2
1. c
2. i
3. d
4. n
5. f
6. a
7. l
8. j
9. h
10. m
11. b
12. g
13. k
14. p
Did You Think That…?

1. The Founders wanted Congress to be the dominant institution because of their fear of an executive dictatorship.

2. While they both pass laws, a Parliament chooses the chief executive while a Congress does not.

3. Party voting in the House is still relatively low because there is little party discipline and because members respond to important constituency interests that may not coincide with the policy of their party.

4. Most of the power in Congress is found in the committee system. This includes the process for a bill becoming a law.

5. The complexity of Congress and its reliance on exchanges of votes in developing a winning coalition in support of a bill leave many opportunities for senators and representatives to take advantage of their positions in unethical ways.

True/False Questions

1. F. The voters choose the president.

2. T

3. F. Congress is constitutionally independent.

4. T

5. T

6. T

7. F. A movement to impose term limits was started in 1969.

8. F. It is so that they don’t stand for reelection during the same year.

9. F. Americans like their senators and representatives, but not Congress.

10. T

11. T

12. F. The Speaker is the most important.

13. T

14. T

15. F. You only need to win a plurality.

16. F. Power is found in the committees and subcommittees.

17. T

18. F. It weakens the power of committee chairpersons.

19. F. Ideology of the committee and its chairman also determines policies.

20. F. The congressional bureaucracy has been the fastest growing.
21. T
22. T
23. T
24. F. Most bills die in committee.
25. F. A filibuster is extended debate in the Senate.
26. T
27. T
28. F. The other way around.
29. T
30. F. It is highly decentralized.
31. F. It has never decreased the power of party leadership.
32. T
33. F. It increases the opportunities.
34. F. Noncriminal actions are probably most frequent.
35. F. It is actually the other way around.

Multiple Choice Questions
1. c
2. c
3. d
4. a
5. b
6. d
7. e
8. d
9. a
10. a
11. d
12. e
13. b
14. c
15. a
16. a
17. b
18. a
19. e
20. a
21. d
22. a
23. c
24. a
25. b
26. e
27. d
28. c
29. d
30. b
31. d
32. b
33. c
34. a
35. a
36. d
37. b
38. c
39. a
40. b

**Applying What You've Learned**

1. Much noncontroversial voting could be based on following cues from members of the sponsoring committee because representatives know little about the content of most bills.

2. On issues about which a district has a clear attitude (civil rights), members tend to vote according to constituent desires. Other issues, such as foreign policy, show only a weak correlation between district attitude and voting in Congress.

3. Members have a strong local orientation because of constant electoral accountability and the fact that members themselves are products of their local environment.

4. Kingdon’s model reflects some flaws of the models examined by the text in assuming that constituents and parties have articulated positions on most issues.

5. Constituents probably have less influence on senators because it is more difficult for an entire state to have a clear opinion on an issue. Senators are also more independent; this makes the power of party leaders less significant.
CHAPTER 10

The Presidency

CHAPTER FOCUS
The purpose of this chapter is to introduce you to the role the presidency plays in maintaining and energizing American government. It probes the mixed feelings that the Founders had toward a strong executive, and the sources of presidential power. You should pay particular attention to the president’s relations with Congress and with the electorate. After reading and reviewing the material in this chapter, you should be able to do each of the following:

1. Distinguish between the roles of president and prime minister.
2. Describe the concerns of the Founders regarding a strong executive.
3. Describe the role of the electoral college in the election of a president.
4. Describe the organization of the presidency.
5. Discuss the challenges presidents face in exercising the power to persuade their various constituencies.
6. Describe the factors that affect the degree of success the president has in his relations with Congress.
7. Describe the role of the vice president and the problems associated with presidential succession.
8. Discuss presidential ability in dealing with foreign and economic policy, and identify the functions of the various agencies that work with the president in these areas.

STUDY OUTLINE
I. Presidents and Prime Ministers
   A. Characteristics of parliaments
      1. Parliamentary system twice as common
      2. Chief executive chosen by legislature
      3. Cabinet ministers chosen from among members of parliament
      4. Prime minister remains in power as long as his party or coalition maintains a majority in the legislature
   B. Differences
      1. President’s party may not always have a majority in Congress
      2. Presidential candidates nominated by non-legislators in an election-year convention; prime minister chosen in a non-election year by small caucuses made up mostly of legislators
      3. Presidential candidate selected for ability to win an election; prime minister selected to maintain a parliamentary majority
      4. Presidential candidates have little administrative experience; prime ministers have extensive experience
      5. Presidents reward people with cabinet positions; prime ministers select people who can influence parliamentary majority as cabinet officials

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II. The Powers of the President
   A. Formal powers found in Article II
      1. Not a large number of explicit powers
      2. Some power shared with Senate alone and Congress as a whole
   B. Greatest sources of power are in politics and public opinion
      1. Increase in broad statutory authority
      2. Expectation of presidential leadership from the public, especially in crisis

III. The Evolution of the Presidency
   A. Delegates feared both anarchy and monarchy
   B. Establishing the legitimacy of the presidency
      1. Public acceptance of office and its powers
      2. Orderly transfer of power
      3. Early presidents were cautious, moderate in their use of power
   C. The Jacksonians and the reemergence of Congress
      1. Jackson sought to maximize powers of presidency
      2. Vigorous use of veto for policy reasons
      3. Challenged Congress
      4. With brief exceptions the next hundred years were a period of congressional ascendency
      5. Intensely divided public opinion
      6. Only Lincoln expanded presidential power through inherent powers
      7. President mostly a negative force to Congress

IV. The Modern Presidency (see the “President: Qualifications and Benefits” box)
   A. The White House Office
      1. Contains the president’s closest assistants
      2. Three types of organization: circular, pyramid, and cluster
      3. Staff typically worked on the campaign: a few are experts
      4. Relative influence of staff depends on how close one’s office is to the president’s
   B. The Executive Office of the President
      1. Composed of agencies that report directly to the president
      2. Appointments must receive Senate confirmation
      3. Office of Management and Budget most important
   C. The Cabinet
      1. Largely fiction, not mentioned in Constitution
      2. President can appoint fewer than 1 percent of departmental employees
      3. Secretaries become preoccupied and defensive about their own departments; leads to conflict
   D. Department of Homeland Security
      1. Brings together many formerly scattered agencies
      2. Issuing of terrorist alerts
      3. Promotes security
   E. Independent agencies, commissions, and judgeships
      1. President appoints members of agencies that have a quasi-independent status
      2. Agency heads can be removed only “for cause” and serve fixed term
      3. Judges can be removed only by impeachment

V. Who Gets Appointed
   A. President knows few appointees personally
   B. Most appointees have had federal experience
      1. “In-and-outers”: alternate federal and private sector jobs
      2. No longer have political followings but picked for expertise
C. Need to consider important interest groups when making appointments
D. Rivalry between department heads and White House staff
E. Popularity and influence
   1. Presidents try to transform popularity into support in Congress
   2. Little effect of “presidential coattails”
   3. Congress members believe it is politically risky to challenge a popular president
F. The decline in popularity
   1. Popularity highest immediately after election (honeymoon)
   2. Popularity declines by midterm

VI. Presidential Character
A. Personality affects White House organization and public judgment
B. Presidential personalities: Eisenhower to George W. Bush

VII. The Power to Say No
A. Veto
   1. Veto message
   2. Pocket veto (only before end of Congress)
B. Congress rarely overrides vetoes
C. Executive privilege
   1. Confidential communications between president and advisers
   2. Justification: separation of powers and need for confidentiality
D. Impoundment of funds
   1. Presidential refusal to spend funds appropriated by Congress
   2. Budget Reform Act of 1974

VIII. The President’s Program
A. Putting together a program
   1. President can try to have a policy on everything
   2. President can concentrate on a small number of initiatives
   3. Constraints: time, crisis, controlled budget
   4. Need for president to be selective about what he wants
B. Measuring success
   1. “Box score”: proportion of president’s measure approved by Congress; wins half
   2. Proportion of votes in Congress on which president’s position prevails; win three-fourths

IX. Presidential Transition
A. Few presidents serve two terms; Twenty-second Amendment
B. The vice president
   1. May succeed on death of president
   2. Somewhat of an “empty job” since only preside over Senate
C. Problems of succession
   1. Twenty-fifth Amendment and presidential disability
   2. Vacancy in vice presidency
D. Impeachment
   1. Judges most frequent targets of impeachment
   2. Indictment by the House, conviction by two-thirds of Senate
   3. Impeachable offenses: treason, bribery, high crimes and misdemeanors
   4. Case of Andrew Johnson

X. The President and Public Policy (Part One: Foreign Policy)
A. The president and foreign affairs
   1. President stronger in foreign than domestic policy
   2. Early in history, secretary of state was dominant foreign policy figure
3. President now dominant—may use national security adviser and/or secretary of state as chief foreign policy adviser(s)

B. Key foreign policy agencies support president
   1. Department of State—oldest; represents interest of foreign nations
   2. Department of Defense—secretary may be rival of secretary of state
   3. CIA—possible cover operations; intelligence analysis
   4. Director of National Intelligence (DNI)
   5. NSC—determines what president will read or write on foreign policy issues

C. President does have foreign policy constraints
   1. Disagreements among advisors
   2. Congress has constitutional role in several areas

D. Congress’s “usurping” of foreign policy powers
   1. Laws affecting arms sales with legislative veto
   2. War Powers Act
   3. CIA oversight committees
   4. Public opinion—“rally around the flag” at times, but also can wither away

XI. The President and Public Policy (Part Two: Economic Policy)

A. Public more critical of president’s economic policy
   1. Elections turn more on economic issues than foreign policy issues
   2. Voters have more firsthand knowledge of economic trends

B. President has less control over economy
   1. Economic authority more widely dispersed in government
   2. Economists disagree among themselves

C. Key economic advisers to president
   1. OMB director (spending cuts), taxes, yet only 25 percent of the budget is “controllable”
   2. CEA (economic studies), but president can ignore CEA director
   3. Secretary of Treasury, concerns of bankers

D. Federal Reserve Board
   1. Not directly under presidential control
   2. Consists of 7 persons, 14-year terms—presidentially-appointed; chair 4-year term
   3. Influences supply and price of money through buying/selling of government securities, controlling reserve requirement, and setting interest rates

E. Budget process
   1. Process begins first Monday in February and ends in new fiscal year on October 1
   2. If budget not enacted on time, continuing resolutions used
   3. Recent problems with deficits
   4. Economists disagree on economic effects of deficits
   5. Political choice to cut deficit either to raise taxes or to cut spending on biggest programs
<table>
<thead>
<tr>
<th>Term</th>
<th>Match</th>
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<tbody>
<tr>
<td>1. A constitutional procedure by which federal judges and civil</td>
<td>a. cabinet</td>
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<td>officers can be removed from office before their terms expire.</td>
<td>b. “football”</td>
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<td>2. Means that one branch of government does not have the right to</td>
<td>c. factions</td>
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<td>inquire into the internal operations of another branch.</td>
<td>d. <em>Congressional Government</em></td>
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<td>3. Legislation ratified in 1951 which limits presidents to two</td>
<td>e. electoral college</td>
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<td>terms of office.</td>
<td>f. Executive Office of the President</td>
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<td>4. Presidential staff who oversees the policy interests of the</td>
<td>g. executive privilege</td>
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<td>Advisors president.</td>
<td>h. Federal Reserve Board</td>
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<td>5. A statement sent to Congress by the president giving the reasons</td>
<td>i. impeachment</td>
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<td>for vetoing a bill.</td>
<td>j. impoundment</td>
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<td>6. Describes when an acting president is unable to serve due to</td>
<td>k. “honeymoon”</td>
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<td>illness, etc.</td>
<td>l. budget reform act of 1974</td>
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<td>7. The presidential assertion of the right to withhold certain</td>
<td>m. line-item veto</td>
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<td>information from Congress.</td>
<td>n. National Security Council</td>
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<td>8. The organization responsible for preparing the federal budget</td>
<td>o. Office of Management and Budget</td>
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<td>and for central clearance of legislative proposals from federal</td>
<td>p. pocket veto</td>
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<td>agencies.</td>
<td>q. presidential coattails</td>
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<td>9. Describes the first few months of a president’s term when his</td>
<td>r. disability</td>
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<td>popularity tends to be highest.</td>
<td>s. pyramid structure</td>
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<td>10. A presidential refusal to spend money appropriated by</td>
<td>t. Rule of Propinquity</td>
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<td>Congress.</td>
<td>u. winner-take-all system</td>
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<td>11. Agencies that perform staff services for the president but</td>
<td>v. doctrine of the separation of powers</td>
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<td>are not part of the White House.</td>
<td>w. Twenty-second Amendment</td>
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<td>x. veto message</td>
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<td>z. White House Office</td>
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12. _____ The right of some governors to veto only portions of a bill instead of having to veto the entire bill.

13. _____ A legal system by which states select electors who then vote for the president and vice president.

14. _____ Requires the president to spend all appropriated funds by Congress.

15. _____ A committee within the Executive Office composed of the vice president and the secretaries of state and defense and chaired by the president.

16. _____ A president’s council of advisers.

17. _____ A congressional effort to place restrictions on the President’s ability to use military force in situations where Congress has not declared war.


19. _____ The rule that holds that power is wielded by the people who are in the room when a decision is made.

20. _____ A seven-person board, nominated by the president and confirmed by the Senate, that influences both the supply and price of money.

21. _____ A form of veto in which the president fails to sign a bill passed by both houses of Congress within ten days and Congress has adjourned during that time.

22. _____ The charismatic power of a president which enables congressional candidates of the same party to ride into office on the strength of his popularity.
23. _____ Makes it possible for a candidate to win at least 270 electoral votes without winning a majority of the popular votes.

24. _____ A method of organizing a president’s staff in which most presidential assistants report through a hierarchy to the president’s chief of staff.

25. _____ What the Framers first referred to political parties as.

26. _____ A locked briefcase that contains the secret codes that permit the president to launch nuclear weapons.

**DID YOU THINK THAT…?**

A number of misconceptions are listed below. You should be able to refute each statement in the space provided, referring to information or argumentation contained in this chapter. Sample answers appear at the end of this chapter.

1. “As commander-in-chief of the armed forces, the president can send troops anywhere in the world for as long as he likes.”

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

2. “The president has full control over proposing and passing the U.S. budget.”

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

3. “Because members of Congress generally win their seats on the strength of their individual efforts and not by riding the president’s coattails, they do not pay special attention to the president on legislative matters.”

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

4. “Presidents are constitutionally required to share all their information with Congress.”

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________
5. “Presidential powers under the Constitution are complete.”
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

TRUE/FALSE QUESTIONS
Read each statement carefully. Mark true statements T. If any part of the statement is false, mark it F, and write in the space provided a concise explanation of why the statement is false.

1. T F Every prime minister has been a former member of Parliament.

______________________________________________________________________________
______________________________________________________________________________

2. T F No purely presidential political system exists in Europe.

______________________________________________________________________________
______________________________________________________________________________

3. T F The greatest source of presidential power is the authority of the president to introduce legislation.

______________________________________________________________________________
______________________________________________________________________________

4. T F The Framers feared both anarchy and monarchy in considering executive authority.

______________________________________________________________________________
______________________________________________________________________________

5. T F The President’s formal powers are few and vaguely defined.

______________________________________________________________________________
______________________________________________________________________________

6. T F Two of the strongest presidents during the nineteenth century were Andrew Jackson and Abraham Lincoln.

______________________________________________________________________________
______________________________________________________________________________

7. T F The president’s cabinet is specifically outlined in the Constitution.

______________________________________________________________________________
______________________________________________________________________________

8. T F White House staff appointments must be confirmed by the Senate.

______________________________________________________________________________
______________________________________________________________________________

9. T F A “pyramidal” organization of the White House Office is more likely than a “circular” method to include a chief of staff.

______________________________________________________________________________
______________________________________________________________________________

10. T F The cabinet is directly mentioned in the Constitution.

______________________________________________________________________________
______________________________________________________________________________

11. T F The heads of agencies that make up the executive office of the president (e.g., the CIA) are appointed by the president and are not subject to the consent of Congress.

______________________________________________________________________________
______________________________________________________________________________

12. T F A president usually seeks to reward important constituencies when he appoints his cabinet officers.

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<td>26.</td>
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27. T F The secretaries of defense and state are often major rivals for influence with the president.

28. T F Perhaps the most influential of the four agencies that support the president’s conduct of foreign affairs is the National Security Council.

29. T F Most Americans would like to abolish the Electoral College.

30. T F Congress’s attempts to bring the CIA under congressional scrutiny have thus far been unsuccessful.

31. T F A president’s powers in economic affairs are less than those in foreign affairs.

32. T F Both the president and the Office of Management and Budget have powerful influences over government spending.

33. T F The Federal Reserve Board influences both the supply of money and the price of money (i.e., interest rates).

34. T F Congress is constitutionally required to have a balanced budget.

35. T F Since 1982, the president and Congress have made little progress in reducing the federal deficit.

MULTIPLE CHOICE QUESTIONS

Circle the letter of the response that best answers the question or completes the statement.

1. Many Framers of the Constitution feared that the office of the Presidency would become a (n):
   a. decentralized bureaucratic system. b. theocracy.
   c. impotent position. d. monarchy.
   e. bicameral setup of representation.

2. One obvious result of the different ways presidents and prime ministers are chosen is that:
   a. the president’s party often does not have a majority in Congress.
   b. prime ministers must win at the primary level first.
   c. presidents must win a majority vote of the citizens.
   d. prime ministers only need to win a plurality in order to get into office.
   e. prime ministers need only to win the electoral college.
3. According to your text, the greatest source of presidential power lies in the realm of:
   a. the Constitution.
   b. politics and public opinion.
   c. the execution of laws.
   d. foreign policy formulation.
   e. economics.

4. Normally the democratic alternative to a president is a:
   a. king.
   b. prime minister.
   c. theocracy.
   d. premier.
   e. sheik.

5. The personality of which president began to alter the relationship between the president and Congress and the nature of presidential leadership?
   a. George Washington
   b. Ulysses Grant
   c. Richard Nixon
   d. Jimmy Carter
   e. Andrew Jackson

6. The Electoral College functions on a __________ system.
   a. “winner-take-all”
   b. plurality
   c. simple majority
   d. minority
   e. unicameral

7. President Lincoln justified his unprecedented use of the vague powers granted in Article II of the Constitution by citing:
   a. the intentions of the Framers.
   b. the platform of the Republican party.
   c. the necessary and proper clause.
   d. economic necessity.
   e. the conditions created by civil war.

8. The Rule of Propinquity states that power:
   a. corrupts, and absolute power corrupts absolutely.
   b. tends to be shared most evenly when leadership is weakest.
   c. tends to be wielded by the people who are in the room where decisions are made.
   d. is greatest when legitimacy is strongest.
   e. must always be politically harnesses.

9. The arrangement of offices in their proximity to the president’s oval office is a good measure of:
   a. national security.
   b. communication.
   c. a president’s effectiveness.
   d. the relative influence of the people in them.
   e. the president’s personality.
10. A president can organize his staff as a circle, a pyramid, or a _____.
   a. triangle.
   b. pentagon.
   c. loose hierarchy.
   d. centralized chain-of-command.
   e. cluster.

11. The agencies that make up the executive office of the president include all of the following except:
   a. council of economic advisors.
   b. central intelligence agency.
   c. office of personnel management.
   d. office of management and budget.
   e. congressional budget office.

12. When voters choose as members of Congress people of the same party as an incoming president, they probably do so for what reason?
   a. as a reward to the incoming president for his successful campaign
   b. as a means of ensuring additional congressional support for the incoming president
   c. as an indication of the incoming president’s personal popularity
   d. as a result of the unpopularity of the outgoing president
   e. as a way to mimic a parliament

13. The president can appoint federal judges with the consent of the _____.
   a. foreign intelligence committee
   b. house of representatives
   c. senate.
   d. joint chiefs of staff
   e. sponsoring political party

14. The personal popularity of the president affects which of the following most directly?
   a. how Congress treats presidential legislative proposals
   b. how members of the president’s party do in House elections
   c. how members of the president’s party do in Senate elections
   d. the president’s ability to conduct foreign affairs
   e. his relationship with the press

15. The “presidential character” of Lyndon Johnson was characterized by:
   a. the use of talented amateurs.
   b. persuasion in face-to-face encounters.
   c. careful and complete staff work.
   d. deep suspicion of the media.
   e. a “whatever it takes” attitude.

16. By asserting the right to withhold information from Congress or the right to “executive privilege,” the president:
   a. stops congressional policy making.
   b. keeps government hidden from the public.
   c. discourages opponents of his policies.
   d. invokes clear constitutional mandates.
   e. forces Congress to bargain with him.
17. A president’s popularity tends to be highest during which of the following time periods:
   a. at the end of his term.
   b. after an election.
   c. when the economy is weak.
   d. after a presidential veto.
   e. none of the above.

18. Most governors—but not the president—are allowed to reject some provisions of a bill and to accept others. In doing so, they are exercising what is called:
   a. constitutional discretion.
   b. a pocket veto.
   c. executive privilege.
   d. a line-item veto.
   e. conditional.

19. Presidential claims for executive privilege are based on the separation of powers and on the:
   a. Constitution.
   b. need for cooperation with Congress.
   c. federal courts.
   d. power of the executive to appoint judges.
   e. need for candid advice from aides.

20. Legislation passed by Congress requiring the president to spend all appropriated funds:
   a. legislative veto act.
   b. impounded act of 1970.
   c. deferral act of 1972.
   d. budget act of 1921.
   e. budget reform act of 1974.

21. The two ways of measuring presidential success are the proportion of bills the president submits to Congress it approves and:
   a. number of appointments made.
   b. number of times he exercises his veto power.
   c. number of times he claims executive privilege.
   d. the proportion of the votes taken in Congress on which his position prevails.
   e. his lowering of the national debt.

22. Which of the following is a constraint on a president’s ability to plan a program:
   a. an unexpected crisis.
   b. a well-organized staff.
   c. a well-oiled cabinet.
   d. a supportive vice-president.
   e. a balanced federal budget.

23. In recent decades, the two key issues that presidents have focused on in planning and developing new programs have been:
   a. military spending and social welfare programs.
   b. inflation and the national debt.
   c. the economy and foreign affairs.
   d. taxes and the federal budget deficit.
   e. taxes and nation-building.
24. Which of the following limits a president to a maximum of two terms in office:
   a. twenty-fifth amendment.
   b. seventeenth amendment.
   c. nineteenth amendment.
   d. fourteenth amendment.
   e. twenty-second amendment.

25. Which of the following has been true about presidential elections during times when the country is deeply divided?
   a. Presidents tend to be reelected.
   b. Voter apathy is at its highest.
   c. Presidents seldom win reelection.
   d. Voters tend to become preoccupied with local elections.
   e. Presidents have less media scrutiny.

26. Only two presidents have been impeached. They are:
   a. Richard Nixon and Andrew Johnson.
   b. Richard Nixon and Bill Clinton.
   c. Andrew Johnson and Warren Harding.
   d. Warren Harding and Gerald Ford.
   e. Bill Clinton and Andrew Johnson.

27. Who succeeds to the presidency in the event of the death of both the president and vice president?
   a. the Speaker of the House
   b. the secretary of state
   c. the most senior cabinet officer
   d. the Senate majority leader
   e. chairman of the joint-chiefs-of-staff

28. A president suffers a stroke that leaves him partially paralyzed. The vice president, with the support of a majority of the cabinet, declares that the president is unable to discharge the duties of the office, but the president disagrees. What happens next?
   a. Congress decides who is president.
   b. Because the vice president has the support of a majority of the cabinet, the vice president assumes the presidency.
   c. Because the president is still alive, he remains president.
   d. Because the president and vice president disagree, a new election is held, allowing the people to decide who should be president.
   e. The Supreme Court decides.

29. The decision on whether or not an impeached president should be removed from office is made by:
   a. the House of Representatives.
   b. the Senate.
   c. both houses of Congress.
   d. the Supreme Court.
   e. three-fourths of the states.

30. The fundamental concern in defining presidential succession is to:
   a. find a qualified successor.
   b. ensure the legitimacy of the office.
   c. satisfy public opinion.
   d. curb legislative and judicial powers.
   e. ensure national security.
31. Which of the following statements about the president’s power in foreign affairs is true?
   a. It is greater than that of the leaders of other nations.
   b. It is greater when no crisis is present.
   c. It is probably less than the Framers intended.
   d. It is strictly limited by the federal court system.
   e. It is greater than is his power over domestic affairs.

32. A major rival to the State Department is the:
   a. federal bureau of investigation.
   b. defense department.
   c. office of management and budget.
   d. office of personnel management.
   e. treasury department.

33. Coordination of the different agencies that have overseas activities is handled by the:
   a. FBI.
   b. president directly.
   c. secretary of state.
   d. CIA.

34. The War Powers Act of 1973 requires that:
   a. Congress not interfere with the president’s role as commander in chief.
   b. the president not spend money for military engagements without the prior approval of Congress.
   c. the president consult with Congress when sending troops into a new conflict.
   d. Congress declare war whenever the president sends troops into conflict.
   e. the president only use troops for humanitarian reasons.

35. Which of the following statements about congressional oversight of CIA covert activities is true?
   a. Congress has no authority to disapprove such activities.
   b. Congress must approve those activities that involve political assassination.
   c. Congress must approve those activities that involve military expenditures.
   d. Congress has blanket authority to approve or disapprove such activities.
   e. Congress can only oversee domestic operations.

36. All of the following are considered uncontrollable aspects of the budget except:
   a. social security payments.
   b. benefit payments to veterans.
   c. payments to military contractors.
   d. interest payments on the national debt.
   e. monies for the national park service.

37. All of the following executive offices are important in making economic policy except the:
   a. comptroller general of the General Accounting Office.
   b. secretary of treasury.
   c. chairman of the Council of Economic Advisers.
   d. director of the Office of Management and Budget.
   e. none of the above.
38. The executive agency in charge of economic forecasting and of the preparation of the president’s annual economic report to Congress is the:
   a. Council of Economic Advisors (CEA).
   b. Treasury Department.
   c. Office of Management and Budget (OMB).
   d. Federal Reserve Board.
   e. Congressional Budget Office.

39. The executive officer who provides estimates of government revenues and who recommends tax changes is the:
   a. chairman of the CEA.
   b. secretary of the treasury.
   c. Director of the OMB.
   d. chairman of the Federal Reserve.
   e. chief of staff.

40. Congress may appropriate monies either through an annual budget or through:
   a. continuing resolutions.
   b. informal authorizations.
   c. biennial budgets.
   d. pork-barrel bills.
   e. deficit spending.

ESSAY QUESTIONS
Practice writing extended answers to the following questions. These test your ability to integrate and express the ideas that you have been studying in this chapter.

1. Your text asserts that the most important power of the presidency lies in politics and public opinion. Explain what this statement means.

2. Do you agree with many Americans who want to see the Electoral College abolished? Please explain why or why not.

3. How does the president go about “bargaining” with Congress (i.e., what “tools” does he have at his disposal for getting Congress to go along with his programs? What are some of the constraints on his ability to get these programs enacted by Congress?

4. To what extent does the president control foreign policy and economic policy? To what extent does Congress influence what a president can and cannot do in these areas?

5. How can the president be considered by some to be strong while to others it is a relatively weak position. Please explain.
APPLYING WHAT YOU’VE LEARNED

The previous chapter considered voting on presidential issues from the perspective of Congress. Now look at the same issue from the perspective of the president. The chapter makes many assertions about the factors associated with a president’s legislative success rate. See if you derive the same conclusions as the text. Examine the data in the following table.

<table>
<thead>
<tr>
<th>President</th>
<th>Year</th>
<th>President’s Popularity (Percentage expressing approval)</th>
<th>Percentage of President’s Bills Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eisenhower</td>
<td>1953</td>
<td>69.3</td>
<td>89.2</td>
</tr>
<tr>
<td></td>
<td>1954</td>
<td>65.4</td>
<td>82.8</td>
</tr>
<tr>
<td></td>
<td>1955</td>
<td>71.3</td>
<td>75.3</td>
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<tr>
<td></td>
<td>1956</td>
<td>73.3</td>
<td>69.2</td>
</tr>
<tr>
<td></td>
<td>1957</td>
<td>65.0</td>
<td>68.4</td>
</tr>
<tr>
<td></td>
<td>1958</td>
<td>54.6</td>
<td>75.7</td>
</tr>
<tr>
<td></td>
<td>1959</td>
<td>63.3</td>
<td>52.9</td>
</tr>
<tr>
<td></td>
<td>1960</td>
<td>61.1</td>
<td>65.1</td>
</tr>
<tr>
<td>Kennedy</td>
<td>1961</td>
<td>76.0</td>
<td>81.5</td>
</tr>
<tr>
<td></td>
<td>1962</td>
<td>71.6</td>
<td>85.4</td>
</tr>
<tr>
<td></td>
<td>1963</td>
<td>63.5</td>
<td>87.1</td>
</tr>
<tr>
<td>Johnson</td>
<td>1965</td>
<td>66.4</td>
<td>93.1</td>
</tr>
<tr>
<td></td>
<td>1966</td>
<td>51.2</td>
<td>78.9</td>
</tr>
<tr>
<td></td>
<td>1967</td>
<td>44.0</td>
<td>78.8</td>
</tr>
<tr>
<td></td>
<td>1968</td>
<td>41.5</td>
<td>74.5</td>
</tr>
<tr>
<td>Nixon</td>
<td>1969</td>
<td>61.4</td>
<td>74.8</td>
</tr>
<tr>
<td></td>
<td>1970</td>
<td>56.9</td>
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<td>1971</td>
<td>49.9</td>
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<td>56.4</td>
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<td>50.6</td>
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<td>1974</td>
<td>25.9</td>
<td>59.6</td>
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<td>Ford</td>
<td>1974</td>
<td>53.9</td>
<td>58.2</td>
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<td></td>
<td>1975</td>
<td>43.1</td>
<td>61.0</td>
</tr>
<tr>
<td></td>
<td>1976</td>
<td>48.1</td>
<td>53.8</td>
</tr>
<tr>
<td>Carter</td>
<td>1977</td>
<td>62.4</td>
<td>75.4</td>
</tr>
<tr>
<td></td>
<td>1978</td>
<td>45.5</td>
<td>78.3</td>
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<td></td>
<td>1979</td>
<td>38.1</td>
<td>76.8</td>
</tr>
<tr>
<td></td>
<td>1980</td>
<td>39.5</td>
<td>75.1</td>
</tr>
<tr>
<td>Reagan</td>
<td>1981</td>
<td>57.0</td>
<td>82.3</td>
</tr>
<tr>
<td></td>
<td>1982</td>
<td>43.7</td>
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<td>1983</td>
<td>44.6</td>
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<td>1985</td>
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<tr>
<td></td>
<td>1986</td>
<td>63.0</td>
<td>56.5</td>
</tr>
<tr>
<td></td>
<td>1987</td>
<td>48.0</td>
<td>43.5</td>
</tr>
<tr>
<td></td>
<td>1988</td>
<td>51.8</td>
<td>47.4</td>
</tr>
<tr>
<td>Bush</td>
<td>1989</td>
<td>70.0</td>
<td>62.6</td>
</tr>
<tr>
<td></td>
<td>1990</td>
<td>73.1</td>
<td>46.8</td>
</tr>
<tr>
<td></td>
<td>1991</td>
<td>40.2</td>
<td>54.2</td>
</tr>
</tbody>
</table>
Construct a table to test the validity of standard wisdom on what factors make a president successful. The chapter contends that Congress seldom defies a popular president. Is this thesis correct? Find out for yourself. Complete the following table.

<table>
<thead>
<tr>
<th>Level of Popularity (Percentage approval)</th>
<th>Percentage of Bills Approved (Average)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.0 to 55.9</td>
<td></td>
</tr>
<tr>
<td>56.0 to 66.4</td>
<td></td>
</tr>
<tr>
<td>66.5 to 100.0</td>
<td></td>
</tr>
</tbody>
</table>

1. What correlation is there between the level of presidential popularity and the number of administration bills approved by Congress? Does the correlation support the chapter’s thesis about the influence of the president’s popularity on congressional levels of support? Do the administrations of certain presidents provide exceptions to this pattern?

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

2. Why did presidents with relatively low levels of popularity (such as Carter and Nixon before his resignation) still achieve respectable success rates in Congress? What clues does the chapter give on the answer to this question?

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

3. The text suggests that presidential popularity fades over time. Do the data support this idea?

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
4. Are presidents more or less successful with Congress as their terms near completion? Do presidents become lame ducks in their second terms, encountering more resistance from Congress?

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

5. The text indicates that the benefit of “presidential coattails” is diminishing. Is this observation reflected in the data? Consider whether Congress is less likely to challenge a popular president as an election nears.

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

RESEARCH AND RESOURCES

Suggested Readings

Franklin D. Roosevelt


Harry S. Truman


Dwight D. Eisenhower


John F. Kennedy


Lyndon B. Johnson


Richard M. Nixon


**Resources on the World Wide Web**

White House: [http://www.whitehouse.gov/](http://www.whitehouse.gov/)

http://www.ipl.org/ref/POTUS/


ANSWERS

Key Terms Match
1. i
2. v
3. w
4. z
5. x
6. r
7. g
8. o
9. k
10. j
11. f
12. m
13. e
14. l
15. n
16. a
17. y
18. d
19. t
20. h
21. p
22. q
23. u
24. s
25. c
26. b

Did You Think That…?
1. The ability to declare war lies with Congress. The War Powers Act also restricts presidential war-making ability.
2. The president is required to present a budget to the Congress, but it is Congress that will determine final passage.
3. Politicians tend to rise and fall together. Generally, they will not challenge a popular president of their own party.

4. Presidents have claimed an executive privilege to withhold certain information from Congress. The Supreme Court has said the president has only a qualified privilege to do so.

5. No; these powers are shared with Congress. For instance, the presidential veto may be overridden, presidential impoundment authority has been regulated, presidential executive privilege has been qualified, and presidential power to remove officials in independent agencies is restricted by Congress. (pp. 227, 234–236)

**True/False Questions**

1. T
2. T
3. F. It is found in politics and public opinion.
4. T
5. T
6. T
7. F. It is not mentioned in the Constitution.
8. F. They do not have to be confirmed.
9. T
10. F. The Cabinet is not mentioned in the Constitution.
11. F. Unlike White House staff positions, heads of these agencies must be confirmed by Congress.
12. T (pp. 217, 227)
13. F. Congressional support is usually insufficient to guarantee success.
14. F. It may have a significant effect—legislators have a sense that it is risky to oppose too adamantly the policies of a popular president.
15. T
16. T
17. F. It is not mentioned in the constitution.
18. F. It can be used only if Congress adjourns within ten days after the president has received the bill from Congress.
19. F. It becomes law automatically.
20. F. Reagan concentrated on a few major initiatives.
21. T
22. T
23. F. By assassination of the president, yes, but not by election.
24. T
25. F. Impeachment is similar to a criminal indictment; it is not a conviction, nor does it necessarily mean the official is guilty.
26. T
27. T
28. T
29. T
30. F. The War Powers Act gave Congress this power.
31. T
32. F. They have relatively little influence, since most of it is politically uncontrollable, e.g., Social Security.
33. T
34. F. We operate under deficit financing.
35. F

**Multiple Choice Questions**

1. d
2. a
3. b
4. b
5. e
6. a
7. e
8. c
9. d
10. e
11. e
12. d
13. c
14. a
15. b
16. e
17. b
18. d
19. e
20. e
21. d
22. a
23. c
24. e
25. c
26. e
27. a
28. a
29. b
30. b
31. e
32. b
33. e
34. c
35. a
36. e
37. a
38. a
39. b
40. a

**Applying What You’ve Learned**

<table>
<thead>
<tr>
<th>Level of Popularity (Percentage approval)</th>
<th>Percentage of Bills Approved (Average)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.0 to 55.9</td>
<td>61.56</td>
</tr>
<tr>
<td>56.0 to 66.4</td>
<td>72.4</td>
</tr>
<tr>
<td>66.5 to 100.0</td>
<td>72.85</td>
</tr>
</tbody>
</table>

1. Yes, a correlation exists between the level of a president’s popularity and the number of administration bills approved by Congress. The correlation supports the chapter’s thesis that a president is more successful in passing legislation as his or her popularity increases.

2. Several factors could aid a president’s success with Congress despite low popularity: crisis (Carter and hostages); power to persuade, especially the Washington, D.C., audience (Nixon perceived as smart in foreign policy); and capable White House subordinates.

3. Yes, almost every president has a lower popularity rating at the end of his term.

4. The correlation is far from perfect, but presidents, in general, are more successful with Congress early in their terms. Thus a president is to some degree a lame duck, although some presidents have remarkable success even at the end of their terms. (Eisenhower, Johnson, Carter).

5. As mentioned, presidents are somewhat less successful at the end of their terms as an election nears, but the decline is rarely substantial.
CHAPTER 11

The Bureaucracy

CHAPTER FOCUS
The purpose of this chapter is to introduce the agencies responsible for administering the programs and laws established by Congress. However, in the process of administering programs, agencies can modify them in various ways. Thus, the agencies participate in government as policy makers. This role raises the problem of accountability because, of course, administrators are not elected. After reading and reviewing the material in this chapter, you should be able to do each of the following:

1. Discuss why the bureaucracy plays a key role in policy-making.
2. Sketch the history of the growth of bureaucracy in United States.
3. Describe the characteristics of the bureaucracy today.
4. Distinguish between types of agencies.
5. Describe external constraints on the agencies.
6. Identify several bureaucratic “pathologies” and explain why they exist.

STUDY OUTLINE
I. Introduction
   A. “Red tape”—pejorative term for bureaucracy
   B. Bureaucracy—technical definition
      1. Large, complex organization composed of appointed officials
      2. “Complex”—divided authority
II. Distinctiveness of the American Bureaucracy
   A. In the United States, three political influences on bureaucracy
      1. Divided political authority between president and Congress
      2. Federal agencies share functions with state/local agencies
      3. Government agencies face greater public scrutiny due to expansion of personal rights
      4. Less publicly owned enterprises, but greater regulation of privately owned ones
III. The Growth of the Bureaucracy
   A. The early controversies
      1. Constitution does not mention departments
      2. President is given sole removal power
   B. Bureaucracy before the New Deal
      1. Originally, minute national government
      2. Bitter struggles over bureaucratic appointments
      3. Congress controlled appointments—patronage basis
      4. 1883 Pendleton Act and merit system
      5. From 1816 to 1861, federal employees increased by eight times
      6. Civil War a watershed in bureaucratic growth
      7. 1861–1901: main role is to serve not regulate
      8. Desire for limited government in late nineteenth century and respect for states’ rights
      9. Constitutional interpretation left regulation to Congress alone
C. A change in role
   1. Depression and World War II lead to activism
   2. Introduction of heavy income taxes supports a large bureaucracy

D. Reasons for bureaucratic growth
   1. Population growth
   2. Public’s expectations
   3. Congressional demands
   4. Longer lifespans of agencies

IV. The Federal Bureaucracy Today
   A. Direct and indirect growth
      1. Modest increase in the number of government employees
      2. Indirect increase through the use of private contractors and local government
   B. Growth in discretionary authority
      1. Delegation of undefined authority by Congress
      2. Primary areas of delegation
   C. Factors explaining behavior of officials
   D. Recruitment and retention
      1. Competitive service (Fifty-four percent officials) and excepted service (forty-six percent officials)
      2. The buddy system: actual method of recruitment by name request in middle- and upper-level jobs
      3. Senior executives service: 1978 reform for high-level positions
      4. Agency point of view: most bureaucrats adopt agency perspective
   E. Personal attributes
      1. Higher civil servants are elitists and middle-aged white males
      2. More liberal than average citizen
      3. They do not take extreme positions
      4. There is a correlation between type of agency and attitudes of employees
      5. Professional values of officials affect behavior, especially where role unstructured
   F. Roles and mission
      1. Tasks explain behavior more than attitudes; agency with mission easier to manage, but harder to change
      2. Government rules and laws as limits on discretion
      3. Internal fragmentation of agencies—“concurrences”
   G. External forces
      1. Seven forces: executive superiors, White House staff, committees, interest groups, media, courts, and rival agencies
      2. Agency orientation: congressional or presidential
      3. Desire for autonomy but some agencies “captured”
      4. Agency allies: iron triangle
      5. Conflict among interests; iron triangle misleading

V. Congressional Oversight
   A. Forms of congressional supervision
      1. Creation of agency by Congress
      2. Authorization of money: maximum amount
      3. Appropriation of money: actual amount
   B. The Appropriations Committee and legislative committees
      1. Appropriations Committee most powerful, especially through “marking up”
      2. Legislative committees reclaiming power with trust funds
      3. Committee clearance
C. The legislative veto
   1. FTC example
   2. From 1932 to 1980, 200 laws passed with legislative veto
   3. No presidential involvement
   4. Declared unconstitutional by Supreme Court in Chadha case
   5. Vetoes still enacted

D. Congressional investigations
   1. Power inferred from power to legislate
   2. Means for checking agency discretion
   3. Means for limiting presidential control

VI. Bureaucratic “Pathologies”
   A. Red tape—complex and sometimes conflicting rules among agencies
   B. Conflict—agencies work at cross-purposes
   C. Duplication—two or more agencies seem to do the same thing
   D. Imperialism—tendency of agencies to grow, irrespective of benefits and costs of programs
   E. Waste—spending more than is necessary to buy some product or service
   F. Bureaucratic problems exist due to nature of government
      1. Need to satisfy legal/political requirements
      2. Inconsistent goals of Congress
      3. Vague, difficult goals make judging attainment nearly impossible
      4. “Solutions” might cause even worse problems; too many controls and too little autonomy

KEY TERMS MATCH

Match the following terms and descriptions:

Set 1

1. _____ Appointment of officials not based on the criteria specified by OPM.
2. _____ A large, complex organization composed of appointed officials.
3. _____ Appointment of officials based on selection criteria devised by the employing agency and OPM.
4. _____ The right of committees to disapprove of certain agency actions.
5. _____ The ability of officials to make policies that are not spelled out in advance by laws.

   a. Administration Procedure Act
   b. annual authorization
   c. Schedule C jobs
   d. buddy system
   e. bureaucracy
   f. bureaucratic mission
   g. non-career executive assignments
   h. clearance committee
   i. competitive service
   j. civil service reform act of 1978
   k. professional values
   l. congressional agencies
6. _____ Monies that are budgeted on a yearly basis; for example, Congress may set yearly limits on what agencies can spend.

7. _____ Law requiring federal agencies to give notice, solicit comments, and (sometimes) hold hearings before adopting any new rules.

8. _____ This agency advertises vacancies, gives examinations to candidates or evaluates their training, and refers the names to an agency that might hire them.

9. _____ Legislation passed by Congress that allows the president and his cabinet officers more flexibility in hiring people into higher-ranking positions.

10. _____ Jobs given to high-ranking members of the regular competitive civil service.

11. _____ Described as having a “confidential or policy-determining character” below the level or sub-cabinet posts.

12. _____ Agencies subordinate to Congress whose actions tend to have a distributional effect within the country.

13. _____ A clear view of an organization’s purpose and methods that is widely shared by its members.

14. _____ A personal attribute that has a clear effect on bureaucratic behavior.

15. _____ A job description by an agency that is tailor-made for a specific person.

m. discretionary authority
n. office of personnel management
o. excepted service
### Set 2

1. _____ A requirement that an executive decision lie before Congress for a specified period before it takes effect.  
   a. Freedom of Information Act  
   b. imperialism  
   c. iron triangle  
   d. legislative veto  
   e. mission  
   f. National Performance Review  
   g. authorization legislation  
   h. oversight  
   i. patronage  
   j. Pendleton Act  
   k. presidential agencies  
   l. red tape  
   m. federal personnel manual  
   n. Senior Executive Service  
   o. concurrences  
   p. captured

2. _____ Top-ranking civil servants who can be hired, fired, and rewarded in a more flexible manner than can ordinary bureaucrats.  

3. _____ Legislation that began the federal merit system.  

4. _____ Government appointments made on the basis of political considerations.  

5. _____ Formerly used by the Office of Personnel Management in order to hire and promote bureaucrats.  

6. _____ Describes when agencies consult with other agencies.  

7. _____ The mutually advantageous relationship among an agency, a committee, and an interest group.  

8. _____ Agencies subordinate to the president that typically carry out policies that do not distribute benefits among significant groups, regions, or localities within the United States.  

9. _____ A term used to describe when agency-interest groups are so close that the interest group seems to have become an agency’s client.  

10. _____ Congressional supervision of the bureaucracy.  

11. _____ States the maximum amount of money an agency can spend on a program.
12. _____ Law giving citizens the right to inspect all government records except those containing military, intelligence, or trade secrets or material revealing private personnel actions.

13. _____ A bureaucratic pathology in which complex rules and procedures must be followed to get something done.

14. _____ A bureaucratic pathology in which agencies tend to grow without regard to the benefits their programs confer or the costs they entail.

15. _____ It recommended streamlining government by emphasizing “cutting tape,” “putting customers first,” and “empowering employees” rather than by either strengthening the powers of the president or consolidating agencies.

16. _____ Describes when an organization has a clear view of its purposes and methods.

**DID YOU THINK THAT . . . ?**

A number of misconceptions are listed below. You should be able to refute each statement in the space provided, referring to information or argumentation contained in this chapter. Sample answers appear at the end of this chapter.

1. “The bureaucracies of all major Western nations do pretty much the same thing.”

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

2. “Dismissal of a bureaucrat is a relatively easy process.”

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
3. “The number of federal employees in a bureaucracy is a fairly accurate reflection of their power.”

4. “The bureaucracy is always autonomous and above external influences.”

5. “The federal bureaucracy operates essentially like a very large corporation.”

6. “Once an agency has accomplished its original tasks, it begins to decline in size and influence.”

TRUE/FALSE QUESTIONS

Read each statement carefully. Mark true statements T. If any part of the statement is false, mark it F, and write in the space provided a concise explanation of why the statement is false.

1. T F The divided authority of Congress and the executive branch encourages bureaucrats to play one branch off against the other.

2. T F The Constitution did not mention departments and bureaus.

3. T F The United States has preferred government ownership of important industries to relying on extensive regulation of private ownership of such industries.

4. T F The great watershed in bureaucratic development was the Civil War.

5. T F The trend in hiring within the federal bureaucracy has been toward the merit system and away from patronage.

6. T F The use of patronage in government employment has served no purpose except that of corruption.
7. T F Heavy use of the federal income tax dates back to the Civil War.

8. T F The federal government today employs a smaller percentage of the civilian work force than it did thirty years ago.

9. T F For every person earning a living directly from the federal government, there may be as many as four people earning a living indirectly from the federal government.

10. T F The number of government employees is a good indicator of the power of the bureaucracy.

11. T F Many administrative agencies operate with little supervision by Congress.

12. T F The Office of Personnel Management regulates public employees of the federal and state governments.

13. T F The “Buddy System” in recruiting and hiring bureaucrats has been outlawed by Congress.

14. T F Only a tiny fraction of all civil-service employees are fired.

15. T F The Senior Executive Service has, in fact, given the president much greater control over the federal bureaucracy.

16. T F Most top federal bureaucrats have worked in several agencies and thus bring a wealth of experience to their jobs.

17. T F The typical civil servant is very different from the typical American.

18. T F Those employed in “activist” agencies have much more conservative views than those who work for traditional agencies.

19. T F Personal attitudes are most likely to affect the way bureaucrats conduct their jobs when their roles are highly structured.
20. T F The Freedom of Information Act gives citizens the right to inspect all files and records of agencies.

21. T F Agencies are not influenced by external forces.

22. T F A good example of an agency that operates relatively autonomously is the FBI.

23. T F Alliances between agencies, congressional committees, and interest groups are called issue networks.

24. T F Agencies are frequently in conflict; interest groups that influence these agencies rarely are.

25. T F Some interest groups are important to agencies because they are important to congress.

26. T F The legislative veto is Congress’s chief weapon in a system of checks and balances.

27. T F The Appropriations Committee, although it retains much authority, has become less powerful as its control over appropriations has declined.

28. T F A very dramatic form of congressional supervision of an agency is the investigation.

29. T F Bureaucratic “pathologies” such as red tape and waste exist primarily because of incompetence and greed.

30. T F Government officials are rarely rewarded for cutting costs.

MULTIPLE CHOICE QUESTIONS
Circle the letter of the response that best answers the question or completes the statement.

1. American bureaucracy is complex because:
   a. federalism encourages the abuse of power.
   b. the bureaucracy is so large.
   c. authority is divided among several managers.
   d. civil servants are immune from firing.
   e. there is no degree of accountability.
2. The distinctive nature of American bureaucracy derives from all of the following except:
   a. the practice of incremental budgeting.
   b. the sharing of political authority among institutions.
   c. the sharing of functions with state and local government.
   d. an adversary culture and close public scrutiny.
   e. none of the above.
3. Whereas European countries tend to control key industries by owning them, the United States relies primarily on:
   a. ownership by the states.
   b. extremely high taxation.
   c. extensive regulation.
   d. very little regulation.
   e. foreign ownership.
4. The patronage system did serve some purposes, such as:
   a. support for presidential policies.
   b. presidential leverage on Congress.
   c. the building up of party organizations.
   d. all of the above.
   e. none of the above.
5. The eightfold increase in the number of federal employees that occurred between 1816 and 1861 was largely the result of:
   a. abuses of patronage by Congress and the presidency.
   b. rapid industrialization and the emergence of a national economy.
   c. the government’s taking on new functions.
   d. increased demands on traditional government functions.
   e. the tripling of the U.S. population.
6. With the passage of the __________ Congress recognized that many high-level positions in the civil service have important policy-making responsibilities and that the president and his cabinet officers ought to have more flexibility in recruiting such people.
   a. Pendleton Act
   b. Freedom of Information Act
   c. Hatch Act
   d. Civil Service Reform Act
   e. Federal Personnel Manual
7. Periodically there have been substantial increases in the size of the bureaucracy. These generally have occurred during:
   a. depressions.
   b. wars.
   c. periods of prosperity.
   d. periods of peace.
   e. changing relations in federalism.
8. Largely because of two major events of the twentieth century—the Depression and World War II—there was a basic change in the features of the federal bureaucracy. What characterized this change?
   a. People began to call for more limited, less intrusive government.
   b. Administrative agencies could no longer be instructed by Congress to act in “the public interest.”
   c. People came to expect government to solve social and economic problems.
   d. The Supreme Court ruled that Congress could no longer delegate powers to administrative agencies.
   e. A breakdown in legislative-executive relations.

9. The power of bureaucracy should be measured not by the number of employees but rather by the extent to which appointed officials have:
   a. discretionary power.
   b. influenced Congress.
   c. influenced the president.
   d. influenced interest groups.
   e. power over the political parties.

10. The federal government has grown for which of the following reasons?
   a. the country’s population has grown
   b. the public’s expectations
   c. meeting demands of Congress
   d. meeting demands of the courts
   e. all of the above

11. According to your text, which of the following is the most important consideration in evaluating the power of a bureaucracy?
   a. the number of employees in it.
   b. the importance of its functions.
   c. the extent to which its actions are supported by the public.
   d. the amount of discretionary authority its officials have.
   e. the number of ties it has to related interest groups.

12. Congress has delegated substantial authority to administrative agencies in these three areas:
   a. grants-in-aid, law enforcement, national defense.
   b. law enforcement, social services, resource management.
   c. grants-in-aid, subsidy payments, enforcement of regulations.
   d. grants-in-aid, subsidy payments, law enforcement.
   e. national parks, social services, law enforcement.

13. Traditionally, an agency had to pick one of the top three names as part of the hiring process. This process was called the __________.
   a. name-request
   b. excepted service
   c. competitive service
   d. buddy system
   e. executive service
14. The broad factors that best explain the behavior of bureaucratic officials include all of the following except:
   a. how they are recruited and rewarded.
   b. their personal attributes.
   c. the influence on them of outside forces.
   d. their party preferences.
   e. none of the above.

15. The actual recruitment of many middle- and upper-level civil servants occurs via the:
   a. president.
   b. senate’s confirmation process.
   c. office of personnel management.
   d. buddy system.
   e. iron triangle.

16. A Post Office worker or FBI agent would typically be part of the federal bureaucracy known as:
   a. the competitive service.
   b. Schedule C positions.
   c. the merit service.
   d. the excepted service.
   e. the elite service.

17. A major factor in how a bureaucrat behaves is their:
   a. income.
   b. past alliance with the media.
   c. race.
   d. family background.
   e. personal attributes.

18. Members of the Senior Executive Service, compared to other bureaucrats, are:
   a. harder to transfer but less well paid.
   b. easier to transfer but better paid.
   c. harder to transfer and better paid.
   d. easier to transfer and less well paid.
   e. always more loyal to the executive branch than the legislative.

19. The passage of the __________ in 1883 was an example of an effort to reform the federal bureaucracy.
   a. New Deal
   b. Pendleton Act
   c. Arms Control Act
   d. legislative veto
   e. Cost Control Act

20. If a bureaucrat works for an “activist” agency such as the Federal Trade Commission, one can expect that person to hold:
   a. liberal views.
   b. conservative views.
   c. nonpartisan views.
   d. the administration’s views.
   e. balanced liberal/conservative views.
21. If a civil servant is in a complex, loosely defined position, one can expect his/her political and social attitudes to:
   
a. play a minor role in his/her decisions.
b. balance those of his/her colleagues.
c. be frustrated by the position.
d. strongly influence his/her decisions.
e. be indifferent to current administrations.

22. The personal attribute that has been shown to have a clear effect on bureaucratic behavior is:
   
a. level of education.
b. technical expertise.
c. social class.
d. income.
e. professional values

23. An increasing number of bureaucrats are employed because they are:
   
a. Indian chiefs, bankers, doctors, and lawyers.
b. lobbyists, former legislators, doctors, and lawyers.
c. bankers, lobbyists, engineers, and economists.
d. economists, bankers, politicians, and engineers.
e. lawyers, economists, engineers, and physicians.

24. Having a strong agency culture can help an agency by motivating its employees to work hard, but it can also hurt it by:
   
a. increasing the number of highly structured roles.
b. making the agency resistant to change.
c. reducing cooperation among employees.
d. encouraging whistle-blowing.
e. creating more burnout.

25. Probably the biggest difference between a government agency and a private organization is the:
   
a. presence of a strong, binding agency culture.
b. influence of merit on agency hiring and promotion.
c. greater number of constraints on the agency.
d. relative absence of red tape in the agency.
e. degree of accountability.

26. A term often used to describe how external forces sometimes influence agency decisions is:
   
a. pork-barreling.
b. gerrymandering.
c. logrolling.
d. revolving door.
e. iron triangle.

27. Among the effects of the many constraints that operate on government agencies is that:
   
a. many important issues tend to receive scant attention.
b. it is easier to block action than to take action.
c. too much authority is delegated to lower-ranking employees.
d. decisions are often made too quickly.
e. the media easily manipulates most agencies.
28. From the Civil War to the Vietnam War, each major conflict brought a sharp _________ in the number of the government’s civilian employees.
   a. decrease
   b. leveling
   c. increase
   d. indifferent attitude
   e. none of the above

29. Because many federal agencies were created to serve some sector of society, we should not be surprised to learn that the American Legion is closely aligned with the:
   a. Department of Veterans Affairs.
   b. Department of Defense.
   c. Department of Commerce.
   d. Department of Interior.

30. Secretaries of Agriculture have found that they have considerable discretion in setting policy despite the involvement of strong interest groups. This is because:
   a. one interest group dominates all the others.
   b. of the inherent power of the Agriculture Department.
   c. of presidential support for most of their policies.
   d. the groups most often work against, rather than with, one another.
   e. of low media attention.

31. Congressional supervision of the bureaucracy takes several forms including:
   a. congressional approval for the agency to exist.
   b. congressional determination of which statutes to enact.
   c. authorization legislation.
   d. appropriations.
   e. all of the above.

32. Informal ways by which Congress can control the bureaucracy include all of the following except:
   a. congressional committees may bypass certain agency decisions.
   b. members of Congress may call an agency head on behalf of a constituent.
   c. use of the legislative veto.
   d. none of the above.
   e. all of the above.

33. The power of the House Appropriations Committee over agency budgets has recently diminished, in part because of:
   a. an increase in “marking up” practices by other House committees.
   b. the creation of trust funds to pay for many benefits.
   c. the 1983 Supreme Court ruling on the legislative veto.
   d. a decline in annual authorizations by Congress.
   e. the balanced budget amendment.

34. When congressional committees require that agency decisions be submitted to them before the agency implements them, the committees are exercising the power of:
   a. authorization.
   b. judicial review.
   c. appropriation.
   d. committee support.
   e. committee clearance.
35. The _____ case declared the legislative veto to be unconstitutional.
   a. Chadha
   b. Marbury
   c. McCulloch
   d. Roe
   e. Brown

36. REGO was Clinton-era effort to:
   a. expand the federal bureaucracy.
   b. reduce all levels of government funding.
   c. survey government agencies in the areas of efficiency and responsiveness.
   d. survey government agencies in the areas of recruitment and retention.
   e. measure the actual size of the bureaucracy.

37. When a citizen is required by an agency to use one accounting system rather than another, or to file forms before receiving any benefits, such requirements are called:
   a. duplication of functions.
   b. red tape.
   c. mandatory incursions.
   d. arbitrary statutes.
   e. zero-based in nature.

38. One “bureaucratic pathology” described by your text is “conflict,” meaning the tendency of agencies to:
   a. grow, irrespective of the benefits and costs of their programs.
   b. work at cross-purposes to one another.
   c. spend more than is necessary to buy some product or service.
   d. generate complex and sometimes overlapping rules.
   e. be bought and paid for by special interest.

39. According to the text, hammers costing the government hundreds of dollars usually are a result of:
   a. a loose coordination.
   b. bureaucratic bumbling.
   c. greed and corruption among private suppliers.
   d. miscommunicated information.
   e. one-of-a-kind purchases.

40. Bureaucratic “imperialism” refers to:
   a. jurisdictional disputes among agencies.
   b. agency growth without regard for benefits or costs.
   c. functional disputes among agencies.
   d. usurpation of one agency’s duties by another agency.
   e. an agency’s ties to the executive branch.

ESSAY QUESTIONS
Practice writing extended answers to the following questions. These test your ability to integrate and express the ideas that you have been studying in this chapter.

1. How did our federal bureaucracy evolve to its present size and complexity? In your answer, identify (a) the role of the Constitution and the views of the Founders, (b) the effects of Congress and the president on bureaucratic growth during the nineteenth century, and (c) key elements during the twentieth century that influence bureaucratic growth.

2. To what extent do you believe that the bureaucracy may be beyond the reach of the citizenry? Consider how bureaucrats are chosen, and the constraints on their powers.
3. Discuss four factors that help to explain the behavior of appointed officials. Which one do you think is the most important?

4. Discuss Madison’s argument concerning the president’s right to remove subordinates. What are some of the constitutional issues involved?

5. What does the text mean by the term bureaucratic pathologies? What are some examples of such “pathologies”? Why does each of them exist? Can they be corrected? Why or why not?

RESEARCH AND RESOURCES

Suggested Readings


Resources on the World Wide Web

For addresses and reports of various cabinet departments:

Web addresses: http://www.whitehouse.gov/government/cabinet.html
Documents and bulletin boards: http://www.fedworld.gov/
National Performance Review: http://www.ipo.noaa.gov/About/npr.html

A few specific web sites of federal agencies:

Department of Defense: http://www.defenselink.mil/
Department of Education: http://www.ed.gov/
Department of Health and Human Services: http://www.dhhs.gov/
Department of State: http://www.state.gov/
FBI: http://www.fbi.gov/
ANSWERS

Key Terms Match

Set 1
1. o
2. e
3. i
4. h
5. m
6. b
7. a
8. n
9. j
10. g
11. c
12. l
13. f
14. k
15. d

Set 2
1. d
2. n
3. j
4. i
5. m
6. o
7. c
8. k
9. p
10. h
11. g
12. a
13. l
14. b
15. f
16. e

**Did You Think That…?**

1. Publicly operated enterprises account for about 12 percent of the employment in France and England but less than 3 percent in the United States.
2. Realistically no one is fired unless his or her superior is prepared to invest a great deal of time or effort in the attempt.
3. The power of civil servants is more a function of their discretionary authority than of their numbers.
4. While the bureaucracy desires more autonomy, it is strongly influenced by Congress, the executive branch, and other forces.
5. The federal bureaucracy operates with far more constraints than a typical corporation. Not only are hirings and firings tightly regulated in the bureaucracy, but the procedures the bureaucracy must follow in conducting its business are controlled by numerous laws, regulations, and guidelines designed to protect employees and the public. These combine to make the bureaucracy a complicated, sluggish, and clumsy institution.
6. The phenomenon of bureaucratic imperialism reflects the tendency of agencies to grow independently of the benefits they confer or the costs entailed.

**True/False Questions**

1. T
2. T
3. F. Unlike European nations, the United States has adopted a policy of extensive regulation instead of government ownership.
4. T
5. T
6. F. It has helped the president to obtain loyal subordinates.
7. F. It dates back primarily to World War II.
8. T
9. T
10. F. The power depends on the discretionary authority of the officials.
11. T
12. F. It administers only federal policies.
13. F. It is legal and has its advantages.
14. T
15. F. Although legally it would seem to, in fact it has not worked out that way.
16. F. Most have spent their entire careers in one agency.
17. T
18. F. They tend to hold much more liberal views.
19. F. The opposite is true; personal attributes enter in most strongly when bureaucrats’ roles are loosely structured, such as those of many federal lawyers and economists.
20. F. Most but not all.
21. F. They can be influenced by Congress, the executive branch, interest groups, etc.
22. T
23. F. They are called “iron triangles.”
24. F. Conflict among interest groups may be even sharper than conflict among agencies.
25. T
26. F. It was ruled unconstitutional in 1983.
27. T
28. T
29. F. Most exist because of the nature and size of government itself, including its need to satisfy legal and political requirements for fairness and accountability.
30. T

Multiple Choice Questions
1. c
2. a
3. c
4. b
5. d
6. d
7. b
8. c
9. a
10. e
11. d
12. c
13. a
14. d
15. d
16. d
17. e
18. b
19. b
20. a  
21. d  
22. e  
23. e  
24. b  
25. c  
26. e  
27. b  
28. c  
29. a  
30. d  
31. e  
32. c  
33. b  
34. b  
35. a  
36. c  
37. b  
38. b  
39. e  
40. b

**Applying What You’ve Learned**

1.  
   a. Departments relying heavily on employees with special professional qualifications hire more from the excepted service.  
   b. Presidents probably have less control over departments with large numbers of employees from the excepted service, because these employees have alternative employment opportunities and allegiance to professional standards of conduct.  
   c. Departments with few competitive service employees may be less prone to certain bureaucratic “pathologies” (imperialism) but more prone to others (conflict). Professionals have less need for their agency to grow (job security is less important) and are less concerned about initiating policies hostile to other agencies (best policy by professional, not political, standards).
2.

a. Both Defense and Health and Human Services have large allocations that build constituencies on behalf of the departments’ programs. The constituents of the departments apply pressure on Congress.

b. Members of Congress have an interest in supporting agencies that aid their constituents, such as Defense (contracts and bases) and Health and Human Services (welfare payments). These departments tend to have large budgets.

c. Both Justice (lawyers) and State (foreign policy experts) require professional qualifications and thus need to hire from the excepted service. Higher funding is not needed by these departments, because they are not involved in procurement or dispensing services.
CHAPTER 12

The Judiciary

CHAPTER FOCUS

The purpose of this chapter is to describe the policy-making role of the federal judiciary, in particular that of the Supreme Court. To appreciate the significance of this role, students need basic knowledge about the history of the Supreme Court, the structure and procedures of the federal courts, the nature of controversy over the courts, and the restraints on judicial policy making. After reading and reviewing the material in this chapter, you should be able to do each of the following:

1. Discuss the meaning and significance of judicial review and its relationship to Marbury v. Madison.
2. List and comment on the three eras of varying Supreme Court influences on national policy from the days of slavery to the present.
3. Describe the partisan influences on federal judicial appointments.
4. Describe how the nature of federalism affects the jurisdiction of federal and state courts.
5. Discuss the ways in which cases can get to the Supreme Court.
6. Describe the financial and non-financial obstacles of getting into federal court.
7. Explain how political scientists classify justices as liberal or conservative and why they do so.
8. Enumerate four measures of judicial power and describe how judicial power can be restrained by Congress and by public opinion.
9. Develop arguments for and against an activist Supreme Court.
10. Explain the relationship between public and the courts.

STUDY OUTLINE

I. Introduction
   A. Courts in the United States play a major role in policy making
      1. Due to judicial review: right to declare acts and laws unconstitutional
      2. Since 1789, Supreme Court has ruled over 100 laws unconstitutional
      3. In Great Britain, no judicial review in American sense, but parliamentary supremacy
   B. Controversy is over method of judicial review
      1. Strict constructionist (conservative philosophy today)
      2. Activist approach (liberal philosophy today)

II. The Development of the Federal Courts
   A. Introduction
      1. Founders did not expect a major policy role for the federal courts
      2. Traditional view: judges find and apply existing law
      3. Evolution of courts shaped by political, economic, and ideological forces
B. National supremacy and slavery (1789–1865)
   1. *Marbury v. Madison*—established doctrine of judicial review (see the “Marbury v. Madison” box)
   2. *McCulloch v. Maryland*: federal law declared supreme over state law
   3. *Dred Scott v. Sandford*: blacks were not, and could not become, free
   4. Interstate commerce clause is placed under the authority of federal law

C. Government and the economy (1865–1937)
   1. Dominant issue of the period: whether the economy could be regulated by state and federal governments
   2. Private property held to be protected by the Fourteenth Amendment
   3. Courts unsure of how to draw line between “reasonable” and “unreasonable” regulation
   4. The Court interpreted the Fourteenth and Fifteenth Amendments narrowly as applied to blacks

D. The protection of political liberty and economic regulation (1937–present)
   1. Supreme Court gave regulatory powers to legislatures
   2. Voided congressional acts that violate personal liberties
   3. Court interpreted the Fourteenth and Fifteenth Amendments narrowly as applied to blacks

III. The Structure of the Federal Courts
A. Only federal court mandated by Constitution is Supreme Court
   1. Congress has created constitutional courts—district Courts (94), courts of appeals (12), plus other specialized courts (e.g., Court of International Trade)
   2. Legislative courts—specialized purpose, fixed office terms for judges (e.g., Court of Military Appeals and other territorial courts)

B. Recent court nominations
   1. Bush administration nominees
   2. Filibustering by Senate democrats

C. Supreme Court appointments are partisan
   1. Nominated by president, confirmed by Senate (only five rejected during the twentieth century)
   2. Presidents cannot be sure how a judge will behave after appointment
   3. Presidents can tilt Court ideologically

D. Lower federal courts
   1. “Senatorial courtesy” checks presidential control in district court nominations
   2. Comparison of Carter and Reagan appointments: number of women and blacks
   3. Democratic and Republican judges differ in voting, but ideology usually does not influence decisions

IV. The Jurisdiction of the Federal Courts (see the “Jurisdiction of the Federal Courts” box)
A. Dual court system
   1. Federal jurisdiction: Article III and the Eleventh Amendment—involve “federal question” cases, diversity of citizenship cases
   2. Federal District Court handles federal criminal laws
   3. Appeal from a federal regulatory agency goes to U.S. Court of Appeal
   4. Only Supreme Court handles disputes between two state governments
   5. Vast majority of all federal cases begin in district courts
   6. *Gideon* case illustrates how lower court’s appeal can be influential

B. Appeals to the Supreme Court
   1. Certiorari—main route involving substantial federal questions
   2. Courts of appeal usually last word
V. Getting to Court
   A. Deterrents
      1. The Court rejects 95 percent of applications for certiorari
      2. High costs of appeal (pauper writs)
   B. Fee shifting
      1. Each party must pay cost of lawsuit
      2. Fee shifting allows plaintiff to collect costs from defendant
      3. Flood of Section 1983 lawsuits
   C. Standing
      1. Must be controversy between adversaries
      2. Personal harm must be demonstrated
      3. Being taxpayer not entitlement for suit
      4. Sovereign immunity, but government can waive
   D. Class-action suits
      1. Brought on behalf of all similarly situated—*Brown v. Board of Education*
      2. Financial incentives to bring suit; Congress not addressing issues; profitable for lawyers
      3. Need to notify all members of the class since 1974

VI. The Supreme Court in Action
   A. Oral arguments by lawyers
      1. Questions by justices
      2. Role of solicitor general
      3. Amicus curiae briefs influence as well as legal periodicals
   B. Conference procedures
      1. Role of chief justice
      2. Selection of opinion writer
      3. Opinions—per curiam, unanimous, majority, concurring, or dissenting
   C. Voting behavior
      1. Blocs on Court are predictable
      2. Three blocs: liberal, conservative, and swing

VII. The Power of the Courts
   A. The power to make policy
      1. By interpretation
      2. Importance of *stare decisis*, or precedent, but court will change mind
      3. Court’s willingness to deal with “political questions”
      4. Judicial “remedies”—may affect thousands or even millions of people
   B. Views of judicial activism
      1. Courts are last resort and correct injustices
      2. Courts lack expertise in particular
      3. Court is not accountable to the people; judges not elected
   C. The causes of activism
      1. U.S. has more lawyers, but a symptom not a cause
      2. American adversary culture
      3. Easier for people to get into court
      4. Vague congressional language requires judicial interpretation
      5. Reviewing regulatory agency decisions
      6. Belief of many judges/law professors that courts should make policy

VIII. Checks on Judicial Power
   A. Court decisions can be resisted, since courts cannot enforce
   B. Congress and the courts
1. Alter the composition of the judiciary
2. Confirmation and impeachment proceedings
3. Changing the number of judges
4. Revising legislation declared unconstitutional
5. Altering jurisdiction of the courts
6. Constitutional amendment

C. Public opinion and the courts
1. Opinion can both restrain and energize the courts
2. Supreme Court most powerful when parties have been weak or divided
3. Opinion may object to decisions but not to court as institution
4. Opinion of courts vary with support of government as a whole

KEY TERMS MATCH
Match the following terms and descriptions.

Set 1

1. _____ Describes when a president has attempted to appoint his type of judges to the Court in order to secure a majority.
   a. activist
   b. amicus curiae brief
   c. briefs

2. _____ A means by which one who has an interest in a case, but is not a litigant, can present views.
   d. class-action suit
   e. recess appointment
   f. constitutional courts

3. _____ A means by which one who has been injured can bring action on behalf of all similarly situated.
   g. courts of appeal
   h. dissenting opinion
   i. Dred Scott

4. _____ The power of the courts to determine the constitutionality of legislative and executive acts.
   j. diversity case
   k. Federalist No. 78
   l. "packing the court"

5. _____ Litigation in which a citizen of one state sues a citizen of another state and the amount of money in dispute is more than $50,000.
   m. in forma pauperis
   n. judicial review
   o. American rule

6. _____ A court established under Article III of the Constitution.
   p. Marbury v. Madison
   q. McCulloch v. Maryland

7. _____ An approach to judicial review which holds that judges should discover the general principles underlying the Constitution.
8. _____ Correlates with the thoughts of the Founding Fathers that the courts would play a relatively neutral-passive role in public affairs.

9. _____ Intermediate appellate courts of the federal judiciary which have been classified “constitutional courts” by Congress.

10. _____ Describes how in America each party to a lawsuit must pay its own way.

11. _____ A petition filed with the U.S. Supreme Court by a pauper.

12. _____ Considered one of the most disastrous judicial opinions ever issued—declaring the Missouri Compromise unconstitutional.

13. _____ Legal documents submitted by lawyers which set forth the facts of a case.

14. _____ A decision of the Supreme Court which interpreted the Constitution to give the Supreme Court the power to declare an act of Congress unconstitutional.

15. _____ A decision of the Supreme Court which held that the power of the federal government flows from the people and that federal law is supreme over state law.

16. _____ A judicial appointment made by a president while the Congress is not in session.

17. _____ This is an opinion of one or more justices of the Supreme Court on the losing side.
Set 2

1. _____ Known as the school desegregation case.
2. _____ Set the precedent that all accused persons in state as well as federal criminal trials be supplied with a lawyer, free if necessary.
3. _____ A landmark case dealing with reverse discrimination.
4. _____ A tradition under which the Senate will defer to the judgment of a senator of the president’s party when determining the suitability of candidates for federal judgeships from the senator’s state.
5. _____ An example of a legislative court where terms are fixed and justices can be removed or have their salaries reduced.
6. _____ The rule of precedent.
7. _____ Groups of justices on the Supreme Court who tend to take consistent positions on issues.
8. _____ This is a judicial order setting forth what must be done to correct a situation a judge believes to be wrong.
9. _____ An approach to judicial review which holds that judges should confine themselves to applying those rules that are stated in or clearly implied by the language of the Constitution.
10. _____ The doctrine that a citizen cannot sue the government without its consent.
11. _____ This is a brief, unsigned opinion of the Supreme Court.
12. _____ This is the written opinion of the Supreme Court’s majority.

a. Opinion of the Court
b. per curiam opinion
c. Gideon case
d. remedy
e. senatorial courtesy
f. Brown v. Board of Education
g. sovereign immunity
h. Bakke case
i. stare decisis
j. strict constructionism
k. voting blocs
l. Court of Military Appeals
DID YOU THINK THAT . . . ?
A number of misconceptions are listed below. You should be able to refute each statement in the space provided, referring to information or argumentation contained in this chapter. Sample answers appear at the end of the Study Guide.

1. “The Framers expected the Supreme Court to play the large role that it subsequently has played.”
   __________________________________________________________________________
   __________________________________________________________________________
   __________________________________________________________________________

2. “When the Supreme Court makes a decision, it resolves that issue as far as national politics is concerned.”
   __________________________________________________________________________
   __________________________________________________________________________
   __________________________________________________________________________

3. “When a president appoints a justice, he is assured of having that person vote the way he wants them to.”
   __________________________________________________________________________
   __________________________________________________________________________
   __________________________________________________________________________

4. “Interest groups have no access to our nation’s highest court.”
   __________________________________________________________________________
   __________________________________________________________________________
   __________________________________________________________________________

5. “The Supreme Court must hear every case appealed to it.”
   __________________________________________________________________________
   __________________________________________________________________________
   __________________________________________________________________________

6. “Public opinion has never had a bearing on the Supreme Court.”
   __________________________________________________________________________
   __________________________________________________________________________
   __________________________________________________________________________
TRUE/FALSE QUESTIONS

Read each statement carefully. Mark true statements T. If any part of the statement is false, mark it F, and write in the space provided a concise explanation of why the statement is false.

1. T F The chief judicial weapon in the government’s system of checks and balances is judicial activism.

2. T F In the past, the Senate almost always confirmed the president’s nomination to the courts.

3. T F In Britain, no court may strike down a law of Parliament.

4. T F The Founders expected that the courts would play a dominant role in public affairs.

5. T F From the Civil War to the 1930s, the Supreme Court was primarily occupied with civil rights of former slaves.

6. T F The period in Supreme Court history from 1936 to the present has been marked by a concern for states’ rights.

7. T F “Court-packing” refers to the practice of appointing only justices who agree with Congress’s political philosophy.

8. T F The Supreme Court’s acceptance of New Deal principles probably avoided an assault on the court by the other branches.

9. T F As of 1998, the number of Supreme Court nominees rejected by the Senate in the twentieth century was fewer than ten.

10. T F In most cases, ideological differences among judges probably do not affect the outcomes of cases.

11. T F The only court that must exist per the constitution is the Supreme Court.

12. T F A diversity case is one involving the jurisdiction of more than one appellate court.
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27. T F The Fourteenth Amendment overturned Brown v. Board of Education.

28. T F One effective tool that Congress has at its disposal for controlling the federal courts is the power to impeach judges who back policies opposed by Congress.

29. T F Periods of partisan alignment often have the effect on the courts of energizing them.

30. T F Public confidence in the Supreme Court since 1966 has decreased steadily as a result of several unpopular rulings.

MULTIPLE CHOICE QUESTIONS
Circle the letter of the response that best answers the question or completes the statement.

1. The Court’s chief weapon in a system of checks and balances is the power of:
   a. Senatorial courtesy.
   b. activist approach.
   c. constructionist approach.
   d. federalism.
   e. judicial review.

2. Strict-constructionist judges differ from activist judges in that they are more likely to:
   a. adopt a liberal viewpoint on such issues as states’ rights and birth control.
   b. apply rules that are clearly stated in the Constitution.
   c. believe in the application of judicial review to criminal matters.
   d. look for and apply the general principles underlying the Constitution.
   e. look to the media to shape public opinion.

3. The Founders’ belief that the Court would play a rather passive role in policy making was well reflected in:
   a. the Constitution.
   b. The Federalist No. 78.
   c. the preamble to the Constitution.
   d. the Articles of Confederation.
   e. the Declaration of Independence.

4. Rulings by the Supreme Court in Marbury v. Madison and McCulloch v. Maryland established all of the following principles except:
   a. the Supreme Court could rule an act of Congress unconstitutional.
   b. the federal government has the power to regulate commerce among the states.
   c. the federal government is permitted to pass any laws “necessary and proper” to the attainment of constitutional ends.
   d. federal law is supreme over state law.
   e. none of the above.
5. In the period following the Civil War, the Fourteenth Amendment was consistently interpreted by the Supreme Court to protect:
   a. interstate commerce.
   b. free trade.
   c. states’ rights.
   d. the government’s right to tax.
   e. state regulations.

6. During the historical era of the court from 1787 to 1865, the most divisive conflict in America was that of:
   a. the economy.
   b. federalism.
   c. civil rights.
   d. slavery.
   e. personal rights.

7. The famous “switch in time that saves nine” had to do with justice _____ and president _____.
   a. Roberts and Kennedy.
   b. Stewart and Ford.
   c. Roberts and Roosevelt.
   e. Taney and Lincoln.

8. The judicial behavior of Supreme Court Justices Frankfurter, Holmes, and Burger suggests that:
   a. presidents have difficulty in predicting the actions of their judicial appointees.
   b. the Supreme Court “follows the election returns.”
   c. the president clearly controls the courts through his appointments.
   d. dissenters on the Court have more influence than the majority.
   e. liberal voting blocks have never existed.

9. It has been suggested that senators actually appoint district judges, and presidents confirm them, through the practice of:
   a. senatorial courtesy.
   b. advice and consent.
   c. legislative vetoes.
   d. requiring a two-thirds majority for confirmation.
   e. filibustering.

10. Federal courts can hear all cases “arising under the Constitution, the laws of the United States, and treaties.” These cases are known as:
    a. remedies.
    b. writs of certiorari.
    c. class-action suits.
    d. diversity cases.
    e. federal-question cases.

11. The main route for a case to make it to the Supreme Court is:
    a. writ of mandamus.
    b. writ of certiorari.
    c. in forma pauperis.
    d. fee shifting.
    e. class-action suit.
12. Assume that the highest state court in Iowa has ruled that the federal Endangered Species Act is illegal because it runs counter to the state constitution. The case could be brought to the U.S. Supreme Court by means of:
   a. certiorari.
   b. a diversity ruling.
   c. original jurisdiction.
   d. none of these; it could not be taken to the U.S. Supreme Court.
   e. class-action suit.

13. The rules regarding standing to bring a case to federal court involve all of the following except:
   a. the existence of a controversy between adversaries.
   b. the probability of reaching a satisfactory solution.
   c. evidence that actual harm has occurred.
   d. a stake in the outcome beyond that of being a taxpayer.
   e. none of the above.

14. The doctrine of ________ states that you cannot sue the government itself without its consent.
   a. dissenting opinion.
   b. per curium opinion.
   c. sovereign immunity.
   d. judicial activism.
   e. judicial constraint.

15. Class-action suits are more advantageous than single-party suits in that they allow:
   a. extremely controversial issues to be adjudicated.
   b. the government to protect itself from frivolous suits.
   c. lawyers to practice without receiving fees.
   d. large groups of people to receive relief.
   e. juries to decide instead of judges.

16. Class-action suits have become more common for the following reason(s):
   a. Congress was not addressing issues of concern to many people.
   b. it was easier to make national policy through the courts than through the legislature.
   c. it was more profitable for lawyers.
   d. all of the above.
   e. none of the above.

17. In most cases presented to the Supreme Court, the bulk of the argumentation presented by either side will be found in the:
   a. brief.
   b. certiorari petition.
   c. oral argument.
   d. per curiam decision.
   e. original petition.

18. The function of the solicitor general is to:
   a. advise Congress as to court decisions.
   b. enforce the decisions of the Supreme Court.
   c. serve as the principal legal adviser, or counsel, to members of the Supreme Court.
   d. maintain order in the Supreme Court’s courtroom.
   e. approve every case the federal government presents to the Supreme Court.
19. An interest group such as the ACLU or the NAACP is most likely to attempt to influence the Supreme Court by:
   a. appealing a decision directly to the president.
   b. consulting in the nomination process of a new Supreme Court justice.
   c. writing an amicus curiae brief.
   d. raising a political question with the solicitor general.
   e. providing fundraising for the justice’s reelection bid.

20. What happens if a vote by the Supreme Court ends in a tie?
   a. The chief justice breaks the tie.
   b. A majority of both houses of Congress decides the case.
   c. The lower court decision is left standing.
   d. A vote cannot end in a tie because all nine justices must participate in every vote.
   e. It will be voted on again at a later date.

21. Justice Thomas, for example, votes on the side of a majority of Supreme Court justices on a particular case, even though his reasoning differs from the others. He may choose to express his reason(s) in a(n):
   a. dissenting opinion.
   b. concurring opinion.
   c. opinion of the Court.
   d. per curiam opinion.
   e. unanimous opinion.

22. The liberal justices that sat on the Supreme Court in 1989—Brennan and Marshall—would be most accurately classified as:
   a. extremists.
   b. strict constructionists.
   c. swing voters.
   d. the dominant voting bloc.
   e. activists.

23. An important reason federal courts follow precedent is that:
   a. lower court judges have less expertise than do members of the Supreme Court.
   b. the Fourteenth Amendment requires following precedent to avoid conflict with state courts.
   c. the practice of stare decisis makes judicial decision making chaotic.
   d. equal justice requires similar cases to be decided the same way.
   e. it brings a degree of partisan influence to the table.

24. The rise of judicial activism occurred when judges argued that they didn’t merely find the law, they __________.
   a. are above the law.
   b. obey the law
   c. make the law.
   d. subvert the law.
   e. enforce the law.

25. Measures of the courts power to make policy include all of the following except:
   a. declaring over 130 federal laws unconstitutional.
   b. the frequency at which the court changes its mind.
   c. degree to which the court is willing to handle matters once left to the legislature.
   d. the kinds of remedies the court imposes.
   e. their ability to receive unrestricted campaign donations.
26. Common criticisms of judicial activism include all of the following except:
   a. judicial activism only works when laws are devoid of ambiguous language.
   b. judges are not elected and are therefore immune to popular control.
   c. judicial activism often fails to account for the costs of implementing activist rulings.
   d. judges usually have no expertise in designing and managing complex institutions.
   e. none of the above.

27. Between 1961 and 1980, the largest percentage increase in court cases occurred in the area of:
   a. civil rights.
   b. prisoner petitions.
   c. Social Security.
   d. economic regulation.
   e. health care.

28. An increase in cases is not the sole reason for the sweeping remedies imposed by courts. A second factor contributing to this trend is:
   a. the rise in the number of courts in the United States.
   b. the increasingly liberal ideology of federal court judges.
   c. laws that contain vague language.
   d. public distrust of Congress.
   e. Congress ceding power to the courts.

29. The most activist periods in Supreme Court history have coincided with:
   a. times when the political system has undergone profound and lasting changes.
   b. a slight turnover in Congress.
   c. a conservative presidential term.
   d. a charismatic leader in the executive branch.
   e. a great filing of class-action suits.

30. Congress can check the power of the federal judiciary in all of the following ways except:
   a. confirming or not confirming nominees.
   b. changing the number of judges.
   c. initiating amendments to the Constitution.
   d. interpreting laws themselves.
   e. deciding the jurisdiction of lower courts.

31. Which of the following is considered a check on judicial power?
   a. submitting a budget
   b. line-item-veto
   c. amending the constitution
   d. approving treaties
   e. electoral college

32. Congress has the power to decide the jurisdiction of lower federal courts. This means that:
   a. Congress can determine the number of judges who sit on each court.
   b. Congress can decide what types of cases these courts hear.
   c. Congress can veto decisions of lower courts, unlike those of the Supreme Court.
   d. lower courts cannot declare an act of Congress unconstitutional.
   e. Congress can impeach judges at any time.
33. Beginning with ____ in the 1950s, the Court was responsible for an extraordinary amount of policy making, often at odds with public opinion.
   a. institutional powers
   b. police practices
   c. obscenity cases
   d. Marbury v. Madison
   e. Brown v. Board of Education

34. Historically, the Supreme Court has been especially activist when:
   a. Congress was in transition from control by one party to control by the other.
   b. the political system was undergoing considerable change.
   c. the president was weak and indecisive.
   d. Congress was weak and the president was strong.
   e. it comes to presidential issues.

35. Public confidence in the Supreme Court at any given time is most closely related to:
   a. the appointment of a new justice to the Court.
   b. decisions that reflect either a clearly liberal or a clearly conservative outlook.
   c. the popularity of government as a whole.
   d. the performance of the economy, especially with regard to inflation.
   e. presidential popularity.

ESSAY QUESTIONS
Practice writing extended answers to the following questions. These test your ability to integrate and express the ideas that you have been studying in this chapter.

1. What were the important constitutional and judicial issues raised in Marbury v. Madison? What two roles did John Marshall play in the case? What was his ruling? What were the results of the ruling?

2. Do you think Supreme Court justices should be appointed or elected to office? Give some of the advantages and disadvantages of each method.

3. Why is the Dred Scott case considered by most scholars to be a very disastrous decision? What impact did it have on society at that time?

4. What are some of the constraints that operate to keep judicial power in check? What keeps Congress from simply taking jurisdiction away from the lower courts and the appellate jurisdiction of the Supreme Court?

RESEARCH AND RESOURCES

Suggested Readings


**Resources on the World Wide Web**


Supreme Court decisions: [http://www.law.cornell.edu/](http://www.law.cornell.edu/)


Supreme Court of the United States: [http://www.supremecourtus.gov/](http://www.supremecourtus.gov/)
**ANSWERS**

**Key Terms Match**

**Set 1**
1. l
2. b
3. d
4. n
5. j
6. f
7. a
8. k
9. g
10. o
11. m
12. i
13. c
14. p
15. q
16. e
17. h

**Set 2**
1. f
2. c
3. h
4. e
5. l
6. i
7. k
8. d
9. j
10. g
11. h
12. a
Did You Think That . . . ?

1. The Framers expected some form of judicial review but never expected it to be used for broad public policy making.

2. Sometimes the Court’s decision catalyzes opposition and causes further controversy. See, for example, the aftermath of *Dred Scott v. Sandford* and New Deal legislation.

3. Once confirmed to their positions, justices can vote any way they see fit.

4. Interest groups get involved through class-action suits, amicus curiae briefs, and bringing lawsuits themselves.

5. The court has the discretion of choosing what cases it will hear.

6. The *Dred Scott* decision is just one example of a case that was possibly affected by public opinion.

True/False Questions

1. F. It is known as judicial review—the right of the federal courts to declare laws of Congress and acts of the executive branch void and unenforceable if they are judged to be in conflict with the Constitution.

2. T

3. T

4. F. The Founders envisioned a much more passive judiciary.

5. F. It was primarily concerned with economic regulation by government.

6. F. It has been marked by a concern for personal liberties.

7. F. With the president’s political philosophy, not Congress’s.

8. T

9. T

10. T

11. T

12. F. It involves citizens of different states.

13. T

14. F. Legislative.

15. F. They serve for life.

16. F. It is the practice of getting a losing defendant to pay court costs.

17. F. Under sovereign immunity, a citizen cannot sue the government without its consent.

18. T

19. T

20. T

21. F. It has increased.

22. F. A unanimous opinion is the strongest type of vote.
23. T
24. F. They traditionally vote in reverse order of seniority.
25. T
26. T
27. F. It overturned *Dred Scott v. Sandford*.
28. F. Impeachment can rarely be used to affect the federal courts because policy disagreements are not generally regarded as adequate grounds for impeachment.
29. T
30. F. It has seesawed dramatically.

**Multiple Choice Questions**

1. e
2. b
3. b
4. b
5. e
6. d
7. c
8. a
9. a
10. e
11. b
12. a
13. b
14. c
15. d
16. c
17. a
18. e
19. c
20. c
21. b
22. e
23. d
24. e
25. e
26. a
27. a
28. c
29. a
30. d
31. c
32. b
33. e
34. b
35. c
CHAPTER 13
Making Domestic Policy

CHAPTER FOCUS
This chapter provides an overview of policy development, who can make policy, and the political impact upon our society. Major topics include, but are not limited to, monetary and fiscal policy, government regulation, and policy analysis. After reading and reviewing the material in this chapter, you should be able to do each of the following:

1. Describe what is meant by the political agenda.
2. Explain the difference between monetary and fiscal policy.
3. Explain the difference between budget surpluses, deficits, and the national debt.
4. Discuss how certain economic indicators can hurt the president.
5. Describe the structure and operation of the Federal Reserve System.
6. Explain the theoretical background of both Keynesian and supply-side economics.
7. Discuss some of the political aspects of taxing and spending.
8. Discuss both the need for and rules changes in 1996’s Welfare Reform.
9. Discuss and give examples of government regulation.
10. Discuss how policy decisions are made and list the different types of entities that are involved in the process.

CHAPTER OUTLINE
I. The Political Agenda
   A. Examples of criteria in order to get on the agenda
      1. A crisis
      2. A change in the political mood
   B. Coalitions
   C. Policy implementation
   D. Policy evaluation
II. The Economy
   A. Influence of the president
   B. America has a “mixed economy”
   C. Tools of economic policy
      1. Monetary policy
      2. Fiscal policy
   D. Budget surpluses, deficits, and the national debt
   E. Presidential support agencies
      1. Office of Management and Budget (OMB)
      2. Council of Economic Advisors (CEA)
III. Economic Numbers That Can Hurt the President
   A. Rising unemployment
   B. Declining gross domestic product (GDP)
   C. Inflation

IV. The Federal Reserve Board
   A. Manages monetary policy
   B. Structure of the Federal Reserve
      1. Chairman—appointed to a four year term
      2. Seven other appointees—fourteen year terms
      3. Twelve member banks
      4. Federal Open Market Committee (FOMC)
   C. Powers of the Federal Reserve
      1. Buying and selling government securities
      2. Regulating the amount of money a bank must keep on reserve
      3. Changing the interest rate (discount rate)

V. Fiscal Policy
   A. Party politics
   B. Taxes
      1. Liberal taxing philosophy
      2. Conservative taxing philosophy
   C. Economic theories
      1. Keynesian theory
      2. Supply-side theory
   D. Taxation
   E. Spending
      1. Largest increase has been in payments to individuals (Social Security, Medicare, etc.)
         a) Contributory
         b) Noncontributory
      2. Welfare reform

VI. Regulations
   A. Examples
      1. Pollution
      2. Interstate commerce
      3. Business enterprise
         a) Economic regulation
         b) Social regulation
   B. External diseconomies

VII. Making Policy Decisions
   A. Cost-benefit analysis
      1. Majoritarian politics
         a) 2003 Medicare Bill
         b) Modifying Social Security
      2. Client politics
         a) Farm subsidies
         b) Tax shelters
         c) Welfare recipients
      3. Interest group politics
         a) Becoming more common in America (e.g., organized minority groups)
         b) Labor unions
      4. Entrepreneurial politics
         a) Safety standards
VIII. What These Political Differences Mean

A. No absolutes in politics
B. Risky to make generalizations

KEY TERMS MATCH
Match the following terms and descriptions.

1. _____ A list of things on which people think the government should act.  
   a. monetary policy
   b. Federal Reserve
   c. external diseconomies
   d. Keynesians
   e. majoritarian politics
   f. coalition
   g. fiscal policy
   h. political agenda
   i. client politics
   j. regulation
   k. policy entrepreneurs
   l. supply-side economists
   m. debt
   n. council of economic advisors
   o. implementation
   p. Medicaid

2. _____ The balance between what the government takes in by way of taxes and what it spends.
3. _____ A temporary alliance of political groups designed to achieve some goal.
4. _____ Refers to the availability of money.
5. _____ A relatively independent agency that manages monetary policy.
6. _____ Believe that having a government deficit will stimulate the economy and reduce unemployment.
7. _____ A license to do business.
8. _____ Refers to producing harmful things for which the producer does not have to pay.
9. _____ A term used to describe widely distributed benefits and widely distributed costs.
10. _____ Believe that cutting taxes will stimulate investment and encourage economic growth.
11. _____ A term used to describe narrowly concentrated benefits and widely distributed costs.
12. _____ This term describes people who from time to time can galvanize public and congressional support for a change.

b) Economic regulation

c) Policy entrepreneurs (e.g., Ralph Nader)
13. _____ Describes putting a policy into effect.

14. _____ Describes the total accumulation of all our annual deficits.

15. _____ Helps give the president reliable information on how the economy is working.

16. _____ A health program for poor people of any age.

DID YOU THINK THAT . . . ?

A number of misconceptions are listed below. You should be able to refute each statement in the space provided, referring to information or argumentation contained in this chapter. Sample answers appear at the end of the Study Guide.

1. “Monetary and fiscal policy pretty much mean the same thing.”
   ______________________________________________________________________
   ______________________________________________________________________
   ______________________________________________________________________

2. “The president has vast control over the Federal Reserve Board since he appoints the chairman.”
   ______________________________________________________________________
   ______________________________________________________________________
   ______________________________________________________________________

3. “In America, we live in a purely free-market economic system.”
   ______________________________________________________________________
   ______________________________________________________________________
   ______________________________________________________________________

4. “There are no clear-cut differences between liberals and conservatives when it comes to taxing and spending policies.”
   ______________________________________________________________________
   ______________________________________________________________________
   ______________________________________________________________________

TRUE/FALSE QUESTIONS

Read each statement carefully. Mark true statements T. If any part of the statement is false, mark it F, and write in the space provided a concise explanation of why the statement is false.

1. T   F   The president has total control of the economy.
   ______________________________________________________________________
2. T F We live in a totally free-market system in America.

3. T F The federal government is prohibited from using deficit financing.

4. T F The Federal Reserve Board is responsible for trying to influence interest rates and the money supply.

5. T F Higher unemployment rates can help a president.

6. T F No matter which party is in power, Washington is reluctant to raise taxes.

7. T F Only Democrats want to cut taxes.

8. T F According to Keynes, a government deficit will stimulate the economy.

9. T F Liberal politicians want the government to spend more to take care of perceived unmet social needs.

10. T F The total tax bill that Americans pay is more than it is in many other democratic nations.

11. T F Most of our overall recent increase in spending involves payments to individuals.

12. T F Social Security is an example of a contributory program.

13. T F Noncontributory programs tend to be very popular.

14. T F Medicaid only serves those individuals over sixty-five years of age.

15. T F Congress can regulate almost all forms of business enterprise.

16. T F Economic regulation refers to how businesses conduct their business.

17. T F National defense would be an example of majoritarian politics.
18. T  F Subsidies for farmers would be an example of interest group politics.

19. T  F Many times, regulatory changes are a result of a dramatic crisis.

20. T  F Most often policy entrepreneurs are private persons with a talent for leadership.

21. T  F Sometimes an agency created to carry out an entrepreneurial policy is captured by the firms it set out to regulate.

22. T  F It is never risky to generalize about politics.

23. T  F The rich are the only ones who have influence in our process.

24. T  F Ralph Nader is an example of a well-known policy entrepreneur.

25. T  F It is safe to say that no single group is powerful across all issues.

MULTIPLE CHOICE QUESTIONS
Circle the letter of the response that best answers the question or completes the statement.

1. For an item to get on the political agenda these must be a __________ or a change in the political mood.
   a. consensus
   b. crisis
   c. coalition
   d. evaluation
   e. implementation

2. After an issue gets on the agenda, various political groups and politicians try to form a:
   a. special political party.
   b. political machine.
   c. policy evaluation process.
   d. permanent interest group.
   e. coalition.

3. After a new idea is adopted by Congress and signed by the president, the policy must be:
   a. reviewed.
   b. sent to a conference committee.
   c. politicized.
   d. implemented.
   e. put under judicial review.
4. Economists like to divide the government’s economic tools into two categories:
   a. deficits and surpluses.
   b. monetary and fiscal policy.
   c. surpluses and debts.
   d. budgets and taxes.
   e. taxing and spending.

5. The president has tried to coordinate a large array of economic policy agencies by using the:
   a. Congressional Budget Office.
   b. Treasury Department.
   c. Federal Reserve Bank.
   d. Office of Technology Assessment.
   e. Office of Management And Budget.

6. The following is an economic number that can really hurt the president.
   a. credit card debt
   b. balanced budget
   c. unemployment
   d. trade surplus
   e. budget surplus

7. If the government brings in more money through taxes than it spends, there is a _________.
   a. financial clarity.
   b. federal impoundment.
   c. budget surplus.
   d. budget deficit.
   e. public debt.

8. The following is an example of a Federal Reserve Board power:
   a. printing currency.
   b. lowering taxes.
   c. raising taxes.
   d. deficit spending.
   e. buying and selling government securities.

9. When Congress considers lowering or raising taxes, the dominant political issue is:
   a. who it helps or hurts.
   b. the budget deficit.
   c. social security.
   d. job creation.
   e. interest rates.

10. ___________ believe that having a government deficit will stimulate the economy and reduce unemployment.
    a. Monetarists
    b. Keynesians
    c. Supply-side economists
    d. Federal reservists
    e. none of the above
11. Conservative politicians tend to want the government to:
   a. spend less in order to encourage economic enterprise.
   b. spend more to meet unmet social needs.
   c. spend more to bolster national defense.
   d. spend less only when we have a deficit.
   e. spend more but only when there is a balanced budget.

12. There are many points at which the creation of a new program can be blocked. Which of the following is not one of those points?
   a. congressional committees
   b. presidential veto
   c. Supreme Court ruling
   d. legislative veto
   e. none of the above

13. The Great Depression and _____ marked a great increase in federal spending.
   a. World War I
   b. the Korean conflict
   c. the Vietnam conflict
   d. World War II
   e. the Spanish-American War

14. Payments to individuals take one of two forms: ___________ and __________.
   a. voluntary and involuntary.
   b. contributory and noncontributory.
   c. subsidies and regulations.
   d. economic and social.
   e. external and internal.

15. The following are all key aspects of the Personal Responsibility and Work Opportunity Act except for which of the following?
   a. No person would receive welfare benefits for more than five years.
   b. TANF recipients had to find work within two years.
   c. Unmarried mothers under the age of eighteen must live with their parents or be under adult supervision.
   d. Each state receives a fixed federal grant and freedom to run it own TANF program.
   e. Each state would be immune to most lawsuits.

16. After welfare reform, the number of people getting welfare:
   a. dropped dramatically.
   b. grew dramatically.
   c. did not change.
   d. would not be known until the next census.
   e. might not ever be known.

17. Among the most politically difficult spending and regulatory decisions the government makes are _____ and _____.
   a. technology and ethics.
   b. ethics and morals.
   c. health and the environment.
   d. defense and social services.
   e. airport security and housing.
18. Recently Congress passed and the president signed a bill authorizing the Medicare program to:
   a. pay for additional social security coverage.
   b. pay the cost of prescription drugs.
   c. oversee interstate commerce.
   d. allow patients to sue HMO’s
   e. include all nonresidents.
19. There are two kinds of business regulation: economic and _____.
   a. policy driven.
   b. social.
   c. fiscal.
   d. monetary.
   e. obligatory.
20. Regulating the amount of air pollutants in the atmosphere would be an example of __________
    regulation:
   a. economic
   b. domestic
   c. social
   d. international
   e. external
21. Majoritarian politics describes:
   a. widely distributed benefits and widely distributed costs.
   b. narrowly concentrated benefits and widely distributed costs.
   c. narrowly concentrated benefits and narrowly concentrated costs.
   d. widely distributed benefits and narrowly concentrated costs.
   e. equally distributed benefits.
22. Client politics describes:
   a. widely distributed benefits and widely distributed costs.
   b. equally concentrated benefits and distributed costs.
   c. narrowly concentrated benefits and narrowly concentrated costs.
   d. widely distributed benefits and narrowly concentrated costs.
   e. narrowly concentrated benefits and widely distributed costs.
23. Interest group politics describes:
   a. widely distributed benefits and widely distributed costs.
   b. narrowly concentrated benefits and widely distributed costs.
   c. widely distributed benefits and narrowly concentrated costs.
   d. narrowly concentrated benefits and narrowly concentrated costs.
   e. equally distributed benefits.
24. Entrepreneurial politics describes:
   a. widely distributed benefits and widely distributed costs.
   b. widely distributed benefits and narrowly concentrated costs.
   c. narrowly concentrated benefits and narrowly concentrated costs.
   d. equally distributed benefits.
   e. narrowly concentrated benefits and widely distributed costs.
25. Today only _____ workers pay for each retired person in the Social Security System.
   a. 42
   b. 3.4
   c. 8.9
   d. 10.1
   e. 15
26. Subsidies paid to farmers and dairies are classic examples of:
   a. majoritarian politics.
   b. interest group politics.
   c. entrepreneurial politics.
   d. partisan politics.
   e. client politics.
27. Members of Congress often dislike interest group politics because it can:
   a. give them special access to certain monies.
   b. force them to make hard choices.
   c. expose conflicts of interest in the executive branch
   d. upset the system of checks and balances.
   e. place in their hands too much power.
28. Often policy entrepreneurs are:
   a. the people with the most money.
   b. already well-known in Washington politics.
   c. private persons with a talent for leadership.
   d. former members of Congress.
   e. activists within their respective political party.
29. To try to avoid having an agency “captured” by the client firms it regulates, agencies are often:
   a. responsible for a wide variety of firms instead of just one industry.
   b. not allowed to correspond with any interest group.
   c. not allowed to testify on behalf of any interest group.
   d. responsible for just one firm or interest group.
   e. restricted in reporting on firms to Congress.
30. On any given issue:
   a. the rich always have their way.
   b. businesses exert an enormous amount of control.
   c. party bosses determine exclusively who wins and who loses.
   d. labor unions always have the final say.
   e. certain groups may be powerful, but no one group is powerful on all issues.

**ESSAY QUESTIONS**

Practice writing extended answers to the following questions. These test your ability to integrate and express the ideas that you have been studying in this chapter.

1. What can a president do to influence the economy? What economic numbers can hurt a president? Do you believe the president should have more direct authority over the economy? Why or why not?

2. List and discuss several types of government regulation in the marketplace. Do you believe we need more or less regulation of American business? Why or why not?

3. Differentiate between monetary and fiscal policy. Discuss the role of Congress and the Federal Reserve Board in reference to each respective area.
4. List and discuss some of the stated differences in taxing philosophy between conservatives and liberals. Who do you believe should bear the largest portion of the tax burden in America—lower, middle, or upper class Americans? Why?

5. Constitutionally who has more power over the economy: Congress or the President? In reality who do you believe has more power and why?

APPLYING WHAT YOU’VE LEARNED

The previous chapter showed how small a degree of control the president actually has over the economy. If the president cannot directly control both fiscal and monetary policy in America, then why does he make campaign promises in areas such as lowering the national debt, tax reductions, and reducing unemployment? Should presidents stop making such promises in light of the realization that they can’t just snap their fingers and make these things happen? If presidents represent all Americans, then why don’t they have more economic authority? The assignment is to identify ways to strengthen the president’s authority over the U.S. economy.

1. Currently both the Federal Reserve Board and Congress play very large roles in determining both monetary and fiscal policy. How could these roles be better shared with the president? Is this constitutional tinkering? What dangers could this pose to our system of checks and balances?

2. Since the Federal Reserve Board is not directly elected by the people, do they constitute an unrepresentative body that greatly affects the lives of Americans? What changes would you suggest in order to make the Federal Reserve more accountable to the people? What are the advantages or disadvantages?

RESEARCH AND RESOURCES

Suggested Readings


Resources on the World Wide Web

Economic Policy: http://www.epinet.org/
http://www.lights.com/epi/
http://www.cepr.net/

Federal Reserve: http://www.federalreserve.gov/
ANSWERS

Key Terms Match
1. h
2. g
3. f
4. a
5. b
6. d
7. j
8. c
9. e
10. l
11. i
12. k
13. o
14. m
15. n
16. p

Did You Think That…?
1. Monetary policy has to do with the money supply and interest rates while fiscal policy deals with taxing and spending.
2. The president may appoint the chairman but has no direct authority over Federal Reserve policy.
3. As the chapter relates, we live in a largely free-market system but not an absolute one (mixed economy).
4. In general, liberal politicians want the government to spend more to take care of unmet social needs. Conservatives want the government to spend less so that individual enterprise is encouraged.

True/False Questions
1. F. The president can only shape the economy up to a point.
2. F. We do not have an absolutely free-market system due to government regulation.
3. F. It is not prohibited as evidenced by our national debt.
4. T
5. F. It is just the opposite.
6. T
7. F. In general, the Republicans tend to be the largest advocates of tax cuts.
8. T
9. T
10. F. It is just the opposite.
11. T
12. T
13. F. They are often unpopular because they mainly go to recipients who do not pay for them.
14. F. It can serve people of any age.
15. T
16. F. This would fall under social regulation.
17. T
18. F. They are examples of client politics.
19. T
20. T
21. T
22. F. There are no absolutes in government; therefore, generalizations are not wise.
23. F. Businesses and party leaders are examples of other groups with influence.
24. T
25. T

Multiple Choice Questions
1. b
2. e
3. d
4. b
5. e
6. c
7. c
8. e
9. a
10. b
11. a
12. d
13. d
Applying What You’ve Learned

1. The president’s powers could be enhanced, for example, by giving him a type of veto power over Federal Reserve power. However, the Founding Fathers were clear that all taxing, borrowing, and spending should be placed in the hands of Congress. Ceding more power to the president would be a move toward the type of dictatorship the Founders worried about. It probably would be constitutional tinkering to move more power in these areas to the president. From an accountability standpoint, the people already hold the president accountable for the state of the nation’s economy—regardless of his actual power.

2. Some people expect that in a representative democracy most government officials should be elected by the people. However, the chief advantages of an appointment process are that it removes election year politics as well as serving to largely insulate those in authority from public opinion. This frees up our officials to make decisions apart from election promises. Monetary policy affects the lives of all Americans and is therefore extremely important. The Fed is only “unrepresentative” in the sense that members are not directly chosen by the people. Fed members could conceivably be directly elected; however, we must remember that the current system was chosen for a reason. In short, we appoint federal judges, ambassadors, and Federal Reserve chairmen in order to try and select the best people for the job—not the most popular. Popularity doesn’t always equate to being knowledgeable and effective.
CHAPTER 14
Making Foreign and Military Policy

CHAPTER FOCUS
The purpose of this chapter is to introduce you to foreign policy formulation, types of foreign policy, the role of the president and Congress in foreign policy, as well as factors in determining America’s military policy. Major topics include, but are not limited to, the debate over the president’s sending of troops overseas without a congressional declaration of war, a discussion on the doctrine of preemption, and the restructuring of the U.S. military. After reading and reviewing the material in this chapter, you should be able to do each of the following:

1. Distinguish between the types of foreign policy.
2. Describe the constitutional framework that the president and Congress work within when it comes to America’s use of the military.
3. Discuss the significance of September 11, 2001 in relation to America’s national security and the fight against terrorism.
4. Discuss America’s efforts in nation building with a special focus on the use of the military.
5. Discuss the challenges America faces in redesigning the military.
6. Discuss the politics of both foreign and military policy.

CHAPTER OUTLINE

I. Introduction
   A. Foreign policy formulation is extremely difficult
   B. Democracy may make it more difficult
   C. There are advantages and disadvantages to policy making in a democracy

II. Kinds of Foreign Policy
    A. Majoritarian policies such as military spending
    B. Interest group policies such as free trade
    C. Client centered policies such as tax breaks for business
    D. President more dominant when policy is majoritarian; Congress more dominant when it is interest group oriented

III. The Constitutional Framework
    A. President is commander in chief of the armed forces
    B. Congress has final approval of the budget
    C. Congress had the ability to “declare war”
    D. U.S. has often gone to war without formal declaration
       1. Only five or six of our fourteen major wars have had a declaration
       2. War Powers Act of 1973—curbing president’s power
    E. Presidential support agencies
       1. National Security Council
       2. State Department
3. Defense Department  
4. Others: CIA, FBI, DEA, etc.

IV. Our New International World

A. Significance of September 11, 2001
   1. Pushed Bush administration focus to foreign policy
   2. Structure of military not conducive to fighting terrorism
   3. Role of special forces

B. Three new problems to face
   1. Can we help rebuild nations?
   2. Can we develop a clear foreign policy for how and when we should use force?
   3. Can we reorganize the military in order to better combat terrorism?

V. Rebuilding Nations

A. Historical successes and failures
   1. Germany and Japan—successes
   2. Somalia and Haiti—failures

B. Inter-agency rivalries

VI. Foreign Policy and Terrorism

A. Role of president and National Security Advisor
B. “Rally around the flag”—public support
C. Presidential popularity (time of crisis) and Congressional support
D. Shift from bipolar world to unipolar world
E. Bush’s proactive policy on terrorism: preemption
F. Impact of party differences and political ideologies
G. Seeking U.N. support

VII. Changing the Military

A. Rumsfeld’s redesign of the military
   1. Special forces
   2. Technology

B. Structure of the Army—ten large divisions
C. Structure of the Marines—three large expeditionary forces
D. Each military force is headed by a chief of staff
E. These leaders form the Joint Chiefs of Staff (JCS)
F. Role of the JCS—advisory group for president

VIII. The Politics of Foreign and Military Policy

A. Majoritarian politics
   1. Cost/benefit ratio of going to war
   2. Support/opposition of Americans to military action
   3. Views of foreign policy elites

B. Interest group politics
   1. Free trade issues such as NAFTA
   2. American opinion on free trade is skeptical
   3. President Bush knew this going into 2004 campaign

C. Client politics
   1. Example: military bases
   2. Commission on Base Realignment and Closure
   3. Politics of closing bases

D. Entrepreneurial politics
   1. Military modernization
   2. Kennedy’s push for creation of Special Forces
   3. In 2004, debate on these issues is ongoing
KEY TERMS MATCH
Match the following terms and descriptions.

1. _____ French writer who wrote about American democracy early in the nineteenth century. a. “regime change”
b. NAFTA
c. client politics
d. “rally around the Flag”
e. interest group politics
f. unipolar world
g. Commission on Base Realignment and Closure
h. Taliban
i. Donald Rumsfeld
j. bipolar world
k. majoritarian policies
l. War Powers Act of 1973
m. Alexis de Tocqueville
n. isolationist
o. national security council
p. pre-emption

2. _____ Regime in Afghanistan supported in part by Osama Bin Laden’s Al Qaeda network.

3. _____ Describes how the American people tend to support the president’s sending of troops abroad.

4. _____ Describes how during the Cold War there were only two super-powers in the world.

5. _____ Describes a commitment to getting rid of a hostile government.

6. _____ Describes how we now live in a world with the United States as the sole super-power.

7. _____ The doctrine of attacking a determined enemy before it can launch an attack against the United States or an ally.

8. _____ A treaty that created free trade among Canada, Mexico, and the United States.

9. _____ Created to consider base-closing recommendations from the secretary of defense.

10. _____ Confers both benefits and costs on almost everybody.

11. _____ An attempt by Congress to curb the president’s war-making powers.

12. _____ Describes an opinion in American history that our military forces and our money should stay at home.
13. _____ Composed of the president, vice-president, secretaries of state and defense, and whose purpose is to assist the president in developing foreign policy principles.

14. _____ Secretary of Defense who has been an ardent advocate of redesigning the military so that it can move more quickly.

15. _____ A type of politics in which there are narrowly concentrated benefits and narrowly concentrated costs.

16. _____ A type of politics in which there are narrowly concentrated benefits and widely distributed costs.

**DID YOU THINK THAT . . . ?**

A number of misconceptions are listed below. You should be able to refute each statement in the space provided, referring to information or argumentation contained in this chapter. Sample answers appear at the end of this chapter.

1. “Only the president has the constitutional authority to declare war.”

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

2. “Today, a vast majority of Americans adhere to an isolationist philosophy.”

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

3. “America has always been successful at rebuilding nations.”

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

4. “America has never really experienced being directly attacked on American soil.”

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________
TRUE/FALSE QUESTIONS
Read each statement carefully. Mark true statements \(T\). If any part of the statement is false, mark it \(F\), and write in the space provided a concise explanation of why the statement is false.

1. T F Some scholars believe that foreign policy is especially easy in a democracy.

2. T F The War Powers Act of 1973 was an attempt by Congress to curb presidential war-making power.

3. T F September 11, 2001 was a date that changed only America’s foreign policy.

4. T F The State Department usually sees eye to eye with the Defense Department.

5. T F Congress technically has the sole power to declare war.

6. T F President Clinton always asked for congressional support for military action in other areas of the world.

7. T F Congress must vote for the military budget and all of the major weapons the armed forces require.

8. T F Foreign policy elites tend to have different views on many issues than the public at large.

9. T F Free trade does not expand exports.

10. T F Americans tend to be overwhelmingly supportive of free trade.

11. T F American steel companies have found it very difficult to compete with imported steel.

12. T F Even anti-war doves in Congress will fight to keep bases open in their home districts.

13. T F President John F. Kennedy argued against the creation of Special Forces in the military.

14. T F America has also sought and won U.N. approval in using force against other nations.
15. T F According to the public, the protection of U.S. jobs should be a major goal of foreign policy.

MULTIPLE CHOICE QUESTIONS
Circle the letter of the response that best answers the question or completes the statement.

1. The Constitution makes the president _____ of the armed forces.
   a. president pro tempore
   b. congressional ambassador
   c. general
   d. the symbolic leader
   e. commander in chief

2. The following is an example of a major agency that helps the president discharge presidential authority in the area of foreign policy:
   b. State Department.
   c. Defense Department.
   d. all of the above.
   e. none of the above.

3. Since World War II, Americans have become more positively interested in:
   a. isolationism.
   b. the larger world.
   c. expanding free trade.
   d. sending more money into foreign aid.
   e. expanding illegal immigration into this country.

4. Which of the following is not a successful lesson that the United States has learned about rebuilding nations?
   a. Do not leave the country quickly.
   b. Organize your own agencies so that they can operate together.
   c. Make certain civilian and military operations are coordinated.
   d. Withdraw troops as soon as possible.
   e. none of the above.

5. A president’s popularity tends to rise dramatically during a:
   a. time of peace.
   b. showdown with the Congress.
   c. military crisis.
   d. partisan election.
   e. constitutional issue with the federal courts.

6. The organization that assists the president in enunciating principles that can govern his foreign policy decisions is the:
   b. Council of Economic Advisors.
   c. Federal Reserve.
   d. Office of Management and Budget.
   e. Congressional Budget Office.
7. Supporters of the policy of preemption hail it as a positive step because it:
   a. gives Congress more authority in war.
   b. allows America to be less proactive in fighting terrorism.
   c. gives the president the ability to declare martial law.
   d. circumvents the United Nations.
   e. can defeat terrorists before they attack us.

8. Fundamentally, the U.S. Army is still organized around:
   a. three big expeditionary forces.
   b. the Joint Chiefs of Staff.
   c. the National Security Council.
   d. Special Forces.
   e. ten large divisions.

9. Each military force is headed by a(n):
   a. chief of staff.
   b. presidential commission.
   c. congressional committee.
   d. division head.
   e. elected official.

10. Current Secretary of Defense Donald Rumsfeld an ardent advocate of:
    a. larger military units.
    b. looser cooperation among the armed services.
    c. less reliance on Special Forces.
    d. redesigning the military.
    e. less reliance on technology.

11. The typical military officer will hold his or her particular assignment for no more than:
    a. five years.
    b. eighteen months.
    c. six months.
    d. one year.
    e. three years.

12. Big foreign policy decisions about going to war or not going to war are examples of:
    a. majoritarian politics.
    b. client politics.
    c. interest group politics.
    d. entrepreneurial politics.
    e. partisan politics.

13. The gender gap between men and women has disappeared on war issues since:
    a. World War II.
    b. the Korean conflict.
    c. Vietnam.
    e. the Gulf War.
14. Elites can be defined as people:
   a. actively involved in fundraising only.
   b. actively involved in debating policy only.
   c. who work solely for government agencies.
   d. with the most money in America.
   e. actively involved in debating foreign policy issues because of their positions in government agencies, private organizations, etc.

15. Most aspects of foreign affairs are shaped by:
   a. interest group politics.
   b. democrats.
   c. republicans.
   d. popular presidents.
   e. key senators.

16. One important part of our military policy reflects:
   a. allowing gays in the military.
   b. the current chain of command.
   c. surplus spending.
   d. client politics.
   e. technological cutbacks.

17. Military modernization often reflects:
   a. majoritarian politics.
   b. client politics.
   c. entrepreneurial politics.
   d. interest group politics.
   e. liberal politics.

18. John F. Kennedy argued strongly for the creation of _____ in the military.
   a. more commissaries
   b. key civilian leader positions
   c. a cold war environment
   d. a free press
   e. special forces

19. A poll taken prior to 9/11 suggests that ordinary citizens are less likely than _____ to favor giving aid to foreign countries.
   a. elites
   b. the working poor
   c. the military
   d. social security recipients
   e. none of the above

20. The following is an example of when the U.S. has sought and obtained United Nations support before using military force against another country:
   a. North Vietnam
   b. Haiti
   c. Bosnia
   d. Kosovo
   e. Korea
ESSAY QUESTIONS
Practice writing extended answers to the following questions. These test your ability to integrate and express the ideas that you have been studying in this chapter.

1. Should America always seek the approval of the United Nations prior to intervening in another country’s affairs? Why or why not?

2. Should the U.S. military be used to rebuild nations? Does this conflict with the military’s primary role of fighting and winning wars?

3. Since only five or six of the fourteen major wars that this country has engaged in have followed a declaration of war, should Congress reassert itself in this area? If Congress fails to “declare war,” is this a technical violation of the Constitution?

4. Do you agree or disagree with a restructuring of the U.S. military? What are your suggestions in regard to such a restructure? Should we prioritize bolstering conventional forces, special forces, and the closure of some military bases? Why or why not?

RESEARCH AND RESOURCES

Suggested Readings


Resources on the World Wide Web
Foreign Policy: http://www.fpa.org/

Military Policy:
Department of Defense: http://www.defenselink.mil/
ANSWERS

Key Terms Match
1. m
2. h
3. d
4. j
5. f
6. a
7. p
8. b
9. g
10. k
11. l
12. n
13. o
14. i
15. e
16. c

Did You Think That . . . ?
1. Constitutionally only the Congress can declare war.
2. Beginning with World War II, Americans have tended to move away from isolationist views and have become more interested in the larger world.
3. Actually, America has experienced both successes and failures in rebuilding nations.
4. December 7, 1941 and September 11, 2001 are examples of direct attacks on America.

True/False Questions
1. F. They actually believe it may be more difficult.
2. T
3. F. It also changed military policy.
4. F. They sometimes work as rivals.
5. T
6. F. He never did so.
7. T
8. T
9. F. It does expand exports.
10. F. They tend to be very skeptical.
11. T
12. T
13. F. He argued for their creation.
14. F. The recent use of force in Iraq is a prime example.
15. T

Multiple Choice Questions
1. e
2. d
3. b
4. d
5. c
6. a
7. e
8. e
9. a
10. d
11. b
12. a
13. d
14. e
15. a
16. d
17. c
18. e
19. a
20. e
CHAPTER 15

American Government: Continuity and Change

CHAPTER FOCUS
The purpose of this chapter is to show that while the American political system is “biased against action” (constitutional restrictions), it has developed into a large and activist set of collective institutions affecting virtually every aspect of the average citizen’s life. The factors associated with this development and the implications of growth are covered in this chapter. After reading and reviewing the material in this chapter, you should be able to do each of the following:

1. Identify the key factors associated with the growth of government.
2. Describe the restraints on the growth of government.
3. Compare and contrast the respective feature of the “old” versus “new” policy-making systems.
4. Summarize the pros and cons of changing the contemporary American political system both in terms of structure and process.

STUDY OUTLINE
I. Introduction
   A. Original constitution designed to make adoption of new policies difficult
      1. Checks and balances
      2. Separation of powers
   B. Yet, how to explain contemporary big government
      1. Federal government spending at 25 percent of GNP
      2. Federal debt of 3 trillion dollars
      3. Government employees: 3 million civilians, 2 million military
      4. Many other government rules, policies, powers
   C. For first 150 years, a “limited” federal government
      1. No debt
      2. Limited military
      3. Business regulation left to states
      4. State politicians more prominent
      5. Predictable policies by parties on tariff

II. Restraints on Growth
   A. Three restraints in nineteenth and early twentieth century
      1. Constitution limited federal policies in commerce, individual rights as then interpreted
      2. Popular opinion supported a limited governmental role
      3. Potential interest groups lacked necessary political resources
   B. Other “public-interest” elites were absent

III. Relaxing the Restraints
   A. Constraints on federal action have weakened or disappeared
      1. Courts have changed interpretation of Constitution
      2. Bill of Rights extended to states
      3. Citizens can use federal courts
      4. Business now regulated
5. Broad discretion granted to bureaucracy
B. Public and elite opinion demanded federal expansion
C. Wide distribution of political resources
   1. Number of interest groups have grown
   2. Easier access to federal courts
   3. TV and mass protests
   4. College education more common
   5. Political candidates must present wider, mass issues
D. The old system
   1. Small agenda of political issues
   2. Limited leadership circle
   3. Small congressional staff; presence of congressional coalitions
   4. Importance of states’ rights
   5. Focus of policy debate was domestic
   6. Debate over “legitimacy” of new issues
   7. Presidency less powerful
   8. Only crisis forced government into bold action
E. The new system (began in the 1930s)
   1. Large policy agenda
   2. End of debate over legitimacy of government action
   3. Diffusion/decentralization of congressional power
   4. Multiplication of interest groups
   5. Debate over “managing” rather than “ruling” (examples: Social Security, civil rights, deficit, and Medicare)
F. Old-new systems—essential differences (see the “How American Politics Has Changed” box)
   1. Hard to start new program versus hard to change existing system
   2. Power centralized versus power decentralized
G. Two periods in U.S. politics changed political landscape
   1. Early 1930s—depression/New Deal
   2. Mid-1960s—intellectual/political ferment; LBJ election—“Great Society” and “War on Poverty”
   3. The two periods changed political America
   4. 1960s probably more important since changes in pattern of leadership
IV. How the American System Affects Policy Making
A. Four constitutional provisions that affect policy making
   1. Separation of powers
   2. Federalism
   3. Judicial review
   4. Freedom of speech and assembly
B. Our system is adversarial
   1. Freedom of speech
   2. Separation of powers
   3. Federalism
   4. Decentralized structure of Congress
KEY TERMS MATCH

Match the following terms and descriptions.

1. _____ The American policy-making system characterized by a small agenda, domination by central leadership, debates over the legitimacy of policies, and a focus on domestic affairs.

2. _____ A system that encourages participation by people who have an incentive to fight rather than cooperate.

3. _____ The American policy-making system characterized by a large agenda, the diffusion power in Congress, debates over funding and administration of policies, and the multiplication of interest groups.

4. _____ A proposal to limit members of the House to six terms and senators to two terms.

a. Adversarial System
b. New System
c. Old System
d. term limits

DID YOU THINK THAT . . . ?

Three misconceptions are listed below. You should be able to refute each statement in the space provided, referring to information or argumentation contained in this chapter. Sample answers appear at the end of the Study Guide.

1. “The Founding Fathers never intended to create a system of government based upon competing interests.”

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

2. “American government has always had the right to enter new policy areas, such as civil rights or industrial regulation.”

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________
3. “The separation of powers in the American political system makes it virtually impossible for government to enact meaningful legislation.”

TRUE/FALSE QUESTIONS
Read each statement carefully. Mark true statements T. If any part of the statement is false, mark it F, and write in the space provided a concise explanation of why the statement is false.

1. T F The Framers devised a political system in which it would be difficult to adopt new policies.

2. T F Until recently, most senators and representatives served only one or two terms of office.

3. T F Until the mid-twentieth century, who ruled in Washington and to what ends made little difference in the lives of citizens except in times of war or economic crises.

4. T F Throughout the nineteenth century, the Supreme Court expanded its powers in the name of equality.

5. T F The Supreme Court has historically been consistent in ruling the U.S. income tax constitutional.

6. T F An example of the expanded role of government today is that businesses are regulated to a greater degree than they had been previously.

7. T F Today, the federal government’s participation in almost any activity is considered legitimate.

8. T F One factor contributing to government’s expanded role today is that the courts are giving a narrower interpretation to the Constitution.

9. T F Under the Old System of American politics, government took bold action only during times of war.

10. T F The Old System of politics was characterized by small government, concern for states’ rights and local constituents, and political leadership that was closed to outsiders.
11. T F One characteristic of the New System of American politics is the concentration of power in the hands of congressional leaders.

12. T F Under the New System, debate is more likely to focus on the legitimacy of a government policy than on its administration.

13. T F The New System began in the 1930s but did not take its present form until the 1970s.

14. T F Two events that catalyzed government expansion during this century were the Great Depression and the Vietnam War.

15. T F Policy making is likely to be greatest when party representation in Congress is evenly balanced and debate is most spirited.

16. T F The 1930s and the 1960s changed the political landscape in America in the area of policy making.

17. T F There are no constitutional provisions on how we make policy in America.

18. T F The Bill of Rights has been extended so that almost all of its important provisions apply to the States.

19. T F The public never demanded government action to deal with the depression.

20. T F Campaign finance laws and court rulings have given legal status to thousands of political action committees.

21. T F The basic argument for separation of powers is that it makes the president and Congress more accountable and less powerful.

22. T F Someone who advocates a smaller role for government would make government less responsive to interest groups and individual wants.

23. T F Critics of big government would favor a line-item vote for the president.

24. T F Some states now limit the number of terms its congressional representatives can serve.
25. T  F  A critic of term limits might argue that they give too much power to incumbents.

26. T  F  Members of Congress are limited to no more than four consecutive terms in office.

MULTIPLE CHOICE QUESTIONS

Circle the letter of the response that best answers the question or completes the statement.

1. The most striking change in American government during the twentieth century was the:
   a. extent to which its powers have become diffused among state and local governments.
   b. dramatic expansion in the scope of its activities.
   c. striking reduction in the power of the presidency.
   d. centralization of congressional power.
   e. the decline of power of the federal courts.

2. The following is not one of the items that must happen in order for a new policy to take effect:
   a. The House and Senate must agree on it.
   b. The president must sign it.
   c. The courts have to accept it as constitutional.
   d. All states must ratify it.
   e. none of the above.

3. One major difference between government today and government a hundred years ago is that a hundred years ago:
   a. presidents were more powerful.
   b. Congress did more.
   c. the Supreme Court was more activist.
   d. most legislators served one or two terms of office.
   e. special interests played no part.

4. There have been three restraints on the growth of government in the nineteenth and early twentieth century. Which of the following is one of the restraints?
   a. constitutional interpretation that sharply limited what government could do.
   b. lack of money.
   c. lack of party competition.
   d. broad interpretations to the U.S. Constitution
   e. term limits on elected officials.

5. In the nineteenth century, the Supreme Court would have struck down as unconstitutional any attempt by Congress to:
   a. pass legislation dealing with public morals.
   b. enact legislation vetoed by the president.
   c. allow major issues to be settled by the states.
   d. delegate major responsibilities to executive agencies.
   e. change the number of justices on the court.

6. For a century and a half after the creation of the Republic, the powers that government could exercise were limited. One reason for this was:
   a. pressure from foreign powers to keep government small.
   b. the absence of a constitutional bill of rights.
   c. the Court’s narrow interpretation of the Constitution.
   d. the power of the national media.
   e. high voter turnout.
7. For a century and a half after the creation of the Republic, the powers that government could exercise were limited. One reason for this was:
   a. the Court’s broad interpretation of the Constitution.
   b. tight party control of government agencies.
   c. lack of influence by big business.
   d. term limits for members of Congress.
   e. a lack of political resources among interest groups.

8. Even if people had wanted the federal government to do more in the nineteenth and in early twentieth centuries, many of them lacked the _____ to back up their demands.
   a. special protection
   b. public opinion
   c. political resources
   d. popularity
   e. constitutional protection

9. One effect of greater government authority in policy making has been to:
   a. strip away the bill of rights.
   b. reduce the influence of elite opinion on the government’s agenda.
   c. centralize power in both Congress and the federal bureaucracy.
   d. extend the property rights of most businesses.
   e. expand the definition of what government can do legitimately.

10. Which of the following characterized the New System of policy making in America?
    a. presidential press conferences
    b. “insider” lobbying
    c. weak congressional chairmen
    d. few congressional subcommittees
    e. fewer new leaks

11. Which of the following characterized the Old System of policy making in America?
    a. court restraints on government’s exercise of economic powers
    b. political parties dominated by activists chosen in primaries and caucuses
    c. a long policy agenda marked by bitter debates over funding
    d. a broad view of individual freedoms
    e. more liberal interpretations of the constitution by the Supreme Court.

12. Which of the following characterized both the early 1930s and the mid-1960s?
    a. economic prosperity
    b. huge Democratic majorities in Congress
    c. war
    d. party conventions as the primary means of selecting presidential candidates
    e. a strong surge by the Republican Party

13. The text states that the transition from the Old System to the New System of policy making occurred chiefly during two periods—the Great Depression and the mid-1960s—but that the latter was perhaps the more important
    a. because it also saw changes in the pattern of political leadership.
    b. because it witnessed the passage of so much unprecedented legislation.
    c. because it saw the end of interest-group politics.
    d. because it saw the creation of dozens of new government services.
    e. because it saw directly the Vietnam conflict.
14. In America today, political resources have become:
   a. less widely distributed.
   b. more focused on individual states.
   c. more focused on certain individuals.
   d. more narrowly concentrated.
   e. more widely distributed.

15. The ability of candidates to win office today depends strongly on which of the following?
   a. skill at raising money
   b. making friends
   c. cultivating a media image
   d. winning a primary election
   e. all of the above

16. According to many critics, government could be made stronger and more responsive to the needs of citizens by:
   a. making the system less democratic.
   b. reducing presidential authority.
   c. mandating a balanced federal budget.
   d. reducing the separation of powers.
   e. enhancing the jurisdiction of lower federal courts.

17. Many critics argue that the separation of powers strangles government and makes policy making difficult. The reasons they cite include all of the following except that it:
   a. limits effective national leadership.
   b. discourages compromise in passing legislation.
   c. gives interest groups too much power.
   d. limits presidential and congressional accountability.
   e. enhances power of judicial review.

18. Since states have a truly independent political position, it is very hard to have a _____ on anything.
   a. truly “natural policy”
   b. decentralized stance
   c. inconsistent stance
   d. majority vote
   e. respect for minority rights

19. The separation of powers promotes rather than limits effective government by:
   a. discouraging client and interest-group politics.
   b. making legislators more accountable for their actions.
   c. giving citizens a means to fight the bureaucracy.
   d. freeing the president to lead without interference from Congress.
   e. keeping the media out of the equation.

20. One disadvantage of having presidents and legislators run together in a district is that doing so might:
   a. enhance the separation of powers.
   b. destroy federalism.
   c. make government too powerful.
   d. make government inert.
   e. decentralize decision making.
21. Defenders of the American political system argue that the real problem is not the separation of powers but the:
   a. broad protection for freedom of speech.
   b. failure of judicial review to curtail bad legislation.
   c. limited access that most citizens have to the system.
   d. power the president has over the bureaucracy.
   e. incompetence of key political leaders.

22. Those who believe that the federal government is too strong and needs to be curtailed argue that the current system:
   a. already has too many checks and balances in it.
   b. emphasizes short-term benefits for some over long-term public interests.
   c. gives the president too much power to block legislation.
   d. discourages government activism and denies fundamental rights to many citizens.
   e. enhances states’ rights.

23. Democracy in the United States requires politicians to:
   a. enact only those programs that are in the public interest.
   b. make promises to voters.
   c. study all issues closely.
   d. respond only to the needs of the electorate.
   e. seek media scrutiny.

24. How would a line-item veto be used to reduce the federal deficit?
   a. It would give the legislature the power to veto a bill it feels will unbalance the budget.
   b. It would give the president the power to veto a bill he feels will unbalance the budget.
   c. It would give the legislature the power to veto part of a bill it feels will unbalance the budget.
   d. It would give the president the power to veto part of a bill he feels will unbalance the budget.
   e. It would put appropriations bills subject to judicial review.

25. Though it has many distinctive features, the best word to describe our system of government is _______.
   a. overly centralized.
   b. overly decentralized.
   c. covert.
   d. contradictory.
   e. adversarial.
ESSAY QUESTIONS

Practice writing extended answers to the following questions. These test your ability to integrate and express the ideas that you have been studying in this chapter.

1. What factors existed into the twentieth century that limited the scope of government in the United States? What changes finally occurred to bring an end to this limited role for government?

2. How might the adoption of each of the following measures affect the American political system, pro and con?
   - limiting presidents to a single, six-year term;
   - allowing presidents to dissolve Congress and call for a special election;
   - lengthening the terms of members of the House from two to four years;
   - giving presidents a true line-item veto;
   - requiring the president and congressional candidates to run as a team in each congressional district, and
   - term limits for members of Congress.

3. In your opinion, have states gained or lost more decision-making authority over the past sixty years? Give examples to defend your position.

4. In your opinion, is government in America too strong or too weak? If it is too strong, how can its power be reduced? If it is too weak, how can its power be increased?
ANSWERS

Key Terms Match
1. c
2. a
3. b
4. d

Did You Think That . . . ?
1. A system of decentralized interests was exactly what they wanted to create. This would allow for competition within a system of checks and balances.

2. Under the Old System, legislators argued about whether it was legitimate for government to enter these areas, and the courts interpreted the Constitution in ways that sharply limited what policies the federal government could adopt. For a century or more, for example, the Supreme Court held that the federal government had only very limited power to regulate business and that Congress could not delegate such powers as it had to administrative agencies. The Court even held that a federal income tax was unconstitutional. Public opinion supported this narrow interpretation of the Constitution, and those people who wanted greater government action lacked the political resources to back up any demands they might have.

3. Despite the checks and balances inherent in the separation of powers, government during this century managed to launch the New Deal, the Great Society, and a rocket to the moon; to mobilize for World War I, World War II, and Vietnam; and to prepare to impeach a president for violating his oath of office. Many feel that rather than impeding effective government, the separation of powers does not do enough to limit government’s size, power, and ability to spend money.

True/False Questions
1. T
2. T
3. T
4. F. The Supreme Court for a long time maintained that the Bill of Rights only limited what the federal government, and not state governments, could do.
5. F. It has previously ruled it unconstitutional.
6. T
7. T
8. F. It is just the opposite with Social Security as an example.
9. T
10. T
11. F. Today’s system is characterized by the diffusion and decentralization of power in the Congress.
12. F. Debate is likely to focus on how the government can best cope with the problems that arise from implementing existing policies rather than on their legitimacy.
13. T
14. T
15. F. The adoption of new programs is most likely to occur when one party controls both the Congress and the presidency.
16. T
17. F. The book lists four specific areas.
18. T
19. F. House members now serve for two years; lengthening their terms would be more likely to reduce the separation of powers by linking presidential and House elections.
20. F. Defenders of the separation of powers argue that without the congressional “interference” that occurs with this system, citizens and interest groups might be helpless before powerful agencies.
21. T
22. T
23. T
24. T
25. F. The idea of term limits is to reduce the power of incumbency by limiting the time anyone can serve in Congress.
26. F. Congress has not adopted term limits, although 14 states have.

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