

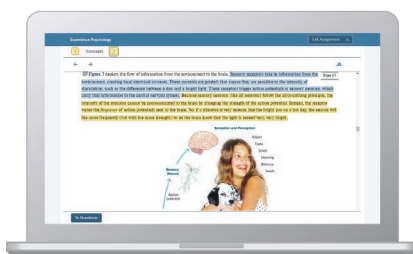


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WE THE PEOPLE

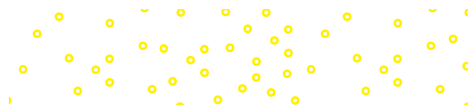
AN INTRODUCTION TO AMERICAN GOVERNMENT

FOURTEENTH EDITION

THOMAS E. PATTERSON

Bradlee Professor of Government and the Press
John F. Kennedy School of Government
Harvard University

**Mc
Graw
Hill**





WE THE PEOPLE: AN INTRODUCTION TO AMERICAN GOVERNMENT,
FOURTEENTH EDITION

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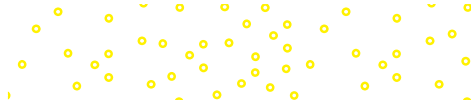
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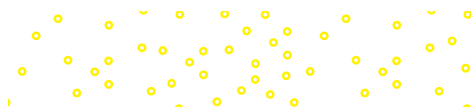
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To My Son and Daughter,
Alex and Leigh





ABOUT THE AUTHOR



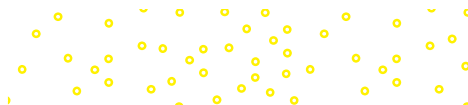
Courtesy of Thomas Patterson

Thomas E. Patterson is Bradlee Professor of Government and the Press in the John F. Kennedy School of Government at Harvard University. He was previously Distinguished Professor of Political Science in the Maxwell School of Citizenship at Syracuse University. Raised in a small Minnesota town near the Iowa and South Dakota borders, he attended South Dakota State University as an undergraduate and served in the U.S. Army Special Forces in Vietnam before enrolling at the University of Minnesota, where he received his PhD in 1971.

Since then, he has regularly taught introductory American government. In 2013, he was chosen as teacher of the year and adviser of the year by Harvard University's Kennedy School of Government students, the first time a member of its faculty has received both awards in the same year.

He has authored numerous books and articles, which focus mainly on elections, the media, political parties, and citizenship. His recent book, *How America Lost Its Mind* (2019), charts the causes and consequences of the rapid rise in misinformation. Another book, *Informing the News* (2013), examines the need for news that is more trustworthy and relevant. An earlier book, *The Vanishing Voter* (2002), describes and explains the long-term decline in voter participation. His book *Out of Order* (1994) received national attention when President Clinton urged every politician and journalist to read it. In 2002, *Out of Order* received the American Political Science Association's Graber Award for the best book of the past decade in political communication. Another of Patterson's books, *The Mass Media Election* (1980), received a Choice award as Outstanding Academic Title, 1980–1981. Patterson's first book, *The Unseeing Eye* (1976), was selected by the American Association for Public Opinion Research as one of the 50 most influential books of the past half century in the field of public opinion. His current project is a pair of books, one on the problems facing the Republican Party, the other on the problems facing the Democratic Party.

His research has been funded by major grants from the National Science Foundation, the Markle Foundation, the Smith-Richardson Foundation, the Ford Foundation, the Knight Foundation, The Carnegie Corporation, and the Pew Charitable Trusts.





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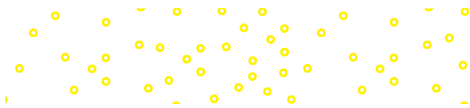


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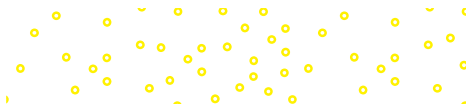
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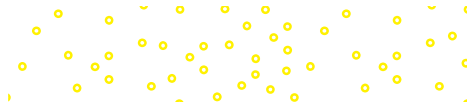
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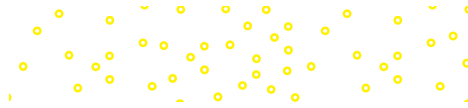
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A LETTER FROM THE AUTHOR

Anyone who writes an introductory program on American government faces the challenge of explaining a wide range of subjects. One way is to pile fact upon fact and list upon list. It's a common approach to textbook writing, but it turns politics into a pretty dry subject. Politics doesn't have to be dry, and it certainly doesn't have to be dull. Politics has all the elements of drama plus the added feature of affecting the everyday lives of real people.

My goal has been to make this text the most readable one available. Rather than piling fact upon fact, the program relies on narrative. A narrative program weaves together theory, information, and examples in order to bring out key facts and ideas. The response to this approach has been gratifying. As a previous edition was being prepared, I received the following note from a longtime instructor:

I read this book in about three days, cover to cover. . . . I have never seen a better basic government/politics textbook. I think reading standard textbooks is "boring" (to use a favorite student word), but this one overcomes that. Dr. Patterson has managed to do something that I heretofore thought could not be done.

While writing, I regularly reminded myself that the readers are citizens as well as students. For this reason, the text encourages "critical thinking," by which I mean the process through which an individual determines what can reasonably be believed and then applies reason and information to reach a thoughtful conclusion. Each chapter has five boxes that ask you to "think critically." Two of these—the "How the U.S. Differs" box and the "How the 50 States Differ" box—ask you to think critically about differences in governing systems. A third box—"Party Polarization"—asks you to critically analyze differences in the Republican and Democratic Parties. A fourth box—"Case Study"—discusses a political event and then asks you to analyze the outcome. The final box—"Fake or Fact?"—asks you to critically assess a factual claim. These various boxes are based on the idea that critical thinking is a skill that can be nurtured and, once acquired, can make you a more responsible citizen, whether in casting a vote, forming an opinion about a public policy, or contributing to a political cause.

Improving your ability to think critically is a primary goal of this text. If the only result of reading the text was to increase your factual knowledge of

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American government, I would judge it a failure. As Albert Einstein once noted, “The value of a college education is not the learning of many facts but the training of the mind to think.” Political science courses, like those in other social science and humanities disciplines, should help students hone their critical thinking skills. As I indicated, the five boxes in each chapter are designed for this purpose. So, too, is the “Critical Thinking Zone” at the end of each chapter. This feature asks you to make use of the chapter’s information through the application of the three skills—conceptualizing, synthesizing, and analyzing—that are the foundation of critical thinking.

The well-being of a democracy rests on its citizens. Nevertheless, aside from voting, we seldom ask what citizenship requires of each of us. Each chapter includes two ways in which you as a citizen can strengthen your community and your country.

Finally, in this program I have attempted to present American government through the analytical lens of political science, but in a way that captures the vivid world of real-life politics. Only a tiny fraction of students in the introductory course are enrolled because they plan an academic career in political science. Most students take it because they have an interest in politics or because they are required to do so. I have sought to write a book that will deepen your political interest if you are the first type of student, and spark an interest in politics if you are the second type.

We the People has been in use in college classrooms for more than two decades. During this time, the program has been adopted at more than 1,000 colleges and universities. I am extremely grateful to all who have used it and particularly indebted to the many instructors and students who have sent me suggestions on how to strengthen it. For this edition, I owe a deep thanks to Chris Worden of Sierra College, who provided a host of thoughtful and constructive ideas. If you have ideas you would like to share, please contact me at thomas_patterson@harvard.edu.

Thomas E. Patterson





PREFACE

RELEVANCY AND READABILITY TO ENGAGE TODAY'S STUDENT

Tom Patterson's *We the People* is a **concise** approach to American government, emphasizing **critical thinking** through questions and examples **relevant** to today's students. This exceptionally **readable** text provides opportunities to **engage** with the political process through tools that help students **learn how to think about politics**, utilizing digital resources that connect students with the material in a **personalized** way.

BETTER DATA, SMARTER REVISION, IMPROVED RESULTS

Students helped inform the revision strategy:

STEP 1. Over the course of a few years, data points showing concepts that caused students the most difficulty were collected anonymously from McGraw Hill Education's Connect® American Government's SmartBook 2.0 for *We the People*.

STEP 2. The data from SmartBook 2.0 were provided to the author in the form of a *heat map*, which graphically illustrated "hot spots" in the text where student comprehension was less complete than elsewhere (see the image to the right).

STEP 3. For this edition, the author used the *heat map* data to refine the content and heighten student comprehension. Additional quiz questions and assignable activities were created for use in Connect American Government to further strengthen student learning.

RESULT: Because the *heat map* gave the author empirically based feedback at the paragraph and even sentence level, he was able to develop the new edition using precise student data that pinpointed concepts that caused students the most difficulty.

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158 CHAPTER 5: Equal Rights: Struggling toward Fairness

established by presidential action. The term *affirmative action* first appeared in an executive order issued in 1961 by President John F. Kennedy, who directed federal contractors to "take affirmative action to ensure that applicants are employed . . . without regard to their race, creed, color, or national origin." In 1967, President Lyndon Johnson extended affirmative action to include women and summarized the policy's goal: "We seek . . . not just equality as a right and a theory, but equality as a fact and a result."

5.20 *Equality of result* was a new concept. Other major civil rights policies had sought to eliminate **de jure discrimination**, which is discrimination based on law, as in the case of the state laws requiring black and white children to attend separate schools during the pre-*Brown* period. Affirmative-action policy sought to alleviate **de facto discrimination**—the condition whereby historically disadvantaged groups have fewer opportunities and benefits because of prejudice and economic circumstances, such as their inability to pay for a college education.

5.20 Few issues have sparked more controversy than has affirmative action, and even today the public has a mixed response to it. Most Americans support programs designed to ensure that historically disadvantaged groups receive equal treatment, but oppose programs that would give them preferential treatment. Preference programs are deeply divisive. Whereas roughly 60 percent of African Americans and 50 percent of Hispanics support them, only about 20 percent of whites do so.¹⁹

Policies that pit individuals against each other typically end up in the Supreme Court, and affirmative action is no exception. In *University of California Regents v. Bakke* (1978), the Court issued its first affirmative action ruling. A white male, Alan Bakke, had been rejected by a medical school that admitted minority applicants with significantly lower test scores. The Court ruled that the medical school, because it had reserved a fixed number ("a quota") of admissions for minority applicants, had violated Bakke's right to equal protection. However, the Court did not strike down affirmative-action admissions per se, saying instead that race could be among the factors taken into account by schools in their



Heat map data also inform the activities and assessments in Connect American Government, McGraw Hill Education's assignable and accessible learning platform. Where the heat map data indicate that students struggled with specific learning objectives or concepts, we created Connect assets—Concept Clips, Applied Critical Thinking (ACT), and Newsflash current event activities—to provide another avenue for students to learn and master the content.



SMARTBOOK®

SmartBook 2.0 creates a personalized reading experience by highlighting significant concepts that a student needs to learn at a particular point in the course. This ensures that every minute spent with SmartBook 2.0 productively contributes to student learning. The reading experience continuously adapts by highlighting content based on what the student knows and doesn't know. Real-time reports quickly identify the concepts that require more attention from individual students—or the entire class. SmartBook 2.0 detects the content a student is most likely to forget and displays it to improve retention.

Writing Assignment

McGraw Hill's new Writing Assignment Plus tool delivers a learning experience that improves students' written communication skills and conceptual understanding with every assignment. Assign, monitor, and provide feedback on writing more efficiently and grade your assignments within McGraw Hill Connect®. Writing Assignment Plus gives you time-saving tools with a just-in-time basic writing and originality checker.

Features include

- Grammar/writing checking with McGraw Hill learning resources
- Originality checker with McGraw Hill learning resources
- Writing stats
- Rubric building and scoring
- Ability to assign draft and final deadline milestones
- Tablet ready and tools for all learners

INFORMING AND ENGAGING STUDENTS ON POLITICAL CONCEPTS

Using Connect American Government, students can learn the course material more deeply and study more effectively than ever before.

At the *remember* and *understand* levels of Bloom's taxonomy, **Concept Clips** help students break down key concepts in American government. Using easy-to-understand audio narration, visual cues, and colorful animations, Concept Clips provide a step-by-step presentation that aids in student retention. Topics

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include Federalists and Antifederalists, What Is Devolution?, and Who Participates. In addition, several skills-based clips equip students for work within and outside the classroom, covering topics such as How to Read a Court Case, How to Understand Charts and Graphs, and How to Avoid Plagiarism.



Also at the *remember* and *understand* levels of Bloom's taxonomy, **Newsflash** ties current news stories to key American government concepts and learning objectives. After evaluating a related news story, students are assessed on their ability to connect it to the course content. An example is the impact of the COVID-19 coronavirus on the U.S. economy.

Our new **Podcast Assignments** also deepen students' understanding of real-life politics. These assignments allow you to bring discussion and debate to your courses through the storytelling power of actual podcasts.



At the *apply*, *analyze*, and *evaluate* levels of Bloom's taxonomy, **critical thinking activities** allow students to engage with the political process and learn by doing.

- Quiz: What Is Your Political Ideology?
- Poll: Americans' Confidence in the Police
- Research: Find Your Senator
- Infographic: Compare the Courts

Practice Government, McGraw Hill's educational game focused on the American political system, is fully integrated inside Connect American Government! A set of focused introductory missions is paired with auto-grade and critical thinking.

Instructor Resources

We the People includes the following instructor resources.

Instructor's manual. The instructor's manual provides a wide variety of tools and resources for presenting the course, including learning objectives and ideas for lectures and discussions.

Test bank. By increasing the rigor of the test bank development process, McGraw Hill has raised the bar for student assessment. Each question has been tagged for level of difficulty, Bloom's taxonomy, and topic coverage. Organized by chapter, the questions are designed to test factual, conceptual, and higher-order thinking.

Test Builder. New to this edition and available within Connect, Test Builder is a cloud-based tool that enables instructors to format tests that can be printed and administered within a Learning Management System. Test Builder offers a modern, streamlined interface for easy content configuration that matches course needs without requiring a download.

Test Builder enables instructors to

- Access all test bank content from a particular title
- Easily pinpoint the most relevant content through robust filtering options
- Manipulate the order of questions or scramble questions and/or answers
- Pin questions to a specific location within a test
- Determine their preferred treatment of algorithmic questions
- Choose the layout and spacing
- Add instructions and configure default settings

PowerPoint. The PowerPoint presentations highlight the key points of the chapter and include supporting visuals. All slides are WCAG compliant.

Remote proctoring. New remote proctoring and browser-locking capabilities are seamlessly integrated within Connect to offer more control over the integrity





of online assessments. Instructors can enable security options that restrict browser activity, monitor student use, and verify the identity of each student. Instant and detailed reporting gives instructors an at-a-glance view of potential concerns, thereby avoiding personal bias while fostering evidence-based claims.

CONTENT CHANGES

In addition to the 2020 election results, thorough updates of the data and figures throughout the text, new and updated boxed features (*Fake or Fact?*, *Case Study*, *How the U.S. Differs*, *How the 50 States Differ*, and *Party Polarization*), and fresh, new photographs and other images, a new feature in every chapter—*Citizen Action!*—helps students to think of themselves as active participants in the American political process. The three types of *Citizen Action!* sidebars encourage students to (1) improve their understanding of how our government works through reading, reflecting, and research (“Getting Ready”); (2) participate in the public arena by contacting representatives, making contributions, doing service, volunteering, or interning (“Getting Involved”); and (3) reflect on their duty as informed and active citizens (“Taking Responsibility”).

Finally, *We the People*, 14th edition, includes the following specific chapter-by-chapter changes:

Chapter 1, Critical Thinking and Political Culture: Becoming a Responsible Citizen

- New introduction focused on how misinformation impacts public opinion, discussing how misinformation in the wake of the COVID-19 coronavirus resulted in unnecessary loss of life
- Thoroughly revised and clarified discussion of critical thinking in the “Learning to Think Critically” section
- Revised and updated “How the U.S. Differs” box, “A Nation of Immigrants,” in the “Political Culture: Americans’ Enduring Beliefs” section
- Revised and updated “Case Study” box, “Social Welfare Policy,” in the “Politics and Power in America” section

Chapter 2, Constitutional Democracy: Promoting Liberty and Self-Government

- New “Fake or Fact?” box, “Is the President Above the Law?” in the “Protecting Liberty: Limited Government” section
- Discussion of two key 2020 Supreme Court rulings, *Trump v. Vance* and *Trump v. Mazars*, that limit the president’s ability to withhold information relevant to congressional and legal investigations
- New “How the 50 States Differ” box, “Choosing the President,” in the “Providing for Representative Government” section





Chapter 3, Federalism: Forging a Nation

- Thoroughly updated “Fake or Fact?” box, “Do States Have Final Authority over Marijuana Laws?,” in the “Federalism: National and State Sovereignty” section
- New “Case Study” box, “Federalism and the COVID-19 Response,” in the “Contemporary Federalism (Since 1937)” section

Chapter 4, Civil Liberties: Protecting Individual Rights

- Revised and updated “How the U.S. Differs” box, “Civil Liberties,” in “The Bill of Rights, the Fourteenth Amendment, and Selective Incorporation” section
- Coverage, in the “Freedom of Religion” section, of the Supreme Court’s important 2020 *Espinoza v. Montana Department of Revenue* ruling that held, if a state provides scholarships for students attending secular private schools, it must also make them available to those attending religious schools
- Discussion of the significant 2020 *June Medical Services v. Russo* Supreme Court decision striking down a Louisiana law requiring abortion providers to have hospital admitting privileges in “The Right to Privacy” section
- Coverage of the landmark 2020 *Ramos v. Louisiana* Supreme Court decision extending the constitutional protection of a unanimous jury verdict in cases of serious crime to state courts in the “Rights of Persons Accused of Crimes” section

Chapter 5, Equal Rights: Struggling toward Fairness

- In “The Struggle for Equality” section, the 2020 Supreme Court decision invalidating the Trump administration’s rescinding of the Deferred Action for Childhood Arrivals (DACA) program, which protects undocumented immigrants brought into the country as young children from deportation
- New discussion of the landmark 2020 Supreme Court decision extending the 1964 Civil Rights Act’s ban on workplace sex discrimination to include LGBT Americans in “The Struggle for Equality” section
- New coverage of disparity by race of death rates from the COVID-19 coronavirus in the “Discrimination: Superficial Differences, Deep Divisions” section

Chapter 6, Public Opinion and Political Socialization: Shaping the People’s Voice

- Thoroughly revised and updated “Case Study” box, “Gun Control,” in “The Measurement of Public Opinion” section

