

SIXTH EDITION

THE ENDURING DEMOCRACY

KENNETH J. DAUTRICH | DAVID A. YALOF | CHRISTINA E. BEJARANO



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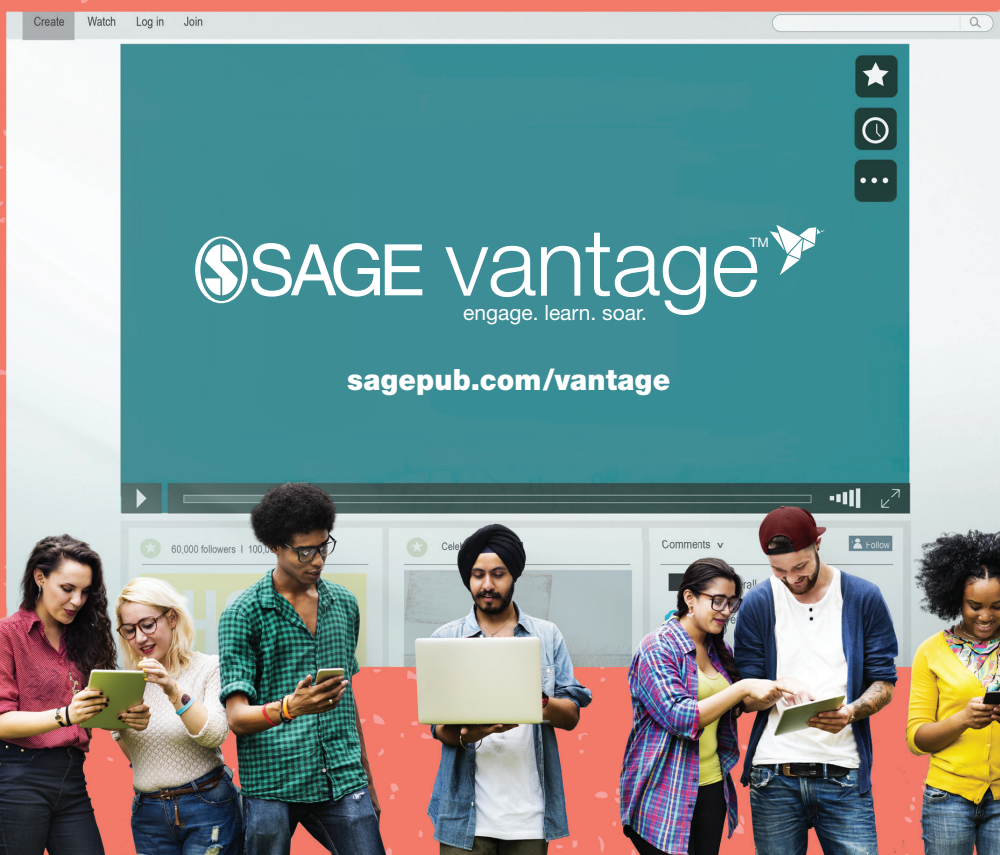
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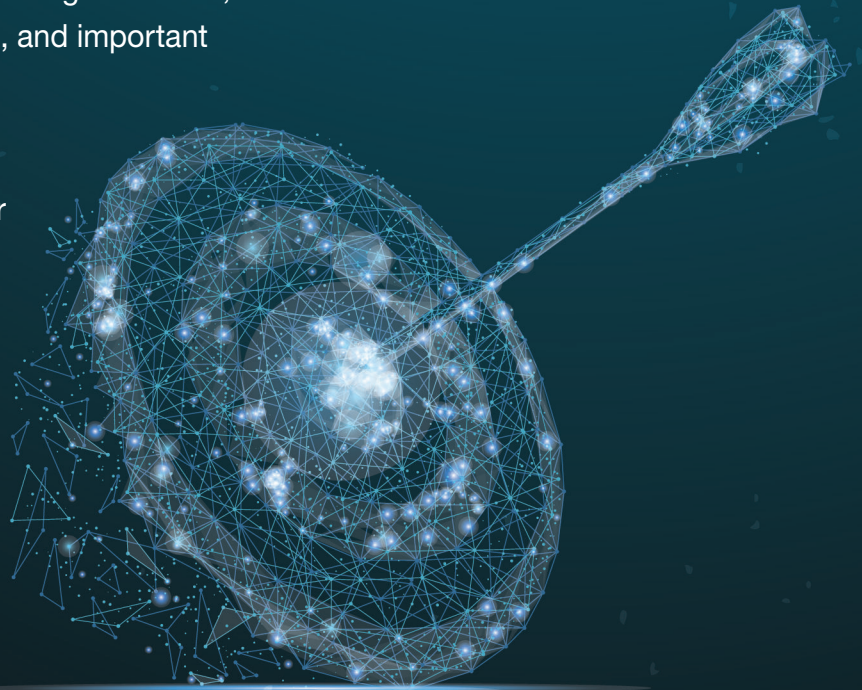
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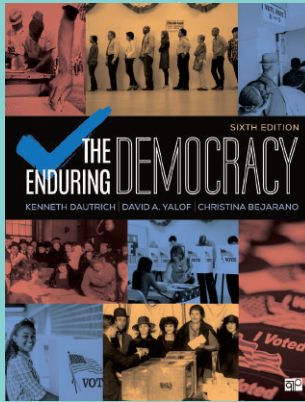
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The Enduring Democracy

Sixth Edition

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The Enduring Democracy

Sixth Edition

Kenneth J. Dautrich
University of Connecticut

David A. Yalof
University of Connecticut

Christina E. Bejarano
Texas Woman's University



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LETTER TO INSTRUCTORS

This is a textbook about American government, the success of which depends upon a responsible citizenry willing to ask tough questions of its leaders and demand reasonable answers in return. This book encourages student readers to hone their critical thinking skills, ask the tough questions, and become responsible citizens. We encourage students to become educated citizens through two paths: (1) by learning how the problems and controversies characterizing American government today have been successfully tackled in America's past, and (2) by examining how the changing demographics of America have affected its political landscape.

The first path to understanding focuses on history. Certainly history tends to repeat itself, and we can learn important lessons from history to better address the problems we face today. American government and politics have changed dramatically in the more than two centuries of the nation's existence, yet certain issues persist. The challenge facing instructors of American government is how to take adequate account of all these changes while never losing sight of the issues and events from the nation's past and their significance today. We thus offer in this sixth edition of *The Enduring Democracy* all the nuts and bolts of the U.S. government and how it works, but we also seek to educate students about American politics in ways that go beyond the essentials by **placing current political issues and debates in historical perspective**. This theme runs throughout the book's narrative and is reflected in its organization. The book begins with a discussion of how the road map of history provides a guide to the future, how the use of a historical perspective on American politics can add to and help shape our understanding of contemporary problems and the creation and evolution of its institutions and processes, before diving into the foundations of U.S. government, the institutions of government formed under the Constitution, and then later to political behavior and public policy.

The second path examines diversity by considering the changing demographics of our polity and the various ways in which those changes have an impact on our politics. Over and over during the 2016 presidential campaign and the 2018 midterm elections, America's diverse character became a focal point for discussion, as both major parties' candidates faced an electorate more diverse than ever before. These changing demographics also have a sizeable impact on governing political institutions, their public policy formulation, and nearly all types of informal political behavior as well, including media coverage and interest-group dynamics. Accordingly, this textbook considers American politics in ways that are informed by these fundamental changes in the political landscape. Throughout the book's narrative, we take note of the ways in which traditional institutions and entities have successfully (or in some cases, not so successfully) taken account of this changing political reality.

Many of the book's past features support these themes, and several of them return in the sixth edition. For example, **Then & Now** boxes continue to give ample attention to the premise that American political history has a habit of repeating itself through examples of contemporary problems and controversies that have been identified, tackled, and in some cases resolved in earlier years. We also continue to offer a fully updated and revised civil rights, equality, and social movements chapter that more comprehensively considers racial/ethnic politics, especially Latino politics, and the evolution of discrimination against disadvantaged groups in the political arena as well as in the courts. *The Enduring Democracy* has also been updated to include complete coverage of the Trump administration's first three years in office, the 2018 midterm election results, and the 2020 presidential election contest.

We also offer **Debates over Diversity** boxes within every chapter that offer examples and illustrations of how America's changing demographics and increased diversity have altered the political landscape. This feature touches on many contemporary political debates across

the broad range of American politics. Our ever-changing population poses significant challenges that must be addressed by local institutions such as schools and by national institutions, including Congress, executive agencies, and the U.S. Supreme Court. Students will consider these debates and then address questions that seek students' reflections on how we as a society should most effectively address the challenges and opportunities presented with our diversity.

Additionally, this new edition has been shortened to 15 chapters to better accommodate the length of a typical semester. The domestic and foreign policy chapters have been combined into a single chapter to provide succinct, well-rounded coverage of major policy concepts.

By examining the current state of American politics through the lens of American history and the nation's changing demographics, we encourage students to think critically about the significance of certain persons, places, and events in American politics and consider all the different ways in which they might be viewed and interpreted. The historical perspective and the materials that address American politics from students' own perspectives do not interfere with the description of essential foundations. Rather, they spark student interest in revisiting what they learned in high school, from the media, and elsewhere about American politics with a more discerning and critical eye. Perhaps many students will take this critical approach beyond the course itself and become actual participants in the process. If they do so with a more critical and skeptical eye, our democratic system can only benefit.

Sincerely,

Kenneth J. Dautrich
k.dautrich@uconn.edu

David A. Yalof
david.yalof@uconn.edu

Christina E. Bejarano
cbejarano@twu.edu

LETTER TO STUDENTS

The idea that “history repeats itself” is not merely a piece of conventional wisdom. Looking back provides important lessons applicable to today’s challenges. In examining the past we find that some of our new and “unprecedented” political controversies are neither new nor unprecedented. By the same token, changes in the demographics of our population should force a reconsideration of many aspects of American political behavior, past and present. The faces may have changed and the policies may have been modernized, but the challenges the nation faces today are often newer versions of past dilemmas and problems.

In *The Enduring Democracy*, you will learn the essentials of American government with a dual focus on placing current issues and controversies into historical perspective, as well as on considering how the changing face of the American public influences those issues and controversies. By adopting these perspectives, you’ll gain a greater appreciation for American government—both its flaws and its successes—as well as its challenges. At the conclusion of each chapter we frame contemporary problems from the perspective of what they mean to college students like you, so that you can see the relevance of American government in your life.

- **Learning Objectives** open each chapter and serve as a road map to the key concepts and major sections you’ll find within, helping you focus on the most important points and assess your comprehension as you read. We conclude each chapter with a review of those objectives to help you master the chapter’s material. Additionally, within each chapter **key terms** are highlighted in boldface type and defined in the margins of the pages. These key terms are also listed at the end of the chapter, and the terms and definitions are repeated in a **glossary** at the end of the book.
- **Debates over Diversity** boxes found within every chapter offer examples and illustrations of how America’s changing demographics and increased diversity change the American political landscape. The feature touches on many contemporary political debates, such as voting rights and immigration policy, across the broad range of American politics. Our ever-changing population poses significant challenges that must be addressed by local institutions such as schools and by national institutions, including Congress, executive agencies, and the U.S. Supreme Court itself. You will have the opportunity to consider these debates and then address questions that seek your reflections on how we as a society should most effectively address the challenges and opportunities presented by our diversity.
- **Then & Now** boxes show that although the specific names and details change, most contemporary problems and controversies have been identified, tackled, and in some cases outright resolved over and over at different points in the past. It is thus no wonder that “those who cannot remember the past are condemned to repeat it.”
- **From Your Perspective** features consider contemporary political issues from the unique perspective of college students like yourself, tapping into the experiences you bring to the table when studying American government. They’ll help you consider your own views and find opportunities to get involved in your community and American politics.
- **Critical Thinking** questions at the end of every thematic box help you think about the material in new and interesting ways and may spark discussions with your classmates.

A thorough examination of past problems, issues, and conflicts does not negate the uniqueness of the current American condition, but it does offer a better understanding of contemporary issues. In some cases, studying the past assures us that the political process does work in a positive way; in other cases, it reminds us that we are not the first to face certain difficulties, and

it suggests that we may want to seek more direction from the past about what works and what does not. We hope that this exploration encourages you not only to succeed in your intro class but also to join the conversation on a larger scale and become an active participant in your community and *your* American government.

Sincerely,

Kenneth J. Dautrich
k.dautrich@uconn.edu

David A. Yalof
david.yalof@uconn.edu

Christina E. Bejarano
cbejarano@twu.edu

SAGE DIGITAL RESOURCES

A COMPLETE TEACHING & LEARNING PACKAGE



Engage, Learn, Soar with **SAGE vantage**, an intuitive digital platform that delivers *The Enduring Democracy* textbook content in a learning experience carefully designed to ignite student engagement and drive critical thinking. With evidence-based instructional design at the core, SAGE vantage creates more time for engaged learning and empowered teaching, keeping the classroom where it belongs—in your hands.

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- **Honest value** gives students access to quality content and learning tools at a price they will appreciate.

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The **SAGE coursepack** for *The Enduring Democracy* makes it easy to import our quality instructor materials and student resources into your school's learning management system (LMS), such as Blackboard, Canvas, Brightspace by D2L, or Moodle. Intuitive and simple to use, **SAGE coursepack** allows you to integrate only the content you need, with minimal effort, and requires no access code. Don't use an LMS platform? You can still access many of the online resources for *The Enduring Democracy* via the **SAGE edge** site.

Available SAGE content through the coursepack includes:

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 - Diagnostic **coursepack chapter quizzes** that identify opportunities for improvement, track student progress, and ensure mastery of key learning objectives.
 - **Test banks** built on Bloom's taxonomy that provide a diverse range of test items.
 - **Activity and quiz options** that allow you to choose only the assignments and tests you want.
- Editable, chapter-specific **PowerPoint®** slides that offer flexibility when creating multimedia lectures so you don't have to start from scratch but can customize to your exact needs.
- **Instructions** on how to use and integrate the comprehensive assessments and resources provided.

SAGE edge™

SAGE edge is a robust online environment featuring an impressive array of tools and resources for review, study, and further exploration, keeping both instructors and students on the cutting edge of teaching and learning. SAGE edge content is open access and available on demand. Learning and teaching has never been easier!

SAGE edge for Students at <http://edge.sagepub.com/dautrich6e> provides a personalized approach to help students accomplish their coursework goals in an easy-to-use learning environment.

- **Learning objectives** reinforce the most important material.
- Mobile-friendly **Flashcards** strengthen understanding of key terms and concepts, and make it easy to maximize your study time, anywhere, anytime.
- Mobile-friendly practice **quizzes** allow you to assess how much you've learned and where you need to focus your attention.

SAGE edge for Instructors at <http://edge.sagepub.com/dautrich6e> supports teaching by making it easy to integrate quality content and create a rich learning environment for students.

- The **Test bank**, built on Bloom's taxonomy (with Bloom's cognitive domain and difficulty level noted for each question), is created specifically for this text.
- **Sample course syllabi** provide suggested models for structuring your course.
- Editable, chapter-specific **PowerPoint® slides** offer complete flexibility for creating a multimedia presentation for the course, so you don't have to start from scratch but can customize to your exact needs.
- An **instructor's manual** for each chapter includes a chapter summary, outline, multimedia links, discussion questions, and in-class activities.
- A set of all the **graphics from the text**, including all the maps, tables, and figures in PowerPoint formats are provided for class presentations.

SAGE PREMIUM VIDEO

The Enduring Democracy offers premium video, available exclusively in the **SAGE vantage** digital option, produced and curated specifically for this text, to boost comprehension and bolster analysis.

SAGE COURSE OUTCOMES

Outlined in your text and mapped to chapter learning objectives, SAGE course outcomes are crafted with specific course outcomes in mind and vetted by advisers in the field. See how SAGE course outcomes tie in with this book's chapter-level objectives at <http://edge.sagepub.com/dautrich6e>.

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The sixth edition of *The Enduring Democracy* is the product of the hard work of many, many people. Though she moved on to other creative challenges after our fifth edition was in production, we continue to owe much to our original product team manager at Cengage, Carolyn Merrill, for this and all previous editions. At Cengage she was the prime mover of this project, just as she was for each of our earlier editions. It is impossible to imagine pulling off a project like this without the management skills, temperament, and good humor that Carolyn provided.

Thankfully, our move to CQ Press and SAGE Publications for this sixth edition has been seamless thanks to some extremely talented individuals at SAGE who have stepped in to supervise this new edition's production and marketing. The one-time executive publisher and now director of editorial, Monica Eckman, believed in us and this project from the very outset, and her passionate advocacy of the book laid the foundation for what has been a model transition from one major publisher to another. Our content development manager at SAGE, Scott Harris, has kept the sixth edition moving forward and on schedule; his quick turnaround of our chapters made this schedule manageable. The editorial assistant, Sam Rosenberg, helped with photo selections and captions. Scott Greenan's contributions on the editorial and marketing side have been invaluable.

The many sales representatives at SAGE do a terrific job of getting the word out on our book; we are grateful for their many efforts. Appreciation also goes to our colleagues at the University of Connecticut, the University of Kansas, and Texas Woman's University, especially those in the Department of Political Science and the Department of Public Policy, of which there are too many to list by name. Their patience, support, and advice in our writing of this sixth edition have not gone unnoticed, nor has the input we have received from our graduate students and undergraduate users of the text.

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REVIEWERS

We would also like to thank the instructors who have contributed their valuable feedback through reviews of this text:

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Amanda Friesen, Indiana University–Purdue University Indianapolis
Nicholas Pyeatt, Penn State Altoona
Amy Colon, SUNY Sullivan
Abbylin Sellers, Azusa Pacific University

ABOUT THE AUTHORS

Kenneth J. Dautrich (PhD, Rutgers, 1995) is an associate professor of public policy at the University of Connecticut. He is also the founder and former director of the Center for Survey Research & Analysis at the University of Connecticut. Previously, Dr. Dautrich was a research fellow at the Media Studies Center in New York and has served as a senior faculty fellow at the Heldrich Center at Rutgers. His first book, *How the News Media Fail American Voters* (Columbia University Press, 1999), received scholarly praise in numerous political science circles. He also coauthored *The First Amendment and the Media in the Court of Public Opinion* (Cambridge University Press, 2002) and *The Future of the First Amendment* (Rowman & Littlefield, 2008). Dr. Dautrich's research and teaching focus on public opinion and American elections. For the past six years he has directed a set of national surveys on civic literacy in the American public and the role of higher education in advancing knowledge about American government. He directs an annual national survey on the state of the First Amendment for the Freedom Forum's Newseum Institute and a biannual survey of the millennial generation on the future of the First Amendment for the Knight Foundation.

David A. Yalof (PhD, Johns Hopkins University, 1997; JD, University of Virginia, 1991) is department head and professor of political science at the University of Connecticut in Storrs. His first book, *Pursuit of Justices: Presidential Politics and the Selection of Supreme Court Nominees* (University of Chicago Press, 1999), was awarded the American Political Science Association's Richard E. Neustadt Award as the best book published on presidential studies in 1999. His most recent book is *Prosecution among Friends: Presidents, Attorneys General, and Executive Branch Wrongdoing* (Texas A&M University Press, 2012). He is also the coauthor of *The First Amendment and the Media in the Court of Public Opinion* (Cambridge University Press, 2002), *The Future of the First Amendment* (Rowman & Littlefield, 2008), and *Constitutional Law: Civil Liberty and Individual Rights* (Foundation Press, 2007). Dr. Yalof has written extensively on issues in constitutional law and Supreme Court appointment politics. His work has been published in *Political Research Quarterly*, *Judicature*, *Constitutional Commentary*, and various other journals.

Christina E. Bejarano (PhD and MA, University of Iowa; BA, University of North Texas) is department chair and professor of Multicultural Women's and Gender Studies at Texas Woman's University. Her research and teaching interests are in American gender politics, in particular the areas of gender, race/ethnicity, and political behavior. Her interest in the conditions under which racial/ethnic minorities and women successfully compete for U.S. electoral office is reflected in her book, *The Latina Advantage: Gender, Race, and Political Success* (University of Texas Press, 2013). Her work also focuses on how racial/ethnic minorities and women can shape or influence the current electoral environment, which is reflected in her book, *The Latino Gender Gap in U.S. Politics* (Routledge, 2014). Professor Bejarano has also written journal articles for publication in *Political Research Quarterly* and *Politics & Gender*.

CAREER OPPORTUNITIES: POLITICAL SCIENCE

INTRODUCTION

It is no secret that college graduates are facing one of the toughest job markets in the past fifty years. Despite this challenge, those with a college degree have done much better than those without since the 2008 recession. One of the most important decisions a student has to make is the choice of a major; many consider future job possibilities when making that call. A political science degree is incredibly useful for a successful career in many different fields, from lawyer to policy advocate, pollster to humanitarian worker. Employer surveys reveal that the skills that most employers value in successful employees—critical thinking, analytical reasoning, and clarity of verbal and written communication—are precisely the tools that political science courses should be helping you develop. This brief guide is intended to help spark ideas for what kinds of careers you might pursue with a political science degree and the types of activities you can engage in now to help you secure one of those positions after graduation.

CAREERS IN POLITICAL SCIENCE

LAW AND CRIMINAL JUSTICE

Do you find that your favorite parts of your political science classes are those that deal with the Constitution, the legal system, and the courts? Then a career in law and criminal justice might be right for you. Traditional jobs in the field range from lawyer or judge to police or parole officer. Since 9/11, there has also been tremendous growth in the area of homeland security, which includes jobs in mission support, immigration, travel security, and prevention and response.

PUBLIC ADMINISTRATION

The many offices of the federal government combined represent one of the largest employers in the United States. Flip to the bureaucracy chapter of this textbook and consider that each federal department, agency, and bureau you see looks to political science majors for future employees. A partial list of such agencies includes the Department of Education, the Department of Health and Human Services, and the Federal Trade Commission. There are also thousands of staffers who work for members of Congress or the Congressional Budget Office, many of whom were political science majors in college. This does not even begin to account for the multitude of similar jobs in state and local governments that you might consider as well.

CAMPAIGNS, ELECTIONS, AND POLLING

Are campaigns and elections the most exciting part of political science for you? Then you might consider a career in the growing industry based around political campaigns. From volunteering and interning to consulting, marketing, and fund-raising, there are many opportunities for those who enjoy the competitive and high-stakes electoral arena. For those looking for careers that combine political knowledge with statistical skills, there are

careers in public opinion polling. Pollsters work for independent national organizations such as Gallup and YouGov or as part of news operations and campaigns. For those who are interested in survey methodology, there are many nonpolitical career opportunities in marketing and survey design.

INTEREST GROUPS, INTERNATIONAL ORGANIZATIONS, AND NONGOVERNMENTAL ORGANIZATIONS

Is there a cause that you are especially passionate about? If so, there is a good chance that there are interest groups out there that are working hard to see some progress made on similar issues. Many of the positions that one might find in for-profit companies also exist in their nonprofit interest-group and nongovernmental organization counterparts, including lobbying and high-level strategizing. Do not forget that there are also quite a few major international organizations—such as the United Nations, the World Health Organization, and the International Monetary Fund—where a degree in political science could be put to good use. Although competition for those jobs tends to be fierce, your interest and knowledge about politics and policy will give you an advantage.

FOREIGN SERVICE

Does a career in diplomacy and foreign affairs, complete with the opportunity to live and work abroad, sound exciting for you? Tens of thousands of people work for the State Department, both in Washington, DC, and in consulates throughout the world. They represent the diplomatic interests of the United States abroad. Entrance into the Foreign Service follows a very specific process, starting with the Foreign Service Officers Test (FSOT), an exam given three times a year that includes sections on American government, history, economics, and world affairs. Being a political science major is a significant help in taking the FSOT.

GRADUATE SCHOOL

Although not a career, graduate school may be the appropriate next step for you after completing your undergraduate degree. Following the academic route, being awarded a PhD or master's degree in political science could open additional doors to a career in academia, as well as many of the professions mentioned earlier. If a career as a researcher in political science interests you, you should speak with your advisors about continuing your education.

PREPARING WHILE STILL ON CAMPUS

INTERNSHIPS

One of the most useful steps you can take while still on campus is to seek information from your college's career center about an internship in your field of interest. Not only does it give you a chance to experience life in the political science realm, it can lead to job opportunities later and add experience to your résumé.

SKILLS

In addition to your political science classes, the following additional skills will complement your degree:

Writing: Like anything else, writing improves with practice. Writing is one of those skills that is applicable regardless of where your career might take you. Virtually every occupation relies on an ability to write cleanly, concisely, and persuasively.

Public Speaking: An oft-quoted 1977 survey showed that public speaking was the most commonly cited fear among respondents. And yet oral communication is a vital tool in the

modern economy. You can practice this skill in a formal class setting or through extracurricular activities that get you in front of a group.

Quantitative Analysis: As the internet aids in the collection of massive amounts of information, the nation is facing a drastic shortage of people with basic statistical skills to interpret and use these data. A political science degree can go hand-in-hand with courses in introductory statistics.

Foreign Language: The ability to communicate in a language other than English can help you stand out in a crowded job market. Solidify or set the foundation for your verbal and written foreign language communication skills while in school.

STUDENT LEADERSHIP

One attribute that many employers look for is “leadership potential,” which can be tricky to indicate on a résumé or cover letter. What can help is a demonstrated record of involvement in clubs and organizations, preferably in a leadership role. While many people think immediately of student government, most student clubs allow you the opportunity to demonstrate your leadership skills.

CONCLUSION

Hopefully reading this has sparked some ideas on potential future careers. As a next step, visit your college’s career placement office, which is a great place to further explore what you have read here. You might also visit your college’s alumni office to connect with graduates who are working in your field of interest. Political science opens the door to a lot of exciting careers. Have fun exploring the possibilities!

Part I

FOUNDATIONS

*Chapter 1: Introduction to
The Enduring Democracy*

Chapter 2: The Founding and the Constitution

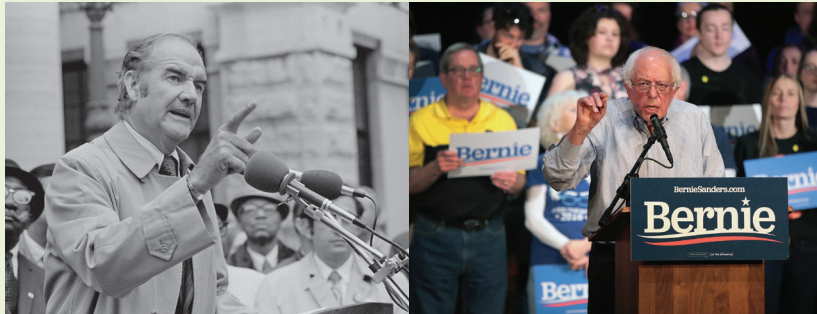
Chapter 3: Federalism

Chapter 4: Civil Liberties

*Chapter 5: Civil Rights, Equality,
and Social Movements*

1

INTRODUCTION TO THE ENDURING DEMOCRACY



Democratic socialist candidates are not new to American politics. George McGovern's 1972 campaign and Bernie Sanders' 2016 and 2020 campaigns appealed to Democratic voters on the far left.

ON NOVEMBER 3, 2020, tens of millions of Americans will cast their votes in the 59th presidential election. Since the first election in 1788, the United States has chosen its leader in this way like clockwork. Few events have eclipsed these quadrennial elections in the level of attention, fanfare, scrutiny, and contentiousness that they attract. Certainly, the 2020 campaign has been no different. Indeed, it has been accompanied by hotly contested congressional elections, which occur every two years as has been the case for more than two centuries. Like so many other institutions in American politics, the U.S. system of elections has endured.

The level of attention given to these elections is warranted by the stakes involved. Election outcomes have significant consequences, determining the direction of policymaking in Washington, DC. The 2020 outcomes will determine whether the Democrats or Republicans occupy the White House and control Congress. The 2008 election of President Barack Obama and the return of a Democrat-controlled Congress that year resulted in a new system of healthcare insurance in 2010 (the Affordable Care Act, or Obamacare) and two new liberal voices on the Supreme Court. The 2016 election of President Donald Trump has so far delivered one of the largest income and corporate tax cuts in American history, as well as the appointment of two conservative Supreme Court justices.

In this book, we explore how the patterns of history can inform us about present debates and controversies in American politics. We also discuss how many of these controversies are rooted in the great diversity of the American people. In all of this, we inquire into how the U.S. system of government, through all its recurring tensions, has endured.

Learning Objectives

1-1 Presidential Campaigns, History, Diversity, and American Politics

- Analyze the 2020 presidential campaign in historical context.

1-2 Forms and Functions of Government

- Explain the philosophical underpinnings of the American political system through the exploration of important theories such as the “social contract” theory and the concept of the “natural law.”

1-3 American Government and Politics

- Assess the importance of the value of popular sovereignty and how that value is realized through “representative democracy” in the United States.

1-4 American Political Culture

- Define *political culture* and describe the unique combination of political beliefs and values that form the American political culture.

1-5 Is American Democracy in Decline?

- Assess the health of American democracy and evaluate whether the American system is in decline by applying a historical perspective on contemporary politics.

1-1 PRESIDENTIAL CAMPAIGNS, HISTORY, DIVERSITY, AND AMERICAN POLITICS

THE 2020 PRESIDENTIAL ELECTION CAMPAIGN

All presidential elections occur in an environment of unique circumstances, and 2020 is no exception. Incumbent President Donald Trump has been a polarizing figure, loved by his base voters and despised by his detractors. Trump supporters point to a strong economy that is the product of tax cuts and business deregulation as a key reason for their loyalty, along with an enhanced military and two conservative Supreme Court appointments. Trump's detractors argue that the president's rhetoric has fanned the flames of racism and that his economic policies have not helped lower- and working-class people. Moreover, the very legitimacy of Trump's 2016 victory was tainted by accusations that his campaign conspired with the Russian government to help defeat Hillary Clinton. Compounding this is the fact that despite winning the electoral vote, Trump lost the popular vote.

All this has whetted the appetite for a possible Democratic resurgence in 2020. A record 25 hopefuls formally announced their candidacy for the Democratic nomination by spring 2019. Many endorsed the idea that Trump should be impeached and the electoral college should be eliminated. Additionally, the seeds sown by democratic socialist Bernie Sanders in 2016 helped elect a small contingent of like-minded representatives to Congress in 2018, who in turn have moved the 2020 Democratic presidential candidates to the left on many issues. All told, the 2020 campaign is characterized by deep divisions between Democrats and Republicans, unease about the future of the Supreme Court, increased racial tensions, and heated debate over immigration and economic policy.

While partisan polarization is significant in 2020, this environment is not new to American elections. Highly-charged partisanship led to the impeachment of Presidents Andrew Johnson in 1867 and Bill Clinton in 1998. Trump's 2016 electoral college victory, despite his popular vote loss, was actually the fifth time in the history of presidential elections that a president was elected without securing the popular vote. Candidates espousing democratic socialist ideals have risen to national prominence a number of times, including Democratic nominee George McGovern in 1972. Unfortunately, accusations of racism and racist policies have often taken center stage in American presidential campaigns, most notably in the 1860 contest between Abraham Lincoln and Stephen Douglas over the issue of slavery. Concerns about the ideological makeup of the Supreme Court have often been important, including in 1936 when President Roosevelt proposed increasing the number of seats on the Court to create a liberal majority (as some Democratic candidates have endorsed in 2020).

The actors, particulars, and specific situations of elections change. However, the broad context of the debates and the polarization often recur. This idea holds true not only for elections, but for governing as well.

HISTORY REPEATS ITSELF

The patterns of history provide a powerful tool for understanding American government today. In recent years, for example, the internet and social media have revolutionized American politics. In 2016, presidential candidate Donald Trump used Twitter daily to communicate with voters, and he continues to use this medium to communicate as president. In 2008 and 2012, presidential candidate Barack Obama used Facebook to build extensive volunteer networks and campaign donations to the tune of more than \$1 billion. These successful candidates utilized social networking to mobilize voters to their cause. Other politicians have tried to duplicate their use of social media; in the 2020 presidential contest, social media dominated the campaign process. Voters of all political persuasions use social media to connect with their favorite campaigns. Consider the possibilities: in 2019 Facebook subscribed 240 million users in the United States, and Twitter had 126 million users. Not only is this a massive audience, but it is an active audience, as social networks allow users to trade and share information and opinions with their friends and families. In the past, political strategists were forced to rely on the paid TV spot as the primary way to communicate with voters. Today, however, there is a noticeable shift toward using social media to send messages, raise money, and mobilize voters. Why? A message from a friend is



AP Photo

Image of mushroom cloud from Lyndon Johnson's controversial "Daisy Girl" commercial from the 1964 presidential campaign.

considered much more personal, powerful, and effective than an impersonal TV spot.

Of course, social network sites like Facebook are not the only type of breakthrough technology to revolutionize political campaigns. Barack Obama was the first candidate to win the presidency by making extensive use of social media; nearly a half-century earlier, John F. Kennedy pioneered the use of television to win the White House. When he ran for the presidency in 1960, TV was dramatically changing American society, just as social media are changing it today. As a relatively new medium with a mass audience in Kennedy's time, TV provided prospective voters with what no communications platform had offered ever before—the chance to see the candidates' campaign on a daily basis. Television audiences could tune in to watch TV spots, and they could see the candidates debate each other live in their own living rooms; voters saw the candidates in action. Kennedy's youth and enthusiasm

made effective use of television commercials touting his candidacy. His ability to "out-charisma" Richard Nixon in the 1960 debates led to a surge in turnout and helped to pave the way for a Kennedy victory. Kennedy's use of this new medium provided a model for how presidents would interact with voters over the next four decades. By 1964, candidates had mastered the art of the 30-second spot, as evidenced by Lyndon Johnson and his now-famous "Daisy Girl" commercial, which suggested that the election of his opponent could result in a nuclear war.

Although revolutionary, TV was not the first communications medium to transform political campaigns. Radio, which by 1932 had reached most U.S. households, enabled voters to listen to the candidates' voices instead of just reading their speeches or statements. Both President Franklin Delano Roosevelt (FDR) and President Herbert Hoover used radio addresses and advertising extensively during the 1932 campaign. Whereas Roosevelt's voice on the radio inspired confidence and enthusiasm for tackling the ills of the Great Depression, Hoover's logical and monotone monologue was far less effective. From that point forward, candidates could not just focus on the words that they used; they also had to excel in articulating those words with passion. FDR's use of radio eventually mobilized voters, particularly those who were most negatively affected by the economic doldrums of the Great Depression. After winning the 1932 election, FDR continued to use radio to personally connect with voters and inspire them through his "fireside chats," which he broadcast for the next 12 years.

One hundred years earlier, yet another communications revolution occurred that had a lasting impact on political campaigns. By the 1830s, newspapers were changing in a number of ways. The invention of the "rotary press" in 1815 facilitated the mass production of affordable newspapers and eventually gave way to the so-called penny press. A decade later, the invention of the telegraph enabled penny-press papers to quickly produce stories on breaking news events. Further, the laying of railroads to all parts of the country to accommodate rapid westward expansion paved the way for mass distribution of newspapers. Americans gobbled up this new source of information, and Andrew Jackson used this medium to engage voters, bypass the political elite, and communicate his message of rugged individualism and "the rise of the common man" to help him capture the White House in the 1828 election. The newspaper, which became a common person's medium, enabled Jackson to distribute his message widely to an audience that was willing and eager to read what he had to say. Jackson's use of the newspaper was critical to his success, just as Obama's use of social media was critical to his own success. Never again would presidential political campaigns be targeted exclusively at political elites, thanks to Jackson's use of the penny press to effectively appeal to the masses.



DEBATES OVER DIVERSITY

Changing Racial Categories in the U.S. Census

Since 1790, the U.S. government has implemented a nationwide census to count the population in the country every 10 years. This population information is used for a variety of reasons, including distribution of federal spending and planning for the growing population. The U.S. Census questionnaire has evolved considerably since 1790, often as a result of the changing understanding of diversity. The first census collected very rudimentary information on the racial makeup of the country—it was restricted to asking if the individual responding was white or owned slaves. The census racial categories have evolved; however, they are still limited to five basic categories, including White, Black or African American, American Indian or Alaska Native, Asian, and Native Hawaiian or Other Pacific Islander.

It was not until 1970 that the U.S. Census began to ask respondents about their ethnicity, which was restricted to asking a subsample of respondents whether they had a Hispanic family origin. After 2000, the Census began to allow respondents to choose more than one racial category. The most recent debate over census questions revolved around whether to include a question about citizenship. We are now challenged with understanding the true diversity of the U.S. population, which may require further Census revisions.

9. What is Person 1's race? Mark ☒ one or more boxes.

☐ White
☐ Black, African Am., or Negro
☐ American Indian or Alaska Native — Print name of enrolled or principal tribe. ↗

☐ Asian Indian ☐ Japanese ☐ Native Hawaiian
☐ Chinese ☐ Korean ☐ Guamanian or Chamorro
☐ Filipino ☐ Vietnamese ☐ Samoan
☐ Other Asian — Print race, for example, Hmong, Laotian, Thai, Pakistani, Cambodian, and so on. ↗ ☐ Other Pacific Islander — Print race, for example, Fijian, Tongan, and so on. ↗

☐ Some other race — Print race. ↗

The 2000 U.S. Census was the first to allow respondents to self-identify as a member of more than one race.

For Critical Thinking and Discussion

1. How would you answer the Census question on race and ethnicity?
2. Do you believe the current Census questions about race and ethnicity offer an accurate portrayal of the country's demographic makeup? Why or why not? How would you revise them?

This book explores the role of history as a guide to understanding contemporary American politics.

DEBATES OVER DIVERSITY IN AMERICAN POLITICS

As part of this book's exploration of our country's history, we also highlight the country's ongoing struggles with our growing diversity. It is critical to highlight and understand the unique role of diversity in our evolving democracy. We take a broad view of diversity to examine how differences in various identity characteristics (such as gender, race, ethnicity, and sexuality) can impact not only our place in society but also our opportunities to have a voice in American government. We hope to challenge you to think broadly on how your particular identity impacts your understanding of and participation in American politics.

Some people worry that growing diversity introduces an essential dilemma into American politics, as it requires society and government to evolve and change. During the 2016 presidential campaign, Donald Trump stirred up racial and religious tensions by speaking negatively about our nation's diversity, especially in terms of the supposed dangers brought by the Latino and Muslim populations in the country. Throughout this book we highlight not only how our diversity has always been viewed as a potential challenge but also how it has been seen as a source of our country's strength. In the first diversity dilemma the country faced, the U.S. government was challenged to define who was a citizen for purposes of the U.S. Census population count. Even though our definition of a citizen was rather limited

government The collection of public institutions in a nation that establish and enforce the rules by which the members of that nation must live.

anarchy A state of lawlessness and discord in the political system caused by lack of government.

social contract From the philosophy of Jean-Jacques Rousseau, an agreement people make with one another to form a government and abide by its rules and laws, and, in return, the government promises to protect the people's rights and welfare and promote their best interests.

authority The ability of public institutions and the officials within them to make laws, independent of the power to execute them.

democracy Form of government in which the people, either directly or through elected representatives, hold power and authority. The word *democracy* is derived from the Greek *demos kratos*, meaning "rule by the people."

oligarchy A form of government in which a small exclusive class, which may or may not attempt to rule on behalf of the people as a whole, holds supreme power.

theocracy A form of government in which a particular religion or faith plays a dominant role in the government.

monarchy A form of government in which one person, usually a member of a royal family or a royal designate, exercises supreme authority.

authoritarian A form of government in which one political party, group, or person maintains such complete control over the nation that it may refuse to recognize and may even suppress all other political parties and interests.

at the time of our country's founding, we have thankfully evolved our understanding of the American people. We are now challenged to keep working on our country's evolution, which includes a discussion of how far we still need to go.

In this book we examine the major topics and concepts in American government and politics. We attempt to answer sweeping questions about how American government works: How does policy get made? Who are the major players and institutions that make the laws? How do these players achieve their position? How do disputes get resolved? What are the role and power of the people? Throughout these discussions, we pay special attention to millennials and Generation Z, the contributions and challenges of diversity, and how we might better understand American government today by observing the patterns of history.

1-2 FORMS AND FUNCTIONS OF GOVERNMENT

Government is the collection of public institutions in a nation that establish and enforce the rules by which the members of that nation must live. Even the most primitive of societies have found government to be necessary. Without government, society would be in a state of **anarchy**, a situation characterized by lawlessness and discord in the political system. Thomas Hobbes, a seventeenth-century British political philosopher, wrote that without government, life would be "solitary, poor, nasty, brutish and short."¹ Government is necessary to make the rules by which citizens must abide, promoting order, stability, and protection for the society. It exists in part to resolve conflicts that naturally arise when people live in communities. Elaborating on the role of government, Jean-Jacques Rousseau, an eighteenth-century French philosopher, posited that in fact a "social contract" exists.² A **social contract** is an agreement people make with one another to form a government and abide by its rules and laws. In return, the government promises to protect the people's rights and welfare and to promote their best interests.

A government's **authority** over its citizens refers to the ability of public institutions and the officials within them to make laws, independent of the power to execute them. People obey authority out of respect, whereas they obey power out of fear. Numerous different forms of government with governing authority can be found around the nations of the world. One such form—the form that will receive extended attention throughout this book—is **democracy**, defined as a government in which the people, either directly or through elected representatives, hold power and authority. The word *democracy* is derived from the Greek *demos kratos*, meaning "rule by the people."

By contrast, an **oligarchy** is a form of government in which a small exclusive class, which may or may not attempt to rule on behalf of the people as a whole, holds supreme power. In a **theocracy**, a particular religion or faith plays a dominant role in the government; Iran is just one example of a theocratic nation in the world today. A **monarchy** is a form of government in which one person, usually a member of a royal family or a royal designate, exercises supreme authority. The monarch may be a king or queen, such as Queen Elizabeth II of Great Britain. In the past, monarchies were quite common; today they are rarely practiced in the absolute sense. Although the United Kingdom continues to pay homage to its royalty, true political power rests in the Parliament, the members of which are elected by the people.

Many of the nations in the world today have an **authoritarian** form of government in which one political party, group, or person maintains such complete control over the nation that it may refuse to recognize, and may even choose to suppress, all other political parties and interests. The nation of Iraq, before the American military intervention in 2003, was considered by most to be an authoritarian government under the dictatorial rule of Saddam Hussein. North Korea under Kim Jong-un is an authoritarian government in existence today.

An important characteristic of any government, whether democratic or not, is its power to exercise authority over people. **Power** is the capacity to get individuals to do something that they may not otherwise do, such as pay taxes, stop for red lights, or submit to a search before boarding an airplane. Without power, a government would find it very difficult to enforce rules. The sustained power of any government largely rests on its legitimacy. **Legitimacy** is the extent to which the people (or the "governed") afford the government the authority and right to exercise power. The more that people subscribe to the goals of a government, and the greater the degree to which that government guarantees the people's welfare (e.g., by supporting a strong economy or providing protection from foreign enemies), the higher will

be the government's level of legitimacy. When the governed grant a high level of legitimacy to their government, the government wields its power to make and enforce rules more successfully.

1-3 AMERICAN GOVERNMENT AND POLITICS

Politics is defined as the way in which the institutions of government are organized to make laws, rules, and policies, and how those institutions are influenced. More than 80 years ago, political scientist Harold Lasswell proposed a brief but very useful definition of politics as “who gets what, when and how.”³ In American politics, the “who” includes actors within and outside the formal government, such as citizens, elected officials, interest groups, and state and local governments. The “what” are the decisions the government makes and take the form of what government funds, the way it raises revenue, and the policies it produces and enforces. The “when” relates to setting priorities about what government does. The concerns and issues that government addresses differ in importance, and issues of greater importance tend to be addressed more quickly. Finally, the “how” refers to the way in which the government goes about its work, based on the political institutions that exist and the formal and informal procedures and rules that define the governing process. In describing American politics, this book provides answers to Lasswell’s “Who gets what, when and how?”

Government in the United States is especially complex. It is organized into multiple layers (national, state, and local) and contains many governing units, as shown in Table 1-1. It encompasses a number of political institutions that share power—the executive (the president), the legislature (Congress), and the judiciary (the courts)—and it provides countless methods for individuals and groups to influence the decisions made by those institutions. In this book, we examine this complex organization of American government, describe the political institutions that exercise power, and explore the varied ways that people and groups exert influence. As we sort through this complexity of American government, we explain how and why the American political system has been able to endure the conflicts, both internal and external, that it has faced and currently faces. We attempt to show how the American government is uniquely designed to stand up to its many challenges.

The strength and stability of the U.S. government are grounded in the high level of legitimacy it maintains with the American public. Americans may disagree vehemently with public officials, but rarely do they question their claim to authority. The framers of the U.S. Constitution were keenly aware of the importance of the legitimacy of the system.

power The ability to get individuals to do something that they may not otherwise do, such as pay taxes, stop for red lights, or submit to a search before boarding an airplane.

legitimacy The extent to which the people afford the government the authority and right to exercise power.

politics The way in which the institutions of government are organized to make laws, rules, and policies, and how those institutions are influenced.

TABLE 1-1
Governments in the United States

The government of the United States might be more correctly described as a system of governments. In addition to the federal government, there are 50 state governments and thousands of local governments. The 2012 U.S. Census Bureau’s *Census of Governments* listed these totals for the number of governments operating throughout the nation.

Government	Number
Federal	1
State	50
County	3,013
Municipal	19,522
School district	13,051
Township/town	16,364
Special district	37,203
Total	89,204

U.S. Census Bureau.

They knew that if the government was to withstand the test of time, it must serve the people well. These ideas about legitimacy drew largely on the theories of seventeenth-century British political philosopher John Locke (1632–1704).⁴ Locke proposed that people are born with certain *natural rights*, which derive from **natural law**, the rules of conduct inherent in the relationship among human beings and thus more fundamental than any law that a governing authority might make. Government cannot violate these natural rights, which include life, liberty, and property. Therefore, government, or human law, must be based on the “consent of the governed.” That is, citizens are responsible for choosing their government and its leaders. This theory loomed large in the mind of Thomas Jefferson as he drafted the Declaration of Independence to justify the American colonies’ split with the British government: “All men . . . are endowed by their creator with certain unalienable rights . . . [and] whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it.” A government maintains legitimacy as long as the governed are served well and as long as government respects the natural rights of individuals.

Drawing on this philosophy, the framers drafted a Constitution that created a political system able to manage the inevitable conflicts that occur in any society. Mindful of Thomas Hobbes’s notion that the essence of government is to manage naturally occurring conflicts, the framers designed a government that encourages conflict and competition rather than attempting to repress it. As we shall see in the chapters that follow, the U.S. Constitution includes a number of mechanisms that allow naturally occurring conflict to play out in as productive a manner as possible. Mechanisms are also in place to resolve conflicts and arrive at consensus on issues. Those who disagree and come up on the short side of political battles are guaranteed rights and liberties nonetheless. Further, the rules by which conflicts are settled are predicated on fairness and proper procedures.

The significance of what the framers of the Constitution accomplished cannot be overstated. They not only addressed the short-term problems challenging the new nation; they also drafted a blueprint for how government should go about dealing with problems and conflicts into the future. The U.S. Constitution has served as the cornerstone of an American political system that routinely attempts to tackle some of the thorniest problems imaginable. In Chapter 2 of this book, we examine the enduring principles and processes outlined in the Constitution.

The Constitution provides a way for the American government to navigate through the many problems and conflicts that have faced the nation, including severe economic depressions, two world wars, nuclear confrontations with the former Soviet Union, and persisting questions of equality. Through all these difficulties, the American government has endured. The foresight of the framers to create a Constitution that possesses the flexibility to adapt to changing times has served as a basis for the enduring democracy of the United States.

The preamble to the U.S. Constitution perhaps best summarizes the broad goals of American government:

We the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

It is no accident that the first three words of the Constitution are “We the People.” With this phrase, the framers acknowledged that the ultimate source of power rests with the people, a concept known as **popular sovereignty**. The U.S. Constitution provided for a form of **representative democracy**, under which regular elections are held to allow voters to choose those who govern on their behalf. In this sense, individual citizens do not directly make policies, rules, and other governing decisions (that system of government is known as a **direct democracy**). Rather, representative democracy, also referred to as *indirect democracy* or a *republican* form of government, rests on the notion that consent of the governed is achieved through free, open, and regular elections of those who are given the responsibility of governing.

An important source of the legitimacy of the U.S. government is the nation’s commitment to representative democracy, which features the notion of majority rule. Majorities (more than 50 percent of the voters) and pluralities (the leading vote getters, whether or not they constitute absolute majorities) choose the winners of election contests, and so officeholders

natural law According to John Locke, the most fundamental type of law, which supersedes any law that is made by government. Citizens are born with certain natural rights (including life, liberty, and property) that derive from this law and that government cannot take away.

popular sovereignty The idea that the ultimate source of power in the nation is held by the people.

representative democracy A form of government designed by the U.S. Constitution: Free, open, and regular elections allow voters to choose those who govern on their behalf; it is also referred to as *indirect democracy* or a *republican* form of government.

direct democracy A system of government in which all citizens participate in making policy, rules, and governing decisions.



THEN & NOW

When the Popular Vote and the Electoral Vote Diverge

The Electoral College offers a unique, if sometimes controversial, system for selecting America's chief executive every four years. The Electoral College and the popular vote have produced different results in five presidential elections in American history, the most recent one being 2016.

Then

In 1888, the presidential race featured a contentious face-off between the Republican challenger, Benjamin Harrison, and the Democratic incumbent, President Grover Cleveland. On November 6 of that year, voters cast their ballots and the national vote tally provided nearly 100,000 more votes to Cleveland. However, the result in the Electoral College, which decides presidential elections, gave Harrison nearly 60 more electoral votes and thus a resounding victory. This electoral vote/popular vote divergence came only 12 years after the same event occurred in the course of Rutherford B. Hayes's victory over Samuel Tilden in 1876. That time, too, the Republican rode to victory, courtesy of the Electoral College.

Now

In 2016, at the end of the presidential contest, voters cast their ballots for Democrat Hillary Clinton, Republican Donald Trump, or one of two third-party candidates. After the election, the popular vote favored Clinton by about 2,800,000. Still, Donald Trump managed to muster 67 more electoral votes than Clinton to put him over the top in the Electoral College count. This electoral vote/popular vote divergence came only 16 years after the same anomaly resulted in George W. Bush's victory over Al Gore.

For Critical Thinking and Discussion

1. Do you think that the U.S. Constitution should be amended to eliminate the Electoral College and replace it with the national popular vote as the method of selecting a president? What are the advantages and disadvantages of such an amendment?
2. In two of the past five elections, the popular vote winner was not the electoral vote winner. In both instances (2000 and 2016) the GOP candidate lost the popular vote but won the electoral vote and thus the election. Why do you think the electoral vote benefits the GOP candidate?

take their positions on the basis of whom most voters prefer. If officeholders fall from public favor, they may be removed in subsequent elections.

Legitimacy is also enhanced by broad public support for the specific purposes of government stated in the preamble to the Constitution: to "insure domestic tranquility" (produce laws that maintain a peaceful and organized approach to living in the nation), to "provide for the common defence" (establish and maintain a military force to protect the nation from outside threats), to "promote the general welfare" (develop domestic policy programs to promote the welfare of the people), and to "secure the blessings of liberty" (guarantee basic freedoms, such as the rights of free expression and the ownership of property, even to those in the minority). Though people may have different opinions on how to achieve these broad goals, few in the United States would disagree with the ideals as stated in the abstract, or with the broad outlines of our republican form of government. Problems arise when public officials stray so far from these goals that their actions are deemed illegitimate by a near, if not absolute, majority. Yet the political system as a whole has been able to maintain its legitimacy, even under such trying circumstances, because it has been flexible enough to eventually rid itself of those ineffective actors, whether through elections, impeachment, or some other means. The relatively high degree of legitimacy that is maintained in the United States has helped the American government persist under the U.S. Constitution through good times and bad since 1789.

1-4 AMERICAN POLITICAL CULTURE

Political culture refers to the core values about the role of government and its operations and institutions that are widely held among citizens in a society. Political culture defines the

political culture The values and beliefs about government, its purpose, and its operations and institutions that are widely held among citizens in a society; it defines the essence of how a society thinks politically and is transmitted from one generation to the next.

TABLE 1-2

Daniel Elazar’s Typology of American Political Culture

Many observers of American politics have used different approaches and typologies to describe American political culture. The late political scientist Daniel Elazar described three competing political subcultures, which he believed differentiated American political culture from that found in any other country in the world.

According to Elazar, different subcultures can be found in different geographic areas and sometimes within a single area. For example, he described the political subculture in Texas as part traditionalistic (as manifested in the long history of one-party dominance in state politics) and part individualistic (as seen in the state government’s commitment to support for private business and its opposition to big government).

Subculture	Description
Individualistic	Is skeptical of authority, keeps government’s role limited, and celebrates the United States’ general reliance on the marketplace
Moralistic	Has faith in the American government’s capacity to advance the public interest and encourages citizens to participate in the noble cause of politics
Traditionalistic	Maintains a more ambivalent attitude toward both government and the marketplace, believing that politicians must come from society’s elite, whereas ordinary citizens are free to stand on the sidelines

Adapted from Daniel J. Elazar, *American Federalism: A View from the States* (New York: Thomas Y. Cromwell, 1966)

essence of how a society thinks politically. It is transmitted from one generation to the next and thus has an enduring influence on the politics of a nation. Every nation has a political culture, and the United States is no exception.

Whereas common ancestry characterizes the core of the political culture of many other nations, the United States has no common ancestry. Most other nations around the world, such as France, Britain, China, and Japan, are bound by a common birth lineage that serves to define the cultural uniqueness of the nation. For example, the Russian people share common political values and beliefs as part of their ancestors’ historical experiences with czars and then later with the communist regime. Britain, despite being a democracy, retains a monarchy as a symbolic gesture toward its historical antecedents. In many nations rich with such common ethnic traditions, these routines often serve to underscore the political culture of the nation.

The United States has no such common ancestry to help define its political culture. As seen in Table 1-2, Daniel Elazar presented a popular description of American political culture. Its land was first occupied by many different Native American tribes and then settled by people from many different parts of the world. Most of the immigrants who settled the colonies were seeking a better life from the political or religious persecution they experienced in their native countries, or they were seeking improved economic opportunities for themselves and their families. As America continued to grow through the centuries, it attracted immigrants from around the world, eager to find a better life. These circumstances had a profound influence on the core values that have become engrained in the American political culture. The ideas generated by democratic political philosophers such as Thomas Hobbes and John Locke also significantly contributed to American political culture. These ideas were used by the founders to justify the Declaration of Independence and the U.S. Constitution, and they continue to underlie American political culture today.

The circumstances surrounding America’s first and current immigrants, as well as the great ideas generated by Enlightenment philosophers, form the core set of values that define the American political culture. One of these core values is **majority rule**. From its earliest times, the American nation has been committed to the notion that the “will of the people” ought to guide public policy, thus underscoring the importance of popular sovereignty in the thinking of the founders. Majority rule is the way in which popular sovereignty is actually exercised. Rarely will all of the people agree all of the time, and so it is what the majority of people prefer that generally guides decision-making. Early local governments, such as town governments in some of the New England colonies, relied on town meetings, where all citizens were invited to attend, discuss, and vote, to make governmental decisions. Elections for most local and state offices, and elections for the U.S. Congress, are all based on the idea

majority rule The notion that the will of the majority should guide decisions made by American government.

that those who make and enforce laws are duly elected by majorities. A more recent aspect of U.S. commitment to majority rule is its heavy reliance on public opinion polling as a gauge for assessing the performance of elected leaders and to ensure that leaders respect public preferences for certain policy positions.

Although the preferences of the majority rule the day, another core value in the American political culture is minority rights. Those in the minority enjoy certain rights and liberties that cannot be taken away by government. The idea of the natural law (e.g., that people are “endowed by their creator with certain unalienable rights” that government cannot deny) is an important corollary to majority rule. The rights to speak freely, to choose a religion, or to decide not to practice religion at all are among the many liberties that are protected by the U.S. Bill of Rights and are widely endorsed by the American public.

These rights are intended to inspire debate on issues, guarantee religious freedoms, and afford due process rights to those accused of crimes. The American political culture places a high value on individual liberty. The fact that many immigrants came to this country for the promise of greater freedom adds further credence to this proposition. Certainly there are some terrible black marks in American history that belie this claim. Among them are the perpetuation of slavery in the country up until the Civil War, the internment of Japanese Americans during World War II, and the treatment of early 1960s civil rights protesters in the South. Still, many Americans today view their nation as the world’s “garden” of freedom and liberty, even if it has come to this status only slowly and sometimes with reluctance during its more than two centuries of existence.

Another core value in American political culture is the idea of **limited government**. Americans have generally supported the idea expressed by Thomas Jefferson that “the government that governs least governs best.” From the days of the American Revolution, the colonists believed that the corruptive power of King George III and the British Parliament led to unfair treatment of the colonies. Suspicion of the government and those with power is firmly rooted in the psyche of American political culture. The “watchdog” function of the press, the separation of powers and the system of checks and balances among political institutions, and the rather negative connotation of the word *politics* all reflect an appreciation for limits and checks on those with authority. Corresponding to the value of limited government is the notion that communities and the private sector should take a role in helping fellow citizens. Problems that may be solved without government should be solved that way. The French journalist Alexis de Tocqueville observed this tradition when he visited the United States in the early 1800s and credited the success of the American political system in part to citizens’ strong interest in community and helping one another apart from government.⁵

Because the United States has no common ancestral or cultural bloodline, American political culture recognizes the value and strength derived from the diversity of its population—another important core value. At the base of the Statue of Liberty in New York Harbor is inscribed a poem by Emma Lazarus that includes the phrase “Give me your tired, your poor, your huddled masses yearning to breathe free.” Until the U.S. government adopted a restrictive immigration policy in the early 1920s, those huddled masses arrived in waves from different parts of the world, as the United States became the chosen destination for those seeking a better life. Joining freed African American slaves who were originally brought here against their will were legions of Italians, Irish, Germans, and other immigrants from Europe and elsewhere. This surge in immigration occurred from 1880 through 1920, as immigrants left the economic and political strife of Europe seeking jobs and opportunities in America.

One of the most profound population developments in the recent history of the United States has been the skyrocketing growth of the nation’s Hispanic population. The Hispanic or

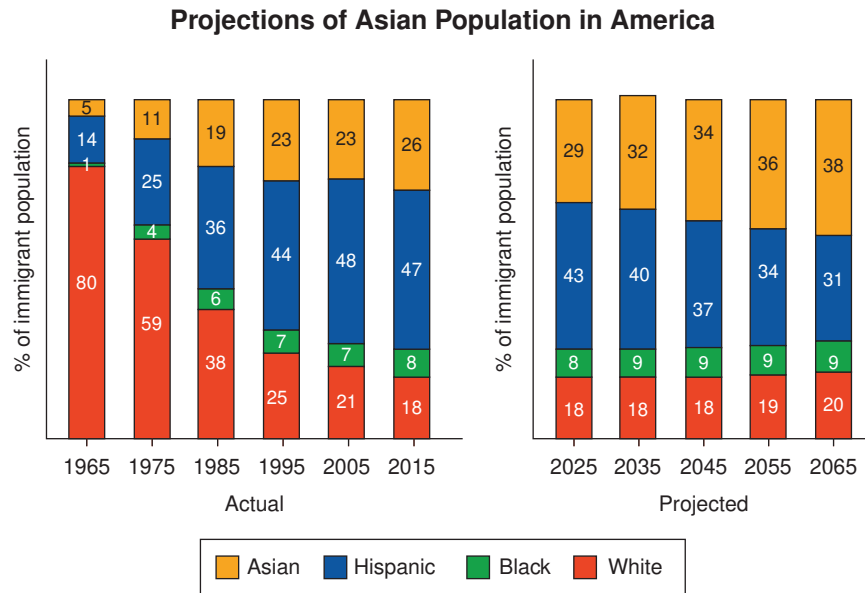
limited government The value that promotes the idea that government power should be as restricted as possible.



Latina journalist and PBS senior correspondent Maria Hinojosa.

FIGURE 1-1

Asians Projected to Become the Largest Immigrant Group, Surpassing Hispanics



Source: “Asians Projected to Become Largest Immigrant Group, Surpassing Hispanics,” Pew Research Center, Washington, DC, September 23, 2015, https://www.pewhispanic.org/2015/09/28/modern-immigration-wave-brings-59-million-to-u-s-driving-population-growth-and-change-through-2065/ph_2015-09-28_immigration-through-2065-05/.

Note: Pew Research Center estimates for 1965–2015 based on adjusted census data; Pew Research Center projections for 2025–2065.

Note: Whites, blacks, and Asians include only single-race non-Hispanics. Asians include Pacific Islanders. Hispanics are of any race. Other races shown but not labeled.

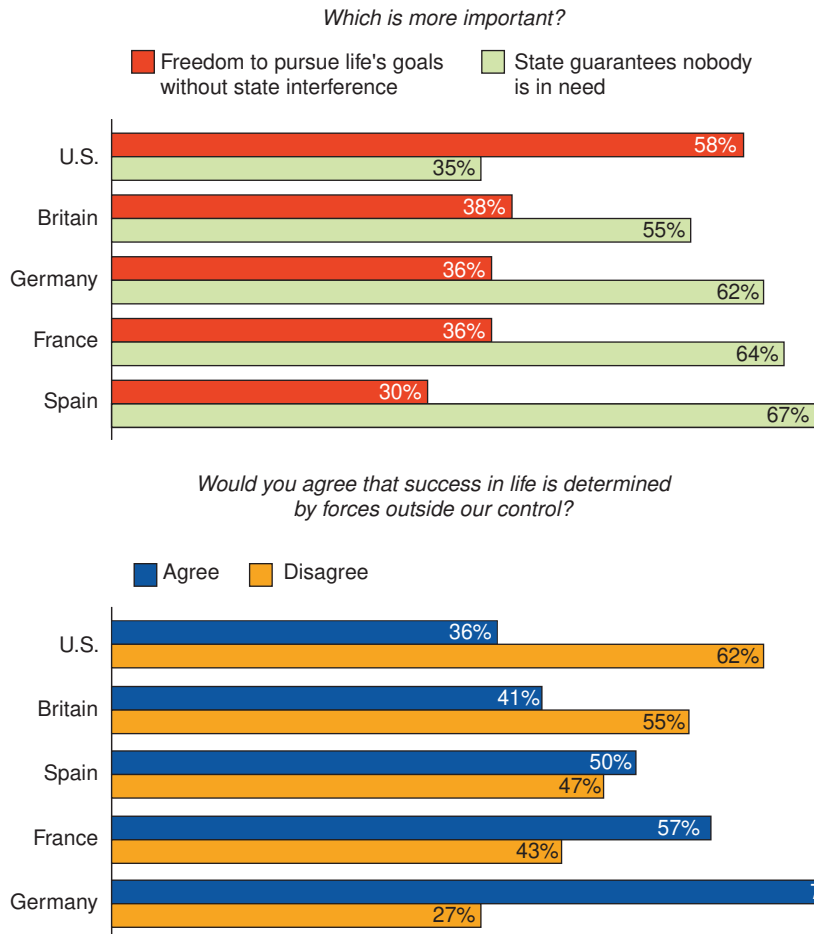
Latino/a populations have expanded from what was once a small, regionally concentrated subgroup of fewer than 6 million in 1960 to a now widely dispersed population of more than 50 million (or 16 percent of the nation’s population) today. The recent explosion of immigrants from Latin America is largely a product of the difficult economic and social conditions they face in their home countries, as well as the opportunity for a better life they believe is possible in the United States.

As shown in Figure 1-1, the Pew Research Center projects that this modern immigration wave will drive U.S. population growth and change at least through 2065. The projections also include a growing Asian American foreign-born population that will even surpass Hispanics as the country’s largest immigrant group by 2055. Such a massive swelling in the ranks of Hispanics and Asian Americans has the potential to create major political change in America.

This population growth has transformed the United States to one of the most racially and ethnically diverse nations in the world. Integrating these many people into a united nation has not been easy; in fact, resistance to the notion of a “melting pot” has been common. The nation has been wracked at times with racial and ethnic strife to a degree that more homogeneous countries can more easily avoid. Government officials occasionally exacerbate these tensions by promoting policies that discriminate against various groups, including Native Americans, African Americans, Asian Americans, and Hispanics. No stranger to ethnic and racial tensions himself, German dictator Adolf Hitler calculated that the diversity of the United States would eventually hamper its resistance against Germany’s totalitarian aggression; in fact, American soldiers of different backgrounds, ethnicities, and religions fought in

FIGURE 1-2

Individualism as a Value in the United States Compared to Other Democracies



Source: "5 ways Americans and Europeans are different," Pew Research Center, Washington, DC, April 19, 2016, <https://www.pewresearch.org/fact-tank/2016/04/19/5-ways-americans-and-europeans-are-different/>.

A recent Pew Global Survey shows that Americans are more likely than their European counterparts to believe that "it is more important to pursue life's goals without government interference" and to disagree with the statement "success in life is determined by forces outside our control."

World War II. Much to Hitler's chagrin, U.S. diversity proved to be a source of strength rather than weakness. Indeed, many Americans today believe that the heterogeneity of our society enhances the quality of our culture and helps guarantee the fairness of the government.

Americans also generally subscribe to the notion that individuals are primarily responsible for their lot in life—a value referred to as **individualism**. The seeds of this value were sown hundreds of years ago with the Puritans and their commitment to a strong work ethic that stressed that "what one sows determines what one reaps." In other words, hard work and intelligence should be rewarded. Although the U.S. government has assumed some responsibility to provide a safety net for citizens who suffer economically, the American political culture, through its primary reliance on a capitalist economic system, free markets, and individual effort, is one that promotes individual initiative and responsibility. Figure 1-2 depicts the heightened importance of the value of individualism in the American political culture, compared to other European democracies.

individualism The value that individuals are primarily responsible for their own lot in life and that promotes and rewards individual initiative and responsibility. This value underlies America's reliance on a capitalist economy and free market system.

The value of individualism promotes another core value—equality of opportunity, or the idea that the role of government is to set the stage for individuals to achieve on their own and that everyone should be given the same opportunity to achieve success. Indeed, America has been an attractive place for highly motivated individuals from around the world to immigrate so that they might have a fair chance of achieving personal success. Many immigrants today, particularly from Asia and Latin America, are attracted to the United States for the opportunities to achieve individual success.

The United States has long set itself apart from those nations whose histories include traditions of a rigid class system of privileged aristocracies and oligarchies and peasants with few or no rights or freedoms. In the United States there is no formal recognition of a class system; nor is there a tradition of royalty, nobility, or monarchy. Indeed, Article I of the Constitution specifically prohibits both the federal government and the state governments from granting any title of nobility upon its citizens. Instead, American political culture values the so-called Horatio Alger myth. Alger was a popular writer in the late 1800s whose characters came from impoverished backgrounds but through pluck, determination, and hard work achieved huge success. Although this idealistic rags-to-riches notion often ignores the many harsh economic disparities that exist in the United States, it remains central to the American political culture. The stories of Benjamin Franklin and Abraham Lincoln exemplified this road to success, as do the more recent examples of Presidents Bill Clinton and Ronald Reagan, both of whom came from less-than-privileged circumstances to win the nation's highest political office and become leaders of the free world. Perhaps it is because of these success stories that so many Americans believe that they have boundless opportunities to better their lot on the basis of diligence and hard work.

These core values provide a window into American political culture. To be sure, there is plenty of room for disagreement as to how these values might be applied to specific situations, which we address in Chapter 10. In addition, these values are often in conflict. At the heart of the debate over affirmative action, for example, lies the value conflict pitting individualism against equality of opportunity. Those who oppose affirmative action in hiring claim that individuals should be evaluated exclusively based on who they are and what they can do rather than on their gender, race, or other demographic characteristic. Those supporting affirmative action claim that historical discrimination has led to a current job market that provides unequal opportunities for certain groups, such as racial minorities and women. Although these values do not always solve problems and policy debates, they do lay the groundwork for how American politics goes about settling problems and debating issues.

1-5 IS AMERICAN DEMOCRACY IN DECLINE?

The old saying that “those who ignore the problems of the past are destined to repeat them” holds as true in American politics as it does in any other context. Certainly new issues and problems may arise, requiring innovative new thinking to address them. But many other difficulties the United States faces can be effectively addressed by casting an eye on the distant or not-so-distant past. A historical view can help place modern dilemmas in proper perspective.

THE CASE FOR DECLINE

Some recent observers of American politics have suggested that the American political system is in decline. Are we currently witnessing a deterioration of democracy in the United States? Is the American political system in jeopardy? Are the problems that the American system of government faces today beyond repair? To try to answer these questions, let's first look at the factors some cite as contemporary indicators of the decline of American democracy.

1. **The decline of the United States as an economic superpower?** The growth of the national economy from the Industrial Revolution through the post–World War II era established the United States as the preeminent fiscal power in the world for much of the twentieth century. This fiscal strength enabled the United States to establish the dollar as the benchmark unit of currency for the world, defeat the Soviet Union in the Cold

TABLE 1-3

Projections of U.S. and Chinese Gross Domestic Product (GDP), in Billions

	China	United States
2015	22,210	20,169
2020	35,734	27,584
2025	57,145	35,963

Congressional Research Service.

War, build a military capability vastly superior to that of other nations, and provide the leadership that brought democracy to many other nations. However, the significant growth of the Chinese economy over the past decade, coupled with the exploding U.S. national debt (and the willingness of China to underwrite much of that debt), has raised serious questions about the future of U.S. dominance over the world's economy. Concerns over the economic rise of China and the decline of the United States are summarized in a recent study by the Congressional Research Service: "The emergence of China as a major economic superpower has raised concern among many U.S. policymakers . . . that China will overtake the United States as the world's largest trade economy in a few years and the world's largest economy within the next two decades. In this context, China's rise is viewed as America's relative decline."⁶ This report offers evidence of a decline in economic power citing projections of U.S. and Chinese gross domestic product (GDP), depicted in Table 1-3.

2. **The death of capitalism?** The collapse of some of the largest financial institutions in the United States in 2008 and the subsequent "Great Recession" have raised questions about the viability of the free market system in contemporary society. In large part, the financial industry's drive in the 1990s and 2000s to capitalize on rising real estate markets drove financial institutions to rely on increasingly risky lending practices. Risky



New York Daily News Archive/Getty Images

A contentious 2019 meeting in the Oval Office addressed funding for a border wall. From left to right: House Speaker Pelosi, Vice President Pence, President Trump, and Senate minority leader Schumer.

loans were bundled and sold off to investors in the form of real estate securities. (These practices were depicted in the award-winning movie *The Big Short*.) Multibillion-dollar financial institutions, such as Citibank, Morgan Stanley, Lehman Brothers, Countrywide Mortgage, and AIG, among many others, found themselves in the red at the exact same time that the real estate market collapsed, thus freezing credit in the United States. The stock market tumbled, and the U.S. government needed to bail out many of the largest financial institutions just to keep the nation's financial system from collapse. The frantic drive for profits among the largest of these companies was identified as the source of economic ills not only in the United States but around the world. Greed, inspired by capitalism, seemed to be the culprit of the world's economic woes, thus leading to questions about the viability of the free market system in the modern age. The failure of markets during the Great Recession contributed to the popular presidential campaign of Democratic socialist Bernie Sanders in 2016, and the initial field of more than 20 Democratic contenders in 2020 featured several prospective candidates who advocated a much larger role for government in managing and regulating the nation's economic affairs.

3. **Policy paralysis caused by partisan gridlock?** Relations between the two major parties tend to ebb and flow with changing political moods and circumstances. Still, cross-party relations between Republicans and Democrats seemed to have reached such a low in the current era that policy-making all but ceases to function. In recent years, whichever party has carried the White House has been forced to brace for a Senate opposition that uses the filibuster freely and with few limitations to impose a supermajority requirement of 60 senators for all legislative enactments. Many other bills can never even get out of committee. Meanwhile, in the House of Representatives, the president's opposition has ruled with an iron hand, rendering matters that had in the past proven perfunctory (such as the routine raising of the nation's debt ceiling) into a knockdown, drag-out fight between the two parties in Congress. The prospect of a government shutdown has loomed over every budget fight, and in December 2018–January 2019 partisan tensions did in fact lead to the longest shutdown of many federal government functions in the nation's history. Party-line votes in Congress on most major legislative initiatives indicate a lack of any common ground whatsoever. Further, tensions between the Democrat-controlled House and President Trump inspired calls in the House of Representatives for the impeachment of the Chief Executive.
4. **Has money ruined American politics?** “Big money” now dominates American elections, in the form of contributions from those who seek to influence future officials, personal expenditures from candidates themselves, and general expenditures by political parties. The Supreme Court's landmark decision in *Citizens United v. Federal Election Commission* (2010) seemed to cement the role that big money plays in determining election outcomes, paving the way for independent-expenditure political action committees (often called “super-PACs”) to accept unlimited contributions from individuals, unions, and corporations for the purpose of making so-called independent expenditures on behalf of candidates; it thus enabled wealthy individuals to dominate the process. In the year following *Citizens United*, just 22 donors provided the money for half of the \$67 million funded by super-PACs! In some instances, anonymous outside groups poured millions of dollars into the process. Others were willing to stand up and be counted: consider that billionaire Sheldon Adelson singlehandedly kept Newt Gingrich's struggling presidential campaign afloat in 2012 with his donation of \$10 million to a pro-Gingrich super PAC. With a handful of individuals responsible for a large percentage of the donations in these campaigns, the corruptive influence of money appears to have reached new, dangerous heights.

BUT DO THESE PROBLEMS REALLY SIGNIFY A DECLINE?

If we reexamine some of the criticisms of contemporary American politics with the benefit of historical perspective, we may reach far different conclusions about whether American democracy is now in a state of decline.

1. **The United States will remain an economic superpower.** Challenges to U.S. fiscal dominance, such as the current challenge of China, are nothing new. Forty years ago, for example, many policy-makers expressed similar concerns about the imminent decline of U.S. economic power. At that time the concern was focused not on China but on Japan. The Japanese economy flourished in the decades after World War II. A latecomer to modernization, Japan was able to avoid the pitfalls of industrialization experienced by the United States and other advanced democracies prior to World War II. Once converted to a free market system after the war, Japan's economy took off quickly. By the 1970s, Japan had the world's second largest economy and appeared to be closing in on the United States. Gross domestic product (GDP) in Japan grew from \$8 billion in 1955, to \$32 billion in 1965, to \$148 billion in 1975, to \$323 billion in 1985. By 1990 Japan's per capita GDP exceeded per capita GDP in the United States. The sharp upward trajectory alarmed many U.S. policy-makers, who felt that Japan's rise would ultimately derail the U.S. dominance of world fiscal policy. Yet today Japan offers no significant threat to the economic power of the United States. The rapid rise of Japan's economy left it unable to effectively deal with a recessionary period of any length. Consequently, the dire predictions of the U.S. economic fall to Japan were never realized. Furthermore, by 2016 China's economy had already showed signs of slower growth, leading economists to recognize the likely continued dominance of the United States well into the twenty-first century.⁷
2. **Capitalism is not dead.** The Great Recession of 2008 and the events that led up to it certainly do not mark the first time that speculation in free markets led to economic catastrophe. A panic in 1837 led to stymied economic growth for more than three years, a severe recession in 1873 retracted growth for six years, and an economic panic in 1893 set off a series of bank failures. A stock market crash in 1929 produced a decade-long "Great Depression." These and many other economic downturns in U.S. history, aggravated by speculation and overly exuberant investors, have led to extremely tough economic times. But the ills of the free market have never limited the ability of capitalism to provide the medicine for recovery, and then some. Panics, recessions, and depressions have always been corrected by bull markets, opportunities, and resurgences. Capitalism has been declared dead many times in U.S. history. The approach of each economic downturn was accompanied by claims that the U.S. experiment with a free market system had finally failed. In fact, the free markets operate in natural cycles of growth and retraction. Just as the free market system was declared dead at earlier times in American history, so, too, were many claiming that the Great Recession of 2008 was the last nail in the coffin of American capitalism. However, just as the cyclical nature of free market growth calmed the fears of the skeptics before, so, too, has the recent growth of the U.S. stock market and decline in unemployment quieted the nay-sayers once again.
3. **The polarization of the two major political parties has not paralyzed the law-making process.** The political parties' recent polarization is hardly unprecedented: at various times in history (e.g., during the Civil War, the New Deal) the parties have stood in stark contrast on nearly all the major issues of the time. Some democratic theorists argue that a marked differentiation between the two parties may actually contribute to democracy under a "responsive theory of democracy": the two parties disagree on the issues and then allow the public to express its opinion through elections. Despite all the talk of polarization, the 115th Congress passed and President Trump signed a number of new laws, including a vast tax cut bill in 2017. Nearly a decade earlier, in 2009–2010, the 111th Congress passed 43 major pieces of legislation, including the Obama administration's centerpiece, the 2010 health care reform law. Thus, while the two major parties continue to grow further apart, government continues to make decisions.
4. **The influence of money does not spell the end of American politics.** American elections have always been dominated by individuals with immense power and influence. For much of this nation's history, political machines all but controlled the nomination process and wielded heavy influence on politicians who benefitted from their respective



FROM YOUR PERSPECTIVE

Courting the Youth Vote

Ann Hermes/The Christian Science Monitor
via Getty Images



A student at the University of North Carolina, Charlotte, signs a voting pledge at a Rock the Vote campaign.

Candidates and political parties often try to increase turnout as a means of enhancing their prospects in an election. However, numerous nonpartisan organizations also engage in special efforts to encourage the so-called youth vote in particular. These organizations may target young voters primarily for two reasons: (1) young voters represent the future of American democracy, and (2) youth turnout has tended to be lower than turnout among older

Americans. In the 2016 presidential election barely half of eligible voters aged 18 to 29 voted, leaving that group well behind turnout rates of the electorate as a whole (60 percent).

Among the many organizations that run programs to encourage young voters to exercise their voting rights are the following:

1. Rock the Vote, which claims to have registered more than 5 million new voters in recent presidential elections (see rockthevote.org);
2. CIRCLE (Center for Information and Research on Civic Learning and Engagement), which studies the voting behavior of young people (see www.civicyouth.org); and
3. YouthVote.org, a website that provides a plethora of information to help young people learn how to register to vote and why it is important to do so.

For Critical Thinking and Discussion

1. Why do you think college-age students turn out in relatively lower numbers compared to older voters?
2. How effectively have the candidates in 2020 addressed issues that are important to college students?

handouts and other forms of largesse. Whether it was Boss Tweed and Tammany Hall in New York City, the Thomas Pendergast political machine in Missouri, or the Daley machine in Chicago, power has always been wielded by a relatively few, elite individuals. The recent dominance of money in politics has shifted the source of power from those machines to the extremely wealthy, but that may actually represent a positive development of sorts, as both parties have enjoyed their share of big donors and fundraising prowess in recent years. Moreover, well-financed campaigns like Governor Jeb Bush's unsuccessful bid for the White House in 2016 prove that money can only go so far without the right messenger and the right message. Those who think money corrupts politics might want to consider these caveats, as well as the far less attractive alternative that used to mark the elections process.

History does not literally repeat itself. The specific people, circumstances, and events certainly change. But history can help us identify patterns, recurring problems, and trends in how the American political system functions and resolves conflicts. The preceding discussion of some of the contemporary arguments for why American democracy may be in a state of decline helps us frame current conditions. In doing so, we may gain a greater understanding of the challenges facing the nation today. Certainly, many contemporary challenges are no less daunting than problems the nation has encountered over the past two centuries. Throughout this book, a historical perspective on contemporary problems offers a sense of how the past might help us understand politics today.

Summary

1-1 *Presidential Campaigns, History, Diversity, and American Politics*

- No event in American politics receives the level of attention that a presidential election elicits. The 2020 campaign is highly partisan, but many past campaigns were no stranger to divisive partisan battles.
- The patterns of history provide a powerful tool for understanding American politics today.

1-2 *Forms and Functions of Government*

- The development of the American political system is grounded in the philosophy of John Locke and Jean-Jacques Rousseau, who argued that government is necessary and that it exists for the purpose of protecting the people that it serves. The “social contract” theory states that natural law gives people certain unalienable rights that government cannot take away and that the people give government authority to rule, but the people can withdraw that authority if government does not serve the people’s interests.
- Democracy may be distinguished from other forms of government in that it is a form of government in which the people, either directly or through elected representatives, hold power and authority.

1-3 *American Government and Politics*

- Democracy includes at its core the idea of popular sovereignty. The United States practices a form of democracy known as “representative democracy,” where the people indirectly rule by electing leaders who are responsible for making and carrying out policies and laws.

1-4 *American Political Culture*

- The political culture in America is reflected in the Constitution and the way in which the political system deals with and decides political debates. Among the core values guiding the American political culture are majority rule, liberty, limited government, diversity, individualism, and equality of economic opportunity.

1-5 *Is American Democracy in Decline?*

- Although the current American government has been in place for more than 200 years, questions have been raised about whether this political system is in a state of decline. Lower voter turnout, confusing election outcomes, negativity, polarization in politics, and the influence of money in policy outcomes have been offered as evidence of a decline. However, a review of historical patterns in American politics suggests that these seemingly contemporary problems are chronic, and the American political system has effectively dealt with these and many other problems in the past.
- Viewing American government from a historical perspective may enrich our understanding of how the political system works. History can help us identify patterns, recurring problems, and trends in how the American political system functions and resolves conflicts. Many contemporary challenges are no more significant than problems the nation has encountered over the past two centuries.

Key Terms

anarchy (p. 6)
authoritarian (p. 6)
authority (p. 6)
democracy (p. 6)
direct democracy (p. 8)
government (p. 6)
individualism (p. 13)
legitimacy (p. 6)
limited government (p. 11)
majority rule (p. 10)
monarchy (p. 6)

natural law (p. 8)
oligarchy (p. 6)
political culture (p. 9)
politics (p. 7)
popular sovereignty (p. 8)
power (p. 6)
representative democracy (p. 8)
social contract (p. 6)
theocracy (p. 6)

2

THE FOUNDING AND THE CONSTITUTION



Zach Gibson/Getty Images

Tourists view an original copy of the U.S. Constitution at the National Archives in Washington, DC.

THE ENDURING CAPACITY of the U.S. Constitution to govern for better than two centuries represents something of a miracle: by one estimate, the average life-span of national constitutions over this same period was just 17 years. How has the American constitutional experiment succeeded where so many others have failed? The secret lies in its capacity to serve two functions at the same time: it provides stability (just 17 amendments passed during the past two centuries) while at the same time offering the flexibility to adapt to changes in America's political culture. Woodrow Wilson addressed this when he wrote, "The Constitution of the United States is not a mere lawyers' document: it is a vehicle of life, and its spirit is always the spirit of the age."

Learning Objectives

2-1 The Beginnings of a New Nation

- Discuss the causes of the American Revolution and the structure of the first national government under the Articles of Confederation, including its strengths, weaknesses, and struggles.

2-2 The Constitutional Convention

- Compare and contrast the various plans for the new constitution and the obstacles to agreement among the different colonies.

2-3 The New Constitution

- Explain the principles incorporated in the new constitution, including popular sovereignty, the separation of powers, federalism, and limited government.

2-4 The Ratification Battle

- Discuss the reasons why ratification succeeded and the role that the Bill of Rights played in the process.

2-5 Changing the Constitution

- Describe the process of amending the Constitution as well as alternative means of achieving constitutional change.



THEN & NOW

Stretching the Constitution to Serve Political Needs

Amendments to the Constitution provide the most visible form of change to our founding document, but they are exceedingly rare. There have been just 27 amendments in all, and just 17 have been ratified since the Bill of Rights first appeared in 1791. How can a republic adapt to changing times and realities when its written constitution is so impervious to formal change? In practice, less formal types of constitutional change (such as the decision by one of the three branches to offer its own newly formed interpretation of the document) can serve the needs of the nation as well. On the other hand, these forms of constitutional change can prove more controversial, as they can occur quickly and without the formal approval of a majority of the governed.

Then

As the United States sunk further into the Great Depression during the early 1930s, certain principles of intragovernment relations remained unchanged from the earliest days of the republic. That included the “nondelegation doctrine,” which prohibited Congress from passing its constitutionally prescribed law-making powers on to other branches. Yet, beginning in 1933, a forceful new chief executive, Franklin Delano Roosevelt, was prepared to offer innovative new solutions to the nation’s economic woes. Because the unwieldy size of Congress had left it largely powerless to hold previously unregulated businesses accountable, FDR’s administration planned to stretch the Constitution’s limits to allow for executive action in the matter. Thus, on June 16, 1933, FDR signed into law the National Industrial Recovery Act (NIRA), by which Congress authorized the chief executive to approve codes generated by trade associations regarding maximum hours of labor, minimum rates of pay, and working conditions in business. The administration approved more than 700 industry codes in all before the Supreme Court invalidated portions of the NIRA in 1935. Still, even that legal setback could not stop the growth of the welfare state under Roosevelt and his successors. Between 1935 and 1980 the federal government grew exponentially on the backs of executive agencies issuing rules and regulations that clearly amounted to law-making. The Constitution’s capacity to stretch eventually afforded the federal government more flexibility to offer innovative solutions for an increasingly complex society.

Now

Upon assuming office as president in January 2017, Donald Trump quickly turned his attention to fulfilling campaign promises on immigration. The building of a newly fortified wall along the southern border would theoretically require funding from Congress, a slow-moving institution in even the best of circumstances. By contrast, the new president could take unilateral action to impose the so-called travel ban he had promised to voters. Thus, during his first week as president, Donald Trump issued Executive Order 13769, suspending the entry of Syrian refugees indefinitely and directing cabinet secretaries to suspend entry for at least 90 days of those from seven Muslim-majority countries that did not meet adjudication standards under U.S. immigration law. (The original list of countries included Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen.) Critics complained that the order focused exclusively on countries that had a Muslim majority and thus constituted a “Muslim ban” in violation of the free exercise clause; they also claimed it exceeded the power of the executive to impose unilateral measures in the absence of an emergency. (The administration countered that the security of the country constituted just such an emergency.) As was the case with FDR’s NIRA, the travel ban hit roadblocks in the courts, forcing the administration to rewrite the ban more than once. Yet the U.S. Supreme Court eventually upheld the reformulated ban in June 2018, endorsing unprecedented executive powers to secure the country’s borders against travelers from several Muslim-majority countries. Once again the Constitution had been reshaped by bold new interpretations of the same text that had been in place for over two centuries.

For Critical Thinking and Discussion

1. Since 1803, the U.S. Supreme Court has assumed for itself the right to say what the Constitution means, including what it forbids. Does the president and/or the Congress have the power to interpret the Constitution as well? If a political branch disagrees strongly with a Supreme Court decision, can it offer a contrary position?
2. Do you believe the Constitution should adapt and change according to the times, even when no amendment that spells out that change has been formally ratified? Why or why not?

2-1 THE BEGINNINGS OF A NEW NATION

Throughout the seventeenth and early eighteenth centuries, thousands of people migrated to North America. Many came in search of greater economic opportunities; others fled to escape religious persecution and sought freedom to worship as they pleased. Slowly, a culture dedicated to the protection of social and civil rights began to take shape in the colonies.

The political structures that governed the colonies up through the early 1760s roughly paralleled those of England during the same period: (1) Royal governors served as substitutes for the king in each individual colony; (2) a governor's council in each colony served as a mini House of Lords, with the most influential men in the colony serving effectively as a high court; and (3) the general assembly in each colony was elected directly by the qualified voters in each colony and served essentially as a House of Commons, passing ordinances and regulations that would govern the colony. Up until the middle of the eighteenth century, the colonies' diverse histories and economies had provided little incentive for them to join together to meet shared goals. In fact, those in Great Britain feared other European powers attempting to encroach on their American holdings far more than they feared any form of uprising on the part of the colonists.

The French and Indian War that was waged in the colonies from 1754 through 1763 was a significant turning point in British-colonial relations.¹ For nearly a decade, the French, from their base in Canada, fought the British in the colonies for control of the North American empire. Both nations were interested in rights to the territory that extended west of the colonial settlements along the Atlantic seaboard and over the Appalachian Mountains into the Ohio Valley. Britain defeated France, and under the terms of the Treaty of Paris (1763), which settled the war, all territory from the Arctic Ocean to the Gulf of Mexico between the Atlantic Ocean and the Mississippi River (except for New Orleans, which was ceded to Spain, an ally of Britain during the war) was awarded to Britain. But along with the acquisition of all this new territory came a staggering debt of approximately 130 million pounds. Administering its huge new North American empire would be a costly undertaking for Britain.

BRITISH ACTIONS

Following the war, Britain imposed upon its colonies a series of regulatory measures intended to make the colonists help pay the war debts and share the costs of governing the empire. To prevent colonists from ruining the prosperous British fur trade, the Proclamation of 1763 restricted them to the eastern side of the Appalachian chain, angering those interested in settling, cultivating, and trading in this new region. The Sugar Act of 1764 was the first law passed by Parliament for the specific purpose of raising money in the colonies for the Crown. (Other regulatory acts passed earlier had been enacted for the purpose of controlling trade.) The Sugar Act (1) increased the duties on sugar; (2) placed new import duties on textiles, coffee, indigo, wines, and other goods; and (3) doubled the duties on foreign goods shipped from England to the colonies. The Stamp Act (1765) required the payment of a tax on the purchase of all newspapers, pamphlets, almanacs, and commercial and legal documents in the colonies. Both acts drew outrage from colonists, who argued that Parliament could not tax those who were not formally represented in its chambers. Throughout late 1765 and early 1766, angry colonists protested the Stamp Act by attacking stamp agents who attempted to collect the tax, destroying the stamps, and boycotting British goods. When English merchants complained bitterly about the loss of revenue they were suffering as a result of these colonial protests, Parliament repealed the Stamp Act in March 1766.²

COLONIAL RESPONSES

As a result of the Stamp Act fiasco, positions on the state of British rule were articulated both in the colonies and in Parliament. Following the lead of the Virginia assembly, which sponsored the Virginia Resolves that had declared the principle of "no taxation without representation," an intercolonial Stamp Act Congress met in New York City in 1765. This first congressional body in America issued a Declaration of Rights and Grievances that acknowledged allegiance