

# Instructor's Manual/Test Bank

*to accompany*

Greenberg ♦ Page

***America's Democratic Republic***

*Fourth Edition*

Penguin Academic Series

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## *Chapter One*

### *The American Democratic Republic*

#### Chapter Overview

- The meaning and appeal of eighteenth-century republicanism
- The meaning and appeal of democracy
- The hybrid American political system

The opening chapter sets forth the text's basic theme that the "American democratic republic is the product of the encounter of the democratic aspirations of the American people with eighteenth-century republican constitutional foundations." The chapter begins with a short account of the 2000 election and then asks the question of how George W. Bush could become president of a country that prides itself as being the world's leading democracy when the person he was running against in the election received more popular votes. The answer that is provided is that the nation's founders were not interested in creating a political system that would be directly responsive to popular majorities. While the Founders believed that government should be based on popular consent, they were most concerned with protecting individual rights. They feared that majority tyranny posed just as much of a threat to individual rights as the tyranny of an individual did.

The authors provide a brief history of the republican principles that most of the Founders subscribed to, and discuss why these principles were so appealing to the new nation's leaders. They summarize the central ideas of the republican tradition as follows:

- Government should be based on the consent of the governed.
- Government should be limited in its powers and responsibilities.
- A written constitution should spell out the form and purposes of government.
- Governments should protect individual and property rights.

The republican tradition with its emphasis on limited government and protecting individual rights from majority tyranny is then contrasted with the democratic tradition. The democratic tradition celebrates the ability of ordinary people to rule themselves and sees government as the tool for carrying out the majority's will. In reviewing the different democratic systems that have existed throughout history, the authors distinguish between direct democracy and representative democracy and explain why democracy in a large country like the United States must take the representative form. They suggest three benchmarks to use when evaluating how democratic a society is.

The first of these benchmarks is popular sovereignty, the idea that the ultimate source of all public authority is the people. Popular sovereignty exists in those countries where: 1) government policies reflect the wishes of the people; 2) government leaders are elected; 3)

elections are free and fair; 4) people participate in the political process; 5) people have access to credible political information; and 6) the majority rules.

The second benchmark of democracy is political equality, the idea that each person's vote counts the same and the people are treated equally under the law. The "equal protection" clause of the Fourteenth Amendment and the 1965 Voting Rights Act have helped to extend political equality in the United States. Opinions remain divided on the relationship between political equality and economic equality and the extent to which substantial levels of economic inequality violate the norm of political equality.

The third benchmark for democracy is political liberty, the idea that people should be free to express themselves and to work together to achieve their political objectives. Other basic freedoms include freedom of religion and conscience and freedom from arbitrary arrest and imprisonment. While some political philosophers have viewed democracy as a threat to individual liberties, the authors argue that self-government and liberty are inseparable since a majority cannot deprive people of their liberty without violating democracy itself.

In the chapter's concluding section, the authors argue that there are many compelling reasons why democracy has grown so popular since the time of the nation's founding. However, in the United States, democracy remains a work in progress because of the obstacles imposed by the nation's republican constitutional foundations. In subsequent chapters, the authors will attempt to answer the question of "how democratic are we?" by applying the three basic benchmarks for democracy—popular sovereignty, political equality, and political liberty—introduced earlier in the chapter.

### Key Concepts and Objectives

Important concepts and objectives to stress in Chapter One include:

- The basic principles of the republican tradition and why they appealed so strongly to the nation's early leaders;
- The basic principles of the democratic tradition and why their appeal has increased since the eighteenth century;
- How the encounter between popular democratic aspirations and the nation's republican constitutional foundations produced the hybrid system we live under today;
- Areas in which republican and democratic principles complement one another and areas in which they come in conflict with one another; and
- The benchmarks or standards to use when assessing how democratic a political system is.

## Lecture Outline

### WHAT GOVERNMENTS DO AND WHO SHOULD RUN THEM

- 1) Definitions of politics:
  - a) Laswell's who gets what, when, and how
  - b) Easton's authoritative allocation of values in society
- 2) Governments are the institutions that make the authoritative decisions that determine what we can do and what services we have no choice about receiving.
  - a) Make policies that are binding on everyone
  - b) May legitimately use sanctions, including force, to see that policies are obeyed
  - c) Contrast with other organizations in society
- 3) Examples of the kinds of decisions governments typically make:
  - a) National security
  - b) Economy
  - c) Basic services
  - d) Police powers
  - e) Health and safety
  - f) Welfare
  - g) Taxes
- 4) Basic Issues:
  - a) Who controls the government and determines to what ends its powers are used?
  - b) What limits, if any, should there be on how a government uses its power?
- 5) Different ways the above questions have been answered:
  - a) Monarchies, oligarchies, and democracies
  - b) Limited governments and totalitarian governments
- 6) Text describes the American system as a hybrid system that it calls the American democratic republic
  - a) Democratic principles
  - b) Eighteenth-century republican principles
- 7) Text suggests that the American system will continue to become more democratic
  - a) Evidence in support of this proposition

- b) Evidence in opposition to it
- c) Class opinions

### Terms

The following terms are listed as key terms at the end of Chapter One:

Democrat  
Republican  
Tyranny  
Majority tyranny  
Democracy  
Direct democracy  
Representative democracy  
Popular sovereignty  
Majority rule  
Political equality  
Political liberty

Other terms that might require further elaboration include:

The Magna Carta  
Montesquieu's mixed and balanced government  
*Federalist Papers*  
Enlightenment  
Anarchists  
Constitutionalism  
Limited government  
Inalienable rights

### Discussion Questions

- A. While the intent of the Founders was to create a government based on republican principles, the appeal of democratic ideals grew increasingly stronger as the nation matured. What were some of the specific concerns the Founders had about democracy? Has American history provided support for any of these concerns or shown them all to be groundless? Can there be such a thing as too much democracy?
- B. What is politics and what distinguishes those decisions made through the political process from those made in other ways? How do the rules of a church or business or club differ from those of a government? Are there instances when the differences are not very great?



- C. The authors call American democracy a work in progress. What are some specific actions you would like to see taken to make the nation more democratic? How likely do you think it is that these actions will be taken in the foreseeable future? What are the obstacles you see in moving forward and taking the actions you are recommending?
- D. If the nation decided to call a new national constitutional convention, which sets of principles do you think Americans would be most concerned with preserving and which might they want to replace? What one change would you like most to be made in the Constitution?
- E. The authors write that while the American political system has generally moved in the direction of greater democratization, there have been periods characterized by a retreat from democratic values. Have there been periods in your lifetime that were notable either for a significant expansion of the nation's observance of democratic values or for a significant retreat from democratic values?

#### Other Class Activities and Research Projects

- A. Ask students to find one or more proposals for government reform that have appeared in the news recently. After compiling a master list of what the students have found, go through one by one and discuss whether the change being proposed is based more on republican or democratic principles.
- B. Review the distinction made in the text between the use of the terms republican and democrat to describe how governments should be organized and decisions made by them, and the proper nouns Republican and Democrat, which refer to supporters of America's two major political parties. Ask if there is any connection at all between lower case republicans and upper case Republicans. Ask the same questions regarding the connection between democrats and Democrats.
- C. If there are students in class active in the student government association, ask them to analyze how democratic student government is at your university, using the benchmarks presented in the text.

#### Multiple Choice Questions

- 1) Eighteenth-century republican principles included all of the following EXCEPT:
  - a) Limited government
  - b) Popular sovereignty
  - c) Fragmentation of government power
  - d) Protection against tyranny
  - e) Written constitution

Answer: b; Page 7-8; Skill: Understanding

2) Fundamental principles of representative democracy include all of the following EXCEPT:

- a) Popular sovereignty
- b) Political equality
- c) Political liberty
- d) Property rights
- e) None of the above

Answer: d; Page 12; Skill: Understanding

3) American government is comprised of a combination of republican and \_\_\_\_\_ frameworks.

- a) socialist
- b) monarchist
- c) democratic
- d) totalitarian
- e) anarchist

Answer: c; Page 17-19; Skill: Understanding

4) Which of the following countries was NOT an influence in the construction of the United States Constitution?

- a) Iran
- b) Greece
- c) England
- d) Rome
- e) France

Answer: a; Page 6-7, 9-10; Skill: Understanding

5) The separation of powers and checks and balances are constitutional provisions designed to protect against:

- a) The abuse of power
- b) Excessive partisanship
- c) Political stalemate
- d) Elite dominance
- e) Political participation

Answer: a; Page 7; Understanding

- 6) The 2000 presidential election showed that:
- a) Eighteenth-century republican principles have little relevance in the politics of today
  - b) Money is the only thing that really matters in politics
  - c) The United States is not a pure democracy
  - d) The votes of ordinary citizens do not really count for much
  - e) State governors determine the outcome of presidential elections
- Answer: c; Page 5; Skill: Understanding
- 7) Which of the following is NOT a possible source of tyranny?
- a) A king
  - b) A president
  - c) A congress
  - d) An interest group
  - e) The majority of the population
- Answer: d; Page 8; Skill: Understanding
- 8) The unequal distribution of wealth in society threatens most directly the democratic principle of:
- a) Popular sovereignty
  - b) Political equality
  - c) Political liberty
  - d) Individual rights
  - e) Self government
- Answer: b; Pages 12-15; Skill: Understanding
- 9) During the course of American history:
- a) Support for republican principles has increased and democratic ones decreased
  - b) Support for democratic principles has increased and republican ones decreased
  - c) Support for republican and democratic principles has not changed
  - d) Support for both republican and democratic principles has declined
  - e) Support for both republican and democratic principles has increased
- Answer: b; Page 18; Skill: Analysis
- 10) Eighteenth-century republicanism was most concerned with:
- a) Combating tyranny and protecting property rights
  - b) Making government more responsive to popular will
  - c) Promoting political equality
  - d) Establishing a strong executive authority to maintain order and stability
  - e) Establishing a federal court system
- Answer: a; Page 7-8; Skill: Understanding

11) Thomas Jefferson drew heavily from writers such as \_\_\_\_\_ when he wrote in the Declaration of Independence that all men are created equal and endowed with certain unalienable rights.

- a) Aristotle and Plato
- b) Cicero and Cato
- c) Adam Smith and John Locke
- d) John Dewey and Robert Dahl
- e) Machiavelli and Voltaire

Answer: c; Page 7; Skill: Understanding

12) Which of the following countries has NOT recently created a new government with a written constitution?

- a) Croatia
- b) England
- c) Slovenia
- d) Czech Republic
- e) Slovakia

Answer: b; Page 9; Skill: Understanding

13) Individual rights and liberties include all of the following EXCEPT:

- a) Freedom of speech
- b) The right to bear arms
- c) Freedom of conscience
- d) Freedom to steal
- e) Protection against illegal search and seizure

Answer: d; Page 9; Skill: Understanding

14) The French philosopher Montesquieu believed that the best form of government was:

- a) A direct democracy
- b) A limited democracy in which only property owners voted
- c) A mixed government with some elements of democracy combined with other non-democratic elements
- d) A representative democracy in which all power resided in a parliament that was elected directly by the people
- e) A monarchy.

Answer: c; Page 7; Skill: Understanding

15) The Magna Carta helped establish the principle that:

- a) There were certain rights that even the king must respect
- b) Everyone was entitled to choose who their rulers would be
- c) That no one was above the law
- d) The best government governs the least
- e) There are certain inalienable rights: life, liberty, and the pursuit of happiness

Answer: a; Page 6; Skill: Knowledge

16) Under the original plan of the Constitution, the only officials to be directly elected by the people were:

- a) Members of the United States Senate
- b) Members of the United States House of Representatives
- c) Members of the Electoral College
- d) The president
- f) Members of the state legislature

Answer: b; Page 8; Skill: Knowledge

17) Eighteenth-century republicans believed the role of the elected official was to:

- a) Faithfully reflect the views of all of his constituents
- b) Represent the views and protect the interests of the elites of society
- c) Exercise independent judgment on how best to serve the public's interest
- d) Look out for those in society unable to look out for themselves
- e) Work toward the best interest of his political party

Answer: c; Page 8-9; Skill: Understanding

18) In *The Federalist Papers*, James Madison wrote that \_\_\_\_\_ “have been spectacles of turbulence and contention . . . and have in general been as short in their lives as they have been violent in their deaths.”

- a) monarchies
- b) democracies
- c) republics
- d) oligarchies
- e) autocracies

Answer: b; Page 9; Skill: Understanding

19) The authors credit the emergence of republicanism in the mid- to late-eighteenth century with all of the following EXCEPT:

- a) Undermining the legitimacy of monarchical regimes
- b) Establishing protections for individual rights
- c) Helping to spark the American Revolution
- d) Bringing about universal suffrage
- e) Establishing the concept of rule by consent

Answer: d; Page 6-7; Skill: Understanding

20) The text cites \_\_\_\_\_ as the purest form of democracy that ever existed.

- a) ancient Athens
- b) pre-imperial Rome
- c) Russian villages in the middle ages
- d) the Israeli kibbutz
- e) British parliament

Answer: a; Page 10; Skill: Understanding

21) Popular sovereignty means that:

- a) Governments have the support of their people.
- b) The ultimate source of public authority resides with the people.
- c) Everyone's individual rights are respected.
- d) Leaders make decisions on the basis of what is best for the people as a whole.
- e) All citizens have the right to vote.

Answer: b; Page 12, Skill: Understanding

22) According to the text, \_\_\_\_\_ is/are the best mechanism for ensuring that leaders will be responsive to the people's wishes.

- a) political parties
- b) periodic elections
- c) a free press
- d) recall elections
- e) fair elections

Answer: b; Page 12; Skill: Understanding

23) Which of the following statements is NOT true?

- a) The less political participation there is in a society, the weaker the democracy.
- b) The benchmarks of a healthy democracy are popular sovereignty, political equality, and political liberty.
- c) At the beginning of the nation's history, large segments of the public could neither vote nor hold office.
- d) The United States today is much closer to being a true direct democracy than it was at its founding.
- e) Self-government and political liberty are inseparable in today's world.

Answer: d; Page 11-15; Skill: Understanding

24) Which of the following principles do eighteenth-century republicanism and the democratic ideals hold in common?

- a) Government is based on popular consent.
- b) Majority rule should always prevail.
- c) All people should participate in the political process.
- d) Government is strictly limited in what it can do.
- e) Land ownership is a prerequisite to political participation.

Answer: a; Page 17; Skill: Understanding

25) Which of the following is NOT cited in the text as a reason behind democracy's appeal?

- a) Democracies are better at protecting basic individual rights.
- b) Democracies are more efficient at getting things done.
- c) Democracies last longer because they have a stronger sense of legitimacy.
- d) Democracies have a better record of promoting economic growth.
- e) Democracies encourage natural capacities and talents.

Answer: b; Page 16-17; Skill: Understanding

26) The \_\_\_\_\_ provides one example of how constitutional provisions based on eighteenth-century republican principles conflict with contemporary democratic ideals.

- a) Electoral College
- b) direct election of United States Senators
- c) Fourteenth Amendment to the Constitution
- d) Preamble to the Constitution
- e) Bill of Rights

Answer: a; Page 18; Skill: Understanding

27) The way in which income and wealth are distributed in a society:

- a) Shows the relative skill with which different groups exercise their political rights
- b) Violates the norm of political equality if the distribution is highly unequal
- c) Is not really a concern of a democratic government
- d) Reflects which groups have the highest level of education
- e) Demonstrates a violation of a civil right

Answer: b; Page 14-15; Skill: Understanding

28) Which of the following statements is true regarding members of the modern Democratic and Republican parties?

- a) Modern Republicans are actually much more committed to democratic ideals than Democrats are.
- b) “Lower case” democrats are the same as “upper case” ones.
- c) Both Democrats and Republicans support most democratic values.
- d) “Lower case” republicans are the same as “upper case” ones.
- e) Neither Democrats nor Republicans adhere to democratic values.

Answer: c; Page 6; Skill: Understanding

29) Which of the following is NOT a reason cited by the authors of the text for democracy’s appeal?

- a) Democracies are best at preserving law and order.
- b) Democracies are best at protecting human rights.
- c) Democracies are most likely to make rational decisions.
- d) Democracies are more stable and enjoy a stronger sense of legitimacy.
- e) Democracies are often believed to be superior.

Answer: a; Page 16-17; Skill: Understanding

30) The authors write that while the nation has become more democratic during its history, there have been periods in which it has retreated from its democratic values. One example they cite is:

- a) The Reconstruction Era following the Civil War
- b) The Great Depression in the 1930s
- c) The Civil Rights Revolution of the 1960s
- d) The passage of the Fourteenth Amendment
- e) Anti-war demonstrations of the Vietnam conflict

Answer: a; Page 16-17; Skill: Application



## True/False Questions

1) The American democracy is based exclusively on the republican framework.

Answer: False; Page 5; Skill: Understanding

2) The United States is the only true example of democracy on earth.

Answer: False; Page 10-11; Skill: Understanding

3) A representative government is a government whose political leaders are elected by the people.

Answer: True; Page 11; Skill: Understanding

4) The term democracy refers to a government in which a select portion of the population is qualified to rule.

Answer: False; Page 10; Skill: Understanding

5) In ancient Athens, all citizens were able to participate in government.

Answer: False; Page 10; Skill: Understanding

6) Popular sovereignty is best exercised through the rule of a single individual, such as a king.

Answer: False; Page 12; Skill: Understanding

7) Free elections are open to virtually all citizens and do not favor one group over another in their administration.

Answer: True; Page 12; Skill: Understanding

8) In the United States, political equality means each citizen has a number of votes equal to their gross income.

Answer: False; Page 14-15; Skill: Understanding

9) Political philosophers agree that self-government and political liberty are inseparable.

Answer: True; Page 15; Skill: Understanding

10) The founders of the United States were comfortable with the fact that large segments were initially excluded from participation in government.

Answer: True; Page 15; Skill: Understanding

### Essay Questions

1. Al Gore won the popular vote in 2000 by more than a half million votes, but it was George W. Bush who became president. Does the fact that Bush became president despite losing the popular vote mean that the United States is not really a democratic nation? Explain. (*Evaluation*)
2. The Founders were exceptionally well educated and familiar with the leading political theorists of both classical and contemporary times. Who were some of these theorists and how were their teachings applied in the writing of the Constitution? (*Application*)
3. Does the United States continue to be a country ruled by the highly educated portions of the population? How does this reconcile with the concept of democracy? (*Analysis*)
4. Explain the basic principles of eighteenth-century republicanism and why the nation's founders were so ready to embrace them. (*Understanding*)
5. There are some today who argue that the United States was never intended to be a democracy; it was established as a republic and the nation would be better off today had it remained faithful to its original republican principles. Analyze how the country would be different if it had continued to operate under these republican principles. (*Analysis*)
6. Explain what the French philosopher Montesquieu meant when he wrote that a government should be both mixed and balanced? How closely did the Founders follow Montesquieu's recommendations when creating the American system? (*Understanding*)
7. What are the fundamental principles of representative democracy? In what ways do they complement the principles of eighteenth-century republicanism and in what ways do they conflict with them? (*Analysis*)
8. Not everyone today agrees that the increased democratization of American society has been good. Some continue to share the same concerns about democracy that the Founders had. What were these concerns and how would you assess their validity? (*Evaluation*)
9. If this country were a direct democracy, would recent stimulus monies distributed by the United States government to banking and automotive businesses have been approved by the United States population? Why or why not? (*Application*)
10. Which recently established government is most similar to the United States? Why? (*Application*)

11. Based on the text, how would our founders respond to the immigration issues facing the United States? (*Application*)
12. If the United States had not become a republic, how would everyday life in the country be different? (*Application*)



## **Chapter Two**

### ***The Constitution***

#### Chapter Overview

- The legacies of the Revolution and the Declaration of Independence
- Our first constitution: The Articles of Confederation
- The constitutional convention
- How the Constitution embodies eighteenth-century republican ideas about good government
- How democratic aspirations have changed the Constitution

Chapter Two begins with a vignette describing the plight of farmers whose lands were being foreclosed on after the end of the Revolutionary War because falling agricultural prices made it impossible for them to make their mortgage payments. Some states attempted to assist those in debt by inflating the money supply, while other states were more sympathetic to the creditors. States like Massachusetts, which attempted to take the property of those who could not afford to pay their debts, sometimes found themselves facing armed resistance.

States that gave in to the demands of debtors gave encouragement to those pressing for similar relief in other states. The authors point to Shays's Rebellion in Massachusetts as persuading national leaders of "the dangers of ineffective state governments and popular democracy spinning out of control."

When these events were taking place, the only national government the country had was the one provided for by the Articles of Confederation. The Articles were developed in 1777 by the Second Continental Congress and served as the nation's first constitution. The Articles basically ratified the system that had been in place since the colonies had declared their independence from Britain. While assigning the central government several important responsibilities in international affairs, the states retained nearly all the real power. The authors compare the system created by the Articles to the United Nations today.

After giving a brief description of the basic features of the Articles of Confederation, the authors list its major defects. These included the lack of any meaningful executive power, the dependence on the states for funding, an inability to protect the nation's interests in foreign affairs, and an inability to prevent commercial warfare among the states. Law making was practically impossible because of the requirement that new laws required the approval of nine of the 13 states.

By 1787, the country's leaders became sufficiently concerned about these defects that they called a convention in Philadelphia to create a new government that would provide both energy and stability. Leading elites were motivated to take action by what they saw as: 1) an excess of democracy in the states, and 2) a threat to property rights in the states.

In a section on who the delegates to the convention were, the authors summarize the thesis of Beard's *Economic Interpretation of the Constitution* that those at the convention were economic elites concerned with protecting their own fortunes. While criticizing Beard for not recognizing that more than self-interest motivated the framers, they agree with him that "broad economic and class motives were at work in shaping their actions."

After discussing the backgrounds of the convention delegates, the authors review the issues the delegates faced as they set about to correct the defects of the Articles of Confederation. They call special attention to the ways that the Founders incorporated into the document the main eighteenth-century republican principles that were identified in Chapter One. What the Constitution established, they argue, was a government that was based on popular consent but provided for only limited popular participation.

The next section of the chapter covers the major divisions among the delegates and how they were resolved. Representation in the national government was one such issue, with the Virginia Plan calling for representation based on population and the New Jersey Plan calling for equal representation for each state, regardless of size. The Great (or Connecticut) Compromise established a bicameral legislature in which states would be represented equally in the Senate but according to their population in the House. The chapter also examines the slavery issue and how the questions it raised were either resolved or postponed. A third set of issues looked at were those involving the presidency. The authors stress that popular election had little support because of the republican principles held to by most of the delegates. In the Electoral College, the Founders believed they had found a method consistent with their republican principles but, as the authors note, this method did not work out as expected and has turned out to be far more democratic than the Founders intended.

The section on "What the Framers Created" summarizes the basic features of the government created by the Constitution. It was a republican government in that it was based on popular consent and some popular participation, but with obstacles to any exercise of majoritarian democracy. It placed numerous restrictions on the powers of government and established other safeguards designed to prevent tyranny. The separation of powers, the checks and balances system, and federalism were all features that the Founders believed would help prevent abuse of power and protect individual rights. In reviewing the various ways the Constitution attempts to limit what government can do, the authors give special attention to those provisions related to property rights.

There was strong opposition to the type of government proposed by the delegates to the Philadelphia Convention, but the Constitution was approved, albeit by very small margins in several of the most important states. *The Federalist Papers* by Madison, Hamilton, and Jay provided persuasive arguments for the document's adoption. In the ratification struggle, opponents argued that the Constitution needed a specific listing of the rights the government would be obligated to respect. In order to gain ratification, the backers agreed to add such a list to the Constitution and did so in the form of the Bill of Rights. While the vote over ratification in several key states was very close, the country quickly united in support of the new system.

In the chapter's conclusion, the authors note that in spite of the many undemocratic elements in the original document, it has been sufficiently flexible to accommodate democratic change over the course of the nation's history. They identify three basic ways change has come about: 1) through formal amendments; 2) through changing constitutional interpretations by the Supreme Court; and 3) by changing political practices. The American system today, the authors conclude, is far more democratic than the Founders ever intended it to be, but the process of democratization is still incomplete. The authors call this hybrid system of democratic and eighteenth-century republican elements the American democratic republic.

### Key Concepts and Objectives

Important concepts and objectives to stress in Chapter Two include:

- The basic features of the system of government established under the Articles of Confederation and the reasons why the system was adopted in the first place;
- The conditions in the country that convinced leading citizens that the Articles of Confederation were not working and that a new system of government was needed;
- The major compromises that were made during the Constitutional Convention in order to come up with a plan on which a majority of the delegates could agree;
- The basic features of the Constitution and how they reflect the eighteenth-century republican principles discussed in Chapter One;
- The objections that were raised by opponents of the Constitution during the ratification debate and how supporters responded to their objections; and
- The concept of a "living Constitution" and the means by which it has been able to adjust to changing times.

### Lecture Outline

#### CREATING A NATION

- 1) Philosophical foundations—delegates were well educated and acquainted with writings of both classical and contemporary political theorists.
  - a) Locke – Natural Law
  - b) Montesquieu – mixed and balanced government
  - c) Adam Smith – free markets
- 2) Experience under the Articles of Confederation—delegates had seen the problems the country had faced during its first decade and believed the reasons for them included the central government's:
  - a) Dependence on states for revenue
  - b) Lack of an executive

- c) Lack of authority to control foreign relations
- 3) Problems at the state level—the delegates were also unhappy with state government:
    - a) Pennsylvania seen by some as too democratic
    - b) Massachusetts was less democratic but facing uprisings (Shays’s Rebellion)
    - c) States enacting economic trade barriers
  - 4) Major challenges facing delegates attending the Constitutional Convention:
    - a) How to strengthen central government while still keeping it limited and protecting individual rights
    - b) How should states be represented in the central government
    - c) What should the Constitution say about slavery
  - 5) Major divisions:
    - a) Virginia Plan backed by larger states
    - b) New Jersey Plan backed by smaller states
  - 6) The Constitution as a “bundle of compromises”:
    - a) Great Compromise on representation
    - b) Three-fifths compromise on slavery
    - c) Single versus plural executive
    - d) Electoral College method for selecting the president
  - 7) Struggle for ratification:
    - a) Major concerns of the Anti-Federalists
    - b) Importance of New York and the role played by *The Federalist Papers*
    - c) Promise of Bill of Rights to secure votes needed for ratification
    - d) While the country was deeply divided during ratification debate, it quickly united behind the new system that had been established by the Constitution

## Terms

The following terms are the key terms listed at the end of Chapter Two:

Social contract  
 Constitution  
 Articles of Confederation  
 Confederation  
 Stay Acts



Virginia Plan  
New Jersey Plan  
Great, or Connecticut, Compromise  
Electoral College  
Federal  
Supremacy clause  
Elastic clause  
Bill of Rights  
Separation of powers  
Checks and balances  
Free enterprise  
Federalists  
Anti-Federalists  
Judicial review

Other terms that might require further elaboration include:

Shays's Rebellion  
Popular tyranny  
Necessary and proper clause  
The Federalist Papers  
Full faith and credit clause  
Commerce clause  
Due process clause  
Equal protection clause

### Discussion Questions

- A. What features of the Constitution most directly reflect the eighteenth-century republican principles identified by the authors in Chapter One?
- B. Some of the Founders argued that it was possible to have a mixed system of government that combined the best elements of a monarchy, an oligarchy, and a democracy in a single government. What are the strengths or advantages of these different forms of government? To what extent did the Constitution contain elements of each?
- C. Some delegates at the Philadelphia Convention were strongly opposed to slavery but were willing to support ratification even though the Constitution recognized slavery's existence and contained provisions for its enforcement. Was their support morally justifiable? How do you think such delegates might have rationalized their support? What would you have done?
- D. The Constitution has been amended 27 times. Which of the amendments have made the system more democratic according to the benchmarks for democracy presented in the text?

Which of the amendments have expanded the powers of the national government? Have any expanded state power? (Don't forget Section 2 of the Twenty-first Amendment.)

- E. How democratic are the procedures for amending the Constitution? To what extent does the amendment process reflect eighteenth-century republican principles? Should the amendment process be simplified?

### Other Class Activities and Research Projects

- A. Not everyone agreed that the Articles of Confederation had been a failure and should be scrapped. Assign readings from both *The Federalist Papers* and *The Anti-Federalist Papers* and then assign different roles to students and have them respond to the arguments being made from the perspective of the role they have been assigned.
- B. Assign students to look at English language copies of constitutions from different countries generally recognized as democracies and have them present oral class reports comparing the constitution they have examined from another country with the U.S. Constitution.
- C. According to Irving Bryant in *The Bill of Rights*, there are 63 explicitly stated rights granted by the Constitution. Ask students to survey their friends or family members to see how many of these rights they can identify. Discuss in class if the limited knowledge people have of their constitutionally guaranteed rights should be of concern.
- D. Ask students, either as individuals or as a class project, to compile a list of three to five leading stories that have appeared recently in the press regarding actions taken by the federal government. Then ask them to judge whether the process through which it was decided to take those actions was one based on more democratic values or on eighteenth-century republican values.

### Multiple-Choice Questions

- 1) Shays's Rebellion refers to:
- a) One of the first efforts of American colonialists to win their independence from Britain
  - b) An unsuccessful effort to organize a slave revolt in the 1790s
  - c) Farmers in western Massachusetts fighting to keep the courts from foreclosing on their land
  - d) New York merchants who wanted to make their state an independent country
  - e) Violent conflict between American colonialists and Canadians in 1751.

Answer: c; Page 22-23; Skill: Understanding

- 2) Which of the following statements about the Articles of Confederation is NOT true?
- a) The Articles were produced by the Second Continental Congress during the Revolutionary War.
  - b) The Articles were successful in protecting state sovereignty and keeping the central government from encroaching on the rights of the people.
  - c) Under the Articles, most important decisions were made by state legislatures.
  - d) In order for a law to pass under the Articles, 9 of the 13 states' votes were required for passage.
  - e) The Articles of Confederation continue to be the official constitution for the United States.

Answer: e; Page 26-27; Skill: Understanding

- 3) The central government created by the Articles of Confederation had the power to:
- a) Make war and enter into peace treaties
  - b) Coin money
  - c) Regulate commerce among the states
  - d) Establish courts to resolve conflicts between the states
  - e) Appoint a president

Answer: a; Page 26; Skill: Understanding

- 4) "Stay Acts" were state laws that:
- a) Prohibited farm foreclosures for nonpayment of debt
  - b) Prohibited movement between towns without official permission
  - c) Provided free land for homesteaders
  - d) Required Native Americans to stay within certain designated areas
  - e) Protected free speech among citizens

Answer: a; Page 28; Skill: Understanding

- 5) During the time of the Articles of Confederation, there was a growing concern on the part of many elites that some action was needed to protect the right to:
- a) Free speech and a free press
  - b) Acquire and enjoy property
  - c) Vote
  - d) Religious liberty and freedom of worship
  - e) The freedom to bear arms

Answer: b; Page 28; Skill: Understanding

- 6) The Constitutional Convention was held in:
- a) 1776
  - b) 1781

- c) 1787
- d) 1791
- e) 1794

Answer: c; Page 29; Skill: Understanding

- 7) Which of the following statements best describes the delegates who attended the Constitutional Convention held in Philadelphia?
- a) The delegates consisted of representatives from all 13 states.
  - b) Only small numbers of women and minorities participated in the convention.
  - c) The delegates were well educated and familiar with the great works of western philosophy and political science.
  - d) The average age of the delegates was 57.
  - e) Members of a British delegation were present at the meeting.

Answer: c; Page 29; Skill: Understanding

- 8) In his book, *An Economic Interpretation of the Constitution*, the historian Charles Beard argued that:
- a) The United States would have suffered total economic collapse had the Constitution been rejected
  - b) Slavery was the main economic issue the Constitution had to resolve
  - c) The Constitution's framers were mainly interested in protecting their own economic interests
  - d) The Constitution was adopted because the larger states were able to buy the votes of the smaller states
  - e) Large states were placed in a better economic position under the Constitution than under the Articles of Confederation

Answer: c; Page 29-30; Skill: Understanding

- 9) Under the Great Compromise, the delegates to the Constitutional Convention agreed to:
- a) Create a bicameral legislature composed of a House and Senate
  - b) Postpone any decision on slavery until a later date
  - c) Establish a federal system of government where power would be shared between the central government and state governments
  - d) Establish a stronger national government but prohibit it from imposing direct taxes on the people
  - e) Create a Bill of Rights to be included in the Constitution.

Answer: a; Page 32; Skill: Understanding

10) Those favoring the New Jersey Plan wanted:

- a) The number of votes a state had in the national legislature to be apportioned on the basis of its population

- b) The chief executive to be elected directly by the people
- c) A system under which the states would have equal representation
- d) Judges at the national level to be appointed by the executive
- e) A return to rule under a monarch

Answer: c; Page 31; Skill: Understanding

11) What did the Constitution originally have to say about voting qualifications?

- a) Only male property owners could vote.
- b) Slaves and Native Americans were specifically excluded from voting.
- c) The only qualifications established were those for members of the Electoral College.
- d) Voting qualifications were left to the states to decide.
- e) Women were allowed to vote.

Answer: d; Page 34; Skill: Understanding

12) What did the original language of the Constitution say about slavery?

- a) It prohibited Congress from restricting the slave trade until 1808.
- b) It stated that slaves were property and therefore should not be counted in the national census.
- c) It expressed distaste for slavery but left the question up to the states to decide.
- d) It allowed states to continue slavery in the states where it existed when the Constitution was adopted but prohibited its expansion.
- e) Slaves were only allowed to vote in presidential elections.

Answer: a; Page 32; Skill: Understanding

13) When the delegates at the Constitutional Convention created the Electoral College, most assumed that:

- a) Electors would usually deadlock and the president would actually be chosen in the House of Representatives
- b) Electors could be counted on to reflect the will of the majority of the people
- c) It would serve only a ceremonial role in the selection of the president
- d) It would make the presidency the most democratic branch of government
- e) Election of the president would eventually be determined by popular vote

Answer: a; Page 33; Skill: Understanding

14) The elastic clause is also referred to as the:

- a) Commerce clause
- b) General welfare clause
- c) Supremacy clause
- d) Necessary and proper clause
- e) Inferred powers clause

Answer: d; Page 34; Skill: Understanding

15) Which amendment changed the way that senators are elected from the original constitutional method?

- a) First Amendment
- b) Second Amendment
- c) Tenth Amendment
- d) Seventeenth Amendment
- e) Twentieth Amendment

Answer: d; Page 33; Skill: Understanding

16) Under the original Constitution, power was concentrated in the \_\_\_\_\_ .

- a) The president
- b) The British Parliament
- c) Members of the Senate
- d) Members of the Court
- e) Individual states

Answer: e; Page 26; Skill: Understanding

17) The Seventeenth Amendment to the Constitution changed the way we choose:

- a) The president
- b) Members of the Senate
- c) Members of the House of Representatives
- d) Members of the Court
- e) Parliament members

Answer: b; Page 33; Skill: Understanding

18) The checks and balances found in the Constitution reflected a growing concern among delegates over the possible abuse of power by:

- a) Judges
- b) Presidents
- c) Legislators
- d) Bureaucrats
- e) Business leaders

Answer: c; Page 36; Skill: Understanding

19) The main concern the Founders had over a system based “too much upon the democratic order” was that such a system would not:

- a) Produce leaders intelligent enough to handle complicated problems
- b) Provide adequate protection to property rights
- c) Be able to act decisively in times of national peril
- d) Deal effectively with the slavery issue

- e) Produce a competitive global economy

Answer: b; Page 37; Skill: Understanding

20) Which of the following statements about the ratification of the Constitution is true?

- a) Opposition to the Constitution was strongest in the smaller states.
- b) Ratification required the unanimous support of all 13 states.
- c) George Washington and James Madison opposed ratification.
- d) After ratification, even Anti-Federalists quickly came around to support the new form of government.
- e) Texas was the first state to ratify the Constitution.

Answer: d; Page 40; Skill: Understanding

21) To win approval of the Constitution, supporters had to promise that they would:

- a) Add a bill of rights to the document
- b) Not impose any new taxes for 20 years
- c) Change the Electoral College to make it clear that electors were to be popularly elected
- d) Not place any new restrictions on powers currently held by states
- e) Change the Constitution to include a unicameral congress

Answer: a; Page 39; Skill: Understanding

22) Judicial review is an example of how constitutional change can be brought about by:

- a) Constitutional amendment
- b) Legislative enactment
- c) A change in political practice
- d) A Supreme Court decision
- e) International influence

Answer: d; Page 41; Skill: Understanding

23) An example of a right not explicitly mentioned in the Constitution but recognized by the Supreme Court is the right to:

- a) Privacy
- b) Education
- c) Health care
- d) Assembly
- e) Bear arms

Answer: a; Page 41; Skill: Understanding

24) How many additional times has the Constitution been amended since the Bill of Rights was added to it?

- a) 10

- b) 17
- c) 27
- d) 34
- e) 42

Answer: b; Page 40; Skill: Understanding

25) Because of the eighteenth-century republican principles built into the Constitution:

- a) It is easier to block or veto a proposal for change than to enact it
- b) The nation has been unable to enact democratic reforms
- c) Ordinary people have no real voice in government
- d) Government remains weak and ineffectual
- e) The United States has little to no influence in international matters

Answer: a; Page 41; Skill: Understanding

26) At the beginning of the Revolutionary War, colonists wanted:

- a) Recognition of their rights as British subjects
- b) More taxation on agricultural goods
- c) The recognition of a national language
- d) Large exports of trees from England
- e) A country free from British rule

Answer: a; Page 24; Skill: Understanding

27) The Declaration of Independence argues that if a government is a threat to the people:

- a) Citizens must accept that government as legitimate
- b) People can create a new government
- c) The original government never existed
- d) Colonists had to overthrow the King of England
- e) Citizens must move to another country

Answer: b; Page 25; Skill: Understanding

28) The examples of confederate government given by the author in this chapter included the first United States government and:

- a) China
- b) Ancient Greece
- c) India
- d) Canada
- e) The United Nations

Answer: e; Page 26; Skill: Understanding

29) The initial meeting to discuss modification of the Articles of Confederation took place in:

- a) Washington D.C.
- b) Annapolis
- c) New York
- d) Detroit



e) London

Answer: b; Page 29; Skill: Understanding

30) Which state voted against the Constitution during the ratification process?

- a) California
- b) New York
- c) Maine
- d) Rhode Island
- e) Pennsylvania

Answer: d; Page 39; Skill: Understanding

### True/False Questions

1) Shays's Rebellion was ended by armed forces dispatched by the governor.

Answer: True; Page 23; Skill: Understanding

2) Most of the Declaration of Independence was written by George Washington.

Answer: False; Page 24; Skill: Understanding

3) The issue of slavery was addressed and resolved by the Declaration of Independence.

Answer: False; Page 25; Skill: Understanding

4) In a confederation type of government, power is concentrated in a central power.

Answer: False; Page 26; Skill: Understanding

5) Under the Articles of Confederation, central government did not have the power and resources to defend American interests internationally.

Answer: True; Page 27; Skill: Understanding

6) During the time of the Articles of Confederation, Pennsylvania passed a state constitution which expanded voting rights for its citizens.

Answer: True; Page 28; Skill: Understanding

7) Delegates to the Constitutional Convention were mostly lower and middle class individuals.

Answer: False; Page 29; Skill: Understanding

8) During the Constitutional Convention, delegates agreed that a new constitution was necessary to replace the Articles of Confederation.

Answer: True; Page 30; Skill: Understanding

9) The New Jersey Plan proposed a legislature in which all states had equal representation.

Answer: True; Page 31; Skill: Understanding

10) The word “slavery” was listed in the Constitution 17 times.

Answer: False; Page 32; Skill: Understanding

### Essay Questions

1. What were the concerns over “an excess of democracy in the states” after the Revolution based upon? Evaluate the legitimacy of these concerns. (*Evaluation*)
2. Analyze what the “major flaws” in the Articles of Confederation were and how the Philadelphia Convention tried to correct them. (*Analysis*)
3. Compare and contrast the Virginia Plan and the New Jersey Plan and the compromise that was agreed to between these two plans. (*Evaluation*)
4. What are the basic features of the Constitution and how do they reflect eighteenth-century republican principles? (*Understanding*)
5. The checks and balances feature of the Constitution is sometimes blamed for governmental stalemate. Discuss why the framers believed checks and balances were important and if their reasons are as valid today as they were in 1787. (*Application*)
6. Explain the basis of the attack of the Anti-Federalists on the proposed Constitution. What influence, if any, did they have in the creation of the new government? (*Evaluation*)
7. How would an elimination of the Electoral College move the United States toward a more democratic system? (*Analysis*)
8. The U.S. Constitution is now over 220 years old. How has a system of government originally designed for a small, agricultural country been able to adapt to the needs of the world’s only super power? Do you believe that there will come a time when it will be necessary to scrap the current Constitution and come up with a new system in the same way the Founders scrapped the Articles of Confederation? If this were to happen, what do you think the major differences in the new system would be? (*Evaluation*)

## ***Chapter Three***

### ***Federalism***

#### Chapter Overview

- Federalism in democratic and eighteenth-century republican doctrines
- What federalism is and why we have it
- Conflicts over the meaning of federalism in the United States
- Advantages and disadvantages of federalism
- The impact of war and the threat of terrorism on federalism
- Federalism's place in the American democratic republic

Chapter Three opens with a brief account of the roles played by federal, state, and local government when Hurricane Katrina hit New Orleans in August 2005. While officials at all three levels were quick to blame one another for the destruction caused and the inadequacy of relief efforts, there is credible evidence that there were serious failings at all levels. The authors review the “core responsibilities” of each set of officials and assess how well they were carried out. Their larger purpose, however, is not to assign blame for the Katrina debacle, but to make the point that contemporary American federalism is a very complex system involving shared authority and responsibility over a wide range of areas.

Federalism is defined as a system where power is shared between a central government and smaller units such as states. It is contrasted with unitary systems and confederacies. The authors note that far more nations operate under unitary systems of government than under federal ones, but that a number of large, diverse nations have adopted federal systems similar to ours. There are several reasons for federalism's adoption here. After the American Revolution, most people identified with their states and were suspicious of centralized power and would not have been willing to accept a unitary form of government. Federalism was also a system that was highly compatible with the Founders' republican principles in the way it divides power by spreading it among different levels of government.

There has been debate since the nation's beginning over how exactly the Constitution divides the powers of government. Most of the Constitution describes powers that are given to the branches of the central government, but there are also a number of provisions regarding the states. The Constitution does not delegate specific powers to the states as it does to Congress, but the Tenth Amendment states that the powers not delegated to the central government or prohibited to the states are reserved to the states respectively, or to the people. The Constitution also describes the role to be played by the states in the ratification process, in the amendment process, in controlling their own boundaries, and in the selection of national officials. In addition, it provides that each state is to recognize the privileges and immunities of citizens from other states and to give full faith and credit to the acts and proceedings of other states. If a state is to enter into a compact with other states, the consent of Congress is required.

There has been ongoing debate since the nation's founding between those who believe that the national government should have broad powers (the nationalist position) versus those who believe that with the exception of those powers specifically delegated to the national government, power should be kept at the state level (the states' rights position). Support for the nationalist position can be found in the Constitution's preamble, and in the general welfare clause, the supremacy clause, and the necessary and proper (or elastic) clause. Those who take the nationalist position believe that central government, unless specifically prohibited from acting, has the power to address any problem that threatens the nation's peace and prosperity or the general welfare of its people.

Those who take the states' rights position believe the Constitution was intended to limit the powers of the central government to those that were specifically delegated to it. They believe the union was formed through a compact among the states. Some believe in the concept of dual sovereignty, the concept that the state and national governments have nonoverlapping areas of responsibility and that each is sovereign in its own area.

While the states' rights position enjoyed strong support through much of the nineteenth century, the nationalist position prevails largely today. The "Key Factors Changing Federalism" section of this chapter points to economic crises and wars as two of the major factors that have brought about increased support for the nationalist position. The failure of states to deal effectively with problems such as civil rights and environmental pollution have also been important factors resulting in popular pressure for national action.

The Supreme Court serves as the referee in the federal system when questions arise over the authority of either the state or national government to act in a specified area. Before the Civil War, some argued that individual states had the right to decide if national acts were constitutional or not. The outcome of the Civil War made clear that states were not sovereign entities free to disregard those federal edicts with which they did not agree. The constitutional amendments passed after the Civil War subordinated the states to new national standards. The "due process" and "equal protection" clauses of the Fourteenth Amendment placed especially significant restrictions on the states. The period since the Civil War has not been one of a steady expansion of federal power, however. Court decisions in the late nineteenth and early twentieth centuries limited the power of both the national and state government to act in many areas, especially in the regulation of business.

Since the late 1930s, the Court has tended to interpret national powers more broadly. The result has been the emergence of "marble cake" federalism, a system in which both state and national governments share responsibility in many policy areas. In some areas, the national government establishes mandates that the states must operate under, while in other cases it provides financial incentives to states to "voluntarily" comply with national standards. The authors provide brief descriptions of the different forms that federal aid has taken through various presidential administrations. During the 1980s and 1990s, the states assumed a prominent role as a national consensus emerged about the virtues of devolution. Whether this trend will continue, however, is problematic, since the war on terror, like all previous wars, has resulted in an expanded role for the national government.

An important element of contemporary federalism is the federal grant-in-aid. The national government has provided various types of assistance to state government from the nation's very beginning, but it was not until the middle part of the twentieth century that grants became a critical component of the federal system. The authors review the reasons for the recent popularity of grants and outline the different forms they can take. They also discuss the types of conditions states must meet to be eligible for the different types of grants as well. Other aspects of federalism discussed in this section include federal mandates and the doctrine of preemption.

The authors close this chapter with a review of the pros and cons of federalism. The pro arguments cited are the diversity of needs among the states, the states' closeness to the people, the opportunity given states for innovation and experimentation, and the training ground states can provide for women and minorities. The cons are that federalism makes it difficult to establish national standards, that state and local government has a low level of visibility and popular control, and the fact that the freedom to innovate and experiment can lead to competition and result in harmful spillover effects.

While acknowledging that democratic aspirations can find expression in the states, the authors argue that federalism on balance has acted as a constraint on democracy. Federalism has served the intent of the Founders by fragmenting government power and making it difficult for any faction, minority or majority, to dominate.

### Key Concepts and Objectives

Important concepts and objectives to stress in Chapter Three include:

- What federalism is, how it differs from other systems, and why the Founders chose it as a system for the United States;
- The difference between a states' rights interpretation of the Constitution and a nationalist interpretation, and the basic arguments used to support both interpretations;
- The importance of the Civil War in settling basic questions and reformulating the very nature of the federal union;
- The major Court decisions that have defined the respective powers of the state and national government and the limits on those powers;
- Why the scope of the national government expanded so dramatically in the twentieth century;
- The basic types of grant programs used by the national government to assist the states and the political significance of each type of program; and
- The key arguments for and against federalism, and the political reasons why some groups want more state autonomy while others want to strengthen the role of the national government.

## Lecture Outline

### THE EVER-CHANGING NATURE OF AMERICAN FEDERALISM

- 1) Why federalism?
  - a) Basic definition
  - b) Some earlier experiments, but federalism largely an American invention
  - c) Popular identification and support for states
  - d) Size and diversity of country
  - e) Dividing power between two levels of governments seen as check on tyranny
- 2) Debate over the nature of the federal union:
  - a) Compact entered into by states or a union established by the people
  - b) Nullification doctrine
- 3) Major constitutional provisions cited in debate over meaning of federalism:
  - a) Preamble to the Constitution
  - b) Supremacy clause
  - c) Necessary and proper clause
  - d) Interstate commerce clause
  - e) Tenth Amendment
- 4) Some issues settled by the Civil War:
  - a) Organic nature of the Union
  - b) National powers strengthened by Civil War amendments
- 5) Many questions remained regarding powers belonging to state and national governments:
  - a) Dual federalism
  - b) Role of the Supreme Court
  - c) The Great Depression and the Roosevelt Revolution
- 6) Fiscal federalism:
  - a) Reasons for growth of federal grant programs
  - b) Various forms grants can take
  - c) Other examples of interactions between state and national governments
  - d) The change from “layer cake” federalism to “marble cake” federalism

- 7) Key questions in assessing federalism—what level of government is:
- a) Best positioned to meet the major challenges confronting society?
  - b) Most free to experiment and test out new ideas?
  - c) Closest to the people and most responsive to the public will?
  - d) Most likely to protect basic freedoms and minority rights?
- 8) Prediction of future trends

### Terms

The following terms are the key terms listed at the end of Chapter Three:

Federalism  
Confederation  
Unitary system  
Supremacy clause  
Tenth Amendment  
Reservation clause  
Concurrent powers  
Horizontal federalism  
Interstate compact  
Nationalist position  
States' rights position  
Necessary and proper clause  
Dual federalism  
Nullification  
Preemption  
Civil War amendments  
Due process clause  
Equal protection clause  
Devolution  
Cooperative federalism  
Fiscal federalism  
Grants-in-aid  
Categorical grants  
Block grants  
General revenue sharing  
Conditions  
Mandate

Other terms that might require further elaboration include:

Waivers

Commerce clause  
“Elastic” clause  
Roosevelt’s “New Deal”  
Privileges and immunities clause  
Full faith and credit clause

### Discussion Questions

- A. Could an individual unfamiliar with American government get an accurate understanding of the respective roles of the state and national governments just by reading the Constitution? What are some of the important elements of contemporary federalism that are not discussed in the Constitution?
- B. In unitary systems like the one in France, a central ministry of education establishes the curriculum and standards that are used by every school in the nation. What are the advantages and disadvantages of such a system? Is the United States moving in this direction? Should it be?
- C. Many believe that the national government poses the greatest threat to individual liberties, but in *The Federalist Paper* No. 10, Madison argues that minority rights are more likely to be protected in a larger political system than in a smaller one. Review Madison’s reasoning and discuss whether or not the history of the United States offers any support of his thesis.
- D. Should a state in which same-sex marriages are illegal be forced to recognize such a marriage between people who have moved into that state from states where same-sex marriages are legal? In a highly mobile society, do you think states should have the right to respond to basic moral issues in significantly different ways?

### Other Class Activities and Research Projects

- A. One of the major arguments in favor of federalism is that conditions vary from region to region and that state governments are able to respond to these regional variations more effectively than the national government. Assign students to collect comparative data from resources like *The Book of the States* or the *Statistical Abstract of the United States* to compare state statistics on topics such as crime, education, health, poverty, and urbanization. After students report on their findings, ask them to discuss if the differences found support the case for greater state responsibility or national responsibility.
- B. Cooperative, or marble cake, federalism can be illustrated by using resources like *The Book of the States* or the *Statistical Abstract of the United States* to see the amount of federal aid that your state is receiving. Students can also be assigned to interview officials of local agencies to see what, if any, federal funding those agencies are receiving. Another assignment might be to prepare an inventory of all the programs at the university that receive federal funding or fall under federal mandates.



- C. To help see which level of government is really “closer to the people,” prepare a short quiz asking students to identify various state officials like the governor, lieutenant governor, and their state representative and senator, and then to name the president and vice president and their U.S. congressman and senator. You might also want to ask them to identify local officials like city councilmen, county commissioners, and school board members.
- D. Stage a debate between students supporting a nationalist interpretation of the Constitution and those who believe that the national government has gotten too powerful and that more power should be returned to the states.

### Multiple-Choice Questions

- 1) The Katrina debacle is discussed in the text for the purpose of illustrating:
- a) How out of touch Washington officials often are with local conditions
  - b) That local government is simply incapable of responding adequately to major disasters
  - c) That federalism is a very complex system that involves shared government responsibility in many areas
  - d) What happens when the Republicans are in control nationally and a crisis occurs in a state run by Democrats
  - e) The Department of Homeland Security needs more state involvement
- Answer: c; Page 44 - 47; Skill: Understanding
- 2) In their discussion of the Katrina disaster, the authors specifically fault the national government for:
- a) Failing to order the evacuation of New Orleans sooner
  - b) Encouraging development in low-lying coastal areas that were especially prone to flooding
  - c) Sending people to the Superdome without adequate supplies of food and water
  - d) Not properly maintaining the levee system built to protect New Orleans from flooding
  - e) Sending in too many soldiers to establish order
- Answer: d; Page 45; Skill: Understanding
- 3) The federal structure of the American system represents a compromise between:
- a) Republican and Democratic party principles
  - b) Conservative and liberal values
  - c) Centralized and highly decentralized government
  - d) Government efficiency and respect for individual rights
  - e) Large state and small state power advocates
- Answer: c; Page 47; Skill: Understanding

4) Local units of government, such as cities and counties, are different from states in that:

- a) They are not restricted by the Bill of Rights
- b) They are all pretty much the same and do not differ as much as states do
- c) Their boundaries can be changed without their consent
- d) They are prohibited from receiving direct aid from the national government
- e) They can declare their independence from the United States

Answer: c; Page 48; Skill: Analysis

5) The American federal system:

- a) Divides powers between the states and central government and gives each constitutional standing
- b) Divides power relatively equally among national, state, and local governments
- c) Gives the national government complete power over states
- d) In theory, gives ultimate sovereignty to the states
- e) Gives cities power over the states

Answer: a; Page 48; Skill: Understanding

6) In a confederation, power is concentrated:

- a) In small regional governments
- b) In a central government
- c) In a king or other type of monarch
- d) In a religious leader
- e) In a consensus amongst the people

Answer: a; Page 48; Skill: Understanding

7) In a unitary government, power is concentrated:

- a) In small regional governments
- b) In a central government
- c) In a king or other type of monarch
- d) In a religious leader
- e) In a consensus amongst the people

Answer: b; Page 48; Skill: Understanding

8) A country that has a unitary system of government is:

- a) Canada
- b) France
- c) Germany
- d) India
- e) Iraq

Answer: b; Page 48; Skill: Understanding

9) Modern federalism is largely a(n) \_\_\_\_\_ invention.

- a) French
- b) Russian
- c) English
- d) Portuguese
- e) American

Answer: e; Page 49; Skill: Understanding

10) Federal systems of government are most likely to be found in nations that are:

- a) Large and diverse
- b) Largely agricultural
- c) Wealthy and well educated
- d) About the same age as the United States
- e) Communist

Answer: a; Page 49; Skill: Understanding

11) The 18 nations operating under federal systems today have approximately \_\_\_\_\_ of the world's total population.

- a) 2%
- b) 33%
- c) 67%
- d) 72%
- e) 95%

Answer: b; Page 49; Skill: Understanding

12) Federalism can be viewed as an important component of eighteenth-century republicanism because it:

- a) Provides another way to fragment government power
- b) Promotes the principle of political equality
- c) Encourages experimentation and innovation in the states
- d) Helps assure greater popular control over government
- e) Gives cities a status in national government

Answer: a; Page 49; Skill: Understanding

13) Supporters of states' rights are most likely to point to the \_\_\_\_\_ of the Constitution to support their position.

- a) Commerce clause
- b) Supremacy clause
- c) Reservation clause
- d) Equal protection clause
- e) Full faith and credit clause

Answer: c; Page 50, 55; Skill: Understanding

14) The supremacy clause is contained in \_\_\_\_\_ of the Constitution.

- a) Article I
- b) Article III
- c) Article V
- d) Article VI
- e) Article VII

Answer: d; Page 50; Skill: Understanding

15) The reservation clause is contained in \_\_\_\_\_ of the Constitution.

- a) The 1<sup>st</sup> Amendment
- b) The 5<sup>th</sup> Amendment
- c) The 10<sup>th</sup> Amendment
- d) The 15<sup>th</sup> Amendment
- e) The 20<sup>th</sup> Amendment

Answer: c; Page 50; Skill: Understanding

16) Whether one state would have to recognize same-sex marriages that have been performed in another state will be determined by how the Courts choose to interpret the:

- a) Privileges and immunities clause
- b) Full faith and credit clause
- c) Due process clause
- d) General welfare clause
- e) Commerce clause

Answer: b; Page 53; Skill: Understanding

17) The Constitution gives states a major role to play in:

- a) Amending the Constitution
- b) Overseeing the federal judiciary
- c) Ratifying treaties
- d) Determining citizenship requirements
- e) Declaring war

Answer: a; Page 51; Skill: Understanding

18) In *McCulloch v. Maryland*, the Supreme Court cited the necessary and proper clause in upholding Congress's right to:

- a) Regulate slavery
- b) Declare state laws unconstitutional
- c) Annex new territory
- d) Incorporate a national bank
- e) Question suspected terrorists

Answer: d; Page 57; Skill: Understanding

19) According to the doctrine of \_\_\_\_\_, when the national government has acted on a certain subject, the states cannot do anything that might interfere with that action.

- a) Paramount necessity
- b) Devolution
- c) Preemption
- d) Nullification
- e) Inferiority

Answer: c; Page 57 - 58; Skill: Understanding

20) According to Chief Justice John Marshall, states cannot tax activities of the national government because:

- a) Of the restrictions placed on states in Section 10 of Article 1
- b) The power to tax involves the power to destroy
- c) Such a tax would constitute taxation without representation
- d) States seeking money from the national government should obtain it through congressional appropriations, not through taxes
- e) States have no constitutional power to tax

Answer: b; Page 57; Skill: Understanding

21) Even though the Constitution does not specifically give Congress the right to tell private businesses with whom they must do business, the Supreme Court has ruled that Congress does have this authority under the:

- a) Interstate commerce clause
- b) The due process clause
- c) Equal protection clause
- d) Elastic clause
- e) 5<sup>th</sup> Amendment

Answer: a; Page 60; Skill: Application

22) What nineteenth-century event dramatically enhanced the authority of the national government over that of the states?

- a) The War of 1812
- b) The Missouri Compromise
- c) The Civil War
- d) The Sherman Anti-Trust Act
- e) The American Revolution

Answer: c; Page 58; Skill: Understanding

23) Most of the provisions of the Bill of Rights now apply to state governments as well as the national government because of the passage of the:

- a) Thirteenth Amendment
- b) Fourteenth Amendment
- c) Fifteenth Amendment
- d) Sixteenth Amendment
- e) Eighteenth Amendment

Answer: b; Page 58; Skill: Understanding

24) Which of the following statements is true?

- a) From the Civil War to the present, the Supreme Court has consistently supported an expanded role for the national government.
- b) In the late nineteenth and early twentieth centuries, the Supreme Court struck down a number of national efforts to regulate business.
- c) In the late twentieth century, the Supreme Court declared congressional efforts to pass voting rights laws unconstitutional.
- d) From the Civil War to the present, the Supreme Court has been the branch of government most supportive of states' rights.
- e) In the eighteenth century, the Supreme Court expanded suffrage to include all individuals residing in the United States.

Answer: b; Page 61; Skill: Analysis

25) Support for devolution during the 1980s and 1990s was based on a belief that:

- a) State and local governments were fast becoming obsolete
- b) Only the national government had the fiscal resources to deal effectively with most of society's problems
- c) State and local governments were more effective and responsive than the national government
- d) Citizens were more likely to be informed about national issues than about state and local issues
- e) Government needed the consent of the media to operate

Answer: c; Page 61; Skill: Understanding

26) The metaphor of the marble cake is used to help make the point that in contemporary American federalism:

- a) There are few clear lines of separation between state and national responsibilities
- b) State governments no longer have any real power or independence
- c) The real division today is the division between black America and white America
- d) States have the ability to blur and distort the purposes of national legislation
- e) Most politicians have a culinary background.

Answer: a; Page 64; Skill: Understanding

27) One of the earliest examples of a national government grant was provided under the Northwest Ordinance of 1787 to help states support:

- a) Education
- b) Transportation
- c) Better sanitation
- d) Health care
- e) Prison overpopulation

Answer: a; Page 64 - 65; Skill: Understanding

28) George W. Bush gave a “big boost to the power, cost, and scope of the federal government” through his:

- a) “No Child Left Behind” reform
- b) Relaxation of environmental regulations
- c) Efforts to reform welfare
- d) Large tax cuts
- e) War on terror initiative

Answer: a; Page 61 - 62; Skill: Understanding

29) One major argument for national pollution laws is that:

- a) The negative effects of air and water pollution cross state boundaries
- b) Only the national government has the expertise to deal with pollution
- c) Pollution conditions vary greatly and require a flexible response
- d) Local officials have never shown any real concern over pollution
- e) Pollution is greatest in Washington D.C.

Answer: a; Page 67 - 68; Skill: Analysis

30) Which of the following statements is true?

- a) In recent years, the Democratic Party has generally favored limiting the powers of the national government and giving more power back to the states.

- b) Federalism serves the democratic ideal by fragmenting government power among a national government and 50 state governments.
- c) The 9/11 terrorist attacks and bad economic times have made people turn to their state governments for support more than ever before.
- d) Devolution refers to the delegation of power by the national government back to state and local bodies.
- e) Throughout their existence, the Republican Party has supported expansions in national government.

Answer: d; Page 61; Skill: Understanding

### True/False Questions

- 1) The author placed the blame for the Katrina debacle completely on the national government.

Answer: False; Page 45 - 47; Skill: Understanding

- 2) Federalism is a system of government under which significant government powers are divided between the central government and smaller units.

Answer: True; Page 48; Skill: Understanding

- 3) The first American government after declaration of independence from Britain was a confederation.

Answer: True; Page 48; Skill: Understanding

- 4) The United States is too large to be a unitary government.

Answer: True; Page 49; Skill: Understanding

- 5) State constitutions define the limits of national government.

Answer: False; Page 50; Skill: Understanding

- 6) States decide the qualifications for voters that choose the House of Representatives.

Answer: True; Page 51; Skill: Understanding

- 7) Each state is required to give “full faith and credit” to the public acts, records, and judicial proceedings of every other state.

Answer: True; Page 53; Skill: Understanding



8) Most Americans wanted the state governments to unite and do something to get us out of the deep recession of 2008–2009.

Answer: False; Page 54; Skill: Understanding

9) Nationalists believe the states have the ability to resolve any political or economic problem.

Answer: False; Page 55; Skill: Understanding

10) The Thirteenth Amendment abolished slavery.

Answer: True; Page 58; Skill: Understanding

### Essay Questions

1. What was the original rationale for establishing a federal system of government for the United States? Can the same arguments used to support federalism in 1787 still be applied today? Are there arguments for federalism today that would not have been valid in 1787? (*Analysis*)
2. Identify the forces most responsible for the growth of the national government in the twentieth century. Was this growth inevitable? Discuss the reasons why the Supreme Court became more willing to support an expanded role for the national government after the 1930s. (*Application*)
3. The Constitution stipulates certain obligations that states have toward one another. Identify what these obligations are and give specific examples of each. (*Analysis*)
4. Identify and explain the meaning of those constitutional provisions that are the basis of the argument for a nationalist interpretation of the Constitution. What are the provisions most likely to be cited by proponents of the states' rights position? (*Application*)
5. The authors contend that American federalism constrains democracy in several ways. What are they? Do you believe America would be more democratic if all power were vested solely in the national government and not shared with the states? Discuss. (*Evaluation*)
6. Explain how the Civil War can be viewed as a war over the meaning of federalism. In what way was the debate over slavery prior to the war a debate over federalism? How did the outcome of the war redefine the meaning of the American democratic republic? (*Application*)
7. How could states use their reserved powers to block or alter the administration of economic stimulus funds? (*Application*)

8. How could a change in state borders impact federal elections? Is this possible for any portion of American government to accomplish? (*Application*)
9. How would an end to the Great Recession affect the balance of power between the national and state governments? (*Evaluation*)
10. How would civil rights policies have evolved without the increased powers of the national government in the 20<sup>th</sup> century? (*Analysis*)

## ***Chapter Four***

### ***Civil Liberties***

#### Chapter Overview

- Why liberty is important in both democratic and eighteenth-century republican doctrines
- How liberties were gradually applied to the states by the Supreme Court
- How the Supreme Court's interpretation of the meaning of liberties has changed
- How the struggle for democracy has increased the enjoyment of liberties in the United States
- How the war on terrorism may affect civil liberties

The chapter begins with a listing of incidents on college campuses involving efforts to restrict the right of free expression. The authors note that colleges have become major battle grounds over the meaning of free speech as colleges enact speech codes that prohibit speech that some groups may find offensive. The issue in such cases is the right of the college to establish a campus climate in which all will feel welcome while accommodating those individuals who wish to exercise their right of free expression. By and large in these cases, the courts side with the civil libertarians.

That government should safeguard basic individual rights is something about which both eighteenth-century republicans and democrats agreed. The Preamble to the Constitution declares that the purpose of establishing a federal union was to “secure the blessings of liberty.” Congress is specifically prohibited in Article 1 from suspending the writ of *habeas corpus* and passing bills of attainder and *ex post facto* laws. A more extensive listing of the rights recognized by government is provided in the Bill of Rights. The list of all the things actually covered by these basic rights has grown significantly over the course of the nation's history. The authors emphasize that in the nineteenth century, the Court gave great emphasis to economic liberty. Originally, the Bill of Rights provided protection only from the national government, and not from the states.

The Civil War amendments were passed to protect the rights of the newly freed slaves, but for the remainder of the nineteenth century, the Supreme Court used the Fourteenth Amendment's due process clause more to protect business than it did to protect the rights of African Americans. After the 1930s, the Court stopped using the Fourteenth Amendment as a reason to stop states from regulating business and began to use its due process and privileges and immunities clauses to apply the Bill of Rights to the states through a process known as selective incorporation. The Court exercises “strict scrutiny” over those state actions that contradict specific rights guaranteed by the Constitution, restrict the democratic process, or discriminate against racial, ethnic, or religious minorities.

In the next section of Chapter Four, a series of court decisions on First Amendment rights of free expression are examined. The authors call political speech the first principle of a free and democratic society but acknowledge that free speech is not absolute. They review instances in

which the Court has upheld restrictions on free speech (speech that represents a clear and present danger, for example) and note that not all forms of expression have the same protection as pure political speech. A series of cases that show how the Court has interpreted freedom of the press are also reviewed. Special attention is given to prior restraint and the issue of pornography.

The First Amendment guarantees freedom of religion as well as freedom of expression. The authors summarize Court rulings on both the free exercise and the establishment clause. In interpreting the free exercise clause, the Court has ruled that government may never interfere with religious belief but that religious actions do not have absolute protection. In their discussion of the establishment clause, the authors review the criteria established in the Lemon test and then show how those criteria have been applied in several recent cases.

There is also a section on the right of privacy. The authors briefly review the legal reasoning in the *Griswold* and *Roe* cases, the first cases in which the Court recognized that a right to privacy exists. They indicate that it is not yet clear how the Court will apply this reasoning to issues such as the right to die through physician-assisted suicide.

The longest section of Chapter Four is devoted to the rights of the accused. The authors provide summaries and commentary of landmark cases dealing with such topics as illegal searches and seizures (*Mapp v. Ohio*), self-incrimination (*Miranda v. Arizona*), the right to counsel (*Powell v. Alabama* and *Gideon v. Wainwright*), and capital punishment (*Furman v. Georgia*). They then trace how the due process rights first recognized by the Warren Court have been modified by the Burger and Rehnquist Courts.

The major recent event affecting the protection of basic civil liberties has been the war on terrorism. The authors review the major provisions of the USA Patriot Act and other actions taken by government since the 9/11 attacks, and find that they have restricted individual liberties in significant ways. They conclude that the direction that civil liberties will take as a result of the war on terrorism is hard to predict.

In their conclusion to this chapter, the authors again make the point that the protection of individual liberty is a foundational principle of both eighteenth-century republicanism and democratic theory. After acknowledging an enormous expansion of freedom during the nation's history, they add two caveats: 1) While civil liberties are fairly well protected, not all people have the capacity or resources to use them effectively; 2) While all Americans enjoy freedom of expression as a formal right, only a handful can make their voices heard in an effective way.

### Key Concepts and Objectives

Important concepts and objectives to stress in Chapter Four include:

- The competing values involved in the current debate over campus speech codes;
- The protection of individual liberty as a foundational principle of both eighteenth-century republicanism and democratic theory;

- Those provisions of the Constitution that were designed to prevent government from infringing on the rights of the people;
- The Court’s almost exclusive focus on economic liberty during much of the nineteenth century;
- The importance of the Fourteenth Amendment, both in regard to the different kinds of rights it has been used to protect, and as the vehicle used by the Court to apply the Bill of Rights to the states;.
- The importance of the right of free expression in a democratic society and the circumstances under which these rights might be limited;
- The difference between the First Amendment’s two religious clauses (expression and establishment) and how they are currently interpreted;
- The existence of certain inherent rights that are not explicitly stated in the Constitution;
- Why the expansion of due process rights under the Warren Court engendered so much controversy and how later Courts have modified some of the Warren Court decisions;
- What new restrictions have been imposed on individual rights since the 9/11 terrorist attacks; and
- The ways in which 9/11 has “changed the world forever”—will the American public want greater security even at the cost of additional restrictions on traditional civil liberties?

## Lecture Outline

### INALIENABLE RIGHTS

- 1) The Declaration of Independence states that governments are established to secure our inalienable rights, but what are these rights?
  - a) The original Constitution contained no listing of rights—the Founders assumed these were unnecessary because the national government was to be one of such limited powers
  - b) The failure to include such guarantees became the source of heated debate during the ratification process, so one of the first acts of Congress was to offer the amendments that would become the Bill of Rights
  - c) Originally, the Bill of Rights limited the actions of only the national government
  - d) Marshall’s *Barron v. Baltimore* decision
  - e) Ratification of the Fourteenth Amendment in 1868 provided means to selectively apply Bill of Rights to the states
    - i) *Gitlow v. New York* (1925), Supreme Court rules that states are also bound by First Amendment provisions guaranteeing freedom of expression
- 2) Free speech is essential to democracy, but the First Amendment free speech clause has never been interpreted by the Supreme Court as an absolute freedom. Examples of speech that can be regulated include:

- a) Libel and slander
  - b) Obscenity
  - c) Commercial speech
  - d) Actions that create a “clear and present danger”
- 3) Symbolic speech also enjoys First Amendment protection, but since symbolic speech often involves some form of action, the state has more leeway in regulating
- 4) The Court also has never recognized freedom of the press as absolute but sets a very high standard for prior restraint
- a) Pentagon papers case (*New York Times v. U.S.*, 1971)
  - b) Libel and slander are not protected by the First Amendment, but the Court has set very high standards of proof, demanding evidence of “actual malice” when the plaintiffs are public officials or public figures
  - c) Obscenity is not protected by the First Amendment, but the Court has had great difficulty defining obscene materials
- 5) The First Amendment has two clauses pertaining to religion—the establishment and free exercise clauses. The two sometimes conflict because providing for the free exercise of religion may constitute an establishment of religion if it entails any special treatment for a religious group.
- a) School prayer cases
  - b) Child benefit theory
  - c) Individuals are free to hold any belief they wish but the Court has upheld laws that limit certain religious practices, such as polygamy
- 6) Due process rights in criminal proceedings:
- a) Fourth Amendment
    - i) Prohibits unreasonable searches and seizures
  - b) Fifth Amendment rights prohibit forced self-incrimination; burden of proof lies with the government
    - i) Has had broad application to testimony and interrogation
    - ii) Miranda Rights (*Miranda v. Arizona*, 1966)
      - (1) Set guidelines for police questioning
      - (2) Right to remain silent, right to counsel
      - (3) Prohibits entrapment, as well
  - c) Sixth Amendment rights
    - i) Right to counsel, speedy trial, impartial jury
    - ii) Right to counsel did not apply to states until 1932, in cases of capital crimes, and in 1963 for felonies.
    - iii) Right extended to all cases where imprisonment a possibility (*Gideon v. Wainwright*)

- iv) Speedy trial, vague meaning—most cases end in plea bargain, anyway
  - v) Jury—no set size, unanimous vote not required by Constitution; different among the states
  - d) Eighth Amendment
    - i) Forbids cruel and unusual punishment, and excessive bail or fines
- 7) The right to privacy is not specifically mentioned in the Constitution; unstated liberties implied by explicitly stated rights in the Third, Fourth, and Ninth Amendments.
- a) *Griswold v. Connecticut* (1965) overturned ban on contraceptives
  - b) *Roe v. Wade* (1973) overturned state ban on abortion
  - c) Modifications in *Roe*
  - d) Extension to other areas (physician-assisted suicide)

### Terms

The following terms are the key terms listed at the end of Chapter Four:

Civil liberties  
*Habeas corpus*  
 Bill of attainder  
*Ex post facto* law  
 Economic liberty  
 Full faith and credit clause  
 Contract clause  
 Due process clause  
 Selective incorporation  
 Privileges and immunities clause  
 Nationalizing  
 Incorporation  
 Ordinary scrutiny  
 Strict scrutiny  
 Prior restraint  
 Obscenity  
 Free exercise clause  
 Establishment clause  
 Exclusionary rule  
 Probable cause  
 Miranda rule  
 Capital crime

Other terms that might require further elaboration include:

Campus speech codes

Political speech  
Symbolic speech  
“Takings clause”  
Shield laws  
“Red scare”  
Lemon test  
Creationism  
Intelligent design  
Inherent rights  
USA Patriot Act  
Capital crime

### Discussion Questions

- A. Ask the class if they can think of any situations where the free exercise clause and the establishment clause might come in conflict with each other. An example might be a church group wanting to hold an Easter sunrise service in a large public park area, the only space in the community that can reasonably accommodate the event.
- B. Are the rights listed in the Bill of Rights absolute rights or is their meaning subject to continuous reinterpretations by different courts?
- C. Would government have an easier time catching terrorists if it did not have to follow so many rules and procedures designed to protect individual rights? How many of you would be willing to give up a few of your rights if you were sure it would increase our collective safety? Which right might you be willing to give up?
- D. Has 9/11 changed the world forever? Will the American public want greater security even at the cost of additional restrictions on traditional civil liberties? Find out what public opinion surveys have found about the level of public support for strictly observing all the procedural rules discussed in the text. If you find that levels of support have varied over time, try to explain why.

### Other Class Activities and Research Projects

- A. If your campus has a campus speech code or a designated free speech area, invite a representative in from the student affairs office to talk about why the university established the rules that it did regarding free speech.
- B. There have been a number of studies that suggest many Americans are not deeply committed to the protection of basic civil liberties. Lead the class in developing several hypothetical situations in which unpopular groups are claiming rights under the Constitution and then have students go out and survey friends and family members to see how many would be willing to support these claims.



- C. Have students visit the Web site of the American Civil Liberties Union to find out the major cases to which the ACLU is currently a party. Ask students to predict whether or not the ACLU's position will be upheld by the Courts based on the past Court decisions discussed in the text.
- D. Organize a class debate on torture and whether its use can ever be justified. Another question to debate is whether rules against terror should only apply to certain categories of people but not to others.

### Multiple Choice Questions

- 1) While early republican leaders saw the protection of individual freedom as the very reason why republican government was formed in the first place, they:
- a) Held a relatively narrow view of individual freedoms
  - b) Were not particularly concerned with the threat the national government might pose to freedom
  - c) Soon came to see that equality was just as important a political value as was liberty
  - d) Did not view property rights to be as important as political rights
  - e) Refused to ensure any rights as absolute

Answer: a; Page 76; Skill: Understanding

- 2) The delegates to the Philadelphia Convention did not believe most basic rights needed to be afforded specific constitutional protection because:
- a) The basic structure of government they had designed would provide such protection
  - b) It was inconceivable to them that a government "of the people" would threaten individual rights
  - c) The national government lacked any real power to interfere with individual rights
  - d) State governments would protect individual rights
  - e) They intended to add a Bill of Rights to the Constitution after passage

Answer: a; Page 77; Skill: Understanding

- 3) Article 1, Section 9 specifically prohibits Congress from passing:
- a) Laws respecting the establishment of religion
  - b) Bills of attainder or *ex post facto* laws
  - c) Laws to regulate commerce among the states
  - d) Restrictions on free speech
  - e) Laws regulating interstate commerce

Answer: b; Page 77; Skill: Understanding

- 4) The Marshall Court relied heavily on the \_\_\_\_\_ to defend property rights from interference by the states.
- a) Interstate commerce clause in Article 1, Section 8
  - b) *Habeas corpus* clause in Article 1, Section 9
  - c) Contract clause in Article 1, Section 10
  - d) Equal protection clause of the Fourteenth Amendment
  - e) The warrant requirement of the Fourth Amendment

Answer: c; Page 79; Skill: Understanding

- 5) Which of the following can only be suspended when public safety demands it because of rebellion or invasion?
- a) *Ex post facto* law
  - b) *Habeas corpus*
  - c) Bill of attainder
  - d) Exclusionary rule
  - e) Miranda rule

Answer: b; Page 77; Skill: Understanding

- 6) In *Lochner v. New York* (1905), the Supreme Court ruled that a law \_\_\_\_\_ violated the clause of the Fourteenth Amendment prohibiting a state from denying an individual his liberty without due process of law.
- a) Prohibiting stores from selling goods on Sunday
  - b) Establishing compulsory schooling
  - c) Setting a maximum 60-hour work week
  - d) Regulating child labor
  - e) Establishing a labor union

Answer: c; Page 81; Skill: Understanding

- 7) The case in which the Supreme Court first applied the First Amendment's freedom of speech provision to the states was:
- a) *Barron v. Baltimore*
  - b) *Fletcher v. Peck*
  - c) *Gitlow v. New York*
  - d) *Lemon v. Kurtzman*
  - e) *United States v. Lopez*

Answer: c; Page 85; Skill: Understanding

- 8) At issue in the case of *New York Times v. United States* was the right of government to:
- a) Prosecute a newspaper for publishing classified information
  - b) Classify for security reasons information that might be politically damaging

- c) Block publication of secret war documents
- d) Fire a federal employee for leaking classified information
- e) Establish a federal newspaper

Answer: c; Page 88 - 89; Skill: Understanding

9) According to the authors of the text, the protection of individual liberty:

- a) Is a foundational principle of both republicanism and democratic theory
- b) Was rarely seen as an important issue until the twentieth century
- c) Was of much greater concern to Democrats than to Republicans
- d) Was originally only a concern of the national government and not the state governments
- e) Was a task best managed by the courts

Answer: a; Page 107; Skill: Understanding

10) In the nineteenth century, the range of protected liberties differed somewhat from their range today. Especially noteworthy was the special prominence given to:

- a) Religious freedom
- b) Economic liberty
- c) The rights of the accused in criminal proceedings
- d) The right to bear arms
- e) Police powers of the states

Answer: b; Page 107; Skill: Understanding

11) “Selective incorporation” refers to how the Supreme Court:

- a) Used the due process clause to extend coverage of economic freedoms
- b) Applied some parts of the Bill of Rights to the states but not others
- c) Determined the kinds of speech that are protected by the First Amendments and what kinds are not
- d) Defined the “privileges and immunities” that are protected by the Fourteenth Amendment
- e) Selects nominees for congressional seats

Answer: b; Page 81; Skill: Understanding

12) When the Supreme Court employs “strict scrutiny” in reviewing a state action:

- a) It starts with the assumption that the state’s action is unconstitutional
- b) It imposes a much higher standard that those challenging the constitutionality of the state’s action must meet
- c) All nine Supreme Court justices must explain in writing why they voted as they did
- d) There is no chance that the Court will be willing to uphold the constitutionality of the state’s action
- e) The Court assumes the state’s action is constitutional

Answer: a; Page 84; Skill: Understanding

13) According to the Supreme Court, government cannot pass laws against:

- a) Shouting “Fire!” in a crowded theater
- b) Possessing child pornography
- c) Burning an American flag
- d) Misleading advertising materials
- e) Committing murder

Answer: c; Page 86; Skill: Understanding

14) In *Miller v. California*, the Supreme Court developed a three-pronged test for determining if material was legally obscene. Which of the following standards was NOT part of the Miller test?

- a) The average person, applying contemporary community standards, must find that the work as a whole appeals to prurient interests
- b) The law must specifically define the sexual conduct that will be considered obscene
- c) There must be some evidence that the material in question is likely to cause an individual to engage in illegal acts such as rape
- d) The work as a whole must lack serious literary, artistic, political, or scientific value
- e) All of these are part of the Miller test

Answer: c; Page 89; Skill: Understanding

15) In its rulings on obscenity, the Rehnquist Court:

- a) Has taken the position that deciding what is obscene should be left to elected legislators
- b) Took the position that, because of its Judeo-Christian heritage, the country has the right to establish Biblically based moral standards
- c) Overturned the *Miller v. California* decision and replaced it with one based on national standards
- d) Ruled that Congress’s 1996 efforts to regulate pornography on the Internet was unconstitutional
- e) Ruled that all indecent material on the internet was permitted in institutions of higher learning

Answer: d; Page 90; Skill: Understanding

16) Which of the following was NOT part of the three-pronged Lemon test used by the Supreme Court to determine if a law violates the Establishment Clause of the First Amendment?

- a) The law must have a secular purpose.
- b) The law must not involve the expenditure of public funds.
- c) The primary effect of the law must be neither to advance nor retard religion.
- d) The law must not foster excessive entanglements between state and religion.

e) All of these are part of the Lemon test.

Answer: b; Page 92 - 93; Skill: Understanding

17) In *Barron v. Baltimore*, the Supreme Court ruled that:

- a) The Bill of Rights protected Americans against state action
- b) The city of Baltimore had denied Barron due process of law
- c) The Bill of Rights did not apply to state governments
- d) The only part of the Bill of Rights that applied to the states was the First Amendment
- e) Article IV of the Constitution did not apply to the states

Answer: c; Page 79; Skill: Understanding

18) The Fourteenth Amendment provides that no state may deny a person:

- a) Due process and equal protection of the laws
- b) Any of the rights listed in the Bill of Rights
- c) The right to vote
- d) The right to an attorney
- e) The right of free speech

Answer: a; Page 80 - 81; Skill: Understanding

19) According to the Supreme Court, which of the following acts violates the Establishment Clause of the First Amendment?

- a) A city that provides school vouchers to parents who use them to send their children to church-connected schools
- b) A state program that reimburses parents for bus transportation to parochial schools
- c) A state university that provided a subsidy to a student religious publication
- d) All of the above violate the Establishment Clause
- e) None of the above violates the Establishment Clause

Answer: b; Page 92 - 93; Skill: Understanding

20) In the case of \_\_\_\_\_, the Supreme Court ruled that a New York law requiring students to recite a nondenominational prayer at the start of each school day was unconstitutional.

- a) *Zorach v. Clawson*
- b) *Lee v. Weisman*
- c) *Engel v. Vitale*
- d) *Minersville School District v. Gobitis*
- e) *Stone v. Graham*

Answer: c; Page 94; Skill: Understanding

21) The rule that illegally obtained evidence cannot be used in court is known as the \_\_\_\_\_ rule.

- a) fair trial
- b) exclusionary
- c) *habeas corpus*
- d) clear and present danger
- e) mandatory warrant

Answer: b; Page 99; Skill: Understanding

22) The Supreme Court recognized a right to privacy in the case of *Griswold v. Connecticut* and struck down a state law making \_\_\_\_\_ illegal.

- a) abortion
- b) gambling
- c) birth control
- d) possession of pornography
- e) gun ownership

Answer: c; Page 96; Skill: Understanding

23) The Court placed severe restrictions on a state's right to regulate abortion in the case of:

- a) *Roe v. Wade*
- b) *Mapp v. Ohio*
- c) *Knowles v. Iowa*
- d) *Furman v. Georgia*
- e) *United States v. Texas*

Answer: a; Page 96; Skill: Understanding

24) The text suggests that there is current controversy over whether the right of privacy should be extended to:

- a) The smoking of marijuana
- b) Doctor-assisted suicides
- c) Providing support to terrorist groups
- d) Attorney-client conversations
- e) Burning of the American flag

Answer: b; Page 97 - 98; Skill: Understanding

25) The Supreme Court under \_\_\_\_\_ greatly expanded the due process rights of those accused of criminal activities.

- a) Roger Taney
- b) Earl Warren
- c) Warren Burger
- d) William Rehnquist
- e) John Marshall

Answer: b; Page 99; Skill: Understanding

26) Which of the following constitutes an “unreasonable search and seizure” according to the Supreme Court?

- a) Searching through garbage cans that were set out for collection
- b) Peering through a gap in a window’s blinds to monitor illegal activity
- c) Acting in “good faith” with a search warrant the police believed was valid but that turned out not to be valid
- d) Using high-tech devices to check for high intensity lights that are used in growing marijuana
- e) Searching a person that after authorities witnessed in the commission of a crime

Answer: d; Page 100; Skill: Understanding

27) When police read a suspect his Miranda rights, they are informing him of his Fifth Amendment protection against:

- a) Illegal search and seizure
- b) Self-incrimination
- c) Cruel and unusual punishments
- d) Bills of attainder
- e) Taking of property without just compensation

Answer: b; Page 100; Skill: Understanding

28) What happened to Clarence Gideon after his conviction was overturned on the grounds that he had not been given a court-appointed attorney during his trial?

- a) He had to be released though police remained certain he was guilty.
- b) He negotiated a plea bargain rather than go to trial again.
- c) He was retried and again convicted.
- d) He was retried with the assistance of an attorney.
- e) He fled the country before his retrial.

Answer: d; Page 100; Skill: Understanding

29) In March 2006, the USA Patriot Act was:

- a) Declared unconstitutional by the Supreme Court
- b) Renewed with only minor changes in its basic provisions
- c) Renewed with greatly expanded powers given to the president
- d) Repealed in its entirety
- e) Allowed to expire

Answer: b; Page 105; Skill: Understanding

30) In 1972 the Supreme Court found that capital punishment, as then practiced, constituted cruel and unusual punishment in the case of:

- a) *Powell v. Alabama*
- b) *Furman v. Georgia*
- c) *Stanford v. Kentucky*
- d) *Gregg v. Georgia*
- e) *Brown v. Board of Education*

Answer: b; Page 101; Skill: Understanding

### True/False Questions

1) Civil liberties are freedoms protected by constitutional provisions, laws, and practices from certain types of government interference.

Answer: True; Page 76 - 77; Skill: Understanding

2) Federalists originally intended to include a Bill of Rights in the United States Constitution.

Answer: False; Page 78; Skill: Understanding

3) The full faith and credit clause obligated each state to recognize contracts and other legal obligations entered into by its citizens with citizens or legal bodies in other states.

Answer: True; Page 79; Skill: Understanding

4) Before the Civil War, courts in the North rejected the right of slaveholders to recapture fugitive slaves.

Answer: False; Page 80; Skill: Understanding

5) The due process clause establishes that no state “may deprive a person of life, liberty, or property, without due process of law.”

Answer: True; Page 81; Skill: Understanding

6) Selective incorporation is the process by which Congress applies the Bill of Rights to the states.

Answer: False; Page 81; Skill: Understanding

7) As of 2008, the right to own a gun is considered an individual right.

Answer: True; Page 82; Skill: Understanding



8) Under ordinary scrutiny, the Supreme Court assumes that state action is unconstitutional unless proven otherwise.

Answer: False; Page 84; Skill: Understanding

9) Prior restraint restricts the publication of a news story before it occurs.

Answer: True; Page 88; Skill: Understanding

10) There is no federal law that protects news reporters from revealing their news sources.

Answer: True; Page 89; Skill: Understanding

### Essay Questions

1. The protection of individual liberty is a foundational principle of both eighteenth-century republicanism and democratic theory, but for somewhat different reasons. Compare how a proponent of democracy would value certain liberties with how a person committed to eighteenth-century republican principles would value them. (*Analysis*)
2. What type of liberty was the Court most interested in protecting through most of the nineteenth century? Explain why you believe the Court chose this emphasis as opposed to others. (*Evaluation*)
3. Are the rights of free expression contained in the First Amendment absolute rights? What, if any, are the circumstances under which the Supreme Court has upheld the right of government to place restrictions on the freedom of speech and the freedom of the press? (*Evaluation*)
4. Where did the right to privacy come from? Identify the cases in which it first appeared and summarize the arguments both for and against the way it has been interpreted by the Court. (*Understanding*)
5. Are the rights listed in the Bill of Rights absolute rights or is their meaning subject to continuous reinterpretations by different courts? (*Analysis*)
6. List the basic due process rights that the Supreme Court has determined a person accused of a crime should have and explain what happens if one of these rights is violated. (*Application*)
7. What steps should Congress take in order to protect children using the internet? If any are necessary, how would these steps be implemented within the framework set up by the Supreme Court concerning the First Amendment? (*Application*)

8. Explain the process of the creation of a new liberty by the Court. What is an example of a new right that could be implemented by the Court? (*Application*)
9. Explain the arguments of the states and the Supreme Court in the recent gun ownership litigation in *District of Columbia v. Heller*. What type of scrutiny will the Court likely use in determining gun laws in the future? Why? (*Application*)
10. What effect will technological advances have on the application of the right of privacy? (*Application*)

## ***Chapter Five***

### ***Civil Rights***

#### Chapter Overview

- Why civil rights are important in a democracy
- Civil rights in the eighteenth-century republican Constitution
- How and why civil rights protections expanded

Chapter Five opens with a review of recent trends in school desegregation. Prior to the Court's 1954 *Brown* decision, most black children in the South attended legally segregated school systems. While the dismantling of *de jure* segregation took several decades, by 1988, only one in four black children in the South were attending schools that were more than 90 percent black. Since then, the trend has reversed. The authors write that the reason for this reversal was the Court's decision to lift busing orders and other Court-ordered remedies to promote integration where school districts had made a "good-faith" effort to end the effects of *de jure* segregation. That schools started to become more segregated again after these Court-ordered remedies were dropped should have been expected since most blacks and whites live in racially homogeneous neighborhoods. The authors note that opinions differ over the importance of having integrated schools and that it remains to be seen what the consequences will be of the resegregation of many schools.

Civil rights are defined as government guarantees of equality and equal treatment. Civil liberties are inherent rights or basic human freedoms that governments should interfere with only in extraordinary situations. Civil rights refer to the right of people to have equal access to public services like education and to fair treatment in many different areas of life. Aside from a provision stating that all Americans are equally entitled to due process of law, the original Constitution says nothing about equality and the government's obligation to enforce civil rights.

The authors briefly describe the lack of political equality that both African Americans and women experienced before the Civil War. Most unprotected were those African Americans who were slaves. The Court's *Dred Scott* decision in 1857 explicitly stated that slaves had no rights that whites or government were obliged to respect. At the conclusion of the Civil War, the Constitution was amended to outlaw slavery (Thirteenth Amendment), to give citizenship to all persons born or naturalized in the United States, and to prohibit states from denying any citizen the privileges and immunities of citizenship, due process of law, and equal protection of the laws (Fourteenth Amendment), and to prohibit any state from denying a citizen the right to vote on the basis of race (Fifteenth Amendment). While the Fourteenth Amendment suggested a new government commitment to civil rights, Court rulings in cases like the Slaughterhouse Cases (1873), Civil Rights Cases (1883), and *Plessy v. Ferguson* (1896) made their actual impact negligible. In the case of voting rights, southern states quickly found ways to get around the Fifteenth Amendment by devices like the poll tax, literacy test, grandfather clause, and the white primary.

After World War Two, African Americans began to press their demands for fairer treatment in a number of ways. A major turning point in the civil rights struggle was the Court's decision in *Brown v. Board of Education* declaring that legal segregation was unconstitutional. The *Brown* decision itself brought about little immediate change in the Deep South. The authors state that the most effective tool of the civil rights movement was nonviolent civil disobedience. The often violent response by local authorities to nonviolent protests resulted in growing public support for the civil rights movement and for the eventual passage of two major pieces of legislation during the Johnson administration: the 1964 Civil Rights Act that prohibited discrimination by businesses offering "public accommodations," and the 1965 Voting Rights Act that allowed the Justice Department to take over the conduct of elections in those areas with histories of racial discrimination.

While there is now a national consensus that legal segregation is wrong, the country is still divided on the issue of affirmative action. The authors summarize the positions of both the proponents and opponents of affirmative action programs. The public appears to support the diversity goals of affirmative action but opposes quotas and other racial set-asides for hiring, awarding of contracts, and college admissions. The Court has also been divided on the question of affirmative action. After reviewing the majority opinions in both the *Bakke* and *Michigan* cases, the authors present a summary of the status of affirmative action at the present time.

The next section of Chapter Five focuses on civil rights for women. It begins with a brief review of the progress made by the women's movement since the 1920s. Interestingly, when the Nineteenth Amendment giving women the right to vote was ratified in 1920, there was little of the resistance that had followed the ratification of the Fifteenth Amendment. The authors find that women have made significant gains in virtually all fronts, though they note that the expansion of civil rights for women has taken a different path from that of African Americans. Among the issues discussed are the defeat of the Equal Rights Amendment and the reasons why the Court uses "intermediate scrutiny" rather than "strict scrutiny" when reviewing laws that treat people differently on the basis of their sex. Also discussed in this section are issues such as abortion rights, Title IX funding for women's sports, and sexual harassment.

In recent years, groups other than women and racial minorities have been pressing government for expanded rights protection. These groups include the elderly and disabled, and gays and lesbians. The Americans with Disabilities Act of 1990 prohibits job discrimination against the disabled and requires public facilities to make reasonable accommodations for the disabled. The Court had narrowed the reach of this act by ruling that states do not fall under all of its provisions. Gays won a major victory when the Supreme Court reversed a previous decision and found antisodomy laws unconstitutional. The authors conclude this section with a prediction that the struggle for gay and lesbian rights will remain a controversial political issue for a long time to come.

In their conclusion, the authors write that it is in the area of civil rights that the "differences between eighteenth-century republicanism . . . and democratic theory are most sharply drawn." They acknowledge that little was done to advance the cause of equality through much of the nineteenth century, but point to very significant progress in the second half of the twentieth

century as civil rights protections were extended to women, racial minorities, gays and lesbians, and the elderly and disabled. They conclude that the attainment of formal political equality is real and something about which many Americans take great pride.

### Key Concepts and Objectives

Important concepts and objectives to stress in Chapter Five include:

- The distinction between *de jure* and *de facto* segregation and why segregation continues in fact in many areas of life even though it has been declared unconstitutional in law;
- Why the Constitution contains no references to equality and why civil rights was not a major issue through much of the nineteenth century;
- How the government attempt to protect the civil rights of the freed slaves after the Civil War and why these attempts had so little effect;
- The factors leading to the development of the modern civil rights movement and why it took the form that it did;
- The success and long-term significance of the 1964 Civil Rights Act and the 1965 Voting Rights Act;
- The concept of affirmative action, what the arguments are for and against, and whether it is consistent with democratic ideals;
- The issues that came up during the debate over the ERA and how the expansion of civil rights for women has taken a different path from that for African Americans;
- Other groups making civil rights claims on government and how the courts and society in general have responded to these claims; and
- Other areas in which access to certain rights or opportunities are provided to some and denied others, and which are consistent with democratic theory and which are not.

### Lecture Outline

#### THE MEANING OF EQUALITY

- 1) Distinction between civil liberties and civil rights:
  - a) Both republican and democratic theories stress protection of individual liberty but view equality quite differently
  - b) Most Americans agree with the ideals of equality, but disagree with the tools of equality
  - c) Strong belief in “equality of opportunity”
  - d) More controversial is “equality of results”
- 2) Legal landmarks in civil rights for Blacks:
  - a) Civil War amendments
    - i) Thirteenth Amendment: outlawed slavery
    - ii) Fourteenth Amendment: provided equal protection and due process

- iii) Fifteenth Amendment: right to vote regardless of race
  - b) Major Court cases
    - i) *Plessy v. Ferguson* (1896): “Separate but equal clause.” Led way to Jim Crow laws and segregation.
    - ii) *Brown v. Board of Education* (1954): Overturned *Plessy* in terms of education. “Separate is inherently unequal, even when funding is the same.”
  - c) Federal legislation
    - i) Civil Rights Act of 1964: prohibited discrimination in public accommodations, and many forms of job discrimination based on broad application of the “commerce clause”
    - ii) Voting Rights Act of 1965: outlawed literacy requirements for voting and provided federal oversight of voter registration among African Americans in the South.
    - iii) Twenty-fourth Amendment, invalidated poll taxes.
  - d) Issues in affirmative action:
    - i) Rationale for affirmative action
    - ii) Equal opportunity and equal results
    - iii) *Bakke* and *Michigan* cases
    - iv) More Americans are comfortable with affirmative action in education as compared to hiring
- 3) Legal landmarks in civil rights for women:
  - a) Early struggles
    - i) 1848, Seneca Falls—start of the suffrage movement
    - ii) Nineteenth Amendment (1920): women receive right to vote
  - b) Recent milestones
    - i) In *Reed v. Reed* (1971), Court ruled “arbitrary” gender classifications violated the equal protection clause of Fourteenth Amendment, yet allowed “reasonable classifications”
    - ii) Failure to ratify ERA
    - iii) In 1972, Title IX passed prohibiting sex discrimination in federally subsidized education programs, including college sports programs
    - iv) In 1996, the Court ordered the Virginia Military Institute and the Citadel to admit women in the cases of *U.S. v. Virginia* and *Faulkner v. Jones*
    - v) Sexual harassment laws
- 4) Other civil rights claims:
  - a) Age
  - b) Handicapped status
  - c) Sexual orientation

## Terms

The following terms are the key terms listed at the end of Chapter Five:

Civil rights  
Privileges and immunities clause  
Due process clause  
Equal protection clause  
Jim Crow  
Poll tax  
Literacy test  
Grandfather clause  
White primaries  
Strict scrutiny  
Civil disobedience  
Segregation  
Integration  
Suspect classification  
*De jure discrimination*  
*De facto discrimination*  
Affirmative action  
Intermediate scrutiny  
Civil union

Other terms that might require further elaboration include:

Seneca Falls Convention  
Thirteenth Amendment  
Fourteenth Amendment  
Fifteenth Amendment  
Nineteenth Amendment  
Slaughterhouse Cases  
*Plessy v. Ferguson*  
*Brown v. Board of Education*  
Civil disobedience  
*Regents v. Bakke*

### Discussion Questions

- A. When is it okay to discriminate? Point out that society discriminates on economic grounds all the time. Not everyone has an equal right to a Jaguar. Encourage students to think about those things to which everyone should have the right and those things for which it is okay to charge. Ask for other examples where people are regularly treated differently.
- B. Should the Court use the same strict scrutiny in gender cases as it does in cases involving race?

- C. Can government legislate how people think about one another? What factors in addition to antidiscrimination laws might be at work in changing how people think about racial minorities and other groups regularly discriminated against in the past?
- D. Should people have the right to marry anyone they wish, or does society have a legitimate interest in restricting the marriage relationship to men and women?
- E. Some overweight people are pushing for laws to protect the civil rights of the obese. Should people be protected from discrimination on the basis of their weight? Why or why not?

### Other Class Activities and Research Projects

- A. Have students make a copy of the questions from the Alabama Literacy Test listed in Chapter Five. Have them ask these questions to at least five friends or family members and report on the results.
- B. Assign students to determine if there are any organizations or activities on your campus that restrict participation on the basis of race. Does the university offer any special programs or benefits that were specifically designed for students of one race?
- C. Have students conduct a similar audit of activities or services that discriminate on the basis of gender.

### Multiple Choice Questions

- 1) Civil rights are:
  - a) Government guarantees of political equality and equal treatment
  - b) Basic freedoms that governments should not restrict
  - c) Rights that are afforded individuals under Natural Law
  - d) Special rights for minorities to compensate for past abuses
  - e) Privileges afforded to persons accused of committing a crime

Answer: a; Page 112; Skill: Understanding

- 2) The only civil right originally guaranteed by the Constitution was equal entitlement to:
  - a) Vote
  - b) Own property
  - c) Due process of law
  - d) Fair representation in Congress
  - e) Foreign ambassador positions

Answer: c; Page 112 - 113; Skill: Analysis



- 3) Which of the following statements best describes early American attitudes about civil rights?
- a) Guaranteeing political equality was a high priority in the North but not in the South.
  - b) The priority concern was protecting rights from government interference, not using the power of government to enforce rights.
  - c) A higher priority was placed on guaranteeing equality of economic opportunity than equality of political opportunity.
  - d) Most state constitutions gave a high priority to the enforcement of civil rights even though the national Constitution did not.
  - e) Civil rights were considered of little to no importance to early Americans.
- Answer: b; Page 113; Skill: Understanding

- 4) Which of the following was not included in the Civil War amendments?
- a) The abolition of slavery
  - b) The guarantee of equal protection of the law for all citizens
  - c) A prohibition against restricting voting rights on the basis of race, color, or previous condition of servitude
  - d) A definition of citizenship that included all persons born or naturalized in the United States and subject to its jurisdiction
  - e) All of these were included in the Civil War amendments
- Answer: e; Page 114 - 115; Skill: Understanding

- 5) In the Slaughterhouse cases, the Supreme Court ruled that the \_\_\_\_\_ clause of the Fourteenth Amendment provided little real protection to the recently freed slaves.
- a) Privileges and immunities
  - b) Due process
  - c) Equal protection
  - d) General welfare
  - e) Commerce
- Answer: a; Page 115; Skill: Understanding

- 6) In *Plessy v. Ferguson*, the Supreme Court ruled that states could segregate people according to their race as long as:
- a) A majority of each race agreed to the separation
  - b) The state provided each race with equal facilities
  - c) The state could prove that segregation benefited both races
  - d) The state did not keep anyone from exercising their political rights
  - e) The national government gave express permission to segregate
- Answer: b; Page 115; Skill: Understanding

- 7) Which Constitutional amendment states that “the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on the account of sex”?
- a) Fifteenth Amendment
  - b) Seventeenth Amendment
  - c) Nineteenth Amendment
  - d) Twenty-first Amendment
  - e) Twenty-Seventh Amendment

Answer: c; Page 118; Skill: Understanding

- 8) The white primary was defended on the grounds that:
- a) What really matters was the right to vote in the general election, not in the primary
  - b) White primaries were mainly held in areas where most everyone was white, anyway
  - c) By segregating primaries, black candidates would have a better chance of winning by running in black primaries
  - d) Political parties were private organizations and could run themselves any way they wished
  - e) There was no constitutional right to integrated primaries

Answer: d; Page 116; Skill: Understanding

- 9) If a white person failed a state’s literacy test, he might still qualify to vote:
- a) If he paid a larger poll tax
  - b) If he promised to enroll in a special literacy course
  - c) If he could show he had voted in his party’s primary
  - d) If his grandfather had voted
  - e) If he could prove he had fought in the Revolutionary War

Answer: d; Page 116; Skill: Understanding

- 10) According to the text, the most effective tool used by the civil rights movement was:
- a) Suits for economic damages against those who discriminated
  - b) Acts of civil disobedience
  - c) Electing more African Americans to public office
  - d) Riots and violent street demonstrations
  - e) Efforts to lobby Congress

Answer: b; Page 118; Skill: Understanding

- 11) College students in Greensboro, North Carolina, were able to call national attention to the discrimination experienced by African Americans by:
- a) Planning a bus boycott
  - b) Organizing a million-person march on Washington
  - c) Shutting down their college for more than six weeks

- d) Staging a “sit in” at a Woolworth’s lunch counter
- e) Using a phone bank to call homes nationwide

Answer: d; Page 118 - 119; Skill: Understanding

12) The civil rights legislation outlawing segregation in places of public accommodation was passed in:

- a) 1957
- b) 1964
- c) 1965
- d) 1968
- e) 1970

Answer: b; Page 119; Skill: Analysis

13) What was the significance of the 1944 Court ruling that race was a suspect classification?

- a) The states were able to treat African-American suspects in criminal cases differently than they treated whites.
- b) Any law treating people differently on the basis of race would be presumed to be unconstitutional.
- c) Any law in which race was mentioned would be subject to the Court’s ordinary scrutiny.
- d) By declaring race a suspect classification, the Supreme Court finally brought segregation to an end in the United States.
- e) Any law in which race was mentioned would be subject to the Court’s intermediate scrutiny.

Answer: b; Page 120; Skill: Analysis

14) In the case of *Smith v. Allwright*, the Supreme Court declared the \_\_\_\_\_ unconstitutional.

- a) White primary
- b) Poll tax
- c) Literacy test
- d) Grandfather clause
- e) Contract clause

Answer: a; Page 120; Skill: Understanding

15) When a state’s action is subject to “strict scrutiny” on the part of the Supreme Court, that action:

- a) Will always be found unconstitutional
- b) Will be subjected to a particularly lengthy review in which all nine Supreme Court judges are required to participate

- c) Can only be defended if the state shows it serves a compelling government interest that cannot be achieved by other means
- d) Will probably be found constitutional if the state can show that its action had a beneficial effect
- e) Will be found unconstitutional if the national government proves there is a compelling reason to strike down the state action

Answer: c; Page 121; Skill: Understanding

16) In *Brown v. Board of Education*, the Supreme Court ordered schools to be desegregated on the grounds that:

- a) States had failed to provide the equal facilities the Court had earlier demanded
- b) The separate but equal doctrine was inherently contradictory
- c) A good education was a basic right of citizenship
- d) If a pluralistic society is to function effectively, people from different racial and ethnic groups must learn to work together at an early age
- e) State governments could not afford to maintain two separate school systems

Answer: b; Page 121; Skill: Understanding

17) \_\_\_\_\_ plans are those that give preference to minorities in areas like job hiring and college admissions.

- a) Affirmative action
- b) Non-discrimination
- c) Fair market
- d) Suspect classification
- e) Anti-discrimination

Answer: a; Page 122; Skill: Understanding

18) Under \_\_\_\_\_ Philadelphia Plan, construction companies with federal contracts were required to hire additional blacks and other minorities in order to achieve “racial balance.”

- a) Franklin Roosevelt’s
- b) Lyndon Johnson’s
- c) Richard Nixon’s
- d) Jimmy Carter’s
- e) Ronald Reagan’s

Answer: c; Page 123; Skill: Understanding

19) In *Regents v. Bakke*, the Supreme Court ruled that:

- a) Any consideration of race in deciding whom to admit to university was unconstitutional
- b) Strict quotas were unconstitutional but race could be considered along with other factors in admissions decisions

- c) Preferential admissions for minorities was constitutional only if an institution had discriminated against minorities in the past
- d) Affirmative action was constitutional as long as it gave a clear benefit to minorities
- e) All reverse discrimination was unconstitutional

Answer: b; Page 123; Skill: Understanding

20) Which of the following are arguments in favor of affirmative action?

- a) The effects of past discrimination place minorities at a disadvantage so simply removing barriers is not sufficient.
- b) People from disadvantaged backgrounds need experience with successful role models to improve themselves.
- c) Tolerance and a sense of community can only develop if people from different racial and ethnic backgrounds work together in educational, workplace, and government institutions.
- d) All of the above are arguments in favor of affirmative action.
- e) None of these are arguments in favor of affirmative action.

Answer: d; Page 123 - 124; Skill: Understanding

21) Which of the following statements about public opinion on affirmative action is true?

- a) Most Americans approve the diversity goals of affirmative action but oppose special “set-asides” for women and minorities.
- b) There is no significant difference between what whites and African Americans think about affirmative action.
- c) Most women support hiring quotas and set-asides, while most white men oppose them.
- d) Mexican Americans overwhelmingly oppose hiring quotas.
- e) Americans that visit Canada change their views on affirmative action after returning to the United States.

Answer: a; Page 124; Skill: Understanding

22) Recent affirmative action decisions by the Supreme Court suggest that:

- a) The Court is now willing to accept minority set-asides in job hires but not in university applications
- b) The Court’s conservative majority has declared that universities may not consider race in making admissions decisions
- c) Affirmative action is an issue on which the Court remains deeply divided
- d) The Court is no longer willing to accept past racism as a rationale for preferential treatment of minorities
- e) Affirmative action programs will soon be ruled as unconstitutional

Answer: c; Page 125 - 128; Skill: Analysis

23) The expansion of civil rights protections for women has taken a different path than it has for African Americans in that laws discriminating by gender:

- a) Are subjected to “intermediate scrutiny” by the Court rather than “strict scrutiny”
- b) Were automatically invalidated once the Equal Rights Amendment became law
- c) Cannot be challenged under the equal protection of the laws clause of the Fourteenth Amendment
- d) Continue to enjoy wide public support even among women
- e) Have been eliminated by most state constitutions

Answer: a; Page 129; Skill: Understanding

24) The Court’s decision in *Roe v. Wade*:

- a) Ended the abortion controversy by making a definitive ruling in favor of a woman’s right to choose
- b) Prohibited the states from interfering with a woman’s right to have an abortion during the first two trimesters of pregnancy
- c) Required states to hold a public referendum if they wanted to restrict abortions
- d) Established as national policy what the majority of states had already enacted in state legislation
- e) Prohibited abortions in most situations

Answer: b; Page 131; Skill: Understanding

25) Which of the following statements about what has happened since the Supreme Court’s 1973 *Roe* decision is true?

- a) Opposition to abortion has disappeared in most of the country.
- b) The Court has revised and refined the decision with subsequent decisions.
- c) While abortion remains controversial, few states have actually tried to pass legislation restricting it.
- d) Even though abortion is technically legal, anti-abortion activists have made it impossible for women to get into abortion clinics in many parts of the country.
- e) Cities are unable to prohibit the location of abortion clinics within their boundaries.

Answer: b; Page 131; Skill: Understanding

26) In 1980, the Equal Employment Opportunity Commission ruled that making sexual activity a condition of employment violated the:

- a) Freedom of assembly clause of the First Amendment
- b) Privileges and immunities clause of the Fourteenth Amendment
- c) 1964 Civil Rights Act
- d) Americans with Disabilities Act
- e) Due Process Clause of the Fifth Amendment

Answer: c; Page 132; Skill: Understanding

27) The Supreme Court limited the impact of the Americans with Disabilities Act when it ruled in 2001 that:

- a) The act did not cover state employees
- b) The act applied only to those who were severely handicapped
- c) The cost of providing special accommodations could be passed on to the people who needed them
- d) There was no constitutional basis for requiring businesses to provide special accommodations to people with disabilities
- e) The act was ruled as unconstitutional based on the Fourteenth Amendment

Answer: a; Page 133; Skill: Understanding

28) Which of the following statements about civil rights for gays is true?

- a) Gays now have virtually the same protections as African Americans and other racial minorities.
- b) The Supreme Court upheld a state's right to ban homosexual behavior in the 2003 case of *Lawrence v. Texas*.
- c) Public opinion polls show that most Americans now approve of gay marriage.
- d) California is among the liberal states rejecting same-sex marriage initiatives.
- e) All states have passed amendments to their constitutions defining marriage.

Answer: d; Page 136; Skill: Understanding

29) Which of the following statements about discrimination based on age is correct?

- a) Congress has refused to pass laws to protect the rights of the elderly.
- b) The Courts have refused to strike down hiring practices based on age.
- c) Americans over the age of 40 are protected from employment discrimination.
- d) Older workers are often the first to be let go in corporate "downsizings."
- e) All age groups are protected from age discrimination.

Answer: d; Page 132 - 133; Skill: Understanding

30) Which of the following statements about civil rights is true?

- a) They are one of the essential pillars of democracy.
- b) They dramatically increased in the U.S. in the second half of the twentieth century.
- c) The term is nearly synonymous with that of equal citizenship.
- d) All of the above statements are true.
- e) None of the above statements is true.

Answer: d; Page 137 - 138; Skill: Analysis

### True/False Questions

1) Civil rights ensure that the government always treats every American equally.

Answer: False; Page 112; Skill: Analysis

2) The Thirteenth Amendment to the Constitution abolished slavery.

Answer: True; Page 114; Skill: Understanding

3) The grandfather clause provided that anyone whose ancestors had voted prior to the Spanish-American War could vote.

Answer: False; Page 116; Skill: Understanding

4) The 1964 Civil Rights Act and the Voting Rights Act of 1965 had no positive effects on civil rights practices of government and private organizations.

Answer: False; Page 119; Skill: Understanding

5) The use of race in law or government regulations to discriminate is sometimes called de jure discrimination..

Answer: True; Page 121; Skill: Understanding

6) Affirmative action programs only apply to racial minorities and exclude women.

Answer: False; Page 122; Skill: Understanding

7) One argument against affirmative action is that it seeks to remedy the effects of past discrimination by discriminating against others.

Answer: True; Page 124; Skill: Understanding

8) According to the Supreme Court, placing minimum quotas for minority races in a university is unconstitutional.

Answer: True; Page 126; Skill: Understanding

9) The Supreme Court gives intermediate scrutiny to cases involving gender discrimination.

Answer: True; Page 129; Skill: Understanding

10) The only state to reject an initiative banning same-sex marriage is Colorado.

Answer: True; Page 136; Skill: Understanding



## Essay Questions

1. The authors of the text state that “it is with respect to civil rights . . . where the differences between the eighteenth-century republicanism of the framers and democratic theory are most sharply drawn.” Analyze exactly what these differences are and the contrasting value assumptions on which they are based. (*Analysis*)
2. The *Brown* decision ruled that segregation in the schools was unconstitutional, and the 1964 Civil Rights Acts banned private businesses from discriminating on the basis of race. Assess which has been more successful. Discuss the differences between the two types of segregated facilities and the different factors involved in enforcing each. (*Evaluation*)
3. Explain why the Fifteenth Amendment was not more effective in securing the right to vote for African Americans. How was this right eventually secured? (*Understanding*)
4. Compare civil rights to civil liberties and explain the importance eighteenth-century republicans and democratic theorists placed on each. (*Analysis*)
5. Explain the rationale for using the “intermediate scrutiny” test for laws that treat people differently because of their gender while using the “strict scrutiny” test for laws that treat people differently on account of race. Discuss what some of the implications of applying the strict scrutiny test to gender discrimination might be. (*Application*)
6. The Fourteenth Amendment was ratified to protect the civil rights of the newly freed slaves. Analyze why so many African Americans were still subjected to discrimination 90 years after the amendment was added to the Constitution. (*Analysis*)
7. Explain why it may not be possible to eliminate all segregation in American society. (*Evaluation*)
8. Explain why the Supreme Court has moved toward eliminating affirmative action programs. What are the possible outcomes if the Court moves in this direction? (*Application*)
9. What type of scrutiny should be used when evaluating civil rights cases involving the rights of homosexuals? Why would this level of scrutiny be appropriate? (*Evaluation*)
10. Although American government has made strides in expanding civil rights for many minority groups, are there any groups that have been overlooked and are in need of civil rights reform? (*Analysis*)



## ***Chapter Six***

### ***Public Opinion***

#### Chapter Overview

- Public opinion in democratic and eighteenth-century republican doctrines
- How much people know about politics
- How people learn their political attitudes
- What sorts of government policies Americans favor and oppose
- How opinions differ according to race, gender, age, income, and other factors
- How much effect public opinion has on what government does

The chapter begins with a brief account of the role public opinion played in the Vietnam War. The government was able to increase support for the war in 1964 by claiming (incorrectly) that the North Vietnamese had staged an unprovoked attack on the U.S. destroyer *Maddox* in international waters. Support for the war was initially strong but dropped as casualties mounted and questions about a credibility gap were raised. After the Tet Offensive in January of 1968, support for the war dropped to 41 percent. President Johnson announced that he would limit American bombing and not seek reelection. President Nixon continued the war but did start to withdraw American troops, an action supported by public opinion. The authors find in the Vietnam story evidence of how government can sometimes manipulate public opinion but also evidence that even in foreign policy matters, public opinion can have a strong impact on government actions.

Democratic theory is the theory of majority rule. In a perfect system, government would always do what a majority of its citizens wanted. Critics point out that government cannot work this way because public opinion is often not particularly informed or consistent. Another problem is simply determining what public opinion actually is. The authors indicate that public opinion polls are the device most used to measure public attitudes today. They describe basic polling techniques and what some of the common pitfalls and challenges in polling are.

Attitudes about specific issues are often derived from more core beliefs. The term political socialization refers to the way individuals acquire their core beliefs and political values. Agents of socialization include families, schools, churches, the mass media, and the social groups with which the individual most closely identifies. Those core beliefs and political values that are widely shared in a nation make up its political culture. The main components of the American political culture include: 1) a belief in competitive individualism and that people are responsible for their own destiny; 2) a belief in the importance of private property and the efficiencies of the free market; 3) a distrust of government; 4) populism or a kind of hostility to concentrated power and the powerful; and 5) a strong element of piety and religious commitment.

Attitudes on more specific policy questions tend to divide along group lines. While African Americans share in most of the core values listed above, they are far more likely to support the Democratic party than the population as a whole, are more liberal on economic issues, and tend

to see racial problems as a more serious problem than white Americans do. Hispanics, the nation's fastest growing ethnic group, tend to share some of these characteristics but constitute a more diverse population than do African Americans so generalizations are more difficult. Asians also comprise a diverse group of people. They tend to have higher levels of education and income than African Americans and Hispanics do and are more likely to support Republicans.

In regards to religion, Catholics tend to be concerned about family issues, but are split between Republicans and Democrats in their party affiliation. Jews are more likely to be Democrats, while Mormons are more likely to be Republicans. The Christian Coalition, a group of politically active evangelicals, has been very active in the Republican Party but the party loyalty of mainline Protestant denominations is more evenly divided.

The authors also examine group differences sorted by the region of the country lived in, by social class, by education, by age, and by gender. They give a brief account of the emergence of the "gender gap" in recent presidential elections and identify some of the issues that have been of special interest to women.

A very important variable affecting how people act and think politically is their level of partisanship. Those with a strong commitment to a political party are much more likely to be politically active and to support the candidates and platforms of their political party.

The central question raised in Chapter Six is, "are the people fit to rule?" The authors acknowledge that Americans often do not have a lot of specific information about politics, but suggest that the things they don't know may not be vital to their role as citizens. They offer several reasons why most Americans are not better informed and may not always take consistent positions. They argue that even if individuals do express random, unstable opinions, the responses of millions of people "average out this randomness and reveal a stable collective public opinion." The content of this collective opinion is then reviewed in some detail.

One component of this collective opinion is pride in the country. While the majority of Americans believe their system of government is the best in the world, significant numbers indicate a lack of trust in government. Another component of the country's collective opinion is how citizens evaluate the performance of their government. One measure of this is a president's approval rating, which, according to the authors, is closely linked to how well things are actually going in the country, particularly the economy. Polls also show a fairly high level of stability in the political party people identify with, though there has been a decline in the proportion of Americans who identify with either of the two parties.

When examining public opinion regarding the government's role in society, the authors suggest looking at social issues and economic issues separately since a person can be a social and economic conservative, a social and economic liberal, a social conservative and an economic liberal, or a social liberal and an economic conservative. They review recent survey findings regarding public attitudes on such economic issues as government spending for Medicare and environmental programs, on social issues such as abortion and gay rights, and on foreign policy

issues such as foreign aid and unilateralist versus multilateralist approaches to international problems.

The authors' test of how well democracy is working is how closely a government's policies match the expressed wishes of its citizens. In Chapter Six's concluding section, they provide examples of government actions that appear to reflect public opinion, and then list a series of alternative explanations that critics might give to discount the impact of public opinion on these actions. Their conclusion is that it is "probably reasonable to say that public opinion plays an important role in shaping what government does, but so do a range of other political actors and institutions." Clearly public opinion plays a much more important role in shaping public policies than the republican framers ever intended, but the American people are still only "semi-sovereign," in that public opinion's influence on policy varies widely with the circumstances.

### Key Concepts and Objectives

Important concepts and objectives to stress in Chapter Six include:

- How the Vietnam War can be used as an example of both a government policy that did not reflect public opinion as well as an example of how public opinion influences government policy;
- The different role that eighteenth-century republicans saw public opinion playing in the country and the role that democratic theory says it should play;
- Why it is almost impossible for government to do exactly what a majority of its citizens want in all of its decisions;
- The basic principles of public opinion polling and why reliable polls are becoming more difficult to conduct;
- The concept of political socialization and how it occurs;
- The concept of political culture and what the major ingredients of the American political culture are;
- How group membership helps shape political attitudes and what some of the more striking attitudinal differences between groups are;
- What polls reveal about the level of knowledge most Americans have about politics;
- The concept of collective public opinion and what the major components of its content are;
- The concept of party identification and how it is changing;
- The basic ideological categories of liberal and conservative and how they are commonly applied to economic and social issues; and
- The circumstances under which government is most likely to be responsive to public opinion and the circumstances in which it is least likely.

## Lecture Outline

### WHAT IS PUBLIC OPINION?

- 1) Definition and general characteristics of public opinion:
  - a) Collective attitudes and opinions of individual citizens
  - b) Low level of knowledge about government and politics
  - c) Opinions are often based on our own core values
  - d) People use short-cuts to help form their opinions—influenced by political parties, the media, conversations with friends
  - e) Opinions are often contradictory and difficult to interpret
  
- 2) Characteristics of an opinion or attitude:
  - a) Direction
  - b) Intensity
  - c) Stability
  - d) Salience/centrality
  
- 3) Political socialization, or where do our political attitudes come from?
  - a) The family
  - b) Mass media
  - c) Schools
  - d) Peer groups
  - e) Church
  
- 4) How is public opinion measured?
  - a) Examples of unscientific methods
    - i) Letters to newspapers and to Congress
    - ii) Protests and demonstrations
    - iii) Petitions
    - iv) Talk radio
  - b) Scientific polling
    - i) Polls now regularly used to identify the distribution of the population's beliefs about politics and policy
    - ii) Developed by George Gallup and others in the 1930s
    - iii) Concept of random sampling
    - iv) How polls are conducted today
    - v) Accuracy of polls in 2008 elections
  - c) Important issues in polling
    - i) Findings may change due to question wording and question ordering

- ii) Timing of polls
- iii) Do polls sometimes create opinions?
- iv) Should poll results guide public policy?
- v) New polling possibilities via the Internet

## Terms

The following terms are the key terms listed at the end of Chapter Six:

Core beliefs  
Political attitudes  
Public opinion  
Sample survey  
Random sampling  
Political socialization  
Party identification  
Political ideology  
Collective public opinion  
Rational public  
Presidential approval rating  
Leaners  
Active partisans  
Economic conservatives  
Economic liberals  
Social liberals  
Social conservatives  
Policy preferences  
Isolationism  
Unilateralist  
Multilateralist

Other terms that might require further elaboration include:

Competitive individualism  
Doorstep opinions  
“Forced choice” questions  
Gender gap  
Nonattitudes  
Populism  
Political culture

### Discussion Questions

- A. How accurate were the polls in the 2008 election? Were there any special problems that polling organizations faced in 2008? What are the different ways polling organizations have to identify who the likely voters are?
- B. Ask what, if anything, students remember learning about American government and history in elementary school and in high school. Was there a basic theme or set of values to what they were being taught?
- C. How much attention should public officials pay to public opinion polls? Would you think more or less of your local congressperson if you learned that he based all of his positions on what polls showed to be the most popular position among his constituents?
- D. Ask the class how many consider themselves to be either liberals or conservatives and then encourage discussion on what those terms really mean and how consistently they are applied.
- E. What impact has public opinion had on the War on Terror and the War in Iraq? Discuss the extent to which government actions help shape public opinion and the extent to which public opinion influences what government does or does not do.

### Other Class Activities and Research Projects

- A. Assign students to prepare a short report, either written or oral, comparing American political culture with the political culture of one other country. If there are international students in the class, ask them what differences they see in the political culture of the U.S. and that of their own nation.
- B. Choose a political issue receiving current attention in the media and have the class plan a poll to determine how students feel about the issue. Have them specifically define the universe to be polled and determine the size of sample they will have to survey in order to have reasonably accurate results. Have students test out questions on family friends to get an idea of the kinds of responses they might get if the poll were actually given to a larger sample.
- C. Bring in polling data from the 2008 election to see what issues were most important in determining how people voted, and then list the major policy decisions that have been made since the election. What relationship, if any, exists between the issues voters were most concerned over during the election and what government officials actually did after the election.
- D. Use the polling Web sites listed under “Internet Sources” at the end of the chapter to see which party the different voting groups discussed in the text voted for in the 2008 elections. List those factors that might have affected changes in voting preferences between 2004 and 2008.



### Multiple Choice Questions

- 1) The Tonkin incident described at the beginning of Chapter Six provides an example of how:
- a) Public opinion can shape government policies
  - b) Government can sometimes manipulate public opinion
  - c) Government will sometimes do exactly the opposite of what public opinion favors
  - d) In foreign policy, government leaders don't really have to worry about public opinion
  - e) Public opinion has become less important since the 1800's

Answer: b; Page 143 - 145; Skill: Analysis

- 2) According to the text, which of the following events significantly weakened public support for the war in Vietnam?
- a) McCarthy's surprise showing against President Johnson in the New Hampshire primary
  - b) The attack by Vietnamese gunboats on the *U.S.S. Maddox* in 1964
  - c) The North Vietnamese Tet Offensive in early 1968
  - d) The intensive Christmas bombing of North Vietnam in December 1972
  - e) The increase of initial public offerings of international companies on the New York Stock Exchange in 1971

Answer: c; Page 144; Skill: Understanding

- 3) The main fear the Founders had about a government designed to do exactly what a majority of the people wanted was that such a government would:
- a) Represent too revolutionary a change from what people were used to
  - b) Be too slow and cumbersome to respond quickly to emergencies
  - c) Likely lead to majority tyranny
  - d) Be impractical because there was no way to determine what a majority of the people really wanted
  - e) Lead to a new constitutional conventional

Answer: c; Page 146; Skill: Analysis

- 4) Surveying a relatively small group (1,000 to 1,500) of people can provide a good estimate of the distribution of opinions throughout the whole country, provided that:
- a) Those surveyed had followed politics closely enough to have developed informed opinions
  - b) The survey takers were careful to question an equal number of Republicans and Democrats
  - c) The sample chosen was picked from a part of the country that was considered to be representative of "Middle America"

- d) Each person in the country had an equal chance of being chosen to participate in the survey
- e) All of the individuals surveyed have the same socioeconomic status

Answer: d; Page 148; Skill: Understanding

5) Internet polling can be done quite cheaply but the results of Internet polls are unreliable because:

- a) Computer technology cannot be trusted to record responses accurately
- b) Those responding are unlikely to be representative of the population as a whole
- c) Hackers can easily manipulate what the results will be
- d) Not enough people own computers to get the size of sample accurate polling requires
- e) Objective information cannot be measured through computer surveys

Answer: b; Page 148; Skill: Understanding

6) Political socialization refers to:

- a) A system in which the state owns the basic means of production
- b) The process by which people acquire their core political beliefs and attitudes
- c) The joining of political organizations for essentially social purposes
- d) The way in which society is divided between Republicans and Democrats
- e) How individuals react when they meet politicians

Answer: b; Page 151; Skill: Understanding

7) Instruments by which beliefs and attitudes are conveyed to individuals in society (such as our families, schools, and so on) are called:

- a) Units of socialization
- b) Political socialites
- c) Agents of socialization
- d) Social identities
- e) Socialized political aspects

Answer: c; Page 151; Skill: Understanding

8) Agents of socialization include all but which of the following?

- a) Family
- b) Schools
- c) Popular culture
- d) Generational effect
- e) Medical history

Answer: e; Page 152 - 153; Skill: Understanding

9) Hispanics are characterized by a language background of:

- a) English
- b) French
- c) Portuguese
- d) Russian
- e) Spanish

Answer: e; Page 154; Skill: Understanding

10) Asian Americans make up approximately \_\_\_\_\_ percent of the American population.

- a) 1
- b) 4
- c) 11
- d) 29
- e) 42

Answer: b; Page 156; Skill: Understanding

11) Compared to people in other countries, Americans are less likely to believe that:

- a) People are at the mercy of larger social and economic forces over which they have no control
- b) They are members of a social “class”
- c) Government economic planning is required to ensure the fair and efficient distribution of scarce resources
- d) Government has the responsibility to ensure both equality of outcome and equality of opportunity
- e) Government is oppressive and equality is not supported by government

Answer: b; Page 156; Skill: Understanding

12) The level of formal education of Americans is closely related to their:

- a) Intelligence
- b) Region
- c) Religion
- d) Sexual orientation
- e) Income

Answer: e; Page 158; Skill: Understanding

13) Compared to other wealthy democratic countries, the United States is more:

- a) Socialist
- b) Ideological
- c) Religious
- d) Populist
- e) Anarchistic

Answer: c; Page 161; Skill: Analysis

14) African Americans tend to take a more conservative position than white Americans on the issue of:

- a) Abortion
- b) Affirmative action
- c) Health care
- d) Regulation of corporations
- e) Immigration

Answer: a; Page 154; Skill: Understanding

15) \_\_\_\_\_ are the fastest growing ethnic group in the nation today.

- a) Arabs
- b) Asians
- c) African Americans
- d) Hispanics
- e) Polynesians

Answer: d; Page 154; Skill: Understanding

16) Which of the following ethnic groups is most solidly Democratic?

- a) Cuban Americans
- b) Mexican Americans
- c) African Americans
- d) Asian Americans
- e) European Americans

Answer: c; Page 154; Skill: Understanding

17) Which of the following religious groups is most solidly Republican?

- a) Catholics
- b) Jews
- c) Presbyterians
- d) Mormons
- e) Muslims

Answer: d; Page 161; Skill: Understanding

18) The political attitudes of people living in the Pacific Coast region are most similar to those living in the:

- a) Northeast
- b) Midwest
- c) South
- d) Mountain States

e) Southwest

Answer: a; Page 158; Skill: Understanding

19) In England, which has an occupational structure similar to that of the United States, most people describe themselves as:

- a) Lower class
- b) Working class
- c) Middle class
- d) Upper class
- e) Educated class

Answer: b; Page 156; Skill: Understanding

20) Income is no longer as closely related to party preference as it once was because of the growing importance of:

- a) Regulatory issues
- b) Lifestyle and social issues
- c) Welfare policy issues
- d) Tax issues
- e) Wartime policies

Answer: b; Page 157; Skill: Understanding

21) The “gender gap” refers to the:

- a) Fact that men participate in politics at much higher levels than women
- b) Fact that men are more opposed to capital punishment than women
- c) Greater support women give the Democrats compared to men
- d) Very different response of men and women to the terrorist attacks on the United States
- e) Differences in pay scales between men and women working the same job

Answer: c; Page 159; Skill: Understanding

22) The segment of the electorate that has increased most significantly since the 1960s has been among those who identify themselves as:

- a) Democrats
- b) Republicans
- c) Independents
- d) Libertarians
- e) Tea Party members

Answer: c; Page 156 - 158; Skill: Analysis

23) Public opinion polls show that Americans are least likely to support government spending for:

- a) Education
- b) Fighting crime
- c) Foreign aid
- d) Environmental protection
- e) Transportation

Answer: c; Page 170; Skill: Understanding

24) On the issue of legalized abortion, Americans:

- a) Believe by a large majority that the decision to terminate a pregnancy should be left to a woman and her doctor
- b) Have become decidedly more anti-abortion since the *Roe v. Wade* ruling in 1973
- c) Vary in their level of support depending upon the specific circumstances of the pregnancy
- d) By a slight majority oppose abortions under any circumstance
- e) Have become more in favor of abortions since the 1950's

Answer: c; Page 170; Skill: Understanding

25) Which of the following statements about public opinion on foreign policy is true?

- a) Americans are becoming increasingly isolationist.
- b) Most Americans distrust the United Nations and other international bodies and favor a "go it alone" approach.
- c) About two-thirds of Americans fall into the "multilateralist" camp.
- d) Most Americans believe American military force is necessary to maintain peace worldwide.
- e) Americans believe economic agreements such as NAFTA protect the United States from outside attacks.

Answer: c; Page 172; Skill: Understanding

26) Which of the following statements about public opinion is true?

- a) The public has consistently given the Congress higher approval ratings than it has given the president.
- b) While there have been ups and downs, Americans today are generally much more trusting of the government than they were in the 1950s and 1960s.
- c) Americans exhibit a significantly higher sense of pride in their countries than do the British, Germans, and French.
- d) After Vietnam, the old "rally round the flag" phenomenon during times of national crisis disappeared.
- e) Americans frequently desire to live in another country because of their disapproval of their leaders.

Answer: c; Page 166; Skill: Understanding

27) The term "collective public opinion" refers to:

- a) The political attitudes of the public as a whole
- b) Public opinion as it is collected and reported by political parties
- c) Opinion polls conducted by nonprofit groups compared to those done by commercial firms
- d) Any opinion expressed on matters affecting the public as a whole
- e) A collection of public opinion poles maintained by the Library of Congress

Answer: a; Page 172 - 173; Skill: Understanding

28) A person who favors gay rights but opposes increases in government spending would be:

- a) An economic conservative and a social liberal
- b) An economic conservative and a social conservative
- c) An economic liberal and a social liberal
- d) An economic liberal and an economic conservative
- e) An economic liberal and a social optimist

Answer: a; Page 168 - 169; Skill: Understanding

29) Surveys taken during the 2008 presidential election showed that evangelicals were more likely to support:

- a) Obama
- b) McCain
- c) Gay rights
- d) Abortion
- e) Regulation of business

Answer: b; Page 160; Skill: Understanding

30) Public opinion pollsters are finding it increasingly difficult to make contact with those they want to survey because:

- a) So many advertisers pretend to be pollsters that many people now refuse to participate in any kind of survey
- b) People use caller ID to screen calls and to avoid talking to strangers or advertisers
- c) The increased use of mobile phones makes it more difficult to contact people because people often have their phones turned off
- d) All of the above are causing problems for polling organizations
- e) None of these are causing problems for polling organizations

Answer: d; Page 148 - 149; Skill: Understanding

### True/False Questions

- 1) Public opinion refers to the political attitudes expressed by ordinary people and considered as a whole.

Answer: True; Page 146; Skill: Understanding

- 2) Random sampling ensures that each member of the population has an equal chance of being selected.

Answer: True; Page 148; Skill: Understanding

- 3) Pollsters have consistently benefited from motivated participants in phone opinion polls.

Answer: False; Page 150; Skill: Understanding

- 4) The process by which individuals acquire political beliefs and attitudes is called political socialization.

Answer: True; Page 151; Skill: Understanding

- 5) Polling and research has demonstrated that race has little to no weight in an individual's political socialization.

Answer: False; Page 153; Skill: Understanding

- 6) In 2008, 67 percent of the Hispanic vote went to Democrat Barack Obama.

Answer: True; Page 155; Skill: Understanding

- 7) As an indication of the gender gap, more women over the years have opposed capital punishment and the use of military force abroad and favored arms control and peace agreements.

Answer: True; Page 159; Skill: Analysis

- 8) Unreligious individuals are generally opposed to legal abortions.

Answer: False; Page 161; Skill: Understanding

- 9) There has been no improvement in Americans' political knowledge over the past two decades.

Answer: True; Page 164; Skill: Understanding

- 10) Political ideology is a coherent system of interlocking attitudes and beliefs about politics, the economy, and the role of government.

Answer: True; Page 165; Skill: Understanding



## Essay Questions

1. The authors argue that, “in a perfect democracy, based on popular sovereignty and majority rule, the government would do exactly what a majority of its citizens wanted.” Do you agree? Do you see any problems with a political system in which governments did “exactly what a majority of its citizens wanted”? (*Evaluation*)
2. How do public opinion polls work? Discuss the factors that should be taken into account when evaluating the significance of a poll’s findings. What are some of the problems polling organizations face as they conduct polls today? (*Application*)
3. What are some of the distinguishing characteristics of American political culture? Analyze those factors that have been responsible for shaping the basic values and opinions held by Americans. (*Analysis*)
4. The Vietnam War provides examples of how government actions can influence public opinion as well as examples of how public opinion can influence what government does. What were these examples? Discuss whether government’s conduct of the war reflected more the principles of eighteenth-century republicanism or democratic theory. (*Application*)
5. How do people’s age, sex, religion, ethnicity, and socioeconomic status interact with one another to affect how they think about politics? (*Application*)
6. What do people know about politics? Make an assessment as to whether current research into the level of knowledge most people have about public affairs provides greater support to the assumptions of eighteenth-century republicans or democratic theorists. (*Evaluation*)
7. What differences in opinion are apparent among various races? Will recent economic troubles affect some of these variations? (*Evaluation*)
8. What impact is social networking making on political socialization among different age groups? (*Application*)
9. How will the innovations of cable and Internet news networks affect American pride of citizenship? (*Application*)
10. Does liberalism and conservatism explain all of the differences of political opinion among Americans? Why or why not? (*Evaluation*)



## ***Chapter Seven***

### ***The News Media***

#### Chapter Overview

- The roles of the news media in a democratic republic
- How the news is gathered and disseminated
- Why government officials are key news sources
- Whether the news media have a liberal or conservative bias
- Why some media are more regulated than others
- How the news media affect public opinion and policymaking

The opening section highlights the growing influence of a new source of news, the “blog,” a type of online journal that allows anyone with a computer and Internet connection to disseminate information over the Web. The authors cite several examples of the role bloggers have played in seriously damaging the careers of leading journalists and political figures. They note that the existence of a blogosphere means that news organizations no longer have the monopoly over deciding what is news that they once did.

The news media clearly play an important role in democracy. Voters cannot hope to have a meaningful role in the nation’s political life without good information. The authors suggest three basic ways the media serve the cause of democracy. They are serving as a watchdog over government, clarifying electoral choices, and providing information about policies.

Following their discussion of the role that the media play in a democracy, the authors catalog the various sources of news currently available to the public. They begin with a discussion of newspapers and how papers have changed over the nation’s history. While citizens still have access to many different kinds of newspapers, ownership of papers is becoming more concentrated and papers are losing readership to other kinds of media. Magazines constitute another important form of print media.

In the twentieth century, more and more Americans grew to rely on the electronic media for information about politics. The authors note the emergence of talk radio shows hosted by people like Rush Limbaugh that are able to generate a flood of mail to Washington officials. Even more significant has been the influence of television. Nearly two-thirds of Americans indicate that they use television news to follow public affairs compared to one-third who list newspapers as their primary source. The Internet is the newest source of information. The authors indicate continued disagreement about the democratic potential of the Internet. They believe that its true promise “is its capacity to serve as an interactive, two-way communications medium in which citizens can talk back to political leaders and deliberate with each other.”

The authors review recent trends in media mergers and discuss the effect of corporate ownership and increased media concentration on how news stories are covered. They note that television stations and newspapers tend to rely on the same sources of news whether they are a part of large conglomerates or independently owned. Newspapers and television stations both tend to rely on

centralized news services like the Associated Press, and both tend to lead with those stories they believe will attract the largest audience. Other factors contributing to homogenization of much of the mass media is that most new organizations are centered in New York and Washington and depend heavily on the same official sources for their information, especially during times of military conflict. Not even major news organizations like *The New York Times* have an extensive network of foreign correspondents. The result is the media devote most of their attention to only limited areas of the world.

Most media try to operate under the informal rules of objective journalism, which can sometimes inhibit a journalist from reporting information the public probably has the right to know. Government officials generally are not criticized directly by reporters in their new stories but criticism made by others can be reported as news. The authors describe how think tanks and other groups often make “pundits” available to offer analysis or commentary to news stories.

Whether there is systematic bias in the way the media cover the news has been a topic of controversy for many years. Surveys of the political leanings of reporters show them to be more liberal than the average American, while the owners and top managers of most media corporations tend to be conservative. The authors indicate that because of the different views of people working in the news organization, and because of the diversity of news organizations, it is difficult to support a claim that the media are consistently biased in one direction or the other. They do find certain prevailing themes in media news coverage but attribute these themes more to the fact that a privately owned media are out to make money rather than to any political bias. The themes identified are those of interpreting events from a pro-American, patriotic point of view, giving strong support to the American economic system, and running stories that emphasize negativity and scandal. The authors note that one of the most recent dramatic changes is the insertion of entertainment values in new programming as illustrated by shows such as *The Capital Gang* and *Hardball*. Overall, they find much news coverage of politics to be limited, fragmented, and without sufficient historical background.

Whatever its limitations, the content of the media do make a difference. Studies show that the media help set agendas and that the media’s framing or interpretation of stories affect how people think about problems. The authors cite press support for the North American Free Trade Agreement as being a factor in countering initial public opposition based on the fear of losing jobs. They also argue that an over-emphasis on scandals and the negative can lead to increased public cynicism.

The First Amendment guarantees freedom of the press, but there is some regulation of the media, though much less than in most other countries. The major restrictions on the print media occur during times of war or when national security issues are involved. The Pentagon Papers case suggests that the government “carries a heavy burden” to justify prior restraint. Radio and television stations are subject to greater regulation because they use the airwaves, which are considered public property. There is brief discussion of recent FCC rules regarding ownership, rules regarding public service broadcasting, the fairness doctrine, the equal time provision, cable television rate regulations, and the new challenges posed by the Internet. The authors conclude this chapter with the observation that despite its shortcomings, the media “have probably helped

advance the cause of democracy in America and helped transform the American republic into the American democratic republic.”

### Key Concepts and Objectives

Important concepts and objectives to stress in Chapter Seven include:

- The essential role played by the media in a democratic political system;
- How the media have changed over the course of the nation’s history and what the major types of media are that provide citizens with political information today;
- The different impact of radio, television, and the Internet on how people get and process political information;
- What the impact of the Internet was during the 2008 elections;
- Merger trends and the issues they raise about the media’s ability to perform its democratic functions;
- How greater homogenization and greater diversity in news coverage can both be happening at the same time;
- How the organizations and news gathering procedures used by the media shape the news that gets reported;
- What is meant by “objectivity” in news coverage and how the rules of objective journalism can sometimes themselves act as a kind of bias;
- Why both liberals and conservatives often accuse the media of bias;
- How the fact that the news media in America is largely privately owned affects news coverage;
- The major ways the media can influence politics;
- Why government regulates different kinds of media differently and what those regulations are; and
- What the future impact of the Internet may be.

### Lecture Outline

#### THE ROLE OF THE MEDIA IN DEMOCRATIC POLITICS

- 1) Reliable information needed to make informed opinions:
  - a) How the press has changed
    - i) A highly partisan press for the elites in the early 1800s
    - ii) The penny paper and yellow journalism
    - iii) The emergence of “objective journalism”

- 2) Range of news outlets available today:
  - a) TV network news
  - b) Cable television news
  - c) Talk radio
  - d) Local daily papers
  - e) National papers
  - f) Supermarket tabloids
  - g) Weekly news magazines
  - h) Specialized magazines of opinion
  - i) New forms of electronic journalism
  
- 3) How well each of these sources of news fulfills the roles of the media outlined in the text:
  - a) Watchdog over government
  - b) Clarifying electoral choices
  - c) Providing policy information
  
- 4) What the mainstream media focus on, and why:
  - a) Prominence of the president in news coverage
  - b) Reliance on official sources
  - c) Personal conflicts and scandal
  - d) Impact of visuals
  - e) The “horse race” elements of elections
  
- 5) Are reporters unfair to government officials? Do government officials use and manipulate the press?
  - a) Symbiotic relationship
  - b) Adversarial relationship
  - c) Institutional bias
  - d) Anti-incumbent bias
  
- 6) Legal issues that can influence press coverage of politics:
  - a) Licensing requirements
  - b) Confidentiality of sources
  - c) National security
  - d) Fairness doctrine
  
- 7) Impact of the media on politics:
  - a) Gatekeeper function: news is only news if it is reported
  - b) Agenda setting: lead stories tell us who or what is important

c) Impact media coverage had on 2008 elections

### Terms

The following terms are the key terms listed at the end of Chapter Seven:

Watchdog  
Blog  
Podcasts  
Wire services  
Media monopoly  
Infotainment  
Beat  
Leak  
Spin  
Newsworthy  
Objective journalism  
Pundits  
Bias  
Agenda setting  
Framing  
Prior restraint  
Fairness doctrine  
Equal time provision

Other terms that might require further elaboration include:

Yellow journalism  
Think tanks  
“Horse race” aspects of campaigns  
Wire services  
National Public Radio (NPR)  
Editorial gatekeepers  
Templates  
Pentagon Papers  
Telecommunications Act of 1996

### Discussion Questions

A. Who owns the Internet? Should the government be regulating what is transmitted over the Internet? What are some examples of things you believe should be kept off the Internet and what should the government do to keep them off?

- B. What was the impact of the media on the 2008 presidential election? Were there events that received more attention than they deserved? Was there a general media bias for one candidate over the other?
- C. If television news programs did not have to compete with one another for audience shares and advertising dollars, how do you think their news coverage would be different?
- D. Should newspapers be able to report things about a person that are not true? Should they be allowed to publicize lawful activities that a person does not want made public? What happens when the public's right to know and an individual's desire for privacy come into conflict?

### Other Class Activities and Research Projects

- A. Have the class become a part of the news media by establishing a class political blog where students express their own views on current affairs and report on any information they believe is worth disseminating. An easy site to use in setting up a blog is [www.blogger.com](http://www.blogger.com).
- B. Conduct a class poll to determine where students get their news. Have students discuss how the sources identified differ from one another.
- C. What makes an event “newsworthy”? Make up a list of five hypothetical news stories and ask students to rank them in the order of their news worthiness and then have them explain their rankings.
- D. As a class project, assign students to monitor a particular media outlet for stories about the president for one week. Have students keep a log tracking the number of times they believed the president was described in negative terms, in positive terms, and in neutral terms. At the end of the week, have students compare their findings.
- E. Play a tape of a network nightly news program in class and ask students if they can detect any of the “prevailing themes” identified in the text.

### Multiple Choice Questions

- 1) Blogs differ from traditional news outlets in that the information they disseminate is:
  - a) Published without any editorial oversight
  - b) Completely based on rumor and hearsay
  - c) Closely regulated by the government
  - d) Generally more fact based than what appears in a daily newspaper
  - e) Generally are affiliated with a major newspaper

Answer: a; Page 180 - 185; Skill: Analysis



2) According to the text, bloggers highlighted erroneous statements made by:

- a) Late night talk show host Conan O'Brien
- b) CBS News anchor Dan Rather
- c) House Speaker Nancy Pelosi
- d) President Bill Clinton
- e) Senator Hillary Clinton

Answer: b; Page 188; Skill: Understanding

3) The nation's republican Founders looked upon newspapers as providing a means for:

- a) Keeping an eye on government
- b) Educating the general public about public policy issues
- c) Improving the country's literacy rates
- d) Mobilizing the masses for political action
- e) Creating wealth through advertising

Answer: a; Page 182; Skill: Understanding

4) By the end of 2009, what percent of Americans reported having a broadband connection in their home?

- a) 15
- b) 33
- c) 41
- d) 50
- e) 63

Answer: e; Page 184; Skill: Understanding

5) Which of the following devices does NOT accommodate access to the Internet?

- a) iPhones
- b) iTouches
- c) Kindle readers
- d) BlackBerrys
- e) Radios

Answer: e; Page 184; Skill: Understanding

6) Which of the following is a nonpolitical use of the Internet?

- a) Visiting political party websites
- b) Visiting candidate websites
- c) Visiting interest and advocacy group websites
- d) Making campaign contributions
- e) Participating in online auctions

Answer: e; Page 184; Skill: Understanding

7) The authors believe that the media should not be spending as much time as it does on:

- a) Providing information about public policies
- b) Acting as a watchdog over government
- c) Covering the “horse race” aspects of campaigns
- d) Trying to clarify electoral choices
- e) Covering stories about celebrities

Answer: c; Page 183; Skill: Understanding

8) The authors of the text suggest that the news could do a better job in holding officials accountable for their actions if:

- a) Major media outlets were owned and operated by the government
- b) Journalists did not have to pass so many of their stories through government censors
- c) Journalists did not rely so heavily on official sources for stories
- d) There was greater centralization in the news industry
- e) More press conferences were held

Answer: c; Page 200; Skill: Understanding

9) The authors point to one factor that often leads the media to engage in certain news gathering practices that are harmful to their central role in a democratic society. That factor has to do with:

- a) The liberal bias of most reporters
- b) The conservative bias of most publishers
- c) The pressure on news organizations to make a profit
- d) The pressure on news organizations to devote more resources to covering foreign affairs
- e) The pressure on news organizations to print stories mandated by the government

Answer: c; Page 200 - 201; Skill: Understanding

10) The text identifies several “prevailing themes” in political news coverage. These themes include nationalism, negativity and scandal, infotainment, and \_\_\_\_\_.

- a) foreign affairs
- b) approval of free-market economies
- c) human rights violations in underdeveloped countries
- d) protecting the reputations of government officials
- e) crafting potential legislation for Congress

Answer: b; Page 202; Skill: Understanding

11) The growth of cable television and the Internet and the multiplication of news outlets has:

- a) Greatly improved public understanding of political issues
- b) Resulted in greater coverage given to scandals and sensational exposés

- c) Stimulated more interest in public affairs leading to larger audiences for the big city dailies and network news programs
- d) Greatly increased the number of reporters out in the field covering hard news
- e) Reduced public interest in news stories

Answer: b; Page 204; Skill: Analysis

12) \_\_\_\_\_ holds that the topics that get the most coverage in the news media at any point in time are the same ones that most people tell pollsters are the most important problems facing the country:

- a) Scheduling
- b) Social mediating
- c) News filtering
- d) Pollster accommodating
- e) Agenda setting

Answer: e; Page 205; Skill: Understanding

13) A human rights tragedy that was reported in “real time” occurred in:

- a) Antarctica
- b) France
- c) Switzerland
- d) Darfur
- e) Kosovo

Answer: e; Page 206; Skill: Understanding

14) In the Pentagon Papers case, the Supreme Court ruled that the government:

- a) Could keep *The New York Times* from publishing a secret classified report only if it could prove the report had been obtained illegally
- b) Could require the *Times* to submit the report for Defense Department review before publishing it
- c) Had not shown that the publication of the report posed a serious threat to national security
- d) Had no right to hold any official document from the general public
- e) Had to reveal their source of the information in the news story

Answer: c; Page 208 - 209; Skill: Understanding

15) Television is more directly regulated by government than are newspapers because:

- a) More people get their news from TV than from papers
- b) TV broadcasts over the airwaves, which are considered public property
- c) Network TV broadcasts to the whole nation, while papers serve more limited markets
- d) The First Amendment applies only to the print press, not to television
- e) Television networks are owned by the government

Answer: b; Page 209 - 210; Skill: Application

16) The Telecommunications Act of 1996:

- a) Placed stricter limits on the number of TV stations one corporation could own
- b) Gave broadcasters use of new frequencies to be used for high- definition TV
- c) Made it more difficult for telephone companies and cable companies to compete with one another
- d) Placed a number of new restrictions on Internet providers
- e) Mandated that newspapers create their own television networks

Answer: b; Page 209; Skill: Understanding

17) The “fairness doctrine” has:

- a) Allowed many radical groups the use of public airwaves to spread dangerous doctrines
- b) Resulted in the establishment of very specific rules and regulations to ensure that all sides of an issue are heard
- c) Forced broadcasters to greatly increase the number of hours devoted to the discussion of public issues
- d) Been left largely to the broadcasters to decide what constitutes issues of public importance
- e) Ensured that all advertisers be charged equally for television time

Answer: d; Page 210; Skill: Understanding

18) The equal time provision of the 1934 Communications Act requires that:

- a) News programs devote equal coverage to each candidate’s campaign
- b) Nominees of all parties be invited to participate in presidential debates
- c) A station that grants or sells time to one candidate must grant or sell opposing candidates equal time
- d) Each major party be given free broadcast time to present its platform to the country
- e) Each major party must be charged at an equal rate for broadcast time

Answer: c; Page 210; Skill: Understanding

19) Which of the following means of communication is subject to the least government regulation?

- a) Network television
- b) Cable television
- c) Radio
- d) The Internet
- e) Satellite television

Answer: d; Page 211; Skill: Application

20) According to the thinking of the nation's republican Founders:

- a) The news media's principal role was to prepare people for responsible citizenship
- b) Government had a duty to regulate what newspapers could publish
- c) There was no pressing need for the news media to educate the general public
- d) Newspapers should be subsidized with public funds since they were a principal means of communication among the elites
- e) The news media would eventually be unnecessary

Answer: c; Page 213; Skill: Understanding

21) One of the few newspapers that can afford to station reporters abroad is:

- a) *The Washington Post*
- b) *The Wall Street Journal*
- c) *USA Today*
- d) *The New York Times*
- e) *The Chicago Sun Times*

Answer: d; Page 198; Skill: Understanding

22) During the 2008 election cycle, \_\_\_\_\_ percent of Americans reported relying on the Internet for news about the campaign.

- a) 10
- b) 25
- c) 40
- d) 65
- e) 85

Answer: b; Page 186; Skill: Understanding

23) The general tone of "talk radio" hosts toward politicians tends to be:

- a) Respectful
- b) Fearful
- c) Humorous
- d) Reverent
- e) Mocking

Answer: e; Page 213; Skill: Understanding

24) The authors suggest that part of the popularity of Jon Stewart's *The Daily Show* is because:

- a) Younger people have no real interest in "hard" political news
- b) Its news coverage is often quite insightful and funnier than normal television news
- c) Most of its focus is on show business news
- d) Stewart provides a conservative counter perspective to the liberal bias of most media

e) Older viewers have lost interest in early morning television news

Answer: b; Page 187 - 188; Skill: Analysis

25) Which of the following was NOT a concern raised by the authors regarding the extent to which so much of the media are under the control of a few large corporations?

- a) Mergers may increase the political power of large corporations.
- b) Mergers may lead to less diversity of news and opinion.
- c) Mergers may lead to conflicts of interest in covering alleged wrongdoing by corporate partners.
- d) Mergers may create structures that are too large to operate efficiently.
- e) All of these are concerns over media ownership according to the authors.

Answer: d; Page 191; Skill: Application

26) The center of operations for most news organizations are the cities of:

- a) New York and Los Angeles
- b) Chicago and Los Angeles
- c) Washington and Chicago
- d) New York and Washington
- e) Dallas and Miami

Answer: d; Page 193; Skill: Understanding

27) News stories frequently reflect the government's perspective on an event because:

- a) Reporters believe it is their obligation to support the government whenever possible
- b) The regular "beats" reporters cover are usually organized around official government institutions
- c) The government usually has the best picture of a situation
- d) People do not want to waste their time on news that does not come from an official source
- e) The government controls which news stories are released

Answer: b; Page 194; Skill: Understanding

28) The authors write that the media perform three essential roles in a democracy. Which of the following is NOT listed by the authors as an essential role?

- a) Watchdog over government
- b) Mechanism for communication among the nation's elites
- c) Clarifier of electoral choice
- d) Provider of information about public policies
- e) None of these

Answer: b; Page 182; Skill: Understanding

29) The authors believe that the "adversarial attack and infotainment styles of journalism" are:

- a) Getting more people interested in public affairs
- b) Contributing to cynicism about government
- c) Making the media more democratic by their appeal to the common person
- d) Providing the best way of exposing scandals and official corruption
- e) Making citizens more interested in movies and music

Answer: b; Page 207 - 208; Skill: Understanding

30) Which of the following statements is true?

- a) Even major news organizations like *The New York Times* do not have their own bureaus in smaller countries but rely on local “stringers” for information.
- b) The media’s reliance on official sources is usually lowest when the nation is engaged in military actions.
- c) In television, stories are less likely to be broadcast if they can be accompanied with dramatic visuals.
- d) Americans are becoming less reliant on Internet news reporting.
- e) American trust in government is increasing because of positive media coverage of political events.

Answer: a; Page 193; Skill: Understanding

#### True/False Questions

1) Eighteenth-century republicans believed that the common people ought to play only a limited role in governing the nation.

Answer: True; Page 182; Skill: Understanding

2) Blogs and political news websites have no reporters for the production or original content.

Answer: False; Page 185; Skill: Understanding

3) Over the last few decades, television has remained the favorite source of political news for Americans.

Answer: True; Page 187; Skill: Understanding

4) Most political and public policy-related news on the popular Internet news sites often use content collected from the mainstream wire services and major newspaper and network news organizations..

Answer: True; Page 189; Skill: Understanding

5) Rupert Murdoch has indicated many times that he has great interest in long, complicated reporting projects.

Answer: False; Page 191; Skill: Application

6) According to research, government officials were the sources of nearly three-quarters of all news in The New York Times and The Washington Post.

Answer: True; Page 194; Skill: Understanding

7) Editors often determine what kinds of news are newsworthy.

Answer: True; Page 197; Skill: Analysis

8) Objective journalism is comprised of formal rules that state explicit interpretations by journalists are to be avoided, except for commentary or editorials that are labeled as such.

Answer: False; Page 198 - 199; Skill: Understanding

9) Most American reporting on foreign affairs takes a definitely pro-American, patriotic point of view.

Answer: True; Page 201; Skill: Understanding

10) American government is allowed to exercise prior restraint without explaining a rationale for it.

Answer: False; Page 208; Skill: Application

### Essay Questions

1. What have been the most significant news media developments in the past 50 years? Assess the extent to which these changes have furthered or restricted the advance of democracy or had any effect at all. (*Evaluation*)
2. According to the text, what are the biases in how the news media cover politics? What criteria are used to determine what is covered? Provide examples of how these criteria are applied. (*Application*)
3. Analyze the roles that free media play in a democratic society. Compare how the republican framers viewed the role of the media in society with the way democratic theorists view it. (*Analysis*)



4. What concerns do the authors express about the growing concentration of media outlets under the control of a few major corporations? With information available now from multiple sources on cable television and the Internet, how serious a problem do you believe the concentration of control over major media outlets is? (*Evaluation*)
5. Summarize the major criticisms the authors make of how the media cover the news. Construct an argument to respond to these criticisms. (*Application*)
6. Is freedom of the press an absolute freedom? Discuss the ways that government regulates the media and explain why there are different levels of regulation for different kinds of media outlets. (*Understanding*)
7. Are there any areas where government regulation of news media may improve the product reaching the public? (*Application*)
8. Is a media with at least some identifiable bias able to convey facts to citizens? Why or why not? (*Analysis*)
9. Will newspapers ever become obsolete in the American media? If so, what format or formats will replace them? (*Evaluation*)
10. Will objective reporting be lost if all media outlets become controlled by the same private party? If so, how will Americans receive objective information? If not, how will objective reporting be preserved? (*Evaluation*)



## ***Chapter Eight***

### ***Interest Groups***

#### Chapter Overview

- How interest groups fit in democratic and eighteenth-century republican doctrines
- Why interest groups have proliferated
- How interest groups lobby the government
- How interest groups try to mobilize the grass roots
- Biases in the interest group system

Why large corporations hold a privileged position

Chapter Eight begins with an account of the explosion of the Deepwater Horizon drilling rig in the Gulf of Mexico. The resulting oil spill destroyed wild life and damaged the coastal economy. The authors indicate that cost cutting measures probably caused the incident. Because of the lack of regulation of drilling companies, slow development of alternative fuel sources and legislation, exhaustion of oil supplies in areas already drilled, and profit concerns of drilling companies, oil companies are pursuing more dangerous means to extract oil from more remote locations.

Before discussing the role of interest groups in democracy, the authors define what interest groups are (“private organizations that try to shape public policy”). They then summarize Madison’s view on the dangers of factions and contrast it with the pluralist view of interest groups as an important tool of democratic representation. In addition to these two views is the majoritarian democracy perspective that recognizes the representative function performed by interest groups, but finds little evidence of political equality in the resources they use to influence policies.

The chapter’s next section examines the reasons why there are so many different interest groups in the United States. The explanations given include: 1) the diversity of American society; 2) the constitutional provisions that encourage interest group activities; 3) the growth of government involvement in all walks of life; and 4) disturbance theory, or the idea that people form into groups when they feel that a common interest is threatened.

The authors make a distinction between private and public groups, and give specific examples of each. Private interest groups seek benefits that will fall mainly on members of the group, while public interest groups are concerned in one way or another with the welfare of the whole community. Major categories of private interest groups are those representing business, the professions, and labor.

In the section on “What Interest Groups Do,” the authors distinguish between the inside game and the outside game of lobbying. Inside lobbying involves testifying before committees and working directly with public officials in the development of public policies. Inside lobbying is not limited to Congress; it can also take place in the executive and judicial branches. Outside

lobbying involves mobilizing group members and influencing the general public to voice its support for group goals. Often groups become involved in elections through campaign contributions and by rating candidates according to their position on issues that are especially important to the group.

The authors' major criticism of the current system of interest group representation is that the system is dominated by business corporations, industry trade associations, and professional associations. The reason is that these are the groups that have the resources to hire lobbyists and make large campaign contributions. Resource inequality leads to access inequality. While few legislators are willing to sell their votes, they are much more likely to be willing to listen to the views of those who have contributed to their campaigns. "Capture," "interest group liberalism," and "iron triangles" describe three ways in which private groups can get a permanent foothold in government.

Corporate power is difficult to reconcile with democratic theory. The financial resources corporations have at their disposal give them much greater political influence than most groups have, but most Americans strongly support the free enterprise system and have a positive opinion about business. The health of the American economy is closely linked to business profits, and corporate mobility is a powerful counterweight to any effort to raise taxes or impose higher taxes in a way that might be considered onerous. While the authors clearly believe corporate power is an obstacle to majoritarian democracy, they recognize that corporations do not always get their way. They write that "corporate power is not a constant in American politics; it waxes and wanes over time."

Efforts to control the undemocratic effects of interest groups through laws such as the Federal Regulation of Lobbying Act, the Lobby Disclosure Act, and the Ethics in Government Act have not been particularly effective. The authors quote Walter Dean Burnham's argument in favor of strengthening institutions of majoritarian democracy like parties as the only way of getting at the root of the problem. Burnham argues that parties can generate countervailing collective power on behalf of the individually powerless against the powerful few.

In the final section of Chapter Eight, the authors acknowledge that interest groups play some representational role, but conclude that "the interest group system, as it is presently constituted, represents a substantial threat to democracy in the United States."

### Key Concepts and Objectives

Important concepts and objectives to stress in Chapter Eight include:

- Madison's understanding of the dangers posed by factions and how the government should seek to control them;
- What pluralists see as the beneficial functions served by interest groups in a democratic society;
- Why the United States has so many interest groups;

- The various ways interest groups go about trying to influence government policy and the kinds of resources each type of activity requires;
- The distinction between public and private interest groups and why private interest groups often have the more motivated members;
- The importance of access;
- Systematic biases in the interest group system;
- The special problems large business corporations pose for democratic theorists; and
- How stronger political parties might serve as a countervailing source of power to check the power of large corporations.

## Lecture Outline

### AMERICA AS A NATION OF JOINERS

- 1) Why so many groups?
  - a) Groups organize around some shared interest or characteristic
  - b) Part of American culture noticed by de Toqueville in the 1840s
  - c) Right to assembly specifically protected by the First Amendment
- 2) When is it that a group becomes a political interest group?
  - a) When it makes a demand on government
  - b) Disturbance theory of group formation
  - c) Pluralism theory sees interest groups as indispensable in a large democracy in that they serve as the link between masses and government
  - d) Critics point out that the interest group system is dominated by moneyed interests
  - e) It can be argued that the interest group system hurts democracy, as the interests of a few dominate government decision making
- 3) What makes some groups more successful than others
  - a) Financial resources clearly a major factor—main tactics employed by groups require money
    - i) Hiring Washington lobbyists
    - ii) Research to support positions
    - iii) Mobilizing public opinion
    - iv) Activating membership base
    - v) Electioneering
    - vi) Litigation
  - b) Skill with which resources are used
  - c) Group intensity is also important in group power
  - d) Membership size: Groups with a large number of actual members (e.g., the AARP and the AFL-CIO) can be quite powerful when members are mobilized. Sometimes small

groups have the advantage, however—easier to organize and benefits not so widely shared

- 4) Leveling the playing field—issues in regulating interest groups:
  - a) Existing legislation
    - i) Registration and disclosure requirements
    - ii) Ethics in Government Act
    - iii) Campaign Finance Legislation
  - b) The theory of countervailing power
  - c) The responsible party as an answer to interest group influence
  - d) Use of alternative tactics to influence government

### Terms

The following terms are the key terms listed at the end of Chapter Eight:

Interest group  
Pressure group  
Lobby  
Faction  
Pluralist  
Private interest  
Public interest  
Lobbying  
Advocacy group  
Lobbyist  
Disturbance theory  
Earmarking  
Grassroots lobbying  
Political action committee (PAC)  
Soft money  
527 organizations  
Iron triangle  
Subgovernment  
Issue network  
Revolving door

Other terms that might require further elaboration include:

*Federalist Paper No. 10*  
Mischiefs of factions  
North American Free Trade Agreement (NAFTA)  
Outside game

Inside game  
*Amicus curiae* brief  
Federal Regulation of Lobbying Act of 1946  
Lobby Disclosure Act of 1995  
Ethics in Government Act of 1978  
McCain-Feingold Act  
“Revolving door” phenomenon

### Discussion Questions

- A. Ask students what clubs and organizations they belong to and if these groups have or might some day in the future become political interest groups. You might need to remind students that church membership is a form of group membership and that church organizations at times take stands on political issues.
- B. How do large organizations like the American Association of Retired Persons (AARP) determine what their members want? Why do most people join the AARP? How do we know how many of the members actually support the stands that it takes on specific issues?
- C. Review the doctrine of party responsibility and then ask how the lobbying system would change if each party presented a platform containing specific programs it would enact if elected. The theory of party responsibility wants questions of policy settled by the election, not by lobbyists after the election is over. Would such a system be possible?
- D. Review how earmarks became an issue in the 2008 presidential campaign.

### Other Class Activities and Research Projects

- A. Arrange for a leader of a political interest group to come and speak to your class on why the group was formed, what its major concerns are, and what its major challenges are.
- B. Ask the class to visit the Web sites of several of the better known lobbying organizations and to list the issues with which they are most concerned. The Web sites for several groups are listed under Internet sources at the end of Chapter Eight.
- C. Many have questioned the representative role played by interest groups on the grounds that the positions a group takes may not really reflect the will of its members. Review Robert Michels’s “iron law of oligarchy” and ask students who are members of interest groups to report on how positions are arrived at in their groups.

### Multiple Choice Questions

- 1) The authors believe that democracy is an important casualty of the interest group system because:
- a) It accentuates the political influence of the most affluent while denying political access to the disadvantaged
  - b) There are no interest groups that really work to promote the public interest
  - c) The interest group system depends on bribes and other forms of corrupt behavior
  - d) Interest groups only exist in socialistic societies
  - e) Interest group membership is only available to the wealthy

Answer: a; Page 220; Skill: Understanding

- 2) According to James Madison, the plan of the Constitution was to insulate government from:
- a) Democracy
  - b) Republicanism
  - c) Isolationism
  - d) Socialism
  - e) Factions

Answer: e; Page 220; Skill: Understanding

- 3) \_\_\_\_\_ argue that interest groups are essential to democracy because they help convey the groups' interests and preferences to political leaders.

- a) Republicans
- b) Conformists
- c) Apologetics
- d) Optimists
- e) Pluralists

Answer: e; Page 222; Skill: Understanding

- 4) \_\_\_\_\_ are organizations and associations that try to gain protections or material advantages from government for their own members rather than for society at large.

- a) Panelists
- b) Public interests
- c) Organizationalists
- d) Corporations
- e) Private interests

Answer: e; Page 223; Skill: Understanding

- 5) In the 2008 presidential election, organized labor was supportive of:

- a) John McCain
- b) Hillary Clinton
- c) Sarah Palin



- d) Mike Huckabee
- e) Barack Obama

Answer: e; Page 225; Skill: Understanding

6) People active in \_\_\_\_\_ groups tend to be motivated by ideological concerns or a belief in some cause.

- a) musical
- b) recall
- c) behavioral
- d) analytical
- e) advocacy

Answer: e; Page 227; Skill: Understanding

7) One of the main criticisms of earmarks is:

- a) That the only way to add an earmark to a bill is for a lobbyist to bribe a legislator
- b) That it is improper for legislators to try to pass legislation that benefits their own constituents
- c) Regulations created in 2007 may not reduce the influence special interests have over earmarks in legislation
- d) They do not benefit all sections of the country equally
- e) They reduce the income that a member of Congress can collect

Answer: c; Page 243; Skill: Understanding

8) Pluralist theory views interest groups:

- a) Much the same way that Madison did
- b) As a necessary evil to be tolerated but tightly regulated
- c) As one of the main tools of democratic representation
- d) As the best way to determine what the majority of voters want
- e) As a potential threat to democracy

Answer: c; Page 244; Skill: Understanding

9) Advocates of majoritarian democracy argue that:

- a) Many of the demands made by interest groups should not be considered by government at all
- b) There are now far too many interest groups for government to respond to in a meaningful way
- c) The nation's most powerful interest groups represent only a tiny fraction of the nation's population
- d) Government only pays attention to groups that represent large voting blocs
- e) Interest groups have opinions that must be seriously considered at all levels of government

Answer: c; Page 221; Skill: Analysis

10) The McCain-Feingold Act has dramatically increased the flow of political contributions to:

- a) PACs
- b) The candidates themselves
- c) National party organizations
- d) 527 advocacy organizations
- e) Foreign countries

Answer: d; Page 243; Skill: Understanding

11) Factors that have encouraged the proliferation of interest groups in the United States include all of the following EXCEPT:

- a) Federalism and the system of checks and balances
- b) The right to petition government guaranteed by the First Amendment
- c) The emergence of strong, centralized political parties
- d) The diversity of American society
- e) The right to assemble government guaranteed by the First Amendment

Answer: c; Page 228; Skill: Understanding

12) According to disturbance theory, people are most likely to join together and form an interest group when they:

- a) Feel threatened by some change in the social and economic environment or in government policy
- b) Are disturbed at the growth of government and want to stop it
- c) Come to believe that some important aspect of the national interest is not being adequately addressed
- d) Have given up hope of having their interests represented through their political party
- e) Have been directly injured by government

Answer: a; Page 230; Skill: Understanding

13) Which of the following does the text classify as a public interest group?

- a) The American Civil Liberties Union
- b) The U.S. Chamber of Commerce
- c) The AFL-CIO
- d) The American Bar Association
- e) The Public Interest Group Association

Answer: a; Page 227; Skill: Understanding

14) In lobbying, the essence of the “inside game” in Congress is:

- a) Knowing who can be bribed or blackmailed

- b) Cultivating good personal relationships with people who have legislative power
- c) Mobilizing supporters to threaten legislators with electoral defeat if they vote against a group's position
- d) Working secretly with media consultants to sway general public opinion to support group goals
- e) Exert influence on the President to lobby Congress

Answer: b; Page 231; Skill: Understanding

15) The most successful lobbyists tend to be:

- a) University professors and researchers who are recognized experts in a particular field of policy
- b) Retired members of Congress and high-level executive branch officials
- c) Grassroots organizers skilled at turning out large numbers of voters
- d) CEOs and the board chairs of large corporations
- e) Concerned individuals that have written letters

Answer: b; Page 231; Skill: Understanding

16) An *amicus curiae* brief is a device interest groups sometimes use when trying to influence:

- a) The legislative branch
- b) The executive branch
- c) The judicial branch
- d) A state legislature
- e) A lobbyist

Answer: c; Page 244; Skill: Application

17) The “outside game” differs from the “inside game” in that the immediate object is to influence the behavior of:

- a) Government officials outside of Washington
- b) Members of opposing groups
- c) The group's own members or the general public
- d) Top-ranking executive branch officials rather than congressmen
- e) Members of foreign governments

Answer: c; Page 234; Skill: Understanding

18) A lobbying group that has been very successful in quickly mobilizing many of its members to contact their congressmen whenever there is a possibility of federal gun control legislation is the:

- a) National Association of Manufacturers
- b) National Rifle Association
- c) American Dental Association
- d) American Wheat Growers' Association

e) American Association of Retired Persons

Answer: b; Page 234; Skill: Understanding

19) The biggest risk interest groups run in officially endorsing candidates for political office is that:

- a) The group may be forced to contribute large amounts of money to the campaign
- b) If its candidate does not win, the group will have little access and little influence with the candidate who did
- c) The group will become too closely associated with that candidate's political party
- d) There is no guarantee the candidate will support the group's position after he is elected
- e) The candidate may require a bribe for the support of the group

Answer: b; Page 236; Skill: Understanding

20) The term "iron triangle" refers to:

- a) A coalition of powerful lobbies
- b) Alliances that develop among interest groups, congressional subcommittees, and administrative agencies.
- c) Illegal actions agreed to in secret between government officials and lobbyists
- d) The joint House and Senate conference committees where the fate of major pieces of legislation is usually resolved
- e) The annual meetings of the heads of the three primary political parties in the United States

Answer: b; Page 238 - 239; Skill: Understanding

21) A main reason why business interests dominate the lobbying process is that they:

- a) Generally have more of the resources needed for effective lobbying
- b) Represent far more voters than any other groups do
- c) Have more political interests to represent than other groups do
- d) Generally take positions that reflect a broad public consensus
- e) Must lobby to insure government will continue to purchase their goods

Answer: a; Page 238; Skill: Application

22) Former presidential candidate Bob Dole once observed that there aren't any \_\_\_\_\_ PACs.

- a) Labor union
- b) Food stamp
- c) Environmental
- d) Tobacco industry
- e) Child advocate

Answer: b; Page 237; Skill: Understanding

23) Current campaign finance regulations place no limits on the amount of “soft money” that can be contributed to:

- a) Candidates for federal office
- b) National party organizations
- c) State party organizations
- d) Independent public interest and advocacy groups
- e) Business organizations

Answer: d; Page 227; Skill: Application

24) The main goal of the McCain-Feingold bill was to:

- a) Ban the previously unregulated contributions that could be given to parties for “party building” activities
- b) Stop independent groups from running issue campaigns that were designed to influence election outcomes
- c) Reduce the amount of money that individuals could contribute to PACs
- d) Eliminate PACs that were created by business corporations
- e) Require all individuals running for office to present a valid driver’s license before announcing their candidacy

Answer: a; Page 243; Skill: Understanding

25) After the Jack Abramoff lobbying scandals in 2006, Congress:

- a) Prohibited any direct personal contacts between legislators and lobbyists
- b) Reformed the rules of lobbying in order to prevent influence peddling
- c) Passed a comprehensive lobbying reform act aimed at eliminating all corrupt lobbying practices
- d) Established strict limits on the money that could be spent on lobbying activities
- e) Eliminated lobbying in Washington D.C.

Answer: b; Page 244; Skill: Understanding

26) When Calvin Coolidge remarked that the “business of America is business,” he was right in the sense that:

- a) The general health of the national economy is closely linked to how well business is doing
- b) The only interests that should be considered in making public policy are business interests
- c) There is not any real difference in what government does and what business does
- d) Business interests are so powerful that they completely dominate the American political process
- e) American government has traditionally been run like a successful business

Answer: a; Page 240; Skill: Understanding

27) While businesses often possess a huge advantage in terms of the resources needed to influence government, their influence is not absolute because:

- a) Businesses may not always use their resources wisely
- b) The interests of different business may not be the same so sometimes business interests end up fighting one another
- c) Politicians may fear they will lose votes if they appear to be too close to business interests
- d) All of the above are reasons why business interests do not win out all the time
- e) None of the above are reasons why business interests do not win out all the time

Answer: d; Page 242; Skill: Application

28) The “inside lobbying game” is most effective in influencing legislation that:

- a) Was explicitly promised by the president during his election campaign
- b) Directly affects large numbers of people
- c) Deals with issues that are narrow and technical
- d) Is receiving a heavy media attention
- e) Has been vetoed by the president

Answer: c; Page 232; Skill: Understanding

29) The 1978 Ethics in Government Act was aimed at preventing government officials from:

- a) Accepting gifts from lobbyists
- b) Awarding contracts or giving jobs to family members
- c) Becoming lobbyists themselves upon leaving government service
- d) Serving on the corporation’s board while they are still employed by the government
- e) Becoming wealthy from business ventures outside of government after retirement from government positions

Answer: c; Page 243; Skill: Understanding

30) The main conclusion the authors come to in Chapter Eight is that the interest group system as currently constituted:

- a) Pits one self-interested group against another just as Madison predicted it would
- b) Makes the system more democratic by providing a means for citizens to voice their concerns to government officials between elections
- c) Is of some significance but that the voice of the nation as a whole as expressed through elections is what really determines what government do
- d) Represents a substantial barrier to democracy in America because the system is so dominated by business interests
- e) Will ultimately lead to an end to democracy in the United States

Answer: d; Page 244; Skill: Understanding

## True/False Questions

- 1) The number of groups listed in the Encyclopedia of Associations has increased from about 10,000 in 1968 to about 22,000 today.

Answer: True; Page 228; Skill: Understanding

- 2) Under the 2009 stimulus package, many organizations received tax breaks for using renewable or energy efficient products.

Answer: True; Page 229; Skill: Application

- 3) The inside game of lobbying often involves bribing legislators.

Answer: False; Page 231; Skill: Understanding

- 4) *Amicus curiae* is a Latin phrase meaning “files of the court.”

Answer: False; Page 233; Skill: Understanding

- 5) Interest groups try to increase their influence by getting involved in political campaigns.

Answer: True; Page 235; Skill: Understanding

- 6) Registered lobbyists for the various drug companies total more than the combined membership of the House and Senate.

Answer: True; Page 237; Skill: Understanding

- 7) Corporations, trade associations, and associations of professionals do not play a prominent role in iron triangles.

Answer: False; Page 239; Skill: Analysis

- 8) Some companies are so important for the overall operation of the American and global economies that they are considered “too big to fail.”

Answer: True; Page 241; Skill: Understanding

- 9) Organizations and individuals are limited by law in the amount they can contribute to 527 organizations.

Answer: False; Page 243; Skill: Understanding

- 10) Interest groups help to bring about accountability from politicians.

Answer: True; Page 244; Skill: Application

### Essay Questions

1. What role do pluralists see interest groups playing in the American political system? How does the pluralist view compare with the view of Founders like James Madison? Which do you find more persuasive and why? (*Evaluation*)
2. Analyze the ways in which the Constitution encourages the formation of interest groups. In what ways was the constitutional system also designed to limit their influence? (*Analysis*)
3. What kinds of interests are most likely to be represented by Washington lobbyists? Discuss the reasons why some types of interests are more likely to have lobbyists than others. (*Analysis*)
4. Identify the resources needed to be an effective political interest group. How evenly are these resources distributed in society? Analyze the extent to which one type of resource can be used to compensate for the lack of another type. (*Analysis*)
5. Define the term “subgovernment” and provide some examples of how subgovernments operate. Critique the role that subgovernments play in the policy process. (*Evaluation*)
6. How would you go about setting up a lobbying campaign to secure more funding for higher education? What resources would you need and how would you go about getting them? (*Application*)
7. How could interest groups have helped the Deepwater Horizon disaster from occurring? (*Analysis*)
8. Is private or public interest more important? How can both be beneficial and detrimental to American society? (*Evaluation*)
9. Although the authors state the inside game does not traditionally involve bribes, do you think that bribes are exchanged in Washington D.C.? What can government do about this practice if it does exist on a substantial level? (*Evaluation*)
10. Considering the initial effects of the stimulus package of 2009, how are interest groups affecting the everyday economic situation of American citizens? Has their influence been positive or negative? (*Evaluation*)



## ***Chapter Nine***

### ***Political Parties***

#### Chapter Overview

- Where political parties fit in democratic and eighteenth-century republican doctrines
- How the American party system differs from that in other countries
- Why we have a two-party system
- How our party system has changed over the years
- What role third parties play
- How the Republican and Democratic Parties differ

The chapter opens with several examples of conservatives failing to support a Republican candidate because of the candidates' moderate views. The authors note that the two parties today appear to be more bitterly divided than in the past on a number of critical issues. They write that many political scientists attribute this intense partisanship to the fact that the two parties are so evenly divided in popular support that each tries to win elections by mobilizing its existing base rather than trying to appeal to lukewarm independents whose turnout on election day is more problematic. Whether not this particular party strategy is good for democracy, the authors conclude this opening section with the claim that parties “at least in theory, are one of the most important instruments for making popular sovereignty and majority rule a reality . . .”

In the next section, the authors discuss the role of political parties in democratic theory. The framers feared the development of parties because they believed “the spirit of party undermined the process of disinterested deliberation among representatives, which was at the very heart of the republican conception of good government.” Contemporary democratic theorists view parties very differently—if democracy means anything, it means that the majority had the right to organize to take over the government. The authors list and discuss the following ways that parties make popular sovereignty and political equality possible:

- Keep elected officials responsive;
- Include a broad range of groups;
- Stimulate political interest;
- Help people make sense out of complexity in politics;
- Ensure accountability; and
- Make government work.

The next section divides the history of America's two-party system into the following seven different periods.

- The First Party System: Federalists versus Republicans (1790s-1816)
- The Second Party System: Democrats versus Whigs (1820-1856)
- The Third Party System: Republicans and Democrats in balance (1860-1896)

- The Fourth Party System: Republican Party Dominance (1900-1928)
- The Fifth Party System: Democratic Party dominance (1932-1964)
- The Sixth Party System: Dealignment and Parity (1968-2000)
- The Seventh Party System: Evenly Divided, Hyperpartisanship (2000-present)

The authors note that while most Western democracies have multiparty systems, the United States has remained a two-party system. A major reason is that the United States conducts its national elections on a winner-take-all, single-member-district basis. Unless a party can win a plurality of the vote in at least some races, it will have no influence in government. In contrast, systems that provide for proportional representation assign seats in the legislature on the basis of the percentage of votes a party receives. The authors also cite state restrictions on ballot access for minor parties, popular support for maintaining a two-party system, and the absence of a strong labor movement as factors working against the emergence of a strong third or fourth party movement. They do note that minor parties have had some impact in American politics, either by forcing the major parties to address issues that were being ignored or by taking away enough votes from one of the major parties to affect the election outcome. Most third parties in the history of the U.S. fall into one of the four following categories: 1) protest parties, 2) ideological parties, 3) single-issue parties, and 4) splinter parties.

After reviewing the various kinds of minor parties that have appeared on the political landscape and discussing the impact they have had, the authors move on to describe the organizational structure of the major political parties. They write that the “parties are not organizations in the usual sense of the term but rather loose collections of local and state parties, campaign committees, candidates and officeholders, and associated interest groups that get together every four years to nominate a presidential candidate.” Politics in the United States is becoming increasingly “candidate-centered,” with candidates raising their own funds and setting their own campaign themes and priorities. While candidates were once nominated through procedures controlled by party leaders, they are now almost always chosen in primary elections.

While parties lack a unified organizational structure, both party candidates and supporters tend to share common ideological beliefs. The Democratic Party is the nation’s more liberal party and the Republican Party is the nation’s more conservative party. There is evidence that the ideological differences between the two parties have increased significantly since the mid-1970s. Party activists are usually more ideological than the rank and file. There is often conflict in parties between those who would downplay any ideological positions that might drive voters away and those reluctant to compromise their strongly held ideological beliefs in any way.

Parties can help to overcome the republican system of checks and balances the framers believed necessary to avoid or prevent the misuse of power. Frequently in American history, voters have not been willing to entrust the same party with control of all branches of government. When this happens, control of government is divided with no one party having a clear mandate. The gridlock that can result from divided government is a problem unique to the United States. Under parliamentary systems of government, the executive and legislative branches are combined.

In their conclusion to Chapter Nine, the authors find that, on balance, political parties have helped to democratize the original American republic, but that it remains to be seen whether they will continue to play a democratizing role in the future.

### Key Concepts and Objectives

Important concepts and objectives to stress in Chapter Nine include:

- Basic differences between political interest groups and political parties;
- Changes in campaign finance rules brought about by McCain-Feingold and how those changes may weaken political parties;
- Why parties are essential if voters are to exercise meaningful control over their government;
- The functions that parties perform;
- How the party system has evolved over the nation's history and how today's parties compare with those of the nineteenth century;
- Comparison of advantages and disadvantages of two-party and multiparty systems;
- The reasons why the United States has a two-party system;
- Why strong third parties occasionally emerge and what their impact has been;
- The changing role of the party organization, and the impact that change has had on grassroots political participation; and
- The role of the party in making government work by helping to overcome the fragmentation of power the framers built into the system.

### Lecture Outline

#### WHAT IS A POLITICAL PARTY

- 1) Political parties are organizations that want to control directly the reigns of government.
- 2) Party systems differ from nation to nation:
  - a) Distinguishing characteristics of the American party system
  - b) Comparisons with European parties
  - c) Often parties labor-based or religious-based
  - d) Lenin and the role of the communist party
- 3) American parties today differ significantly from what they were like in the past:
  - a) The founding era
  - b) Jacksonian Democracy
  - c) The Civil War and Sectionalism
  - d) Urban political machines

- e) Progressive era reforms
  - f) Candidate-centered campaigns
- 4) Today's parties have three different faces:
- a) Party in the electorate
    - i) Party ID; recent trends in party identification
    - ii) Demographic characteristics of Republican and Democratic voters
    - iii) Declining party loyalty
    - iv) Strong party identifiers compared to independents
    - v) Growing ideological cohesiveness in parties
  - b) Party as a formal organization
    - i) Decentralized—little real power compared to most European parties
    - ii) 50 different largely autonomous state parties
    - iii) Local party organizations also enjoy considerable autonomy
    - iv) Party organization at precinct level much weaker than it once was
    - v) Functions of national party committees
    - vi) The changing role of the national convention
    - vii) National parties as fundraising machines
    - viii) Impact of McCain-Feingold Act
  - c) Party in government
    - i) President's role as head of his party—recognized as voice of party
    - ii) Party not controlling White House usually does not have one spokesperson generally recognized as voice of the party
    - iii) Party is very important in the organization of Congress
    - iv) Congress organized along party lines—majority party manages flow of business
    - v) Party leadership in Congress
    - vi) Party voting in Congress has been increasing
    - vii) Parties becoming more ideologically cohesive in Congress
  - d) Is the greater partisanship seen in Congress and the more pronounced ideological divisions between Republican and Democratic voters a good or bad thing?
    - i) Review postelection commentary on political polarization

## Terms

The following terms are the key terms listed at the end of Chapter Nine:

Partisan  
 Political party  
 Party platform  
 Gridlock

Realignment  
New Deal  
New Deal coalition  
Divided government  
Dealignment  
Proportional representation  
Ideology  
Liberal  
Conservative

Other terms that might require further elaboration include:

Sound bites  
Federalist Party  
Whig Party  
Republican Party  
Democratic Party  
Era of Good Feeling  
Populism  
“First past the post” system  
Single member districts  
Winner-take-all, plurality election  
Party activists  
Congressional campaign committees  
“Candidate-centered”  
“Rallying-the-base”

### Discussion Questions

- A. Why do some political scientists argue that America needs stronger political parties? How do parties contribute to the cause of democracy? In what ways might they hinder it?
- B. Should people be allowed to give as much money as they want to the political party of their choice?
- C. Should parties try to provide a big umbrella and cover a wide variety of ideological perspectives or be clearly committed to one particular ideological perspective?
- D. Ask the class to describe a likely Republican voter and a likely Democrat voter and then discuss why it is they would expect the people they have described to be a Republican or Democrat.
- E. How good a job do the current political parties do of representing the American people? If you could design a new political party, what would it look like? How would it be different from the current ones?

- F. Would the United States be better off using a system of proportional representation in Congress? What might the consequences of such a system be?

### Other Class Activities and Research Projects

- A. Assign students to do a report on how one of the two major political parties is organized in their county. Who is the county chairperson, and what does he or she do? How many precincts are there in the county, and does the party have a precinct chair in each of them?
- B. Bring in tapes of (or search the Internet for) television advertisements run during the 2008 campaign to see how often either candidate mentioned his party affiliation. Do the ads support the observation made in the text that campaigns are becoming more candidate centered and less party centered?
- C. Assign each student a country to research and report back on the number of political parties in that country that hold at least one seat in the national legislature.
- D. Bring in survey data that will allow students to compare those who voted in the 2008 presidential election to those who voted in the 2006 congressional elections. Ask students how the 2006 electorate differed from the 2008 electorate in terms of size, demographics, and partisanship. How were the issues different?

### Multiple Choice Questions

- 1) The authors believe that political parties:
- a) Rarely provide voters with meaningful choices
  - b) Are one of the most important instruments for making popular sovereignty and majority rule a reality
  - c) Hinder government's ability to be directly responsive to the popular will
  - d) Are an example of still another way in which authority is fragmented in the American political system
  - e) Should be eliminated in American politics

Answer: b; Page 250 - 251; Skill: Analysis

- 2) Jesse Ventura won the Minnesota governor election in 1998 as a:
- a) Republican
  - b) Whig
  - c) Green party member
  - d) Federalist
  - e) Reform party member

Answer: e; Page 253; Skill: Understanding

- 3) With record levels of contributions, both parties have developed technologically sophisticated campaign machines operating out of new office buildings with large, well-trained staff. As these changes have been taking place within the parties:
- a) Voting turnout in national elections has soared to an all-time high
  - b) There has been a decline of party identification
  - c) More voters are now calling themselves Republicans or Democrats than in the 1950s
  - d) Party leaders are now able to exercise much stricter control over who their nominees will be
  - e) Third parties have disappeared

Answer: b; Page 275; Skill: Understanding

- 4) Political parties are expected to perform all of the following EXCEPT:
- a) Recruit candidates for public office
  - b) Mobilize citizens to get out and vote for the party's candidates
  - c) Organize activities in government under a party program
  - d) Implement the programs that are adopted by government
  - e) Operate in local, state, and national elections

Answer: d; Page 252; Skill: Application

- 5) In order to form voting coalitions large enough to win elections, parties:
- a) Try to be as inclusive as possible
  - b) Take clear stands on every controversial issue facing the country
  - c) Solicit large contributions from corporations
  - d) Frequently agree to form coalitions with other parties
  - e) Appeal to international politicians for help

Answer: a; Page 267; Skill: Understanding

- 6) According to the text, parties should be aiding democracy by all of these EXCEPT:
- a) Stimulating interest in campaigns and getting people out to vote
  - b) Helping voters understand what positions are more consistent with their own values and interests
  - c) Increasing government accountability by assuming collective responsibility for what is done
  - d) Keeping elected officials responsive
  - e) Seeking to overthrow the government

Answer: e; Page 252; Skill: Understanding

- 7) America's current two-party system of Democrats and Republicans dates back to:

- a) 1789
- b) 1812
- c) 1860
- d) 1932
- e) 1998

Answer: c; Page 253; Skill: Understanding

8) Southern whites, African Americans, white ethnics, Catholics, Jews, union members, and small farmers were all part of the New Deal Coalition that made the Democratic party the nation's majority party between:

- a) 1896 and 1932
- b) 1924 and 1952
- c) 1932 and 1964
- d) 1968 and 2000
- e) 1920 and 2008

Answer: c; Page 257; Skill: Analysis

9) The sixth party system identified in the text is different from the preceding five in that:

- a) The two major parties became virtually indistinguishable from each other
- b) Several minor parties emerged as serious electoral threats
- c) It was characterized more by dealignment than by realignment
- d) Ideology is less important than it ever was before
- e) Political actors dominate public opinion

Answer: c; Page 258 - 259; Skill: Understanding

10) Teddy Roosevelt's "Bull Moose" party would be an example of a \_\_\_\_\_ party.

- a) protest
- b) ideological
- c) single-issue
- d) splinter
- e) Advocacy

Answer: d; Page 256; Skill: Understanding

11) Minor, or third, parties have influenced American politics in which of the following ways?

- a) Bringing up new ideas that are adopted by the major parties when voters begin to respond to them
- b) Affecting the outcome of an election by taking votes away from one of the major party candidates
- c) Allowing voters who are unhappy with the two major parties to register a protest vote
- d) Minor parties have influenced American politics in all of the above ways
- e) Minor parties have influenced American politics in none of the above ways



Answer: d; Page 256; Skill: Analysis

12) Which of the following election procedures would be most advantageous to minority parties?

- a) Elect members to Congress through a system of proportional representation
- b) Elect members to Congress under a “first-past-the-post” system
- c) Elect members to Congress under a single-district, winner-take-all system
- d) Elect members to Congress on a combined ticket with the President
- e) Elect members to Congress on a mixed ticket system

Answer: a; Page 253 - 254; Skill: Application

13) Compared to political parties in other democratic nations, American parties:

- a) Are more highly structured
- b) Have clearly defined membership requirements
- c) Select their candidates largely through primary elections
- d) Exercise much more discipline over all party members who are elected to office
- e) Has a chaotic system devoid of accountability

Answer: c; Page 261; Skill: Analysis

14) In contrast to the American system, parliamentary systems:

- a) Elect the prime minister by direct popular vote
- b) Combine legislative and executive branches
- c) Operate under an intricate system of checks and balances
- d) Make it almost impossible for minor parties to have any influence
- e) Are generally a two party system

Answer: b; Page 254; Skill: Understanding

15) In the 1996 U.S. elections, Ross Perot’s Reform party won 8% of the vote. In Israel or the Netherlands, a party winning 8% of the vote:

- a) Would have been guaranteed a cabinet seat
- b) Would have been required to unite with another party
- c) Would be given 8% of the seats in the legislature
- d) Would have a few seats but have no chance of exercising real power
- e) Would have no representation in the legislature

Answer: c; Page 253 - 254; Skill: Application

16) The country’s framers believed that political parties:

- a) Were essential elements of a democratic political system
- b) Should be well disciplined and responsible
- c) Promoted conflict and posed a threat to republican ideals

- d) Were too weak to ever have much influence in American government
- e) Were a threat to democratic ideals

Answer: c; Page 251; Skill: Understanding

17) There are a number of obstacles that third parties face when they try to compete in elections. Which of the following is NOT an obstacle?

- a) State requirements to get a party's candidates on the ballot
- b) The dealignment that has taken place in recent decades
- c) Traditional attitudes that see the two-party system as the only kind possible
- d) The single member, winner-take-all system for electing congressmen
- e) Partial federal funding of major party candidates in presidential elections

Answer: b; Page 255; Skill: Understanding

18) To be a Republican (or Democrat) in the United States means:

- a) That a person votes consistently for candidates of that party on a regular basis
- b) That a person is in general agreement with that party's platform
- c) That a person gives financial support to the party
- d) Just about anything a person wants it to mean
- e) That a person designates that political membership when registering to vote

Answer: d; Page 261; Skill: Understanding

19) Well-organized political machines led by strong bosses:

- a) Are still found in many of America's large cities
- b) Never existed at the national level
- c) Were common at all levels of government between the 1940s and early 1960s
- d) Have not existed at the national level since the death of Franklin Roosevelt
- e) Have been dominant since the ratification of the Constitution

Answer: b; Page 263 - 264; Skill: Application

20) A party's candidates for public office in Germany:

- a) Are selected by local party committees
- b) Must raise all their campaign funds themselves
- c) Usually have only a loose affiliation with a political party
- d) Compete with candidates from other parties in one big open primary
- e) Are selected in primaries by the voters

Answer: a; Page 254; Skill: Analysis

21) Which of the following statements is true?

- a) Democratic activists are more liberal than the party's rank and file.
- b) Democratic activists are more conservative than the party's rank and file.
- c) Democratic activists are more liberal on social issues but more conservative on economic issues than are the party's rank and file.
- d) There is no significant difference between Democratic activists and the party's rank and file.
- e) Democratic activists follow the lead of the party's rank and file when it comes to social issues.

Answer: a; Page 270; Skill: Application

22) Recent issue disputes between Democrats and Republicans include all of the following EXCEPT:

- a) The wars in Iraq and Afghanistan
- b) Abortion
- c) Same-sex marriage
- d) Global warming
- e) Constitutional government

Answer: e; Page 249; Skill: Understanding

23) Which party system is prevalent in the United States?

- a) One party system
- b) Two party system
- c) Three party system
- d) Four party system
- e) Multi party system

Answer: b; Page 253; Skill: Understanding

24) Which of the following statements is true?

- a) Most democratic countries use a two party system.
- b) Most democratic countries use an internet election system.
- c) Most democratic countries use a socialist model for representation.
- d) Most democratic countries do not use elections to determine representation.
- e) Most democratic countries use a proportional representation system.

Answer: e; Page 253; Skill: Understanding

25) In a winner-take-all election, the party with \_\_\_\_\_ votes wins.

- a) all of the
- b) the least
- c) the uncounted
- d) none of the
- e) the most

Answer: e; Page 254; Skill: Understanding

26) The most recent third party to qualify for federal funding was the \_\_\_\_\_ party.

- a) Democratic
- b) Republican
- c) Communist
- d) Green
- e) Reform

Answer: e; Page 255; Skill: Understanding

27) Which of the following is considered a protest party?

- a) Progressive
- b) Libertarian
- c) Reform
- d) Socialist
- e) Populist

Answer: e; Page 256; Skill: Understanding

28) The split in Florida's votes caused by Ralph Nader benefited which candidate?

- a) John McCain
- b) Barack Obama
- c) Al Gore
- d) Ross Perot
- e) George W. Bush

Answer: e; Page 256; Skill: Understanding

29) In a \_\_\_\_\_ government, one party is in control of the presidency and the other has a majority in at least the House or Senate.

- a) Unified
- b) Segmented
- c) Pluralistic
- d) Libertarian
- e) Divided

Answer: e; Page 258; Skill: Understanding

30) All of the following were characterized by the author as popular, charismatic, and skillful presidents EXCEPT:

- a) George Washington
- b) Abraham Lincoln
- c) Woodrow Wilson

- d) Franklin Roosevelt
- e) George W. Bush

Answer: e; Page 261; Skill: Understanding

### True/False Questions

- 1) Since the 1980's, Republicans have become more liberal and Democrats have become more conservative.

Answer: False; Page 248 - 249; Skill: Understanding

- 2) Political parties are one of the least important instruments for making popular sovereignty and majority rule a reality in a representative democracy.

Answer: False; Page 250; Skill: Understanding

- 3) Political parties have no tools available to stimulate interest in politics.

Answer: False; Page 252; Skill: Understanding

- 4) The two-party outcome of plurality elections in single member district voting systems is often called Duverger's Law.

Answer: True; Page 254; Skill: Understanding

- 5) Single-issue parties are also called advocacy groups.

Answer: False; Page 256; Skill: Understanding

- 6) Divided government is when one party is in control of the presidency and the other has a majority in at least the House or Senate.

Answer: True; Page 258; Skill: Understanding

- 7) The authors have identified a seventh party era in the mid-1990s that they also call the "parties at war" era.

Answer: True; Page 259; Skill: Analysis

- 8) In the 2010 elections, Democrats made the largest gains in support.

Answer: False; Page 260; Skill: Understanding

- 9) Tea Party candidates were successful in 2010 because Republican party leaders placed them on party ballots.

Answer: False; Page 263; Skill: Application

10) A higher percentage of Democrats voted for Obama than McCain in the 2008 presidential election.

Answer: True; Page 268; Skill: Understanding

### Essay Questions

- 1) While the framers opposed the development of political parties, most contemporary political scientists see parties as essential to democracy. In theory, what role should parties be playing in a democracy? Analyze the extent to which American political parties fulfill that role. (*Analysis*)
- 2) Why does the United States have a two-party system? Discuss the pros and cons of a two-party system compared to those of a multiparty system. (*Analysis*)
- 3) Examine the various ways the question, “What is the Democratic (or Republican) party?” might be answered. What do you believe is the best way to define an American political party, and why? (*Application*)
- 4) What impact have third parties had in American parties? Why have third parties generally been so short lived? (*Understanding*)
- 5) Most agree that political party organizations were stronger in the past than they are now. Analyze the factors that have contributed to the demise of parties and the rise of a “candidate-centered politics.” (*Analysis*)
- 6) To what extent are American parties organized along ideological lines? Make an assessment of whether highly ideological parties are a good or bad thing in a democracy. (*Evaluation*)
- 7) What would happen if political parties were eliminated? Would this be a good or bad thing? (*Evaluation*)
- 8) Is a proportional representation system more effective than a winner-take-all system? Why or why not? (*Evaluation*)
- 9) Will there be a strong third party candidate in the next presidential election? What type of impact would this have on the results? (*Application*)
- 10) How can partisanship and decreased party identification coexist? Does one have to decrease for the other to increase? (*Application*)

## ***Chapter Ten***

### ***Elections and Citizen Participation***

#### Chapter Overview

- Where elections fit in democratic and eighteenth-century republican doctrines
- How African Americans, women, and young people won the right to vote
- Why many Americans don't vote
- How to run for the presidency
- What part money plays in elections
- How voters decide
- How presidential elections are decided
- Why elections matter

This chapter begins with a review of the 2008 presidential election. It then reviews the place of elections in democratic and republican theories. The republican framers believed that government should operate with the consent of the governed and saw elections as a means of gaining this consent. They lacked confidence in the people to make sound decisions, however, and wanted to insulate public officials from direct popular pressure. To accomplish their objective, they designed a government in which popularly elected representatives would have to share power with unelected officials. Under the original Constitution, the only officials directly elected by the people were members of the House of Representatives. Senators were appointed, but state legislators and the president were selected by an elite body of electors, while the judges were nominated by the president and confirmed by the Senate.

The authors point out that democratic theory sees elections very differently. Rather than a means of showing consent, democratic theorists see elections as the essential tool by which citizens control their government. There are different theories regarding how voters can use elections to control their government. The prospective voting model believes parties should be united around a platform that clearly spells out what the party will do if it wins power. A second model is the electoral competition model that calls for the two parties to determine what public opinion is and each party takes the most popular position that they can. The retrospective voting model sees voters using elections to reward or punish parties on the basis of their past performance. The authors discuss both the strengths and weaknesses of each of these models and conclude that none of the three works well enough to guarantee perfectly democratic outcomes.

There has been a dramatic expansion of the franchise since the first Congress was elected in 1789. The Constitution left it to the states to set voting qualifications and most states restricted the vote to white males who met property owning and/or religious requirements. Today nearly every citizen over the age of 17 is eligible to vote. Most states dropped their religious and property ownership requirements during the period of Jacksonian Democracy. Other significant expansions of the electorate came through constitutional amendments. The Fifteenth Amendment prohibited states from denying the right to vote on the basis of race, though this right was not

fully enforced until the passage of the Voting Rights Act in 1965. Other amendments gave women the right to vote in 1920 (Nineteenth), residents of the District of Columbia in 1961 (Twenty-third), and those eighteen or older in 1971 (Twenty-sixth). The number of elected offices also expanded. Most states began selecting their representatives to the Electoral College in the early 1800s, and parties began choosing their candidates through party primaries and caucuses. The Seventeenth Amendment, ratified in 1913, provided for the direct popular election of senators.

While the United States now has near universal suffrage, large numbers of those who are eligible to vote do not. Voter turnout in presidential elections has dropped from a high of around 80 percent in the elections of the mid-nineteenth century. Since 1912, turnout in presidential elections has ranged between 50 and 65 percent. The authors point out that low voter turnout violates one of the key elements of democracy—political equality. They discuss a number of reasons why voter turnout in the United States is lower than the turnout in most other western democracies, including complex registration laws, a lack of attractive choices, alienation, and a failure of parties to mobilize voters. Curiously, while Americans vote at lower levels than citizens do in other countries, they are more likely to take an active role in political campaigns and to contact their political leaders.

Patterns of political participation vary significantly among demographic groups. People with higher levels of income and education are more likely to vote than the poor and uneducated are. The level of African American voting once was quite low but now nearly equals that of white Americans. Hispanics continue to vote at a rate significantly below the national average. The gender gap in voting has virtually disappeared but younger age groups vote at lower levels than older groups do. Some surveys have found that nonvoters are not very different from voters in their policy preferences, but the authors state that higher turnouts would make a difference. They argue that broader participation “would increase popular sovereignty and political equality and would thus contribute to democracy.”

In the chapter’s next section, the authors describe the process of running for president. They begin by describing demographic characteristics and professional backgrounds that most candidates have had. Those interested in running begin by “testing the waters.” Those who receive encouragement from colleagues and support from different groups start raising money. Both press and potential supporters will often use a candidate’s ability to raise money as an indicator of his or her viability as a candidate. The authors discuss the impact of front-loading primaries and the strategic choices that candidates must make when planning their primary campaigns. The outcome of the nomination fight is usually decided long before the party’s national convention is held to officially nominate its candidate.

After the nominating convention comes the general election campaign. Candidates must decide on a campaign strategy, which usually involves some combination of deciding where to focus campaign resources, what issues and past accomplishments to emphasize, and what personal image to try to project. Campaigns cost a great deal of money but total expenditures are becoming harder to track because of expenditures made by independent political groups.



The final section of Chapter Ten examines the impact factors such as party identification, foreign and domestic issues, and the personal appeal of the candidate have on the voter's choice, as well as the overall impact of the campaign. The role of race, religion, gender, and socioeconomic status in determining voter choice is discussed as well. Finally, in this section the workings of the Electoral College are reviewed and its impact on the election outcome is also reviewed. Its impact includes: 1) magnifying popular support of winners; 2) creating the possibility that the less popular candidate may win; and 3) discouraging third parties.

In their conclusion, the authors point out that several of the country's republican institutional foundations have been altered beyond recognition. These include the transformation of the Senate from an appointed to an elected body, the presidential election process, and the adoption of near universal suffrage. These changes have made the nation much more democratic, but the United States is still far from a perfect democracy. A main reason is that uneven participation and the influence of money undermine political equality by giving some far more influence than others.

### Key Concepts and Objectives

Important concepts and objectives to stress in Chapter Ten include:

- What the eighteenth-century republican Founders believed the value of elections was and the purpose of elections are according to democratic theory;
- The different ways that elections can provide a way for citizens to control their government;
- Why holding elections in and of itself does not ensure real popular control over government;
- The major steps from a system of very limited suffrage to near universal suffrage;
- The reasons why voter turnout is so much lower in the United States than in other western democracies and what might be done to increase it;
- How different demographic factors affect turnout rates and what the implications of these different rates are for democratic theory;
- What someone interested in running for president must do to establish him or herself as a viable candidate;
- The frontloading of primaries and what the impact has been;
- The major components of both a primary and general election campaign strategy, and how they differ;
- Why candidates may choose not to participate in public funding of their campaigns during the primaries;
- How voters go about deciding on a candidate and how those factors can change from election to election;
- The impact that campaigns have; and
- The basic workings of the Electoral College and what its possible consequences are.

## Lecture Outline

### THE 2008 PRESIDENTIAL ELECTION

- 1) How did Barack Obama win the 2008 presidential election? Use survey data to show the demographics of who came out to vote and who the major demographic groups supported.
- 2) One goal of a campaign is to mobilize party supporters and other likely voters. What did the composition of the 2008 electorate look like and which candidate benefited from who voted and who did not? What were the reasons for the increased turnout in 2008 over 2004?
  - a) Ethnic groups
  - b) Income groups
  - c) Educational groups
  - d) Religious groups
  - e) Age groups
  - f) Gender groups
- 3) How did the following factors influence the outcome of the election?
  - a) Party affiliation
  - b) Economic issues
  - c) Moral issues
  - d) Iraq and the War on Terror
  - e) Personal character
  - f) Vice presidential selections
  - g) Other factors
- 4) Which of the models best explains how people voted?
  - a) Prospective voting
  - b) Retrospective voting
  - c) Electoral competition model
- 5) What kind of impact did the campaign have?
  - a) The televised debates
  - b) Candidate-sponsored media advertising
  - c) Advertising by independent groups
  - d) The Internet
  - e) Other forms of campaigning
- 6) What do the election results suggest about the following?

- a) The role of money in politics
- b) The impact of negative advertising
- c) The importance of issues in a campaign

## Terms

The following terms are listed and defined in the glossary at the end of Chapter Ten:

Responsible party  
Prospective voting model  
Electoral competition model  
Median voter  
Electoral reward and punishment  
Retrospective voting  
Provisional ballots  
Franchise  
Suffrage  
Electoral College  
Primary election  
Caucus Nominating Convention  
Superdelegates  
Turnout  
Referenda  
Initiative  
Convention  
Normal vote  
Electors  
Plurality

Other terms that might require further elaboration include:

General election  
Superdelegates  
Frontloading  
PACS  
Open primaries  
Closed primaries  
527 advocacy organizations

### Discussion Questions

- A. Why did Barack Obama win the presidency in 2008? Of the three voting models reviewed in the text (prospective voting, retrospective voting, and electoral competition model), which do you think best explains the reason people voted as they did in the 2008 presidential election?
- B. What does it matter that Obama won the presidency in 2008 instead of McCain? How might things have been different today had McCain won instead?
- C. Does the candidate with the most money usually win? Are the very rich able to buy candidates—and elections?
- D. Should Ralph Nader have been given greater ballot access in the 2008 presidential election? What impact, if any, did he have on the outcome?
- E. Were Obama and McCain the two best choices for the presidency in 2008? How do you think the process we use for choosing a president affects the caliber of candidate we get? Might a different process produce better candidates?

### Other Class Activities and Research Projects

- A. Prepare a report on the youth vote in 2008. Consider how young voters (18 to 24) compared to the overall electorate in terms of turnout, party affiliation, issues of greatest concern, and candidate preference.
- B. Go to the Federal Election Commission Web site and find the expenditure reports filed by each of the two major candidates.
- C. Play political ads used during the 2008 election and discuss who their target audience was and what the message they were trying to get across was.
- D. Compare voter turnout in the 2008 elections with turnout in 2004. Use the results of voter surveys taken in both 2004 and 2008 to determine the different levels of turnout by groups. Also compare the extent to which different voting groups shifted their support from one party to the other.

### Multiple Choice Questions

- 1) When the Constitution was ratified, which of the following officials were to be elected by the people?
  - a) Members of the House of Representatives
  - b) A state's representatives in the Electoral College

- c) U.S. Senators
- d) The president
- e) Supreme Court Justices

Answer: a; Page 281; Skill: Understanding

2) Under the responsible party voting model:

- a) Straight party voting would not be allowed
- b) Voters would judge parties on past performance, not promises for the future
- c) Each party must take clear policy positions that differ significantly from the other party.
- d) Candidates would run on those issues of greatest interest to their districts
- e) Candidates would poll voters and establish their platform based on voter preferences

Answer: c; Page 282; Skill: Understanding

3) According to the authors, one of the problems of the responsible party model is that it would produce:

- a) Voters who are highly partisan
- b) More political conflicts and less compromise
- c) Voters who are highly ideological
- d) Voters who refuse to identify with a political party
- e) Voters who write in their choices on a ballot

Answer: b; Page 282; Skill: Understanding

4) Meeting all the conditions for “prospective voting” would still not guarantee democratic control over government because:

- a) The choices offered in the party platforms might not be the choices most of the people want
- b) There is no way to anticipate all the issues the winning party will have to address
- c) Voters may change their minds on issues after the election, when more information has become available
- d) All of the above are reasons that full democratic control would not be guaranteed under “prospective voting”
- e) None of the above are reasons that full democratic control would not be guaranteed under “prospective voting”

Answer: d; Page 282; Skill: Analysis

5) The electoral competition voting model assumes that parties want to:

- a) Offer voters a clear choice
- b) Win over the most voters that they can to their own ideological position
- c) Take the most popular positions they can
- d) Support those positions that are most important to their largest contributors
- e) Win over voters by continually changing their political positions

Answer: c; Page 283; Skill: Understanding

- 6) If the Republican and Democratic parties developed their positions on the basis of the median voter model:
- a) There would be complete government deadlock
  - b) The two platforms of the parties would be almost identical to one another
  - c) Only the views of party activists would be addressed
  - d) The ideological division between the two parties would increase
  - e) There would be a necessity for a third party

Answer: b; Page 283; Skill: Understanding

7) Retrospective voting requires voters to:

- a) Be thoroughly familiar with the platforms of the two parties
- b) Vote for or against the party currently in power on the basis of the voter's overall satisfaction with its record
- c) Engage in a complicated calculation about how faithfully a party has fulfilled all of the campaign promises made in the last election
- d) Vote more on the basis of candidate character than on specific issues
- e) Vote on the basis of what the candidate will do while in office

Answer: b; Page 284; Skill: Understanding

8) Retrospective voting is an imperfect way of achieving democratic control over government because:

- a) It is based on official perceptions of what the "median voter" wants
- b) It gets rid of bad leaders only after (not before) disasters happen
- c) It allows no time for leaders to try out experimental programs
- d) It is simple and realistic
- e) It bases decisions on projections and not past performance

Answer: b; Page 285; Skill: Understanding

9) Out of the approximately 100 million ballots cast in the 2000 presidential election, somewhere between \_\_\_\_\_ votes were not counted.

- a) 500,000–750,000
- b) One to two million
- c) Two to four million
- d) Four to six million
- e) Six to eight million

Answer: d; Page 285; Skill: Understanding

10) The authors argue that the principle of political equality is regularly violated in American elections because:

- a) The Constitution still allows states to discriminate against several large categories of voters
- b) Political participation varies considerably among different demographic groups
- c) Of the Court's "one-man, one vote" rulings
- d) Not everyone is born with the same level of political skill
- e) Not all major groups of people have been granted suffrage

Answer: b; Page 285 - 286; Skill: Understanding

11) The first expansion of the franchise occurred in the early part of the nineteenth century when:

- a) Voting rights were extended to foreign immigrants
- b) Religious and property ownership requirements were eliminated
- c) Women were given the right to vote
- d) Northern states began allowing free blacks to vote
- e) Americans 15 to 18 were given the right to vote

Answer: b; Page 286; Skill: Understanding

12) While the Fifteenth Amendment prohibited states from denying the right to vote on the basis of race in 1870, it was not until the \_\_\_\_\_ that most barriers to African Americans voting in the Deep South began to fall.

- a) Supreme Court's *Brown v. Board of Education* decision
- b) Presidency of Franklin Roosevelt
- c) Voting Rights Act of 1965
- d) Civil Rights Act of 1957
- e) The American Revolution

Answer: c; Page 286; Skill: Understanding

13) Which of the following groups are still not permitted to vote in some states?

- a) Incarcerated felons
- b) People in mental institutions
- c) Recent immigrants
- d) Foreign citizens
- e) All of the above are not permitted to vote in at least some states

Answer: e; Page 287; Skill: Understanding

14) The Nineteenth Amendments gave the vote to:

- a) Native Americans
- b) Women
- c) Residents of the District of Columbia

- d) People 18 years of age or older
- e) African Americans

Answer: b; Page 287; Skill: Understanding

15) The transition from having state legislatures appoint electors to choose a president to the popular election of who would represent a state in the Electoral College came about:

- a) With the passage of a constitutional amendment
- b) When popular pressure for more democratic control occurred in the early nineteenth century
- c) After the Supreme Court had ruled legislative appointment of electors unconstitutional
- d) As a result of the disputed election of 1876
- e) When the Constitution was passed in 1789

Answer: b; Page 287; Skill: Understanding

16) Which of the following statements about U.S. voting turnout in national elections is true?

- a) U.S. turnout rates peaked in the middle and latter half of the nineteenth century.
- b) U.S. turnout rates are about what rates are in other western democracies.
- c) There is not much difference in turnout for all the different kinds of elections held in the United States.
- d) Voting turnout rarely exceeds 40% of the eligible electorate in presidential elections.
- e) The 2008 presidential election brought out the highest turnout percentage in American history.

Answer: a; Page 288; Skill: Analysis

17) Voting turnout tends to be higher in those countries that:

- a) Require voters to renew their voter registration each year
- b) Permit voters to vote on the greatest number of ballot measures and minor offices
- c) Have strong two-party systems
- d) Automatically register voters
- e) Are not democracies

Answer: d; Page 289; Skill: Understanding

18) In contrast to many other democracies, the United States:

- a) Make little effort to contact their public officials
- b) Does not make election day a holiday
- c) Are less likely to join organizations that take part in politics
- d) Turn out to vote in significantly higher numbers
- e) Are more likely to run for a parliamentary position

Answer: b; Page 290; Skill: Understanding



19) Which of the following individuals is most likely to vote in an American election?

- a) A woman earning over \$75,000
- b) A Hispanic male
- c) A college student in his early twenties
- d) An African American with just a high school education
- e) A Hispanic woman with a 9<sup>th</sup> grade education

Answer: a; Page 291 - 294; Skill: Analysis

20) Ronald Reagan won the 1980 presidential election by capitalizing on the economic and foreign policy troubles of which administration?

- a) Richard Nixon
- b) John F. Kennedy
- c) Gerald Ford
- d) George H. W. Bush
- e) Jimmy Carter

Answer: e; Page 305; Skill: Understanding

21) George W. Bush, John Kerry, and Howard Dean all had what in common?

- a) They all opted out of the public campaign finance system in 2004.
- b) They all ran in and lost the New Hampshire primary.
- c) They all had to overcome serious sex scandals.
- d) They all wrapped up their party's nomination well in advance of the party nominating convention.
- e) They all lost the 2004 presidential election

Answer: a; Page 298; Skill: Understanding

22) The process by which parties nominate their candidates for national office:

- a) Is set forth in Article 2 of the Constitution
- b) Has changed very little since the nation's founding
- c) Is primarily governed by party rules and state law
- d) Now gives the greatest influence to those states holding primaries right before the national convention
- e) Is included in the Bill of Rights

Answer: c; Page 299; Skill: Application

23) In recent years, states have tended to "front-load" their primaries so that:

- a) Voters will be able to more clearly distinguish between primary and general elections
- b) Their primaries are held before one candidate has his party's nomination secured
- c) They can save money by having their primaries at the same time
- d) The delegates chosen in the primaries will have more time to decide whom to support

e) Other states will have the privilege of selecting the nominee

Answer: b; Page 299-300; Skill: Understanding

24) Most voting research shows that presidential campaigns:

- a) Have almost no effect on what people will do at election time
- b) Mainly reinforce previous preferences and activate people to go to the polls
- c) Typically cause about 40% of the voters to switch from one candidate to another
- d) Are not likely to have much influence on people who are already strongly committed to one party or the other
- e) Tend to drive voters away from the election process

Answer: b; Page 291; Skill: Analysis

25) If no candidate for president wins a majority of the Electoral vote:

- a) A run-off election is held between the two top vote-getters
- b) The House of Representatives chooses the president from among the top three Electoral College vote-getters
- c) The president is elected in a joint session of Congress from the top two Electoral College vote-getters
- d) All candidates other than the two Electoral College vote-getters are dropped from consideration and then the Electoral College votes again
- e) The Speaker of the House is selected as president

Answer: b; Page 315; Skill: Understanding

26) What change occurred as a result of the ratification of the Seventeenth Amendment?

- a) Women were given the vote.
- b) National Prohibition was enacted.
- c) A state's Electoral College votes were cast on a winner-take-all basis.
- d) U.S. Senators were popularly elected.
- e) Slavery was abolished

Answer: d; Page 317; Skill: Understanding

27) What do George W. Bush, Benjamin Harrison, and Rutherford Hayes have in common?

- a) They all had fathers who were Republican Presidents.
- b) They were elected president with just a plurality of the Electoral College vote.
- c) They won the presidency by defeating an incumbent vice president.
- d) They lost the popular vote but still became president.
- e) They all lost the presidential election by a close margin

Answer: d; Page 316; Skill: Understanding

28) Which of the following can happen under the current system used to elect a president?

- a) A candidate can win the popular vote and electoral vote and still lose the presidency.
- b) A state elector can change his mind and not vote for his party's nominee.
- c) A state with three Electoral College votes can split its Electoral College votes between four candidates.
- d) Someone can become president as a citizen on another country.
- e) A 24 year old American can be elected president.

Answer: b; Page 315; Skill: Understanding

29) Which of the following statements about the 2008 presidential election is correct?

- a) Voter turnout at the ages of 18- to 29-year-olds was only 51 percent.
- b) The McCain campaign was seriously underfunded compared to the funding received by the Obama campaign.
- c) Obama was the first Democrat to receive the majority of the popular vote since Jimmy Carter.
- d) All of the statements are true.
- e) None of the above statements is true.

Answer: a; Page 293; Skill: Understanding

30) Which of the following is an impact the Electoral College has on election outcomes in the U.S.?

- a) Magnifies the popular support of winners
- b) Enables the popular vote loser to become president
- c) Discourages the formation of third parties
- d) All of the above are impacts of the Electoral College
- e) None of the above is an impact of the Electoral College.

Answer: d; Page 315 - 316; Skill: Understanding

### True/False Questions

1) Barack Obama was the first African American to be elected president of the United States.

Answer: True; Page 278; Skill: Understanding

2) John McCain raised more than \$250 million for his 2008 presidential campaign.

Answer: False; Page 280; Skill: Understanding

3) In the prospective voting model, voters are interested in and capable of deciding what government will do in the future.

Answer: True; Page 282; Skill: Understanding

- 4) When prospective voting occurs, voters judge how well a group in power has governed and decide if they want this group to continue in office.

Answer: False; Page 284; Skill: Understanding

- 5) The legal right to vote is called the franchise.

Answer: True; Page 286; Skill: Understanding

- 6) In 1862, residents of the District of Columbia were given the right to vote in all federal elections.

Answer: False; Page 287; Skill: Understanding

- 7) In some European countries, citizens are fined for not voting.

Answer: True; Page 289; Skill: Understanding

- 8) Most states are considered battleground states where there is no definite preference in presidential elections.

Answer: False; Page 291; Skill: Understanding

- 9) Hispanics have historically had very low voter turnout rates.

Answer: True; Page 293; Skill: Understanding

- 10) The Electoral College meets immediately before and after a presidential election.

Answer: False; Page 315; Skill: Understanding

### Essay Questions

1. Sometimes a clear front-runner emerges even before the first primary is held. In a crowded field, how are the frontrunners identified? What must a person do to be viewed as a viable presidential candidate by the press and public? Develop a plan for someone to be viewed as a serious candidate for the presidency in 2012. (*Application*)
2. Provide an analysis of why American voter turnout is so much lower than turnout in other western democracies. What difference does it make that so many exercise their right not to vote? What do you think it means when an individual decides not to vote? (*Analysis*)

3. Distinguish between the prospective and retrospective voting models. Which one do you think best explains the results of the 2008 election? (*Application*)
4. Analyze how the Electoral College affects a candidate's campaign strategy. How would campaigns be different if presidents were elected by direct popular vote? (*Analysis*)
5. Trace the expansion of the franchise from the early nineteenth century to the present. (*Understanding*)
6. What three things would you like to see changed in the presidential election process and why? Clearly identify the goal or value you want to achieve in each of the reforms you propose and explain why you believe your reforms will move the country closer to those goals. (*Evaluation*)
7. What changes could be made to ensure party members adhere to party ideologies before and after elections? Is this necessary? (*Evaluation*)
8. How can a presidential candidate win the election without winning the majority vote? Should this process be eliminated? (*Application*)
9. How can the recent success of third party candidates bring about more cohesion to parties and their philosophies? (*Analysis*)
10. Create an alternative to the Electoral College (other than winner take all) that would adhere to the principals established by the Constitution and its framers. (*Application*)



## *Chapter Eleven*

### *Congress*

#### Chapter Overview

- Congress in democratic and eighteenth-century republican doctrines
- How the Constitution shapes Congress
- How the members of Congress represent their constituents
- What role money and interest groups play in congressional elections
- What leaders, political parties, and committees do in Congress
- How a bill becomes a law
- Why oversight is important

The chapter opens with a discussion of the 2010 election.

According to the principles of eighteenth-century republicanism, those legislators who were elected to office were not expected to seek out and mirror the views of those who elected them but to use their own judgment when making decisions. Early republicans believed in what is called the trustee theory of representation. In contrast to the trustee theory is the delegate theory, which is based on the expectations of democratic theory that representatives should do everything they can to faithfully support the positions preferred by the people they represent.

Descriptive representation provides another way of looking at the meaning of the term representation. According to it, representation exists to the extent that the demographic breakdown of a legislative body resembles the demographic breakdown of the whole electorate. The authors examine the major demographic characteristic of Congress and conclude that large components of the national electorate, including women and most ethnic minorities, are underrepresented.

Another aspect of representation is determined by the election rules under which officials are elected. While House seats are apportioned on the basis of a state's population, all states are entitled to two senators regardless of their size, which violates the democratic value of political equality. Even in the House, where districts have had to be equal in size since the Court's one-man, one-vote rulings, district lines can be drawn to ensure certain results. Many districts are created to be "safe" districts for one or the other of the two major parties, while other districts are created as "majority-minority" districts. The authors discuss recent Court rulings on using race as a factor in drawing up district boundaries and on why Republicans like to support "majority-minority" districts. They also examine what it costs to run a congressional campaign and why incumbents usually have a significant advantage over challengers.

In answer to the question of how representative Congress is, the authors answer that while most national legislators pay close attention to the views of their constituents, they do not always follow public opinion. Even those who must face the electorate every two years have latitude in

how closely they “vote their district.” Some of the reasons why legislators continue to get reelected even if they do not always represent majority opinion include: 1) most congressmen represent safe districts where the only threat is in the party’s primary; 2) no well-formed public opinion exists in many issues of high complexity or low visibility; and 3) congressmen can build a strong political base by the constituent services they provide.

In the chapter’s next major section, headed “How Congress Works,” the authors explain how the national legislature is organized along party lines and how parties provide “important glue for the decentralized fragments of Congress.” In recent decades, more power has been given to the party leaders in Congress, and the parties have become more unified and more ideological, though there are important distinctions between the House and Senate, especially in regards to leadership structure and the rules governing floor debate. As the two parties have become more ideological, partisanship has increased.

Knowledge of the committee structure is critical to an understanding of how Congress works since much of the work of Congress takes place within committees. The specialization and division of labor provided for in the committee system allows Congress to process the huge flow of business that comes before it. There are four basic types of committees: standing, select, joint, and conference. Committee appointments are determined by the political parties and guided by a member’s seniority and own preferences. Prior to 1974, committee chairs were selected solely on the basis of seniority, but the seniority system is no longer absolute and speakers do not have the independent power they once did. Some speakers such as Newt Gingrich are more assertive in their use of power than others, like Dennis Hastert, have been. The roles of other key congressional leaders are also reviewed in this section.

Most legislation is initially reviewed in a subcommittee of one of the standing committees of either the House or Senate. For most bills, hearings, negotiations, and markup take place in the subcommittee. The norm of reciprocity means that legislators generally will defer to one another in their respective areas of expertise. If a bill makes it out of subcommittee and full committee and is then passed by one house of Congress but in a different form than it has passed the other chamber, the bill is assigned to a conference committee, a committee sometimes referred to as the “third house of Congress” because of its considerable power. If both houses of Congress can agree, the bill is sent to the president, who may sign the bill, let it become law without his signature, veto it, or, if Congress has adjourned, exercise a “pocket veto.”

The veto is an important check the president has over Congress, but Congress’s power of legislative oversight is an important check it has on the executive. While usually limited to special hearings on the performance of the executive, Congress’s most powerful oversight instrument is its power of impeachment.

The chapter’s final section looks at the effectiveness of Congress. The authors conclude that the evidence is mixed on whether or not Congress is capable of producing a coherent national policy. They agree that the structure of Congress encourages a parochial perspective on most issues but point out that Congress has at times enacted broad and coherent national politics. They also point



out that Congress has a much greater policymaking role than do the legislatures in most parliamentary systems.

After comparing the greater democratic responsiveness possible in unicameral compared to bicameral legislative bodies, the way Senate representation violates the principle of political equality, and the checks the other branches of government have over Congress, the authors conclude that Congress has not drifted very far from its republican constitutional foundations.

### Key Concepts and Objectives

Important concepts and objectives to stress in Chapter Eleven include:

- How the framers went about limiting Congress and why they believed it was necessary to do so;
- The trustee and delegate theories of representation and the factors that influence which a legislator will follow;
- The concept of descriptive representation and the debate over the importance of having a Congress whose demographic make-up resembles that of the country as a whole;
- The politics of legislative districting, or how election outcomes are often determined by how a district's boundaries are drawn;
- Why Republicans like majority-minority districts;
- The cost of congressional campaigns and the laws that govern how they are financed;
- Why such a high percentage of incumbent House members win reelection;
- What accounts for the different "character" of the House and Senate;
- What are the key leadership positions in Congress and what powers do leaders have over rank and file members;
- Why Congress organizes itself along party lines and why the parties in Congress are becoming stronger and more cohesive while strong partisanship among voters appears to be declining;
- The importance of the committee structure to the lawmaking process;
- The concept of legislative oversight and why it is important; and
- How the principles of eighteenth-century republicanism can still be seen in much of what Congress does.

### Lecture Outline

#### LEGISLATIVE BRANCH OVERVIEW

##### 1) Evolution of Congress:

- a) Congressional supremacy through most of the nineteenth century
- b) The rise of a powerful speaker

- c) The revolt against the speaker
  - d) Seniority system
  - e) Move to greater egalitarianism in the 1970s
  - f) The Republicans' Contract with America and more centralized House leadership
- 2) A profile of the current Congress:
- a) Partisan division
  - b) Sex and race
  - c) Incumbents and first-termers
- 3) Method of election and term of office:
- a) Senate
    - i) Equal representation per state—violates one-man, one vote
    - ii) Broader state-wide perspective
    - iii) Six year terms—more opportunity to act as trustee
  - b) House
    - i) Constitution leaves to state to determine how House members will be elected
    - ii) Single-member, winner-take-all districts—contrast with proportional systems of representation
    - iii) The politics of redistricting—what constitutes a fairly drawn district?
    - iv) Districting for maximum partisan advantage
    - v) Districting to prevent real competition and protect incumbents
    - vi) The politics of majority-minority districts
    - vii) Two-year terms: more pressure to act as delegates; review controversy over term limits
- 4) The work of Congress:
- a) Services to the district
    - i) Importance of constituent casework
    - ii) Bringing home the pork
  - b) Lawmaking
    - i) Obligation to party
    - ii) Obligation to most active supporters
    - iii) Obligation to public opinion
    - iv) Obligation to own convictions
    - v) Obligation to support president
  - c) Legislative oversight
    - i) Purpose of congressional investigations
    - ii) Other methods of oversight
    - iii) Ultimate check is the power of impeachment
- 5) Concluding observations on congressional lawmaking

- a) Many rules and procedures that can be used to obstruct or delay
- b) Many key decision points—usually blocking a bill requires victory at just one of these points, passing the bill requires victory at every point

## Terms

The following terms are the key terms listed at the end of Chapter Eleven:

Enumerated powers  
Elastic clause  
Bicameral  
Delegate  
Trustee  
Descriptive representation  
Constituency  
Constituent  
Reapportionment  
Redistricting  
Gerrymandering  
Majority-minority districts  
Open-seat election  
Franking privilege  
Casework  
Pork  
Party conference  
Party caucus  
Speaker of the House  
Whip  
Standing committees  
Hearings  
Markup  
Select committee  
Joint committees  
Conference committees  
Seniority  
Ranking minority member  
Reciprocity  
Unanimous consent  
Hold  
Filibuster  
Cloture  
Hopper  
Discharge petition

Veto  
Pocket veto  
Oversight  
Impeachment

Other terms that might require further elaboration include:

Impeachment  
One-man, one-vote rulings  
Incumbency  
Legislative oversight

### Discussion Questions

- A. List ten recent congressional roll call votes taken and ask the class to discuss whether they believe Congress did what the majority wanted in their votes. Discuss whether or not reliable measures of public opinion existed on any of the measures Congress voted on.
- B. Are the procedures under which Congress votes biased in favor of some and against others? Congress is sometimes accused of having a conservative bias in that the rules and procedures give an advantage to those who want to defeat legislation over those who want to pass it.
- C. The text notes that Congress has been spending more and more time in oversight activities in recent years. Why is this? Discuss the reasons why Congress at times may prefer investigating to legislating.
- D. Ask if students can provide any examples of a family member or friend asking for assistance with a problem from a member of Congress. Discuss the various kinds of “constituent services” legislators provide and how legislative responsiveness of this sort fits into democratic theory.

### Other Class Activities and Research Projects

- A. Have students go to the Federal Election Commission Web site and look up the campaign finance reports filed by their own congressperson in the last election.
- B. Invite a representative from the nearest congressional district office to come to class to discuss the kinds of constituent services and casework requests handled by the office.
- C. To see how much well-developed public opinion exists on questions before Congress, have students take a list of recent congressional roll call votes and ask at least ten friends or family members what their position on the issues being voted on were.

- D. Present a hypothetical issue and ask your students how they would go about deciding what position they would take on this issue if they were members of Congress. Establish whatever parameters you like—throw in factors like the make-up of the district, the position the president or party leaders have taken, and the pressure being applied by major campaign contributors.

### Multiple Choice Questions

- 1) The Constitution established a bicameral legislature. This means that:
- a) Power is divided between two political parties within the legislative body
  - b) There are separate legislative bodies at the state and national levels of government
  - c) The framers wanted to be sure lawmakers would be responsive to popular majorities
  - d) Congress is composed of two chambers
  - e) Congress is subservient to the President in all matters
- Answer: d; Page 327; Skill: Understanding
- 2) The Constitution grants all legislative power to Congress but then places restrictions on those powers in:
- a) Article 1, Section 8
  - b) The Bill of Rights
  - c) The Seventeenth Amendment
  - d) The Preamble
  - e) The Articles of Confederation
- Answer: b; Page 327; Skill: Understanding
- 3) The Constitution originally called for the election of senators by state legislatures because the framers:
- a) Wanted to insulate the Senate from democratic pressures
  - b) Believed that the most effective popular control would be through the state legislatures
  - c) Wanted legislators who would be delegates rather than trustees
  - d) Thought that linking the Senate to the states in this way would increase its legitimacy
  - e) Wanted the Senate to dominate the House of Representatives in creating legislation
- Answer: a; Page 328; Skill: Understanding
- 4) Legislators are more likely to adopt the trustee role if they:
- a) Serve in the House rather than the Senate
  - b) Represent an area where no party dominates
  - c) Agree with Abraham Lincoln that representatives should be guided by the will of their constituents
  - d) Occupy relatively “safe” seats

- e) Have a lower education level than their constituents

Answer: d; Page 330; Skill: Application

5) Edmund Burke believed that a representative owed his constituents:

- a) His own best judgment
- b) Loyalty to his political party
- c) His best effort at perfectly representing their views
- d) As many special projects for his district as he could get
- e) As many pieces of favorable legislation as possible

Answer: a; Page 330; Skill: Understanding

6) Descriptive representation refers to:

- a) Whether a representative believes in the trustee or delegate theory
- b) How each individual representative describes his own views and his own role as a legislator
- c) The extent to which the demographic characteristics of the legislature reflect the demographic characteristics of the country as a whole
- d) The extent to which the parties have voting strength in the legislature that is proportional to the votes they received in the election
- e) A senator describing their duties during a filibuster

Answer: c; Page 330; Skill: Understanding

7) The percentage of African Americans in Congress was highest:

- a) During the post-Civil War Reconstruction era
- b) Under Roosevelt's New Deal
- c) During the Civil Rights Revolution of the 1960s
- d) During the Clinton presidency
- e) In the 1<sup>st</sup> Congress

Answer: a; Page 330; Skill: Understanding

8) Representative Nancy Pelosi was the first:

- a) Woman ever elected to the House
- b) African-American woman elected to the House
- c) Woman to be elected as her party's leader in the House
- d) Native American to be elected to the House
- e) Senate Majority Leader

Answer: c; Page 332; Skill: Understanding

9) Which of the following groups is over-represented in Congress?

- a) People with college degrees
- b) Men who grew up in traditional blue-collar families
- c) Middle-income women
- d) People between the ages of 30 and 39
- e) African-Americans

Answer: a; Page 332; Skill: Application

10) That women legislators are more likely than men to introduce legislation on women's issues suggests, according to the authors of the text, that:

- a) Women represent districts where these issues are more important
- b) The male dominance of Congress constitutes a violation of the norm of political equality
- c) Women who get into politics are strong feminists and not representative of women generally
- d) Women sometimes have a hard time understanding economic and national security issues
- e) Women have no interest in legislating for gender rights

Answer: b; Page 333; Skill: Understanding

11) According to the authors, the fact that the people of Wyoming elect two U.S. senators just like the people of California do:

- a) Reflects the framers' commitment to the principle of political equality
- b) Is a needed protection of the rights of people in small states
- c) Shows that Wyoming has gerrymandered its electoral districts
- d) Distorts the expression of popular sentiment and diminishes democracy
- e) Demonstrates that the Constitution needs revision regarding representation

Answer: d; Page 333; Skill: Analysis

12) Since 1910, the size of the House of Representatives has been set at:

- a) 100
- b) 296
- c) 435
- d) 538
- e) 673

Answer: c; Page 334; Skill: Understanding

13) In the case *Wesberry v. Sanders*, the Supreme Court ruled that state legislatures:

- a) Could use any criteria they wanted in drawing the boundaries for House districts
- b) Must draw district boundaries in such a way that minorities would get their fair share of seats
- c) Must create congressional districts that were roughly equal in size
- d) Could not draw boundaries in such a way that gave one party an advantage over the other
- e) Could draw district lines that cross state lines

Answer: c; Page 334; Skill: Understanding

14) Gerrymandering refers to the practice of creating legislative districts:

- a) With odd shapes to ensure one party will be able to dominate
- b) That are not equal in population
- c) That are not equal in area
- d) Where no party has a clear majority
- e) That do not cross county lines

Answer: a; Page 334; Skill: Understanding

15) The fact that typically no more than 30 or 40 House seats are truly competitive suggests that:

- a) Most states are either solidly Democratic or solidly Republican
- b) Most representatives do such a good job once they are elected that they are seldom seriously challenged
- c) Often both parties will agree on districting plans designed to protect incumbents from serious challenges
- d) There is a great deal of political apathy in the country about most congressional races
- e) Term limits are not necessary

Answer: c; Page 335; Skill: Application

16) Republicans often support the creation of districts that are designed to elect African Americans even though African Americans are overwhelmingly Democratic. The political reason Republicans have for doing this is that:

- a) As the party of Lincoln, they feel a moral responsibility to African Americans
- b) If they don't support such districts voluntarily, the courts will order them to create such districts, anyway
- c) They know that their chances of winning in other districts will increase if most African Americans are combined in a limited number of minority districts
- d) They hope creating such districts will persuade more African Americans to vote Republican
- e) Other minorities tend to vote at a much higher rate than African Americans

Answer: c; Page 336; Skill: Understanding

17) According to the most recent Supreme Court decisions, race can be considered in drawing district boundaries as long as it:

- a) Is not the dominant and controlling factor
- b) Does not end up favoring one political party over the other
- c) Favors African Americans and Hispanics equally
- d) Does not result in districts that are more than 75% minority
- e) Results in a district without minorities

Answer: a; Page 336; Skill: Understanding



18) After the 2008 election, which of the following groups was represented in the House of Representatives in numbers that came closest to reflecting that group's percentage of the general population?

- a) Women
- b) African-Americans
- c) Hispanics
- d) Asians
- e) Caucasians

Answer: b; Page 331; Skill: Analysis

19) The maximum contribution a party committee can give directly to a candidate is:

- a) \$1,000
- b) \$2,000
- c) \$5,000
- d) \$10,000
- e) \$20,000

Answer: d; Page 337; Skill: Understanding

20) More money tends to be spent on open-seat races for Congress than other races because:

- a) Open races are more likely to occur in richer districts
- b) The outcome of a race is more likely to be in doubt if no incumbent is running
- c) Republicans will spend whatever it takes to win these seats
- d) Candidates are less experienced and are more likely to spend money foolishly
- e) Congressional races are the most widely publicized

Answer: b; Page 337; Skill: Understanding

21) Since the end of World War II, \_\_\_\_ of incumbent Senate members running for reelection won.

- a) 54%
- b) 16%
- c) 86%
- d) 98%
- e) 80%

Answer: e; Page 337; Skill: Understanding

22) Franking privileges permit those in Congress to:

- a) Fly free to their home districts on military aircraft
- b) Send mail to constituents without paying for postage
- c) Use public funds to cover up to 50% of their campaign expenses

- d) Be automatically excused from having to pay for traffic tickets
- e) Pay prospective voters to vote for them

Answer: b; Page 338 - 339; Skill: Understanding

23) Those in Congress usually place a high priority on “bringing home the pork.” This means that they work hard to:

- a) Enact price supports to help pig farmers
- b) Secure various spending projects for their districts
- c) Protect local businesses from foreign competition
- d) See that their party’s agenda is enacted
- e) Decrease public spending

Answer: b; Page 339; Skill: Understanding

24) Members of Congress usually do not have to worry too much about following public opinion on every issue that comes up because:

- a) Most represent “safe” districts
- b) They can develop a strong political base by emphasizing casework
- c) Most voters do not pay close attention to what is happening in Congress
- d) All of the above are factors that allow legislators to act independently from public opinion
- e) None of the above are factors that allow legislators to act independently from public opinion

Answer: d; Page 339 - 340; Skill: Analysis

25) Which of the following statements is NOT true?

- a) Congress is organized along party lines.
- b) The Speaker of the House is a constitutionally designated office.
- c) Changes in House rules in 1974 took a number of important powers away from the Speaker.
- d) The majority leader and majority whip work closely with the Speaker in managing the business of the House.
- e) Nancy Pelosi was the first female Speaker of the House.

Answer: c; Page 345; Skill: Understanding

26) The second in line of succession to the president is:

- a) The leader of the majority party in the Senate
- b) A non-partisan figurehead elected by all 100 senators
- c) By tradition, the senator having served the longest
- d) The Senate Whip
- e) The Speaker of the House

Answer: e; Page 344; Skill: Understanding

27) After a bill is introduced in the House, it will generally be referred to a \_\_\_\_\_ committee.

- a) standing
- b) select
- c) joint
- d) conference
- e) temporary

Answer: a; Page 349; Skill: Understanding

28) Conference committees are established when:

- a) Standing committees are unable to reach agreement on bills
- b) There is a major scandal or crisis that needs to be investigated
- c) The House and Senate pass different versions of the same bill
- d) The president requests Congress to conduct a special study on some problem the nation is facing
- e) A president is on the verge of impeachment

Answer: c; Page 349; Skill: Understanding

29) A committee that is sometimes said to constitute a “third house of Congress” is the \_\_\_\_\_ committee.

- a) standing
- b) select
- c) joint
- d) conference
- e) presidential

Answer: d; Page 350; Skill: Understanding

30) In recent decades, the chairs of the standing committees in the House have lost significant amounts of power to:

- a) The president
- b) Their party’s legislative leaders
- c) Subcommittee chairs
- d) Outside lobbyists
- e) Foreign countries

Answer: b; Page 351; Skill: Understanding

31) The norm of reciprocity means that legislators generally will:

- a) Defer to one another in their respective areas of expertise

- b) Do whatever the party whip tells them to do
- c) Act in a very deferential manner toward the most senior members
- d) Not criticize one another during elections
- e) Support only their party's legislative agenda

Answer: a; Page 351 - 352; Skill: Understanding

32) The U.S. Senate differs from the House of Representatives in that it:

- a) Is more organized and hierarchical
- b) Is more governed by formal rules
- c) Gives individual members more freedom of action
- d) Does not permit as much debate
- e) Is larger than the House of Representatives

Answer: c; Page 352 - 353; Skill: Understanding

33) About \_\_\_\_\_ of the bills introduced during each session of Congress are enacted into law.

- a) 2%
- b) 6%
- c) 12%
- d) 24%
- e) 54%

Answer: b; Page 355; Skill: Understanding

34) A filibuster can be ended through a:

- a) Discharge petition
- b) Bill of attainder
- c) Vote of cloture
- d) "Call for the question"
- e) Presidential pardon

Answer: c; Page 354; Skill: Understanding

35) If Congress passes a bill, sends it to the president, and then adjourns within ten days:

- a) The bill automatically dies since Congress has adjourned
- b) The bill dies from a "pocket veto" unless the president signs
- c) The bill is held over until Congress comes back into session
- d) The president may sign parts of the bill into law while vetoing the rest
- e) The bill "dies on the floor" after three days

Answer: b; Page 359; Skill: Understanding

## True/False Questions

1) Article I, Section 8 of the Constitution outline the enumerated powers of Congress.

Answer: True; Page 326; Skill: Understanding

2) Senators have always been selected directly by the people.

Answer: False; Page 328; Skill: Understanding

3) When acting as a delegate, a representative tries to mirror perfectly the views of his or her constituents.

Answer: True; Page 329; Skill: Understanding

4) When acting as a trustee, a representative resists the urge to trust his or her own judgment of how to best serve the public interest.

Answer: False; Page 329; Skill: Understanding

5) In 2010, there were only 6 Native American Senators.

Answer: False; Page 332; Skill: Understanding

6) Through reapportionment, the 435 House representatives must be periodically redistributed among the states.

Answer: True; Page 334; Skill: Understanding

7) The creation of special majority-minority districts has contributed to the increase in the number of racial minority representatives in Congress.

Answer: True; Page 336; Skill: Understanding

8) Members of Congress follow public opinion only about two-thirds of the time on highly visible bills.

Answer: True; Page 340; Skill: Understanding

9) The minority party in the House selects the Speaker of the House.

Answer: False; Page 341; Skill: Understanding

10) The minority leader is elected by the minority party as their chief spokesperson.

Answer: True; Page 346; Skill: Understanding

### Essay Questions

1. Compare the trustee and delegate theories of representation. Under which scenario is a legislator most likely to act as a trustee? As a delegate? (*Application*)
2. What is the purpose of having a bicameral legislature, especially now that the Nineteenth Amendment has made the Senate an elective body just like the House? Analyze the pros and cons of bicameral and unicameral legislative bodies. (*Analysis*)
3. What are the advantages that incumbents generally have over their challengers when running for reelection? Under what circumstances will incumbents be most vulnerable? (*Understanding*)
4. Compare the House and Senate in terms of basic procedures and party leadership structure. Analyze the consequences of these differences. (*Analysis*)
5. Representation can mean several different things. What kind of criteria should be used in evaluating how representative a legislative body is? Using these criteria, how representative is Congress? Are there reforms that would make it more representative than it is? (*Application*)
6. Outline the major decision points that a bill must pass through before it becomes law. Compare this process with the basic process for passing legislation in a parliamentary system of government. Which do you judge to be more democratic? (*Evaluation*)
7. Has money become too important in congressional elections? Does the current campaign finance system need to be changed? Why or why not? (*Evaluation*)
8. Should term limits be instituted in Congress? Why or why not? (*Evaluation*)
9. Is "bringing home the pork" the best way for a member of Congress to help their district or state? Is there a better way to gain the same end? What would that be? (*Evaluation*)
10. Will the performance of the United States economy affect the 2012 congressional elections? If so, what sort of an impact do you think it will have? (*Application*)

## *Chapter Twelve*

### *The Presidency*

#### Chapter Overview

- What role the chief executive plays in democratic and eighteenth-century republican doctrines
- Why the presidency grew to be a powerful office
- How presidents play many roles
- Why presidents often disagree with Congress
- How democratic the presidency is—whether presidents listen and respond to the public

Chapter Twelve starts with a summary of the national and international problems inherited by Barack Obama when he came to office on January 20, 2009. In response to these obstacles, Obama worked with a Democratic-controlled Congress in passage of a \$787 billion economic stimulus bill, tax cut extensions for the middle-class, and a health care reform bill. International policy changes included increasing troop levels in Afghanistan and Pakistan, an overturning of the ban on government contributions to international organizations offering family planning including abortion, and reversing stances on stem-cell research, climate change, and torture.

Even when faced with falling levels of support, a president possesses enormous powers when the United States is engaged in war. The president is normally constrained in what he can accomplish by the constitutional system of checks and balances, but when the nation is at war, Congress and even the courts are reluctant to challenge him, at least in the short run.

In the section on “The Powers and Roles of the President,” the authors go through and briefly describe the major areas of presidential responsibility. These include the president’s roles as chief of state, legislative leader, manager of the economy, foreign policy leader, and commander-in-chief.

The chapter’s next section examines the institutionalized presidency, the various staff support groups that have been established to assist the president in carrying out his responsibilities. The authors look first at the White House office staff, which is composed of the people who work most closely with the president. Included in this group are the chief of staff, the national security advisor, the press secretary, and various other political and policy advisors. The authors next describe the organization and major functions of the Executive Office of the President (EOP). The EOP consists of professionally staffed agencies such as the Office of Management and Budget (OMB), the Council of Economic Advisors (CEA), the National Security Council (NSC), and other more specialized agencies such as the Office of Science and Technology and the Council on Environmental Quality.

Only in recent years has the vice president come to be considered an important part of the administration. For much of American history, the vice president’s job was simply to be available in case anything happened to the president. Most observers believe that no previous

vice president has had the influence that Dick Cheney has within the Bush administration. The Constitution has twice been amended in ways that have affected the vice presidency. The Twelfth Amendment provided that Electors vote specifically for a vice president rather than voting just for a president under the original system in which the person having the second highest number of votes for president become vice president. The Twenty-fifth Amendment established a process for filling a vacancy in the vice presidential office.

The heads of the principal departments of the federal government comprise the president's cabinet. The cabinet is not mentioned in the Constitution but every president since Washington has had one. With the growth of the White House staff, presidents have relied less on the cabinet as an advisory body. The authors list several of the reasons for the weakness of the cabinet as an advisory body as well as making the point that the cabinet was rarely, if ever, used as a decision-making body, even by presidents who met with it regularly.

One of the reasons for the weakness of the cabinet as an advisory body to the president is that cabinet members represent their own constituencies, including the permanent civil servants in their departments and the organized interests they serve. While an organizational chart of the executive branch of government may suggest that it is an organizational hierarchy with the president in clear command at the top, the reality is quite different. While presidents do have the power to issue executive orders, the federal bureaucracy is too large and complex for a president to closely monitor all that is going on to be sure that his wishes are being carried out. The authors note that lower level officials, protected by civil service from being fired, may have their own interests and their own institutional norms and practices.

Presidents quickly find that members of Congress also have their own interests and may be unwilling to support administrative proposals. In a section headed "Conflict by Constitutional Design," the authors review how the Constitution divides power between the two branches and how it established separate elections and different terms of office, all of which serve as sources of executive-legislative conflict. Conflict is especially likely during periods of divided government, periods in which Republicans control one branch of government and Democrats the other. The same party in control of both Congress and of the presidency does not ensure cooperation but increases the likelihood of it, especially if the party is united ideologically.

As indicated at the beginning of the chapter, presidents face less opposition on national security issues, especially when the nation is under attack, than they do in other areas. The authors cite Aaron Wildavsky's "Two Presidencies" thesis that presidents will have a significantly higher percentage of their foreign policy initiatives approved by Congress than domestic initiatives. Another factor affecting the president's success with Congress is his standing in the public opinion polls because members of Congress may fear that opposing a popular president will jeopardize their own electoral future.

When the framers created the presidency they did not conceive of it as an office that in any way would be based on popular support. Early presidents rarely made speeches or tried to connect with the mass public in any meaningful way. The relationship between the president and the people has evolved to the point where the performance of contemporary presidents is regularly



measured by their public approval ratings. In their analysis of the president and public opinion, the authors review the major factors that can affect the president's standing with the public, the most important of which is the state of the economy.

The chapter's conclusion is that more than any of the other branches of government, the presidency has gone through such a dramatic process of democratization that today's office would hardly be recognizable to the framers.

### Key Concepts and Objectives

Important concepts and objectives to stress in Chapter Twelve include:

- The various ways in which the 9/11 attacks changed the Bush presidency;
- How the limited office envisioned by the framers became today's powerful office;
- The contributions individual presidents made to the development of the presidency;
- The various roles the president now is expected to play and what the basis of each role is;
- The "Two Presidencies" thesis and why it is that presidents appear able to dominate the other branches of government more in foreign affairs than in domestic affairs;
- The concept of the "institutionalized" presidency and how a large number of staff agencies can both expand and limit presidential powers;
- The ambiguous role of cabinet members and the multiple masters they serve;
- How and why the role of the vice president has evolved in the last 50 years;
- What Neustadt means when he writes that, "Presidential power is the power to persuade";
- Factors that help create conflict between the legislative and executive branches; and
- How presidents both lead and follow public opinion.

### Lecture Outline

#### THE PRESIDENT'S JOB DESCRIPTION

1) Constitutional description of the office:

- a) Manner of election
- b) Term of office
- c) Qualifications
- d) Vested with executive powers

2) Specific powers and responsibilities assigned to the president:

- a) Administrative powers: see that laws are faithfully executed, staff the executive branch, require reports from other officials in the executive branch
- b) National security powers: commander in chief, negotiate treaties, executive agreements, nominate and receive ambassadors

- c) Legislative powers: State of the Union, recommend legislation (agenda setting), convene and adjourn Congress, veto (including pocket veto)
  - d) Judicial powers: grant pardons and reprieves, appoint judges
- 3) In addition to the minimum qualifications set forward in the Constitution, what qualifications do we expect?
- a) Backgrounds of recent presidents
  - b) Previous political experience but not necessarily in national government—compare with British prime minister
  - c) Personal qualities
  - d) James David Barber’s *The Presidential Character*
  - e) Richard Neustadt’s *Presidential Power*
- 4) Presidency cannot be reduced to a straightforward list of desirable qualities. Tom Cronin has identified several presidential paradoxes:
- a) We admire powerful people but are also suspicious of those with power
  - b) We want a “common person” but also want a leader who is charismatic, heroic, and visionary
  - c) We want a president who is decent and compassionate but also admire leaders who are cunning and even ruthless
  - d) We want a president to be above politics but also to be an effective political leader
- 5) Is it possible for any one person to fulfill all the expectations associated with the office and to be able to effectively carry out all the different roles?
- a) Discussion of which presidents have been most successful and the reasons for their success
  - b) Discussion of how George W. Bush has handled these paradoxical expectations

### Terms

The following key terms are listed at the end of Chapter Twelve:

*Habeas corpus*  
 Trusts  
 State of the Union  
 Executive order  
 Treaty  
 Executive agreement  
 Institutional presidency  
 Chief of staff  
 National security adviser

Executive Office of the President (EOP)  
Office of Management and Budget (OMB)  
Council of Economic Advisers (CEA)  
National Security Council (NSC)  
Divided government  
Presidential popularity

Other terms that might require further elaboration include:

Federal Reserve Board  
Chief of state  
Employment Act of 1946  
Great Depression  
Iran-Contra Affair  
Shared powers  
Legislative clearance  
“Two presidencies” thesis  
Joint Chiefs of Staff (JCS)  
National Security Agency (NSA)  
Central Intelligence Agency (CIA)  
Divided government  
Presidential approval rating

### Discussion Questions

- A. Pick three programs the president is currently trying to get passed and ask the class to discuss why they think the president is focusing on these three programs and not others. Ask if the president seems more to be responding to public opinion or trying to lead it.
- B. Which branch of government best represents the American people? Remind students that members of the House were intended to be the peoples’ representative in national government. Encourage students to think about the different kind of representation House members provide compared to the president.
- C. Is the president getting too powerful? The misuse of power was a major concern of the framers. Ask the students to consider scenarios in which a president might begin to abuse his power or act in such a way to endanger the whole country. If such a scenario ever arose, what could be done about it?
- D. Tell students to imagine themselves as the presidential-appointed head of an executive agency who believes that a policy announced by the president is wrong and almost certain to fail. Ask them what they would do. During class discussion, encourage them to think about their personal loyalty to the president who gave them their position, their duty to support the

nation's elected leader, their obligation to their political party, and their responsibility as a citizen.

### Other Class Activities and Research Projects

- A. Ask students to survey family members or fellow students on who they think the nation's five greatest presidents have been and then have them present their results in class. Ask students to define what they consider greatness to be in a president. Compare the results of the class poll to those of a published presidential greatness poll to see how much agreement there is between the class results and a professionally conducted survey.
- B. Assign students to read a brief summary of James David Barber's scheme for analyzing presidential character and to write a brief report on which of Barber's classifications they believe best describes Barack Obama.
- C. According to the polls conducted during the 2008 presidential election, how did voters compare the personal qualities of Barack Obama and John McCain? Ask students to write short papers on whether they believe the personal assessments made by voters of the candidates were accurate ones.

### Multiple Choice Questions

- 1) There have been significant changes in all of the following areas of the presidency EXCEPT:
  - a) The president's formal constitutional powers
  - b) The president's relationship with the people
  - c) The size and responsibilities of the executive branch
  - d) The budget a president has to work with
  - e) The number of states and land area of the United States

Answer: a; Page 368; Skill: Analysis

- 2) The fiscal year 2010 budget amounted to:
  - a) 3.4 million dollars
  - b) 104 million dollars
  - c) 3.8 billion dollars
  - d) 1.3 trillion dollars
  - e) 3.4 trillion dollars

Answer: e; Page 366; Skill: Understanding

- 3) The authors suggest that the reason the early nineteenth-century presidency seems so weak compared to the modern presidency is that:

- a) Political parties were not very well developed then
- b) Earlier presidents were less intelligent and skillful
- c) The nation just did not need a very strong president back then
- d) The Constitution did not give the president as many powers as it does today
- e) The Supreme Court has gained too much unconstitutional power for the traditional presidency to compete for power

Answer: c; Page 369-370; Skill: Application

- 4) The president under whose administration the nation acquired California and most of what is now the southwestern United States was:

- a) Jefferson
- b) Polk
- c) Teddy Roosevelt
- d) McKinley
- e) Reagan

Answer: b; Page 370; Skill: Understanding

- 5) The president who presided over the most significant expansion of presidential functions and activities in American history was:

- a) Abraham Lincoln
- b) Woodrow Wilson
- c) Franklin Roosevelt
- d) John Kennedy
- e) Jimmy Carter

Answer: c; Page 371; Skill: Understanding

- 6) The first president to master the use of television as a means of presidential communication was:

- a) Eisenhower
- b) Kennedy
- c) Nixon
- d) Reagan
- e) Clinton

Answer: b; Page 372; Skill: Understanding

- 7) The president credited with demonstrating that a vigorous and popular presidency was still possible after the failed presidencies of Nixon, Ford, and Carter is:

- a) Bill Clinton
- b) Harry Truman

- c) Ronald Reagan
- d) George H. W. Bush
- e) George W. Bush

Answer: c; Page 372; Skill: Understanding

8) In contrast to the leaders of Europe's parliamentary democracies, the president:

- a) Controls the military as well as directs domestic policy
- b) Functions also as Head of State
- c) Is prohibited from proposing measures directly to Congress
- d) Cannot really be considered a democratically elected leader
- e) Has little formal or implied power

Answer: b; Page 374; Skill: Understanding

9) Which of the following roles was given to the president by a congressional act and is not based on a constitutional provision?

- a) Chief Executive
- b) Manager of the Economy
- c) Commander-in-Chief
- d) Chief Diplomat
- e) Judicial Nominator

Answer: b; Page 375; Skill: Understanding

10) The president's constitutional power to "appoint and receive ambassadors" means that the president:

- a) Can appoint ambassadors without having to get the Senate to confirm his appointments
- b) Can bypass the treaty-making process and make executive agreements with other leaders directly
- c) Decides unilaterally with whom the United States will have diplomatic relations
- d) Must deal with whomever another nation wishes to send to Washington as its official representative
- e) Chooses who the United States will declare war against

Answer: c; Page 380; Skill: Analysis

11) Executive agreements that a president makes with other nations:

- a) Only deal with narrow, technical issues
- b) Require Senate approval if they involve any military commitments
- c) Are rarely used in modern times
- d) Are many times used in place of formal treaties
- e) Require unanimous House approval

Answer: d; Page 380; Skill: Understanding

12) The power to declare war is vested in:

- a) The president
- b) The Cabinet
- c) The nation's highest ranking general
- d) A popular vote of Americans
- e) Congress

Answer: e; Page 381; Skill: Understanding

13) George W. Bush used an executive order to establish the:

- a) NASA
- b) Joint Chiefs of Staff
- c) White House Chief of Staff
- d) White House Counsel
- e) White House office of Faith-Based and Community Initiatives

Answer: e; Page 378; Skill: Understanding

14) Until the passage of the Twelfth Amendment, the vice president was:

- a) Appointed by the president
- b) Selected by party leaders after the Electoral College had chosen a president
- c) The candidate who came in second in the Electoral College vote
- d) Required to be from a different political party than the president
- e) Appointed by the Supreme Court

Answer: c; Page 387; Skill: Understanding

15) Gerald Ford was the first person to become president:

- a) After a president resigned
- b) Directly from the House of Representatives
- c) By congressional election
- d) Without holding an important leadership position before becoming president
- e) Through the submittal of an application

Answer: a; Page 387; Skill: Understanding

16) The Lincoln quote — “Eight votes for and one against; the nays have it” — is cited in the text to make the point that:

- a) Unlike presidents, dictators don't have to worry about the will of the majority
- b) In cabinet deliberations, the president's “vote” is the only one that really counts
- c) Presidents usually do not have much confidence in their advisers
- d) Democracy really doesn't work out very well in practice
- e) Minority votes are necessary in cabinet deliberations

Answer: b; Page 388; Skill: Understanding

17) Presidents have come generally to rely more on White House Office staff for general advice and counsel than they do on cabinet officials. One reason is that, unlike cabinet officers, White House staff:

- a) Serve only the president
- b) Are more likely to agree with Congress
- c) Require Senate confirmation
- d) Are composed of foreign officials
- e) Are not paid for their services

Answer: a; Page 385; Skill: Understanding

18) The “Two Presidencies” thesis compares the president’s role:

- a) In domestic policy to his or her role in foreign policy
- b) As Chief of State to his or her role as Head of Government
- c) As party leader to his or her role as national leader
- d) In the nineteenth century to his or her role in the twentieth century
- e) In their role as a husband to that of a politician

Answer: a; Page 391; Skill: Understanding

19) The last time the Congress formally declared war on another nation was at the time of the:

- a) Second World War
- b) Korean War
- c) Vietnam War
- d) Iraq War
- e) American Revolution

Answer: a; Page 381; Skill: Analysis

20) The agency responsible for exercising legislative clearance is the:

- a) Office of Management and Budget
- b) Department of the Treasury
- c) Domestic Affairs Council
- d) Council of Economic Advisors
- e) Kitchen Cabinet

Answer: a; Page 385; Skill: Understanding

21) The “institutional presidency” refers to the President’s increased reliance on:

- a) Presidential advisors
- b) Congress
- c) General Accounting Office
- d) The judicial branch



e) Securities and Exchange Commission (SEC)

Answer: a; Page 384; Skill: Understanding

22) The component of the national security bureaucracy charged with intercepting and monitoring electronic messages from "enemy combatants" under the George W. Bush administration was the:

- a) National Security Council
- b) Central Intelligence Agency
- c) National Security Agency
- d) National Reconnaissance Office
- e) Federal Bureau of Investigation

Answer: c; Page 382; Skill: Understanding

23) Which of the following statements about the cabinet is true?

- a) Recent presidents are meeting more regularly with their full cabinets than their predecessors did.
- b) Cabinet members sometimes find that the interests of their departments are not the same as the interests of the president.
- c) Cabinet officials are generalists capable of giving valuable advice in a wide variety of areas.
- d) Presidents are free to pick whomever they want for their cabinets.
- e) The station of the Cabinet was eliminated in 2003.

Answer: b; Page 388; Skill: Understanding

24) When a prominent presidential scholar wrote that the power of the presidency was the power to persuade, he was making the point that:

- a) The president really has no significant constitutional power
- b) Effective presidents must have a great deal of personal charisma
- c) To get much done, presidents need the cooperation of others
- d) Congress only supports the president when he has strong public support
- e) Bribery is the only way to gain favorable public opinion for a president

Answer: c; Page 379; Skill: Analysis

25) Which of the following is an example of an executive function that the Constitution gives to Congress?

- a) Senate confirmation of most presidential appointees
- b) The establishment of post offices and post roads
- c) The power to lay and collect taxes
- d) The power to override vetoes
- e) The power to declare war

Answer: a; Page 389; Skill: Understanding

26) The authors suggest that the Framers saw a distinction between defensive war and offensive war with:

- a) The president as the primary decision maker in defensive war
- b) The Congress as the primary decision maker in defensive war
- c) The president as the primary decision maker in offensive war
- d) The Congress as the primary decision maker in both
- e) The president as the primary decision maker in both

Answer: a; Page 381; Skill: Understanding

27) Who was the first president to effectively use the White House “bully pulpit” to speak directly to the American people?

- a) Abraham Lincoln
- b) Grover Cleveland
- c) Teddy Roosevelt
- d) Calvin Coolidge
- e) George Washington

Answer: c; Page 394; Skill: Understanding

28) Which of the following is likely to increase tensions between the president and Congress?

- a) When the president is from one party and Congress is controlled by another
- b) When the president is enjoying high public approval ratings
- c) When the nation is facing a threat from an external enemy
- d) When the Supreme Court is dominated by one party
- e) When state governors are from independent political parties

Answer: a; Page 390 - 391; Skill: Application

29) Legislative powers given to the president include the power to:

- a) Veto legislation
- b) Enter into executive agreements
- c) Call out the militia to quell riots
- d) Appoint cabinet members
- e) Declare war

Answer: a; Page 391; Skill: Analysis

30) The authors conclude their chapter on the presidency with the observation that:

- a) The republican principles of the framers are still keeping the presidency from becoming a truly democratic office

- b) The transformation of the presidency over the nation's history has made the nation much more democratic than the framers ever intended
  - c) Congress can more legitimately claim to have a mandate from the voters than can the president
  - d) Presidential power has grown so rapidly in recent years that the presidency now pretty well dominates the other branches of government
  - e) Presidential power has been limited to the point that the position is mostly ceremonial
- Answer: b; Page 397 - 398; Skill: Understanding

### True/False Questions

- 1) George Washington's cabinet consisted of only five officials.

Answer: True; Page 368; Skill: Understanding

- 2) James Madison was the president that concluded the Louisiana Purchase with France.

Answer: False; Page 370; Skill: Understanding

- 3) George W. Bush was president when the 9/11 terrorist attacks on the United States occurred.

Answer: True; Page 373; Skill: Understanding

- 4) The State of the Union address is delivered before a joint session of Congress, with members of the Supreme Court, the president's cabinet, and the military joint chiefs in attendance, and a national television audience.

Answer: True; Page 376; Skill: Understanding

- 5) Presidential constitutional power comes from Article I of the Constitution.

Answer: False; Page 378; Skill: Understanding

- 6) Richard Nixon was the first president to formally recognize the communist Chinese government.

Answer: True; Page 380; Skill: Understanding

- 7) Both Bush presidents went into major military conflicts without congressional backing.

Answer: False; Page 382; Skill: Understanding

- 8) The president's national security adviser is also head of the president's National Security Council.

Answer: True; Page 384; Skill: Understanding

9) A vice president can be replaced at any time by the Supreme Court.

Answer: False; Page 387; Skill: Understanding

10) Bill Clinton never used his veto power during his time as president.

Answer: False; Page 392; Skill: Understanding

### Essay Questions

1. How did the president become the “manager of the economy”? What resources does the president have to influence the economy? To what extent can the president manage by “command” and to what extent must he manage by “persuasion”? (*Understanding*)
2. Why does Richard Neustadt argue that the power of the presidency is the power to persuade? Explain how the various republican principles on which the American system is based contribute to the need for presidents to have good persuasive skills. (*Analysis*)
3. The president has enormous power under certain circumstances but can be quite constrained in others. Discuss those situations in which presidents are likely to have their greatest freedom of action and contrast them with those situations when presidents will be the most limited. (*Analysis*)
4. Outline the framer’s conception of the presidency and then discuss the ways in which it has changed. What are the reasons for these changes? (*Analysis*)
5. The Constitution has been described as an invitation to struggle. Explain how some of the Constitution’s provisions bring the executive and legislative branches into conflict with one another. (*Application*)
6. Even though the president is still chosen by the Electoral College, the text authors argue that the presidency has undergone greater democratization than either of the other two branches of government. Evaluate the authors’ arguments and indicate whether or not you agree with them. (*Evaluation*)
7. Compare the extent to which the pattern of public opinion regarding the Bush presidency is similar to that experienced by other wartime presidents. Analyze what the reasons are for the changing levels of support given wartime presidents. Have there been any unique factors affecting popular support for Bush? (*Analysis*)

8. What traits are necessary in a successful president? Use these standards to evaluate the past four presidents. (*Evaluation*)
9. What is the proper role of a vice president in modern politics? Should presidents use their vice presidents differently based on this evaluation? (*Evaluation*)
10. Should the president use the threat of a veto as a way to manipulate Congress to alter proposed legislation to a form the president wants? How effective could this tactic be? (*Evaluation*)



## ***Chapter Thirteen***

### ***The Federal Bureaucracy***

#### Chapter Overview

- What role does the bureaucracy have in democratic and eighteenth-century republican doctrines
- How and why the federal bureaucracy grew
- Who bureaucrats are and what they do
- How the executive branch is organized
- Who and what influences bureaucratic decision making

The first section of Chapter Thirteen describes actions taken by the Consumer Product Safety Commission (CPSC) to protect American consumers from potentially harmful articles that have been manufactured in China. While the volume of Chinese goods imported into the U.S. had more than quadrupled in the past decade, the staff of the CPSC has actually been cut, making it almost impossible to thoroughly examine the safety of all imports coming into the country. Anti-big government and deregulatory rhetoric are heard during every campaign. The authors point out that while such rhetoric may be good politics, the country can suffer when government is cut to the point that it cannot be effective.

George W. Bush came to office committed to reducing the size, reach, and cost of the federal government and did reduce the staffing of some agencies like the CPSC. The overall size of government continued to grow, however, even under the administration of a president committed to reducing its size. There were many reasons for this, including the 9/11 terrorist attacks and the resulting war on terror. The authors find what happened under Bush to be consistent with what has happened in the past. When Americans have been faced with external threats, financial crises, or other challenges to their basic welfare, they have repeatedly turned to Washington for solutions, since it is the national government that can best mobilize and coordinate the resources needed to tackle such big problems.

Bureaucracy is the name given to the administrative apparatus created to carry out the policies agreed upon by the president and Congress. The nation's republican Founders made little explicit effort to limit bureaucratic power since they assumed that there were sufficient constitutional constraints to keep the president and Congress from taking on additional responsibilities and that any demands for new services would be dealt with at the state level. In contrast to the principles of eighteenth-century republicanism that emphasize the need to limit government, democratic theorists hold no fundamental reservations about government's size and reach. They believe the people have the right to ask their government to take on new responsibilities and that the size of the bureaucracy should be determined by what is necessary to carry out the job the people want done.

Until the Civil War, there were few demands to expand the scope of government responsibilities, so the size of the executive branch remained small. Beginning with the creation of the Interior

Department in 1849, new departments were added in response to changing conditions in society. As national corporations began to dominate the economy, the government responded to demands that it provide people with some protection from corporate power. The single most important event that changed the way in which Americans thought about government was the Great Depression. Franklin Roosevelt's "New Deal" resulted in the creation of many new agencies and redefined the responsibilities of the federal government. The demands of World War Two and the continuing security threats of the Cold War brought about a further expansion of the federal executive, as did public pressure for new regulatory measures in areas like civil rights, the environment, workplace safety, and education. While the devolution movement of the 1990s resulted in some scaling back of federal activities, the size and budgets of the federal government are again on the increase because of the war on terror.

Following their discussion of why the federal executive has grown as it has, the authors give a brief overview of the major components of the executive branch. The components discussed are: 1) cabinet-level departments; 2) the agency subdivisions within these departments; 3) independent executive agencies; 4) government corporations; 5) quasi-governmental organizations; 6) independent regulatory commissions; and 7) foundations.

In the section headed "What Do Bureaucrats Do," the authors briefly discuss the law enforcement, rule making, and judicial functions performed in the executive branch. They observe that "clearly, bureaucrats exercise a great deal of discretion" and point out that the fact that bureaucrats can function as unelected policymakers raises potential problems regarding democratic theory.

The process of filling jobs in the federal executive branch has undergone significant change during the country's history. A brief history is given of how the process has evolved from the spoils system introduced by Andrew Jackson to the Pendleton Act and the beginnings of civil service, to the reforms introduced by Jimmy Carter in 1978. Today, 95 percent of federal employees are covered either by the civil service system or by another federal agency merit system. Bureaucrats may not be elected, but they reflect the demographics of the national population much more closely than members of Congress do. Women and minorities are not as well represented in the higher ranks as they are in the lower ranks, however.

The top administrative positions in the executive branch are political appointments made by the president. The authors briefly review the factors that presidents consider when making these appointments. They note that even though political appointees are there to help the president translate his electoral mandate into policy, they are often subject to other pressures that prevent them from being as responsive to presidential direction as presidents would like them to be.

While an organizational chart of the executive branch of government might suggest a single chain of command leading up to the president, bureaucrats respond to pressures from a number of different sources. The president is the chief executive, but the sheer size and complexity make it difficult for any president to maintain very detailed control. The civil service system also limits



the president's ability to control bureaucracy. His major management tools are his ability to make top-level appointments, his budget powers, and his reorganization powers.

Congress also exercises considerable influence over bureaucratic agencies, since Congress must approve an agency's budget and defines an agency's mission and authority. It influences who is appointed, since presidential appointees must be approved by the Senate. Congress also exercises influence through oversight hearings and by using the office of inspector general to keep it briefed on what is going on inside the bureaucracy. Bureaucratic agencies are also subject to pressure from interest groups, especially those directly affected by agency decisions. At times they may also be pressured by the press and by general public opinion.

Just the term "bureaucracy" often carries negative connotations. The federal bureaucracy is regularly criticized for its size and performance. Proposed reforms have included: 1) the "meat ax" approach of across-the-board cuts; 2) greater privatization of government services; 3) "reinventing government" along business-like lines; 4) providing for greater outside scrutiny through such devices as the Freedom of Information Act and providing protection for "whistle-blowers"; and 5) giving popularly elected officials more control over the bureaucracy.

The authors conclude by stating that while democratic theorists may not be comfortable with every aspect of bureaucratic growth, overall it can be seen as a testament to the impact of democratic forces in American politics.

### Key Concepts and Objectives

Important concepts and objectives to stress in Chapter Thirteen include:

- How the expansion of government activity occurring in the Bush administration fits a long-standing pattern of government growth;
- Why the Founding Fathers, who were so concerned about limiting government's power, had little to say about limiting the growth of government bureaucracy or constraining its powers;
- How the bureaucracy developed over the course of the nation's history and what the major events associated with its growth were;
- The basic organizational structure of the federal executive and how its major components differ from one another;
- The fact that federal agencies do not just enforce laws and administer programs but that they also make rules and policy and adjudicate certain types of questions;
- Who bureaucrats are and how they are selected;
- The concept of descriptive representation as it applies to the bureaucracy;
- Criteria presidents use in making their political appointees and the constraints on presidents in making appointments;
- The issue of bureaucratic responsiveness to presidential leadership and what the leadership tools of the president are in regards to the bureaucracy;

- Ways in which Congress can influence or control bureaucratic behavior;
- Major approaches on reforming the bureaucracy; and
- Why democratic theorists may have mixed feelings about the size and reach of today's federal bureaucracy.

## Lecture Outline

### THE FEDERAL BUREAUCRACY

- 1) What is bureaucracy and how does it fit into democratic theory?
  - a) Bureaucracy: career civil servants responsible for enforcing the laws and implementing the programs established by Congress and the president
  - b) Grown in power and significance so that it is often referred to as the fourth branch of government
  - c) Legitimacy issue: how can unelected officials hold so much power?
  - d) Politics administration dichotomy: political branches make policy and then rely on the neutral competence of bureaucracies to implement it efficiently
- 2) Weberian model of bureaucracy: Weber compared bureaucracy favorably with alternative administrative structures and argued that the key to getting things done in large industrial societies was an organization with the following characteristics:
  - a) Hierarchical authority structure: power flows from top to bottom; clear chain of command
  - b) Task specialization: a clear division of labor
  - c) Written rules and regulations to ensure similar cases are handled similarly, rather than through discretion
  - d) Merit principle: entrance and promotion based on ability
  - e) Impersonality: treat clients impartially
- 3) Common misconceptions about bureaucracies:
  - a) Bureaucracy is growing bigger each year—the size of the federal government has changed little
  - b) Most bureaucrats work in Washington—only 7 percent actually work in or around D.C.
  - c) Government bureaucracies are much less efficient than private-sector organizations
- 4) Sources of bureaucratic power:
  - a) Delegated legal authority
  - b) Technical expertise and control over certain types of information
  - c) Political support from clientele groups and other interest groups
  - d) Checks on bureaucratic power

- i) Presidential powers
- ii) Congressional powers
- iii) Media and public opinion

5) Issues in implementation:

- a) Bureaucracies develop rules and procedures for implementing policy goals defined by politicians
- b) Implementation is a difficult task, reasons for failure:
  - i) Faulty program design
  - ii) Lack of clarity in the law or executive order; broadly stated policy goals difficult to implement
  - iii) Lack of resources—particularly money, staff, authority
  - iv) Limited resources can increase administrative discretion in deciding where limited resources will be directed
  - v) Administrative routine—fitting in new tasks to the agency’s standard operating procedures (SOPs)

Terms

The following are the key terms listed at the end of Chapter Thirteen:

Federal bureaucracy  
 Departments  
 Bureau  
 Agency  
 Independent agency  
 Executive  
 Government corporation  
 Quasi-government organizations  
 Independent regulatory commissions  
 Foundation, government  
 Bureaucrat  
 Cost-benefit analysis  
 Spoils system  
 Patronage  
 Civil service  
 Civil servants  
 Unitary executive  
 Appropriation  
 Privatization  
 Red tape  
 Whistle-blowers

Other terms that might require further elaboration include:

- Devolution
- Transportation Security Administration
- USA Patriot Act
- Cabinet departments
- Independent executive agencies
- Government corporations
- Merit system
- Pendleton Act

### Discussion Questions

- A. Should the president be held responsible for everything that happens in the executive branch of government? The Constitution says that executive power is vested in the president but does a president really enjoy the same sort of executive power that a CEO has over a large corporation? What are the differences? Do you think every person working for the federal government views it as his or her responsibility to do whatever they can to help the president carry out the program he was elected on?
- B. Presidents are accountable to the people through the election process but presidents often feel frustrated at the limited control they have over bureaucrats. Would going back to the spoils systems make government more responsive? What other ways might there be for making federal bureaucrats more accountable for their actions?
- C. When some process is described as bureaucratic, what images come to mind? Discuss the reason why even the term bureaucracy has such negative connotations.
- D. Of the approaches to reforming bureaucracy summarized in the text, which do you think has the greatest potential for really improving the efficiency and/or effectiveness of government? How much of government can be privatized and what are the dangers? To what extent can government agencies be run more like businesses?

### Other Class Activities and Research Projects

- A. Have students look up in the Federal Register the number of new rules issued by administrative agencies in the course of a one-week period.
- B. Present a hypothetical issue that a bureaucrat within the Environmental Protection Agency might be asked to decide on and ask your students how they would rule if they were that official. Establish whatever parameters you like—throw in factors like the president’s general policy on environmental regulation, the certainty of the scientific research that had been done on the issue, public opinion concerns, and the costs that might result for business.

- C. Assign students to go to the government's job Web site (<http://www.usajobs.opm.gov/>) to review the listing of job openings in their area. Ask them to pick one job and report back on what the position involved and what the process of applying for it would entail.

### Multiple Choice Questions

- 1) The authors' account of the role that the Consumer Product Safety Commission (CPSC) plays in ensuring the safety of imported goods from China suggests that:
- a) Too much regulation can hurt the economy
  - b) There is a great deal of corruption when it comes to regulating imported goods from China
  - c) The CPSC is seriously understaffed and unable to provide the level of regulation it should
  - d) The U.S. has become far too dependent on Chinese imports
  - e) The U.S. does not produce safe goods

Answer: c; Page 400 - 401; Skill: Understanding

- 2) Two new government agencies that were created in direct response to the 9/11 terrorist attacks were the Department of Homeland Security and the:
- a) National Security Agency
  - b) Transportation Security Administration
  - c) Agency for International Development
  - d) National Labor Relations Board
  - e) Securities and Exchange Commission

Answer: b; Page 425; Skill: Understanding

- 3) The nation's republican Founders tried to prevent the development of a large federal bureaucracy by:
- a) Providing for a number of explicit checks on bureaucratic power in the Constitution
  - b) Creating a federal system in which state governments were expected to provide most of the services needed by the people
  - c) Establishing a strong presidency capable of keeping the bureaucracy under control
  - d) Placing the bureaucracy under the direct control of Congress
  - e) Placing a cap on the number of people that could work in Washington D.C.

Answer: b; Page 404; Skill: Understanding

- 4) The republican framers of the Constitution opposed the development of a large federal bureaucracy because they feared it would be:
- a) Wasteful and inefficient
  - b) A threat to individual liberties
  - c) Unable to respond quickly in times of national crisis

- d) Staffed with party hacks appointed through the “spoils system”
- e) Discard the constitutional framework of government

Answer: b; Page 404; Skill: Understanding

5) Democratic theorists believe big government is okay as long as it is:

- a) Managed effectively
- b) Carrying out the tasks agreed to by the people
- c) Helping to make the nation more secure
- d) Serving the needs of minorities and the economically disadvantaged
- e) Inexpensive to maintain

Answer: b; Page 404; Skill: Understanding

6) The department blamed for the slow response time during the 2010 BP oil spill was the Department of:

- a) Agriculture
- b) Interior
- c) Commerce
- d) Transportation
- e) Homeland Security

Answer: b; Page 423; Skill: Understanding

7) One of the original intentions of national government was the regulation of:

- a) All business
- b) Urban political machines
- c) The agriculture industry
- d) Racketeers
- e) Interstate commerce

Answer: e; Page 404; Skill: Understanding

8) The War on Terror was associated with which president?

- a) Washington
- b) Adams
- c) Lincoln
- d) Clinton
- e) George W. Bush

Answer: e; Page 417; Skill: Understanding

9) Which Democratic president declared in his State of the Union Message that the “era of big government is over”?

- a) John Kennedy

- b) Lyndon Johnson
- c) Jimmy Carter
- d) Bill Clinton
- e) Barack Obama

Answer: d; Page 402; Skill: Understanding

10) Cabinet-level secretaries are:

- a) Listed in the Constitution
- b) Created by a president's Executive Order
- c) Appointed by the president
- d) Without any legal standing — they just exist by tradition
- e) Established by state governors

Answer: c; Page 407; Skill: Understanding

11) The Tennessee Valley Authority would be an example of a(n):

- a) Independent executive agency
- b) Government corporation
- c) Quasi-governmental organization
- d) Independent regulatory commission
- e) Foreign investment concern

Answer: b; Page 408 - 409; Skill: Understanding

12) A major catalyst for the creation of a civil service system was the:

- a) Impeachment trial of Andrew Johnson in 1866
- b) Corruption scandals during the Grant administration
- c) Disputed Hayes-Tilden election of 1876
- d) Assassination of James Garfield in 1881
- e) Iraq war during the Bush administration

Answer: d; Page 413; Skill: Understanding

13) The president who saw the spoils system as an important complement to democratic government was:

- a) George Washington
- b) Andrew Jackson
- c) Dwight Eisenhower
- d) Jimmy Carter
- e) Ronald Reagan

Answer: b; Page 413; Skill: Understanding

14) The part of the executive branch work force that most resembles the demographic make-up of the country as a whole is:

- a) The 60% of federal employees who hold civil service positions
- b) The 35% who hold appointments under the special merit systems
- c) Those holding patronage positions
- d) Those serving in the cabinet and on the White House staff
- e) The president and vice president

Answer: a; Page 413; Skill: Understanding

15) Which of the following statements about the federal bureaucracy is true?

- a) The bureaucracy is a rigid hierarchy with a clear chain of command.
- b) Some agencies perform law-making and judicial functions as well as administrative functions.
- c) Interest groups seldom try to lobby executive agencies.
- d) The public pays a lot of attention to bureaucratic agencies.
- e) Most agencies are created by the Supreme Court.

Answer: b; Page 410 - 412; Skill: Analysis

16) \_\_\_\_\_ was the president who formed a “plumber’s unit” to stop White House leaks.

- a) Lyndon Johnson
- b) Richard Nixon
- c) Jimmy Carter
- d) Ronald Reagan
- e) Bill Clinton

Answer: b; Page 416; Skill: Analysis

17) A president’s ability to control the bureaucracy is limited because:

- a) Bureaucrats must answer to Congress as well as the president
- b) The size and complexity of the bureaucracy is so great
- c) Civil service regulations give bureaucrats significant job security
- d) All of the above factors limit a president’s ability to control the bureaucracy
- e) None of the above factors limit a president’s ability to control the bureaucracy

Answer: d; Page 416 - 417; Skill: Understanding

18) Which of the following is NOT a tool that Congress can use to influence what the bureaucracy does?

- a) Making budget cuts
- b) Redefining an agency’s function
- c) Overturning rules passed by an agency
- d) Appointing department heads



e) Choosing to confirm a presidential nomination of a potential department head  
Answer: d; Page 419 - 421; Skill: Understanding

19) The inspectors general position created in 1978 reports directly to \_\_\_\_\_ on waste, fraud, and bureaucratic abuses of power.

- a) The president
- b) The vice president
- c) Congress
- d) The Supreme Court
- e) State congresses

Answer: c; Page 421; Skill: Understanding

20) During the late 1990s, Vice President Al Gore was a strong advocate of the \_\_\_\_\_ approach to reforming the bureaucracy.

- a) "cutting the fat"
- b) privatizing
- c) reinventing government
- d) devolution
- e) impeachment

Answer: c; Page 427; Skill: Understanding

21) According to the authors, the fact that the federal bureaucracy often seems inefficient and to be working at cross purposes is probably best explained by:

- a) The government's continued use of patronage appointees in key positions
- b) The political control presidents try to exercise over the bureaucracy
- c) The sheer size and complexity of government activities
- d) The basic system of separation of powers and checks and balances designed by the framers
- e) The lack of education and experience of elected officials

Answer: c; Page 416 - 417; Skill: Analysis

22) Foundations are a type of government unit established to \_\_\_\_\_ free from political pressure:

- a) Promote scientific research and scholarly and artistic endeavors
- b) Hear citizen complaints about the misuse of bureaucratic power
- c) Provide grants to faith-based organizations
- d) Raise private money to support government projects
- e) Review the constitutionality of federal action

Answer: a; Page 409; Skill: Understanding

23) The appointment of Michael Brown as FEMA director is cited in the text as an example of:

- a) An incompetent career bureaucrat protected by civil service rules
- b) A patronage appointment of someone who lacked the experience needed to run an important agency
- c) The unfair way bureaucrats are often attacked in the press
- d) A reason why Congress should appoint administrative heads rather than the president
- e) A success story in bureaucracy

Answer: b; Page 416; Skill: Understanding

24) The President who required that any proposed regulation to be subjected to a cost-benefit analysis was:

- a) Ronald Reagan
- b) Bill Clinton
- c) George W. Bush
- d) Jimmy Carter
- e) Abraham Lincoln

Answer: a; Page 412; Skill: Understanding

25) An example of a “quasi-governmental” organization would be the:

- a) National Endowment for the Humanities
- b) Department of Homeland Security
- c) Securities and Exchange Commission
- d) Corporation for Public Broadcasting
- e) Microsoft

Answer: d; Page 409; Skill: Understanding

26) The framers assumed that most government responsibilities would be lodged in the nation’s:

- a) Federal courts
- b) Congress
- c) International ambassadors
- d) Corporations
- e) States and localities

Answer: e; Page 404; Skill: Understanding

27) Independent executive agencies report directly to the:

- a) Congress
- b) Supreme Court
- c) Council of Governors

- d) Press Secretary
- e) President

Answer: e; Page 408; Skill: Understanding

28) \_\_\_\_\_ are responsible for regulating sectors of the economy in which it is judged that the free market does not work properly to protect the public interest.

- a) National Endowments for the Humanities
- b) Departments of regulatory affairs
- c) The Cabinets
- d) Multinational corporations
- e) Independent regulatory commissions

Answer: e; Page 409; Skill: Understanding

29) The \_\_\_\_\_ writes rules about the introduction of new drugs that researchers and pharmaceutical companies are obliged to follow.

- a) NSH
- b) DHSV
- c) SEC
- d) CPD
- e) FDA

Answer: e; Page 411; Skill: Understanding

30) The spoils system has also been called:

- a) Political unrest
- b) Party interest
- c) Bribery
- d) Blackmail
- e) Patronage

Answer: e; Page 413; Skill: Understanding

### True/False Questions

1) Bureaucracies are large organizations in which many people with specialized knowledge are organized into a clearly defined hierarchy of bureaus or offices.

Answer: True; Page 405; Skill: Understanding

2) The bureaucracy has two bosses, the president and Supreme Court.

Answer: False; Page 407; Skill: Understanding

3) According to the Constitution, Congress “shall take care that the laws be faithfully executed”.

Answer: False; Page 410; Skill: Understanding

4) The Civil Service Act of 1883 is also known as the Pendleton Act.

Answer: True; Page 413; Skill: Understanding

5) Only about 250 of presidentially appointed bureaucrats must be confirmed by the Senate.

Answer: False; Page 415; Skill: Understanding

6) Presidents have no say about the tenure or salary of most federal bureaucrats beyond those whom they have appointed.

Answer: True; Page 417; Skill: Understanding

7) In 1999, for example, Congress passed a bill requiring the Census Bureau to do the 2000 census by direct count.

Answer: True; Page 419; Skill: Understanding

8) Appropriation is the legal authority for the agency to make arrests.

Answer: False; Page 421; Skill: Understanding

9) Public comment is required in all agencies before binding rules can be issued.

Answer: False; Page 423; Skill: Understanding

10) The number of private contractor jobs done for departments and agencies of the executive branch stood at about 7.5 million in 2007.

Answer: True; Page 425; Skill: Understanding

### Essay Questions

1. What are some of the major factors that have contributed to the growth of the federal executive in the twentieth century? To what extent do these factors apply even during the administrations of conservative Republican presidents? (*Application*)
2. Analyze the ways in which the bureaucracy can both help and hinder the president. (*Analysis*)

3. Examine the ways in which the bureaucracy is more representative of the country than the Congress and assess the significance of these differences. (*Analysis*)
4. While federal agencies are in a reporting line that goes up to the president, the president is not the only individual to whom agency personnel are accountable. Discuss agency relationships with Congress, the courts, and with private interest groups and the constituent groups or clients served by the programs that the agency is responsible for administering. (*Understanding*)
5. Who are the major advisers and aides that a president relies on to carry out his executive responsibilities? What are the major categories of officials with whom the president is most likely to have regular contact? Who have recent presidents tended to rely on most closely, and why? (*Analysis*)
6. Has the growth of the federal bureaucracy served or hindered the cause of democracy? (*Evaluation*)
7. Which portions of government should be privatized? Why? (*Evaluation*)
8. Why was the bureaucracy not mentioned in the Constitution? How would the framers evaluate the current system? (*Application*)
9. How will the current economic crisis affect the layers of bureaucracy? (*Application*)
10. Is the appointment process the best way to fill bureaucratic positions? Why or why not? (*Evaluation*)



## ***Chapter Fourteen***

### ***The Courts***

#### Chapter Overview

- The role of the Supreme Court in democratic and eighteenth-century republican doctrines
- What judicial review is and how it came to be
- How the federal court system is organized and how it operates
- How the Supreme Court works
- How the Court operates in the political environment
- What role the Court plays as a national policymaker

This chapter starts with a review of some of the political battles fought in the Senate over President Bush's judicial nominees. Democrats, who feared certain Bush nominees would threaten certain rights such as a woman's right to terminate her pregnancy, used every parliamentary procedure available to them, including the filibuster, to block their nomination. Republicans devised a plan known as the "nuclear option" that would have denied Democrats the right to use the filibuster to block a vote on a judicial nomination. A "train-wreck" was avoided when a bipartisan group of 14 senators worked out a plan that would allow votes to take place except under "extraordinary circumstances." This agreement permitted Bush to gain Senate approval to two of his Supreme Court nominees, John Roberts and Samuel Alito.

The authors note that judicial appointments provoke intense partisan fighting because the stakes are so high because of the power exercised by the courts, especially the Supreme Court. The Constitution itself has relatively little to say about the judicial branch of government. According to Article 3, the judicial power of the country is to be vested in one Supreme Court and in such inferior courts as Congress may choose to establish, but it provides few details on how the courts are to operate. The authors make the point that one of the Court's most important powers—that of judicial review—is not mentioned in the Constitution at all. They do acknowledge that most of the Founders probably shared the view of Alexander Hamilton that the court needed this power to be able to "check" the Congress. They write that the tension between "democracy and the Supreme Court's power of judicial review is one of the enduring and defining cornerstones of the American democratic republic." The case of *Marbury v. Madison* is reviewed in detail to show how the Court gained this power.

The authors next review the organization and jurisdiction of the federal court system. After distinguishing between constitutional and legislative courts, they give an overview of the three basic levels of federal courts: the district courts, the circuit courts of appeals, and the Supreme Court. They also review the process through which judges are named to the Court and the political controversies that sometimes are part of the confirmation process. The people who are given lifetime appointments to the courts tend to come from privileged backgrounds and are not at all representative of the American people as a whole.

In the section headed “The Supreme Court in Action,” the authors describe how unwritten norms like secrecy and seniority determine how the justices conduct their business. They also make the point that the Supreme Court is very selective in the cases that it hears. Of the 8,000 or so cases filed each session, the Court grants *certiorari* for fewer than 100. Because the decisions reached by the Supreme Court will establish precedents for other courts to follow, the reasoning behind a decision is sometimes as important as the decision itself.

After describing the procedures through which the Supreme Court hears cases and makes its rulings, the authors look at how the content of those rulings has changed over the years. They divide the history of the Court into four periods. During the Marshall Court (1801 to 1835), the Constitution was interpreted to give “maximum protection to property rights and maximum support for the idea of nationalism.” In the period following the Civil War, the Court was heavily influenced by laissez-faire economic theory and sought to protect business from regulation at both the state and federal levels. After the Second World War, the Court began to turn its attention to expanding protection of individual rights. The fourth period identified by the authors began in the 1980s and is described as a period of “conservative retrenchment.” In all these periods, there has been controversy over the issues of judicial activism (the extent to which the courts should be making policy) and strict construction (the extent to which Court decisions should be based on the Founders’ “original intention”).

The next section examines the ongoing debate over judicial activism and the various issues involved. Those discussed are: 1) the frequency with which the Court uses its power of judicial review; 2) the willingness of the Court to reverse decisions made by previous Courts; 3) the willingness of the Court to rule on “political” issues; 4) the breadth of remedies imposed by the Court; and 5) the weight given to the “original intent” of those who passed a law when determining how it should be interpreted.

This chapter ends with a discussion of the outside influences on the Court. After reviewing the “checks” that Congress and the president have on the courts, the authors discuss how those outside government can try to influence court decisions by bringing test cases or class action suits, or by filing *amicus curiae* briefs in cases already scheduled for hearing. They also note that there is reason to believe that the Court pays attention to public opinion. Their conclusion is that “whatever the intention of the framers, the Court has not acted consistently as an anti-majoritarian institution,” and in fact “has often protected popular democracy.”

### Key Concepts and Objectives

Important concepts and objectives to stress in Chapter Fourteen include:

- Why the president’s judicial nominees often provoke bitter partisan conflict;
- The distinction between the federal court system and the state court system and the fact that most legal disputes are settled in the state courts;
- What the Constitution says and what it does not say about the judicial branch of government;



- The origins of the Court’s power of judicial review and the issues it raises about what the role of the Court should be in a democratic political system;
- The structure of the federal court system and the different roles courts play at each of the three basic tiers of the system;
- The terms judicial activism (and restraint) and strict (and loose) construction and how these terms reflect different understandings of what the role of the courts should be;
- The backgrounds of federal judges and the process that is used to select them;
- That the primary role of the Supreme Court is to interpret the meaning of laws and constitutional provisions and establish guidelines for other courts to follow, not to serve as a court of final appeal in individual cases; and
- That when the Court is acting to safeguard individual rights and liberties, it is upholding both the founders’ republican principles and the values of democracy.

## Lecture Outline

### THE POLITICS OF THE JUDICIAL SELECTION PROCESS

#### 1) District courts:

- Selecting judges
- Senatorial courtesy
- All judges are lawyers, which is not a constitutional requirement
- Mostly white men
- 90 percent are with the same political party as the appointing president
- Political party and ideology are the most important considerations, then merit
- Federal judges seek appointments to the bench—rarely are they answering a call to service

#### 2) Supreme Court:

- Constitutionally, the process is similar to lower courts
- In practice, the president has much greater influence and involvement in the process; the process works as the Constitution designed it to work
- Supreme Court nominations are one of the most important parts of a president’s legacy
- Senatorial courtesy not applicable here
- The “litmus test” issues
- Supreme Court nominations are successful about 80 percent of the time

#### 3) Judicial appointments are very important because of the power of the federal courts:

- The power to make policy
- Views of judicial activism
- The strict construction vs. loose construction controversy
- Legislation and the courts

4) Are the courts too powerful? Checks on the courts:

- a) Congress and the courts
- b) Public opinion and the courts
- c) Restricting the Court's jurisdiction
- d) New judges
- e) Impeachment

### Terms

The following terms are the key terms listed at the end of Chapter Fourteen:

Judicial review  
Constitutional courts  
Legislative courts  
Grand juries  
Petit (trial) juries  
Circuit courts  
Appellate courts  
Briefs  
Opinion  
Precedents  
*Stare decisis*  
Original jurisdiction  
Senatorial courtesy  
Standing  
Executive privilege  
Separate but equal doctrine  
Superprecedents  
Plaintiffs  
*In forma pauperis*  
Writ of *certiorari*  
Rule of four  
*Amicus curiae*  
Opinion of the Court  
Concurring opinion  
Dissenting opinion  
Laissez-faire  
Judicial activism  
Remedy  
Original jurisdiction  
Strict construction  
Test case  
Class action suit

Other terms that might require further elaboration include:

- Chief justice
- Associate justice
- State sovereignty
- “Nuclear option”
- Filibuster
- Conservative retrenchment

### Discussion Questions

- A. Should unelected judges be making laws? All federal officials take an oath to uphold the Constitution. Why should a Supreme Court justice’s opinion about what is and isn’t constitutional overrule the judgment made by an elected congressperson or president?
- B. The Supreme Court may rule actions of the other branches of government unconstitutional, but what checks are there on the powers of the Supreme Court and on the other federal courts? Are they sufficient? Encourage a class debate on whether or not there should be more democratic controls over the actions of the federal courts.
- C. How do state courts differ from the federal courts? Discuss the advantages and disadvantages of the structure, selection process, and rules of procedure used in your state court system with those of the federal courts.
- D. Discuss the reasons why so many of President Bush’s judicial nominees have provoked such intense opposition. What should the role of the Senate be in the confirmation process? What criteria are appropriate to use in judging a nominee’s fitness for the Court and what criteria are inappropriate? Ask class members to explain how they would have voted on the John Roberts and Samuel Alito nominations had they been members of the Senate.

### Other Class Activities and Research Projects

- A. One of the main issues during Robert Bork’s confirmation hearings was the doctrine of original intent. Have students go back and read about the Bork hearings and then prepare short reports on whether they would have voted for or against Bork’s confirmation and why.
- B. Have students visit the U.S. Supreme Court Web site (<http://www.supremecourtus.gov/>) and pick one decision that was heard during the current (or previous) session of the court and briefly summarize what the legal issue was and why the Court ruled as it did.
- C. Assign students to read the short biographies of the current members of the Supreme Court on the Supreme Court Web site and then ask them to identify the kinds of partisan political activities the judges have been involved in before joining the Court. Will judges who have

been involved in partisan political activities have a harder time rendering fair and impartial rulings than those who have not?

- D. Organize a debate over whether judges should be periodically accountable to the public through some sort of elections procedure (review some of the systems used to select state judges) or whether they should be appointed for life.

### Multiple Choice Questions

- 1) The Supreme Court's ruling in *Bush v. Gore* can be viewed as an "activist" ruling in that:

- a) The Court involved itself in what many considered to be a political issue
- b) In making its decision, the Court overturned a previous Supreme Court decision
- c) The Court ignored the "original intent" of the authors of the Constitution.
- d) The remedies ordered by the Court required Florida to rewrite its entire election code
- e) The court was backing Gore over Bush in the partial decision

Answer: a; Page 457; Skill: Understanding

- 2) The two Supreme Court appointments made by President Bush were:

- a) John Roberts and Samuel Alito
- b) Samuel Alito and Priscilla Owen
- c) Orin Hatch and John Roberts
- d) Sandra Day O'Connor and William White
- e) John Marshall and Orin Hatch

Answer: a; Page 444; Skill: Understanding

- 3) Regarding federal courts, the Constitution states that:

- a) Each state will have at least one district court
- b) The Supreme Court will have the final say on all cases arising in both state and federal cases
- c) District courts are the courts of original jurisdiction in federal cases
- d) There will be a Supreme Court and those inferior courts that Congress chooses to establish
- e) Congress may dissolve the Supreme Court if necessary

Answer: d; Page 438; Skill: Understanding

- 4) The federal judiciary is defined in Article \_\_\_\_\_ of the Constitution.

- a) 1
- b) 2
- c) 3
- d) 4

- e) 6  
Answer: c; Page 438; Skill: Understanding

5) In *Federalist Paper No. 78*, Alexander Hamilton makes the argument that:

- a) Courts should always defer to the judgment of popularly elected representatives
  - b) Each branch of government should be the final judge of the constitutionality of actions for which the branch of government is responsible
  - c) The Court should have the power to check the legislature since the legislature cannot be trusted to check itself
  - d) Judges could not be trusted to act as a check on the president since it was the president who appointed them
  - e) Courts would be most effective if held accountable to the people through elections
- Answer: c; Page 459; Skill: Understanding

6) *Marbury v. Madison* is an important case in constitutional history because it was the case:

- a) That established the supremacy of federal laws over state laws
  - b) That set the precedent for the Court's power to declare acts of Congress unconstitutional
  - c) Where the Court challenged a presidential action for the first time
  - d) In which the right to sue the president was upheld
  - e) Where the Court defined the boundaries of the commerce clause
- Answer: b; Page 436; Skill: Understanding

7) Which of the following statements about judicial review is true?

- a) The Rehnquist Court overturned more congressional acts than did other post-war Courts.
  - b) The Court has declared state and local laws unconstitutional over 1,000 times.
  - c) John Marshall was the first chief justice to claim the right to declare the acts of the other branches of government unconstitutional.
  - d) All of the above are true.
  - e) None of the above is true.
- Answer: d; Page 436 - 437; Skill: Understanding

8) Courts are considered to be activist when they:

- a) Hear an exceptionally large number of cases
  - b) Start overturning an unusually high number of actions taken by other units of government
  - c) Show a clear pattern of liberalism in their rulings
  - d) Show a clear pattern of conservatism in their rulings
  - e) Hear cases related to charitable organizations
- Answer: b; Page 437; Skill: Analysis

9) The text states that roughly \_\_\_\_\_ of laws, legal disputes, and court decisions are located in the states.

- a) 33%
- b) 60%
- c) 80%
- d) 95%
- e) 99%

Answer: e; Page 438; Skill: Understanding

10) Constitutional courts are those courts that:

- a) Are specifically mentioned in the Constitution
- b) Are created by Congress under Article 3 of the Constitution
- c) Only hear cases directly based on provisions within the Constitution
- d) Are empowered to make final rulings on constitutional questions
- e) Create proposed amendments for the Constitution

Answer: b; Page 438; Skill: Understanding

11) The three main types of courts that make up the federal judiciary are:

- a) County, state, and federal
- b) District, circuit, and Supreme
- c) Circuit, appellate, and Supreme
- d) Civil, criminal, and constitutional
- e) Local, state, and international

Answer: b; Page 439; Skill: Analysis

12) Which of the following statements is true?

- a) District courts are the courts of original jurisdiction in the federal system.
- b) There are nine circuit courts of appeal.
- c) A petit jury is the jury that determines if there is enough evidence to bring a person to trial.
- d) About 80% of the cases in federal court are criminal cases.
- e) All cases arising in federal courts concern Constitutional Amendments.

Answer: a; Page 439; Skill: Understanding

13) Judicial review is the power of the Supreme Court to:

- a) Review cases on appeal from the state courts
- b) Invalidate acts of the other branches of government if it finds those acts to be in violation of the Constitution
- c) Be the court of last resort on any issue that arises under any court in the country
- d) Settle election controversies in disputed elections
- e) Act as a court of original jurisdiction in international matters

Answer: b; Page 456; Skill: Understanding

14) Federal judges:

- a) Are nominated by the president and confirmed by both Houses of Congress
- b) Are nominated by the president and confirmed by the Senate
- c) Are nominated by the American Bar Association and approved by both the president and the Senate
- d) Can only be removed by the president for high crimes and misdemeanors
- e) Are elected by a popular vote

Answer: b; Page 444; Skill: Understanding

15) \_\_\_\_\_ refers to the doctrine that courts should base their interpretation of a law or constitutional provision on a past precedent.

- a) *Stare decisis*
- b) *Certiorari*
- c) *Amicus curiae*
- d) *In forma pauperis*
- e) *Res ipsa*

Answer: a; Page 441; Skill: Understanding

16) According to the Constitution, the number of judges on the Supreme Court is:

- a) Six
- b) Nine
- c) 12
- d) The Constitution does not say
- e) Seventeen

Answer: d; Page 435; Skill: Analysis

17) Most members of the Supreme Court have had:

- a) Their education at very expensive and selective universities
- b) Previous careers in business or industry
- c) Religious backgrounds representative of the religious diversity of the country
- d) Backgrounds that reflect greater diversity than the backgrounds of district judges do
- e) No legal education or experience

Answer: a; Page 444; Skill: Understanding

18) Under the practice of senatorial courtesy, a U.S. senator may block the appointment of someone from his state to:

- a) The Federal District Court
- b) The Federal Circuit Court
- c) The U.S. Supreme Court
- d) All of the above three courts

- e) None of the above three courts  
Answer: a; Page 445; Skill: Understanding

19) The “rule of four” is that at least four Supreme Court judges must:

- a) Be present in order for the Court to hear a case
- b) Agree to grant *certiorari* and hear a case
- c) Not be of the same political party as the president
- d) Agree on a written opinion before the opinion can be called a majority opinion
- e) Be selected during each presidential administration  
Answer: b; Page 448; Skill: Understanding

20) The chief justice who interpreted the Constitution to mean “maximum protection to property rights and maximum support for the idea of nationalism” was:

- a) John Marshall
- b) Charles Evans Hughes
- c) Earl Warren
- d) William Rehnquist
- e) Samuel Alito  
Answer: a; Page 452; Skill: Understanding

21) In the decades following the Civil War, the Supreme Court supported the doctrine of:

- a) Laissez-faire economics
- b) Democratic socialism
- c) State-directed capitalism
- d) Community power
- e) Promissory Estoppel  
Answer: a; Page 452; Skill: Understanding

22) Which of the following chief justices presided over the Court during a time when individual rights and liberties were significantly expanded?

- a) Earl Warren
- b) Warren Burger
- c) Clarence Thomas
- d) William Rehnquist
- e) Ruth Bader Ginsburg  
Answer: a; Page 453; Skill: Understanding

23) Justices who are labeled as judicial activists are those who:

- a) Have very heavy caseloads
- b) Write more opinions than their colleagues do



- c) Believe in a very narrow interpretation of the Constitution
- d) Are most willing to overturn laws on constitutional grounds
- e) Are charitable givers

Answer: d; Page 456; Skill: Understanding

24) Judges who are strict constructionists are critical of the *Roe v. Wade* decisions because:

- a) America was founded as a Christian nation and should continue to be governed on Christian values
- b) Privacy rights are not explicitly addressed in the Constitution and there is no evidence the topic of abortion was even mentioned during its writing
- c) The ruling violated the principle of *stare decisis*
- d) Public opinion strongly opposes “abortion on demand”
- e) They believe abortion rights should be expanded based on privacy standards

Answer: b; Page 457 - 458; Skill: Understanding

25) What distinction does Clarence Thomas have in the current Supreme Court?

- a) He was a Republican president before his appointment.
- b) He did not have a law degree when appointed to the Court.
- c) He is the only African American on the Supreme Court.
- d) He argued that the Florida recount should have been allowed to continue in 2000.
- e) He entered the Court as Chief Justice.

Answer: c; Page 444; Skill: Understanding

26) Franklin Roosevelt wanted to enlarge the size of the Supreme Court because:

- a) The Court was not able to keep up with the large number of cases it was being asked to hear
- b) The Court had declared unconstitutional some of the legislation Roosevelt thought was necessary to fight the Depression
- c) He wanted to reward more of the people who had helped him get elected with Court appointments
- d) Roosevelt believed the Court had not been forceful enough in asserting its judicial prerogatives
- e) He believed an even number of Justices would bring about more justice

Answer: b; Page 453; Skill: Understanding

27) Organizations with a strong interest in a case before the Supreme Court often try to influence the Court by:

- a) Hiring lobbyists to “wine and dine” the judges
- b) Making campaign contributions to the political party the judge belongs to
- c) Filing an *amicus curiae* brief on behalf of the party in the case they are supporting
- d) Organizing letter-writing campaigns to influence the judges

- e) Campaign for their members to be elected as Supreme Court Justices  
Answer: c; Page 461; Skill: Understanding

28) The Supreme Court justice who writes the majority opinion for the Court is:

- a) Selected on the basis of seniority
- b) Always chosen by the chief justice
- c) Chosen by the most senior member voting with the majority if the chief justice voted with the minority
- d) Elected by all nine members of the Court
- e) Chosen by popular vote from all Americans

Answer: c; Page 450; Skill: Understanding

29) The authors of the text indicate there is a substantial body of literature that suggests:

- a) The Supreme Court pays no attention at all to public opinion
- b) The Court often takes positions at odds with the opinions of public and private sector leaders
- c) The Court conforms to public opinion as much as the president and Congress do
- d) The Court sometimes commissions its own public opinion surveys when deciding especially controversial cases
- e) The Supreme Court only follows public opinion 10% of the time

Answer: c; Page 462; Skill: Understanding

30) According to the text, the Rehnquist Court became quite fond of overturning legislation Congress created using:

- a) The Commerce Clause
- b) Dual federalism
- c) Class action suits
- d) Judicial self-restraint
- e) Judicial review

Answer: a; Page 437; Skill: Understanding

### True/False Questions

1) Priscilla Owen was nominated for the Supreme Court by George W. Bush in 2004.

Answer: False; Page 432; Skill: Understanding

2) Judicial review is the power of the Supreme Court to declare state and federal laws and actions null and void when they conflict with the Constitution.

Answer: True; Page 435; Skill: Understanding

3) In 1962, Alexander Bickel described judicial review as a “deviant institution in American democracy.”

Answer: True; Page 437; Skill: Understanding

4) The federal court system is comprised of three layers.

Answer: True; Page 439; Skill: Understanding

5) Inferior courts are created by the president.

Answer: False; Page 438; Skill: Understanding

6) There are 12 geographic circuit courts in the United States.

Answer: True; Page 441; Skill: Understanding

7) Most judges in the United States do not have a formal legal education.

Answer: False; Page 444; Skill: Understanding

8) Supreme Court Justices have always mirrored the political preferences of the president that nominated them for the position.

Answer: False; Page 446; Skill: Understanding

9) Under the rule of four, petitions are granted certiorari if at least four justices vote in favor.

Answer: True; Page 448 Skill: Understanding

10) A concurring Supreme Court opinion is written by a justice who disagrees with the outcome determined by the Court majority.

Answer: False; Page 450; Skill: Understanding

### Essay Questions

1. How is it that some of the most important decisions that have been made in the nation’s history were made by unelected judges who hold office for life? Do you think that the role played by the federal judiciary in today’s society is what the framers wanted or expected? (*Evaluation*)

2. Describe the make-up of the Supreme Court and the procedures under which the justices hear cases and announce their rulings. (*Understanding*)

3. How do most cases reach the Supreme Court? Analyze what sorts of factors determine what cases will be heard. (*Analysis*)
4. What is meant when judges on the Supreme Court are described as “activists”? Describe how an activist philosophy has been applied at different periods in the Court’s history and discuss if these exercises of judicial activism have supported democratic ideals. (*Application*)
5. Analyze the political nature of the Supreme Court. Discuss the ways in which judges are very much a part of the political process and the ways in which judges are “above” politics. (*Analysis*)
6. Identify the four different periods of constitutional interpretation discussed in the text and outline what the distinguishing features were of each period. (*Understanding*)
7. What are the five most important issues to be decided by the Supreme Court in the next five years? (*Evaluation*)
8. How important is predictability in the court system? What changes could be made to ensure judicial precedents are followed? (*Analysis*)
9. Should judges and justices be elected? What are the pros and cons of judicial elections? (*Analysis*)
10. Is there too much litigation in the United States? What steps could be taken to reduce the number of cases litigated? (*Application*)

## ***Chapter Fifteen***

### ***The Budget and Economic Policies***

#### Chapter Overview

- How government economic policies affect the lives and well being of Americans
- The federal budget, the deficit, and the national debt
- What tools government uses to manage the economy
- Dealing with the financial collapse and the economic recession
- Why government subsidizes some business activities and regulates others

The economic crisis that hit the country in 2008 is the focus of the introductory section to Chapter Fifteen. The authors describe the series of events that occurred in late summer and the early fall of 2008 as an economic "perfect storm." These events included a sharp spike in oil prices, the collapse of the sub-prime mortgage market and record home foreclosures, the failure of mortgage giants Fannie Mae and Freddie Mac along with some of the nation's largest investment banks, and the bankruptcy of a number of large corporations. While some free market advocates saw what was happening as part of a normal economic cycle, most believed it was a serious national crisis requiring government intervention. The Bush administration asked for and received a \$700 billion rescue package from Congress to help restore stability to the economic system. The economic crisis was not limited to the United States but affected all of the industrialized nations. How effective government relief benefits will be and how long the crisis will last remained unanswered as 2008 came to an end.

In the next section, the authors review the nature of public policies and how they are made. They define public policies as the "decisions made by government that create laws, programs, and regulations that are binding on all people living within a defined jurisdiction, whether a county, a state, or the nation as a whole." Public policies can be classified by function such as education or health, or whether they distribute benefits generally (distributive), take from one group to give to another (redistributive), or establish rules for different groups (regulatory). Another category is the policies that provide benefits or public goods to the nation as a whole, such as national defense. The basic stages of the policymaking process are: 1) agenda setting, 2) decision making, 3) implementation, and 4) evaluation and feedback.

A main focus of the chapter is economic policy. Questions about who gets what and who pays for what are basic questions in the study of politics. In a capitalist system, the market system determines how many goods and services will be distributed, but free market economies, left alone, can go into periods of severe depression like that which brought about the devastating economic collapse the United States experienced in 1929. While it was not always the case, the public now expects that government will manage the nation's economy in ways that will promote growth and prosperity.

The section on economic policy looks first at the goals of government in this area and then at the tools government has in its pursuit of these goals. Government officials want to promote growth in the size of the Gross National Product (GNP) while keeping inflation under control, maintaining a favorable balance of payments, minimizing negative externalities, and taking care of, either directly or indirectly, those needs that cannot be addressed adequately by private markets. After identifying these economic policy goals, the authors give brief descriptions of the basic fiscal and monetary policy tools governments use to manage their economies. They also review the contrasting views of the Keynesians, monetarists, and supply-siders regarding what the proper role of government in the economy should be.

The authors next examine how the taxing and spending decisions made by the president and Congress affect the economy. After outlining the process through which these decisions are made, the authors review trends in government spending and identify the major components of the federal budget. They then describe the American tax system and the impact recent changes in it have had on different segments of the population. This section concludes with a discussion of the growing national debt brought about by continually spending more than is brought in through taxes.

The second main type of domestic policy examined in this chapter is regulatory policy. After providing some examples of why regulation is needed in a free market economy, the authors provide a brief history of regulatory policies in the United States. They focus on three major periods of regulatory policy: Progressive-era regulations to curb the power of large corporations; New Deal-era regulations to restore confidence in the economic system; and the outpouring of environmental, consumer protection, and civil rights regulations of the 1960s and 1970s. While acknowledging that there has been a strong political push to deregulate, the authors maintain that the regulatory state is here to stay because economic activity and technological change are bringing new problems and demands for government intervention to protect the public.

In their conclusion to Chapter Fifteen, the authors write that the “American public gets at least part of what it wants in terms of economic and social policy.” In this sense, popular sovereignty is served. The domestic policy process can hardly be called fully democratic, however, because of the disproportionate influence exercised by special interests in the policy process.

### Key Concepts and Objectives

Important concepts and objectives to stress in Chapter Fifteen include:

- Why the public has come to hold government responsible for the economy and what the various measures are that are used to determine the nation’s economic health;
- What the basic stages of the policy process are and who the key decision makers are at each stage;
- The distinction between fiscal and monetary policies and the circumstances under which one or more of the remedies found in these policies is likely to be applied;

- How political leaders and economic theorists differ on what the proper role of the government in the economy is;
- What the major objects of expenditure are in the federal budget and how these have changed over the past 50 years;
- How government regulatory policies developed in response to the social and economic changes taking place in the country;
- The ways in which the domestic policy process is democratic and the ways that it is not.

## Lecture Outline

### THE POLICY PROCESS

- 1) Public policy is defined as those actions taken by government officials in response to problems and issues raised through the political system
- 2) Many kinds of policy—each policy type has its own characteristics:
  - a) Categories in text—economic, regulatory, and welfare
  - b) Also can be classified as distributive, redistributive, and developmental
- 3) There are six basic stages to the policymaking process:
  - a) Issue identification draws the attention of policymakers to a problem that might require governmental action
    - i) Government agencies (importance of data collection)
    - ii) Interest groups
    - iii) Media
    - iv) Political entrepreneurs
  - b) Agenda-setting stage when the issue or problem is given the status of a serious matter to be considered by policymakers
    - i) President's State of the Union address
    - ii) Party platforms
    - iii) Legislative leadership
  - c) Policy formulation stage when specific proposals are developed for dealing with issues
    - i) Agency personnel
    - ii) Legislators and their staffs
    - iii) Think tanks and policy institutes
    - iv) Interest groups
  - d) Policy adoption includes efforts to obtain enough support for a proposal to make it the government's stated policy
    - i) Formal passage by Congress
    - ii) Signing into law by president
    - iii) Interest groups

- e) Policy implementation stage; policy mandates are carried out through public programs and the federal bureaucracy
    - i) Agency personnel
    - ii) Interest groups
  - f) Policy evaluation involves examining the consequences of policy actions, including whether a policy has worked; sometimes this evaluation leads to the identification of new problems
    - i) Think tanks and policy institutes
    - ii) Interest groups
    - iii) Public opinion
    - iv) Media
- 4) Policymaking models:
- a) The rational comprehensive model
  - b) The incremental model
  - c) The elite model
  - d) The pluralist model

### Terms

The following terms are listed at the end of Chapter Fifteen:

Public policy  
 Distributive policies  
 Redistributive policies  
 Regulatory policies  
 Public goods  
 Efficiency, public policy,  
 Effectiveness, public policy  
 Inflation  
 Recession  
 Depression  
 Gross domestic product (GDP)  
 Balance of payments  
 Externalities  
 Federal Reserve Board (Fed)  
 Macroeconomic policy  
 Fiscal policy  
 Monetary policy  
 Aggregate demand  
 Discount rate  
 Keynesians  
 Monetarists  
 Supply-siders



New growth theory  
Office of Management and Budget (OMB)  
Appropriations committees  
Deficit hawks  
Discretionary spending  
Payroll tax  
Progressive taxation  
Regressive taxation  
Budget deficit  
National debt  
Regulation  
Deregulation

Other terms that might require further elaboration include:

Jobless recovery  
Depression  
Negative externalities

### Discussion Questions

- A. Do deficits really matter? Can't government just keep printing more money? What are the different concerns critics have about deficits?
- B. What have been the changes in the national economy since Chapter Sixteen was written? What is the evidence commonly used to measure the health of the economy? Using these measures, has the economy gotten better or worse?
- C. What have been the major policy issues currently being debated in Congress? Where did these issues come from—who decided they were the ones we should be paying attention to and not others? Are there other issues you think should be getting more attention than the ones that are? Are there any objective criteria to sort out different issues on the basis of their relative seriousness?

### Other Class Activities and Research Projects

- A. The text refers to the fact that the regulatory state is here to stay. Ask students to list every activity they engage in during the course of the day that is in one way or another regulated by the government. Are any of these regulations likely to go away?
- B. If your campus has a safety officer, invite him to class to discuss the ways in which your campus is affected by OSHA and ADA regulations.

- C. Ask students to check on the Web to determine what the major areas of expenditure are in the federal budget this year. Have them compare their findings for the current year with earlier time periods.

### Multiple Choice Questions

- 1) In the United States, the event that “forever changed the role of government in economic affairs” was:

- a) President Johnson’s decision to wage war on poverty
- b) The Great Depression
- c) The 9/11 terrorist attacks
- d) The Second World War
- e) The Korean Conflict

Answer: b; Page 476; Skill: Analysis

- 2) \_\_\_\_\_ are decisions made by government that create laws, programs, and regulations that are binding on all people living within a defined jurisdiction.

- a) Monetary policies
- b) Foreign policies
- c) Industrial policies
- d) Illegal policies
- e) Public policies

Answer: e; Page 473; Skill: Understanding

- 3) \_\_\_\_\_ policies target benefits to very narrowly defined groups or individuals.

- a) Redistributive
- b) Recessional
- c) Defense spending
- d) General public
- e) Distributive

Answer: e; Page 474; Skill: Understanding

- 4) \_\_\_\_\_ policies transfer resources from one group or class to another.

- a) Redistributive
- b) Recessional
- c) Defense spending
- d) General public
- e) Distributive

Answer: a; Page 474; Skill: Understanding

5) \_\_\_\_\_ policies are targeted at a group or class of groups that add to their costs of operations in the interests of serving some public purpose.

- a) Redistributive
- b) Recessional
- c) Defense spending
- d) General public
- e) Regulatory

Answer: e; Page 474; Skill: Understanding

6) Programs that provide benefits for everyone, such as national defense, are called:

- a) Community property
- b) Financial property
- c) Economic goods
- d) Public interests
- e) Public goods

Answer: e; Page 474; Skill: Understanding

7) When prices go up and the value of money declines, the result is called:

- a) Deflation
- b) Depression
- c) Recession
- d) Prosperity
- e) Inflation

Answer: e; Page 475; Skill: Understanding

8) A period of economic contraction lasting at least two quarters is called a:

- a) Deflation
- b) Depression
- c) Recession
- d) Prosperity
- e) Inflation

Answer: c; Page 475; Skill: Understanding

9) A long-lasting and deep recession with high levels of unemployment, low or nonexistent business profits and investment, and low tax revenues for the government is called a:

- a) Deflation
- b) Depression
- c) Recession
- d) Prosperity

e) Inflation

Answer: b; Page 475 - 476; Skill: Understanding

10) In the United States, elections are often decided by voters' evaluation of how well a political party has carried out policies associated with the:

- a) Environment
- b) Immigration issue
- c) Terrorism threat
- d) Salaries of military personnel
- e) Economy

Answer: e; Page 476 - 477; Skill: Understanding

11) A rapid increase in prices of consumer goods is a sign of:

- a) Inflation
- b) Recession
- c) Depression
- d) Stagnation
- e) Revolution

Answer: a; Page 477; Skill: Understanding

12) Positive growth of \_\_\_\_\_ is an important measure of the health of the national economy.

- a) defense spending
- b) welfare spending
- c) the Gross National Product
- d) the inflation rate
- e) agricultural spending

Answer: c; Page 477; Skill: Understanding

13) Nations try to export more goods and services than they import in order to maintain:

- a) Low tax rates
- b) A positive balance of payments
- c) Higher trade deficits
- d) A rising number of negative externalities
- e) Low rates of terrorism

Answer: b; Page 478; Skill: Understanding

14) The general actions taken by government to manage the economy as a whole are referred to as:

- a) Fiscal policy

- b) Monetary policy
- c) Macroeconomic policy
- d) Microeconomic policy
- e) Social policy

Answer: c; Page 482; Skill: Understanding

15) Monetary policy controls:

- a) The level of government spending
- b) The amount of money in circulation
- c) Federal tax rates
- d) The regulation of the banking industry
- e) The level of governmental profitability

Answer: b; Page 483; Skill: Understanding

16) When President Bush lowered tax rates to stimulate the economy in 2001, he was engaging in:

- a) Fiscal policy
- b) Monetary policy
- c) Regulatory policy
- d) Distributive policy
- e) Social policy

Answer: a; Page 483; Skill: Application

17) According to Monetarists, the Federal Reserve Board's first order of business is to control:

- a) Savings rates
- b) The balance of payments
- c) Inflation
- d) Taxes
- e) International trade

Answer: c; Page 484; Skill: Understanding

18) The Chairman of the Federal Reserve Board:

- a) Is appointed by Congress
- b) Serves a fixed term and is appointed by the president
- c) Is the most important member of the president's economic team
- d) Controls the nation's fiscal policies
- e) Legislates tax policies

Answer: b; Page 482; Skill: Understanding

19) In terms of the 2008 financial institution bailout, George W. Bush's actions would best be described as:

- a) Classical liberal
- b) Keynesian
- c) Monetarist
- d) Supply-sider
- e) Creditarian

Answer: b; Page 484; Skill: Understanding

20) In 2010, mandatory spending accounted for about \_\_\_\_\_ of the federal budget.

- a) 12%
- b) 22%
- c) 32%
- d) 52%
- e) 62%

Answer: d; Page 490; Skill: Understanding

21) After the Cold War, government spending for defense:

- a) Has more than doubled
- b) Has tripled
- c) Stayed the same
- d) Is unknown since defense expenditures are classified information
- e) Dropped substantially

Answer: e; Page 490; Skill: Understanding

22) Which of the following statements about taxes in America is true?

- a) Americans pay about the same percentage of their income in taxes as people in other western democracies do.
- b) The percentage of their incomes that Americans pay in taxes has remained about the same for the past 30 years.
- c) Local governments rely heavily on sales taxes, while states rely on property taxes.
- d) The U.S. tax system is relatively simple and straightforward compared to those found in European democracies.
- e) Americans pay much higher tax rates than most other democracies.

Answer: b; Page 491 - 492; Skill: Understanding

23) The Federal Trade Commission, the Securities and Exchange Commission, and the Environmental Protection Agency are all examples of agencies engaged in:

- a) Monetary policies
- b) Regulatory policies
- c) Social welfare policies
- d) Labor policy

e) Governmental corporation operation

Answer: b; Page 497; Skill: Analysis

24) What event was most responsible for pushing the economy to the top of the policy agenda in 2008?

- a) The presidential campaign
- b) Corporate lobbyists
- c) Record high levels of unemployment
- d) The collapse of major financial institutions
- e) The War in Iraq

Answer: d; Page 471; Skill: Analysis

25) Which theory sees public policies as the interaction of a vast multitude of interest and advocacy groups?

- a) Marxist theory
- b) Elite theory
- c) Replacement theory
- d) Pluralist theory
- e) Populist theory

Answer: d; Page 474; Skill: Understanding

26) Which of the following is a generally accepted goal of government economic policy?

- a) Increasing balance of payments
- b) Discouraging economic growth
- c) Promoting inflation
- d) Discouraging budget discipline
- e) Increasing taxes

Answer: a; Page 478; Skill: Understanding

27) Advocates of fiscal policy would push for \_\_\_\_\_ during times of recession:

- a) higher tax rates for upper income groups
- b) balancing the budget as quickly as possible
- c) stricter business regulations
- d) big spending increases for public works
- e) presidential impeachment

Answer: d; Page 483; Skill: Application

28) The Nobel Prize winning economist who is closely associated with monetarism is:

- a) Milton Friedman

- b) John Maynard Keynes
- c) Benjamin Bernanke
- d) Karl Max
- e) John Roberts

Answer: a; Page 484; Skill: Understanding

29) Deficits returned to the American budget in:

- a) 1922
- b) 1956
- c) 1978
- d) 1986
- e) 2003

Answer: e; Page 494; Skill: Understanding

30) At the beginning of 2010, the Chinese government held almost \_\_\_\_\_ in U.S. bonds and notes.

- a) \$10 billion
- b) \$50 billion
- c) \$80 billion
- d) \$500 billion
- e) \$800 billion

Answer: e; Page 478; Skill: Understanding

### True/False Questions

1) Medicare was established in 1985 to provide medical insurance for those over the age of 55.

Answer: False; Page 474; Skill: Understanding

2) Balancing economic growth and low rates of inflation has proven easy in a capitalistic American economy.

Answer: False; Page 477; Skill: Analysis

3) The state of the economy is what influences individuals, groups, firms, and political leaders to seek government action on the economic front.

Answer: True; Page 479; Skill: Understanding

4) Federal Reserve Board is also known as the Fed.



Answer: True; Page 482; Skill: Understanding

5) Keynesians believe that economic stimulus is not necessary to increase economic activity.

Answer: False; Page 484; Skill: Understanding

6) Appropriations cannot be made until standing committees pass funding authority bills.

Answer: True; Page 487; Skill: Understanding

7) The federal government spent over \$100 trillion in 2010.

Answer: False; Page 489; Skill: Understanding

8) The national government depends mostly on individual income taxes and payroll taxes to fund its activities.

Answer: True; Page 492; Skill: Understanding

9) Government surpluses from the 1990's returned to budget deficits in 2001.

Answer: False; Page 494 Skill: Understanding

10) The economic theory of regulation holds that most regulation is caused by the political efforts of powerful businesses that turn to government for protection against competitors.

Answer: True; Page 496; Skill: Understanding

### Essay Questions

1. Some believe that the market is self-correcting and that government intervention hurts rather than helps. What do you think would have happened if government had not intervened in the recession that began in 2008? What is your evaluation of the argument that government should not intervene in the economy? (*Evaluation*)
2. Compare the views of Keynesians and monetarists regarding what the proper role of government in the economy should be. If the economy appeared to be heading for a recession, what remedies would each of these groups be recommending? (*Understanding*)
3. Analyze how the major objects of expenditure in the federal budget have changed over the past 50 years and why these changes have occurred. (*Analysis*)

4. The authors of the text indicate that “the regulatory state is here to stay” despite the support for deregulation the past several decades. Do you agree that regulatory policies will remain an important component of what government does? Why or why not? (*Analysis*)
5. What impact will new health care regulations have on American economic policy? (*Analysis*)
6. What is the primary purpose of TARP? Is there a better method by which to accomplish this purpose? (*Analysis*)
7. What international policy considerations need to be considered with the amount of foreign debt the United States owes? (*Analysis*)
8. Is the current American economic status a depression? Why or why not? (*Analysis*)
9. What tax policy (stimulus, income, corporate, etc.) changes are most necessary to repair the American economy? (*Application*)
10. What will happen if the United States economic position does not improve significantly by 2012? (*Analysis*)

## ***Chapter Sixteen***

### ***Social Safety Nets***

#### Chapter Overview

- What safety nets are and why government provides them
- Why safety nets in the United States are less generous than in other rich democracies
- How social insurance programs differ from means-tested programs
- Why the elderly have stronger safety nets than the very young
- Why we have the kind of health insurance system we do
- How the interplay between democracy and our eighteenth-century constitutional foundations shapes social policies

Chapter Sixteen begins with an account of President Obama's signing of a new health care bill in 2010. The new legislation is the most comprehensive change to the industry since the introduction of Medicare in 1965. The primary objectives of the act are to insure millions of previously uninsured Americans through Medicaid, force insurance companies to insure in many situations where it was not previously required, and to fill the "donut hole" in the prescription drug plan adopted during the George W. Bush administration. The expensive program (\$938 billion over ten years) will be paid for by taxes on investment income, taxes on the wealthy, and reimbursements by the federal government to health care providers. The authors continue by citing several presidential administrations that failed to get congressional support for health care expansion.

Most of the rest of the chapter lists and describes the major social welfare programs that the federal government has enacted to provide at least some level of security for its citizens. The authors distinguish between two types of safety net programs: social insurance programs and public assistance programs. Social insurance programs are essentially mandatory insurance programs. The authors point out that the people who benefit most from these programs are those who have had steady employment through most of their lives since benefits are calculated in part on how much a person has paid into the System. The three main social insurance programs are Social Security, Medicare, and Unemployment Compensation. One reason that President Bush wanted to change the structure of Social Security was because many are concerned about the System's ability to continue to pay the promised level of benefits as the ratio between retirees drawing benefits and workers contributing to the System continues to increase. The authors believe that these concerns are exaggerated and that even conservative projections indicate that the Social Security fund will not move into the red until 2041. They review several possible ways that could be taken to reform the system before then.

The second type of safety net programs are public assistance programs that do not require beneficiaries to pay any sort of insurance premium but provide benefits from general tax revenues for anyone who meets certain criteria. Because of the way these programs are funded,

they have the effect of redistributing money in society. Examples of these means-tested programs include food stamps, Medicaid and the Temporary Assistance for Needy Families (TANF) program.

Many social welfare programs are entitlement programs, meaning that the government is committed to providing benefits to all those who meet the program's eligibility requirements. Because these expenditures are locked into the federal budget, they sometimes limit the range of fiscal policy options available to decision makers. In fact, social insurance programs now account for about one-third of all federal expenditures.

After reviewing the major types of social welfare programs the government currently provides, the authors compare the American welfare state to that of other rich democracies. They find that that American welfare programs are generally more limited, cover fewer people, focus more on the needs of the elderly, do not redistribute wealth, require less of employers, and do not provide for universal medical coverage.

The chapter's final section reviews the factors that have shaped the American welfare state. The authors begin by explaining that one reason the U.S. lags behind most other western democracies in the welfare service it provides is its federal structure that leaves most responsibility for welfare services to the states. They also note that federalism is responsible for the administrative complexity of the American social welfare system. The reasons given for these differences are the nation's constitutional structure, its racial diversity and political culture, and the power of business and weakness of labor unions.

### Key Concepts and Objectives

Important concepts and objectives to stress in Chapter Sixteen include:

- What the rationale is for the welfare state and why the needs that welfare policies are designed to address cannot be met through private markets;
- Why most rich democracies have more extensive safety net programs than the U.S. does;
- How the passage of the Temporary Assistance to Needy Families Act in 1996 changed welfare programs in the United States and what the consequences of those changes have been;
- Why means-tested programs are less popular than social insurance Programs; and
- The ways in which the domestic policy process is democratic and the ways that it is not.

### Lecture Outline

LBJ's GREAT SOCIETY AND WAR ON POVERTY

- 1) President Johnson announced his plans for a "Great Society" during the presidential campaign of 1964. He described the Great Society as "A place where men are more concerned with the quality of their lives than the quantity of their goods."
  - a) The political environment of the 1950s and early 1960
  - b) The 1964 election and Johnson's landslide victory
  - c) Johnson's own background and motivations for wanting to end poverty and racial injustice
  
- 2) The Great Society had three central themes:
  - a) Abundance and liberty for all
  - b) An end to racial injustice
  - c) An end to poverty
  
- 3) Johnson was successful in establishing a number of significant new programs under the Great Society umbrella. His legislative output was the greatest since Roosevelt's New Deal.
  - a) To end racial discrimination, he passed the Civil Rights bills of 1964 banning discrimination in public accommodations, the Voting Rights Act of 1965, and the Fair Housing Act of 1968 (all covered in Chapter 5)
  - b) To improve health care he passed the Medicare and Medicaid programs
  - c) To protect the environment he passed a series of laws to establish clear water and enforce air quality standards
  - d) To improve education he passed the first real federal aid to education bill in the nation's history, and the Work Study Program for college students
  - e) To combat poverty he passed The Economic Opportunity Act (1964) which established The Office of Economic Opportunity (OEO) and was responsible for a variety of programs including:
    - i) The Job Corps
    - ii) Volunteers in Service to America (VISTA)
    - iii) Upward Bound
    - iv) Head Start
    - v) Legal Services
    - vi) The Neighborhood Youth Corps
    - vii) The Community Action Program (CAP)
  
- 4) The Community Action Program (CAP) was one of the most controversial of the Johnson programs because it sought to empower the poor politically as well as economically.
  - a) Provided for Community Action Agencies in which in which the poor would control how anti-poverty funds were spent. CAP called for maximum feasible participation of the poor in decision- making.
  - b) Effort to empower poor led to many conflicts with city officials.
  - c) Lack of political support for CAP made it impossible to continue original design.
  - d) Should poverty be more defined more broadly in the way Johnson sought to define it?

## 5) The Johnson Legacy

- a) Many areas of success: but Johnson lost his base of political support because of the Vietnam War and urban unrest and retired rather than run for a second full term
- b) War on Poverty did not eliminate poverty but the reasons for the failure are still debated
- c) Vietnam War took funds that were originally to be spent on anti-poverty programs
- d) Some blame Johnson for over promising which resulted in a backlash when improvement did not come more quickly
- e) Others argue that many of the anti-poverty programs were flawed in their basic design
- f) While many of Johnson's Great Society initiatives remain controversial, no president since Franklin Roosevelt did more to extend the nation's "safety net."

## Terms

The following terms are the key terms listed at the end of Chapter Sixteen:

Safety net  
Welfare state  
Market economy  
New Deal  
Social insurance  
Means-tested  
Public assistance  
Entitlement  
Poverty line  
Great Depression  
Social Security  
Cost of living adjustment (COLA)  
Medicare  
Health savings account,  
Unemployment insurance,  
Aid to Families with  
Dependent Children (AFDC)  
Temporary Assistance for Needy Families (TANF)  
Medicaid  
State Children's Health Insurance Program (SCHIP)  
Advocacy group  
Iron triangle

Other terms that might require further elaboration include:

Congressional Budget Office  
Federal Insurance Contributions Act (FICA)  
COMPASS

## AARP

### Discussion Questions

- A. The United States is the only industrialized democracy without a national health program providing some form of universal health care. Why do you think this is? In contrast, the U.S. has generally been ahead of Europe in providing access to publicly supported schooling. Why are we willing to support “socialized” education but not “socialized” medicine?
- B. Is there a minimum standard of living that the government should provide for everyone? What effect do you think government programs that provide for basic needs have on peoples' motivation to take responsibility for themselves?
- C. How do large organizations like the American Association of Retired Persons (AARP) determine what their members want? Why do most people join the AARP? How do we know how many of the members actually support the stands that it takes on specific issues?
- D. Discuss the major provisions of the “No Child Left Behind” Act and the impact it has on the high schools attended by students in the class.

### Other Class Activities and Research Projects

- A. Sometimes an effort is made to distinguish between the deserving and the undeserving poor. Have students list the attributes of those they see as deserving and those they see as undeserving.
- B. Invite a representative from a social service agency in your community to come to the class and talk about the resources available to combat poverty and homelessness.
- C. Assign groups of students to investigate the social welfare policies of other Western democracies such as Germany and Sweden and Japan and then have them compare these policies with those of the United States.

### Multiple Choice Questions

- 1) President Obama’s success in congressional passage of the health care bill of 2010 demonstrates:
  - a) The outcome of elections has little effect on public policy
  - b) President Obama was more serious about passing this reform than other presidents
  - c) Lobbying efforts can be a major factor in determining if legislation gets passed
  - d) President Obama had lost his influence with Congress because of the Iraq war

e) It was a political risk by Democrats to pass this legislation, depending on the success of the program

Answer: e; Page 505; Skill: Understanding

2) Leading the lobbying campaign against President Obama's proposed health care reform was the:

- a) American Medical Association (AMA)
- b) American Association of Retired Persons (AARP)
- c) American Bar Association (ABA)
- d) Business Round Table
- e) Republican Party

Answer: e; Page 505; Skill: Analysis

3) The largest single portion of the federal budget goes for:

- a) National defense
- b) Social Security
- c) Health care
- d) Urban development
- e) Congressional salaries

Answer: b; Page 511; Skill: Understanding

4) Which president expanded Medicare to include a drug coverage provision?

- a) Lyndon Johnson
- b) Jimmy Carter
- c) Bill Clinton
- d) George W. Bush
- e) Barack Obama

Answer: d; Page 516; Skill: Understanding

5) The \_\_\_\_\_ fare much better in the American welfare state than the \_\_\_\_\_.

- a) Hispanics; whites
- b) Southern states; Northern states
- c) elderly; young
- d) poor; middle class
- e) wealthy; poor

Answer: c; Page 512; Skill: Understanding

6) A proponent of using health savings accounts is:

- a) Canada
- b) Congressional Democrats



- c) Federalist
- d) Communists
- e) The Tea Party

Answer: e; Page 528; Skill: Understanding

7) Over 80 percent of food stamp recipients are:

- a) Poor families with children
- b) People living in the big cities of the Northeast
- c) Middle class
- d) Over 65 years of age
- e) Wealthy families from Canada

Answer: a; Page 522; Skill: Understanding

8) The earned income tax credit (EITC):

- a) Is a form of social insurance that helps the poor pay their taxes
- b) Allows low-income individuals with at least one child to claim a credit against taxes owed
- c) Only benefits those in the upper income brackets
- d) Helps businesses to create new jobs for the unemployed
- e) Makes wealthy businesses tax exempt

Answer: b; Page 524; Skill: Understanding

9) Because so much of America's "safety net" is provided through social insurance programs:

- a) Its cost-benefit ratio is higher than that of other nations
- b) It allows the government to provide a wider range of benefits at a lower cost
- c) It is less redistributive than that of other nations
- d) It ensures that only the "deserving poor" receive benefits
- e) The average American has no access to private insurance

Answer: c; Page 525; Skill: Understanding

10) A factor that has been responsible for the expansion of the welfare state is:

- a) People's increased life expectancy
- b) The change from an industrial based economy to one based on high tech industries
- c) The loss of jobs to foreign countries
- d) All of the above are factors
- e) None of the above are factors

Answer: d; Page 527 - 528; Skill: Application

11) Which of the following is NOT a "means-tested" welfare program?

- a) Medicare
- b) Medicaid
- c) Food Stamps
- d) Supplemental Security Income
- e) CHIP

Answer: a; Page 528; Skill: Understanding

12) The welfare reform passed in 1996 (Temporary Assistance to Needy Families Act):

- a) Expanded coverage of the Aid to Families with Dependent Children Program
- b) Sharply reduced Social Security benefits for upper income groups
- c) Set limits on the time a person was entitled to receive benefits
- d) Centralized the administration of welfare programs in Washington
- e) Was proposed by President Taft

Answer: c; Page 520; Skill: Application

13) The American welfare state, compared to those in other rich democracies:

- a) Provides benefits that are lower and more narrowly targeted than most countries
- b) Is much more costly than those in most other countries
- c) Passes on most of the costs of welfare to private employers
- d) Gives more for children and families and less to the elderly
- e) Provides daily health care benefits to virtually all citizens

Answer: a; Page 524 - 525; Skill: Understanding

14) In contrast to most other western democracies, the American welfare state does not provide a(n):

- a) Old-age retirement system
- b) System of unemployment compensation
- c) System of universal health care
- d) Program to fight the problem of malnutrition
- e) Program to help employees with their parenting obligations

Answer: c; Page 526; Skill: Understanding

15) The racial and ethnic diversity of the United States has:

- a) Resulted in more expensive programs that were created to meet the different needs of all the different groups
- b) Made it more difficult to build general public support for programs that appear to disproportionately benefit one group more than others

- c) Made national welfare programs more all-encompassing so that every group's needs would be addressed
- d) Had little impact on the shape of the American welfare system
- e) Has not changed in the past 200 years

Answer: b; Page 527; Skill: Understanding

16) The authors point to the absence of \_\_\_\_\_ as one reason the United States has not developed a more extensive welfare system.

- a) a multi-party political system
- b) strong labor unions
- c) an official state church
- d) organized interest groups
- e) a dictatorship form of government

Answer: b; Page 528; Skill: Understanding

17) In their conclusion to Chapter Sixteen, the authors find that in a substantial number of cases the nation's social welfare policies:

- a) Violate the ideal of popular sovereignty
- b) Pretty well match what a majority of Americans say they want
- c) Are becoming more and more responsive to the needs of lower-income Americans
- d) Prove that in American politics, all that really counts is money
- e) Are of little importance to American society

Answer: b; Page 529; Skill: Understanding

18) The authors believe that a major reason powerful special interests often are able to slow down or even block policies favored by the majority is because:

- a) Many Americans never bother to come out and vote
- b) America is so divided along racial and ethnic lines
- c) Much of America's constitutional system is based on eighteenth-century republican beliefs about government
- d) There is seldom any way of telling what it is the majority really does want
- e) There are more special interests than members of the majority

Answer: c; Page 529; Skill: Understanding

19) The welfare reform legislation passed during the Clinton administration:

- a) Turned the design and administration of welfare programs over to the states
- b) Provided guaranteed federal support for the families of poor children
- c) Greatly increased benefits for unmarried teenage parents
- d) Abolished all work requirements for welfare eligibility
- e) Increased benefits to match the lifestyles of families in the top 5% of taxable income

Answer: a; Page 520; Skill: Understanding

20) Which of the following events was most responsible for the creation of the American welfare state?

- a) The Great Depression
- b) The Civil War
- c) The Katrina disaster
- d) World War II
- e) The 9/11 terrorist attacks

Answer: a; Page 509; Skill: Understanding

21) Safety net programs occur in some form in all:

- a) Depressed societies
- b) Third World countries
- c) Civilizations
- d) World torn countries
- e) Rich democracies

Answer: e; Page 507; Skill: Understanding

22) Nations that provide such a range of safety net programs are often called:

- a) Communistic
- b) Libertarian
- c) Monarchies
- d) Stingy states
- e) Welfare states

Answer: e; Page 507; Skill: Understanding

23) When a country allows economic growth to raise everyone out of need, it is called a:

- a) Depression
- b) Plurality
- c) Fraudulent government
- d) Autocracy
- e) Market economy

Answer: e; Page 507; Skill: Understanding

24) Much of the wealth and improved living standards in Western countries in the past century can be attributed to:

- a) Poor governmental leadership
- b) Military success
- c) Foreign investment
- d) Business regulation

e) Industrialization

Answer: e; Page 507; Skill: Understanding

25) Globalization generally results in \_\_\_\_\_ products.

- a) safer
- b) less complicated
- c) more expensive
- d) less variety of
- e) less expensive

Answer: e; Page 508; Skill: Understanding

26) The type of safety net in which individuals contribute to an insurance trust fund by way of a payroll tax on their earnings is called:

- a) Social insurance
- b) Civil service
- c) Means-tested
- d) Socialized
- e) Unconstitutional

Answer: a; Page 510; Skill: Understanding

27) A type of safety net in which benefits are distributed on the basis of need to those who can prove that their income is low enough to qualify is called:

- a) Social insurance
- b) Civil service
- c) Means-tested
- d) Socialized
- e) Unconstitutional

Answer: c; Page 510; Skill: Understanding

28) Medicaid is jointly funded and administered by \_\_\_\_\_ and federal governments

- a) foreign
- b) military
- c) local
- d) regional
- e) state

Answer: e; Page 510; Skill: Understanding

29) \_\_\_\_\_ programs are programs through which payments are made automatically to people who meet certain eligibility requirements.

- a) Devolution

- b) Herring
- c) Relief
- d) Vitalization
- e) Entitlement

Answer: e; Page 510 - 511; Skill: Understanding

30) Most Social Security and Medicare payments are made on behalf of:

- a) The young
- b) The wealthy
- c) The poor
- d) Immigrants
- e) The elderly

Answer: e; Page 512; Skill: Understanding

### True/False Questions

1) Franklin Roosevelt and Harry Truman unsuccessfully attempted to pass universal health care legislation.

Answer: True; Page 504; Skill: Understanding

2) Most rich democratic countries leave their poor, disabled, unemployed, and elderly to fend for themselves.

Answer: False; Page 507; Skill: Understanding

3) Illegal immigrants are well represented by the AARP.

Answer: False; Page 509; Skill: Understanding

4) There is more spending on national defense and homeland security than human resources.

Answer: False; Page 511; Skill: Understanding

5) Cost-of-living adjustments are also called COLAs.

Answer: True; Page 513; Skill: Understanding

6) Democrats are unwilling to have private accounts take the place of all or part of the current system of Social Security.

Answer: True; Page 515; Skill: Understanding

7) In 2010, there were an estimated 150 million people enrolled in Medicare.

Answer: False; Page 516; Skill: Understanding

8) In 2010, unemployment compensation was limited to 26 weeks.

Answer: True; Page 518; Skill: Understanding

9) After its administration was turned over to them by the federal government, states receive block grants from the federal government to help them finance the welfare systems.

Answer: True; Page 520 Skill: Understanding

10) Until the 1930s, it was not clear where the main responsibility for social welfare was constitutionally lodged.

Answer: True; Page 527; Skill: Understanding

### Essay Questions

1. The writers of the constitution never considered health care to be one of the responsibilities of government, but today most people accept that it is. Analyze the factors that have brought about this change. (*Analysis*)
2. Evaluate what the goals were of the Temporary Assistance for Needy Families (TANF) program and evaluate the extent to which they have been achieved. (*Evaluation*)
3. How does the American welfare state compare with that of other Western democracies? How do you account for the differences? (*Analysis*)
4. The authors argue that “our republican constitution plays a key role in the frequently seen mismatches between popular aspirations and the domestic policies produced by the federal government.” Explain what they mean and provide examples of some of these “mismatches.” (*Understanding*)
5. If you could design the nation's “safety net,” what would its essential components be? What political obstacles would you anticipate facing in winning approval for your proposal? (*Application*)
6. How is unemployment insurance and its application affected by the economic crisis that began in 2007? (*Application*)
7. How will the Republican victory in the House of Representatives affect new health care legislation? (*Analysis*)

8. What would happen if all safety net programs were eliminated by the federal government? (*Analysis*)
9. Is the welfare state a necessary part of rich democratic nations? Why or why not? (*Evaluation*)
10. Should more federal safety net programs be transferred to the states, such as welfare under the Clinton administration? Why or why not? (*Analysis*)



## ***Chapter Seventeen***

### ***Foreign Policy and National Defense***

#### Chapter Overview

- How the democratic process and the eighteenth-century republican Constitution affect foreign and defense policies
- The foundations of the United States's superpower status
- What new problems are emerging in the post-Cold War world
- What national security means today
- How foreign and defense policies are made

The chapter opens with an account of President Obama's first visit to China in November of 2009. Among other advisors, he brought Peter Orszag, the director of the Office of Management and Budget. Chinese officials were concerned with the long-term impact of new health care legislation. China's government and private owned lending institutions have loaned extensively to the United States. Although political subjects were also discussed, the president apparently made the trip to assure China that the United States will repay their debts. China has become an economic power through their unprecedented rate of GDP growth. China made no concessions in the meeting toward any humanitarian or political issues. Although the United States is the military leader of the world, China's increasing economic and military might are issues of concern for the United States.

That a major new direction in foreign policy could just be announced with little public discussion or debate raises the question, "Foreign Policy and Democracy: A Contradiction in Terms"? This question of how much popular control over foreign policy there is and how much there can be is raised throughout this chapter. The authors review how the Constitution divides foreign and defense policy responsibilities between the executive and legislative branches and the reasons why it is that the executive has become so dominant in this area. They also list the reasons why the public tends to focus more on domestic policy, though they caution that the public has always played some role, and that its role is becoming increasingly important in areas like trade, immigration, the environment, and corporate behavior abroad.

The next section of the chapter examines the "Superpower Status of the United States." The authors review the different places the United States has intervened in over the past decade and make the point that no other nation is strong enough militarily and economically to project its power throughout the globe in this way. The authors offer an analysis of the "structural bases" for America's dominance in the world after the collapse of the Soviet Union. In their analysis, they examine the nation's economic power, military power, and, in a section headed "Soft Power," its cultural influence throughout the world. In all three areas, the U.S. is far ahead of its nearest competitor.

Despite its status as the world's only superpower, the nation faces many challenges. Terrorism is an ongoing threat and one that America's overwhelming military superiority may not be able to

deal with on its own. Of special concern is the possibility of terrorist organizations or “rogue states” gaining control over weapons of mass destruction. The authors focus in on some of the world’s main trouble spots (Middle East, Indian subcontinent, and China), as well as the main international issues the country is facing—issues like globalization, foreign aid, environmental degradation, protection of intellectual property rights, the drug trade, and immigration.

In addition to ensuring national security, America’s foreign policy goals include such factors as keeping markets open for American goods and services, ensuring a continued supply of critical resources like oil, and protecting the rights of American citizens when they travel abroad. What has often distinguished American foreign policy from that of other nations is its emphasis on spreading American values and promoting democracy throughout the world.

In their conclusion, the authors elaborate on the issues raised at the start of the chapter on the extent to which there is, and can be, democratic control over the nation’s foreign and defense policies. They find that democracy is less evident in these policy areas than it is in domestic policy, but conclude with the reminder that in all policy areas, the leaders are ultimately answerable to the people.

### Key Concepts and Objectives

Important concepts and objectives to stress in Chapter Seventeen include:

- The special challenges of realizing democratic ideals in the areas of foreign policy and national defense, especially in those situations in which decisions must be made quickly and on the basis of secret information;
- How the Constitution divides responsibility for foreign and defense policy between the Congress and the president and what the significance of each of those constitutional provisions is today;
- The factors that brought about the end of the Cold War and the demise of the Soviet Union as a superpower;
- The basis for America’s “superpower” status and the factors that limit what even a superpower can do;
- The arguments for and against unilateralism, multilateralism, and isolationism; and
- The threats to American security and other international issues facing the United States government today.

### Lecture Outline

#### AMERICAN FOREIGN POLICY

1) Traditional themes of American foreign policy:

a) Security through strength

- b) Expanding international markets
- c) Spreading democratic ideals throughout the world

2) Foreign policy tools:

- a) Granting or withholding diplomatic recognition
- b) Mutual defense agreements
- c) Other treaties
- d) Military interventions
- e) Covert operations
- f) Working through international organizations
- g) Foreign aid
- h) Sanctions

3) Major actors and influences in foreign affairs:

- a) President—can make treaties, appoint ambassadors, receive diplomatic representatives, and serve as commander-in-chief of the armed services
- b) National Security Council (NSC) serves as an advisory body to the president on foreign and national security affairs
- c) Bureaucratic agencies, including the State Department, the United States Department of Defense, and the Central Intelligence Agency, advise the president on the formulation and implementation of traditional foreign and defense policy; the growing emphasis on economic policy in foreign affairs has resulted in a greater role played by the United States trade representatives, as well as the secretaries of Treasury and Commerce—after 9/11, the Justice Department became more involved in the foreign policy arena as has the new Department of Homeland Security
- d) Congress influences foreign and defense policy by ratifying treaties, accepting or rejecting presidential appointments of foreign policy officials, legislating (for example, enacting the 1973 War Powers Act), controlling the purse strings, and conducting investigations
- e) The mass media influence foreign and defense policymaking through their news coverage and their ability to raise issues
- f) Interest groups focusing on specific issues—we sometimes call these groups the attentive public.
- g) Public opinion, when highly motivated and visible to policymakers, influences foreign policy decisions.
- h) Multinational corporations and other organizations with operations in other countries.

4) New challenges:

- a) Security threats from terror networks rather than from nation states
- b) Rising anti-Americanism, especially in the Muslim world
- c) Environmental and energy issues
- d) Economic competition

5) Major issues:

- a) Unilateral versus multilateral approaches
- b) Free trade agreements
- c) Weapon systems

Terms

The following terms are the key terms listed at the end of Chapter Seventeen:

National interest  
Superpower  
Terrorism  
Asymmetric warfare  
Soft power  
Hegemon  
Weapons of mass destruction  
Unilateralists  
Multilateralists  
Global warming  
Cold War  
Axis of evil  
Nuclear proliferation  
European Union (EU)  
Globalization  
General Agreement on Tariffs and Trade (GATT)  
World Trade Organization (WTO)  
North American Free Trade Agreement (NAFTA)  
Nongovernmental organization (NGO)  
Millennium Challenge Account

Other terms that might require further elaboration include:

Global positioning systems  
Intellectual property rights  
Kyoto Protocol

### Discussion Questions

- A. Should the United States be working to strengthen organizations like the United Nations? Is this the best way of protecting the nation's strength and security, or is it dangerous for the United States to depend too much on other nations?
- B. Many argue that the terrorist attacks on 9/11 "changed the world forever." In what ways was the world changed? How have your lives been changed?
- C. During the Cold War, American policy was based on the concept of containment. What is different about the security threat the United States faced from the Soviet Union in the Cold War and the threat it faces from today's terrorist groups? Is terrorism a threat that can be contained?
- D. The authors discuss America's soft power—the way in which American culture and entertainment are dominating the world. Do movies and television and popular music give an accurate picture of America? Does this American cultural domination help make us more secure?

### Other Class Activities and Research Projects

- A. If your campus has an international education office, invite a representative to class to discuss the programs that the office sponsors and the value of international education programs. Discuss the ways in which the recruitment of international students and the sponsorship of study abroad programs involve your institution in American foreign policy.
- B. If there are international students in your class, encourage them to describe how the United States is perceived in their countries. What about America is admired and what is not liked? What could be done to improve America's standing abroad?
- C. Organize a debate on whether or not the United States should become a member of the International Court of Justice.
- D. Assign students a research project to compare how the foreign media are covering current international issues compared to how they are being covered in the local press. Many foreign news organizations, including Al-Jazeera (<http://english.aljazeera.net/HomePage>), have English-language Web sites.
- E. Invite several international students on campus to talk about how America is perceived in their home country and whether or not their view of America has changed much since they came here from what it had been back home.

### Multiple Choice Questions

1) Which three countries did President Bush claim constituted an “axis of evil”?

- a) Iraq, Afghanistan, and Syria
- b) Russia, China, and Cuba
- c) Pakistan, Iran, and Albania
- d) North Korea, Iran, and Iraq
- e) Canada, Mexico, and Columbia

Answer: d; Page 547; Skill: Understanding

2) President George W. Bush signed a nuclear cooperation treaty with \_\_\_\_\_ in 2006.

- a) Canada
- b) Mexico
- c) Iraq
- d) Iran
- e) India

Answer: e; Page 547; Skill: Understanding

3) George W. Bush’s foreign policy has frequently been criticized for:

- a) Relying too much on the doctrine of containment
- b) Taking too much of a unilateralist approach
- c) Sacrificing some of the nation’s sovereignty to the United Nations
- d) Being based too much on public opinion polls
- e) Its continual reliance on the Constitution

Answer: b; Page 542; Skill: Understanding

4) The public’s role in shaping foreign and defense policy is limited by:

- a) The sheer complexity of international issues
- b) The need for secrecy in the area of national security
- c) The authority given the president in the Constitution
- d) All of the above limit the public’s role
- e) None of the above limit the public's role

Answer: d; Page 557; Skill: Analysis

5) The United States is considered the world’s only superpower because:

- a) U.S.-based multinational corporations control the world’s economy
- b) Of its ability to project its military might into any area of the globe
- c) Of its control over international organizations like NATO
- d) Most of the world’s population is now strongly pro-American
- e) The United States has the most soldiers of any country

Answer: b; Page 535; Skill: Understanding

6) During the Cold War, the United States viewed \_\_\_\_\_ as the major threat to its national security.

- a) Germany
- b) China
- c) "Rogue" nuclear states
- d) The Soviet Union
- e) Canada

Answer: d; Page 545; Skill: Understanding

7) The Cold War threats included:

- a) The war against Communism in India and Pakistan
- b) A war against all of Africa
- c) A land war in Europe against the Soviet Union
- d) A rise in democracy in Australia
- e) A battle for control of Antarctica

Answer: c; Page 545; Skill: Understanding

8) Which country was NOT among those listed as unsuccessful in slowing down nuclear development in Iran?

- a) Great Britain
- b) Germany
- c) France
- d) Russia
- e) Canada

Answer: e; Page 547; Skill: Understanding

9) U.S. missiles destroyed an errant spy satellite in:

- a) 1965
- b) 1978
- c) 1988
- d) 1999
- e) 2008

Answer: e; Page 538; Skill: Understanding

10) The United States leads the world in all of the following EXCEPT:

- a) Population
- b) GNP
- c) Military spending
- d) Nuclear weapons
- e) Cultural influence

Answer: a; Page 536 - 540; Skill: Analysis

11) The United States has established preeminence in the economic sectors that count the most in today's global economy. These include:

- a) Telecommunications, e-commerce, mass entertainment, and business services
- b) Automobiles, trucks, ships, and trains
- c) Clothing, electronics, and general consumer goods
- d) Steel, mining, and energy production
- e) Tanks, aircraft, and boats

Answer: a; Page 536; Skill: Understanding

12) The U.S. Navy now has ten supercarrier battle groups. The world's next largest naval power has:

- a) Eight
- b) Five
- c) Two
- d) None
- e) Six

Answer: d; Page 537; Skill: Understanding

13) The authors state that the United States today enjoys overwhelming military dominance but caution that:

- a) If Russia, China, and North Korea combined forces, their power would be greater
- b) It continues to be highly vulnerable to a conventional war
- c) China is rapidly catching up to the United States in its weapons technology
- d) The country's extensive weaponry may not be terribly useful in a war against terrorism
- e) Another civil war could lower military dominance

Answer: d; Page 540; Skill: Understanding

14) Soft power refers to:

- a) The attractiveness of America's culture, ideology, and way of life
- b) The ability of public opinion to shape foreign policy decisions
- c) The way in which large American corporations have been able to dominate foreign markets
- d) Relying on diplomacy to achieve foreign policy objectives rather than military might
- e) The use of campaign donations in foreign elections to increase power and influence

Answer: a; Page 540; Skill: Understanding

15) Which of the following is NOT a major concern of U.S. foreign policy at the present time?

- a) Spread of Islamic fundamentalism



- b) Expansion of the Soviet Union
- c) Spread of AIDS in Africa
- d) Expansion of nuclear weapons
- e) China's increasing economic power

Answer: b; Page 545 - 548; Skill: Analysis

16) The authors believe that European-American relations are at a post-World War II low because:

- a) Europeans no longer share with the United States a commitment to democratic values
- b) The only real common interest the United States and Europe ever had was a common fear of the Soviet Union
- c) Europeans strongly resent the unilateralism of the Bush administration
- d) Many in Europe now fear that America may use its military might against them
- e) Europeans do not view the United States as a "green" country

Answer: c; Page 541 - 542; Skill: Understanding

17) With the break-up of the Soviet Union:

- a) The possibility of the use of a nuclear weapon has been practically eliminated
- b) The United States worked out agreements for drastic reductions of nuclear weapons in Russia, Ukraine, and Kazakhstan
- c) The nuclear weapons that the Soviets had developed have all been identified and destroyed
- d) Each of the republics that once comprised the Soviet Union has become a nuclear power in its own right
- e) Nuclear war is imminent

Answer: b; Page 547; Skill: Understanding

18) The authors cite the Indian subcontinent as an area of special concern for the United States because:

- a) Of the oil reserves in that part of the world
- b) So many American jobs are being outsourced to India
- c) India and Pakistan have a long history of conflict and both countries now possess nuclear weapons
- d) India is a democracy, and America would have to defend her in a war with Pakistan
- e) Geological evidence suggests the area could fall into the ocean after a sizable earthquake

Answer: c; Page 549; Skill: Understanding

19) There is a high level of anti-Americanism in the Middle East because of:

- a) American support of Israel in its conflict with the Palestinians
- b) Muslim resentment over the West's economic, cultural and military domination of the region

- c) The American invasion of Iraq
- d) All of the above are causes of anti-Americanism in the Middle East
- e) None of the above are causes of anti-Americanism in the Middle East

Answer: d; Page 548 - 549; Skill: Understanding

20) GATT and NAFTA were both designed to:

- a) Combat world poverty
- b) Foster greater free trade
- c) Stop nuclear proliferation
- d) Combat AIDS
- e) End terrorism

Answer: b; Page 552; Skill: Understanding

21) Which of the following statements about American foreign aid is true?

- a) Most American foreign aid goes toward economic development and humanitarian relief.
- b) American spending on foreign aid is very low relative to the size of the federal budget and overall size of the economy.
- c) During the first administration of George W. Bush, spending for foreign aid was cut in half.
- d) The United States refused to contribute to international development projects funded through the World Bank.
- e) America has reduced foreign aid every year since 1952.

Answer: b; Page 554; Skill: Understanding

22) In their conclusion to Chapter Seventeen, the authors conclude that:

- a) Democracy is less evident in the making of foreign policy than it is in domestic policy
- b) It appears that Americans know less about the rest of the world than they did 100 years ago
- c) Americans have little interest in foreign policy because they are rarely affected by it directly
- d) Most Americans are not really competent to judge foreign policy issues
- e) Americans spend much more time studying foreign policy than citizens of other countries

Answer: a; Page 556; Skill: Understanding

23) From 2000 to 2008, \_\_\_\_\_ gave about \$8.6 billion to support global health initiatives.

- a) Oprah Winfrey
- b) Colleges and universities
- c) John McCain
- d) Barak Obama
- e) The Bill and Melinda Gates Foundation

Answer: e; Page 554; Skill: Understanding

24) It is projected that the Chinese economy will surpass that of the United States by \_\_\_\_\_.

- a) 2012
- b) 2015
- c) 2020
- d) 2021
- e) 2027

Answer: e; Page 533; Skill: Understanding

25) In the field of foreign policy, ordinary political factors, such as public opinion and interest groups, are sometimes set aside in favor of considerations of the \_\_\_\_\_ as defined by a small number of national security advisers and other executive branch officials.

- a) public interest
- b) Security League
- c) Cabinet
- d) Counsel
- e) national interest

Answer: e; Page 534; Skill: Understanding

26) In 2009, the United States had a population of about \_\_\_\_\_ million people.

- a) 80
- b) 120
- c) 273
- d) 293
- e) 310

Answer: e; Page 536; Skill: Understanding

27) \_\_\_\_\_ has the most powerful armed forces in the world.

- a) Canada
- b) Great Britain
- c) China
- d) Iran
- e) The United States

Answer: e; Page 537; Skill: Understanding

28) American active-duty troop totals dropped from about 2 million in the 1990s to about to \_\_\_\_\_ by 2009.

- a) 200 thousand
- b) 560 thousand

- c) 780 thousand
- d) 1 million
- e) 1.6 million

Answer: e; Page 539; Skill: Understanding

29) Especially harmful warfare waged against the United States and allies in Iraq and Afghanistan has been called:

- a) Gorilla warfare
- b) Missile warfare
- c) Game tactics
- d) Chemical warfare
- e) Asymmetric warfare

Answer: e; Page 540; Skill: Understanding

30) Many Americans believe it is the responsibility of the United States to spread the values of:

- a) Communism and socialism
- b) Anarchy and chaos
- c) Peace and warfare
- d) Passiveness and aggressiveness
- e) Liberty and democracy

Answer: e; Page 542; Skill: Understanding

#### True/False Questions

1) Over the past three decades, the Chinese economy grew by almost 10 percent a year.

Answer: True; Page 532; Skill: Understanding

2) The Constitution makes the Supreme Court commander-in-chief of the nation's armed forces as well as its chief diplomats.

Answer: False; Page 534; Skill: Understanding

3) The United States has more advanced fighter aircraft and bombers than the rest of the world combined.

Answer: True; Page 538; Skill: Understanding

4) The 2008 Army operations manual makes no mention of asymmetric warfare.

Answer: False; Page 540; Skill: Understanding

5) Political scientists state that hegemons must use their power to put down states that upset the global order.

Answer: True; Page 543; Skill: Understanding

6) Unilateralists believe that the United States should only act in concert and with the consent with others.

Answer: False; Page 544; Skill: Understanding

7) After 9/11, terrorism was no longer a problem in the United States.

Answer: False; Page 545; Skill: Understanding

8) In 2010, President Bush designated Iraq, Iran, and North Korea as the axis of evil.

Answer: False; Page 547; Skill: Understanding

9) Israel and the Palestinians are in constant conflict.

Answer: True; Page 548 Skill: Understanding

10) Under Vladimir Putin's administration in democratic Russia the nation began to act again as a great power with its own national interests.

Answer: True; Page 550; Skill: Understanding

### Essay Questions

1. What “dramatic shift in American foreign policy” did George W. Bush announce in his State of the Union address following the 9/11 terrorist attacks? Explain why Bush’s new policy was controversial. Assess the process through which it was developed and whether or not more “democratic” input was needed. (*Evaluation*)
2. How did the United States become the world’s only “superpower”? Identify the areas in which it enjoys a clear dominance. What, if any, threats to its superpower status do you see? (*Analysis*)
3. How does the Constitution divide responsibility for foreign and defense policy between Congress and the president? Analyze the reasons why the executive branch has become so dominant in this area. In what kinds of circumstances is Congress most likely to try to assert itself? (*Analysis*)

4. The authors note a growing anti-American sentiment in the world today. Discuss the various factors responsible for this anti-Americanism and propose a policy to counteract it. (*Analysis*)
5. The authors find less evidence of democracy in the making of foreign and defense policy than in domestic policy. Analyze the reasons for this. Discuss whether or not you believe that it is inevitable that domestic policymaking will always be more democratic. (*Analysis*)
6. Assess the importance of “soft power” to the nation as it pursues its various foreign policy goals. Do you think that the nation’s soft power is increasing or decreasing? (*Evaluation*)
7. What potential threats could China present to America in the near future? What steps should be taken to address these potential threats? (*Analysis*)
8. How would the dynamic of international relations change if the United States lost its military dominance? (*Analysis*)
9. Can the United States regain respectability internationally without taking a submissive stance? Why or why not? (*Analysis*)
10. How can the United States best protect itself from outside economic and military threats? (*Evaluation*)