



Nurturing
Student Achievement

*The Charter School of San Diego
Audeo Charter School
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Government

Reading Guide



Spring 2013

Reading Guide

Lesson 1:

Part 1: Online Textbook Chapter 1, Sections a-d

1. The Nature of Government

Is government to be feared or loved? Thomas Hobbes set out to discover that in his book *Leviathan*, which spawned this famous title page that depicts government as a giant towering over the land. Is the king protecting or threatening his country?

Do you believe in government "by the people, for the people, and of the people"? Few Americans would say no, especially since these words spoken by Abraham Lincoln in his 1863 Gettysburg Address are firmly imbedded in the American political system. Yet governments over the centuries have not always accepted this belief in popularly elected rule.

Jacques-Louis David painted *The Death of Socrates* as a metaphor for the French government during the revolution. Socrates represents the revolutionaries that martyred themselves for their principles, while the Athenian government represents the corrupt French nobility.

Even in the modern United States many skeptics criticize government as being controlled by greedy, corrupt people who are only interested in lining their own pockets. So which view is correct? Is government an instrument of its citizens, an entity that represents and protects a beloved country, or an oppressive, self-serving monster that deserves no one's respect?

If we look to the past for an answer, we find comments like these:

"Behold my sons, with how little wisdom the world is governed." -Axel Oxenstiern (1583-1654)

"The government that governs least governs best." –Thomas Jefferson

Governments are everywhere. From the earliest tribe through the most recent nation to find its place on the map, government in some form has been necessary to ensure safety and order. In the 1600s, Rembrandt painted the government of the local cloth maker's guild.

The conflict, alive and well today, is solidly based in the past. Governments are sometimes idealized and often criticized. Yet virtually every society in history has had some form of government, either as simple as the established leadership of a band of prehistoric people, or as complex as the government of the United States today.

Do varying opinions of political power rise from the fact that some governments are good and others are bad? Does power corrupt leaders, or is it possible for them to administer governments fairly? The American political system is rooted in the ideal that a just government can exist, and that its citizens can experience a good measure of liberty and equality in their personal lives.

We will begin by considering reasons why governments exist, and some types of government including democracy, particularly as it is practiced in the modern United States.

1a. The Purposes of Government

Why do governments exist? One major reason is that they create rules. But what rules are necessary or desirable? That is open to question, and different types of governments have certainly created a wide variety of rules.

Governments almost certainly originated with the need to protect people from conflicts and to provide law and order. Why have conflicts among people happened throughout history? Many people, both famous and ordinary, have tried to answer that question. Perhaps human nature dictates selfishness, and people inevitably will come to blows over who gets what property or privilege. Or maybe, as Karl Marx explains, it is because the very idea of "property" makes people selfish and greedy.

Whatever the reasons, governments first evolved as people discovered that protection was easier if they stayed together in groups and if they all agreed that one (or some) in the group should have more power than others. This recognition is the basis of sovereignty, or the right of a group (later a country) to be free of outside interference.

Part of a government's function is to protect its citizens from outside attack. Ancient Chinese emperors constructed a "Great Wall" to defend the borders of their empire.

A country, then, needs to not only protect its citizens from one another, but it needs to organize to prevent outside attack. Sometimes they have built Great Walls and guarded them carefully from invaders. Other times they have led their followers to safe areas protected by high mountains, wide rivers, or vast deserts. Historically, they have raised armies, and the most successful ones have trained and armed special groups to defend the rest. Indeed in the twentieth century, governments have formed alliances and fought great world wars in the name of protection and order.

In more recent years, government responsibilities have extended to the economy and public service. An early principle of capitalism dictates that markets should be free from government control. But when economies spun out of control during the 1930s, and countries sank into great depressions, governments acted. The United States Congress created the Federal Reserve System in the early twentieth century to ward off inflation and monitor the value of the dollar. Franklin Roosevelt and his "Brain Trust" devised New Deal programs to shock the country into prosperity.

Governments become involved with the economic workings of their countries. In the 1930s, the Federal Reserve System began to take a role in helping the American economy prevent another depression by locating currency reserves at centralized banks.

Perhaps government responsibility to provide social programs to its citizens is the most controversial of all. In the United States the tradition began with the New Deal programs, many of which provided people with relief through jobs, payments, and food. During the 1960s President Lyndon Johnson unveiled his "Great Society" programs aimed at eliminating poverty in the entire country. Many European countries today provide national medical insurance and extensive welfare benefits. Many Americans criticize these programs as expensive ventures that destroy the individual's sense of responsibility for his/her own well being. So the debate over the proper role of government in providing for its people's general welfare is still alive and well today.

Though the rules and responsibilities vary greatly through time and place, governments must create them. Governments provide the parameters for everyday behavior for citizens, protect them from outside interference, and often provide for their well-being and happiness.

1b. Types of Government

Louis XIV, the King of France from 1643 until 1715, is the definition of an absolute monarch. His famous phrase, "I am the State," is an illustration of the power he wielded in France. Louis ruled through a mixture of fear and admiration, but in every case the law extended from him.

"Off with his head!"

This is a favorite story line to show how cruel a king (or a sultan or emperor) can be. The rules in this type of government are pretty clear. Whatever the ruler says, goes. Of course, many people have had different ideas about how the ruler should govern, and those beliefs support totally different types of government. The rules shape the government's legitimacy, or the degree to which the people accept the authority of the government.

Rule by Man

Countries whose citizens are governed by the absolute decisions of the ruler have not necessarily been unhappy. A government whose king or queen rules justly and wisely may enjoy a great deal of legitimacy as long as the ruler's authority is accepted.

Sometimes people may accept their leader because they are afraid of the consequences if they don't. In the words of Machiavelli, "It is better to be feared than loved." As long as the feared ruler is seen as bringing about prosperity or protecting the lives of his subjects, it is entirely possible that his people will be happy.

Niccolo Machiavelli wrote political works during the Renaissance. In *The Prince*, Machiavelli advised his audience that in a system of Rule by Man it was "better to be feared than loved."

An absolute ruler may be accepted because the people believe or accept the idea that God gave him/her the right to rule. This belief is known as divine right, which often has been associated with a monarchy, a form of government in which the power of the king or queen is hereditary. A similar idea legitimized the Chinese emperor, whose rule was threatened if his subjects perceived that he had lost the "mandate of heaven."

Rule by man can also take the shape of an oligarchy, or rule by a few elites whose right to rule is based on possession of wealth, social status, military position or achievement. A little more broadly based rule is by aristocracy (literally, "rule of the highest"), but if the type of government is "rule by man", their decisions are still arbitrary and absolute.

Rule by Law

Rule by law exists in any political system in which those with power cannot make up all their own rules, but must follow an established code of law. In ancient times a Byzantine emperor established Justinian's Code, a set of laws named after him that lived on long after he died. We still follow parts of that code today. The Romans were also known for codifying laws, as was Napoleon, Emperor of France, many centuries later.

Napoleon revised the French laws into a single unified code, known as the *Code Napoleon*. Under the French Empire, the code was implemented throughout Europe. Napoleon is seen in this painting standing next to a copy of the Code written on a scroll.

Today most governments at least claim to be ruled by law. The most common indication is the existence of a written constitution, but the most important question to ask is whether or not the constitution actually is the "blueprint" that determines how and what policies are made. For example, Nigeria officially is a democracy with a written constitution that one dictator after another has ignored. On the other hand, Great Britain has never had a constitution as a single written document, but has for centuries been governed by law. For much of their history, the English had a limited monarchy, or a king or queen who has followed rule of law.

So whether a king can order "off with his head!" depends on the type of government that is accepted in his country. If he sets the rules (rule by man), or if the accepted outside rules allow (rule by law), the victim doesn't have a chance.

1c. What Is a Democracy?

The ancient Romans had a working democracy for the early part of their history. The Forum in Rome is where political meetings and votes were held. The Forum can still be seen today, but most of its buildings are in ruins.

Nowhere is the word "democracy" mentioned in the Declaration of Independence or the U.S. Constitution. How could that be? Our government is a democracy!

Well, for one, as we'll discuss later, the Founders actually feared democratic rule. James Madison expressed this attitude in Federalist #10: "...instability, injustice, and confusion ...have in truth been the mortal disease under which popular governments everywhere perished..." In the late 18th-century, rule by the people was thought to lead to disorder and disruption. Yet a democratically-based government was seen as superior to the monarchies of Europe.

Democracies did not originate with the founding of the United States. The term "democracy" comes from two Greek words: "demos" (the people) and "kratia" (power or authority). So of course democracy is a form of government that gives power to the people. But how, when, and to which people? The answer to those questions changes through history.

In present-day New England, many small towns hold town meetings in which issues important to the citizens are decided by vote. These meetings are one of the few instances of direct democracy that still operate today. These New Englanders check in at a town meeting.

Democracies are based on "rule of law." The ancient Greeks (particularly Aristotle) valued natural law, the notion that human societies should be governed by ethical principles found in nature. The Greeks are famous for practicing *direct democracy*, a system in which citizens meet to discuss all policy, and then make decisions by majority rule. However, only free males were considered to be citizens. So their democracy was certainly limited. Today direct democracy is practiced in New England town meetings, where all citizens of voting age meet to decide important political decisions.

But how could direct democracy work in a large, diverse population spread over a geographical distance? Generally, the answer has been that it can't. In its place, the American Founders put "indirect" or "representative" democracy. In this system, representatives are chosen by the people to make decisions for them. The representative body, then, becomes a manageable size for doing the business of government.

The Founders preferred the term "republic" to "democracy" because it described a system they generally preferred: the interests of the people were represented by more knowledgeable or wealthier citizens who were responsible to those that elected them. Today we tend to use the terms "republic" and "democracy" interchangeably. A widespread criticism of representative democracy is that the representatives become the "elites" that seldom consult ordinary citizens, so even though they are elected, a truly representative government doesn't really exist.

Britain has had a representative democracy since the seventeenth century. Members of the British Parliament are elected from across Britain and represent the interests of their constituents to the government.

Another modern version of democracy is called "democratic centralism," a term made famous by Vladimir Ulyinov Lenin. As the leader of the Russian Revolution in 1917, he established a communist government that allowed no private property to exist. All members of society were theoretically equal. However, Lenin considered a small "vanguard of the revolution" necessary to guide the people and establish order. So a small group of leaders make decisions in the name of the people, based on their perceptions of what the people want and need.

Democracies have come in many shapes and sizes as reflected by the different answers to questions of how, when, and to which people power is given. And although it is not mentioned in the Declaration of Independence nor the Constitution, democracy clearly links to "rule of law" to form a basic principle that profoundly shapes American government.

1d. Democratic Values — Liberty, Equality, Justice

Liberty and equality

These words represent basic values of democratic political systems, including that of the United States. Rule by absolute monarchs and emperors has often brought peace and order, but at the cost of personal freedoms. Democratic values support the belief that an orderly society can exist in which freedom is preserved. But order and freedom must be balanced.

In the early days of the French revolution, the members of the third estate agreed to stick together in the face of opposition from the king and nobles. The "Tennis Court Oath" became the first step towards representative democracy in France.

The Influence of the Enlightenment

The American government has its roots in the seventeenth and eighteenth century Enlightenment in Europe, a movement that questioned the traditional authority of the monarch to rule.

What gives one person the right to rule another? Enlightenment philosophes answered the question by acknowledging the importance of establishing order. They were influenced by the chaos of medieval times, when a lack of centralized government brought widespread death and destruction. Havens from invaders and attackers were necessary for survival, so weaker people allied themselves with stronger ones, and kings came to rule who provided protection in return for work and allegiance from their subjects.

John Locke was the English philosopher who theorized that government was the manifestation of a general will of "the governed" that allowed the governed to change their governors at will. His book, *Treatises on Civil Government*, was very influential in the American Revolution.

As order was established and new economic patterns emerged, people began to question the king's right to rule. For example, John Locke, an eighteenth century English philosopher, theorized that the right to rule came from the "consent of the governed." Montesquieu wrote with admiration about three "branches" of government that checked one another's power. Rousseau believed that communities were most justly governed by the "general will" or majority rule of their citizens. Though the philosophes believed that rulers were important for maintaining order, they questioned the sacrifice of individual freedom that they saw under European monarchs.

Two Kinds of Balance

Imagine a society in which everyone was perfectly free to do as he or she pleased. How long would it take for chaos to set in? Order implies a necessary loss of freedom if people are to survive. However, how far can order go? Democratic countries cherish individual freedom and generally believe that laws should not be repressive; a little order can be sacrificed in the name of liberty. So, one kind of balance is between order and liberty.

Democratic societies also expect another kind of balance: a compromise between liberty and equality. Complete liberty logically leads to inequality. A strong or ambitious person might acquire more goods and property than another, and someone is bound to dominate. But the line has to be drawn before an individual seizes power that greatly restricts the liberties of others.

The ideals of the first French revolution also inspired the 1830 revolution in Paris. The ideas of "Liberty, Equality, and Fraternity" were immortalized in the three colors of the French flag. In Delacroix's painting, Liberty is seen leading the people toward these ideals.

Shouldn't governments help preserve some degree of equality for their citizens? But if they overemphasize equality, won't they restrict their citizens' liberty?

For example, governments can bring about more equality by taxing rich citizens more than the poor, but if they carry their policies too far, won't they restrict the individual's freedom to strive for economic success? The balance between liberty and equality is an important cornerstone of democratic government.

In the late 18th century the Founders created the blueprints for the United States government in an effort to achieve these delicate balances — between liberty and order, and between liberty and equality. Their success is reflected in the continuing efforts to refine them. The formula has changed with time, but the framework provided by the Constitution and the values expressed by the Declaration of Independence remain the same.

Part 3: Inaugural Addresses

First Inaugural Address of Ronald Reagan

TUESDAY, JANUARY 20, 1981

Senator Hatfield, Mr. Chief Justice, Mr. President, Vice President Bush, Vice President Mondale, Senator Baker, Speaker O'Neill, Reverend Moomaw, and my fellow citizens: To a few of us here today, this is a solemn and most momentous occasion; and yet, in the history of our Nation, it is a commonplace occurrence. The orderly transfer of authority as called for in the Constitution routinely takes place as it has for almost two centuries and few of us stop to think how unique we really are. In the eyes of many in the world, this every-4-year ceremony we accept as normal is nothing less than a miracle.

Mr. President, I want our fellow citizens to know how much you did to carry on this tradition. By your gracious cooperation in the transition process, you have shown a watching world that we are a united people pledged to maintaining a political system which guarantees individual liberty to a greater degree than any other, and I thank you and your people for all your help in maintaining the continuity which is the bulwark of our Republic.

The business of our nation goes forward. These United States are confronted with an economic affliction of great proportions. We suffer from the longest and one of the worst sustained inflations in our national history. It distorts our economic decisions, penalizes thrift, and crushes the struggling young and the fixed-income elderly alike. It threatens to shatter the lives of millions of our people.

Idle industries have cast workers into unemployment, causing human misery and personal indignity. Those who do work are denied a fair return for their labor by a tax system which penalizes successful achievement and keeps us from maintaining full productivity.

But great as our tax burden is, it has not kept pace with public spending.

For decades, we have piled deficit upon deficit, mortgaging our future and our children's future for the temporary convenience of the present. To continue this long trend is to guarantee tremendous social, cultural, political, and economic upheavals.

You and I, as individuals, can, by borrowing, live beyond our means, but for only a limited period of time. Why, then, should we think that collectively, as a nation, we are not bound by that same limitation?

We must act today in order to preserve tomorrow. And let there be no misunderstanding-- we are going to begin to act, beginning today.

The economic ills we suffer have come upon us over several decades. They will not go away in days, weeks, or months, but they will go away. They will go away because we, as Americans, have the capacity now, as we have had in the past, to do whatever needs to be done to preserve this last and greatest bastion of freedom.

In this present crisis, government is not the solution to our problem; government is the problem.

From time to time, we have been tempted to believe that society has become too complex to be managed by self-rule, that government by an elite group is superior to government for, by, and of the people. But if no one among us is capable of governing himself, then who among us has the capacity to govern someone else? All of us together, in and out of government, must bear the burden. The solutions we seek must be equitable, with no one group singled out to pay a higher price.

We hear much of special interest groups. Our concern must be for a special interest group that has been too long neglected. It knows no sectional boundaries or ethnic and racial divisions, and it crosses political party lines. It is made up of men and women who raise our food, patrol our streets, man our mines and our factories, teach our children, keep our homes, and heal us when we are sick--professionals, industrialists, shopkeepers, clerks, cabbies, and truck drivers. They are, in short, "We the people," this breed called Americans.

Well, this administration's objective will be a healthy, vigorous, growing economy that provides equal opportunity for all Americans, with no barriers born of bigotry or discrimination. Putting America back to work means putting all Americans back to work. Ending inflation means freeing all Americans from the terror of runaway living costs. All must share in the productive work of this "new beginning" and all must share in the bounty of a revived economy. With the idealism and fair play which are the core of our system and our strength, we can have a strong and prosperous America at peace with itself and the world.

So, as we begin, let us take inventory. We are a nation that has a government--not the other way around. And this makes us special among the nations of the Earth. Our Government has no power except that granted it by the people.

It is time to check and reverse the growth of government which shows signs of having grown beyond the consent of the governed.

It is my intention to curb the size and influence of the Federal establishment and to demand recognition of the distinction between the powers granted to the Federal Government and those reserved to the States or to the people. All of us need to be reminded that the Federal Government did not create the States; the States created the Federal Government.

Now, so there will be no misunderstanding, it is not my intention to do away with government. It is, rather, to make it work-work with us, not over us; to stand by our side, not ride on our back. Government can and must provide opportunity, not smother it; foster productivity, not stifle it.

If we look to the answer as to why, for so many years, we achieved so much, prospered as no other people on Earth, it was because here, in this land, we unleashed the energy and individual genius of man to a greater extent than has ever been done before. Freedom and the dignity of the individual have been more available and assured here than in any other place on Earth. The price for this freedom at times has been high, but we have never been unwilling to pay that price.

It is no coincidence that our present troubles parallel and are proportionate to the intervention and intrusion in our lives that result from unnecessary and excessive growth of government. It is time for us to realize that we are too great a nation to limit ourselves to small dreams. We are not, as some would have us believe, doomed to an inevitable decline. I do not believe in a fate that will all on us no matter what we do. I do believe in a fate that will fall on us if we do nothing. So, with all the creative energy at our command, let us begin an era of national renewal. Let us renew our determination, our courage, and our strength. And let us renew; our faith and our hope.

We have every right to dream heroic dreams. Those who say that we are in a time when there are no heroes just don't know where to look. You can see heroes every day going in and out of factory gates. Others, a handful in number, produce enough food to feed all of us and then the world beyond. You meet heroes across a counter--and they are on both sides of that counter. There are entrepreneurs with faith in themselves and faith in an idea who create new jobs, new wealth and opportunity. They are individuals and families whose taxes support the Government and whose voluntary gifts support church, charity, culture, art, and education. Their patriotism is quiet but deep. Their values sustain our national life.

I have used the words "they" and "their" in speaking of these heroes. I could say "you" and "your" because I am addressing the heroes of whom I speak--you, the citizens of this blessed land. Your dreams, your hopes, your goals are going to be the dreams, the hopes, and the goals of this administration, so help me God.

We shall reflect the compassion that is so much a part of your makeup. How can we love our country and not love our countrymen, and loving them, reach out a hand when they fall, heal them when they are sick, and provide opportunities to make them self-sufficient so they will be equal in fact and not just in theory?

Can we solve the problems confronting us? Well, the answer is an unequivocal and emphatic "yes." To paraphrase Winston Churchill, I did not take the oath I have just taken with the intention of presiding over the dissolution of the world's strongest economy.

In the days ahead I will propose removing the roadblocks that have slowed our economy and reduced productivity. Steps will be taken aimed at restoring the balance between the various levels of government. Progress may be slow--measured in inches and feet, not miles--but we will progress. Is it time to reawaken this industrial giant, to get government back within its means, and to lighten our punitive tax burden. And these will be our first priorities, and on these principles, there will be no compromise.

On the eve of our struggle for independence a man who might have been one of the greatest among the Founding Fathers, Dr. Joseph Warren, President of the Massachusetts Congress, said to his fellow Americans, "Our country is in danger, but not to be despaired of.... On you depend the fortunes of America. You are to decide the important questions upon which rests the happiness and the liberty of millions yet unborn. Act worthy of yourselves."

Well, I believe we, the Americans of today, are ready to act worthy of ourselves, ready to do what must be done to ensure happiness and liberty for ourselves, our children and our children's children.

And as we renew ourselves here in our own land, we will be seen as having greater strength throughout the world. We will again be the exemplar of freedom and a beacon of hope for those who do not now have freedom.

To those neighbors and allies who share our freedom, we will strengthen our historic ties and assure them of our support and firm commitment. We will match loyalty with loyalty. We will strive for mutually beneficial relations. We will not use our friendship to impose on their sovereignty, for our own sovereignty is not for sale.

As for the enemies of freedom, those who are potential adversaries, they will be reminded that peace is the highest aspiration of the American people. We will negotiate for it, sacrifice for it; we will not surrender for it--now or ever.

Our forbearance should never be misunderstood. Our reluctance for conflict should not be misjudged as a failure of will. When action is required to preserve our national security, we will act. We will maintain sufficient strength to prevail if need be, knowing that if we do so we have the best chance of never having to use that strength.

Above all, we must realize that no arsenal, or no weapon in the arsenals of the world, is so formidable as the will and moral courage of free men and women. It is a weapon our adversaries in today's world do not have. It is a weapon that we as Americans do have. Let that be understood by those who practice terrorism and prey upon their neighbors.

I am told that tens of thousands of prayer meetings are being held on this day, and for that I am deeply grateful. We are a nation under God, and I believe God intended for us to be free. It would be fitting and good, I think, if on each Inauguration Day in future years it should be declared a day of prayer.

This is the first time in history that this ceremony has been held, as you have been told, on this West Front of the Capitol. Standing here, one faces a magnificent vista, opening up on this city's special beauty and history. At the end of this open mall are those shrines to the giants on whose shoulders we stand.

Directly in front of me, the monument to a monumental man: George Washington, Father of our country. A man of humility who came to greatness reluctantly. He led America out of revolutionary victory into infant nationhood. Off to one side, the stately memorial to Thomas Jefferson. The Declaration of Independence flames with his eloquence.

And then beyond the Reflecting Pool the dignified columns of the Lincoln Memorial. Whoever would understand in his heart the meaning of America will find it in the life of Abraham Lincoln.

Beyond those monuments to heroism is the Potomac River, and on the far shore the sloping hills of Arlington National Cemetery with its row on row of simple white markers bearing crosses or Stars of David. They add up to only a tiny fraction of the price that has been paid for our freedom.

Each one of those markers is a monument to the kinds of hero I spoke of earlier. Their lives ended in places called Belleau Wood, The Argonne, Omaha Beach, Salerno and halfway around the world on Guadalcanal, Tarawa, Pork Chop Hill, the Chosin Reservoir, and in a hundred rice paddies and jungles of a place called Vietnam.

Under one such marker lies a young man--Martin Treptow--who left his job in a small town barber shop in 1917 to go to France with the famed Rainbow Division. There, on the western front, he was killed trying to carry a message between battalions under heavy artillery fire.

We are told that on his body was found a diary. On the flyleaf under the heading, "My Pledge," he had written these words: "America must win this war. Therefore, I will work, I will save, I will sacrifice, I will endure, I will fight cheerfully and do my utmost, as if the issue of the whole struggle depended on me alone."

The crisis we are facing today does not require of us the kind of sacrifice that Martin Treptow and so many thousands of others were called upon to make.

It does require, however, our best effort, and our willingness to believe in ourselves and to believe in our capacity to perform great deeds; to believe that together, with God's help, we can and will resolve the problems which now confront us.

And, after all, why shouldn't we believe that? We are Americans. God bless you, and thank you.

Second Inaugural Address of Barack Obama

SUNDAY, JANUARY 20, 2013

Vice President Biden, Mr. Chief Justice, Members of the United States Congress, distinguished guests, and fellow citizens:

Each time we gather to inaugurate a president, we bear witness to the enduring strength of our Constitution. We affirm the promise of our democracy. We recall that what binds this nation together is not the colors of our skin or the tenets of our faith or the origins of our names. What makes us exceptional – what makes us American – is our allegiance to an idea, articulated in a declaration made more than two centuries ago:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the pursuit of Happiness."

Today we continue a never-ending journey, to bridge the meaning of those words with the realities of our time. For history tells us that while these truths may be self-evident, they have never been self-executing; that while freedom is a gift from God, it must be secured by His people here on Earth. The patriots of 1776 did not fight to replace the tyranny of a king with the privileges of a few or the rule of a mob. They gave to us a Republic, a government of, and by, and for the people, entrusting each generation to keep safe our founding creed.

For more than two hundred years, we have.

Through blood drawn by lash and blood drawn by sword, we learned that no union founded on the principles of liberty and equality could survive half-slave and half-free. We made ourselves anew, and vowed to move forward together.

Together, we determined that a modern economy requires railroads and highways to speed travel and commerce; schools and colleges to train our workers.

Together, we discovered that a free market only thrives when there are rules to ensure competition and fair play.

Together, we resolved that a great nation must care for the vulnerable, and protect its people from life's worst hazards and misfortune.

Through it all, we have never relinquished our skepticism of central authority, nor have we succumbed to the fiction that all society's ills can be cured through government alone. Our celebration of initiative and enterprise; our insistence on hard work and personal responsibility, these are constants in our character.

But we have always understood that when times change, so must we; that fidelity to our founding principles requires new responses to new challenges; that preserving our individual freedoms ultimately requires collective action. For the American people can no more meet the demands of today's world by acting alone than American soldiers could have met the forces of fascism or communism with muskets and militias. No single person can train all the math and science teachers we'll need to equip our children for the future, or build the roads and networks and research labs that will bring new jobs and businesses to our shores. Now, more than ever, we must do these things together, as one nation, and one people.

This generation of Americans has been tested by crises that steeled our resolve and proved our resilience. A decade of war is now ending. An economic recovery has begun. America's possibilities are limitless, for we possess all the qualities that this world without boundaries demands: youth and drive; diversity and openness; an endless capacity for risk and a gift for reinvention. My fellow Americans, we are made for this moment, and we will seize it – so long as we seize it together.

For we, the people, understand that our country cannot succeed when a shrinking few do very well and a growing many barely make it. We believe that America's prosperity must rest upon the broad shoulders of a rising middle class. We know that America thrives when every person can find independence and pride in their work; when the wages of honest labor liberate families from the brink of hardship. We are true to our creed when a little girl born into the bleakest poverty knows that she has the same chance to succeed as anybody else, because she is an American, she is free, and she is equal, not just in the eyes of God but also in our own.

We understand that outworn programs are inadequate to the needs of our time. We must harness new ideas and technology to remake our government, revamp our tax code, reform our schools, and empower our citizens with the skills they need to work harder, learn more, reach higher. But while the means will change, our purpose endures: a nation that rewards the effort and determination of every single American. That is what this moment requires. That is what will give real meaning to our creed.

We, the people, still believe that every citizen deserves a basic measure of security and dignity. We must make the hard choices to reduce the cost of health care and the size of our deficit. But we reject the belief that America must choose between caring for the generation that built this country and investing in the generation that will build its future. For we remember the lessons of our past, when twilight years were spent in poverty, and parents of a child with a disability had nowhere to turn. We do not believe that in this country, freedom is reserved for the lucky, or happiness for the few.

We recognize that no matter how responsibly we live our lives, any one of us, at any time, may face a job loss, or a sudden illness, or a home swept away in a terrible storm. The commitments we make to each other – through Medicare, and Medicaid, and Social Security – these things do not sap our initiative; they strengthen us. They do not make us a nation of takers; they free us to take the risks that make this country great.

We, the people, still believe that our obligations as Americans are not just to ourselves, but to all posterity. We will respond to the threat of climate change, knowing that the failure to do so would betray our children and future generations. Some may still deny the overwhelming judgment of science, but none can avoid the devastating impact of raging fires, and crippling drought, and more powerful storms. The path towards sustainable energy sources will be long and sometimes difficult. But America cannot resist this transition; we must lead it. We cannot cede to other nations the technology that will power new jobs and new industries – we must claim its promise. That's how we will maintain our economic vitality and our national treasure – our forests and waterways; our croplands and snowcapped peaks. That is how we will preserve our planet, commanded to our care by God. That's what will lend meaning to the creed our fathers once declared.

We, the people, still believe that enduring security and lasting peace do not require perpetual war. Our brave men and women in uniform, tempered by the flames of battle, are unmatched in skill and courage. Our citizens, seared by the memory of those we have lost, know too well the price that is paid for liberty. The knowledge of their sacrifice will keep us forever vigilant against those who would do us harm. But we are also heirs to those who won the peace and not just the war, who turned sworn enemies into the surest of friends, and we must carry those lessons into this time as well.

We will defend our people and uphold our values through strength of arms and rule of law. We will show the courage to try and resolve our differences with other nations peacefully – not because we are naïve about the dangers we face, but because engagement can more durably lift suspicion and fear. America will remain the anchor of strong alliances in every corner of the globe; and we will renew those institutions that extend our capacity to manage crisis abroad, for no one has a greater stake in a peaceful world than its most powerful nation. We will support democracy from Asia to Africa; from the Americas to the Middle East, because our interests and our conscience compel us to act on behalf of those who long for freedom. And we must be a source of hope to the poor, the sick, the marginalized, the victims of prejudice – not out of mere charity, but because peace in our time requires the constant advance of those principles that our common creed describes: tolerance and opportunity; human dignity and justice.

We, the people, declare today that the most evident of truths – that all of us are created equal – is the star that guides us still; just as it guided our forebears through Seneca Falls, and Selma, and Stonewall; just as it guided all those men and women, sung and unsung, who left footprints along this great Mall, to hear a preacher say that we cannot walk alone; to hear a King proclaim that our individual freedom is inextricably bound to the freedom of every soul on Earth.

It is now our generation's task to carry on what those pioneers began. For our journey is not complete until our wives, our mothers, and daughters can earn a living equal to their efforts. Our journey is not complete until our gay brothers and sisters are treated like anyone else under the law – for if we are truly created equal, then surely the love we commit to one another must be equal as well. Our journey is not complete until no citizen is forced to wait for hours to exercise the right to vote. Our journey is not complete until we find a better way to welcome the striving, hopeful immigrants who still see America as a land of opportunity; until bright young students and engineers are enlisted in our workforce rather than expelled from our country. Our journey is not complete until all our children, from the streets of Detroit to the hills of Appalachia to the quiet lanes of Newtown, know that they are cared for, and cherished, and always safe from harm.

That is our generation's task – to make these words, these rights, these values – of Life, and Liberty, and the Pursuit of Happiness – real for every American. Being true to our founding documents does not require us to agree on every contour of life; it does not mean we all define liberty in exactly the same way, or follow the same precise path to happiness. Progress does not compel us to settle centuries-long debates about the role of government for all time – but it does require us to act in our time.

For now decisions are upon us, and we cannot afford delay. We cannot mistake absolutism for principle, or substitute spectacle for politics, or treat name-calling as reasoned debate. We must act, we must act knowing that our work will be imperfect. We must act, knowing that today's victories will be only partial, and that it will be up to those who stand here in four years, and forty years, and four hundred years hence to advance the timeless spirit once conferred to us in a spare Philadelphia hall.

My fellow Americans, the oath I have sworn before you today, like the one recited by others who serve in this Capitol, was an oath to God and country, not party or faction – and we must faithfully execute that pledge during the duration of our service. But the words I spoke today are not so different from the oath that is taken each time a soldier signs up for duty, or an immigrant realizes her dream. My oath is not so different from the pledge we all make to the flag that waves above and that fills our hearts with pride.

They are the words of citizens, and they represent our greatest hope.

You and I, as citizens, have the power to set this country's course.

You and I, as citizens, have the obligation to shape the debates of our time – not only with the votes we cast, but with the voices we lift in defense of our most ancient values and enduring ideals.

Let each of us now embrace, with solemn duty and awesome joy, what is our lasting birthright. With common effort and common purpose, with passion and dedication, let us answer the call of history, and carry into an uncertain future that precious light of freedom. Thank you, God Bless you, and may He forever bless these United States of America.

Lesson 3:

Part 1: Online Textbook Chapter 2, Sections a-b

2. Foundations of American Government

Democracy was not created in a heartbeat. In a world where people were ruled by monarchs from above, the idea of self-government is entirely alien. Democracy takes practice and wisdom from experience.

The American colonies began developing a democratic tradition during their earliest stages of development. Over 150 years later, the colonists believed their experience was great enough to refuse to recognize the British king. The first decade was rocky. The **AMERICAN REVOLUTION** and the domestic instability that followed prompted a call for a new type of government with a constitution to guarantee liberty. The constitution drafted in the early days of the independent American republic has endured longer than any in human history.

Where did this democratic tradition truly begin? The ideas and practices that led to the development of the American democratic republic owe a debt to the ancient civilizations of Greece and Rome, the **PROTESTANT REFORMATION**, and **GUTENBERG'S PRINTING PRESS**. But the Enlightenment of 17th-century Europe had the most immediate impact on the framers of the United States Constitution.

The Philosophes

Europeans of the 17th century no longer lived in the "darkness" of the **MIDDLE AGES**. Ocean voyages had put them in touch with many world civilizations, and trade had created a prosperous middle class. The **PROTESTANT REFORMATION** encouraged free thinkers to question the practices of the **CATHOLIC CHURCH**, and the printing press spread the new ideas relatively quickly and easily. The time was ripe for the **PHILOSOPHES**, scholars who promoted democracy and justice through discussions of individual liberty and equality.

The ideas of 18th-century philosophes inspired the Founding Fathers to revolt against what they perceived as unfair British taxation.

One of the first philosophes was **THOMAS HOBBS**, an Englishman who concluded in his famous book, *LEVIATHAN*, that people are incapable of ruling themselves, primarily because humans are naturally self-centered and quarrelsome and need the iron fist of a strong leader. Later philosophes, like **VOLTAIRE**, Montesquieu, and Rousseau were more optimistic about democracy. Their ideas encouraged the questioning of absolute monarchs, like the Bourbon family that ruled France. Montesquieu suggested a separation of powers into branches of government not unlike the system Americans would later adopt. They found eager students who later became the founders of the American government.

John Locke

The single most important influence that shaped the founding of the United States comes from **JOHN LOCKE**, a 17th century Englishman who redefined the nature of government. Although he agreed with Hobbes regarding the self-interested nature of humans, he was much more optimistic about their ability to use reason to avoid tyranny. In his ***SECOND TREATISE OF GOVERNMENT***, Locke identified the basis of a legitimate government. According to Locke, a ruler gains authority through the consent of the governed. The duty of that government is to protect the natural rights of the people, which Locke believed to include **LIFE, LIBERTY, AND PROPERTY**. If the government should fail to protect these rights, its citizens would have the right to overthrow that government. This idea deeply influenced **THOMAS JEFFERSON** as he drafted the **DECLARATION OF INDEPENDENCE**.

Important English Documents

Ironically, the English political system provided the grist for the revolt of its own American colonies. For many centuries English monarchs had allowed restrictions to be placed on their ultimate power. The **MAGNA CARTA**, written in 1215, established the kernel of limited government, or the belief that the monarch's rule was not absolute. Although the document only forced **KING JOHN** to consult nobles before he made arbitrary decisions like passing taxes, the Magna Carta provided the basis for the later development of **PARLIAMENT**. Over the years, representative government led by a **PRIME MINISTER** came to control and eventually replace the king as the real source of power in Britain.

The ideas of the French Enlightenment *philosophes* strongly influenced the American revolutionaries. French intellectuals met in salons to exchange ideas and define their ideals such as liberty, equality, and justice.

THE PETITION OF RIGHT (1628) extended the rights of "commoners" to have a voice in the government. The **ENGLISH BILL OF RIGHTS** (1688) guaranteed free elections and rights for citizens accused of crime. Although **KING GEORGE III** still had some real power in 1776, Britain was already well along on the path of democracy by that time.

The foundations of American government lie squarely in the 17th and 18th century European Enlightenment. The American founders were well versed in the writings of the *philosophes*, whose ideas influenced the shaping of the new country. Thomas Jefferson, George Washington, James Madison, and others took the brave steps of creating a government based on the Enlightenment values of liberty, equality, and a new form of justice. More than 200 years later, that government is still intact.

2a. The Colonial Experience

John Winthrop was the governor of the Massachusetts Bay Colony, one of the eight colonies governed by royal charter in the colonial period.

They created and nurtured them. Like children, the American colonies grew and flourished under British supervision. Like many adolescents, the colonies rebelled against their parent country by declaring independence. But the American democratic experiment did not begin in 1776. The **COLONIES** had been practicing limited forms of self-government since the early 1600s.

The great expanse of the Atlantic Ocean created a safe distance for American colonists to develop skills to govern themselves. Despite its efforts to control American trade, England could not possibly oversee the entire American coastline. Colonial merchants soon learned to operate outside British law. Finally, those who escaped religious persecution in England demanded the freedom to worship according to their faiths.

Colonial Governments

Each of the thirteen colonies had a charter, or written agreement between the colony and the king of England or Parliament. **CHARTERS** of royal colonies provided for direct rule by the king. A **COLONIAL LEGISLATURE** was elected by property holding males. But governors were appointed by the king and had almost complete authority — in theory. The legislatures controlled the salary of the governor and often used this influence to keep the governors in line with colonial wishes. The first colonial legislature was the **VIRGINIA HOUSE OF BURGESSES**, established in 1619.

The colonies along the eastern coast of North America were formed under different types of charter, but most developed representative democratic governments to rule their territories.

When the first **PILGRIMS** voyaged to the New World, a bizarre twist of fate created a spirit of self-government. These Pilgrims of the *Mayflower* were bound for Virginia in 1620, but they got lost and instead landed at **PLYMOUTH** in present-day Massachusetts. Since Plymouth did not lie within the boundaries of the Virginia colony, the Pilgrims had no official charter to govern them. So they drafted the **MAYFLOWER COMPACT**, which in essence declared that they would rule themselves. Although Massachusetts eventually became a royal colony, the Pilgrims at Plymouth set a powerful precedent of making their own rules that later reflected itself in the town meetings that were held across colonial New England.

Trade and Taxation

Colonial economies operated under **MERCANTILISM**, a system based on the belief that colonies existed in order to increase the mother country's wealth. England tried to regulate trade, and forbid colonies from trading with other European countries. England also maintained the right to tax the colonies. Both **TRADE** and **TAXATION** were difficult for England to control, and so an informal agreement emerged. England regulated trade but allowed colonists the right to levy their own taxes. **SMUGGLERS** soon exploited the English inability to guard every port by secretly trading against Parliament's wishes.

A proprietary charter allowed the governor of the colony to rule with great power over his lands. In William Penn's Pennsylvania, that power was used to establish a land of religious tolerance.

This delicate agreement was put to test by the **FRENCH AND INDIAN WAR**. The war was expensive, and from the British point of view, colonists should help pay for it, especially considering that England believed it was protecting the colonists from French and Indian threats. The new taxes levied by the Crown nevertheless horrified the colonists. British naval measures to arrest smugglers further incited American shippers. These actions served as stepping stones to the Revolution.

Religious Freedom

Religious freedom served as a major motivation for Europeans to venture to the American colonies. Puritans and Pilgrims in Massachusetts, **QUAKERS** in Pennsylvania, and Catholics in Maryland represented the growing **RELIGIOUS DIVERSITY** in the colonies. Rhode Island was founded as a colony of **RELIGIOUS FREEDOM** in reaction to zealous Puritans. As a result, many different faiths coexisted in the colonies. This variety required an insistence on freedom of religion since the earliest days of British settlement.

So the colonial experience was one of absorbing British models of government, the economy, and religion. Over the course of about 150 years, American colonists practiced these rudimentary forms of self-government that eventually led to their decision to revolt against British rule. The democratic experiment of American self-rule was therefore not a sudden change brought about by the Declaration of Independence. By 1776, Americans had plenty of practice.

2b. Independence and the Articles of Confederation

"Give me liberty, or give me death!" Patrick Henry's oratory against British taxation of American colonies was key in inspiring the Founding Fathers to declare independence.

"No taxation without representation!"

"These are the times that try men's souls."

"Give me liberty or give me death!"

All are famous phrases that sparked the **AMERICAN REVOLUTION**. In the view of many colonists, British rule suppressed political, economic, and religious freedoms. Many of those that hesitated to support independence were soon convinced by the passionate words of **THOMAS PAINE**, **SAMUEL ADAMS**, **PATRICK HENRY**, and eventually **JOHN ADAMS** and Thomas Jefferson. The Declaration of Independence in 1776, the American Revolution, and the creation of the Articles of Confederation represent the American colonies' first attempt to become a nation. This incubation was tentative at best, but ultimately led to success.

The Declaration of Independence

Thomas Paine advocated the independence of the American colonies from Britain. The writings of Paine, Samuel Adams, and others convinced Americans to set up their own state and democratic government.

As tensions between Britain and the American colonies increased, a series of meetings were called, including that of the **SECOND CONTINENTAL CONGRESS** (1775-1776.) On July 4, 1776, the delegates approved the Declaration of Independence, the event that marks the birth of the United States. Thomas Jefferson, a delegate from Virginia, drafted the document primarily as a list of grievances against the king. His most important words, however, clearly shaped the philosophical basis of the new government. The famous introduction clearly reflected John Locke's **SOCIAL CONTRACT THEORY**: "...to secure these rights [Life, Liberty, and the pursuit of happiness], Governments are instituted among men, deriving their just powers from the consent of the governed." Jefferson further reasoned that since the British government had abused these rights, the colonists had the right "to alter or to abolish it, and to institute new Government."

The American Revolution and the Articles of Confederation

Shay's Rebellion showed the weaknesses of the Articles of Confederation. When the central government couldn't put down the rebellion, the first stirrings of federalism began to gather strength.

The British, of course, did not recognize the Declaration and continued to send troops to contain the rebellion. The war continued until 1783, so the new government had to be put in place in a wartime atmosphere. The Articles of Confederation, a compact among the thirteen original states, was written in 1776 but not ratified by the states until 1781. The loose "**LEAGUE OF FRIENDSHIP**" that it created reflected the founders' reaction to the central authority of King George III.

The government gave most powers to the states, and the central government consisted only of a legislature. Above all, the colonists wanted to preserve their liberties, but the central governments' lack of power proved to be disastrous. It could not regulate trade or keep the states from circulating their own currency. No chief executive could make real

decisions, and no national court could settle disputes among states. And perhaps most importantly, they could not efficiently conduct a war nor pay the debts incurred once the war was over.

The Declaration of Independence reflected many of the ideals that the signers believed in. Ideas such as life, liberty, and the pursuit of happiness were products of the Enlightenment.

By 1786 the new country was in serious economic straits, and states were quarreling over boundary lines and tariffs. An economic depression left not only states in trouble, but also many ordinary citizens, such as farmers and merchants, were deep in debt as well.

SHAYS' REBELLION, a revolt by angry farmers in Massachusetts, symbolized the chaos in the country. Even though the Massachusetts militia finally put the rebellion down, it pointed out the inability of the central government to maintain law and order. In reaction, Alexander Hamilton of New York initiated the organization of a meeting in Philadelphia in 1787. This convention would eventually throw out the Articles of Confederation and draft the Constitution.

So the freedom that the American Revolution sought to preserve proved to create a government under the Articles of Confederation that could not keep law and order. But the failure of the initial experiment helped the founders to find a more perfect balance between liberty and order in the Constitution they produced in 1787.

Part 3: The Declaration of Independence Reading

IN CONGRESS, July 4, 1776.

The unanimous Declaration of the thirteen united States of America,

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, -- That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.--Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government.

The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good. He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them. He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only. He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures. He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people. He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands. He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers. He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries. He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance. He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures. He has affected to render the Military independent of and superior to the Civil power. He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation: For Quartering large bodies of armed troops among us: For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States: For cutting off our Trade with all parts of the world: For imposing Taxes on us without our Consent: For depriving us in many cases, of the benefits of Trial by Jury: For transporting us beyond Seas to be tried for pretended offences For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies: For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments: For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever. He has abdicated Government here, by declaring us out of his Protection and waging War against us. He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people. He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation. He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands. He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our Brittish brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity.

We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

Lesson 5:

Part 1: Online Textbook Chapter 2, Sections b-d

2b. Independence and the Articles of Confederation

"Give me liberty, or give me death!" Patrick Henry's oratory against British taxation of American colonies was key in inspiring the Founding Fathers to declare independence.

"No taxation without representation!"

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2c. Creating the Constitution

"Nothing spoken or written can be revealed to anyone — not even your family — until we have adjourned permanently. Gossip or misunderstanding can easily ruin all the hard work we shall have to do this summer." -George Washington, presiding officer

The Constitution was written in secrecy over a summer in Philadelphia. Twelve of the thirteen states were represented. Once the drafters signed the Constitution, as seen here, it began to make a slow path around the states in search of ratification.

Constitutional Convention

Most of the delegates at the **CONSTITUTIONAL CONVENTION** had already risked being hanged as traitors by the British. No wonder that they worried about their states' reactions to their decision to abandon the **ARTICLES OF CONFEDERATION** and create a whole new document.

Persuading the states to accept the Constitution was every bit as difficult as they predicted. It took two years for all thirteen states to ratify it. But their product was a blueprint for a new kind of government based on the principles of separation of powers, checks and balances, and federalism.

Separation of Powers

The Constitution is the basis of the United States government. All debates over laws have the few pages of the Constitution as their basis, and much political conflict has arisen due to different traditions of interpreting its clauses.

The **CONSTITUTION** provided for the structure and powers of Congress in **ARTICLE I**. It created a **BICAMERAL LEGISLATURE**, set qualifications for holding office in each house, and provided for methods of selecting representatives and senators. It carefully enumerated powers, such as regulating interstate commerce and declaring wars. **ARTICLE II** vested the power to execute laws in a president of the United States. It set the president's term at four years, stated qualifications for office, and provided a mechanism to remove him from office.

The **PRESIDENT**'s constitutional powers are very modest, but they include commander-in-chief of the armed forces, negotiator of foreign treaties, and appointer of ambassadors, judges, and other "officers of the United States." **ARTICLE III** established a Supreme Court and defines its jurisdiction. The Founders disagreed on how much power to give the **JUDGES**, but they ultimately gave judges appointments for life and forbid Congress to lower their salaries while they hold office.

Checks and Balances

The Founders were ever mindful of the dangers of **TYRANNICAL GOVERNMENT**. So they built a system in which the powers of each branch would be used to check the powers of the other two branches. Additionally, each house of the legislature could check one another. For example, both houses of **CONGRESS** must vote to enact laws, the president can veto legislation, and the Supreme Court can rule laws unconstitutional. Congress can override presidential vetoes. The president nominates Supreme Court justices, but the Senate can refuse to confirm the nominees. The Congress can impeach and remove the president or a member of the Supreme Court. As a result, a "balance" was created among the three branches.

Wide differences of opinion existed even among the 55 delegates concerning the proper balance between liberty and order. **ALEXANDER HAMILTON**, for example, valued order more than liberty and supported the creation of a very strong executive. James Madison, influenced by his mentor Thomas Jefferson, conceded that an executive was necessary, but he saw the legislature as the preserver of liberty and an important check on the power of the executive. George Washington's experience as the head of the **CONTINENTAL ARMY** during the revolution convinced him that the chaotic government needed more structure. Thomas Jefferson did not attend the convention because he was serving as ambassador to France, but his belief that "a little rebellion now and then" was a good thing tilted his balance more toward liberty.

Federalism

ARTICLE IV defined the relationship between the federal government and the states in a system of **FEDERALISM**, which divides the power of government between national and state governments. This federal system was meant to correct the chaos of the country during the Articles of Confederation. However, it was still mindful of the threat of a tyrannical central government. This article included mechanisms for admitting new states to the Union.

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2d. The Bill of Rights

By working to get the Bill of Rights passed, James Madison continued his support of Jefferson's policies. Jefferson supported the Constitution under the condition that basic human rights would be protected through a series of amendments.

Understandably, any people that fought a revolution over "**TAXATION WITHOUT REPRESENTATION**" would be cautious about the new Constitution created in 1787. For example, famous Virginian Patrick Henry refused to attend the Convention because he "smelt a rat."

States cherished their new freedom from British control, and ratification of the Constitution by state legislatures was by no means certain. All thirteen states finally ratified by 1790, but only with the addition of ten amendments, known as the Bill of Rights, that guaranteed citizens' rights and freedoms.

The Debate over Ratification

The debate polarized the new nation. Those who supported the Constitution became known as **FEDERALISTS** and those who opposed its ratification were called **ANTIFEDERALISTS**. The federalists supported a strong national government to preserve order. The antifederalists favored strong state governments and believed that the national government created by the Constitution was too strong.

	federalists	antifederalists
Political Beliefs	Believed the Union would fail without a strong central government	Wanted strong state governments (closer to the people)
Who Should Rule	Thought that elites were most fit to govern	Believed that ordinary people should have great input into government
Trusting the People	Distrusted rule by the people	Distrusted elites; thought they were corrupt
Who were they?	Property owners, landed wealthy, well-to-do	Small farmers, shopkeepers, laborers, merchants

In many ways the argument was the same old debate about the proper balance between order and liberty. Alexander Hamilton, James Madison, and **JOHN JAY** wrote compelling arguments in favor of ratification in a series of essays known as the **FEDERALIST PAPERS**. There were probably more antifederalists in America, but the federalists were better organized, controlled more newspapers, and were in greater positions of power. The two sides finally reached an acceptable compromise when they agreed to add some amendments to the Constitution that protected individual liberties and rights.

The Bill of Rights

In 1789 Virginian James Madison submitted twelve amendments to Congress. His intention was to answer the criticisms of the antifederalists. The states ratified all but two of them — one to authorize the enlargement of the House of Representatives and one to prevent members of the House from raising their own salaries until after an election had taken place. The remaining ten amendments, known as the **BILL OF RIGHTS**, were ratified in 1791.

They put limits on the national government's right to control specific civil liberties and rights, many of which were already protected by some of the state constitutions. Liberties protected included freedom of speech, press, religion, and assembly (**FIRST AMENDMENT**). The Bill of Rights also provided safeguards for those accused of crimes. Two amendments — the right to bear arms (**SECOND AMENDMENT**) and the right to refuse to have soldiers quartered in your home (**THIRD AMENDMENT**) — were clearly reactions to British rule. The antifederalists were pleased by the addition of the Tenth Amendment, which declared that all powers not expressly granted to Congress were reserved to the states.

Over the years the Bill of Rights has become an important core of American values. The compromise that created the Bill of Rights also defined what Americans would come to cherish above almost all else. Together with the Declaration of Independence and the Constitution, the Bill of Rights helps to define the American political system and the government's relationship to its citizens.

Part 2: Website Reading:

<http://library.thinkquest.org/11572/creation/framing/feds.html>

Federalists and Anti-Federalists

The creation of the Constitution entailed hours of debate and compromise, and even when it was completed, some delegates were unhappy with it. The task of fixing the ailing Confederate government was not complete yet; each state had to ratify, or approve, the Constitution. Basically, people divided into two groups, the Federalists and the Anti-Federalists. Each of their viewpoints is worth examining, as they both have sound reasoning.

The Anti-Federalists did not want to ratify the Constitution. Basically, they argue that:

- It gave too much power to the national government at the expense of the state governments.
- There was no bill of rights.
- The national government could maintain an army in peacetime.
- Congress, because of the 'necessary and proper clause,' wielded too much power.
- The executive branch held too much power.

Of these complaints, the lack of a bill of rights was the most effective. The American people had just fought a war to defend their rights, and they did not want a intimidating national government taking those rights away again. The lack of a bill of rights was the focus of the Anti-Federalist campaign against ratification.

The Federalists, on the other hand, had answers to all of the Anti-Federalist complaints. Among them:

- The separation of powers into three independent branches protected the rights of the people. Each branch represents a different aspect of the people, and because all three branches are equal, no one group can assume control over another. □
- A listing of rights can be a dangerous thing. If the national government were to protect specific listed rights, what would stop it from violating rights other than the listed ones? Since we can't list all the rights, the Federalists argued that it's better to list none at all.

Overall, the Federalists were more organized in their efforts. By June of 1788, the Constitution was close to ratification. Nine states had ratified it, and only one more (New Hampshire) was needed. To achieve this, the Federalists agreed that once Congress met, it would draft a bill of rights. Finally, New York and Virginia approved, and the Constitution was a reality. Interestingly, the Bill of Rights was not originally a part of the Constitution, and yet it has proved to be highly important to protecting the rights of the people.

Lesson 6:

Part 1: Online Textbook Chapter 2, Section c & Chapter 3 Sections a-c

2c. Creating the Constitution

"Nothing spoken or written can be revealed to anyone — not even your family — until we have adjourned permanently. Gossip or misunderstanding can easily ruin all the hard work we shall have to do this summer." -George Washington, presiding officer

The Constitution was written in secrecy over a summer in Philadelphia. Twelve of the thirteen states were represented. Once the drafters signed the Constitution, as seen here, it began to make a slow path around the states in search of ratification.

Constitutional Convention

Most of the delegates at the **CONSTITUTIONAL CONVENTION** had already risked being hanged as traitors by the British. No wonder that they worried about their states' reactions to their decision to abandon the **ARTICLES OF CONFEDERATION** and create a whole new document.

Persuading the states to accept the Constitution was every bit as difficult as they predicted. It took two years for all thirteen states to ratify it. But their product was a blueprint for a new kind of government based on the principles of separation of powers, checks and balances, and federalism.

Separation of Powers

The Constitution is the basis of the United States government. All debates over laws have the few pages of the Constitution as their basis, and much political conflict has arisen due to different traditions of interpreting its clauses.

The **CONSTITUTION** provided for the structure and powers of Congress in **ARTICLE I**. It created a **BICAMERAL LEGISLATURE**, set qualifications for holding office in each house, and provided for methods of selecting representatives and senators. It carefully enumerated powers, such as regulating interstate commerce and declaring wars. **ARTICLE II** vested the power to execute laws in a president of the United States. It set the president's term at four years, stated qualifications for office, and provided a mechanism to remove him from office.

The **PRESIDENT's** constitutional powers are very modest, but they include commander-in-chief of the armed forces, negotiator of foreign treaties, and appointer of ambassadors, judges, and other "officers of the United States." **ARTICLE III** established a Supreme Court and defines its jurisdiction. The Founders disagreed on how much power to give the **JUDGES**, but they ultimately gave judges appointments for life and forbid Congress to lower their salaries while they hold office.

Checks and Balances

The Founders were ever mindful of the dangers of **TYRANNICAL GOVERNMENT**. So they built a system in which the powers of each branch would be used to check the powers of the other two branches. Additionally, each house of the legislature could check one another. For example, both houses of **CONGRESS** must vote to enact laws, the president can veto legislation, and the Supreme Court can rule laws unconstitutional. Congress can override presidential vetoes. The president nominates Supreme Court justices, but the Senate can refuse to confirm the nominees. The Congress can impeach and remove the president or a member of the Supreme Court. As a result, a "balance" was created among the three branches.

He may have been an elegant and refined statesman, but Alexander Hamilton's temper got him involved in a duel with Aaron Burr that resulted in death. Wide differences of opinion existed even among the 55 delegates concerning the proper balance between liberty and order. **ALEXANDER HAMILTON**, for example, valued order more than liberty and supported the creation of a very strong executive. James Madison, influenced by his mentor Thomas Jefferson, conceded that an executive was necessary, but he saw the legislature as the preserver of liberty and an important check on the power of the executive. George Washington's experience as the head of the **CONTINENTAL ARMY** during the revolution convinced him that the chaotic government needed more structure. Thomas Jefferson did not attend the convention because he was serving as ambassador to France, but his belief that "a little rebellion now and then" was a good thing tilted his balance more toward liberty.

Federalism

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3. Federalism

Did you ever wonder why you don't need a passport to go from New York to California, but if you were to move from one state to another, you would need a new driver's license? Or why you can use the same currency in all states, but not be subject to the same speed limits? Or why you have to pay both federal and state taxes?

The maze of national and state regulations results from federalism — the decision made by the Founders to split power between state and national governments. As James Madison explained in the "Federalist Papers," our government is "neither wholly national nor wholly federal."

Federalism as a System of Government

In creating a federalist system the founders were reacting to both the British government and the Articles of Confederation. The British government was — and remains — a **UNITARY SYSTEM**, or one in which power is concentrated in a central government. In England, government has traditionally been centralized in London, and even though local governments exist, they generally have only those powers granted them by Parliament. The national government is supreme, and grants or retains powers to and from local governments at its whim.

The country we think of as Russia is part of the Russian Federation, a federal government with a variety of partially self-governing autonomous regions, or *oblasts*. Most of these, such as the Jewish Autonomous Oblast, are concentrations of non-Russian ethnic groups.

The Articles of Confederation represented an opposite form of government, a **CONFEDERATION**, which has a weak central government and strong state governments. In a confederation, the state or local government is supreme. The national government only wields powers granted by the states. Most confederations have allowed the local government to nullify a federal law within its own borders.

Federalism is a compromise meant to eliminate the disadvantages of both systems. In a federal system, power is shared by the national and state governments. The Constitution designates certain powers to be the domain of a central government, and others are specifically reserved to the state governments.

Advantages and Disadvantages of Unitary and Confederal Governments

The European Union has a multinational parliament which has regular sessions just as a national parliament would. A major issue in Europe today is what this body gets to decide and what remains under the jurisdiction of national governments.

	Unitary	Confederal
Advantages	Laws may be applied uniformly to all	Laws may be made to suit individual needs of the states
Government	Efforts seldom duplicate or contradict themselves	Tyranny can be avoided more easily
Decision-making	Fast and efficient	Government is closer to the people
Disadvantages	Concentration of power can lead to tyranny If the country is large, a distant central government can lose control Central officials may not always understand the needs of their citizens	State governments are susceptible to quarrels The country has a tendency to split apart Sub-governments may lack resources that a central government has

Although the federal system seems to strike a perfect balance of power between national and local needs, federations still have internal power struggles. Conflicts between national and state governments are common. In the case of the United States, the argument of state vs. federal power was a major underlying factor that led to the CIVIL WAR.

Fewer than thirty modern countries have federal systems today, including Australia, Canada, Germany, Mexico, and the United States. But even though few other countries practice it today, federalism has provided the balance that the United States has needed since 1787.

3a. The Founders and Federalism

In their attempt to balance order with liberty, the Founders identified several reasons for creating a federalist government:

- to avoid tyranny
- to allow more participation in politics
- to use the states as "laboratories" for new ideas and programs.

As James Madison pointed out in *The Federalist, No. 10*, If "factious leaders kindle a flame within their particular states," national leaders can check the spread of the "conflagration through the other states." So federalism prevents a person that takes control of a state from easily taking control of the federal governments as well. Electing both state and national OFFICIALS also increases the input of citizens into their government. And if a state adopts a disastrous new policy, at least it would not be a catastrophe for everyone. On the other hand, if a state's new programs work well, other states can adopt their ideas and adjust them to their own needs.

The Constitution gives three types of power to the national government:

1. **DELEGATED** (sometimes called enumerated or expressed) powers are specifically granted to the federal government in Article I, Section 8 of the Constitution. This includes the power to coin money, to regulate commerce, to declare war, to raise and maintain armed forces, and to establish a Post Office. In all, the Constitution delegates 27 powers specifically to the federal government.

2. **IMPLIED POWERS** are not specifically stated in the Constitution, but may be inferred from the elastic (or "necessary and proper") clause (Article I, Section 8). This provision gives Congress the right "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and other powers vested in the government of the United States." Since these powers are not explicit, the courts are often left to decide what constitutes an implied power.

3. **INHERENT POWERS** are not specifically listed in the Constitution, but they grow out of the very existence of the national government. For example, the United States has the power to acquire territory by exploration and/or occupancy, primarily because most governments in general claim that right.

Article I, Section 8 of the U.S. Constitution authorizes the federal government to issue a central currency for all states. The form of this currency has changed many times through the years.

The Constitution also identifies **RESERVED POWERS**, which are set aside for the states. Unlike delegated powers, they are not listed specifically, but are guaranteed by the **TENTH AMENDMENT**: "The powers not delegated to the United States by the Constitution, not prohibited by it to the States, are reserved to the States respectively, or to the people." Some traditional reserved powers include regulating trade within a state, establishing local government, and conducting elections.

Some powers of federal and state governments overlap. For example, both may — and do — levy taxes, make and enforce laws, and borrow money. These concurrent powers are not granted exclusively to the national government, nor are they denied the states.

Prohibited powers are denied either to the national government, state governments, or both (Article I, Section 9.) For example, the national government cannot exercise its powers in such a way as to interfere with the states' abilities to perform their responsibilities. States cannot tax imports or exports, nor can they coin money or issue bills of credit.

States also have responsibilities to one another, as explained in Article IV of the Constitution. One provision is that each state must give "FULL FAITH AND CREDIT" to the public acts, records, and civil judicial proceedings of every other state. Business contracts, then, are recognized by all states, as are marriages. Extradition, the legal process in which an accused criminal is returned to the state where the crime was committed, is also required by Article IV.

The founders very carefully divided powers between federal and state governments. They were responding to both the colonial aversion to the tyranny of King George III as well as the failure of the Articles of Confederation. Their careful separating and blending of state and national powers guarded against tyranny, allowed for more citizen participation in government, and provided a mechanism for incorporating new policies and programs.

3b. Tipping the Scales Toward National Power

Some issues have endured throughout American history. What is meant by CIVIL LIBERTY? Does (or should) Congress truly represent the people? Do the courts ensure that justice prevails? How much power should lie with the President?

Daniel Webster became the Senator most associated with Federalism. His counterparts and sparring partners in the Senate were Calhoun and Clay.

All of these issues have been answered in different ways at different times, but they have endured and remain central to American politics. One of the most long-standing issues is the "proper" definition of federalism. The effective balance of power between state and federal governments is perhaps the most elusive question of all, and "STATES' RIGHTS" remain on the political agenda.

In the mid-19th century the argument erupted into a great Civil War. In the 20th century, national power was strengthened by each President from the 1930s through the 1970s. And in recent years, the states have reasserted their rights.

McCulloch v. Maryland (1819)

John Marshall's decisions in *McCulloch v. Maryland* and other cases strengthened the federal government.

The Supreme Court often has defined the nature of federalism. *MCCULLOCH V. MARYLAND* (1819) began to establish the "SUPREMACY" OF THE FEDERAL GOVERNMENT with John Marshall's famous decision that a state government could not tax the FIRST BANK OF THE UNITED STATES. The case centered on the state of Maryland's decision to tax the Baltimore branch of the national bank. The bank's cashier, JAMES MCCULLOCH, refused to pay, and Maryland sued, claiming that the bank was unconstitutional because the Constitution did not enumerate the creation of banks as a federal power.

Two questions were at the heart of the case. Was the bank constitutional? If it was, could a state tax it? Citing the elastic clause (ARTICLE I, SECTION 8) as the basis of the Court's decision, Marshall explained that even though the word "bank" cannot be found in the Constitution, the enumerated powers to tax, issue currency, and borrow money "implied" the power to create a bank. And no, the bank could not be taxed by a state because "the power to tax involves the power to destroy." States' rights supporters believed Marshall wrongly ignored the 10th Amendment, which reserved all powers not granted to the Congress to the states and the people.

Nullification and the Civil War

South Carolina Senator John C. Calhoun was a vocal opponent of federalism, especially when it interfered with slavery.

By the mid-19th century, when slavery and tariffs became controversial issues between North and South, states' rights were again a central focus. JOHN C. CALHOUN, senator from South Carolina and eventually Vice-President from 1825 to 1832, claimed that states had the right to NULLIFY, or reject, a federal law. For example, when a tariff act negatively affected South Carolina, Calhoun declared that the state could declare the tariff "NULL AND VOID" within its own borders.

Many feared that if a state rejected a new provision passed by Congress, then it also had the right to SECEDE from the union. Decades later, South Carolina tested this notion by declaring independence from the United States. When other southern states followed suit, PRESIDENT ABRAHAM LINCOLN objected, and the Civil War began. With the South's defeat in 1865, national supremacy was once again affirmed, and states have never again claimed the right to secede.

The New Deal

The Agricultural Adjustment Administration was one of a number of "alphabet soup" agencies created by the Roosevelt Administration to combat the Great Depression. Critics of the programs said these programs gave the federal government too much power.

Although the Civil War forever changed the nature of federalism, it did not destroy states' rights. Instead, the power of the central government remained quite limited until the economic crisis of the 1930s. The devastating effects of the Great Depression led many people to demand that the federal government take drastic action. The innovative programs of Franklin Roosevelt's "New Deal" ushered in a new era in American politics. The New Deal period was characterized by intense government action on the national level. The "ALPHABET AGENCIES," such as the CCC (Civilian Conservation Corps), the AAA (Agricultural Adjustment Administration), and the NRA (NATIONAL RECOVERY ADMINISTRATION), aimed to relieve poverty and economic distress of farmers, homeowners, businesses, laborers, and banks.

These programs dramatically enlarged the power of the federal government, and though the states administered many of the programs, the tilt toward national power was clearly reinforced by the New Deal.

The 1960s saw another era of expansion for the national government under JOHN KENNEDY's NEW FRONTIER and Lyndon Johnson's Great Society. Many programs were initiated to declare a "war on poverty" across the United States. The federal government was growing ever larger, and taxes were growing ever higher to fund the new programs. Many Americans supported this trend and applauded the efforts of the national government to ease American social problems. But by the 1970s, others had decided that enough was enough.

3c. Federal-State Relations Today: Back to States' Rights?

Ronald Reagan and George Bush are considered architects of New Federalism, a program that allowed states to make many decisions regarding local issues. However, states were also expected to pay the bill for their own decisions, and Reagan is criticized for getting states into debt.

For almost 200 years, the federal-state relationship has shifted more and more toward national supremacy. But some observers today believe that over the past twenty years, the balance of power is beginning to tilt back toward the states. Presidents Richard Nixon, Ronald Reagan, and George Bush tried to slow down the growth of the national government under the banner of "NEW FEDERALISM."

RICHARD NIXON declared an open attempt to reverse the flow of power to the federal government back to the states. In his winning campaign of 1980, RONALD REAGAN claimed that the federal government, in its attempts to improve society, was actually eroding individual freedoms. Then in 1994, when Republicans took control of both houses of Congress, the leaders of the "DEVOLUTION REVOLUTION" attempted to return many functions to the states. But the controversial task has not been easy, since so many national responsibilities are now shared with the states.

Before the Great Depression and New Deal, experts often compared federalism to a layer cake. Each layer of government — national, state, and local — had responsibilities separated clearly by a distinct covering of "icing." This interpretation is known as DUAL FEDERALISM, which each level of government dominating its own sphere. The Supreme Court served as an umpire between the national government and the states in case of a dispute. But FRANKLIN ROOSEVELT changed all that.

The federal New Deal programs cast the states in supporting, cooperative roles with a clearly dominant national government. However, since both levels participated in the programs, the layers began to blur.

New Federalism

One sign of the growth of the national government was the large number of categorical grants that existed by the 1960s. Congress appropriates these grants to states for a specific purpose. Funds are allocated by a precise formula with detailed conditions imposed by the national government. Often states must contribute money to match federal funds, but categorical grants almost always come with a great many "strings" that demonstrate the "supremacy" of the national government.

Richard Nixon was a major mind behind New Federalism. Nixon eased the restrictions on money that was sent to the states, believing that they were in a better position to know how to spend the money than the federal government.

For example, there is no national drinking age. In the past, some states allowed people 18 years of age or older to drink alcohol, while others set the legal DRINKING AGE at 21. Passing a national drinking age might be unconstitutional, unless Congress could prove that such legislation was "NECESSARY AND PROPER" to carry out their expressed powers. Congress avoided the controversy by requiring all states that receive federal highway funds to set a legal drinking age of 21. No state could afford to lose these funds, so they had no choice but to comply.

When Richard Nixon became president in 1969, he backed a revenue sharing plan that channeled federal dollars back to the states, but without the strings of categorical grants. President Reagan (1981-89) coined the movement "NEW FEDERALISM" — an attempt to return power to the states.

The REAGAN ADMINISTRATION'S budget and policies radically altered the relationship between the federal government and the states. For the first time in many years federal aid to states declined, and Reagan pushed to consolidate categorical grants into BLOCK GRANTS, which had few strings and much broader categories, such as "education" or "highways." Because New Federalism meant that states often had to pay the tab for their new responsibilities, Reagan was criticized for weakening the states with debt — an opposite effect from his stated intention

Today the issue of the proper balance between national and state powers is as viable as it was in 1789. States' rights have remained a controversial topic for more than 200 years. Americans are divided about which laws should be federal, and which should be reserved to the states.

Should the right to an abortion be regulated by individual states, or should the federal government set a uniform policy? Should individual states permit the use of marijuana for medical purposes, or is drug policy a large enough problem to be decided on the federal level? Should individual states have the power to allow doctor-assisted suicide? These questions and many others shape the modern debate over state and federal power.

Lesson 7:

Part 1: Chapter 6, Sections a-c

6. Congress: The People's Branch?

The Congress makes laws.

Despite promises made by presidential candidates, the President has no direct power to pass any LEGISLATION. This very important power lies solely with the House of Representatives and the Senate.

The People's Influence

Americans elect their Senators and Representatives. One very important question posed by a democratic government involves how elected representatives should behave once sworn into office. Should members of Congress reflect the will of the people, or should they pay attention to their own points of view, even if they disagree with their constituents? Many considerations influence the voting patterns of members of Congress, including the following:

Constituents' Views.

Members of Congress often visit their home districts and states to keep in touch with their CONSTITUENTS' views. They also read their mail, keep in touch with local and state political leaders, and meet with their constituents in Washington. Some pay more attention than others, but they all have to consider the views of the folks back home. Completely ignoring one's CONSTITUENCY would be foolhardy if the politician hoped at all to be reelected.

Party Views.

Congress is organized primarily along party lines, so party membership is an important determinant of a member's vote. Each party develops its own version of many important bills, and party leaders actively pressure members to vote according to party views. It is not surprising that Representatives and Senators vote along PARTY LINES about three-fourths of the time.

Personal Views.

What if a Representative or Senator seriously disagrees with the views of his constituents on a particular issue? How should he or she vote? Those who believe that PERSONAL VIEWS are most important argue that the people vote for candidates whose judgment they trust. If the people disagree with their decisions, they can always vote them out of office.

The Nature of Democratic Discourse

GRIDLOCK can occur when the legislative branch of Congress and the executive branch of the President are led by different political parties. Coming to agreement on new legislation during these periods of divided government can prove difficult. American voters can become frustrated by the inability of their leaders to move forward.

The Continental Congress (1774-1789) began as a tool to organize against Britain, but became the body that would discuss the responsibilities of independence.

Yet this expectation for a smoothly running government contradicts the very nature of democratic discourse. How can representatives resolve the differences if they do not discuss them, argue about them, and eventually take sides on a solution? The nature of democratic discourse is to hear from everyone, hammer out compromises, and make decisions based on the process.

Voters may think of their own Representatives or Senators as good people fighting the corruption and selfish greed of the others. Incumbent candidates often encourage this thinking like by claiming to have "saved" the district from disaster through their good works. It helps them win elections.

Despite all the complaints about divided government, Americans seem to prefer it based on their voting patterns. Since 1981, the same party has controlled the presidency, the House, and the Senate for only two years. Divided government prevents any one party from moving too quickly with their legislative agenda. Perhaps this cautious approach to new legislation is exactly what Americans want.

6a. The Powers of Congress

In 1789, Federal Hall in New York City became the home of the first U.S. Congress. By 1790, Congress moved to the new capital of Philadelphia.

At its creation in 1789, the legislative branch was the most innovative. Rule by kings and emperors was an old style of government, and the legislature in many ways represented the new. Almost certainly, the founders intended Congress to have more important powers than the President and the Supreme Court. However, they placed many checks and balances on the legislature that have prevented absolute power in the hands of one branch. Founders controlled power not only by checks from the other branches, but by creating a bicameral, or two house, Congress — the SENATE and the HOUSE OF REPRESENTATIVES. The powers of Congress, then, are both constitutional and evolutionary.

Constitutional Powers

The Constitution specifically grants Congress its most important power — the authority to make laws. A BILL, or proposed law, only becomes a law after both the House of Representatives and the Senate have approved it in the same form. The two houses share other powers, many of which are listed in Article I, Section 8. These include the power to declare war, coin money, raise an army and navy, regulate commerce, establish rules of immigration and naturalization, and establish the federal courts and their jurisdictions.

Article I of the Constitution

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons [Modified by Amendment XIV]. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, *chosen by the Legislature thereof* [Modified by Amendment XVII], for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; *and if Vacancies happen by Resignation,*

or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies [Modified by Amendment XVII].

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall choose their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States. The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on OATH OR AFFIRMATION. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.

The Congress shall assemble at least once in every Year, *and such Meeting shall be on the first Monday in December* [Modified by Amendment XX], unless they shall by Law appoint a different Day.

Section 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a JOURNAL OF ITS PROCEEDINGS, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except TREASON, FELONY and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7. All Bills for raising REVENUE shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States: If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of ADJOURNMENT) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be re-passed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States; To borrow Money on the credit of the United States; To regulate COMMERCE with foreign Nations, and among the several States, and with the Indian Tribes; To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States; To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;
 To establish Post Offices and post Roads;
 To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;
 To constitute Tribunals inferior to the Supreme Court;
 To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;
 To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;
 To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;
 To provide and maintain a Navy;
 To make Rules for the Government and Regulation of the land and naval Forces;
 To provide for calling forth the MILITIA to execute the Laws of the Union, suppress Insurrections and repel Invasions;
 To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;
 To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;
 And To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No TAX or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the TREASURY, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No TITLE OF NOBILITY shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10. No State shall enter into any TREATY, ALLIANCE, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility. No State shall, without the Consent of the Congress, lay any Imposts or DUTIES on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws; and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep TROOPS, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

The Constitution also gives each house of Congress some special, exclusive powers. Such powers given to the House of Representatives include the following:

-REVENUE BILLS must originate in the House of Representatives. Although this power is still honored today, it tends to have blurred over the years. Often budget bills are considered simultaneously in both houses. For example, current discussions of possible tax cuts are taking place not only in both houses, but in the executive branch as well.

-IMPEACHMENT POWER, the authority to charge the President and other "civil officers" with wrongdoing, is given to the House. A simple majority vote can impeach an elected official.

Special, exclusive powers given to the Senate include the following:

-Major presidential appointments must be confirmed by the Senate. The Senate offers "ADVICE AND CONSENT" to the President by a majority vote on the appointments of federal judges, ambassadors, and Cabinet positions.

-Treaties with other nations entered into by the President must be approved by a TWO-THIRDS VOTE by the Senate. This provision is an illustration of checks and balances, and it has served as a very important restriction to foreign policy powers of the President.

-An IMPEACHMENT TRIAL occurs in the Senate. If the House votes to impeach an elected official, the accused party gets a hearing in the Senate. A two-thirds majority can convict the individual and remove him or her from office.

Important Constitutional Differences Between the House and the Senate

House	Senate
Initiates all revenue bills	Must confirm many major presidential appointments
Initiates impeachment procedures and passes articles of impeachment	Tries impeachment officials
Two-year terms	Six-year terms (One-third up for reelection every two years)
435 members (apportioned by population)	100 members (two from each state)
	Approves treaties

Evolutionary Powers

The "elastic," or implied powers, clause gives Congress the authority to pass laws it deems "necessary and proper" to carry out its enumerated functions. Many Congressional powers that have evolved over the years are based on this important clause. Here are a couple.

-Oversight of the budget. Congress reviews and restricts the ANNUAL BUDGET prepared by the executive branch. When a law is passed setting up a government program, Congress must pass an authorization bill that states the maximum amount of money available. When the nation's budget is set, only Congress can set the appropriations — the actual amount available in a fiscal year — for each program that it has authorized.

-INVESTIGATION. Congress may investigate both issues that warrant study and wrongdoings by public officials. Through COMMITTEE HEARINGS, Congress has examined issues such as crime, consumer safety, health care, and foreign trade. Although Congress must abide by protected individual rights, their committees have examined many allegations against elected officials. Famous recent investigations include the WHITEWATER and the Clinton-Lewinsky hearings.

The American Congress has more power than any legislature among the world's modern democracies. The parliaments of Europe are often "arena" legislatures that provide a forum for debate on policies proposed by a powerful prime minister or president. Only the American democracy enables its legislature with the critical role of setting the lawmaking agenda.

6b. Leadership in Congress: It's a Party Matter

Republicans and Democrats in Congress continually battle each other on party lines, even though many claim that the parties are essentially the same.

Is walking the plank dangerous? Certainly, for a pirate. But for a politician, it may be prudent.

PARTISANSHIP — or fierce loyalty to one's political party — generally is not admired in the United States today. Many people today call themselves independent voters, and bickering between the parties in Congress is often condemned. But parties are very important in both the House of Representatives and the Senate today. Even though political parties do not play as big a role in elections as they once did, they still provide the basic organization of leadership in Congress.

After each legislative election the party that wins the most representatives is designated the "MAJORITY" in each house, and the other party is called the "MINORITY." These designations are significant because the majority party holds the most significant leadership positions, such as Speaker of the House. Usually, the same party holds both houses, but occasionally they are split. For example, from 1983-1985, the House majority was Democratic and the Senate majority was Republican.

Coalition groups like the Blue Dog Democrats are trying to bridge the party gap in Congress.

At the beginning of each new Congress, the members of each party gather in special meetings to talk party policy and themes and to select their leaders by majority vote. Democrats call their meeting a "CAUCUS," and the Republicans call theirs a "CONFERENCE." Next, when each house convenes in its first session, Congressional leaders, such as the **SPEAKER OF THE HOUSE** and the **MAJORITY LEADER** in the Senate, are selected. And even though the whole house votes for its leaders, the majority party makes the real selections ahead of time behind the scenes when they select party leaders.

House Leadership

Because the House has 435 members to the Senate's 100, House leaders tend to have more power over their membership than do Senate leaders. With 435 people trying to make decisions together, their sheer numbers require leaders to coordinate the lawmaking process. Political parties choose all top leadership positions.

Speaker of the House. The Speaker is the most powerful member of the House of Representatives, and arguably, the most influential single legislator in both houses. Always a member of the majority party, the speaker's influence depends partly on strength of personality and respect of colleagues, but also on several important powers.

The Speaker:

- presides over proceedings on the House floor
- influences which bills go to which committees
- influences committee assignments for new members
- appoints the party's other leaders
- rules on questions of parliamentary procedure

THE MAJORITY LEADER usually the second ranking member of the majority party, is the party leader on the floor. Often hand-picked by the Speaker, the majority leader helps plan the party's legislative program. Many Speakers came to their positions by serving as majority leader first.

THE MINORITY LEADER heads and organizes the minority party. Because the party has less voting power than the majority party has, this person's influence is usually limited. If the minority party succeeds in the next congressional election, the minority leader could well be the next Speaker.

Senate Leadership

Elbridge Gerry was an early architect of partisanship. His election to the Massachusetts Senate was aided by redrawing district boundaries to include a majority of his own party members. This practice is called gerrymandering.

The Senate leadership is characterized by its highest positions actually having very little power. By Constitutional provision, the president of the Senate is the VICE PRESIDENT of the United States, who only can cast a vote in case of a tie. The Vice President rarely sits with the Senate, so a PRESIDENT *PRO TEMPORE* is selected to take his place. This role too is largely ceremonial, so the chair is often passed to a junior Senator.

The floor leaders are the real leaders in the Senate, although they generally have less power than do leaders in the House. The majority leader is usually the most influential person in the Senate. He has the privilege of beginning debates on legislation, and he usually influences choices for committee assignments. He shares his power with the minority leader, who leads the other party. Usually the two leaders cooperate to some extent, but the leader of the majority party always has the upper hand.

The major leadership positions — Speaker of the House, and majority and minority leaders in both houses — are based almost exclusively on party membership. Does this system encourage party loyalty above all else in members of Congress who want to get ahead? If that is the case, the impatience that Americans have with "partisan politics" is understandable.

6c. The Importance of Committees

Bills begin and end their lives in COMMITTEES, whether they are passed into law or not. Hearings from interest groups and agency bureaucrats are held at the committee and subcommittee level, and committee members play key roles in floor debate about the bills that they foster.

Committees help to organize the most important work of Congress — considering, shaping, and passing laws to govern the nation. 8,000 or so bills go to committee annually. Fewer than 10% of those bills make it out for consideration on the floor.

Types of Committees

There are four types of congressional committees:

STANDING COMMITTEES, which continue from one Congress to the next, are probably the most important type because they consider and shape the vast majority of proposed laws. Standing committees can be combined or discontinued but most of them have been around for many years. Standing committees also conduct investigations, such as the Senate Banking Committee's investigation of President Bill Clinton's Whitewater investments.

SELECT COMMITTEES are temporarily formed for specific purposes, often to study a particular issue. They usually do not draft legislation. Some, like the select committees to investigate the assassinations of John F. Kennedy and Martin Luther King, are obviously intended to have limited lives. Others, like the Select Committee on Aging and the Select Committee on Indian Affairs, have existed for a number of years actually produce legislation. Sometimes long-standing select committees eventually become standing committees.

Most standing committees, such as the House Committee on Small Business, have their own websites and monthly journals to disseminate information to the people.

JOINT COMMITTEES have similar purposes as select committees, but they are made up of members from both the House and the Senate. They are set up to conduct business between the houses and to help focus public attention on major issues. Some joint committees handle routine matters, such as supervising the Library of Congress.

CONFERENCE COMMITTEES are specially created when the House and the Senate need to reconcile different versions of the same bill. A conference committee is made up of members from the House and Senate committees that originally considered the bill. Once the committee agrees on a compromise, the revised bill is returned to both houses of Congress for their approval.

Committee Assignments

After each **CONGRESSIONAL ELECTION**, political parties assign newly elected Representatives and Senators to standing committees. They consider a member's own wishes in making the assignments, but they also assess the needs of the committees, in terms of region of the country, personalities, and party connections.

Since the House has 435 members, most Representatives only serve on one or two committees. On the other hand, Senators often serve on several committees and **SUBCOMMITTEES**. Committee assignment is one of the most important decisions for a new member's future work in Congress. Usually, members seek appointment on committees that will allow them to serve their districts or state the most directly.

However, a members from a "SAFE" DISTRICT — where his or her reelection is not in jeopardy — and who wants to be a leader in Congress, may want to be named to a powerful committee, such as Foreign Relations, Judiciary, or the HOUSE WAYS AND MEANS. There they are more likely to come into contact with current leaders and perhaps even gain some media attention.

Standing Committees of Congress

HOUSE COMMITTEES	SENATE COMMITTEES
Agriculture	Agriculture, Nutrition, and Forestry
Appropriations	Appropriations
Armed Services	Armed Services
Banking and Financial Service	Banking, Housing, and Urban Affairs
Budget	Budget
Commerce	Commerce, Science, and Transportation
Education and the Workforce	Energy and Natural Resources
Government Reform	Environment and Public Works
House Administration	Finance
International Relations	Foreign Relations
Judiciary	Governmental Affairs
Resources	Health, Education, Labor, and Pensions
Rules	Indian Affairs
Science	Judiciary
Small Business	Rules and Administration
Standards of Official Conduct	Small Business
Transportation and Infrastructure	Veterans Affairs
Veterans Affairs	
Ways and Means	

Lesson 8:

Part 1: Online Textbook Chapter 6, Section e

6e. How a Bill Becomes a Law

Creating legislation is what the business of Congress is all about. Ideas for laws come from many places — ordinary citizens, the president, offices of the executive branch, state legislatures and governors, congressional staff, and of course the members of Congress themselves.

CONSTITUTIONAL PROVISIONS, whose primary purposes are to create obstacles, govern the process that a bill goes through before it becomes law. The founders believed that efficiency was the hallmark of oppressive government, and they wanted to be sure that laws that actually passed all the hurdles were the well considered result of inspection by many eyes.

Before a bill becomes a law it must pass both houses of Congress and signed into law by the President. It may begin its journey at any time, but it must be passed during the same congressional session of its proposal, a period of one year. If it does not complete the process, it is dropped, and can only be revived through reintroduction and going through the whole process again. Not surprisingly, less than 10% of proposed bills actually become laws.

There are many opportunities to kill a bill before it becomes law. In each house, a bill must survive three stages:

When bills are marked up, in Congress, they may be changed to sneak in unapproved spending or overspending on programs. The spending is called "pork" and the tactic, "pork barreling."

- **Committee consideration** — New bills are sent to standing committees by subject matter. For example, bills on **FARM SUBSIDIES** generally go to the Agriculture Committee. Bills that propose tax changes would go to the House Ways and Means Committee. Since the volume of bills is so large, most bills today are sent directly to subcommittee. Most bills — about 90% — die in committee or subcommittee, where they are pigeonholed, or simply forgotten and never discussed. If a bill survives, hearings are set up in which various experts, government officials, or lobbyists present their points of view to committee members. After the hearings, the bill is marked up, or revised, until the committee is ready to send it to the floor.

- **FLOOR DEBATE** — In the House only, a bill goes from committee to a special **RULES COMMITTEE** that sets time limits on debate and rules for adding amendments. If time limits are short and no amendments are allowed from the floor, the powerful rules committee is said to have imposed a "**GAG RULE**." Rules for debate on the Senate floor are much looser, with Senators being allowed to talk as much about each bill as they like. No restrictions on amendments are allowed in the Senate. This lack of rules has led to an occasional **FILIBUSTER** in which a senator literally talks a bill to death. Filibusters are prohibited in the House. Both houses require a **QUORUM** (majority) of its members to be present for a vote. **PASSAGE OF A BILL** generally requires a majority vote by the members present.
- **Conference committees** — Most bills that pass the first two stages do not need to go to conference committee, but those that are controversial, particularly important, or complex often do. A conference committee is formed to merge two versions of a bill — one from the House and one from the Senate — when the two houses cannot readily agree on alterations. The members are chosen from the standing committees that sponsored the bill who come up with a compromise. The revised bill then must go back to the floors of each house and be passed by both houses before it can be sent to the President for signing.

Many people criticize Congress for its inefficiency and the length of time that it takes for laws to be passed and enacted. Although the process is long and difficult, the founders intentionally set it up that way. Some modern critics believe that the system is arcane and simply too slow for a fast-paced country like the United States. A process in which only a few people were responsible for making laws certainly would be more efficient. But of course it wouldn't be very democratic. The many hurdles that bills must face help to ensure that those that survive are not just passed on a whim, but are well considered and deliberate.

Lesson 9:

Part 1: Online Textbook Chapter 7, Sections a-e

7. The Presidency: The Leadership Branch?

Research indicates that the first person that most American children remember beyond their immediate circle of family and friends is the President of the United States. Who is this person that creates such a strong impression on children, arguably the most powerful individual in the world today? But the founders certainly did not intend to create such a powerful presidency. They saw the presidency as a "necessary evil," or an executive to carry out and coordinate decisions made by Congress. What is the nature of the modern presidency, this office so powerful and yet so limited?

Presidential Qualities

George Washington's warnings against party politics and entangling foreign alliances still permeate American political culture.

The PRESIDENCY was created in the image of GEORGE WASHINGTON, the man everyone believed would first occupy the office. Washington's personality shaped the expectation that the President should be wise, moderate, dignified, and nonpartisan. Of course, the President could not be all-powerful like the king of England. This person had to be sensitive to treading on individual rights and liberties. But especially for the fledgling nation, strong leadership was necessary.

And so the paradox was created with the new nation. Americans want a strong leader, but they also want someone who understands the anti-government, anti-authority streak that is part of being an American. It is not at all surprising, then, that Americans quibble about how much power the President should have. When Presidents take charge and try to run the country, they are often criticized as aggressive and dictatorial. If they let Congress take the lead, they are seen as weak and ineffective.

Great Expectations

Americans set very high expectations for our Presidents. They want someone who provides a sense of purpose, and who represents all the hopes and dreams of Americans. Yet the President must also pay close attention to practical matters, such as jobs, peace, and prosperity. The President must be tough, decisive, and competent. Because of these great expectations, most modern Presidents have come up short.

Perhaps this situation happens partly because the modern media has brought Americans "closer" to Presidents, making them seem more human than before. They are seen with their families in their personal lives. Newspapers report who cuts their hair and how much it costs. Their lives are investigated in the most minute detail for scandal. This demystifying of the presidency, as well as the general increase in mistrust of government in recent years, makes being President a tough job.

Gridlock

Even today, Congress limits the President's powers. Gridlock, or inaction, occurs when the President wants one thing and Congress wants another. Just as the Constitution ensures that the lawmaking process in Congress is not easily seized by the power of a few people, it also places checks on the power of both Congress and the President. This balance is the primary reason for gridlock — an inefficiency that many critics see as a major fault in American government.

Few individuals are willing to endure the hardships of a campaign. Even fewer are willing to open even the most private aspects of their lives to public scrutiny. Some say that the burdens placed on presidential aspirants make the job undesirable to many qualified candidates. But for those who survive the process, the opportunity for true leadership awaits.

7a. The Evolution of the Presidency

The 21st century dawned on a very different presidency than the one created at the end of the 1700s. Constitutional provisions limited the early presidency, although the personalities of the first three — George Washington, John Adams, and Thomas Jefferson — shaped it into a more influential position by the early 1800s. However, throughout the 1800s until the 1930s, Congress was the dominant branch of the national government. Then, in the past seventy years or so, the balance of power has shifted dramatically, so that the executive branch currently has at least equal power to the legislative branch. How did this shift happen?

Constitutional Qualifications and Powers

Article II of the Constitution defines the qualifications, benefits, and powers of the presidency. The PRESIDENT must be at least 35 years old, and must have resided in the United States for no fewer than 14 years. Presidents must be a "NATURAL BORN" citizens. The Constitution states that the President should be paid a "compensation" that cannot be increased or decreased during a term. Congress determines the salary, which increases in 2001 to \$400,000, doubling the salary that was set back in the 1960s.

Article II of the Constitution

Section 1. The EXECUTIVE POWER shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

As Commander in Chief of the Armed Forces, the President is responsible for the Army, Navy, Air Force, Marine Corps, and Coast Guard. Here, President Clinton reviews troops at the Fort Myer base in Virginia.

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector. [The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately choose by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner choose the President. But in choosing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall choose from them by Ballot the Vice President.]*

*Changed by the Twelfth Amendment.

The Congress may determine the Time of choosing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States. No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States. [In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.]*

*Changed by the Twenty-fifth Amendment.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following OATH or Affirmation:--"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

The Constitution assigned the following powers to the President:

MILITARY POWER. The founders saw the importance of a strong military to protect the country and its citizens, but they named the President, a civilian, the "COMMANDER IN CHIEF" of the armed services. They were ever mindful of checking and balancing power, and they did not want a military general to seize the government.

DIPLOMATIC POWER. The President was given the power to make treaties with foreign nations, but not without the "advice and consent" of the Senate. Two-thirds of the senators must agree to a treaty the President signs, and if they do not, the treaty is not valid. The Constitution also provides that the President "shall receive ambassadors and other public ministers," which includes the duty of recognizing new nations, representing the United States to other countries, and performing related ceremonial duties.

APPOINTMENT POWER. The Constitution gives the President the responsibility to appoint "Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States." Again, the Senate gives its "advice and consent," so that all appointments must be confirmed by a majority of the Senators voting.

LEGISLATIVE POWER. The President was given the power to veto legislation. Every bill that passes both houses of Congress must be submitted to the President, although Congress can get around the President in several ways. If the President fails to sign the bill within ten days, it becomes law anyway. Also, Congress may override a presidential veto by a vote of two-thirds of each house.

The Strengthening of the Presidency

Because the Constitution gave the President such limited power, Congress dominated the executive branch until the 1930s. With only a few exceptions, Presidents played second fiddle to Congress for many years. However, those exceptions — Andrew Jackson, Abraham Lincoln, Theodore Roosevelt, and Woodrow Wilson — provided the basis for the turning point that came with the presidency of Franklin Roosevelt in the 1930s. **ANDREW JACKSON**, greatly loved by the masses, used his image and personal power to strengthen the developing party system by rewarding loyal followers with presidential appointments. Jackson also made extensive use of the veto and asserted national power by facing down South Carolina's nullification of a federal tariff law. Jackson vetoed more bills than the six previous Presidents combined.

ABRAHAM LINCOLN assumed powers that no President before him had claimed, partly because of the emergency created by the Civil War (1861-1865). He suspended *HABEAS CORPUS* (the right to an appearance in court), and jailed people suspected of disloyalty. He ignored Congress by expanding the size of the army and ordering blockades of southern ports without the consent of Congress.

THEODORE ROOSEVELT and **WOODROW WILSON** each expanded the powers of the presidency. Roosevelt worked closely with Congress, sending it messages defining his legislative powers. He also took the lead in developing the international power of the United States. Wilson helped formulate bills that Congress considered, and **WORLD WAR I** afforded him the opportunity to take a leading role in international affairs.

Franklin Roosevelt, who was elected four times to the presidency, led the nation through the crises of the GREAT DEPRESSION and WORLD WAR II. Roosevelt gained power through his New Deal programs to regulate the economy, and the war required that he lead the country in foreign affairs as well.

So, the powers of the modern presidency have been shaped by a combination of constitutional and evolutionary powers. The forceful personalities of strong Presidents have expanded the role far beyond the greatest fears of the antifederalists of the late 1700s.

7b. All the President's Men and Women

The Office of the First Lady has increased in size since First Ladies such as Eleanor Roosevelt have become increasingly active in public life.

Just as the power of the presidency has grown tremendously in recent years, so have the numbers of people that surround the executive branch. George Washington began his first term with only one aide — his nephew — who he paid out of his own pocket.

Today many advisors in the White House office, the Cabinet, and the EXECUTIVE OFFICE assist the President. The Vice President and the FIRST LADY also have large staffs that complement all the President's aides.

The Cabinet

The informal advisory body known as THE CABINET is not mentioned in the Constitution. The founders had discussed the idea of some form of national executive council, and George Washington appointed four Cabinet members (SECRETARY OF STATE, SECRETARY OF THE TREASURY, SECRETARY OF WAR, and the ATTORNEY GENERAL) shortly after his inauguration.

Elizabeth Dole was the first person to hold two cabinet positions. She was Secretary of Labor under Reagan, and Secretary of Transportation under Bush. By custom, each member of this advisory group heads a major department, so that their loyalties are almost always split. Cabinet members must provide good advice to the President. But, they also must promote the well-being of their departments, sometimes at the expense of other Cabinet departments. Cabinet members are appointed by the President and confirmed by the Senate. They may be dismissed at any time.

The size of the President's Cabinet has increased over the years as Presidents have recognized demands for services and governmental action. As the size of the Cabinet and their respective departments have grown, Presidents have come to rely more heavily on members of the Executive Office and the White House Staff.

THE U.S. CABINET

POSITION	YEAR CREATED
Secretary of State	1789
Secretary of the Treasury	1789
Secretary of War (Defense)	1789; 1947 (name changed in 1947)
Attorney General	1789
Secretary of the Interior	1849
Secretary of Agriculture	1862 (elevated to Cabinet in 1889)
Secretary of Commerce	1903
Secretary of Labor	1913
Secretary of Health and Human Services	1953
Secretary of Housing and Urban Development	1965
Secretary of Transportation	1966
Secretary of Energy	1977
Secretary of Education	1979
Secretary of Veterans' Affairs	1989
Secretary of Homeland Security	2002

The Executive Office

Franklin Roosevelt created the Executive Office of the President in 1939 to administer his New Deal programs. Today it consists of several advisory agencies that have worked closely with Presidents, particularly in recent years. The advisers in the Executive Office play key roles in advancing the President's agenda. Three of the most important agencies include the following:

The National Security Council advises the President on American military affairs and foreign policy. The NSC consists of the President, the Vice President, and the Secretaries of State and Defense. The President's National Security Adviser runs the staff of the NSC and also advises the President.

The Office of Management and Budget (OMB) is the largest office in the EOP, and it has the job of preparing the national budget that the President proposes to Congress every year.

The National Economic Council helps the President with economic planning. The council consists of three leading economists and is assisted by about 60 other economists, attorneys, and political scientists. The NEC is the President's major source of advice and information about the nation's economy.

The White House Office

White House Office staff members are not subject to Senate confirmation, nor do they have divided loyalties. They serve the President as an "inner circle" of most trusted advisers. Many have offices in the West Wing of the White House, and they often

compete for space as close as possible to the President's Oval Office. Their titles include Special Assistant, Counsel, Aide, and Press Secretary.

Staff members gather information, write reports, give advice, lobby lawmakers, and present the President's views to the media. The Chief of Staff is usually particularly influential as the director of all the operations of the White House Office.

The job of presiding over the nation's government requires many assistants and administrators. Some people have criticized recent Presidents for having such a large staff in the executive offices. Recent Presidents have tried to cut back, but they generally have found that this large, complex country would be difficult to run without them.

7c. Selection and Succession of the President

The founders feared the masses. Cautious about granting powers to the general voting public, they created a safety valve against popular will. The American people do not technically elect their President. Electors do.

Selection

According to the Constitution, the President serves a four-year term of office. The 22nd Amendment further requires that a President may not be elected more than twice, nor serve more than a total of ten years. The Constitution also created an electoral college to select the President.

Some of the founders wanted to select a President by popular vote, but others did not want to put that much power into the hands of the voters. Others believed that Congress should select the President, but then, what would happen to separation of powers and checks and balances? So they compromised and created a special body of electors to be selected by the states. The number of electors would be equal to the sum of a state's Senators and Representatives, so that large states would have more electors than the small ones.

Some people believe that the Electoral College system gives some states more than their fair share of votes. For example, California's population makes up 11% of the total U.S. population, but they receive 20% of the nation's electoral votes. This map shows the changes made to the Electoral College based on the 2000 census.

Today many people believe that the Electoral College is out of date and that Presidents should be chosen by direct election, just as members of Congress are selected. By convention, state electors vote for the candidate that the people select in the general election, but they are not necessarily bound to do so.

Electoral College

The Electoral College also adds one nettlesome wrinkle — it is possible for a President to win more of the popular vote and lose the election. For example, if the Republican candidate gets even one more vote than the Democrat, all the state's electoral votes go to the Republican. Therefore, if a candidate wins small states by large pluralities and loses large states by narrow margins, it is possible to gain more votes than an opponent and win fewer electoral votes. Four presidents — John Quincy Adams, Rutherford B. Hayes, Benjamin Harrison, and George W. Bush — have been elected in this fashion.

Succession

The Constitution originally said little about presidential succession. It only specified that powers and duties should "devolve on the Vice President." Numerous succession situations over the years have shaped the current policy, defined in the 25th Amendment, adopted in 1967.

25th Amendment

Section 1.

In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2.

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3.

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4.

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President. Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session.

If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

What happens when the presidency is vacated before an election? The Vice President becomes President, and then selects a Vice President that must be confirmed by both houses of Congress. What if something should happen to the President and Vice President at the same time? Then the Speaker of the House takes the presidency, and the President *pro tempore* of the Senate becomes Vice President. The line of succession then goes to the Cabinet members, in the order of their creation.

Order of Succession to the Presidency

1 — President of the United States
2 — Vice-President of the United States
3 — Speaker of the House of Representatives
4 — President of the Senate Pro Tempore (becomes VP when Speaker becomes President) (Cabinet Secretaries in Order of Post's Creation — see Unit 7)
5 — Secretary of State
6 — Secretary of the Treasury
7 — Secretary of Defense
8 — Attorney General
9, etc. — Remaining Cabinet Secretaries

The Vice President

What does the Vice President do? The only given constitutional duty is to preside over the Senate, a job with virtually no power since the Vice President can only vote in the event of a tie. Indeed, the nation's first Vice President, John Adams, called the post "the most insignificant office that ever the invention of man contrived."

The President, then, has almost total control over what the Vice President does. If he chooses to give him many responsibilities, The Vice President can have a significant amount of power if the President is willing to delegate it.

In recent years Presidents have given their Vice Presidents more and more to do. They have headed commissions and organized major projects. The Vice President often makes goodwill missions and attends ceremonies and celebrations. If the President regularly asks for advice, then the Vice President has some real, though indirect, power.

This dependency on the President has made it very difficult for a Vice President to successfully run for President. Only twice in American history has a seated Vice President been elected to the presidency. In 1837, Vice President Martin Van Buren succeeded Andrew Jackson, and in 1989, Vice President George Bush succeeded Ronald Reagan. In neither case, did they win reelection.

7d. The President's Job

Just what exactly does the President do all day? The evolving power and enlarging scope of responsibilities have made the modern presidency a very big job. Some even say that it is impossible for one person to handle it all.

Presidents as Crisis Managers

The Constitutional power as "Commander in Chief" has evolved into the very important modern role of "crisis manager." In the 20th century, as the United States gained world leadership powers, the President has become a key player in international crises. In the case of war — such as the Korean War, the Vietnam War, and the Persian Gulf War — or less famous regional conflicts — such as those in Kosovo, Somalia, or Haiti — the President must go into "emergency mode" and concentrate on the immediate problem. Domestically, crises may occur — such as urban riots, hurricanes, or forest fires — that require the President to schedule time to coordinate government responses to the situation.

Presidents as Symbols and Administrators

More than anyone else, the President symbolizes the country — its people and its beliefs. In this role, a President performs many ceremonial duties, such as receiving foreign dignitaries, throwing the first baseball of the season, and walking on red carpets while waving to crowds. These actions are not trivial. Strong Presidents must exude confidence, not just in themselves, but in the American people as well. The best ones have had an intangible charisma that engendered public confidence.

As leader of the executive branch, the President is primarily responsible for seeing that the work of government is done. A famous sign sat on President Harry Truman's desk, "The buck stops here." The responsibility to administer and execute the laws of the land squarely rests on the President's shoulders.

The president must therefore recruit and appoint many people to top government jobs. Cabinet members, many sub-Cabinet positions, federal judges including Supreme Court Justices, ambassadors, top military leaders, and heads of independent government agencies are all appointments filled by the President. Even though nominees are subject to consent by the Senate, the fact that Presidents control more than 4,000 appointments to government service makes this responsibility an important one.

Presidents as Agenda Setters

Presidents have considerable power in setting the agenda of lawmakers, especially in the field of foreign affairs. Ronald Reagan's strong stance against communism defined U.S. foreign policy in the final years of the Cold War.

Setting a political agenda has been a role that has grown in recent years. The founders clearly intended that Congress take the lead in setting priorities and determining policies. Today, Presidents have plans for Social Security, welfare programs, taxes, inflation, and public education. In foreign policy, they often act first, and then consult Congress. Virtually all recent Presidents regularly recommend legislation to Congress.

Strong Presidents have used the State of the Union address, given yearly at the start of each congressional session, to set an agenda. Modern Presidents now use the media to bring attention to their proposals and to place pressure on legislators. A President may threaten a veto before the bill gets to the Oval Office. This action lets legislators know the President's agenda and pressures them to rethink bills that they know will be vetoed. Can any one person hope to be able to successfully hold the President's job? The great author John Steinbeck commented, "We give the President more work than a man can do, more responsibility than a man should take, more pressure than a man can bear." Yet, recent Presidents somehow have managed to endure — although the job has exacted a tremendous toll on each of them.

7e. Presidential Character

Harry S Truman — man of the people. John F. Kennedy — bold, articulate leader with a great deal of charisma. Richard Nixon — introspective President with a deep knowledge of and interest in foreign policy. Each person who has held the office of President has brought to it a unique style. Each style reflects a President's character.

President Bill Clinton was investigated by Independent Counsel Kenneth Starr for his relationship with former White House intern Monica Lewinsky. The nature of the relationship, in addition to the President's evasion during the investigation, brought the issue of presidential character to the forefront of public discourse.

Barber's Research

James Barber published a well-known study of presidential character in which he studied personalities in order to predict presidential performance. Barber believes that Presidents can be categorized as having "positive" or "negative" attitudes, and as being "active" or "passive." His findings indicate that "positive active" Presidents are more successful than passive/negative ones. For example, Theodore and Franklin Roosevelt had positive active personalities. According to Barber, their personalities cause them to approach the presidency with enthusiasm and a drive to lead and succeed.

This research is controversial, but it is based on the assumption that presidential character and personality are extremely important in determining how successful a President is in office.

The American public was charmed by John F. Kennedy. The image of a Naval war hero and devoted family man played well in the Cold War era.

Rating the Presidents

Most Americans have their own ideas about which Presidents deserve to be called great, and which ones were failures. Historians even get into the ratings game, with Harvard professor Arthur M. Schlesinger starting the modern game with his invitation to 55 prominent historians to rate the Presidents. Although the lists have varied over the years, some Presidents consistently rate at the top. Abraham Lincoln, George Washington, and Franklin Roosevelt have locked up the top three spots in nearly every ranking survey. Others with high scores are Thomas Jefferson, Andrew Jackson, Theodore Roosevelt, Woodrow Wilson, and Harry Truman. Usually near the bottom are James Buchanan, Ulysses Grant, and Warren Harding. Historians are reluctant to rank modern Presidents, because not enough time has passed to assess their legacies.

Some common leadership qualities that good Presidents appear to have are the following:

- A strong vision for the country's future
- An ability to put their own times in the perspective of history
- Effective communication skills
- The courage to make unpopular decisions
- Crisis management skills
- Character and integrity
- Wise appointments
- An ability to work with Congress

All Americans have different ideas about the importance that character plays in the job performance of the President. Considering all of the hats that a President must wear, perhaps the symbolic role that the President plays is most affected by character. Presidents must somehow symbolize what American citizens believe to be the essence of their country. They must represent what is valued now and in the past. But even more importantly, they embody the direction of America's future.

Lesson 10:

Part 1: Online Textbook Chapter 9, Sections a-e

9. The Judicial Branch

"See you in court!"

"You can't do that. I know my rights!"

"I'm going to take this all the way to the Supreme Court!"

These cliché sentences reflect a core American belief: citizens of the United States can seek redress through the judicial system.

But how do courts protect citizen rights?

How does a case even get to the Supreme Court? How are basic rights preserved? Where do citizens go when freedoms, rights, or equality is threatened? Does justice prevail?

Throughout history, the American people have gone to the courts, seeking justice. The court system, then, is a cornerstone of democracy in the United States.

Justice Is Blind

The Constitution of the United States establishes the judicial branch and defines many of the rights the judiciary protects.

Congress passes laws, and the president and the executive branch make recommendations and set policy. According to American ideals, judges often make impartial and wise decisions that elected officials find difficult to make.

Members of Congress, state governors, and the president must always worry about elections and popular opinion. As a result, they may lose sight of the need to preserve American values, and they sometimes set hasty or unjust policies.

Under the guidance of constitutional principles, the courts serve as watchdogs for the other branches of government. Without the justice system, democracy might easily veer off course.

Is Justice Blind?

Does the American justice system always work?

In 1966, Rubin "Hurricane" Carter was convicted of a triple murder he did not commit. He spent almost 20 years in prison, losing his family ties and a promising career in boxing.

But in reality, does the American justice system uphold these ideals? There are plenty of stories about innocent people held in prison and even prisoners executed for crimes they did not commit. Judicial critics abound. Some protest that the wealthy or the well-connected receive preferential treatment in courts.

Other critics of the judicial system cite statistics they believe to be evidence of racial and social discrimination. For example, a disproportionate number of prisoners are young, African American, and male.

Legal defense lawyers for the poor are sometimes criticized for being incompetent or apathetic. Cases in both federal and state courts are often backed up for years, making a mockery of "the right to a speedy public trial" as guaranteed by Amendment VI of the Bill of Rights.

Congress and the president are often at loggerheads over appointments of federal judges. Because the Republicans don't like a Democratic president's nominees (and vice versa), judgeships stay vacant for months, sometimes years.

Judge for Yourself

Yet despite all these criticisms, courts remain powerful protectors of freedoms. Freedom of speech has been protected, whether the speaker has been a critic of unjust government policy or a burner of the American flag.

Segregation of public facilities ended partly because brave people took their cases to court. Freedom of religion interpretations have banned involuntary school prayer, preserving the separation of church and state, while stirring up criticisms that the Judeo-Christian heritage on which the nation was founded is slowly being eroded.

Although the wheels of justice often grind slowly, judges' decisions are usually the final word in interpreting basic constitutional principles. Almost from its beginning, the American judicial system has played a major role in defining and preserving freedom, equality, and justice.

Don't believe it? Read on and judge for yourself.

9a. The Creation of the Federal Courts

John Marshall was chief justice of the United States from 1801 to 1835. His decisions defined constitutional law and judicial precedent.

"An act of the legislature repugnant to the Constitution is void — it is emphatically the province of the judicial department to say what the law is." -John Marshall, *Marbury v. Madison* (1803)

The Constitution painstakingly defines the structure and functions of the legislative (Congressional) branch of the government. It clearly (although less thoroughly) addresses the responsibilities and powers of the president. But, it treats the judicial branch almost as an afterthought. Article III specifically creates only one court (the Supreme Court), allows judges to serve for life and to receive compensation, broadly outlines original and appellate jurisdiction, and outlines the trial procedure for and limitations of congressional power against those accused of treason. That's all.

Marshall Marshals the Court

William Marbury's lawsuit gave Marshall the opportunity to institute the power of judicial review.

The framers of the Constitution were clearly more interested in their experiment with legislative government than in the creation of a judicial system. Had it not been for John Marshall, the third chief justice of the Supreme Court, the judicial branch might well have developed into a weak, ineffective check on the legislature and the presidency. But Marshall changed everything by interpreting a power "implied" by Article III. Judicial review, or the power of the courts to overturn a law, was the vehicle he used to create the most powerful judicial branch in the history of the world.

Article III of the Constitution

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Office during good Behaviour, and shall at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

-As secretary of state, James Madison refused to deliver the commissions of a number of "midnight judges," judges who had been appointed by John Adams in the last days of his term.

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority, — to all Cases affecting Ambassadors, other public Ministers and Consuls; — to all Cases of admiralty and maritime Jurisdiction, — to Controversies to which the United States shall be a Party; — to Controversies between two or more States, — [between a State and Citizens of another State;](1) between Citizens of different States, — between Citizens of the same State claiming Lands under Grants of different States, [and between a State or the Citizens thereof, and foreign States, Citizens or Subjects.] (2)

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment; shall be by Jury, and such Trial shall be held in the State where the said Crimes shall have been committed but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court. The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

(1&2) Changed by the Eleventh Amendment.

Marbury v. Madison (1803)

The power of judicial review may be traced to the famous 1803 court case of *Marbury v. Madison*. The election of 1800 gave that the presidency to an opposing political party for the first time. Fearing that the newly elected Thomas Jefferson, a Democratic Republican, would undo his policies, Federalist president John Adams, sought to "pack" the courts with Federalist judges. He worked feverishly on the judicial appointments until the very end of his presidency. When he left office, several of the orders were left on the secretary of state's desk, waiting to be delivered.

The new secretary of state, James Madison, saw what Adams was up to, and refused to carry out the commissions. William Marbury, a Federalist whose commission was not delivered, sued Madison and demanded that the Supreme Court force Madison to act. Marbury's demand was based on the writ of mandamus, a power given to the Court by the Judiciary Act of 1789 to command actions by officials of the executive branch.

Chief Justice Marshall faced a huge dilemma. What if he commanded Madison to deliver the commissions and the secretary of state ignored his command? What could Marshall do to enforce the decision? The Court had no army, nor any other means to back up the command. If Marshall did nothing, the quarrel could spill over to Congress and tear the new country apart before it even got off the ground.

The Writ Stuff

More Information ...

A writ is a written court order requiring a party to perform or cease to perform a given act. Marshall's decision was to declare the writ of mandamus unconstitutional, claiming that Congress had passed a law "repugnant to the Constitution." He declared that because Article III did not grant the judicial branch the power of the writ of mandamus, and so the Supreme Court was unable to order Madison to act. Of course, Jefferson and Madison were happy with the decision, and the crisis passed, with only a disgruntled prospective justice (Marbury) to protest.

The constitution is either a superior paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and, like other acts, is alterable when the legislature shall please to alter it....

Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and, consequently, the theory of every such government must be, that an act of the legislature, repugnant to the constitution, is void....

It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each other the courts must decide on the operation of each. So if a law be in opposition to the constitution: if both the law and the constitution apply to a particular case, so that the court must either decide that case conformably to the law, disregarding the constitution; or conformably to the constitution, disregarding the law: the court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty. John Marshall, *Marbury v. Madison* (1803)

The Supreme Court Gets the Final Word

No one seemed to understand the grand implications of what Marshall had done: he had created the power of judicial review. This established the precedent that only the federal courts could interpret the Constitution. This power has given federal judges the final word in settling virtually every major issue that has challenged the government in American history.

Today, the judicial branch not only provides strong checks and balances to the executive and legislative branches; it possesses a tremendous amount of policy-making power in its own right. This power rests more on the precedent (a principle that later justices followed) of judicial review set by Marshall in 1803 than on the provisions of the Constitution.

9b. The Structure of the Federal Courts

The judicial Power of the United States shall be vested in one Supreme Court and in such inferior Courts as the Congress may from time to time ordain and establish. -Article III, Section 1, The Constitution of the United States

Notice that, according to the Constitution, *Congress* creates courts. By implication, Congress also has the power to reorganize and even dismantle the court system. This clause provides one of many examples of the checks and balances in the Constitution, but it also reveals the Founders' intent to grant greater powers to the legislative branch than to the judicial.

The fact that most of the basic court structure has changed little since it was created by the Judiciary Act of 1789 is an indication that Congress does not readily use this power. The relative independence of the court system, as well as the evolutionary power of the judicial branch, has been generally respected by members of subsequent Congresses.

Constitutional Courts

Courts established by the Judiciary Act of 1789 are called constitutional courts because they are mentioned in Article III (they are the "inferior courts" in the quote above). Judges who preside over these courts are nominated by the president, confirmed by the Senate, and serve lifetime terms as long as they exhibit "good behavior." Over the years, Congress has created other courts to handle cases for special purposes.

Legislative Courts

Those latter courts are referred to as "legislative courts." For example, by the early 20th century, Congress had set up the U.S. territorial courts to hear federal cases in the territories that the United States began acquiring during the late 1800s. Judges for legislative courts are also appointed by the president and confirmed by the Senate, but they serve fixed, limited terms.

The Judicial Circuits

The federal court system is divided into 12 geographic circuits. For example, Circuit One includes the New England states of Maine, New Hampshire, and Massachusetts. Circuit Nine includes seven states in the far western part of the country. Originally, each state in each circuit was to have one district court, where all federal cases from the state originated.

Over time, as the population grew, additional district courts were added. Today, a total of 94 district courts exist; they are staffed by more than 600 judges. Some circuits have more than others, based on population, but each circuit still has only one court of appeals. Cases not settled in the courts of appeal may be appealed further, but only to the Supreme Court.

District Courts and Courts of Appeals

Most cases that deal with federal questions or offenses begin in district courts, which are almost always granted original jurisdiction. District courts hear appeals cases only in the rare case of a constitutional question that may arise in state courts. About 80 percent of all federal cases are heard in district courts, and most of them end there. The number of judges assigned to district courts varies from two to twenty-eight, depending on caseloads and population.

Courts of Appeal

By the late 19th century, so many people were appealing their cases to the Supreme Court that Congress created another type of constitutional court, the courts of appeals. Today, along with 12 courts of appeals (one for each circuit), a thirteenth court, the Court of Appeals for the Federal Circuit, hears cases that deal with patents, contracts, and financial claims against the federal government.

The Ninth Circuit Court of Appeals, located in San Francisco, is noted not only for its legal importance but its ornate architecture.

Courts of appeals never hear cases on original jurisdiction, and most appeals come from district courts within their circuits. They do sometimes hear cases from decisions of federal regulatory agencies as well. Appeals courts have no juries, and panels of judges (usually three) decide the cases. Their decisions are almost always final. Their decisions may be appealed only to the Supreme Court, and because the Court is able to hear only a very small percentage of them, almost no cases go further than the appeals courts. Thus, even though the Founders surely intended that Congress hold a great deal of power over the judicial branch, in reality the basic organization of federal courts has remained basically the same throughout U.S. history. Congress has created new courts and reorganized others, and the system has grown increasingly complex. The courts have a great deal of independence, however, and they have established the judicial branch as a strong coequal to Congress and the president.

9c. The Supreme Court: What Does It Do?

Chief Justice William Rehnquist and the eight associate justices have been appointed to the Supreme Court for life. They will remain on the Court until they retire, resign, are impeached, or die.

The justices are somehow different from other well-known figures in government. They dress in long black robes. They almost never appear on magazine covers, and they seem to stay on the court forever. They announce their decisions periodically, then disappear into their "Marble Palace."

In anger, President Franklin Roosevelt once called them "nine old men." What connections do they have to real-world government and politics, and what work do they do? The power of the Court is reflected in the work it does, and its decisions often shape policy as profoundly as any law passed by Congress or any action taken by the president.

The Power of Choice

The Supreme Court chose to hear the case *United States v. the Claimants of the Amistad* (1841) because of its implications to the United States's foreign relations. The case was documented in Steven Spielberg's 1997 movie, *Amistad*.

The Court receives about 7,000 petitions every year. It has almost complete control over which cases it will hear. The justices choose about 90 percent of their 100 to 120 cases by writ of certiorari, an order to send up a case record from a lower court. Typically, the justices discuss any cases one of them has recommended from earlier readings. The Rule of Four governs their choices: if four justices vote to hear a case, all nine agree to it. How do they choose their cases? Generally, the Court considers only cases that have far-reaching implications beyond the two parties involved in the dispute. For example, a case in which a student sues an assistant principal for searching a locker may shape the privacy rights of all students in public schools. The court also tends to hear cases in which two lower courts have reached conflicting decisions. And it tends to look closely at lower court decisions that contradict earlier Supreme Court decisions.

Hearing and Deciding a Case

Hearings begin in October every year, and the last cases are usually heard in June. The justices receive briefs, or summaries of arguments, from the lawyers ahead of time. Often they receive *amici curiae*, or briefs prepared by interest groups or government agencies that support one side or the other. The hearings are open to the public and are strictly timed. Each side has 30 minutes to present its case, and the justices typically ask questions and even debate one another during the allotted time.

After the public hearing the justices meet together privately to discuss the case. They share their opinions, debate the issues, and eventually come to a conclusion. Each justice takes a side individually, and because there are nine justices (an uneven number), one side always wins.

Announcing and Implementing a Decision

When the Court announces a decision, the individual justice's opinions are revealed. A unanimous decision (9-0) indicates that the justices were in total agreement. This vote is rare because the cases that have been chosen are the tough ones. Decisions are usually split 6-3, 7-2, or 5-4.

Along with the decisions, the justices release explanations for each side. A majority opinion is prepared (usually by the senior justice on that side), and the justices whose point of view did not prevail release a dissenting opinion. A justice who agrees with the majority decision but reaches the same conclusion for different reasons sometimes presents a concurring opinion.

The Supreme Court comprises one chief justice, and a number of associate justices that is determined by Congress. Today, there are a total of nine justices.

The power of the Court to implement its decisions is limited. For example, in the famous 1954 case *Brown v. Board of Education of Topeka*, the justices ruled that racial segregation (separate but equal) in public places is unconstitutional. But, it took many years for school districts to desegregate.

The Court has no means (such as an army) to force implementation. Instead, it must count on the executive and legislative branches to back its decisions. In the Civil Rights Movement, the Court led the way, but the other branches had to follow before real change could take place.

Despite the Supreme Court's limitations in implementing decisions, the justices often set policies that lead to real social change. So even though justices don't do a great deal of their work in public, and most Americans don't have a good sense of what they do, their decisions are very important. The Supreme Court has real power in the American political system.

9d. How Judges and Justices Are Chosen

The Senate Judiciary Committee reviews the president's nominees to the federal bench before they are confirmed on the Senate floor.

Legendary Justice Oliver Wendell Holmes once said that a Supreme Court Justice should be a "combination of Justinian, Jesus Christ, and John Marshall."

Why are venerable former justices sources of guidance in understanding necessary qualities for federal judges?

The Constitution is silent on judicial qualifications. It meticulously outlines qualifications for the House of Representatives, the Senate, and the presidency, but it does not give any advice for judicial appointments other than stating that justices should exhibit "good behavior." As a result, selections are governed primarily by tradition.

The Nomination Process

The Constitution provides broad parameters for the judicial nomination process. It gives the responsibility for nominating federal judges and justices to the president. It also requires nominations to be confirmed by the Senate.

First, look at the numbers. More than 600 judges sit on district courts, almost 200 judges sit on courts of appeals, and 9 justices make up the Supreme Court. Because all federal judges have life terms, no single president will make all of these appointments.

But many vacancies do occur during a president's term of office. Appointing judges, then, could be a full-time job. A president relies on many sources to recommend appropriate nominees for judicial posts.

Recommendations often come from the Department of Justice, the Federal Bureau of Investigation, members of Congress, sitting judges and justices, and the American Bar Association. Some judicial hopefuls even nominate themselves.

A special, very powerful tradition for recommending district judges is called senatorial courtesy. According to this practice, the senators from the state in which the vacancy occurs actually make the decision. A senator of the same political party as the President sends a nomination to the president, who almost always follows the recommendation. To ignore it would be a great affront to the senator, as well as an invitation for conflict between the president and the Senate.

Selection Criteria

Presidents must consider many factors in making their choices for federal judgeships:

Experience — Most nominees have had substantial judicial or governmental experience, either on the state or federal level. Many have law degrees or some other form of higher education.

Political ideology — Presidents usually appoint judges who seem to have a similar political ideology to their own. In other words, a president with a liberal ideology will usually appoint liberals to the courts. Likewise, conservative presidents tend to appoint conservatives.

Party and personal loyalties — A remarkably high percentage of a president's appointees belong to the president's political party. Although political favoritism is less common today than it was a few decades ago, presidents still appoint friends and loyal supporters to federal judgeships.

Ethnicity and gender — Until relatively recently, almost all federal judges were white males. Today, however, ethnicity and gender are important criteria for appointing judges. In 1967, Lyndon Johnson appointed the first African American Supreme Court justice, Thurgood Marshall. In 1981, Ronald Reagan appointed the first woman to the Supreme Court, Sandra Day O'Connor. All recent presidents have appointed African Americans, Latinos, members of other ethnic minority groups, and women to district courts and courts of appeal.

Because federal judges and Supreme Court justices serve for life, a president's nomination decisions are in many ways his or her most important legacy. Many of these appointments will serve long after a president's term of office ends. Whether or not the results are a "combination of Justinian, Jesus Christ, and John Marshall," these choices can have an impact on generations to come.

9e. The Power of the Federal Courts

Not everyone agrees on how much power the judicial branch should have. After all, federal judges and justices are appointed, not elected. As most Americans believe in democracy, shouldn't elected officials run the country?

On the other hand, perhaps American government would be fairer if judges had even more power. Because they do not have to worry about reelection, they are relieved of the outside pressure of public opinion.

After all, the majority is not always right. It is no accident that the Founders provided for elected officials in the legislature and appointed officials in the judiciary. They believed that freedom, equality, and justice are best achieved by a balance between the two branches of government.

Checks on Judicial Power

The president and Congress have some control of the judiciary with their power to appoint and confirm appointments of judges and justices. Congress also may impeach judges (only seven have actually been removed from office), alter the organization of the federal court system, and amend the Constitution.

Congress can also get around a court ruling by passing a slightly different law than one previously declared unconstitutional.

Courts also have limited power to implement the decisions that they make. For example, if the president or another member of the executive branch chooses to ignore a ruling, there is very little that the federal courts can do about it.

For example, the Supreme Court ruled against the removal of the Cherokee from their native lands in 1831. President Andrew Jackson disagreed. He proceeded with the removal of the Cherokee, and the Supreme Court was powerless to enforce its decision.

Although the Supreme Court ruled in favor of the Cherokee, its decision was not enforced. Nearly 4,000 Cherokee died on the Trail of Tears as a result of the Indian removals.

The Power of the Courts

The federal courts' most important power is that of judicial review, the authority to interpret the Constitution. When federal judges rule that laws or government actions violate the spirit of the Constitution, they profoundly shape public policy. For example, federal judges have declared over 100 federal laws unconstitutional.

Another measure of the Supreme Court's power is its ability to overrule itself. In 1954, the Supreme Court ruled in *Brown v. Board of Education of Topeka* that schools segregated by race were unconstitutional. This reversed the 1896 *Plessy v. Ferguson* decision that upheld the doctrine of "separate but equal."

For the most part, though, federal courts do have a great deal of respect for previous decisions. A very strong precedent called *stare decisis* ("let the decision stand") directs judges to be cautious about overturning decisions made by past courts.

An act of the legislature repugnant to the Constitution is void.... It is emphatically the province of the judicial department to say what the law is. John Marshall, *Marbury v. Madison* (1803)

Words which, ordinarily and in many places, would be within the freedom of speech protected by the First Amendment, may become subject to prohibition when of such a nature and used in such circumstances as to create a clear and present danger that they will bring about the substantive evils which Congress has a right to prevent. The character of every act depends upon the circumstances in which it is done. Oliver Wendell Holmes, *Schenck v. the United States* (1919)

The judgments below, except that, in the Delaware case, are accordingly reversed, and the cases are remanded to the District Courts to take such proceedings and enter such orders and decrees consistent with this opinion as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties to these cases. Earl Warren, *Brown v. Board of Education of Topeka* (1955)

I shall not today attempt further to define the kinds of material [pornography] ...[B]ut I know it when I see it. Potter Stewart, *Jacobellis v. Ohio* (1964)

Charles Evans Hughes was first appointed to the Supreme Court in 1910, but left the Court to run for president in 1916. He was reappointed to the Supreme Court as Chief Justice in 1930.

Judicial Activism versus Judicial Restraint

Should judges apply the Constitution as it was written, or should they interpret it in the context of modern-day problems?

- As it was written
- Adapt to modern problems

The lack of agreement regarding the policy making power of courts is reflected in the debate over judicial activism versus judicial restraint. Judicial activists believe that the federal courts must correct injustices that are perpetuated or ignored by the other branches.

For example, minority rights have often been ignored partly because majorities impose their will on legislators. Prayers in public schools support the beliefs of the majority but ignore the rights of the minority. The Constitution is often loosely interpreted to meet the issues of the present. In the words of former Justice Charles Evans Hughes, "We are under a Constitution, but the Constitution is what the judges say it is."

Supporters of judicial restraint point out that appointed judges are immune to public opinion, and if they abandon their role as careful and cautious interpreters of the Constitution, they become unelected legislators. According to Justice Antonin Scalia, "The Constitution is not an empty bottle....It is like a statute, and the meaning doesn't change."

Despite the debate over what constitutes the appropriate amount of judicial power, the United States federal courts remain the most powerful judicial system in world history. Their power is enhanced by life terms for judges and justices, and they play a major role in promoting the core American values of freedom, equality, and justice.

Lesson 11:

Part 1: Online Textbook Chapter 2, Section d

2d. The Bill of Rights

By working to get the Bill of Rights passed, James Madison continued his support of Jefferson's policies. Jefferson supported the Constitution under the condition that basic human rights would be protected through a series of amendments.

Understandably, any people that fought a revolution over "**TAXATION WITHOUT REPRESENTATION**" would be cautious about the new Constitution created in 1787. For example, famous Virginian Patrick Henry refused to attend the Convention because he "smelt a rat."

States cherished their new freedom from British control, and ratification of the Constitution by state legislatures was by no means certain. All thirteen states finally ratified by 1790, but only with the addition of ten amendments, known as the Bill of Rights, that guaranteed citizens' rights and freedoms.

The Debate over Ratification

The debate polarized the new nation. Those who supported the Constitution became known as **FEDERALISTS** and those who opposed its ratification were called **ANTIFEDERALISTS**. The federalists supported a strong national government to preserve order. The antifederalists favored strong state governments and believed that the national government created by the Constitution was too strong.

	federalists	antifederalists
Political Beliefs	Believed the Union would fail without a strong central government	Wanted strong state governments (closer to the people)
Who Should Rule	Thought that elites were most fit to govern	Believed that ordinary people should have great input into government
Trusting the People	Distrusted rule by the people	Distrusted elites; thought they were corrupt
Who were they?	Property owners, landed wealthy, well-to-do	Small farmers, shopkeepers, laborers, merchants

In many ways the argument was the same old debate about the proper balance between order and liberty. Alexander Hamilton, James Madison, and **JOHN JAY** wrote compelling arguments in favor of ratification in a series of essays known as the **FEDERALIST PAPERS**. There were probably more antifederalists in America, but the federalists were better organized, controlled more newspapers, and were in greater positions of power. The two sides finally reached an acceptable compromise when they agreed to add some amendments to the Constitution that protected individual liberties and rights.

The Bill of Rights

In 1789 Virginian James Madison submitted twelve amendments to Congress. His intention was to answer the criticisms of the antifederalists. The states ratified all but two of them — one to authorize the enlargement of the House of Representatives and one to prevent members of the House from raising their own salaries until after an election had taken place. The remaining ten amendments, known as the **BILL OF RIGHTS**, were ratified in 1791.

They put limits on the national government's right to control specific civil liberties and rights, many of which were already protected by some of the state constitutions. Liberties protected included freedom of speech, press, religion, and assembly (**FIRST AMENDMENT**). The Bill of Rights also provided safeguards for those accused of crimes. Two amendments — the right to bear arms (**SECOND AMENDMENT**) and the right to refuse to have soldiers quartered in your home (**THIRD AMENDMENT**) — were clearly reactions to British rule. The antifederalists were pleased by the addition of the Tenth Amendment, which declared that all powers not expressly granted to Congress were reserved to the states.

Over the years the Bill of Rights has become an important core of American values. The compromise that created the Bill of Rights also defined what Americans would come to cherish above almost all else. Together with the Declaration of Independence and the Constitution, the Bill of Rights helps to define the American political system and the government's relationship to its citizens.

Lesson 12:

Part 1: Online Textbook Chapter 10, Section d

10d. Citizenship Rights

The INS is charged with handling all immigration cases and issues within the United States, including the Border Patrol. It is a branch of the Department of Justice.

All countries have rules that determine who is a citizen, and what rights and responsibilities come with citizenship. In the United States, the 14th Amendment gives constitutional protection of the basic rights of citizenship: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside." So citizenship is conferred on the basis of place of birth and the process of naturalization.

Native-born Citizens

Any individual born within the boundaries of the United States or its territories is eligible for citizenship. If a foreign woman travels to the United States and gives birth to the child before leaving, the child is an American citizen, but the mother is not. Also, children born to American citizens abroad are also native-born citizens. The Constitution affords but one advantage to native-born citizens over those who are naturalized — the right to run for President of the United States. People may have dual citizenship — being citizens of two countries — if they are born to parents living outside the United States, or if they born in the United States to foreign citizens.

Citizenship by Naturalization

The American Immigration Law Foundation fights for immigrants' rights in the United States and advocates continued immigration as healthy for the society and economy.

Naturalization is the conferring of citizenship to an alien — a non-citizen living in the United States. An applicant for citizenship must be at least 18 years old, must be able to read, write, and speak English, and must have lived in the United States for five continuous years, or three years of he or she is married to a citizen. An alien must file a petition requesting citizenship. The Immigration and Naturalization Service then holds a hearing in which the applicant is asked about his or her background and character. The applicant must also answer questions about American government and history. If the application is successful, the individual attends a final hearing to swear an oath of allegiance to the laws and Constitution of the United States.

Loss of Citizenship

Americans may lose their citizenship in three ways:

- Expatriation, or giving up one's citizenship by leaving the United States to live in and becoming a citizen of another country
- Punishment for a federal crime, such as treason
- Fraud in the naturalization process

Admission to the United States

The United States has long been known as a haven for immigrants — a place people come to seek a better life. However, some Americans believed and still believe that too many people are crowding the United States and that immigrants will dilute American traditions and values. Throughout American history, debates have flared among those wishing to open the borders and those wishing to close them.

Congress has the power to regulate immigration by setting restrictions on who may be admitted to live in the United States. Until the late 19th century, no limitations were in place. The first immigration limitation acts were passed in the late 1800s, and eventually quotas — or limits — were placed on how many people could come from each country. During the 1960s quotas from individual countries were eliminated, but Congress does set a ceiling — currently 675,000 — on the number who are allowed to enter the United States each year.

The Rights of Aliens

The wording of the Constitution allows aliens to have many constitutional rights. The founders referred most often to "persons" rather than "citizens," and so the Supreme Court has allowed aliens the following rights:

- Property ownership
- Business ownership
- Enrollment in public schools
- First Amendment freedoms
- Due process rights

With these rights come responsibilities, so aliens must pay taxes. They are not allowed to vote, they can not hold public office, and, unlike citizens, they may be deported from the United States. A very controversial provision of the 1996 Immigration Act denied and permitted states to deny most welfare benefits to illegal aliens, with the exceptions of emergency medical care, disaster relief, and some nutrition programs.

All United States citizens are protected by the Bill of Rights and the Constitution, as well as by the state and national laws. Even though laws govern overall immigration and residents from other countries must go through the naturalization process in order to become citizens, many rights extend to aliens as well.

Lesson 13:

Part 1: Online Textbook Chapter 11, Page One

11. Policy Making: Political Interactions

Congress, the President, the Cabinet, advisers, agency bureaucrats, federal and state courts, political parties, interest groups, the media...All of these groups interact to make political decisions in the United States.

Public policy is a goal-oriented course of action that the government follows in dealing with a problem or issue in the country. Public policies are based on law, but many people other than legislators set them. Individuals, groups, and even government agencies that do not comply with policies can be penalized. This complicated process goes through a predictable series of steps:

The power to formulate and implement policy is often divided between several entities. Defense policy is a good example. After the attack on Pearl Harbor, President Franklin Roosevelt addressed a joint session of Congress to ask the body to declare war against Japan.

1. Recognizing the problem. At any given time, many conditions disturb or distress people, such as unsafe workplaces, natural disasters like tornadoes and earthquakes, crime, pollution, or the cost of medical care. But all disturbing conditions do not automatically become problems. People have to recognize that government can and should do something about them. For example, most citizens probably do not expect government to prevent hurricanes. However, they may expect government to help hurricane victims through quick relief actions.

2. Agenda setting. An agenda is a set of problems that government wants to solve. Usually there are so many of them that they must be prioritized, with some problems getting earlier and more attention than others. Agenda setting may respond to pressure from interest groups, political parties, the media, and other branches of government. Agendas usually are reshaped when a new president takes office or when the majority party in Congress changes after an election. A crisis such as war, depression, natural disasters, or a tragic accident, almost always re-prioritizes issues.

3. Formulating the policy. At this stage, usually several conflicting plans from various political interests take shape. Various players — the president and White House aides, agency officials, specially appointed task forces, interest groups, private research organizations, and legislators — may take part in formulating new policy.

Around the turn of the 20th century, muckrakers and concerned citizens brought to light the unethical practices rampant in the food and medicine industries and pressed the government to take action. The result was legislation such as the Pure Food and Drug Act of 1906, and eventually the creation of regulatory agencies like the Food and Drug Administration.

4. Adopting the policy. Once various plans are presented, one policy is accepted by the decision-makers. In many cases, a policy is adopted when Congress passes a law. Policy adoption may also take place when the president signs an executive order or when the Supreme Court rules on an important case. Policy is often built in a series of small steps passed over time by different players, and eventually, a complex policy emerges.

5. Implementing the policy. Most public policies are carried out by administrative agencies in the executive branch, although sometimes the courts get involved in implementing decisions they make. Agencies use many techniques to see that policy is carried out. Sometimes they punish people and organizations who do not comply with policy. For example, a state can take a driver's license away from a bad driver. Or the government may offer incentives, like tax breaks for contributing to the presidential election campaign. They even appeal to people's better instincts, such as using the slogan, "Only you can prevent forest fires."

6. Evaluating the policy. Policy makers often try to determine what a policy is actually accomplishing or whether or not it is being carried out efficiently. Often the evaluation process takes place over time with contributions from many of the interacting players. Most evaluations call for some degree of change and correction, and inevitably, at least some of the players will disagree. The whole process then begins again, starting with re-recognition of the problem.

Decision-making, then, is a continuous process with numerous people participating. At any given time, government is at various stages of policy-making in a never-ending quest to provide solutions to countless societal problems.

Part 2: Online Textbook Chapter 11, Sections a-b

11a. Foreign Policy: What Now?

The United States exercises its foreign policy through economic aid. For example, famine relief in North Korea provides not only humanitarian assistance but also a foothold for the development of democratic ideals and institutions.

George Washington's Farewell Address in 1789 contained one major piece of advice to the country regarding relations with other nations: "avoid entangling alliances." Those words shaped United States foreign policy for more than a century.

Today some Americans think that Washington's words are still wise ones, and that the United States should withdraw from world affairs whenever possible. In truth, however, the United States has been embroiled in world politics throughout the 20th century, and as a result, foreign policy takes up a great deal of government's time, energy, and money. If isolationism has become outdated, what kind of foreign policy does the United States follow? In the years after World War II, the United States was guided generally by containment — the policy of keeping communism from spreading beyond the countries already under its influence. The policy applied to a world divided by the Cold War, a struggle between the United States and the Soviet Union.

With the collapse of the Soviet Union in 1991, containment no longer made sense, so in the past ten years, the United States has been redefining its foreign policy. What are its responsibilities, if any, to the rest of the world, now that it has no incentive of luring them to the American "side" in the Cold War? Do the United States still need allies? What action should be taken, if any, when a "hot spot" erupts, causing misery to the people who live in the nations involved? The answers are not easy.

The economic side of containment: the Marshall Plan was devised to prevent communist takeover of European nations by pumping American aid into the ailing economies and infrastructures of Western Europe.

Foreign Policy Goals

To investigate the nature of current United States foreign policy, the logical source is the State Department, whose job it is to define and direct it. Foreign policy goals include the following:

- Preserving the national security of the United States
- Promoting world peace and a secure global environment
- Maintaining a balance of power among nations
- Working with allies to solve international problems
- Promoting democratic values and human rights
- Furthering cooperative foreign trade and global involvement in international trade organizations

Examining these goals closely reveals that they are based on cooperation with other nations, although "preserving the national security of the United States" implies possible competition and conflict.

Who Makes Foreign Policy?

Henry Kissinger served as National Security Adviser and Secretary of State under Presidents Nixon and Ford. He was a key figure in articulating U.S. foreign policy during the Cold War, and remains one of the foremost authorities on international relations and diplomacy.

As with all policy making, many people and organizations have a hand in setting United States foreign policy. The main objective of foreign policy is to use diplomacy — or talking, meeting, and making agreements — to solve international problems. They try to keep problems from developing into conflicts that require military settlements.

The President almost always has the primary responsibility for shaping foreign policy. Presidents, or their representatives, meet with leaders of other nations to try to resolve international problems peacefully. According to the Constitution, Presidents sign treaties with other nations with the "advice and consent" of the Senate. So the Senate, and to a lesser extent, the House of Representatives, also participate in shaping foreign policy. The Secretary of State and many other officials of the State Department play major roles in setting foreign policy. The Secretary of State is usually the President's principal foreign policy adviser, and he or she is the chief coordinator of all governmental actions that affect relations with other countries.

The Foreign Service consists of ambassadors and other official representatives to more than 160 countries. Ambassadors and their staffs set up embassies in the countries recognized by the United States and serve as an American presence abroad. The embassies are part of the State Department, and they protect Americans overseas and are responsible for harmonious relationships with other countries.

Presidents can play a prominent role in the formation of foreign policy by brokering negotiations between disputing parties.

The National Security Council, as part of the Executive Office of the President, helps the President deal with foreign, military, and economic policies that affect national security. It consists of the President, the Vice President, the Secretary of State, the Secretary of Defense, and others that the President designates. The National Security Adviser — who coordinates the Council — sometimes has as much influence as the Secretary of State, depending on his or her relationship with the President.

The Central Intelligence Agency (CIA), one of the best-known agencies that sets foreign policy, gathers, analyzes, and transmits information from other countries that might be important to the security of the nation. Although the CIA is notorious for its participation in "spy" work and "top secret" investigations, much of its work is public and routine. The CIA Director is appointed by the President and confirmed by the Senate.

United States foreign policy has changed dramatically from George Washington's day. Although Americans always pay attention to the advice of their revered founder, the world is of course not the same. The many people that shape American foreign policy today accept the fact that the United States is a member of a world community that cannot afford to ignore the importance of getting along.

11b. Defense Policy

The Pentagon, one of the largest office buildings in the world, houses the Department of Defense and the different branches of the armed forces. The United States used to have a War Department.

Until 1947 one of the President's cabinet-level positions was the Secretary of War, who headed the War Department. President Harry Truman renamed them the Secretary of Defense" and the Department of Defense, a telltale sign of changing times. The most destructive war of modern times — World War II — had ended only two years before, and nuclear weapons were introduced at its conclusion. The hope was that countries would "beat their swords into plowshares," according to the famous biblical statement that was to be engraved into a wall of the United Nations building in New York City. Still, a United States defense policy is necessary as a second level of protection in case diplomacy fails to solve international problems.

Who Makes Defense Policy?

UN economic sanctions have been in effect in Iraq since the end of the Gulf War. Iraqis regard then U.S. President George Bush as a criminal who has brought suffering to the innocent civilian population.

The President takes the lead in defense policy. This initiative is based on the constitutional powers as "Commander in Chief" of the armed forces. The Constitution grants Congress the power to declare war, a power with much less meaning in today's world. The last time that the United States officially declared war was December 8, 1941, the day after the Japanese attacked Pearl Harbor. Yet America has fought full-scale wars in Korea, Vietnam, and the Persian Gulf without actually declaring war.

Today the President is able to order covert — or secret — operations to avoid full-scale military involvement. If that option fails, the President, sometimes with the vote of Congress, can try coercion, or tactics that force countries to "behave." Examples are economic boycotts, breaking diplomatic relations, and restricting tourist and business travel between countries. The United States has applied all of these tactics to Cuba since Communist leader Fidel Castro took over in 1959. The President may also avoid congressional involvement in decision-making by endorsing limited military "interventions" without asking for a war declaration.

The Department of Defense is the President's main source of advice on military policy. Its headquarters is the Pentagon, which houses about 25,000 military and civilian personnel. True to the wishes of the founders, the Secretary of Defense — who heads the department — is always a civilian. However, all three military departments — the Army, the Navy, and the Air Force — are under the general supervision of the Secretary of Defense.

The Joint Chiefs of Staff is a five-member advisory body to the President, the National Security Council, and the Secretary of Defense. It includes the Chiefs of Staff of the three military departments and the commandant of the Marines. The President, with the consent of the Senate appoints all of the service chiefs, as well as the chair.

Threats to National Security

In a 1993 review of the mission and needs of the Defense Department, Secretary of Defense Les Aspin identified four major threats to U.S. national security:

- The rapid growth of weapons of mass destruction, such as nuclear bombs
- Regional conflicts in the Middle East, Korea, and elsewhere
- The emergence of anti-democratic forces in Russia
- The erosion of American economic strength

Courtesy of the United Nations

In addition to nuclear weapons, the threat of chemical or biological warfare is a central issue in the formulation of post-Cold War defense policy.

Even though the United States economy is considerably stronger than it was in 1993, all four threats remain important today. Since the Cold War ended in the early 1990s, Defense Department expenditures have come under closer scrutiny, with many people demanding that less be spent for defense programs. However, the Defense Department concluded that the United States needs sufficient military forces to conduct military operations against two "rogue nations" — such as Iraq, Iran, Libya, and North Korea — at the same time. The Department also sees a number of other states, such as China or India, as potential problem states.

Just as developing a coherent foreign policy is problematic in these post-Cold War days, so is the question of defending the country against possible danger from outside its borders. The avoidance of war, as indicated by the 1947 name change from "Department of War" to "Department of Defense" today holds the highest priority, and the hope that the United States can play a role in limiting violent upheavals around the world is reflected in both its foreign and military policies.

Part 3: Online Textbook Chapter 11, Section c

11c. Economic Policy

With the New Deal, President Franklin D. Roosevelt aimed to reverse the effects of the Great Depression through heavy government spending. The Works Progress Administration (WPA) was one of many federal agencies he created to generate jobs and stimulate the stagnant economy.

Does the government direct the economy, or does the economy direct itself?

Until the 20th century the country abided by the *laissez-faire* policy, which required a free market with little intervention from government. With the Great Depression came Keynesian economics, or the opposite belief that the government should manage the economy. Today, United States economic policy lies somewhere in between — government should regulate and sometimes manage, but should allow a free market whenever possible. Political and business leaders disagree on how much control is enough.

Monetary Policy

Monetary policy is the government's control of the money supply. The government can control how much or how little money is in circulation by the amount that they print and coin. If too much money is out there, it tends to cause inflation, or the devaluation of the dollar. Too little money causes deflation, which can lead to a recession. The powerful arm of government that controls the money supply is the Federal Reserve System, which is headed by the Federal Reserve Board. The most important way that the "Fed" controls the money supply is by adjusting interest rates — high rates discourage borrowing money, which causes less inflation. The "Fed" can lower interest rates to stimulate borrowing, which encourages consumer spending.

Taxation has long been a sensitive subject in American politics. In colonial times, tax collectors were often vilified and subjected to verbal and even physical abuse.

The Federal Reserve Board's seven members are appointed by the President and are approved by the Senate for 14-year, nonrenewable terms. The President may not remove them from office, so they function quite independently from any controls from the executive branch. The chair is elected by the Board for four years, and may be reelected. The Board heads the Federal Reserve System, which was created by Congress in 1913 to regulate the lending practices of banks. It consists of 12 regional banks, which in turn supervise a total of about 5,000 banks across the United States.

Fiscal Policy

Fiscal policy affects the economy by making changes in government's methods of raising money and spending it.

- **Raising money.** The most important way that the United States raises money is through taxation. About 40 percent of the government's total tax collections come from income taxes from individuals and businesses. Another 32% come from social insurance taxes, such as Social Security, Medicare, and unemployment compensation. Other sources of income are excise taxes on goods such as liquor, tobacco, and gasoline, estate and gift taxes, and tariffs. The government also may borrow money to finance its expenses. For example, it borrows money when it sells treasury bonds to citizens.

- Spending money. The government now spends more than \$1.5 trillion a year, as provided in the federal budget. Each year, the President submits a federal budget for approval by Congress for money to be spent starting in October of that year. More money is spent in three categories than in any others. The largest amount of money goes to entitlement programs, such as Social Security pensions for older Americans, unemployment insurance, Medicare, and federal retirement pensions. The second largest amount goes for national defense. Today about 16 percent of the total budget goes for defense, in contrast to 28 percent in 1987, when the Cold War was still on. The third largest amount — about 15 percent — pays interest on the national debt. Other expenditures are highway construction, education, housing, and foreign aid.

Fiscal policy also can affect the money supply and can be used to stimulate spending or curb inflation. Tax cuts tend to stimulate consumer spending by leaving more money in the hands of American citizens. Tax hikes could be used to slow inflation by removing money from the hands of consumers. The government can also curb inflation by cutting government expenditures.

Within these two broad categories — monetary and fiscal policies — lies a great deal of room for disagreement. Some argue that government should be more "hands off" than it is and that taxes should be reduced. Others believe that the government should more actively control the economy and that taxes should be used to pay down the national debt. Many disagree on the amount of control that government should have, but no one questions the importance of government's setting a strong, effective economic policy.

Part 4: Online Textbook Chapter 11, Section d

11d. Social and Regulatory Policy

Food stamps can mean the difference between getting by and going hungry. But the question of how to distribute them and other forms of welfare support has become a hotly contested issue. How much? For how long? And, most importantly, who is eligible?

Unalienable rights. Life, liberty, and the pursuit of happiness.

Does the right to pursue happiness include access to a free public education? Do all Americans have an unalienable right to health care under this happiness umbrella? Should the unemployed be assisted in their times of need?

Early American leaders did not interpret the "pursuit of happiness" this broadly. But 20th century Americans have continually expanded the notion of a pursuit of happiness to include these and an array of other social concerns. Consequently, much of the modern political agenda revolves around determining social policy.

Social Policy

Welfare currently has a bad name in American politics, often conjuring images of irresponsible recipients who take welfare payments from the government instead of working. Conservatives charged that continual government support for the unemployed provided a disincentive to find work and fostered a culture of dependency. Although most liberals opposed ending welfare payments outright, there was bipartisan agreement that reform was needed in the mid-1990s. The greatest myth about welfare is the amount the federal government actually spends on relief checks. Throughout the 1990s, payments of this nature typically comprised about 3 to 4% of the nation's annual budget.

Actually, the most extensive single welfare program is Social Security — a social insurance plan for the elderly. Employees and employers contribute to a fund through payroll taxes, and virtually everyone who contributes for at least ten years is eligible for payments. Most Americans support the program as long as it's called "Social Security" and not "welfare." Other "entitlement" programs include Medicare, Medicaid, Aid to Families with Dependent Children, and food stamps.

One of the most nettlesome political issues of the 1990s was the health care controversy. Throughout the decade, between 30 and 40 million Americans were uninsured for medical fees in any given year. In 1993, Congress defeated President Bill Clinton's proposed plan to provide all citizens with basic insurance coverage for doctor fees, hospitalization, and prescription drugs. Conservatives deemed the plan as too expensive, with unforeseeable intrusion of the government into personal health care decisions. On the other hand, even most conservatives accept government's role in medical research and regulating food and drugs. The Public Health Service, headed by the Surgeon General, researches, gathers information, and monitors health care. The Food and Drug Administration regulates the labeling and processing of most foods, drugs, and cosmetics.

Public education is generally regarded as the responsibility of local communities, so the federal government's role in this area is limited. Today the majority of federal funds for education are directed to higher education, primarily in the form of student loans and grants. Since the 1950s, the federal government has provided funds for Grades 1-12, particularly for programs to upgrade science, language, and mathematics. Other programs, such as Head Start for preschoolers, focus on helping underprivileged children. Even so, the federal government today funds less than 10 percent of the total amount spent on education in the United States.

Regulatory Policy

The nation's natural resources are subject to government regulation. The Bureau of Land Management oversees the production and conservation of oil and gas, geothermal energy and helium (which is extracted from natural gas).

While most Americans are proud of living "in the land of the free," in reality their lives are regulated by the government in many inconspicuous ways. Consider the American who starts her day with a little breakfast. Her food is regulated for purity and freshness, and appliances such as her coffeepot, her microwave, and her toaster must meet federal safety requirements. Her car, her children's school, and her place of work must all meet federal standards, and state and local governments may impose additional regulations. Her whole schedule revolves around time, which is regulated by the government. Eastern, Central, Mountain, and Pacific Standard Times are determined by the federal government.

Federal regulations fall into three basic categories:

- **Regulating business.** The national government began regulating business in the late 1800s in order to eliminate monopolies, businesses or groups that have exclusive control of an industry. Government now regulates a wide array of business practices, including the elimination of competition and fraudulent product offerings.
- **Regulating labor.** Most labor policies have come about to protect the American worker. The government has promoted equal employment opportunities, safe and sanitary workplace standards, and fair bargaining practices between employer and workers.
- **Regulating the environment and energy.** Environmental policy is the responsibility of many different government departments and agencies. Especially important is the Environmental Protection Agency, which enforces policies on water and air pollution, pesticides, radiation, and waste disposal. Energy policies, on the other hand, are coordinated by the Department of Energy, created in the late 1970s in the wake of worldwide oil and gas shortages.

"Promoting the general welfare," as prescribed in the Preamble to the Constitution, is a tall order for the United States government today. New developments — such as corporations, immense labor pools, and environmental and energy problems — call for new solutions. American leaders of the 21st century must be increasingly creative to meet these challenges.

Lesson 15:

Part 1: Online Textbook Chapter 5, Section a

5a. Political Parties

During the 1860s, Thomas Nast — a cartoonist for the magazine *Harper's Weekly* — developed the idea of using the donkey and the elephant to represent the Democrats and Republicans, respectively.

From the beginning, American political parties have had a tarnished reputation. In his **1796 FAREWELL ADDRESS** to the nation, **GEORGE WASHINGTON** warned against "the baneful effects of the spirit of party" as inciting American citizens "with ill-founded jealousies."

Today many Americans take pride in their status as "**INDEPENDENT VOTERS**," partly because they see parties as lacking vision for the country. Since many Americans have become disenchanted by partisan politics, they avoid identification as a "loyal Democrat" or a "staunch Republican." These negative attitudes toward parties are rooted in the roles that they play in American politics.

Thomas Jefferson opposed the views of Alexander Hamilton and John Adams regarding centralized government and states' rights; and in doing so helped to build the foundation of the modern Democratic Party.

Roles of Political Parties

- **Running candidates for political office.** Parties select candidates for many elected positions in American politics. With so many officials to choose, most voters would be overwhelmed by the decisions they would have to make if candidates did not wear party "labels." Parties present policy alternatives for voters. Some voters even choose a straight ticket, or candidates from the same party for all positions in that election.
- **Checking the other party.** A party that does not hold the majority in Congress often keeps the party in power from taking complete control. Party leaders can publicly criticize actions of a President who was elected by the opposite party. The criticism of "**PARTISANSHIP**" comes from this party role because many Americans think that the "checking" becomes petty and self-serving.
- **Informing the public.** Parties take stands on issues and criticize the points of view of the other parties. Their well-publicized discussions help to inform citizens about important issues and present alternative ways of solving societal problems.
- **Organizing the government.** Congress and the state legislatures are organized according to party affiliations. **LEGISLATIVE REPRESENTATIVES** usually support their party's position when considering potential laws and policies, and most votes fall roughly along party lines. Virtually all candidates run for public office with party labels that define their behavior after they win.

Why a Two-Party System?

Most other democratic nations have multi-party systems. Even though third parties have popped up regularly throughout American history, they have either died, or their ideas have been absorbed by a major party. Three good reasons for the American two-party system include the following:

- **Consensus of Values.** It is easy to complain about petty bickering between Democrats and Republicans. What we sometimes forget is that Americans share a broad consensus, or agreement, of many basic political values. Both parties believe in liberty, equality, and individualism. Neither advocates that the Constitution be discarded. Both parties accept the election process and concede defeat to the winners. In many countries with multi-party systems, the range of beliefs is greater, and disagreements run deeper. For example, in modern day Russia, one party advocates a return to communism, some offer modified **SOCIALISM** and/or capitalism, and one promotes **ULTRA-NATIONALISM**.
- **Historical Influence.** The nation began with two political parties — the Federalists and the **DEMOCRATIC-REPUBLICANS**. During early American history politicians tended to take sides, starting with the debate over the Constitution, and continuing with the disagreements between two of George Washington's cabinet members — Alexander Hamilton and Thomas Jefferson. The tendency has persisted throughout American history.
- **The Winner-Take-All System.** The single most important reason for a **TWO-PARTY SYSTEM** is the **WINNER-TAKE-ALL** electoral system. In contrast to systems with proportional representation, the winner in American elections is the one who receives the largest number of votes. The winner does not need to have more than 50 percent, but only one vote more than his or her opponents. If a third party receives 15% of the vote for every contested Senate seat, that party wins zero seats in the United States Senate. Consequently, one of the two major parties almost always wins a **PLURALITY**, and third parties are completely shut out of national offices.

Even though political parties are often regarded as "necessary evils," they still play an important role in American government and politics today. The two broad-based major political parties offer alternatives to voters and help connect citizens to their government.

Part 2: Online Textbook Chapter 5, Section b

5b. Campaigns and Elections

Collectively on all levels of government, Americans fill more than 500,000 different **PUBLIC OFFICES**.

The "winner-take-all" system of elections in the United States has many benefits, including a stable government administered almost exclusively by two parties. But one drawback is that third parties whose platforms differ from those of the Republicans and Democrats find it hard to compete.

Elections form the foundation of the modern democracy, and more elections are scheduled every year in the United States than in any other country in the world. Campaigns — where candidates launch efforts to convince voters to support them — precede most elections. In recent years campaigns have become longer and more expensive, sparking a demand for campaign finance reform. No one questions the need for campaigns and elections, but many people believe that the government needs to set new regulations on how candidates and parties go about the process of getting elected to public office.

Types of Elections

- **PRIMARIES**. One reason that the process of campaigning is longer and more expensive is that primary elections now play such an important role in nominating candidates for office. Until the late 19th century, party activists generally selected candidates. Then primary elections were invented as part of a movement to democratize party nominations, and over the years, most states have adopted them. **DIRECT PRIMARIES** allow all party members to vote to choose the party's candidate for the general election. Most states conduct **CLOSED PRIMARIES**, in which only registered party members may vote for their party's nomination. A few states allow voters to choose the party primary in which they want to vote on primary election day — a process known as **OPEN PRIMARIES**. Primaries are usually held in the spring before the general election in the fall.

-The New Hampshire presidential primary has been first in the nation since 1920. This is so important to the state's political identity that in 2000, it began issuing "Presidential Primary Trading Cards."

- **GENERAL ELECTIONS.** By law, candidates for Congress must be selected on the Tuesday after the first Monday in November in even-numbered years. The President and Vice-President have four-year terms, so they are only selected in every other general congressional election. State and local elections can be held at the same time and on the same ballot with national candidates, but sometimes they are elected in odd-numbered years or at other times of the year. For most elected positions, 50% of the vote is not required, but candidates need to win more votes than anyone else.

Presidential Campaigns

Campaigns can be very simple or very complex. Running for the local school board is relatively simple. Candidates may just be required to file their names, answer a few questions from the local newspaper, and sit back and wait for the election. Running for President is altogether different. Today it is almost impossible to mount a campaign for the presidency in less than two years. How much money does it take? It certainly involves millions of dollars.

The Nixon-Kennedy debate in 1960 was the first televised debate between nominees from the major parties. This debate is still studied by scholars interested in the effect of the media on presidential politics.

Even the decision to run can be an expensive process. Potential candidates typically launch "**EXPLORATORY COMMITTEES**" that involve extensive polling and fund-raising activities. Once potential candidates announce their candidacy, they must campaign for the primaries. Because primaries are conducted by states over several months in the spring before the election, candidates must crisscross the country, spending lots of time and money in the process. By tradition, the first primaries (Republican and Democratic) are held in New Hampshire in February, and the winners usually get a great deal of attention. As they mount their next campaigns, the winners often get more contributions than the losers, and so a phenomenon known as front-loading is created. The candidates who win the first few primaries almost always tend to win the later ones.

PARTY ACTIVISTS gather at the **PARTY CONVENTIONS** held in the summer to nominate their candidates formally. In the days before primaries, the party's selection was often uncertain going in to the convention. Today, however, the primaries make the decision. The candidates also announce their vice-presidential running mates at the summer conventions.

After the conventions, the race for the general election begins. Since most American voters identify themselves as **MODERATES**, candidates often shift their messages to "capture the middle." Presidential and vice-presidential **DEBATES**, usually held in October, have become an important part of recent campaigns.

As campaigns become more expensive across the country, candidates, government officials, and outside agencies have called for limits on where money can come from. The intent of these limits would be to return power to the **ELECTORATE** and take it out of the hands of **SPECIAL INTEREST GROUPS**. Others believe that to limit campaign contributions in any way would take away the first amendment rights of individuals and groups to express their opinion on issues and candidates.

The expense and length of modern American elections and campaigns has become one of the biggest issues in politics today. Some recommend that political party spending be more closely monitored, and others believe that overall spending caps must be set. Still others advocate national, not state, control of the primary process in order to reduce the length and expense of campaigns. Whatever the criticisms, American elections and campaigns represent a dynamic and vital link between citizen and government.

Lesson 16:

Part 2: Online Textbook Chapter 5, Sections d-e

5d. The Media

"I view this as a mini-series that has to be told over four nights." -*Andy Card Co-chair of the 2000 Republican Convention*

Does the media primarily report politics, or does it shape political events? The quote above certainly reflects the power of the media to determine the course of major political events. The purpose of a political party convention is to formally nominate a presidential candidate, but of course the party wants to win votes in the general election. When politicians play to the media, does the media then control politics? Many people today criticize television, radio, newspapers, magazines, and the Internet for unfairly using their power as a major link between citizens and their government. Do the media fairly explore issues, or do they impose their own positions?

The influence of the media is increased by the fact that campaigns today have become more focused on the individual than on the party. In order to win primaries, individual candidates seek media attention to gain attention from voters. As a result, do voters hold political power, or has the media simply replaced political parties as the primary force behind candidate selection?

The Political Influence of the Media

The media can shape government and politics in many ways. Here are a few:

1. By influencing political opinions of voters. Not surprisingly, the voting behavior of people who are actively interested in politics is probably not changed by the media. Committed Democrats and Republicans selectively learn what they want to from media sources. However, the media can **SWAY** people who are uncommitted or have no strong opinion in the first place. Since these voters often decide elections results, the power of media in elections can be substantial.

2. By determining the behavior of candidates and officials. Many good politicians have learned that they can succeed — in getting elected and in getting things done — if they know how to use the media. President Franklin Roosevelt was famous for his "**FIRESIDE CHATS**," in which he soothed the pain of economic depression and war by talking to citizens over the radio. President Ronald Reagan's skills as a film and television actor enabled him to communicate very effectively with American voters. Government officials and candidates for office carefully stage media events and **PHOTO OPPORTUNITIES**. Critics believe that too much attention is focused on how politicians look and come across on camera, rather than on how good a job they are doing in public service.

3. By setting the public agenda. Most Americans learn about **SOCIAL ISSUES** from print or electronic media. The fact that the media focuses on some issues and ignores others can help set what gets done in government. Media sources have often been accused of emphasizing scandal and high-interest issues at the expense of duller but more important political problems. The government's priorities can be rearranged as a result.

The media clearly has a great deal of power in American politics today. Is that a good or a bad thing for government? From one point of view, the media abuse their power, especially since they are driven by profit motive to give people what they want, not necessarily what they need. On the other hand, perhaps the media serves as an important player in a modern "checks and balances" system. Reporters function as "**WATCHDOGS**" to be sure that Presidents, Representatives, and Justices do not abuse their powers. The media in turn is checked by government regulations, by skilled politicians, and by the people's own good judgment.

5e. The Internet in Politics

Not since television has an innovation had the potential to impact politics greater than the **INTERNET**. With more and more Americans getting wired, the ability to reach millions of voters will be a lure which no politician can resist.

In the year 2000, the Internet has not eclipsed the influence of newspapers, radio, or television. However, cyberspace has an advantage over the older news sources. The Internet is an interactive medium, allowing citizens to send information as well as receive it — in real time.

Internet Voting

Should people be allowed to vote on the Internet?

Former Speaker of the House, Newt Gingrich, actively supported the Internet since the early 80s. He spearheaded congressional bills that placed the Internet in schools, homes, and businesses across the country.

In 1996, all major presidential candidates developed **WEBSITES** to support their campaigns. **NEWSGROUPS** have been created to cover the entire political spectrum. Interest groups have reached new audiences on the World Wide Web, creating the potential for an even greater influence in Washington. **FRINGE ORGANIZATIONS** on the far left and the far right have used the relatively unregulated medium — free from profit motive or government control — to broaden the support networks.

Voting via the Internet has been tested and used in elections across the country during the November 2000 election. Proponents say that such a method will increase voter participation by making it easier, faster, and more accessible to vote. Opponents of Internet voting say that it is too easy to tamper with, and **DISENFRANCHISES** lower-income voters who do not have computer access.

Given its interactive capabilities, why not let citizens vote directly online? Two states already experimented with this in the presidential primaries in the 2000 contest. A voter could register online, and later cast his or her vote into **CYBERSPACE**.

The original idea of direct democracy was to let all citizens vote on all issues. With a nation as large as the United States, it became unfeasible to assemble the citizenry for such direct involvement to take place. The Internet could turn that impossibility into a reality. Rather than letting the Senate and House of Representatives to vote on an issue, why not create a national referendum and permit Americans to voice their opinions in an online vote? Supporters and opponents of a bill could post information pertinent to the issue on a web page. Debate could take place informally in chat rooms. Optimists point to the potential of the Internet to create a more democratic America.

Use of the Internet in this fashion has critics as well. Fears of a malicious hacker breaking into a voting site and shutting it down or tampering with the results have led most states to proceed cautiously. A technological gap still exists between connected Americans and those without the financial means to own a computer or pay for Internet service.

Some intellectuals question the expertise of the average American to cast important votes on policy matters. Until these questions get resolved, the use of the Internet in the political arena remains mostly potential. But at the dawn of the 21st century, even the naysayers see the revolutionary changes on the horizon introduced by this exciting new medium.

Regardless, the Internet is already a powerful tool for delving into political issues and delving into the history of the United States. After all, it is the medium you are currently using.

Part 3: Online Articles

How Obama Tapped Into Social Networks' Power

By DAVID CARR

Published: November 9, 2008

In February 2007, a friend called Marc Andreessen, a founder of Netscape and a board member of [Facebook](#), and asked if he wanted to meet with a man with an idea that sounded preposterous on its face.

Always game for something new, Mr. Andreessen headed to the San Francisco airport late one night to hear the guy out. A junior member of a large and powerful organization with a thin, but impressive, résumé, he was about to take on far more powerful forces in a battle for leadership.

He wondered if social networking, with its tremendous communication capabilities and aggressive database development, might help him beat the overwhelming odds facing him.

“It was like a guy in a garage who was thinking of taking on the biggest names in the business,” Mr. Andreessen recalled. “What he was doing shouldn’t have been possible, but we see a lot of that out here and then something clicks. He was clearly supersmart and very entrepreneurial, a person who saw the world and the status quo as malleable.”

And as it turned out, President-elect [Barack Obama](#) was right.

Like a lot of Web innovators, the Obama campaign did not invent anything completely new. Instead, by bolting together social networking applications under the banner of a movement, they created an unforeseen force to raise money, organize locally, fight smear campaigns and get out the vote that helped them topple the Clinton machine and then [John McCain](#) and the Republicans.

As a result, when he arrives at 1600 Pennsylvania, Mr. Obama will have not just a political base, but a database, millions of names of supporters who can be engaged almost instantly. And there’s every reason to believe that he will use the network not just to campaign, but to govern. His e-mail message to supporters on Tuesday night included the line, “We have a lot of work to do to get our country back on track, and I’ll be in touch soon about what comes next.” The incoming administration is already open for business on the Web at [Change.gov](#), a digital gateway for the transition.

The Bush campaign arrived at the White House with a conviction that it would continue a conservative revolution with the help of [Karl Rove](#)’s voter lists, phone banks and direct mail. But those tools were crude and expensive compared with what the Obama camp is bringing to the Oval Office.

“I think it is very significant that he was the first post-boomer candidate for president,” Mr. Andreessen said. “Other politicians I have met with are always impressed by the Web and surprised by what it could do, but their interest sort of ended in how much money you could raise. He was the first politician I dealt with who understood that the technology was a given and that it could be used in new ways.”

The juxtaposition of a networked, open-source campaign and a historically imperial office will have profound implications and raise significant questions. Special-interest groups and lobbyists will now contend with an environment of transparency and a president who owes them nothing. The news media will now contend with an

administration that can take its case directly to its base without even booking time on the networks.

More profoundly, while many people think that President-elect Obama is a gift to the Democratic Party, he could actually hasten its demise. Political parties supply brand, ground troops, money and relationships, all things that Mr. Obama already owns.

And his relationships are not the just traditional ties of Democrats — teachers' unions, party faithful and Hollywood moneybags — but a network of supporters who used a distributed model of phone banking to organize and get out the vote, helped raise a record-breaking \$600 million, and created all manner of media clips that were viewed millions of times. It was an online movement that begot offline behavior, including producing youth voter turnout that may have supplied the margin of victory.

“Thomas Jefferson used newspapers to win the presidency, F.D.R. used radio to change the way he governed, J.F.K. was the first president to understand television, and Howard Dean saw the value of the Web for raising money,” said Ranjit Mathoda, a lawyer and money manager who blogs at Mathoda.com. “But Senator Barack Obama understood that you could use the Web to lower the cost of building a political brand, create a sense of connection and engagement, and dispense with the command and control method of governing to allow people to self-organize to do the work.”

All of the Obama supporters who traded their personal information for a ticket to a rally or an e-mail alert about the vice presidential choice, or opted in on Facebook or MyBarackObama can now be mass e-mailed at a cost of close to zero. And instead of the constant polling that has been a motor of presidential governance, an Obama White House can use the Web to measure voter attitudes.

“When you think about it, a campaign is a start-up business,” Mr. Mathoda said. “Other than his speech in 2004 at the convention and his two books, Mr. Obama had very little in terms of brand to begin with, and he was up against Senator Clinton, who had all the traditional sources of power, and then Senator McCain. But he had the right people and the right idea to take them on. When you think about it, it was like he was going up against Google and Yahoo. And he won.”

There is tremendous power in opening citizen access to government — think of how much good will and support Mayor Michael Bloomberg garnered by coming up with 311, a one-stop phone number for New Yorkers who had a problem.

But now Senator Obama's 20-month conversation with the electorate enters a new phase. There is sense of ownership, a kind of possessive entitlement, on the part of the people who worked to elect him. The shorthand for his organizing Web site, “MyBO,” says it all.

“People will continue to expect a conversation, a two-way relationship that is a give and take,” said Thomas Gensemer, managing partner of Blue State Digital, which helped conceive and put into effect Obama's digital outreach. “People who were part of the campaign will opt in to political or governing tracks and those relationships will continue in some form.”

The founders of America wanted a government that reflected its citizens, but would be at remove from the baser impulses of the mob. The mob, flush with victory, is at hand, but instead of pitchforks and lanterns, they have broadband and YouTube. Like every other presidency, the Obama administration will have its battles with the media, but that may

seem like patty-cake if it runs afoul of the self-publishing, self-organizing democracy it helped create — say, by delaying health care legislation or breaking a promise on taxes. That’s the thing about pipes today: they run both ways.

“It’s clear there has been a dramatic shift,” said Andrew Rasiej, the founder of the Personal Democracy Forum, an annual conference about the intersection of politics and technology. “Any politician who fails to recognize that we are in a post-party era with a new political ecology in which connecting like minds and forming a movement is so much easier will not be around long.

“Yes, we have met Big Brother, the one who is always watching. And Big Brother is us.”

Justices, 5-4, Reject Corporate Spending Limit

By ADAM LIPTAK

WASHINGTON — Overruling two important precedents about the First Amendment rights of corporations, a bitterly divided Supreme Court on Thursday ruled that the government may not ban political spending by corporations in candidate elections. The 5-to-4 decision was a vindication, the majority said, of the First Amendment's most basic free speech principle — that the government has no business regulating political speech. The dissenters said that allowing corporate money to flood the political marketplace would corrupt democracy.

The ruling represented a sharp doctrinal shift, and it will have major political and practical consequences. Specialists in campaign finance law said they expected the decision to reshape the way elections were conducted. Though the decision does not directly address them, its logic also applies to the labor unions that are often at political odds with big business.

The decision will be felt most immediately in the coming midterm elections, given that it comes just two days after Democrats lost a filibuster-proof majority in the Senate and as popular discontent over government bailouts and corporate bonuses continues to boil. President Obama called it “a major victory for big oil, Wall Street banks, health insurance companies and the other powerful interests that marshal their power every day in Washington to drown out the voices of everyday Americans.”

The justices in the majority brushed aside warnings about what might follow from their ruling in favor of a formal but fervent embrace of a broad interpretation of free speech rights.

“If the First Amendment has any force,” Justice Anthony M. Kennedy wrote for the majority, which included the four members of the court's conservative wing, “it prohibits Congress from fining or jailing citizens, or associations of citizens, for simply engaging in political speech.”

The ruling, *Citizens United v. Federal Election Commission*, No. 08-205, overruled two precedents: *Austin v. Michigan Chamber of Commerce*, a 1990 decision that upheld restrictions on corporate spending to support or oppose political candidates, and *McConnell v. Federal Election Commission*, a 2003 decision that upheld the part of the Bipartisan Campaign Reform Act of 2002 that restricted campaign spending by corporations and unions.

The 2002 law, usually called McCain-Feingold, banned the broadcast, cable or satellite transmission of “electioneering communications” paid for by corporations or labor unions from their general funds in the 30 days before a presidential primary and in the 60 days before the general elections.

The law, as narrowed by a 2007 Supreme Court decision, applied to communications “susceptible to no reasonable interpretation other than as an appeal to vote for or against a specific candidate.”

The five opinions in Thursday's decision ran to more than 180 pages, with Justice John Paul Stevens contributing a passionate 90-page dissent. In sometimes halting fashion, he summarized it for some 20 minutes from the bench on Thursday morning.

Joined by the other three members of the court's liberal wing, Justice Stevens said the majority had committed a grave error in treating corporate speech the same as that of human beings.

Eight of the justices did agree that Congress can require corporations to disclose their spending and to run disclaimers with their advertisements, at least in the absence of proof of threats or reprisals. "Disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way," Justice Kennedy wrote. Justice Clarence Thomas dissented on this point.

The majority opinion did not disturb bans on direct contributions to candidates, but the two sides disagreed about whether independent expenditures came close to amounting to the same thing.

"The difference between selling a vote and selling access is a matter of degree, not kind," Justice Stevens wrote. "And selling access is not qualitatively different from giving special preference to those who spent money on one's behalf."

Justice Kennedy responded that "by definition, an independent expenditure is political speech presented to the electorate that is not coordinated with a candidate."

The case had unlikely origins. It involved a documentary called "Hillary: The Movie," a 90-minute stew of caustic political commentary and advocacy journalism. It was produced by Citizens United, a conservative nonprofit corporation, and was released during the Democratic presidential primaries in 2008.

Citizens United lost a suit that year against the Federal Election Commission, and scuttled plans to show the film on a cable video-on-demand service and to broadcast television advertisements for it. But the film was shown in theaters in six cities, and it remains available on DVD and the Internet.

The majority cited a score of decisions recognizing the First Amendment rights of corporations, and Justice Stevens acknowledged that "we have long since held that corporations are covered by the First Amendment."

But Justice Stevens defended the restrictions struck down on Thursday as modest and sensible. Even before the decision, he said, corporations could act through their political action committees or outside the specified time windows.

The McCain-Feingold law contains an exception for broadcast news reports, commentaries and editorials. But that is, Chief Justice John G. Roberts Jr. wrote in a concurrence joined by Justice Samuel A. Alito Jr., "simply a matter of legislative grace." Justice Kennedy's majority opinion said that there was no principled way to distinguish between media corporations and other corporations and that the dissent's theory would allow Congress to suppress political speech in newspapers, on television news programs, in books and on blogs.

Justice Stevens responded that people who invest in media corporations know "that media outlets may seek to influence elections." He added in a footnote that lawmakers might now want to consider requiring corporations to disclose how they intended to spend shareholders' money or to put such spending to a shareholder vote.

On its central point, Justice Kennedy's majority opinion was joined by Chief Justice Roberts and Justices Alito, Thomas and Antonin Scalia. Justice Stevens's dissent was joined by Justices Stephen G. Breyer, Ruth Bader Ginsburg and Sonia Sotomayor.

When the case was first argued last March, it seemed a curiosity likely to be decided on narrow grounds. The court could have ruled that Citizens United was not the sort of

group to which the McCain-Feingold law was meant to apply, or that the law did not mean to address 90-minute documentaries, or that video-on-demand technologies were not regulated by the law. Thursday's decision rejected those alternatives. Instead, it addressed the questions it proposed to the parties in June when it set down the case for an unusual second argument in September, those of whether Austin and McConnell should be overruled. The answer, the court ruled Thursday, was yes. "When government seeks to use its full power, including the criminal law, to command where a person may get his or her information or what distrusted source he or she may not hear, it uses censorship to control thought," Justice Kennedy wrote. "This is unlawful. The First Amendment confirms the freedom to think for ourselves."

The Most Expensive Election in History by the Numbers

JOHN HUDSON

NOV 6, 2012

The election is almost over, and thanks to a combination of near-constant fundraising and outside spending, the 2012 race will go down as the most expensive election in history (until we hold the next presidential race, you can assume). Here are the eye-popping money totals behind the expansive money binge.

\$6 billion The total amount spent on this election, according to an estimate by the non-partisan Center for Responsive Politics. That's \$700 million more than the previous "most expensive election" in history—2008—and includes money spent by the campaigns, outside groups, and independent organizations.

\$970 million The estimated amount spent by outside groups during the 2012 cycle, according to Federal Election Commission data. "The increase has largely been driven by rapidly increased spending among 'super PACs' and outside groups that can raise unlimited amounts of money from donors," reported *The New York Times'* Nicholas Confessore.

\$874.6 million The amount that went toward Obama's re-election this election cycle, with the Obama campaign burning through \$553.2 million, the DNC spending \$263.2 million, and the biggest Obama Super PACs spending \$58 million.

\$844.6 million The amount that went toward Romney's candidacy this cycle, with the campaign spending \$360.4 million, the RNC adding \$284 million, and Super PACs adding \$200 million.

\$265 million The gap between the amount President Obama and Mitt Romney spent on TV ads through Oct. 29. In sum, the president spent far more. If you combine the ad spending, it amounts to more than one million television ads purchased by the campaigns and their supporters. The Wesleyan Media Project, which gathered the numbers, has a chart of this increase in ads.

\$123 million The amount of "dark money" or anonymous cash spent to influence the elections though Nov. 1, according to the Sunlight Foundation. "Of that, \$172.4 million (81%) has been spent to help Republican candidates, as compared to \$35.7 million (19%) to help Democrats." You can bet they have a graphic:

\$78 million The amount the two campaigns spent on online advertising throughout the race, according to FEC data reviewed by the online marketing firm Ward Room. The data

shows that the Obama campaign spent \$52 million on online ads while the Romney campaign spent only \$26 million. Yes, they have an infographic:

\$30.33 The amount the Romney and Obama campaigns spent every second this election cycle on your vote (that includes everything from rallies to banners and TV ads), according to Federal Election Commission data.

\$22 The amount the campaigns spent via online ads per vote on an average American. You can see how much the campaigns spent on your voter demographic here.

Lesson 17:

Part 1: Online Textbook Chapter 5, Section c

5c. Interest Groups

So, the election is over. How can the average American remain involved in politics without waiting for the next election? One chief means of influencing the American government is by joining an **INTEREST GROUP** — an organization that pressures elected officials to enact legislation favorable to its causes.

Types of Interest Groups

Actually, there are three major types of interest groups. Animal rights groups such as People for the Ethical Treatment of Animals (**PETA**) and environmental interest groups such as **GREENPEACE** usually organize as **PUBLIC-INTEREST GROUPS**. These groups claim to work not for self interest but for the best interest of the public.

The National Organization for Women (**NOW**) pressures Congress and other legislative bodies to adopt laws and measures that they feel most benefit American women. They also work hard to get more women into elected office.

Underpaid professional workers may organize as groups. Lawyers belong to the **AMERICAN BAR ASSOCIATION**, doctors belong to the **AMERICAN MEDICAL ASSOCIATION**, and teachers belong to the **NATIONAL EDUCATION ASSOCIATION** or the **AMERICAN FEDERATION OF TEACHERS**. Labor unions such as the **AFL-CIO** and the **TEAMSTERS' UNION** to protect workers in factories or businesses.

The most common type of interest group is formed around businesses, corporations, and trade associations. Part of their reputation for power is based on the fact that they represent about half of all interest groups in Washington. People who criticize interest groups for having undue power in government believe that the business groups get special privileges for people who already have more wealth and power than ordinary citizens. For example, the oil and tobacco industries each have interest groups who promote their respective interests on **CAPITOL HILL**.

How Interest Groups Work

Interest groups send representatives to state capitals and to Washington, D.C. to put pressure on members of Congress and other **POLICYMAKERS**. They engage in **LOBBYING**, or the organized process of influencing legislation or policy. Lobbying can take many forms. Interest groups can testify in **CONGRESSIONAL HEARINGS**. For example, several years ago, when Congress was considering discrimination in private clubs, representatives of the Boy Scouts and the Girl Scouts appeared in hearings to try to persuade Congress to allow each one to remain a single-sex organization. Lobbyists also contact government officials directly or informally, present research results and technical

information, talk with people from the press and the media, and sometimes even help to draft legislation.

The AFL-CIO is a massive labor union organization, with over 13 million members in 68 individual unions across America. Why should the politicians listen? Interest groups also actively involve themselves in political campaigns. This electioneering is intended to help elect candidates who favor their positions or to defeat those who oppose them. It is generally conducted by **POLITICAL ACTION COMMITTEES (PACs)**, who serve as special political arms for the interest groups.

The number of PACs has grown rapidly since the early 1970s, when **CAMPAIGN FINANCE REFORM** laws were passed that restricted individual contributions to campaigns. PACs have changed the face of American elections. They have contributors who write checks to them specifically for the purpose of **CAMPAIGN DONATIONS**. For example, if a person wants to support candidates who oppose gun control, he or she can contribute to the PAC that represents the **NATIONAL RIFLE ASSOCIATION**. The PAC, then, will make direct contributions to individual campaigns of selected candidates.

Do interest groups corrupt government by "buying" influence? Critics believe that they do because more money comes from businesses and corporations than from any other source. This, they contend, gives them a connection to government that ordinary people do not have. From another point of view, everyone is free to form and join interest groups. So many exist that there is literally a group for everyone. These multiple contacts make the American democracy stronger, because they give the opportunity for all Americans to have better access to their government.

Part 3: Online Textbook Chapter 4, Sections a-d

4. American Political Attitudes and Participation

Democracy, liberty, equality, and justice. These values are not very controversial. But Americans have vastly divergent viewpoints on the meanings of these core values. Does assisting the poor represent a movement toward equality, or does it create an unfair burden on the middle and upper classes? Does the permission of abortion defend the liberty of American women or endorse the ending of a human life? Do elected officials really represent the people, or are they just out for themselves? These issues and many more reflect a wide range of political attitudes that shape how Americans participate in government and politics.

Are You Liberal or Conservative?

Political labeling becomes confusing as lines between liberalism and conservatism become blurred. Some people don't believe they fit entirely into either category.

The terms "liberal" and "conservative" mean different things to different people, but they broadly describe contrasting political ideologies — views of the world that reflect an individual's values and ideas. Generally, a **LIBERAL** ideology favors the use of government power to regulate the economy and bring about justice and equality of opportunity. For example, liberals believe that the government should do more to help minorities, the homeless, women, the elderly, and society's "have-nots." They also believe that the government should provide foreign aid to countries in need. **LIBERALS** generally favor a tax system that taxes the rich more heavily than it does the poor.

Conservatives also believe in justice and equality of opportunity. However, **CONSERVATIVES** believe that individuals are primarily accountable for their own well being, and that government's responsibility is to see that they have the freedom to pursue their dreams. Any government support should come from the local and state levels, or preferably, from families and private charities. To a conservative, big government infringes on individual rights.

Scandals and Voter Apathy

Since the mid-1960s, Americans have become increasingly frustrated with their government? The current trend toward negativism can be traced to the disillusionment engendered by the government's handling of the **VIETNAM WAR** and the **WATERGATE** scandal. President Lyndon Johnson was accused of lying to the public about the progress of the war, and President Richard Nixon was caught in a web of deception and cover up of the 1972 break in of the Democratic Party's campaign office in the Watergate building. President Ronald Reagan's administration was tainted by the **IRAN-CONTRA SCANDAL**, and President Bill Clinton was impeached for obstructing evidence in a civil suit brought against him.

But earlier Presidents have made mistakes. Why do these events seem to have such long-lasting effects? Some observers believe that the growing political influence of the media is largely responsible for public skepticism about government and politics. For example, the complete 1974 Watergate hearings were broadcast on television. Millions of Americans followed the proceedings and anticipated the answers to important questions. "Were top aides in the White House a part of the deception?" "How much did he [Nixon] know?" "Is he lying to us?" Public opinion so overwhelmingly condemned Nixon that he was forced to resign.

Others blame investigative reporting because it emphasizes sensational, high interest stories. Continuing scandals, such the 1998-99 **MONICA LEWINSKY** scandal and investigation of the personal behavior of **PRESIDENT BILL CLINTON**, keep the public focused on negative aspects of politics. According to this view, the media almost never reports anything good that politicians do, so they feed and extend the influence of negativism.

Others believe that we expect too much of government. With the dramatic increase of government responsibilities since the New Deal era, how can politicians live up such high expectations? Others contend that voter indifference is on the rise because times are good. If Americans are content with the progress of their economy, why should they bother with following every political issue?

Although Americans share some broad agreements on basic political values, such as liberty, equality, and justice, they reflect a wide range of political attitudes, from highly conservative ideologies to very liberal ones. Despite their differences, modern Americans share one other political view — they are highly critical of politicians, and they have high expectations for their government and their elected leaders.

4a. American Political Culture

The **AMERICAN DREAM**. It's the belief that each American has the freedom to pursue a better life — a nice house, a car or two, and a more comfortable existence than our parents.

This freedom has fueled incredible "**RAGS TO RICHES**" stories, such as Presidents starting out in log cabins and highly successful entrepreneurs who came to America as penniless immigrants — not to mention the guy that dropped out of Harvard to become the richest man in the world. These stories contribute to the American political culture.

Every country has a **POLITICAL CULTURE** — widely shared beliefs, values, and norms that define the relationship between citizens and government, and citizens to one another. Beliefs about economic life are part of the political culture because politics affects economics. A good understanding of a country's political culture can help make sense of the way a country's government is designed, as well as the political decisions its leaders make. For example, why does Great Britain still have a queen? She doesn't have any real political power, so why don't they just end the monarchy? These questions can be puzzling, unless you understand something about the British political culture — one that highly prizes tradition.

Alexis de Tocqueville

Why does our system of government work for us better than for almost anyone else? French writer **ALEXIS DE TOCQUEVILLE**, an early observer of the American political culture, gave some answers during the 1830s.

Tocqueville came to the United States primarily to answer the question, "Why are the Americans doing so well with democracy, while France is having so much trouble with it?" France was in turmoil at the time, swinging back and forth between absolutism and radical democracy, and Tocqueville thought that France could learn a thing or two from the Americans. Tocqueville's observations remain today a classic study of American political culture.

He identified several factors that influenced America's success — abundant and fertile land, countless opportunities for people to acquire land and make a living, lack of a feudal aristocracy that blocked the ambitious, and the independent spirit encouraged by frontier living.

The American View

The American political culture that Tocqueville described in the 1830s has changed over the years, but in many ways, it has remained remarkably the same, even after the continent was settled coast to coast. The American view has been characterized by several familiar elements:

- **LIBERTY:** Most people believe in the right to be free, as long as another's rights aren't abused.
- **EQUALITY:** This generally translates as "equality of opportunity," not absolute equality.
- **DEMOCRACY:** Elected officials are accountable to the people. Citizens have the responsibility to choose their officials thoughtfully and wisely.
- **INDIVIDUALISM:** The individual's rights are valued above those of the state (government); individual initiative and responsibility are strongly encouraged. □
- **THE RULE OF LAW:** Government is based on a body of law applied equally and fairly, not on the whims of a ruler.
- **NATIONALISM:** Despite some current negative attitudes toward the government, most Americans are proud of our past and tend to de-emphasize problems, such as intolerance or military setbacks. This value includes the belief that we are stronger and more virtuous than other nations.
- **CAPITALISM** At the heart of the American Dream are beliefs in the rights to own private property and compete freely in **OPEN MARKETS** with as little government involvement as possible.

One of the hallmarks of British political culture is the existence of a monarchy, despite the fact that today's King or Queen has little power or authority over the government.

Other countries may share some, or even all, of these beliefs and values. However, the arrangement and subtleties of this core form an array that makes every political culture a little different than all the others. The elements of the American political culture include disagreement and debate. They include ideals, but they leave room for the reality of falling short of goals.

Famous events from American history — the movement West, the Civil War, the **INDUSTRIAL REVOLUTION**, involvement in World Wars I and II, the New Deal and the Great Society — have been expressions of American political culture. Many events have questioned and answered various interpretations of American values and beliefs. But most of all, the political culture defines political attitudes, institutions, and activities that are most cherished in American political life.

4b. What Factors Shape Political Attitudes?

A common political culture by no means suggests that all Americans think alike. Some are conservative and tend to vote **REPUBLICAN**. Some are liberal and tend to vote **DEMOCRATIC**. Some have more negative attitudes toward public officials than do others. These attitudes determine how Americans participate, whom they vote for, and what political parties they support. Many factors — including family, gender, religion, race and ethnicity, and region — all contribute to American political attitudes and behavior.

Family

Despite family disagreements and generation gaps, children tend to grow up and vote the way their parents do. Families are generally the first, and often the most enduring, influence on young people's developing political opinions. As people grow older, other influences crisscross the family, and naturally their attitudes tend to diverge from those of their parents. However, the influence still remains. Logically, the more politically active your family, the more likely you are to hold the same beliefs. Just look at the Bush family. This relationship is less strong on specific issues — like school prayer, abortion, and welfare programs — but they all hold the same general political views.

Gender

POLITICAL SCIENTISTS have noticed some major shifts in gender influence since women first got the vote in 1920. Through the 1950s women tended to vote for Republicans. Even though more women voted for Franklin Roosevelt — a Democrat — than for his Republican opponents, they still supported him by smaller margins than did men. By the 1960s, women began to shift their loyalty to the Democrats.

In recent elections women have voted strongly Democratic. Why? Most observers believe that women think the Democrats more strongly support "women's issues," such as equal work, equal pay, and equal legal rights. Polls indicate that many issues about which women feel most strongly, such as education and health care, are more favorably addressed by the Democratic Party. Does this voting behavior mean that women are likely to vote for female candidates for office? The evidence doesn't provide any clear evidence that they do.

Religion

Religious beliefs often sway the way people vote. The Christian Coalition is a group that has over two million members and represents the view that "people of faith have a right and a responsibility to be involved in the world around them."

Older studies dating to the late 1940s generally show that Jewish voters are more likely to support Democrats than are Catholics or Protestants. Catholics tend to be more liberal on economic issues (such as minimum wage and taxes) than they are on social issues (such as abortion and divorce). More recent studies have focused on how affiliates of the "Religious Right" differ in their political attitudes and behavior from everyone else. The **RELIGIOUS RIGHT** tends to support more conservative candidates for public office, and they are more likely to contribute to the Republican Party than to the Democratic Party. This tendency is more clearly associated with social issues such as school prayer, abortion, and divorce, than with economic issues or foreign affairs.

Race and Ethnicity

As a general rule, for the past half-century African Americans have been the most loyal Democrats than any other identifiable group. Some experts believe that this loyalty is weakening, but recent elections have confirmed the strong tendency for black Americans to vote Democratic. Latinos as a whole have a tendency to vote Democratic, but the relationship is not as strong as it is for blacks. To further complicate matters, the various Latino groups have very different voting patterns. For example, Cuban Americans overall have a strong tendency to vote Republican, and Mexican Americans have an equally strong tendency to vote Democratic. Some studies indicate that Asian Americans tend to vote conservative, but there is still a lack of concrete evidence to prove this.

Region

As a general rule, people on either coast tend to be more liberal than those in the middle of the country. However, there are many exceptions to this tendency. Many Californians are **ARCHCONSERVATIVES**, as are a number of New Englanders. The Southeast presents some special problems with the rule, partly because their political affiliations have been changing over the past fifty years or so. The "**SOLID SOUTH**" — the tendency to vote for Democrats, no matter what — began to erode during the 1950s, so that both Republicans and Democrats are competitive across the South today. However, recent presidential elections indicate a general support for Republicans in the South.

Tracking trends in political culture is very tricky. There is no "typical American." These factors and others are merely indicators of tendencies, yet there are many exceptions. In the end, Americans are influenced by a wide array of factors when they cast their secret votes on Election Day.

4c. Measuring Public Opinion

George Gallup could be considered the "father of American polling." In 1935 he founded the American Institute for Public Opinion. His Gallup Organization continues to track America's opinions today.

It all started in 1932 when his mother-in-law ran for public office in Iowa. She was running against a popular **INCUMBENT**, and everyone except him thought her candidacy was a lost cause. He polled her constituency, told her she could win, and gave her some advice. Hers was only the first of many elections he was to predict correctly. His name was **GEORGE GALLUP** — the founder of modern **POLLING**.

Since then, **POLLING ORGANIZATIONS** have proliferated, so that they now play a vital role in American politics. They are able to measure public opinion so accurately because they have carefully developed some very precise methods.

For all the attention paid to them, public opinion polls often miss the mark. The most famous example was the 1948 presidential election, when pollsters predicted a landslide victory for Thomas E. Dewey. Instead, Harry Truman defeated Dewey by more than two million popular and 114 electoral votes.

POLLS generally start when someone wants a political question answered. For example, a candidate may wonder, "How many people in my district know who I am and what I do?" Polls can give some answers, which can help him or her plan a campaign for office. Or a newspaper may want to know, "How do people in this country feel about big tobacco companies?" The publisher can commission a poll, and a reporter can base a story on the research findings. The **POLLSTERS** then follow several important steps in gathering accurate **STATISTICS**:

- Questions must be carefully and **OBJECTIVELY WORDED**. □ For example, consider a question such as, "How much do you resent the deceptiveness of big tobacco companies?" You could hardly expect an accurate answer. Sometimes the slightest shift in the wording of a question can bring very different results. □
- The **SAMPLE** must be randomly selected. □ First, pollsters determine the universe, or the entire group whose attitudes they wish to measure. Since it is generally impossible to question everyone, they must use **RANDOM SAMPLING**, a method of selection that gives each potential member of the universe the same chance of being selected. For example, if the universe is 30% urban, 40% Mexican American, and 50% male, so should the sample be. □
- Respondents must be contacted in a cost efficient way. □ However, accuracy cannot be sacrificed to efficiency. For example, a **STRAW POLL** that asks television viewers to call in their opinions is generally not very accurate. After all, the people that call in usually feel very strongly about the issue. And some of them call in more than once. **TELEPHONE POLLS** are probably used most commonly today, partly because of the capability of random-digit dialing.

Should politicians monitor the polls? Candidates have been criticized for "**WAFFLING**" — shifting their positions based on the results of **PUBLIC OPINION POLLS**. But if a politician is supposed to represent the true will of the people, shouldn't public opinion be highly regarded. Americans have different opinions about whether a leader is expected to use his or her own judgment or reflect the viewpoints of his or her constituency.

Poll results must be carefully and accurately compiled and reported. This is not always an easy task, especially for tracking polls that are measuring changing public opinion. A good example is an **ELECTION POLL**. Statistics that are a week old are not usually very reliable when trying to predict a close presidential race.

Polls can never be completely accurate because a sample cannot replicate the universe exactly. Pollsters allow for this slight chance of inaccuracy with a **MARGIN OF ERROR**. Standard samples of about 1,000 to 1,500 individuals can usually represent a universe of millions of people with only a small amount of error. A typical margin of error — a measure of the accuracy of a public opinion poll — is about 3%. In a poll that says that 52% of the respondents favor Janet Smith for Mayor, somewhere between 49% (-3) and 55% (+3) of the voters actually do support her. You can see how predicting a close election can be very difficult.

Given the challenges of accurate polling of public opinion, it is amazing that polls that follow the right steps almost always make the right predictions. They've come a long way since George Gallup helped his mother-in-law win her election in 1932.

4d. Participating in Government

Citizens gather in massive groups as a way to show that they support a particular idea or agenda, in hopes that they will influence the political process. Marches, letter-writing campaigns, and political rallies are all methods of participating in government.

People may participate in politics in many ways. They can write their Representative or Senator, or work in for a candidate or political party. They can make presentations to their local school board or city council, or call the police to complain about the neighbor's dog. Partly because of our federalist system, people have many opportunities to participate in our democracy on federal, state, and local levels. Some forms of participation are more common than others and some citizens participate more than others, but almost everyone has a voice in government.

Who Participates and Why?

Experts have found several social and economic characteristics to be strongly associated with high levels of **POLITICAL PARTICIPATION**:

- Education. The single most important characteristic of a politically active citizen is a high level of education. Generally, the more education an individual has, the more likely he or she is to **VOTE**. Why? Perhaps because the well educated understand complex issues better, or maybe they have learned the importance of **CIVIC RESPONSIBILITY**. Or it could just be that their occupations are more flexible in allowing them to take time to go to the polls. Others argue that since educated people tend to be wealthier, they have more at stake in the political process.

- Age. Despite the big push in the early 1970s to allow 18 year olds to vote, 18-24 year olds have consistently held the lowest rate of voting. In fact, in recent years their older siblings (age 25-34 don't do a whole lot better. The highest percentages of eligible voters who actually vote are in those groups 45 and above.
- Racial and Ethnic Groups. If only race and ethnicity are considered, whites have higher **VOTING RATES** than do blacks and Latinos. However, that tendency is somewhat deceptive. Some studies that control for income and education levels have found that the voting rates are about the same for whites, blacks, and Latinos.
- Gender. For many years women were underrepresented at the voting booths, but in recent elections, they have turned out in at least equal numbers to men. In fact, in 1992 and 1996, turnout among women actually exceeded that of men.

Declining Voter Turnout

Since the beginning of the 20th century, American **VOTER TURNOUT** has been on the decline. Fewer than 50% of eligible voters went to the polls during the 1996 presidential election. Smaller percentages are routinely reported for congressional elections, and even fewer Americans bother to vote for their local representatives. The United States ranks near the bottom of modern democratic nations who measure voter turnout.

There are many factors that could contribute to low voter turnout. Many analysts cite growing alienation among voters. The scandals of the past several decades have engendered a cynicism that has led to a decrease in political interest, particularly among the nation's young voting population. There tends to be a correlation between **SELF-EFFICACY** — or the belief that an individual can actually make a difference — and voting. Some observers believe that the decline in voter turnout indicates that Americans feel less certain that they can have an impact than Americans of the 19th century.

Other analysts feel differently. They argue that American nonvoting may be a passive vote of confidence. Since many Americans are pleased with economic progress, they may feel reluctant to make a change, so they stay at home on Election Day. Also, American participation in political activities other than voting exceeds that of other modern democracies. More Americans report the willingness to participate in community projects, attend school board meetings, or contact their representatives directly than European citizens. Participation takes many forms. The American democracy enables its people to join a political party, work on a campaign, or contribute money toward a political cause. More locally, citizens form action groups, draw up petitions, and send mail to their representatives. Although American voter turnout has been declining, these other avenues of participation remain strong.

Lesson 18:

Part 1: Online Textbook Chapter 13, Sections a-c

13. Comparative Political and Economic Systems

Is there such a thing as a perfect government? One "answer" was the utopian society established by the Shakers. In order to make their society perfect, the Shakers adhered to a strict policy of communal living, religious devotion, celibacy, rigorous labor, and equality.

The last two decades of the 20th century were great for democratic governments. The Cold War ended with the collapse of communist dictatorships throughout Eastern Europe, including the Soviet Union itself. South Korea and Taiwan moved out of their authoritarian pasts toward greater democracy. Apartheid was ended in South Africa.

But democracy is still not the only form of government in the world today. Despite differences in form and function, most of the world's governments still try to fulfill similar primary objectives.

Purposes of Political Systems

A government can use propaganda to reinforce its image as defender of the nation. Posters produced during World War II could drum up support (as well as recruits) for the military.

Most governments are designed to provide their inhabitants with two important services: protection from outside invasion and protection of citizens from one another. How many different ways can a government protect from invasions? They can form large armies and navies, build fortified cities, provide border patrols, negotiate with potential enemies, threaten or punish "rogue" states, or join international organizations. The list goes on and on. It makes sense, then, that every country has its own way of accomplishing these basic needs. Of course, some are more successful than others. But some similarities between governments will surely exist as well. For example, more than one country has thought to build strong armies and navies.

Likewise, try to think of different ways that countries can protect citizens from one another. Some commonalties will surely appear — police forces, crime prevention, putting criminals in jail, passing laws that define what is a crime and what is not. Again, governments have different ways to accomplish this end. Some allow more individual freedoms than others, some will have national police forces, and others will organize protection on the local level. As modern governments have taken on more responsibilities, such as regulating the economy and providing social services, the possibilities for different government structures and functions increase.

Purposes of Economic Systems

Governments must consider how their citizens use (and replenish) natural resources. Forests, for example, are being depleted at an alarming rate because of human activities like logging. But which is more important: wildlife, or the thousands of families that depend on the income that the logging industry provides?

Economic systems provide needs for citizens by answering several questions:

- What resources does the country have, and what can be produced from them?
 - How should goods and services be produced from the available resources?
 - How are goods and services distributed among the inhabitants?
- Different economic systems around the world answer these questions in different ways.

The resources of an economic system are called factors of production because the economy needs them to produce goods and services. They may be grouped into four categories:

- Land. This category includes all natural resources, such as soil, water, air, and minerals.
- Labor. Every economy needs human resources — people who produce goods and services.
- Capital. Capital includes money, factories, heavy machinery — anything used to produce products and goods.
- Management. Managers organize and direct the other three factors of production.

The world at the turn of the 21st century was becoming smaller, as global interconnections made distant places seem close. At the same time, bloody nationalist conflicts turning neighbor against neighbor still raged. Government leaders around the world examined their own systems and each others to chart a course for the new millennium.

13a. Comparing Governments

No two governments, past or present, are exactly the same. However, it is possible to examine the similarities and differences among political and economic systems and categorize different forms of government. One simple way to categorize governments is to divide them into democratic and authoritarian political systems.

Democracies

Many countries today claim to be democracies, but if the citizens are not involved in government and politics, they are democratic in name only. Some governments are more democratic than others, but systems cannot be considered truly democratic unless they meet certain criteria:

- Freedom of speech, the press, and religion. Democracies in general respect these basic individual liberties. No government allows absolute freedom, but democracies do not heavily censor newspapers and public expression of opinions.
- Majority rule with minority rights. In democracies, people usually accept decisions made by the majority of voters in a free election. However, democracies try to avoid the "tyranny of the majority" by providing ways for minorities all kinds to have their voices heard as well.
- Varied personal backgrounds of political leaders. Democracies usually leave room for many different types of citizens to compete for leadership positions. In other words, presidents and legislators do not all come from a few elite families, the same part of the country, or the same social class.
- Free, competitive elections. The presence of elections alone is not enough to call a country a democracy. The elections must be fair and competitive, and the government or political leaders cannot control the results. Voters must have real choices among candidates who run for public office.
- Rule by law. Democracies are not controlled by the whims of a leader, but they are governed by laws that apply to leaders and citizens equally.
- Meaningful political participation by citizens. By itself, a citizen's right to vote is not a good measure of democracy. The government must respond in some way to citizen demands. If they vote, the candidate they choose must actually take office. If they contact government in other ways — writing, protesting, phoning — officials must respond.

The degree to which a government fulfills these criteria is the degree to which it can be considered democratic. Examples of such governments include Great Britain, France, Japan, and the United States.

Authoritarian Regimes

Mao Zedong's position as authoritarian ruler of the People's Republic of China is glorified in a propaganda poster from the Cultural Revolution that reads: "The light of Mao Zedong Thought illuminates the path of the Great Cultural Revolution of the Proletariat."

One ruler or a small group of leaders have the real power in authoritarian political systems. Authoritarian governments may hold elections and they may have contact with their citizens, but citizens do not have any voice in how they are ruled. Their leaders do not give their subjects free choice. Instead, they decide what the people can or cannot have. Citizens, then, are subjects who must obey, and not participants in government decisions. Kings, military leaders, emperors, a small group of aristocrats, dictators, and even presidents or prime ministers may rule authoritarian governments. The leader's title does not automatically indicate a particular type of government.

Authoritarian systems do not allow freedoms of speech, press, and religion, and they do not follow majority rule nor protect minority rights. Their leaders often come from one small group, such as top military officials, or from a small group of aristocratic families. Examples of such regimes include China, Myanmar, Cuba, and Iran.

No nation falls entirely into either category. It is also dangerous to categorize a nation simply by the moment in time during which they were examined. The Russia of 1992 was very different from the Russia of 1990. Both democratic and authoritarian governments change over time, rendering the global mosaic uncertain and complex.

13b. Comparing Economic Systems

Karl Marx, German philosopher, economist, and revolutionary, laid the ideological groundwork for modern socialism and communism.

Karl Marx and Friedrich Engels turned the world upside down.

Until the publication of their 1848 *Communist Manifesto*, much of the western world followed a course where individuals owned private property, business enterprises, and the profits that resulted from wise investments. Marx and Engels pointed out the uneven distribution of wealth in the capitalist world and predicted a worldwide popular uprising to distribute wealth evenly. Ever since, nations have wrestled with which direction to turn their economies.

Capitalism

- Capitalism is based on private ownership of the means of production and on individual economic freedom. Most of the means of production, such as factories and businesses, are owned by private individuals and not by the government. Private owners make decisions about what and when to produce and how much products should cost. Other characteristics of capitalism include the following:
- Free competition. The basic rule of capitalism is that people should compete freely without interference from government or any other outside force. Capitalism assumes that the most deserving person will usually win. In theory, prices will be kept as low as possible because consumers will seek the best product for the least amount of money.
- Supply and demand. In a capitalist system prices are determined by how many products there are and how many people want them. When supplies increase, prices tend to drop. If prices drop, demand usually increases until supplies run out. Then prices will rise once more, but only as long as demand is high. These laws of supply and demand work in a cycle to control prices and keep them from getting too high or too low.

Communism

Karl Marx, the 19th century father of communism, was outraged by the growing gap between rich and poor. He saw capitalism as an outmoded economic system that exploited workers, which would eventually rise against the rich because the poor were so unfairly treated. Marx thought that the economic system of communism would replace capitalism. Communism is based on principles meant to correct the problems caused by capitalism.

The most important principle of communism is that no private ownership of property should be allowed. Marx believed that private ownership encouraged greed and motivated people to knock out the competition, no matter what the consequences. Property should be shared, and the people should ultimately control the economy. The government should exercise the control in the name of the people, at least in the transition between capitalism and communism. The goals are to eliminate the gap between the rich and poor and bring about economic equality.

Socialism

Socialism, like communism, calls for putting the major means of production in the hands of the people, either directly or through the government. Socialism also believes that wealth and income should be shared more equally among people. Socialists differ from communists in that they do not believe that the workers will overthrow capitalists suddenly and violently. Nor do they believe that all private property should be eliminated. Their main goal is to narrow, not totally eliminate, the gap between the rich and the poor. The government, they say, has a responsibility to redistribute wealth to make society more fair and just.

There is no purely capitalist or communist economy in the world today. The capitalist United States has a Social Security system and a government-owned postal service. Communist China now allows its citizens to keep some of the profits they earn. These categories are models designed to shed greater light on differing economic systems.

13c. A Small, Small, World?

"What happens in the farthest corner of the world now touches us almost instantly...The world has become a more crowded, more interconnected, more volatile and unstable place." -Ernest Boyer, *"The Globe, the Nation, and our Schools," Kettering Review, 1984*

The world is separated politically into countries. But does it always have to be? Checking a map from a few years ago reveals many changes in political boundaries. Looking at a map from 100 years ago shows almost total change. That fact is hard for Americans to realize because the borders of the United States have changed only twice over the past 150 years — to include the new states of Hawaii and Alaska. Is it possible that in the near future borderlines between countries will have little meaning?

Globalization

Ernest Boyer's quote above is a comment on globalization — the increasing tendency for many interests and issues to be shared by nations. Many globalists warn that the very future of the earth depends on countries cooperating to solve major problems like instability in the world economy, pollution, overpopulation, loss of natural resources, hunger, international conflict, and climate changes.

Revolutions in communications, travel, and technology make instant contact among nations possible. Many treaties and international agreements now bind countries together to address concerns over the economy, security, and the environment. Does this all mean that nations and governments as we know them today will disappear? Some observers think so. Some early signs include the following:

- **International organizations.** The 20th century saw new experiments with international peace organizations designed to solve disputes diplomatically rather than through war. The League of Nations, established just after World War I, was generally a failure since it could not prevent the advent of World War II. The United Nations replaced the League and has had a very mixed record as a referee in international conflicts. However, about 160 nations belong to the UN, and the organization is still alive and well after more than half a century.
- **Regional organizations.** Regional organizations have existed for many years, but some experts are seeing a blurring of national borderlines in many recent ones. An example is the European Union, which started as an effort to create a common marketplace among European nations with trade restrictions totally removed. But now nations are electing representatives to a European Parliament. Will shared political powers follow? NAFTA (North American Free Trade Agreement) binds Canada, the United States, and Mexico in a free trade zone. Many other regional organizations exist around the globe.

A Case for Independent Governments

Most people cannot imagine nations ever entirely disappearing, even though the nation-state did not emerge in world history until the 18th century. There are many reasons why governments for individual countries still exist. Different people have different needs. Governments must vary according to the needs of the people they serve. Could the globe function under one world government, or even under tough restrictions from an international peace organization? People across the globe still have plenty of differences. According to this point of view, independent governments that are adapted to their citizens still make the most sense.

Competition among nations is a well-established pattern. How could the countries of Europe who have been at war for centuries agree to submit to a single government? How could and why should the United States compromise with other governments if it remains the world's largest military superpower? The citizens of these nations have difficulty yielding their sovereignty — the right to determine their own affairs — to supranational organizations.

Will globalization be the answer to current world dilemmas? Or does globalization ignore the need for the continuation of nation-states? Whatever the future holds, governments will be a part of the attempt to address issues and solve problems. The systems may change, but the goals of maintaining order, creating prosperity, and protecting rights are unlikely to change.

Part 2: Online Reading from <http://teachergenius.teachtci.com/case-studies-in-tyranny/>

Case Studies in Tyranny

History shows us that there is more than one road to tyranny. In Italy, fascist dictator Benito Mussolini took advantage of unstable social conditions in the aftermath of World War I. The Japanese military used its power and prestige to strategically overthrow the government. The instability left in the wake of colonial domination allowed ruthless men to seize power in Haiti and Nigeria. Fear of the spread of communism helped support a Chilean dictator committed to free-market reforms. In Cambodia, a war-weary populace trusted a government that proved to be their worst enemy. In all cases, tyrants used force and other illegitimate means to gain and maintain power.

Mussolini and the Rise of Italian Fascism

During the Middle Ages, the Italian peninsula was a collection of city-states. Fights among them left the region vulnerable to foreign domination. In fact, by the 1800s Austria controlled much of the peninsula. But by 1870 the once-adversarial Italian city-states had united to rid the region of Austrian rule. The new kingdom of Italy entered the 1900s with few resources and little industrialization. Regional conflict, inequality between the rich and the poor, and social unrest were the order of the day. Perhaps the biggest difficulty, however, was that the Italian people had little confidence in their government.

World War I and the Postwar Years

Italy joined the Allied fight in World War I. Italians had hoped their successful war effort would bring them a unifying sense of national prestige. Despite the Allies' victory, the modest domestic victories were a great blow to Italian pride. Hundreds of thousands of Italian soldiers gave up their lives for minimal territorial gains.

The economy was in shambles in the postwar years, fueling greater social unrest. The government proved ineffectual. Frustrated Italians turned their support to socialist and communist parties, the Catholic Popular Party, and a new player on the field—the Fascist Party. Ex-soldier Benito Mussolini founded the Fascist Party in 1921.

Mussolini

Benito Mussolini was a former Socialist Party member known for his formidable

personality and extremist views. His Fascist movement was characterized by these traits:

- extreme nationalism
- militarism
- antidemocratic ideology
- elite rule

Fascism found support with industrialists and landowners, who were glad to see Mussolini's thugs dismantle labor unions and peasant cooperatives. People who could not be won over by ideology were convinced by force. Fascist militias terrorized the opposition. Homes, union headquarters, and rival party newspaper offices were set ablaze.

In 1922 Mussolini, accompanied by 25,000 militiamen, marched into Rome and forced King Victor Emmanuel III to make him prime minister. Mussolini proceeded to abolish political parties and elections and to deny free speech and other constitutional rights. His spy network rooted out antifascists, who were imprisoned, exiled, or executed.

Fascist economic policy rescued failing banks and modernized Italy's infrastructure, but it was not immune to the worldwide economic depression of the 1930s. Italy's attempts at colonial expansion in Africa, though popular at home, further drained the economy.

Downfall of a Dictator

Mussolini's disastrous alignment with Germany's fascist dictator, Adolph Hitler, in World War II proved his undoing. Opposition groups united against the Fascist regime. The Allies moved into Italy, and Victor Emmanuel dismissed Mussolini from office. The public took to the streets, toppling statues of Mussolini and releasing political prisoners. Mussolini was arrested, but later escaped. In 1945 he was shot by members of the Italian underground resistance movement while trying to cross the border into Switzerland.

After the war ended, Victor Emmanuel abdicated. A new constitution was adopted in 1948, and Italy became a republic.

The Rise of Japanese Militarism

Japan was once a feudal state ruled by a long line of military governors, the shoguns. It entered a period of reform in the late 1800s. The so-called Meiji restoration returned power to the emperor and opened Japan to the West.

The Meiji Restoration

With the emperor holding power, Japanese government became centralized. Emperor Meiji recognized that Japan needed to modernize if it wanted to be on an equal footing with the West. By 1889 Japan had established a constitution and a national assembly, although executive power still rested with the emperor. The authoritarian nature of the

new government gave rise to nationalism. Soon that nationalism took the form of an aggressive militarism.

In 1894 Japan went to war with China, securing Korean independence from China. It also forced China to grant Japan economic concessions. Then, in 1900, China experienced a peasant uprising meant to drive out foreign occupation. At this time, Russia occupied southern Manchuria, a region of China bordered by Russia and Korea. Japan declared war on Russia. It gained control of Korea and secured a foothold in southern Manchuria. In 1909 Japan officially annexed Korea. These victories strengthened the role of the military in Japanese government.

The Meiji period came to a close in 1912 upon the death of the emperor. Japan had established itself as an equal to countries in the West and emerged as the strongest imperial power in Asia. It continued this effort through World War I, seizing German possessions in China and the Pacific and exacting further economic privileges from China.

Military Control of the Government

In the post-Meiji era, military leaders vied with political parties for control of the government. In the 1930s military expansion became the solution for Japan's growing economic problems—the effects of the worldwide economic depression and a growing population it could no longer support with its own resources.

In World War II Japan sided with Italy and Germany. Japan saw entry into the war as a way to further expand its empire. Soon it occupied all of Indochina, prompting the United States to freeze Japanese assets and withhold oil exports to Japan. When Japan's prime minister failed to get the United States to relent, Tojo Hideki, Japan's war minister and former head of the military police, replaced him. Holding simultaneous positions, including war minister, prime minister, and chief of general staff, Tojo garnered for himself dictatorial powers.

End of Japanese Militarism

Japan declared war on the United States by attacking the U.S. naval base at Pearl Harbor during World War II. The war was hard fought, but Japan was ultimately defeated. The United States imposed reforms on the country, overseeing a period of demilitarization and democratization. Tojo and other military leaders were indicted for war crimes, including crimes against the peace, crimes against humanity, and murder. The era of Japanese militarism was over.

Dictatorship in Haiti

Following a massive slave revolt, Haiti emerged as the world's first independent black republic in 1804. Centuries of Spanish and French colonization, however, had nearly extinguished the indigenous population and created an unstable, racially divided society

made up of former African slaves and a tiny elite composed largely of mulattos. Mulattos are persons of mixed black African and white European descent. The majority of Haitians were desperately poor. An ongoing parade of dictators has prevented the country from rising above its impoverished beginnings.

Political Instability

Haiti's first leader was the general who led the country to independence, Jean-Jacques Dessaline. Dessaline established himself as "emperor" but was soon killed in a civil war. More than 20 more governments would rise and fall—mostly at the hands of assassins and revolutionaries—before U.S. president Woodrow Wilson sent in troops to occupy Haiti and restore order in 1915. The United States strengthened Haiti's public finances, built schools and highways, and established sanitation programs before withdrawing in 1934.

Part of the U.S. efforts in Haiti included a program to train Haitian health workers. Under this plan, a young middle-class man named François Duvalier became a medical doctor. His work in public health campaigns endeared him to the peasant population and earned him the nickname "Papa Doc." In 1949 he became minister of public health, and in 1957 he was elected prime minister.

The Duvalier Period

Once in office, Papa Doc transformed from a benevolent country doctor into a ruthless dictator. Fearing a coup, he suppressed the military and established his own paramilitary forces. The Tontons Macoutes ("Bogeymen"), as they were called, terrorized the population through vandalism, torture, imprisonment, and murder.

In 1964 Duvalier declared himself president for life. While in office, he accumulated a large fortune for himself but did nothing for Haiti's poor. He also touched off a massive "brain drain" of the country, as thousands of professionals emigrated.

In 1971 Duvalier named his son to be his successor. After Duvalier's death a few months later, 19-year-old Jean-Claude Duvalier became president. Like his father before him, "Baby Doc," as the young leader was mockingly nicknamed, made liberal use of the Tontons Macoutes. Many thousands more Haitians fled the country.

In 1986 Duvalier and his family escaped a revolt. Lieutenant General Henri Namphy became head of the government, but Lieutenant General Prosper Avril soon overthrew him. Avril reigned as dictator until 1990, when he resigned under pressure.

First Democratically Elected President

The Haitian people then elected Jean-Bertrand Aristide in a free election, but a military coup in 1991 forced him into exile. The Haitian exodus intensified, with thousands of refugees taking to the open sea in small boats.

With the help of the U.S. military, Aristide returned to Haiti 1994. In late 1995 René Préval was elected president. The United States withdrew combat troops the following year. Aristide was elected president again in late 2000, amid accusations of a fraudulent election. Economic hardship and political instability persisted. In 2004 rebellion forced Aristide to flee to Africa. The U.S. military returned once again to oversee the installation of a transitional government. In 2006, the interim government was replaced by a popularly elected parliament, with Préval returning as president. For now, it seems that Haiti's long reign of dictators has come to an end.

Nigeria's Struggle with Corrupt Rulers

The British formed Nigeria into a colony in 1914. Political unification under foreign rule, however, could not mask the fact that the country was home to roughly 250 separate ethnic groups. In addition, religious tensions developed as Christian missionaries evangelized the indigenous peoples.

Independence

After World War I, Africans across the continent agitated for freedom from European domination. By 1960, Nigeria was granted full independence. It established a federal republic in 1963. Soon however, ethnic and regional tensions that had been simmering beneath the surface of the nationalist movement erupted in a full boil. Military coups, ethnic massacres, and a secessionist movement threatened the new republic.

In 1967 three eastern states broke off to form the Republic of Biafra. In the civil war that followed, somewhere between 500,000 to several million people lost their lives from injury or starvation. In 1970 Biafra surrendered and rejoined the nation.

After the war, an oil boom gave the nation new hope. The optimism was short-lived, however, as plans to return the government to civil control were thwarted by a coup. A failed countercoup brought soldier and politician Olusegun Obasanjo to power.

Corruption

Obasanjo returned the government to civilian power by stepping aside peacefully in 1979. The newly elected government brought increased corruption, as the nation's leaders pocketed much of Nigeria's oil wealth. Yet another military takeover occurred in 1983. The military government's failure to improve the nation's economy or stability led to further elections.

The elections were overturned by the military under General Sani Abacha, the most notorious of Nigeria's long line of military dictators, who took over the presidency in 1993. Nigerian politics reached a low point under Abacha. During his tenure, Abacha and his family stole an astonishing \$3 billion from the nation. His repressive government outlawed political parties and labor strikes, controlled the press, and ruthlessly suppressed opposition.

Return to Civilian Rule

Abacha died suddenly in 1998, opening the way for a return to civilian rule. In 1999, Obasanjo was elected president. He set about trying to root out the corruption that permeated all levels of Nigerian government.

In 2003 and again in 2007, the people elected Nigeria's rulers, although the fairness of these elections is in doubt. Religious and ethnic clashes still plague the nation. Conflicts over the distribution of oil wealth, which has not reached most Nigerians, threaten continuation of this relative stability.

Cambodia and the Khmer Rouge

In the mid to late 1800s, France controlled the three states of Vietnam, Laos, and Cambodia, creating what became known as French Indochina. In 1864 France forced Cambodia's monarch, King Norodom, to give France control of foreign affairs. Later, Norodom lost control of internal affairs as well. Soon France's representative assumed executive control, reducing the role of king to a mere figurehead.

Independence

After the upheavals of World War II, however, Cambodia moved toward greater autonomy. It was granted independence from France in 1953 under the guidance of King Sihanouk. Sihanouk became prime minister in 1955 and head of state in 1960. Members of his government, however, became frustrated with his increasingly authoritarian rule and his position of neutrality on the war in Vietnam. In 1970, Lieutenant General Lon Nol overthrew Sihanouk.

Rise of the Khmer Rouge

Meanwhile, an underground communist movement in Cambodia had been taking shape. In 1960 a young radical named Saloth Sar helped found the communist Workers Party of Kampuchea. By 1963 Saloth Sar, who adopted the pseudonym Pol Pot, became its secretary-general. Fearing arrest by Sihanouk, Pol Pot and his cohorts hid in the countryside.

Pol Pot soon amassed soldiers for an armed rebellion, a movement Sihanouk dubbed the Khmer Rouge— *Khmer* referring to the Khmer people of Cambodia and *Rouge*, or red, meaning communist. Civil war raged throughout the nation. Bombs rained down from U.S. warplanes attempting to disrupt support for Vietnamese communists. The bombing increased support for the Khmer Rouge.

Reign of Terror

On April 17, 1975, the Khmer Rouge marched into Phnom Penh, Cambodia's capital. They ordered an immediate evacuation of the city. Pol Pot and the Khmer Rouge closed the nation's borders and set its calendar back to year zero. Pol Pot then began to implement his strange vision of a "pure" Cambodia: a collectivized agrarian society free from outside influence and non-Khmers. He abolished money, private property, and religion. Thousands of Cambodians were relocated to rural collectives, where many were worked to death. Pol Pot ordered the killings of intellectuals, teachers, merchants, opposition soldiers, members of minority groups, and even people who wore glasses. Thousands were tortured and executed. Others were murdered en masse in "killing fields." Many more starved to death. By the time Vietnam brought down Pol Pot's regime in January 1979, the Khmer Rouge had killed off 1.5 to 2 million Cambodians—about one fifth of the entire population.

End of the Khmer Rouge

The Khmer Rouge hung on for nearly two more decades, engaging in guerrilla warfare against a Vietnamese-backed government. They continued to fight against a coalition government formed in 1993. The movement finally died along with Pol Pot in 1998.

From Oligarchy to Dictatorship in Chile

Chile emerged from Spanish colonization in 1818 with military commander Bernardo O'Higgins as "supreme director" of the new nation. The real power, however, lay with an oligarchy made up of Spaniards and Chileans of European descent. The masses—comprising black slaves, Native Americans, and those of mixed Native American and European descent—were excluded from government.

Political Instability

O'Higgins did not enjoy the support of the oligarchy, for his reforms attempted to reduce the power of the landed class. Between 1823 and 1830 the military and the oligarchy struggled for power. Thirty governments rose and fell in this period of political chaos and economic disorder.

In 1829 the military installed a junta, a group of officers with power to govern, that strengthened the central government. For the next 30 years, an authoritarian government largely controlled by wealthy landowners ruled Chile.

Economic Disparity

In 1836 Chile went to war with its neighbor Bolivia, gaining territory that held valuable deposits of copper and nitrates. This newfound wealth led to the development of a middle class, but it failed to reach ordinary workers, who agitated for better pay. New political parties developed to represent the interests of the middle and lower classes. As the ruling classes continued to neglect the social and economic problems of the majority of Chilean society, Marxist ideology spread among the urbanized industrial workers.

The worldwide depression of the 1930s threw Chile into economic crisis and brought about more political instability. Economic relief came as World War II and the Korean War created a demand for copper. Despite this economic boom, the gap between the rich and poor remained. A renewed interest in socialist and communist parties arose. In 1970 Salvador Allende, a socialist and Marxist, was elected president.

Allende's economic reforms were ill fated. Inflation rose to new heights. The middle class, the oligarchy, and both right-leaning and centrist political groups, who supported the military in antigovernment activity, thwarted Allende's social reforms. Even the United States withdrew economic aid from Chile and actively supported a military coup.

Pinochet Dictatorship

In 1973 Allende was killed in a military coup, and General Augusto Pinochet was installed as president. Pinochet set about encouraging free enterprise in Chile. His economic reforms were hard on the working class. The upper and middle classes, on the other hand, supported his free-market reforms. Nevertheless, his repressive government eventually lost support. Once in office, he suspended political parties and censored the press. He brutally repressed opposition, jailing and torturing thousands. More than 3,000 people were killed or were "disappeared" from prison, most likely executed. In the face of these human rights abuses, Pinochet began to lose support, including U.S. support.

Plebiscite

In 1988 the United States oversaw a plebiscite, an election in which the entire population votes to confirm or reject the legitimacy of their government. The Chilean people voted Pinochet out of office. He was able to retain his position as head of the army until 1998, however, and as senator for life until he was arrested in Britain in 1998 for human rights offences. Declared mentally unfit for trial at age 85, he died before answering for his crimes. Patricio Aylwin, who instituted social reforms while retaining a free-market economy, succeeded Pinochet as president.

