

The American Political System

Lecture Notes

I. What is political power?

- A. Two great questions about politics
 1. Who governs: those who govern will affect us
 2. To what ends: tells how government affects our lives
 3. The text focuses on who governs and, in answering this question, looks at how the government makes decisions on a variety of issues
- B. Power
 1. Definition: the ability of one person to cause another person to act in accordance with the first person's intentions
 2. Text's concern: power as it is used to affect who will hold government office and how government will behave
 3. Authority: the right to use power; not all who exercise political power have it
 4. Legitimacy: what makes a law or constitution a source of right
 5. Struggles over what makes authority legitimate
 6. Necessity to be in some sense "democratic" in the United States today

II. What is democracy? Describes at least three different political systems.

- A. Where the "true interests" of the people are served, whether or not those people affect the decision making (democratic centralism)
 1. China
 2. Cuba
 3. Certain European, Asian, Latin American dictatorships
- B. Aristotelian "rule of the many" (participatory democracy)
 1. Fourth-century B.C. Greek city-state, practiced by free adult male property owners
 2. New England town meeting
- C. Acquisition of power by leaders via competitive elections (representative democracy or elitist theory of democracy)
 1. Justifications
 - a. Direct democracy is impractical for reasons of time, expertise, etc.
 - b. The people make unwise decisions based on fleeting emotions

III. Direct v. representative democracy

- A. Text uses the term "democracy" to refer to representative democracy
 1. Constitution does not contain word "democracy" but "republican form of government"
 2. Representative democracy requires leadership competition if system is to work
- B. Recommendations for reclaiming participatory democracy
 1. Community control
 2. Citizen participation in program development
 3. Do we want a push-button Democracy or one that has a "mind of its own?"

IV. How is power distributed in the American Democracy?

- A. Majoritarian politics - The populist view. This is what most tend to view our democracy as but it is often simplistic. Really, it is a very democratic notion, but how good is this as a form of government.
 1. Leaders constrained to follow wishes of the people very closely
 2. Applies when issues are simple and clear
- B. Elitism - within a democracy there are always elites. These elites, however, are dynamic not static elites.
 1. Rule by identifiable group of persons who possess a disproportionate share of political power
 2. Theories on political elites
 - a. Marxism: government merely a reflection of underlying economic forces
 - b. C. Wright Mills: power elite composed of key corporate leaders, military leaders, and political leaders - (*See Article*)
 - c. Max Weber: expertise, specialized competence will dominate
 - d. Pluralist view: no single elite has monopoly on power; hence must bargain and compromise while being responsive to followers (*See article*)
- C. Cynical view that politics is self-seeking enterprise
 1. Policy does not necessarily reflect authors' motives
 2. Self-interest an incomplete guide to actions
 - a. AFL-CIO supported civil rights in 1960s, without personal or organizational gain
 - b. Civil Aeronautics Board employees in 1970s, worked for deregulation.
 3. There are examples, however, of political action being taken with only self interest as a motive.
 - a. Support of "Big Tobacco" and NRA.

V. Political change

- A. Necessary to refer to history frequently since no single theory adequate
 1. Government today influenced by yesterday

2. Government today still evolving and responds to changing beliefs
- B. Politics about the public interest, not just "who gets what"

VI. Policy Development - What types of policies are developed by the American System.

- A. Important to know because our lives are affected by ...
 1. Distribution of political power
 2. Policies adopted by government
- B. Classification of policies has two advantages
 1. Looks at comprehensive list of policies
 2. Focuses on how policies affect people
- C. Policy Outputs
 1. Majoritarian Politics
 2. Client Politics
 3. Entreprenorial
 4. Interest Group Politics

			Perceived Costs	
Perceived Benefits			Distributed	Concentrated
		Distributed	Majoritarian Politics	Entreprenorial Politics
		Concentrated	Client Politics	Interest Group Politics

D. Four kinds of policy outputs - based upon cost / benefit principle.

1. Majoritarian politics - What factors play a role in majoritarian Policy Making?

- a. Public opinion
 - (1) Usually a discernible public opinion exists since issues highly visible
 - (2) Long-term disregard of public opinion is dangerous for politicians.
 - (3) President and advisers play a leading role in development of majoritarian policies
- b. Ideological debate often precipitated by proposals of new majoritarian programs
- c. Worldview - A Generally held belief.. paradigm
 - (1) Ideological debate outcomes often institutionalize new worldviews
 - (2) Crises may provide decisive leverage to alter worldview
A crisis situation makes the public willing to follow a leader who promises change and action. When Franklin Roosevelt was elected president during the Great Depression, Will Rogers commented: "The whole country is with him just so he does something. If he burned down the Capitol we would cheer and say 'Well, we at least got a fire started anyhow.'"
 - (3) Other forces can alter worldview
 - Education
 - Mass media
 - Changing perceptions of causes and consequences of problems

d. Political parties

- (1) Relatively important role when Congress shaping new majoritarian policies
- (2) But bipartisan support after new policies succeed
- (3) Policies may receive closer scrutiny if costs become very high

2. Interest group politics

a. Changing economic and social cleavages in society source of interest group policy proposals

- (1) Sources of interest group policy proposals found in changing
 - Technologies
 - Markets
 - Regions
 - Organizational skills, resources of various groups
- (2) Dominant group sometimes able to block another from organizing

- Unions blocked by management
 - Blacks blocked by whites
- b. Political parties
- (1) Usually not decisive because of internal division caused by crosscut-pressures
 - (2) Exception: labor-management issues tend to parallel Democratic / Republican differences
- c. Continuing struggle
- (1) Moves into bureaucracy, courts, later legislative sessions
 - (2) Agencies less vulnerable to capture than are those of client politics
 - (3) Public opinion and presidential leadership usually weak
 - (4) Mass media rarely play an important role
3. Client politics - benefits concentrated, costs distributed.
- a. Visibility
- (1) Typically low visibility- public
 - (2) Public and media attention may change with economic conditions
 - (3) Non economic groups can also lose client status
- b. Political parties
- (1) Usually only a slight role--group is making an unopposed request
 - (2) Problem of client group: getting on the agenda
 - (3) Conducive to political corruption--need a political sponsor, generally avoid publicity
- c. Identifying the clients
- (1) Sometimes sponsorship by self-appointed representatives
 - (2) Economic Opportunity Act: bureaucrats and political executives influential
- d. Serving the clients
- (1) Creation of client-serving government agencies
 - (2) Low-visibility client politics less common now: more opponents and court intervention
 - (3) Proliferation of regulatory agencies also creates some offsetting forces
4. Entrepreneurial politics - costs concentrated, benefits distributed - Arousing interest in a little known policy.
- a. Requires skilled leadership that attracts media attention
- (1) Needed because appeal to self-interest is too slight
 - (2) Public's perception of dangers and values hinges on such manipulation; symbols change with each generation
 - (3) Sometimes no compelling symbol found: gun control
- b. Promotion by the media
- (1) Great importance of reporters, editors; often tacit alliance with entrepreneur
 - (2) political parties less significant
- c. Capture of the agencies
- (1) Agencies most susceptible to capture by interest groups who are adversely affected
 - (2) Example: FDA, by pharmaceutical industry
 - (3) May instead create an agency to encourage interest group competition: EPA
- d. The Courts
- (1) Play an important role in entrepreneurial politics

- (2) Initial deference to popular mood by courts
- (3) Later develop balancing tests to assess the regulations

VII. Competing theories of political power - we have examined the American majoritarian system but there are other theories on political power, in and out our nation.

A. Marxist theory

- 1. Definition: ownership of means of production shapes politics and determines political outcomes
- 2. Economic determinists will point to client relationships in economic policy
 - a. Maritime, dairy subsidies
 - b. Farm-price supports
 - c. Oil import quotas
 - d. Tax treatment of preferred groups
- 3. The theory explains client politics only when a government advantage involves an economic client. But as client politics becomes concerned with noneconomic matters, the theory falls short as an explanation and fails to account for the boundaries imposed by public and elite opinion on other groups.
 - a. Ethnic groups
 - b. Racial groups
 - c. Women's groups
- 4. Even economic client politics limited by public and elite opinion
 - a. Airline deregulation
 - b. Deregulation of banking, trucking, securities
 - c. Failure of auto industry to block Clean Air Act

B Elitist theory

- 1. Definition: single elite with common background makes all policy, influenced only weakly by popular opinion
- 2. Client politics a partial confirmation of elite theory
- 3. But an ambiguity persists
 - a. Elite may be beneficiary of policies, or ...
 - b. Elite because of characteristics that enable elites to influence all policies
- 4. Client politics do not confirm elitism--costs/benefits influence still affects the elites ability to shape policy
- 5. Most popular version today: career politicians in Congress make decisions without regard to public opinion
 - a. But these elites are popularly elected-elites of the past were unelected

C. Bureaucratic theory - Institutional Momentum, career bureaucrat.

- 1. Definition: government by large organizations made up of appointed career officials
- 2. Bureaucracy most powerful where laws are least precise
 - a. Weapons procurement
 - b. Civil rights law enforcement
 - c. Foreign policy making
 - d. Regulation of business
- 3. Bureaucratic discretion is ...
 - a. Sometimes inevitable because of subject matter
 - b. At other times avoidable, but Congress unwilling to make tough decisions
- 4. Recent tendency in Congress: reduction of bureaucratic discretion
 - a. Environmental legislation and drug laws
 - b. Exact standards increase social cost of standards
- 5. Another avenue of increasing bureaucratic power: source of the political agenda
 - a. Economic Opportunity Act (1964)
 - b. Medicare Act (1965)
 - c. Weapons proposals
- 6. This theory overestimates the power of the bureaucracy. The bureaucracy is powerful when the law confers wide discretion and less so when the task is specified by law in exact language. Thus it is the clarity and consistency of congressional laws which determine bureaucratic power.
- 7. Historical Opposition - Jackson's "Spoils System"

D. Pluralist theory

- 1. Definition: policies come from conflict, bargaining among organization representing affected groups
 - a. Obviously an accurate description of interest group politics
 - b. But it overestimates extent of group formation, activity
- 2. In client politics, little incentive for affected groups to organize
- 3. In majoritarian politics, interest groups play marginal role
- 4. Rise of entrepreneurial politics makes pluralism more applicable, a greater variety of groups represented today
- 5. Pluralism still an inadequate explanation
 - a. Doesn't account for client or majoritarian politics
 - b. No clear explanation of entrepreneurial politics
 - c. No full accounting of role of judiciary

The Constitution

Lecture Notes

I. The problem of liberty

A. The colonial mind

1. Belief that British politicians were corrupt and thus English constitution inadequate to protect citizens' liberty
2. Belief in a higher law of natural rights
 - a. Life
 - b. Liberty
 - c. Property (Jefferson notwithstanding)
3. A war of ideology, not economics - This is disputed!
4. Specific complaints against George III for violating inalienable rights Voting was not widespread in England itself at this time. Only about one in twenty-five Englishmen had the suffrage in 1776.

B. The real revolution

1. The "real" revolution was the radical change in belief about what made authority legitimate and liberties secure
2. Government by consent, not by prerogative
3. Direct grant of power in a written constitution
4. Human liberty prior to government
5. Legislative superior to executive branch because legislature directly represented the people

C. Weakness of the confederation

1. Could not levy taxes or regulate commerce
2. Sovereignty, independence retained by states
3. One vote in Congress for each state
4. Nine of thirteen votes in Congress required for any measure
5. Delegates to Congress picked, paid for by state legislatures
6. Little money coined by Congress
7. Army small; dependent on state militias
8. Territorial disputes between states led to open hostilities
9. No national judicial system
10. All thirteen states' consent necessary for any amendments

The newly created government almost succumbed to a military coup in an incident in 1783 called the Newburgh Mutiny. When the military was ordered to disband after the war, about two thousand officers refused to obey since they had not been paid in two years. The government, lacking the power to tax, was broke. Why was there no coup? George Washington, in addressing the officers, had to put on eyeglasses to read and said, "Gentlemen, you will permit me to put on my spectacles, for I have not only grown gray but almost blind in the service of my country." Rather than carrying forward their revolt, the soldiers wept. Shay's Rebellion, a small local rebellion in Massachusetts, was unable to be suppressed without state intervention. This led to concerns about both the stability and strength of the nation.

II. The Constitutional Convention

A. The lessons of experience

1. State constitutions
 - a. Pennsylvania: most democratic, trampled minority rights
 - b. Massachusetts: less democratic, but Shays's Rebellion
2. Shays's Rebellion brought fear that states about to collapse
3. Rule of England

B. The Framers

1. Who came: men of practical affairs, including Continental army veterans and Congress of the Confederation members
2. Who did not come - Rhode Island was the sole state that refused to send any delegates to the convention.
3. An entirely new constitution, though authorized only to revise Articles
4. Lockean influence
5. Doubts that popular consent alone could guarantee liberty
6. Results: "a delicate problem"; need strong government for order but not threaten liberty

III. The challenge

A. The Virginia Plan

1. Strong national government organized into three branches
2. Two houses in legislature
3. Executive chosen by legislature
4. Council of revision (executive and some judiciary branch members) with veto power
5. Two key features of the plan
 - a. National legislature with supreme powers
 - b. One legislative house elected directly by the people

B. The New Jersey Plan

1. Sought to amend rather than replace Articles

2. Proposed one vote per state
 3. Protected small states' interests while enhancing power of national government
- C. The Great Compromise (or Connecticut Compromise)
1. House of Representatives based on population and directly elected by people
 2. Senate of two members per state and elected by state legislatures
 3. Reconciled interests of large and small states

IV. The Constitution and democracy

- A. Founders did not intend to create direct democracy
1. Physical impossibility in a vast country
 2. Mistrust of popular passions
 3. Intent instead to create a republic, a government with system of representation
- B. Popular rule only one element of new government
1. State legislators to elect senators
 2. Electors to choose president
 3. Two kinds of majorities: voters (House) and states (Senate)
 4. judicial review another limitation, not necessarily intended by Founders
 5. Amendment process
- C. Key principles
1. Separation of powers
 2. Federalism
- D. Government and human nature
1. Aristotelian view: government should improve human nature by cultivating virtue
 2. Madisonian view: cultivation of virtue would require a government too strong, too dangerous; self-interest should be freely pursued within limits
 3. Separation of powers enables each branch to check others
 4. Federalism enables one level of government to act as a check on the other

V. The Constitution and liberty

- A. Whether constitutional government was to respect personal liberties is a difficult question
1. Ratification by conventions in at least nine states a democratic feature
 2. But technically illegal-Articles could be amended only with unanimous agreement of thirteen states
- B. The Antifederalist view
1. Liberty could be secure only in small republics
 - a. Otherwise national government would be distant from people, becoming tyrannical
 - b. Strong national government would use powers to annihilate state functions
 2. There should be many more restrictions on strong national government
 3. Madison's response: personal liberty safest in large (extended) republics
 - a. Coalitions likely more moderate there
 - b. Government should be somewhat distant to be insulated from passions
 4. Reasons for absence of bill of rights
 - a. Several guarantees in Constitution already
 - (1) *Habeas corpus*
 - (2) No bill of attainder
 - (3) No *ex post facto* law
 - (4) Trial by jury
 - (5) Privileges and immunities
 - (6) No religious tests for political office
 - (7) Obligation of contracts
 - b. Most states had bills of rights
 - c. Intent to limit federal government to specific powers with constitution

James Madison had another reason for opposing the inclusion of a bill of rights. He feared that no list of rights could ever be complete, and that the government would thus be invited to abridge the "forgotten" rights. To deal with this problem, Madison proposed what became the Ninth Amendment, which declares that citizens have additional rights beyond those enumerated. When introducing the amendment, Madison told Congress: "This is one of the most plausible arguments that I have ever heard urged against the admission of a bill of rights into this system; but, I conceive, that it may be guarded against. I have attempted it, as the gentlemen may see."
- C. Need for a bill of rights
1. Ratification impossible without one
 2. Promise by key leaders to obtain one
 3. Bitter ratification narrowly successful

The Bill of Rights did not require the approval of all states for ratification, and it did not initially receive such approval. For example, Georgia did not ratify the Bill of Rights until 1939.

VI. The Constitution and slavery

- A. Slavery addressed in three provisions

1. House of Representatives apportionment
 2. Congress could not prohibit slave trade before 1808
 3. Fugitive slave clause
- B . Necessity of compromise: otherwise no ratification
 C. Legacy: civil war, social and political catastrophe

VII. The motives of the framers

- A. Acted out of mixture of motives: economic interests played modest role
 B . Economic interests at the convention
- 1 . Economic interests of framers varied widely
 2. Charles Beard: those who owned government debt supported Constitution
 3. But no clear division along class lines found by later historians
 4. Recent research: state economic considerations outweighed personal considerations
 - a. Exception: slaveholders
- C. Economic interests and ratification
1. Played larger role in state-ratifying conventions
 2. In favor: merchants, urban, owned western land, held government IOUs, no slaves
 3. Opposed: farmers, held no government IOUs, owned slaves
- D. The Constitution and equality, Federalists and Antifederalists
1. Critics: government today is too weak
 - a. Bows to special interests that foster economic inequality
 - b. Liberty and equality are therefore in conflict
 2. Framers more concerned with political inequality
 - a. Weak government reduces political privilege

VIII. Constitutional reform-modern views

- A. Reducing the separation of powers to enhance national leadership
1. Urgent problems unable to be solved-gridlock
 2. Proposed remedy: President should be more powerful, accountable to voters
 3. Government agencies exposed to undue interference
 4. Proposed remedies:
 - a . Allow Congress members to serve concurrently in Cabinet
 - b. Allow president to dissolve Congress
 - c. Empower Congress to require special presidential election
 - d. Require presidential /congressional teams in each congressional district
 - e. Establish single six-year term for president
 - f. Lengthen terms in House to four years
 5. Results uncertain, worse from these reforms?
- B. Making the system less democratic
1. Government does too much, not too little
 2. Attention being given to individual wants over general preferences
 3. Proposals
 - a . Limit amount of taxes collectible
 - b. Require a balanced budget
 - c. President gained enhanced decision authority (a delimited lineitem veto) in 1996 - now unconstitutional.
 - d. Narrow authority of federal courts
 4. Changes unworkable or open to evasion?
- C. Who is right?
1. Crucial questions about Constitution
 - a. How well has it worked in history?
 - b. How well has it worked in comparison with others?

Federalism

Text Notes

I. Governmental structure - Federalism

A. Introduction

1. Definition: political system with local government units, besides national one that can make final decisions regarding some governmental activities and whose existence is protected
2. National government largely does not govern individuals directly, but gets states to do so in keeping with national policy

B Federalism: Good or Bad?

1. Negative views: blocks progress and protects powerful local interests
 - a. Laski: states "parasitic and poisonous"
 - b. Riker: perpetuation of racism
 - c. *Federalist* No. 10: small political units dominated by single political faction
2. Positive view
 - a. Elazar: strength, flexibility fosters individual liberty
 - b. Different political groups with different political purposes come to power in different places
 - c. Increased political activity
 - d. Most obvious effect of federalism facilitates mobilization of political activity

- e. Federalism lowers the cost of political organization at the local level

II. The Founding

- A. A bold, new plan to protect personal liberty
 - 1. Founders believed that neither national nor state government would have authority over the other since power comes from people who shift support.
 - 2. New plan had no historical precedent
 - 3. Tenth Amendment was added as an afterthought to clarify limits of national government's power
- B. Elastic language in Article I: necessary and proper clause
 - 1. Precise definitions of powers politically impossible due to competing interests, e.g., commerce
 - 2. Hamilton's view: national supremacy since Constitution supreme law
 - 3. Jefferson's view: states' rights with the people as ultimate sovereign

III. The debate on the meaning of federalism

- A. The Supreme Court speaks
 - 1. Hamiltonian position espoused by Chief justice John Marshall
 - 2. *McCulloch v. Maryland* (1819) settled two questions
 - a. Could Congress charter a national bank? yes, because "necessary and proper"
 - b. Could states tax such a bank? no, because national powers supreme
 - 3. Later battles
 - a. *Gibbons v. Ogden* - reaffirmed the concept of federal supremacy over interstate trade and state supremacy over intrastate trade. This created what was known as a "dual federalism." Today with constant intrusions by the national government, this is extinct.
 - b. Federal taxes on state, local bond interest
 - c. "Nullification" doctrine decided by Civil War: states cannot declare acts of Congress unconstitutional

IV. Federal-state relations

- A. Grants-in-aid - Monies passed from the federal to state governments.
 - 1. Grants show how political realities modify legal authority
 - 2. Began before Constitution with land and cash grants to states
 - 3. Dramatically increased in scope in twentieth century
 - 4. Were attractive to state officials for various reasons
 - a. Federal budget surpluses (nineteenth century)
 - b. Federal income tax increased revenues
 - c. Federal control of money supply
 - d. Appeared as free money for state officials
 - 5. Required broad congressional coalitions with wide dispersion of funds
- B. Meeting national needs
 - 1. 1960s shift in grants-in-aid from what states demanded to what federal officials found important as national needs.
 - State, local governments became dependent on federal funds
- C. The intergovernmental lobby
 - 1. Hundreds of state, local officials lobby in Washington
 - 2. Purpose: to get more federal money with fewer strings
 - 3. By 1980, however, federal funds had stopped growing
- D. Categorical grants versus revenue sharing
 - 1. Categorical grants for specific purposes; often require local matching funds
 - 2. Block grants devoted to general purpose with few restrictions
 - 3. Revenue sharing requires no matching funds and freedom on how to spend
 - a. Distributed by statistical formula
 - b. Ended in 1986
 - 4. Neither block grants nor revenue sharing achieved goal of giving states more freedom in spending
 - a. Did not grow as fast as categorical grants
 - b. Number of strings increased

V. The slowdown in "free" money

- A. Block grants grow more slowly than categorical grants
 - 1. No single interest group has a vital stake in multipurpose block grants, revenue sharing so there is no one "pushing."
 - 2. Categorical grants are matters of life or death for various state agencies
 - 3. Supervising committees in Congress favored growth of categorical grants
 - 4. Revenue sharing was wasteful and lacked a "constituency"
- B. Rivalry among the states
 - 1. Increased competition a result of increased dependency
 - 2. Snowbelt (Frostbelt) versus Sunbelt states due to population changes
 - 3. Actual difficulty telling where funds spent
 - 4. Census takes on monumental importance

VI. Federal aid and federal control

- A. Mandates
 - 1. Federal rules states or localities must obey, not necessarily linked to funding
 - a. Civil rights
 - b. Environmental protection

2. Many difficult to implement and are costly
 3. Unfunded mandates with more attention since 1995
 4. Controversial mandates result from court decisions
 - a. Local citizens use federal courts to change local practices
- B. Conditions of aid
1. Attached to grants
 2. Conditions range from specific to general
 3. Divergent views of states and federal government on costs, benefits
 - a. Example: Rehabilitation Act of 1973
 4. Failed presidential attempts to reverse trend and consider local needs
 - a. Example: Nixon's "New Federalism" creating revenue sharing
 - b. Example: Reagan's attempt to consolidate categorical grants; Congress's cooperation in name only Categorical grants constitute by far the largest proportion of federal grants-in-aid. In 1991, there were 478 separate "categories," which amounted to nearly 90 percent of all federal aid to state and local authorities.
- C. A devolution revolution? The 104th Congress (1995-1996)
1. Block-grant entitlements
 - a. AFDC (Aid to Families with Dependent Children)and Medicaid had operated as entitlements-federal funds a fixed proportion of state spending on these programs
 - b. Republicans in 104th Congress proposed making these and other programs block grants
 - c. AFDC did become a block grant
 - d. Devolution became part of the national political agenda
- D. What's driving devolution?
1. House Republican did not trust federal government, believed states were more responsive and less wasteful; governors agreed
 2. Devolution undertaken to make major cuts in entitlement spending
 3. Supported by public opinion-though strength of support uncertain

Economic Policy

Lecture Notes

I. Economic health

- A. Disputes about economic well-being tend to produce majoritarian politics
1. Voters see connections between nation as a whole and their own situations
 2. Voting behavior and economic conditions are not always correlated at national and individual levels
 - a. People understand what government can and cannot be held accountable for
 - b. People see economic conditions having indirect effects on them even when they are doing well
- B. What politicians try to do
1. Elected officials tempted to take short-term view of the economy
 2. Government will not always do whatever is economically necessary to win the election
 - a. Government does not know how to produce desirable outcomes
 - b. Attempting to cure one economic problem often occurs at cost to another
 3. Ideology plays large role in determining policy
 - a. Democrats tend to want to reduce unemployment
 - b. Republicans tend to want to reduce taxes
 - c. Both fear inflation, Republicans moreso.

II. Economic theories and political needs

- A. Monetarism-asserts that inflation occurs when there is too much money chasing too few goods (Milton Friedman)
1. Advocates increase in money supply about equal to economic growth and then let free market operate
- B. Keynesianism-government should create right level of demand
1. Assumes that health of economy depends on what fraction of their incomes people save or spend
 2. When demand is too low, government should spend more than it collects in taxes
 3. When demand is too high, government should increase taxes or cut expenditures
- C. Planning-free market too undependable to ensure economic efficiency; therefore government should plan parts of a country's economy
1. Wage-price controls (John Kenneth Galbraith)
 2. Industrial policy-government directs industrial investments (Robert Reich)
- D. Supply-side tax cuts-need for less government interference and lower taxes (Arthur Laffer, Paul Craig Roberts)
1. Lower taxes would create incentives for investment
 2. Greater productivity would produce more tax revenue
- E. Ideology and theory
1. People embrace an economic theory partly because of their political beliefs
- F. Reaganomics
1. Combination of monetarism, supply-side tax cuts, and domestic budget cutting

2. Goals not consistent
 - a. Reduction in size of federal government
 - b. Stimulate economic growth
 - c. Increase in military strength
 3. Effects
 - a. Rate of growth of spending slowed (but not spending itself)
 - b. Military spending increased
 - c. Money supply controlled-cut inflation but allowed interest rates to rise
 - d. Personal income taxes cut; Social Security taxes increased
 - e. Large deficits incurred, dramatically increasing size of national debt
 - f. Stimulated economy-unemployment decreased, business activity increased
- III. The machinery of economic policy making
- A. Fragmented policy making; not under president's full control
 - B. Within the executive branch
 1. Council of Economic Advisers (CEA)-members chosen are sympathetic to president's view of economics and are professional economists
 - a. Forecasts economic trends, analyzes issues
 - b. Prepares annual economic report, president sends to Congress
 2. Office of Management and Budget
 - a. Prepares estimates of amounts to be spent by federal government agencies; negotiates department budgets
 - b. Ensures that agencies' legislative proposals are compatible with president's program
 3. Secretary of the Treasury-reflects point of view of financial community
 - a. Provides estimates of government's revenues
 - b. Represents nation with bankers and other nations
 4. The Federal Reserve Board (The Fed)
 - a. Members appointed by president, confirmed by Senate; serve a nonrenewable fourteen-year term; removable for cause
 - b. Somewhat independent of both president and Congress
 - c. Regulates supply and price of money
 - C. Congress most important in economic policy making
 1. Approves all taxes and almost all expenditures
 2. Consents to wage and price controls
 3. Can alter Fed policy by threatening to reduce its powers
 4. But also internally fragmented, with numerous committees setting fiscal policy
 - D. Effects of claims by interest groups
 1. Usually majoritarian: economic health good for all
 2. Sometimes interest group politics: protectionism in 1980s
- IV. Spending money
- A. Majoritarian, client, or interest group politics may result
 - B. Sources of conflict reflected in inconsistencies in public opinion
 - C. Politicians have incentive to make two kinds of appeals
 1. Keep spending down and cut deficit
 2. Support favorite programs of voters
 - D. Inconsistency of these appeals evident in budget
- V. The budget
- A. Earlier practices-not allocating revenues, just recording expenditures
 1. No federal budget before 1921
 2. No unified presidential budget until 1930s
 3. Congressional committees continued to respond independently
 - B. Congressional Budget Act of 1974
 1. Procedures
 - a. President submits budget
 - b. House and Senate budget committees analyze budget, with Congressional Budget Office
 - c. Budget resolution sets budget ceilings
 - d. Congress considers appropriations bills
 - e. Congress adopts second budget resolution that reconciles budget ceiling with total resulting from individual appropriations bills
 2. Weakness: first resolution frequently ignored
 - C. Budget Reform and Policies
 1. Reagan secured large cuts in 1981, but then unsuccessful
 2. Passage of Gramm-Rudman Balanced Budget Act (1985)
 - a. Called for
 - (1) A target cap on the deficit each year, leading to a balanced budget
 - (2) A spending plan within those targets
 - (3) If a lack of agreement on a spending plan exists, automatic across-the-board percentage budget cuts (a sequester)
 3. "Read my lips-no new taxes": Bush in 1988 campaign
 - a. Lack of presidential-congressional agreement almost produced a sequester of close to \$100 million

- b. To avoid this ...
 - (1) Increased taxes
 - (2) Cut in defense spending
 - (3) New budget procedures
 - c. But total spending went up almost 5 percent
 - 4. 1993 budget bill
 - a. Caps appropriations in specific areas
 - b. Caps discretionary spending
 - c. Peace dividend not enough even to cover costs of inflation
 - d. Passed both houses of Congress without support of a single Republican vote
 - C. Difficulties in reducing spending
 - 1. Interest group pressure to increase funds for programs
 - 2. Much of budget is expenditures representing past commitments that cannot be altered (e.g., contracts, Social Security benefits, national debts): uncontrollable spending
 - 3. Performance of economy unpredictable
- VI. Levying taxes
 - A. Tax policy reflects blend of majoritarian and client politics
 - 1. "What is a 'fair' tax law?" (majoritarian)
 - a. Tax burden is kept low
 - (1) Americans do pay less than citizens of most other democratic nations
 - b. Requires everyone to pay something
 - (1) Americans do cheat less than others
 - 2. "How much is in it for me?" (client)
 - a. Requires the better-off to pay more
 - (1) Progressiveness is a matter of dispute: hard to calculate
 - (2) Many loopholes: example of client politics
 - 3. Client politics (special interests) makes tax reform difficult
 - a. But Tax Reform Act passed (1986)
 - B. The rise of the income tax
 - 1. Most revenue derived from tariffs until 1913 and ratification of Sixteenth Amendment
 - 2. Taxes then varied with war (high), peace (low)
 - a. High rates offset by many loopholes: compromise
 - b. Constituencies organized around loopholes
 - 3. Tax bills before 1986 dealt more with deductions than with rates
 - 4. 1986: low rates with smaller deductions, upsetting the old compromise
 - C. The politics of tax reform
 - 1. Majoritarian politics resurfaced in demand for fairness
 - 2. Several kinds of entrepreneurs involved
 - a. Professional economists opposing inefficiencies and inequities
 - b. Supply-side ideologists
 - c. Publicists exposing "tax cheats"
 - 3. Success of policy entrepreneurs requires support of key politicians possible in 1986
 - 4. Tax politics once again majoritarian, as in 1913

American Political Culture

Text Outline

I. Political culture

- A. Tocqueville on American democracy
 - 1. No feudal aristocracy; minimal taxes; few legal restraints
 - 2. Westward movement; vast territory provided opportunities
 - 3. Nation of small, independent farmers
 - 4. "Moral and intellectual characteristics" - today called "political culture"
- B. Definition of political culture
 - 1. Distinctive and patterned way of thinking about how political and economic life ought to be carried out.
 - 2. For example, stronger American belief in political than in economic equality
- C. Elements of the American political system
 - 1. Liberty
 - 2. Equality
 - 3. Democracy
 - 4. Civic duty
 - 5. Individual responsibility
- D. Some questions about the U.S. political culture
 - 1. How do we know people share these beliefs?
 - before polls, beliefs inferred from books, speeches, etc.
 - 2. How do we explain behavior inconsistent with these beliefs
 - beliefs still important, cause changes in behavior
 - 3. Why has there been so much political conflict in U.S. history?
 - beliefs contradict one another, are not consistently prioritized

Historians have debated the degree to which basic political values are shared in the United States. "Consensus" historians (like Louis Hartz) contend that Americans agree

on political values based on the principles articulated by John Locke. "Conflict" historians (like Vernon Parrington) discern a liberal-conservative dimension to American values and dispute the existence of a unified culture.

4. Most consistent evidence of political culture
 - use of terms "Americanism," "un-American"

E. The Economic System

1. Americans support free enterprise, but see limits on marketplace freedom
2. Americans prefer equality of opportunity over equality of result
3. Americans have a shared commitment to economic individualism (1924 /1977 Poll on Personal Responsibility shows that high school students feel that we are personally responsible)

II. Comparing US Political Culture to Other Nations

A. Political System and Ideology

1. Americans tend to be assertive and participatory
2. Other nations citizens, Sweden for example, tend to "trust the experts" and advocate "what is best" as opposed to "what people want."
3. Japanese stress group harmony and community more. Americans are much willing to buck trends and disrupt the status quo.
4. Americans stress individualism, competition, equality and "following the rules."
5. Americans vote less but participate in other ways more.
6. Americans have more faith in their national institutions than other nations.

B. Economic Systems

1. American concept of Capitalism and fair competition firmly entrenched.
2. America more of a "meritocracy." We accept some income inequality but not class division.
3. Other nations more socialistic.

C. Religious Belief

1. Americans are much more religious
2. Religion plays a much more important role in politics - both liberals and conservatives use religion to promote their political agenda.

III. The source of political culture

A. Historical roots

1. Revolution essentially over liberty; preoccupied with asserting rights
2. Adversarial culture due to distrust of authority and a belief that human nature is depraved
3. Federalist-jeffersonian transition in 1800
 - a. Legitimated role of opposition party; liberty and political change can coexist

B. Legal-sociological factors

1. Widespread (not universal) participation permitted by Constitution
2. Absence of an established national religion
 - a. Religious diversity a source of cleavage
 - b. Absence of established religion has facilitated the absence of political orthodoxy
 - c. Puritan heritage (dominant tradition) stress on personal achievement:
 - (1) Work
 - (2) Save money
 - (3) Obey secular law
 - (4) Do good works
 - (5) Embrace "Protestant ethic" (work ethic)
 - d. Miniature political systems produced by churches' congregational organization, so civic and political skills could develop
3. Family instills the ways we think about world and politics
 - a. Greater freedom of children and equality among family members leads to belief in rights and acceptance of diverse views in decision-making
4. High degree of class consciousness absent
 - a. Most people consider themselves middle class
 - b. Even unemployed do not oppose management
 - c. Message of Horatio Alger stories is still popular

C. The culture war

1. Two cultural classes in America battle over values
2. Culture war differs from political disputes in three ways:
 - a. Money is not at stake
 - b. Compromises are almost impossible
 - c. Conflict is more profound
3. Culture conflict animated by deep differences in people's beliefs about private and public morality
4. Culture war about what kind of country we ought to live in
5. Simplify by identifying two camps
 - a. Orthodox: morality more important than self-expression with fixed rules from God

- b. Progressive: personal freedom more important than tradition with changing rules based on circumstances of modern life
 - 6. Orthodox associated with fundamentalist Protestants and progressives with mainline Protestants and those with no strong religious beliefs
 - 7. Culture war occurring both between and within religious denominations
 - 8. Current culture war has special historical importance due to two changes:
 - a. More people consider themselves progressives than previously
 - b. Rise of technology makes it easier to mobilize people
- IV. Mistrust of government
 - A. Evidence of increase since mid-1960s
 - 1. Jimmy Carter speech in 1979 on American malaise
 - 2. Polls showed people believed ...
 - a. "Quite a few" crooks in government
 - b. Government run for a "few big interests"
 - c. "Lots" of tax money wasted
 - d. Government does right only "some of the time"
 - B. Causes
 - 1. Watergate
 - 2. Vietnam
 - C. Necessary to view context
 - 1. Mistrust of specific leaders and policies, not of system mainly
 - 2. Present view closer to historical norm
 - 3. Mistrust shared with most other institutions
 - D. In summary
 - 1. No loss of confidence in Americans themselves or in their system
 - 2. But people less ready to support leaders than in 1950s
- V. Political efficacy
 - A. Definition: citizen's capacity to understand and influence political events
 - B. Parts
 - 1. Internal efficacy
 - a. Confidence in one's ability to understand and influence events
 - b. About the same as in 1950s
 - 2. External efficacy
 - a. Belief that system will respond to citizens
 - b. Not shaped by particular events
 - c. Declined steadily through 1960s and 1970s
 - d. Government becoming too big to respond to individual
 - C. Comparison: efficacy still much higher than Europeans'
 - D. Conclusion
 - 1. Americans today may not be more alienated but simply more realistic
- VI. Political tolerance
 - A. Crucial to democratic politics
 - 1. Free discussion of ideas
 - 2. Select rulers without oppression
 - B. Levels of American political tolerance
 - 1. Most Americans assent in abstract but would deny rights in concrete cases
 - 2. Most are willing to allow expression by those with whom they disagree
 - 3. Becoming more tolerant in recent decades
 - C. Question: How do very unpopular groups survive?
 - 1. Most people do not act on beliefs
 - 2. Officeholders and activists more tolerant than general public
 - 3. Usually no consensus exists on whom to persecute
 - 4. Courts are sufficiently insulated from public opinion to enforce protection
 - D. Conclusions
 - 1. Political liberty cannot be taken for granted
 - 2. No group should pretend it is always more tolerant than another

Public Opinion and Ideology

Text Outline

I. What is public opinion?

- A. Government does not always do what people want
 - 1. Unbalanced budget
 - 2. Opposition to busing
 - 3. Support for ERA
 - 4. Aid to Nicaragua
 - 5. Congressional term limits
 - 6. Campaign Finance Reform
 - 7. Gun Control
 - 8. Abortion
- B. Reasons public policy and public opinion may differ
 - 1. Many constitutional checks on public opinion; many public's conflict
 - 2. Difficult to know public opinion
 - 3. Government listens more to elite views

- C. Influences and limitations
 - 1. Public ignorance: Monetary Control Bill ruse, poor name recognition of leaders
 - 2. Importance of wording of questions: affects answer
 - 3. Instability of public opinion
 - 4. Public has more important things to think about-need clear-cut political choices
 - 5. Specific attitudes may be less important for health of society than political culture
- II. The origins of political attitudes
 - A. The role of family
 - 1. Party identification of family absorbed, but more independent as child grows
 - 2. Much continuity between generations
 - 3. Declining ability to pass on identification
 - 4. Younger voters exhibit less partisanship; more likely to be independent
 - 5. Meaning of partisanship unclear; less influence on policy preferences
 - 6. Clear political ideologies passed on in a few families
 - B. Religion
 - 1. Religious traditions affect families
 - a. Catholic families somewhat more liberal
 - b. Protestant families more conservative
 - c. Jewish families decidedly more liberal
 - 2. Two theories on differences
 - a. Social status of religious group
 - b. Content of the religious tradition
 - 3. Christian Coalition - grassroots mobilization, Republican affiliation
 - C. The gender gap
 - 1. Changing partisan affiliations
 - a. Women were likely to be Republicans in 1950's
 - b. Women were likely to be Democrats since late 1960's
 - c. Change due to shift in party policy positions (abortion, equal pay/equal work, etc.)
 - D. Schooling and information
 - 1. College education has liberalizing effect
 - 2. Effect extends beyond end of college
 - 3. Cause of this liberalization?
 - a. Personal traits: temperament, family, intelligence
 - b. Exposure to information politics
 - c. Liberalism of professors
 - 4. Effect growing as more go to college
 - 5. Increasing conservatism since 1960's?
 - a. Yes (oppose legalizing marijuana and abortion) and ...
 - b. ...No (support school busing)
- III. Cleavages in public opinion - Cleavages in opinion in the United States are numerous and crosscutting. No single feature of an individual's life (such as social class) explains all (or even most) of that individual's attitudes. Among the important cleavages are:
 - A. Social class / Occupation: less important in U.S. than in Europe

Today occupation has a weaker association with political opinions than it did in the 1950s. The traditional gap-manual workers were more liberal than business or professional persons in their attitudes toward the economy and social welfare legislation-has narrowed. This is not necessarily because class no longer matters but rather because a new elite whose status is based on education and technical skills, the *new class*, has arisen over the past generation.

This new class is situated not in traditional, capitalist business enterprise but in government, academia, think tanks, and the media. This class has strained the Democratic party; it is younger, urban, and more liberal on economic and social issues than the traditional middle class, which is conservative and blue-collar. Gary Hart appealed to this new class in the primary campaigns of 1984, as did Paul Tsongas in 1992.

 - 1. More important in 1950's on social welfare and foreign policy
 - 2. Less important in 1960's on poverty programs, health insurance, Vietnam, government - created jobs
 - 3. Why the change?
 - a. Occupation depends more on schooling, so upper-class exposed to liberalism
 - b. Non economic issues now define liberal and conservative
 - B. Race and ethnicity - Blacks are generally far more liberal than whites, on issues ranging from busing and housing discrimination to the death penalty, national defense, and national health insurance.
 - 1. Becoming more important even on nonracial matters
 - 2. Blacks most consistently liberal group within Democratic Party; little cleavage among blacks
 - 3. Hispanic and Asian Americans less liberal
 - C. Region - The South is the least liberal of the four regions, with the Midwest somewhat more liberal and the East and West most liberal. The South became, and long remained, part of the Democratic coalition because southerners were fairly liberal on economic issues. However, the rise of racial and social issues (on which the South is quite conservative) ended southern attachment to the Democratic party.
 - 1. Southerners more conservative than northerners regarding military and civil rights issues, but difference fading among whites
 - 2. Southerners more accommodating of business
- IV. Political ideology
 - A. Consistent attitudes
 - 1. Ideology: coherent and consistent set of political beliefs about who ought to rule, the principles rulers ought to obey, and what policies rulers ought to pursue

2. Most citizens moderates
3. Yet many have strong political predispositions
- B. What do "liberalism" and "conservatism" mean?
 1. Liberal and conservative labels have complex history
 - a. early 1800's: liberal-support personal, economic liberty; conservative-restore power of state, church, aristocracy
 - b. Roosevelt and New Deal: liberalism = activist government
 - c. Conservative reaction to activism (Goldwater): free market, states' rights, individual choice in economics
 - d. Today's meanings are imprecise and changing
- C. Various categories
 1. Three useful categories emerge from studies
 - a. Economic policy: liberals favor jobs for all, subsidized medical care and education, taxation of rich
 - b. Civil rights: liberals prefer desegregation, strict enforcement of civil rights law
 - c. Public and political conduct: liberals tolerant of demonstrations, legalization of marijuana, etc.
- D. Analyzing consistency: people mix categories
 1. Pure liberals: liberal on both economic and personal conduct issues
 2. Pure conservatives: conservative on both economic and personal conduct issues
 3. Libertarians: conservative on economic issues, liberal on personal conduct issues
 4. Populists: liberal on economic issues, conservative on personal conduct issues
 5. What about abortion and homosexuality, where do these issues fit in?
- E. Political elites
 1. Definition: those who have a disproportionate amount of some valued resource
 2. Elites, or activists, display greater ideological consistency
 - a. They have more information than most people
 - b. Their peers reinforce consistency
- F. Is there a new class?
 1. Definition: those who are advantaged by the power, resources, and growth of government (not business, as elites previously were)
Linda Medcalf and Kenneth Dolbear contend that the new class has evolved a distinctive ideology, one they call neoliberalism. Instead of assigning priority to equality and freedom, as in classical liberalism, this ideology focuses on producing new wealth through high technology. Neoliberalism uses public needs as a guide and relies on government incentives to encourage industrial development. Gary Hart / Bill Clinton / Al Gore endorses new liberal values.
 2. Two explanations of well-off individuals who are liberals
 - a - Directly benefit from government
 - b. Liberal ideology infusing postgraduate education
 3. Traditional middle class: four years of college, suburban, church affiliated, pro business, conservative on social issues, Republican
 4. Liberal middle class (or new class): postgraduate education, urban, critical of business, liberal on social issues, Democrat
 5. Emergence of new class creates strain in Democratic party
- V. Political elites, public opinion, and public policy
 - A. Elites influence public opinion in two ways
 1. Raise and frame political issues
 2. State norms by which to settle issues, defining policy options
 3. Elite views shape mass views
 - B. Limits to elite influence on the public
 1. Elites do not define problems
 2. Many elites exist, hence many elite opinions

Political Participation

Text Outline

- I. A closer look at nonvoting
 - A. Alleged problem: low turnout compared to Europeans
 1. But this compares registered voters to eligible adult populations.
 - B. Common explanation: voter apathy on election day
 1. But the real problem is low registration rates
 - C. Proposed solution: get-out-the-vote drives
 1. But this will not help those who are not registered
 - D. Apathy not the only cause of nonregistration
 1. Costs here versus no costs in European countries where registration automatic
 2. Motor-voter law of 1993 took effect in 1995-increased registration throughout the country
 - E. Voting is not the only way of participating
 - F. Important question is how different kinds of participation affect government
- II. The rise of the American electorate
 - A. From state to federal control
 1. Initially, states decided who could vote for which offices
 2. This led to wide variation in federal elections
 3. Congress has since reduced state prerogatives
 - a . 1842 law: House members elected by district

- b. Suffrage to women
 - c. Suffrage to blacks
 - d. Suffrage to eighteen- to twenty-year-olds
 - e. Direct popular election of U.S. senators
 - 4. Black voting rights
 - a. Fifteenth Amendment gutted by Supreme Court as not conferring a right to vote
 - b. Southern states then used evasive stratagems
 - (1) Literacy test
 - (2) Poll tax
 - (3) White primaries
 - (4) Grandfather clauses
 - (5) Intimidation of black voters
 - c. Most of these stratagems ruled out by Supreme Court
 - d. Major change with 1965 Voting Rights Act; black vote increases
 - 5. Women's voting rights
 - a. Several western states permitted women to vote by 1915
 - b. Nineteenth Amendment ratified 1920
 - c. No dramatic changes in outcomes
 - 6. Youth vote
 - a. Voting Rights Act of 1970
 - b. Twenty-sixth Amendment ratified 1971
 - c. Lower turnout; no particular party
 - 7. National standards now govern most aspects of voter eligibility
 - 8. Twenty-third Amendment ratified 1961, gave District of Columbia residents the right to vote in presidential elections
- B. Voting turnout
- 1. Debate of declining percentages: two theories
 - a. Real decline as popular interest and party competition decreases
 - b. Apparent decline, induced in part by more honest ballot counts of today
 - (1) Parties once printed ballots
 - (2) Ballots cast in public
 - (3) Parties controlled counting
 - (4) Australian ballot began to be adopted in 1910
 - c. Most scholars see some real decline due to several causes:
 - (1) Registration more difficult-longer residency; educational qualifications; discrimination
 - (2) Continuing drop after 1960 cannot be explained according to Wilson but clearly political efficacy plays a role. Watergate, Vietnam, etc...
- III. Who participates in politics?
- A. Forms of participation
- 1. Voting the commonest form of participation, but 8 to 10 percent misreport it
 - 2. Verba and Nie's six forms of participation
 - a. Inactives - People who rarely vote, do not get involved in organizations, and do not even talk much about politics. They account for about 22 percent of the population.
 - b. Voting specialists - People who vote but participate in little else politically. They tend not to have much schooling or income, and to be substantially older than the average person.
 - c. Campaigners - People who not only vote but like to get involved in campaign activities as well. They are better educated than the average voter, but what distinguishes them most is their interest in the conflicts of politics, their clear party identification, and their willingness to take strong positions.
 - d. Communalists - people who tend to reserve their energies for community activities of a nonpartisan kind. Their education and income are similar to those of campaigners.
 - e. Parochial participants - People who do not vote and stay out of election campaigns and civic associations, but who are willing to contact local officials about specific, often personal, problems.
 - f. Complete activists - An individual, usually outside government, who actively promotes a political party, philosophy, or issue he or she cares personally about.
- B. The causes of participation
- 1. Those with schooling, or political information, more likely to vote
 - 2. Churchgoers vote more
 - 3. Men and women vote same rate
 - 4. Race
 - a. Black participation lower than that of whites overall

- b. But controlling for socioeconomic status higher than whites
- 5. Level of trust in government?
 - a. Studies show no correlation between distrust and not voting
- 6. Difficulty of registering?
 - a. As turnout has declined, registration barriers have been lowered
- 7. Several small factors decrease turnout
 - a. More youths, blacks, and other minorities in population, pushing down percent registered
 - b. Decreasing effectiveness of parties in mobilizing voters
 - c. Remaining impediments to registration
 - d. Voting compulsory in other nations
 - e. Possible feeling that elections do not matter
- 8. Democrats, Republicans fight over solutions
 - a. No one really knows who would be helped by increased turnout
 - b. Nonvoters tend to be poor, minority, or uneducated
 - c. But an increasing percentage of college graduates are also not voting
 - d. Hard to be sure that turnout efforts produce gains for either party: Jesse Jackson in 1984 increased registration of southern whites even more than southern blacks
- C. The meaning of participation rates
 - 1. Americans vote less, but participate more
 - a. Other forms of activity becoming more common
 - b. Some forms more common here than in other countries
 - 2. Americans elect more officials and have more elections
 - 3. U.S. turnout rates heavily skewed to higher status persons

Interest Groups

Text Outline

I. Explaining proliferation

- A. Why interest groups are common in America
 - 1. Many kinds of cleavages in the country
 - 2. Constitution makes for many access points to government
 - 3. Political parties are weak so interests work directly on government

II. The birth of interest groups

- A. Periods of rapid growth
 - 1. Since 1960, 70 percent established their D.C. office
 - 2. 1770s-independence groups
 - 3. 1830s, 1840s-religious, antislavery groups
 - 4. 1860s-trade unions, grange, fraternal organizations
 - 5. 1880s, 1890s-business associations
 - 6. 1900-1920-business and professional associations, charitable organizations
 - 7. 1960s environmental, consumer, political-reform organizations
- B. Factors explaining rise of interest groups
 - 1. Broad economic developments create new interest
 - a. Farmers produce cash crops
 - b. Mass-production industries begin
 - 2. Government policy itself
 - a. Wars create veterans, who demand benefits
 - b. Encouraged formation of American Farm Bureau Federation, professional associations
 - 3. Emergence of strong leaders, usually at certain times
 - 4. Expanding role of government

III. Kinds of organizations

- A. Institutional interests
 - 1. Defined: individuals or organizations representing other organizations
 - 2. Types
 - a. Business firms: example, General Motors
 - b. Trade associations
 - 3. Concerns-bread-and-butter issues of concern to their clients
 - a. Clearly defined, with homogeneous groups
 - b. Diffuse, with diversified groups
 - 4. Other interests-governments, foundations, universities
- B. Membership interests
 - 1. Americans join some groups more frequently than in other nations
 - a. Social, business, professional, veterans', charitable-same rate as elsewhere
 - b. Unions-less likely to join
 - c. Religious, political, civic groups-more likely to join
 - d. Greater sense of political efficacy, civic duty explain tendency to join civil groups
 - 2. Most sympathizers do not join because benefits flow to nonmembers too
- C. Incentives to join

1. Solidary incentives-pleasure, companionship (League of Women Voters (LWV), NAACP, Rotary, Parent-Teacher Association, American Legion)
 2. Material incentives-money, things, services (farm organizations, AARP)
 3. Purposive incentives-goal /purpose of the organization itself
 - a. Though group also benefits nonmembers, join because:
 - Passionate about goal
 - Strong sense of civic duty
 - Cost of joining minimal
 - b. Ideological interest groups-appeal of controversial principles
 - c. Public interest groups-purpose principally benefits nonmembers
 - d. Engage in research and bring lawsuits, with liberal or conservative orientation
 - e. Publicity important because purpose groups are influenced by mood of the time
- D. The influence of the staff on interest group policy stances
1. Staff influences if solidarity or material benefits are more important to members
 2. National Council of Churches and unions are examples
- IV. Social movements produce groups that rely on purposive incentives
- A. Social movement is a widely shared demand for change
 - B. The environmental movement
 - C. The feminist movement; three kinds
 1. Solidary-League of Women Voters (LWV), Business and Professional Women's Federation (widest support)
 2. Purposive-NOW, NARAL (National Abortion Rights Action League) (strong position on divisive issues)
 3. Caucus-National Women's Political Caucus (NWPQ) - (material benefits)
 - D. Unions left after social movement died
- V. Funds for interest groups
- A. Foundation grants
 1. Ford Foundation and liberal public interest groups
 2. Scaife foundations (conservative foundation) and conservative public interest groups
 - B. Federal grants and contracts
 1. National Alliance for Business financed summer youth job programs
 2. Jesse Jackson's PUSH (community development organization)
 - C. Direct mail
 1. Unique to modern interest groups through use of computers
 2. Common Cause a classic example
 3. Techniques
 - a. Teaser
 - b. Arouses emotions
 - c. Famous-name endorsement
 - d. Personalization of letter
- VI. The problem of bias
- A. Reasons for belief in upper-class bias
 1. More affluent more likely to join
 2. Business/professional groups more numerous; better financed
 - B. Why these facts do not decide the issue
 1. Describe inputs but not who eventually wins or loses
 2. Business groups often divided among themselves
 - C. Important to ask what the bias is
 1. Many conflicts are within upper-middle class, political elites
 2. Resource differentials are clues, not conclusions
- VII. The activities of interest groups
- A. Supplying credible information
 1. Single most important tactic
 2. Detailed, current information at a premium
 3. Most effective on narrow, technical issues-will see link to client politics
 4. Officials also need cues regarding what values are at stake
 5. Rating systems
 - B. Public support
 1. Insider strategy previously most common-face-to-face contact between lobbyist and member or Hill staff
 2. Increasing use of outsider strategy-grassroots mobilization of the issue public
 3. Politicians dislike controversy, so work with those they agree with
 4. Lobbyists' key targets: the undecided legislator or bureaucrat
 5. Some groups attack their likely allies to embarrass them
 6. Legislators sometimes buck public opinion, unless issue important
 7. Some groups try for grassroots support
 - a. Saccharin issue

- b. Dirty Dozen environmental polluters - 31 legislators with "Bad voting records" on the environment. Noted by the Interest Group, Environmental Action, only 7 survived in office.

C. Money and PACs

1. According to text, money is least effective way to influence politicians
2. Campaign finance reform law of 1973 had two effects
 - a. Restricted amount interests can give to candidates
 - b. Made it legal for corporations and unions to create PACs
3. Rapid growth in PACs has not led to vote buying
 - a. More money is available on all sides
 - b. Members of Congress take money but still can decide how to vote
4. Almost any organization can create a PAC
 - a. Over half of PACs sponsored by corporations, one-tenth unions, and remainder varied
 - b. Recent increase in ideological PACs; one-third liberal, two-thirds conservative
5. Ideological PACs raise more but spend less due to cost of raising money
6. In 1992 and 1994, unions and business/professional organizations gave the most
7. Incumbents get most PAC money
 - a. Labor PACs almost exclusively give to Democrats
 - b. Business PACs split money between Democrats and Republicans
 - c. Democrats get most PAC money (Remember, Wilson is a conservative, where is the proof??)
8. PAC contributions small
9. Text states that there is no systematic evidence PAC money influences votes in Congress (Hmm, not even big tobacco or the NRA??? Well, its not systematic but I think the influence is clear!)
 - a. Most members vote their ideology and with their constituents
 - b. When issue of little concern to voters and ideology with little guidance, slight correlation but may be misleading
 - c. PAC money may influence in other ways, like access or committee actions
 - d. PAC money most likely to influence client politics

D. The revolving door

1. Promise of future jobs to officials
2. Few conspicuous examples of abuse

E. Trouble

1. Disruption always part of American politics
2. Used by groups of varying ideologies, etc.
3. Better accepted since 1960s
4. History of "proper" persons using disruption-suffrage, civil rights, anti war movements
5. Officials dread "no-win" situations

VIII. Regulating interest groups

A. Protection by First Amendment

1. 1946 Federal Regulation of Lobbying Act accomplished little in requiring registration
 - a. Supreme Court restricted application to direct contact
 - b. Grassroots activity not restricted
 - c. No staff to enforce law
2. 1995 act provided a broader definition of lobbying
 - a. Requires reports twice a year, including client names, expenditures, issues
 - b. Still exempted grassroots mobilization
 - c. No enforcement agency established, but Justice Department may take action
 - d. Tax-exempt, nonprofit organizations cannot receive federal grants if they lobby

B. Other significant restraints

1. Tax code; nonprofits lose tax-exempt status
2. Campaign-finance laws limit PAC donations

Political Parties

Text Outline

I. Parties-here and abroad

A. Decentralization

1. A party is a group that seeks to elect candidates to public office by supplying them with a label (party identification)
2. Arenas of politics in which parties exist:
 - a. In minds of the voters as label
 - b. Organization recruiting and campaigning for candidates
 - c. Set of leaders in government
3. American parties have become weaker in all three arenas
 - a. As label, more independents and more ticket-splitting

- b. As set of leaders, organization of Congress less under their control
 - c. As organization, much weaker since 1960s
 - B. Reasons for differences with European parties
 - 1. Federal system decentralizes power in U.S.
 - a. Early on, most people with political jobs worked for state and local government
 - b. National parties were then coalitions of local parties.
 - c. As political power becomes more centralized, parties did not do the same
 - 2. Parties closely regulated by state and federal laws
 - 3. Candidates chosen through primaries, not by party leaders, in U.S.
 - 4. President elected separately from Congress
 - 5. Political culture
 - a. Parties unimportant in life; Americans do not join or pay dues
 - b. Parties separate from other aspects of life
- II. The rise and decline of the political party
 - A. The Founding (to 1820s)
 - 1. Founders' dislike of parties, viewing them as factions
 - 2. Emergence of Republicans, Federalists: Jefferson vs. Hamilton
 - a. Loose caucuses of political notables
 - b. Republicans' success and Federalists' demise
 - 3. No representation of homogeneous economic interests-parties always heterogeneous coalitions
 - B. The Jacksonians (to Civil War)
 - 1. Political participation a mass phenomenon
 - a. More voters to reach; by 1832, presidential electors controlled mostly by popular vote
 - b. Party built from bottom up
 - c. Abandonment of presidential caucuses
 - d. Beginning of national party conventions to allow local control
 - C. The Civil War and sectionalism
 - 1. Jacksonian system unable to survive slavery and sectionalism
 - 2. New Republicans became dominant because of
 - a. Civil War-Republicans rely on Union pride
 - b. Bryan's alienation of northern Democrats in 1896
 - 3. Most states one-party
 - a. Factions emerge in each party
 - b. Republicans with professional politicians (Old Guard) and progressives (mugwumps)
 - c. Progressives moved from shifting between parties to attacking partisanship
 - D. The era of reform
 - 1. Progressive push measures to curtail parties
 - a. Primary elections
 - b. Nonpartisan elections at city and (sometimes) state level
 - c. No party-business alliances-corrupting
 - d. Strict voter registration requirements
 - e. Civil service reform
 - f. Initiative and referendum
 - 2. Effects
 - a. Reduction in worst form of political corruption
 - b. Weakening of all political parties
- III. The national party structure today
 - A. Parties similar on paper
 - 1. National convention ultimate power; nominate presidential candidate
 - 2. National committee composed of delegates from states manages affairs between conventions
 - 3. Congressional campaign committees
 - 4. National chair manages daily work
 - B. Party structure diverges in late 1960s
 - 1. RNC moves to bureaucratic structure; a well-financed party devoted to electing its candidates
 - 2. Democrats move to factionalized structure to redistribute power
 - 3. RNC uses computerized mailing lists to raise money
 - a. Money used to provide services to candidates
 - 4. DNC adopted same techniques, with some success
 - 5. DNC and RNC send money to state parties, to sidestep federal spending limits
 - 6. RNC now tries to help state and local organizations
 - 7. Democrats remain a collection of feuding factions
 - C. National conventions
 - 1. National committee sets time and place; issues call setting number of delegates for each state
 - 2. Formulas used to allocate delegates
 - a. Democrats shift formula away from South, to North and West

- b. Republicans shift formula from East to South and Southwest
- c. Result: Democrats move left, Republicans right
- 3. Democrat formula rewards large states; and Republican rewards loyal states
- 4. Democrats set new rules
 - a. In 1970s, rules changed to weaken local party leaders and increase influence of women, youth, minorities
 - b. Hunt Commission in 1981 increases influence of elected officials and makes convention more deliberative
- 5. Consequence of reforms: parties represent different sets of upper-middle class voters
 - a. Republicans represent traditional middle class-more conservative
 - b. Democrats represent new class-more liberal
 - c. Democrats hurt since traditional middle class closer in opinions to most citizens
- 6. To become more competitive, Democrats adopt rule changes
 - a. In 1988, number of superdelegates increased while special interest caucuses decreased
 - b. In 1992, three rules:
 - (1) Winner-reward system of delegate distribution banned
 - (2) Proportional representation implemented
 - (3) States that violate rules penalized
- 7. Conventions today only ratify choices made in primaries

IV. State and local parties

- A. State-level structure
 - 1. State central committee
 - 2. County committee
 - 3. Various local committees
 - 4. Distribution of power varies with state
- B. The machine
 - 1. Recruitment via tangible incentives (money, jobs, political favors)
 - 2. High degree of leadership control
 - 3. Abuses
 - a. Gradually controlled by reforms
 - b. Machines continued until voter demographics and federal programs changed
 - 4. Machines both self-serving and public-regarding
 - 5. New machines a blend of old machine and ideological party traits
- C. Ideological parties--extreme opposite to machine
 - 1. Principle above all else so contentious and factionalized
 - 2. Usually outside Democratic and Republican parties-third parties
 - 3. But some local reform clubs in 1950s and 1960s
 - 4. Reform clubs replaced by social movements with specific demands
- D. Solidary Groups
 - 1. Most common form of party organization
 - 2. Members motivated by solidary incentives (companionship)
 - 3. Advantage: neither corrupt nor inflexible
 - 4. Disadvantage: not very hard working
- E. Sponsored parties
 - 1. Created or sustained by another organization
 - 2. Example: Detroit Democrats controlled by United Auto Workers (UAW) union
 - 3. Not very common in U.S.
- F. Personal following
 - 1. Examples: Kennedys (MA), Talmadges (GA), Longs (LA), Byrds (VA)

V. The two-party system

- A. Rarity among nations today
- B. Evenly balanced nationally, not locally
- C. Why such a permanent feature?
 - 1. Electoral system-winner-take-all and plurality system
 - 2. Opinions of voters-two broad coalitions work, although times of bitter dissent
 - 3. State laws have made it very difficult for third parties to get on the ballot

VI. Minor parties

- A. Ideological parties--comprehensive, radical view; most enduring
 - Examples: Socialist, Communist, Libertarian
- B. One-issue parties-address one concern, avoid others
 - Examples: Free Soil, Know-Nothing, Prohibition
- C. Economic protest parties-regional, protest economic conditions
 - Examples: Greenback, Populist
- D. Factional parties-from split in a major party
 - Examples: Bull Moose, Henry Wallace, American Independent
- E. Movements not producing parties; either slim chance of success or parties accommodate via direct primary and national party convention
 - Examples: civil rights, antiwar, labor

- F. Factional parties have had greatest influence
- G. Ross Perot in 1992 and 1996

VII. Nominating a president -By tradition, the party "out of power"-the one not holding the presidency-holds its convention first.

A. Two contrary forces: party's desire to win motivates it to seek an appealing candidate, but its desire to keep dissidents in party forces a compromise with more extreme views

B. Are the delegates representative of the voters?

1. Democratic delegates much more liberal
2. Republican delegates much more conservative
3. Explanation of this disparity?
 - a. Not quota rules alone-women, youth, minorities have greater diversity of opinion than do the delegates

C. Who votes in primaries?

1. Primaries now more numerous and more decisive
 - a. Stevenson (1952) and Humphrey (1968) won the presidential nomination without entering any primaries
 - b. By 1992: forty primaries and twenty caucuses (some states with both)
2. Little ideological difference between primary voters and rank-and-file party voters
3. Caucus: meeting of party followers at which delegates are picked
 - a. Only most dedicated partisans attend
 - b. Often choose most ideological candidate: Jackson, Robertson in 1988

D. Who are the new delegates?

1. However chosen, today's delegates are issue-oriented activists
2. Advantages of new system
 - a. Increased chance for activists within party
 - b. Decreased probability of their bolting the party
3. Disadvantage: may nominate presidential candidates unacceptable to voters or rank and file

VIII. Parties versus voters

A. Democrats: have won more congressional elections than presidential contests

1. Candidates are out of step with average voters on social and taxation issues (hmm.. rather strange assertion here! Clinton has a 70% approval rating!)
2. So are delegates ... and there's a connection

B. Republicans had same problem with Goldwater (1964)

C. Rank-and-file Democrats and Republicans differ on many political issues

1. But differences are usually small

D. Delegates from two parties differ widely on these same issues

1. Delegates (and candidates) need to correspond with views of average citizens
2. But candidates must often play to the ideological extremes to win delegate support.

Elections and Campaigns

Text Outline

I. Presidential versus congressional campaigns

A. Introduction

1. Two phases: getting nominated and getting elected
2. Getting nominated
 - a. Getting your name on the ballot
 - b. An individual effort (versus organizational effort in Europe)
 - c. U.S. parties now stress label more than organization
 - d. Parties used to play a major role

B Major differences

1. Presidential races are more competitive than House races
 - a. Presidential winner rarely gets more than 55 percent of vote
 - b. Most House incumbents are reelected (over 90 percent)
2. Fewer people vote in congressional elections
 - a. Unless it coincides with a presidential election
 - b. Gives greater importance to partisan voters
3. Congressional incumbents can serve their constituents
 - a. Credit for government grants, programs, etc., can be claimed by Congress member
 - b. President can't (power is not local) and must communicate by mass media
4. Congressional candidates can campaign against Washington
 - a. President is held accountable
 - b. But local candidates suffer when their party's economic policies fail
5. Power of presidential coattails has declined
 - a. Congressional elections have become largely independent of presidential election
 - b. Reduces meaning (and importance) of party

C. Running for president

1. Getting mentioned as being presidential caliber
 - a. Using reporters, trips, speeches

- b. Sponsoring legislation, governor of large state
- 2. Setting aside time to run
 - a. Reagan: six years; Mondale: four years
 - b. May have to resign from office first (Dole in 1996)
- 3. Money
 - a. Individuals can give \$1,000, PACs can give \$5,000 in each election to each candidate
 - b. Candidates must raise \$5,000 in twenty states in individual contributions of \$250 or less to qualify for matching grants to pay for primary
- 4. Organization
 - a. A large (paid) staff
 - b. Volunteers
 - c. Advisers on issues: position papers
- 5. Strategy and themes
 - a. Incumbents defend their record; challengers attack incumbents
 - b. Setting the tone (positive or negative)
 - c. Developing a theme: "trust," "confidence," etc.
 - d. Judging the timing (early momentum vs. reserving resources for later)
 - e. Choosing a target voter: who's the audience?

II. Primary versus general

A. Primary and general campaigns

- 1. What works in a general election may not work in a primary
 - a. Different voters, workers, media attention
 - b. Must mobilize activists with money and motivation to win nomination
- 2. Iowa caucuses
 - a. Held in February of presidential election year
 - b. Candidates must do well or be disadvantaged in media attention, contributor interest
 - c. Winners tend to be most liberal Democrat, most conservative Republican
- 3. The balancing act
 - a. Being conservative or liberal enough to get nominated
 - b. Move to center to get elected
 - c. Apparent contradiction means neither candidate is appealing
- 4. Even primary voters can be more extreme ideologically than average voters
 - a. McGovern in 1972

B. Television, debates, and direct mail

- 1. Paid advertising (spots)
 - a. Probably less effect on general than primary elections
 - b. Most voters rely on many sources for information
- 2. News broadcasts ("visuals")
 - a. Cost little
 - b. May have greater credibility with voters
 - c. Rely on having television camera crew around
 - d. May actually be less informative than spots
- 3. Debates
 - a. Usually an advantage only to the challenger
 - b. Reagan in 1980: reassured voters
 - c. 1988 primary debates with little impact
- 4. Risk of slips of the tongue on visuals and debates
 - a. Forces candidates to rely on stock speeches--campaign themes
 - b. Sell yourself as much or more than ideas
- 5. Ross Perot
 - a. CNN appearances
 - b. Infomercials,
- 6. 1996, major networks with free time to major candidates
- 7. The computer
 - a. Makes possible direct-mail campaigns
 - b. Allows candidates to address specific voters via direct mail
 - c. Importance of mailing lists
 - d. Campaign Web Sites
 - (1) immediate source of information
- 8. The gap between running a campaign and running the government
 - a. Party leaders had to worry about reelection so campaigning and government linked
 - b. Today's consultants don't participate in governing

III. Money

A. How important is it?

- 1. 1988 presidential campaigns totaled \$177 million
- 2. 1992 presidential campaigns totaled \$286 million

B. The sources of campaign money

- 1. Presidential primaries: part private, part public money
 - a. Federal matching funds

Candidates are not required to take matching funds in presidential primaries. In 1980, John Connally sought the Republican nomination solely on the basis of private financing, which allowed him to avoid the spending ceiling imposed on candidates receiving federal funds. He lost. Also note the activity of Steve Forbes in 1996 and 2000 as well as Ross Perot in 1992 and 1996. In 2000 George W. Bush has refused matching money as well.

- b. Only match contributions of small donors: less than \$250
 - c. Gives incentive to raise money from small donors
 - d. Government also gives lump-sum grants to parties to cover convention costs
2. Presidential general elections: all public money (\$55 million per candidate)
 3. Congressional elections: all private money
 - a. From individuals, political action committees, and parties
 - b. Most from individual small donors (\$100-\$200 a person)
 - c. \$1,000 maximum for individual donors
 - d. Benefit performances by rock stars, etc.
 - e. \$5,000 limit for PACs ...
 - f. ...but most give only a few hundred dollars
 - g. Tremendous PAC advantage to incumbents: backing the winner
 - h. Challengers have to pay their own way
- C. Campaign finance rules
1. Watergate and illegal donations
 - a. From corporations and unions
 - b. Brought about the 1974 federal campaign reform law and Federal Election Commission (FEC)
 2. Reform law
 - a. Set limit on individual donations (\$1,000 per election)
 - b. Reaffirmed ban on corporate and union donations ...
 - c. ... but allowed them to raise money through PACs
 - d. PACs in turn raised money from members or employees
 - e. Set limit on PAC donations (\$5,000 per election per candidate)
 - f. Primary and general election counted separately
 3. Supreme Court ruled that limits could not be set on campaign spending
The majority opinion of the Supreme Court held that campaign spending limits where no federal funds are received violated the free speech provision of the First Amendment.
 - a. But set limit of \$50,000 on out-of-pocket spending by a presidential candidate who accepted federal financing
 4. Law did not limit independent political advertising-no consultation with candidate or campaign organization
 - a. Typically done by ideologically oriented PACs
 - b. Sometimes negative or attack advertising
 5. Loopholes of law
 - a. Allows soft money-money for local party activities, e.g., getting out the vote
 - b. Allows money for general voter registration campaigns; Alan Cranston and Charles Keating scandal
 - c. Allows bundling
- D. Effects of reform
1. Goal was to expose and publicize fundraising
 - a. Has succeeded, but ...
 2. has greatly increased power of PACs and thus of special interests
 3. has shifted control of money away from parties to candidates
 - a. Limits influence of parties
 4. has given advantage to wealthy challengers
 - a. Can just write out a check for campaign expenses
 5. has given advantage to ideological candidates
 - a. Direct mail appeals to special interest groups on issues like abortion, gun control, school prayer, etc.
 6. has penalized candidates who start campaigning late, who don't have war chests
 7. has helped incumbents and hurt challengers
 - a. PACs more likely to support an incumbent
- E. Money and winning
1. Money makes a difference in congressional races
 - a. Challenger must spend to be recognized
 - b. Jacobson: big spending challengers do better
 - c. Big spending incumbents also do better
 2. But it doesn't make the only difference
 - a. Party, incumbency, and issues also have a role
 3. Advantages of incumbency, in fundraising
 - One estimate calculates incumbency as providing an automatic 9 percent vote advantage.
 - a. Can provide services to constituency

- b. Can use Franking Privilege for mailings.
- c. Can get free publicity through legislation and investigations
- 4. Ideas for reform
 - a. Unlikely: Congress won't agree since incumbent has advantage
 - b. The "constitutional right to campaign" involved
 - c. Public financing of congressional races would give incumbents even more of a advantage
 - d. Abolishing PAC money might allow fat cats to reemerge as a major force
 - e. Shorter campaigns might help incumbents
- 5. See box in text-1994 election
- 6. See box in text-1996 election

IV. What decides elections?

- A. Party identification but then why don't Democrats always win?
 - 1. Democrats less wedded to their party
 - 2. GOP does better among independents
 - 3. Republicans have higher turnout
- B. Issues
 - 1. V. O. Key: most voters who switch parties do so in their own interests
 - a. They know what issues affect them personally
 - b. They have strong principles about certain issues (abortion, etc.)
 - 2. Prospective voting is used by relatively few voters
 - a. Those voters know the issues and vote accordingly
 - b. Most common among activists and special interest groups
 - 3. Retrospective voting practiced by most voters, so decides most elections
 - a. Judge the incumbent's performance and vote accordingly
 - b. Have things gotten better or worse, especially economically?
 - c. Examples: presidential campaigns of 1980, 1984, 1988, 1992
 - d. Usually helps incumbent ... unless economy has gotten worse
 - e. Midterm elections: voters turn against president's party
- C. The campaign
 - 1. Campaigns do make a difference
 - a. They reawaken voters' partisan loyalties
 - b. They let voters see how candidates handle pressure
 - c. They let voters judge candidates' characters
 - 2. Campaigns tend to emphasize themes over details
 - a. True throughout American history
 - b. What has changed is importance of primary elections
 - c. Gives more influence to single-issue groups
- D. Finding a winning coalition
 - 1. Ways of looking at various groups
 - a. How loyal, or percentage voting for party
 - b. How important, or number voting for party
 - 2. Democratic coalition
 - a. Blacks most loyal
 - b. Jews slipping somewhat
 - c. Hispanics somewhat mixed
 - (1) Political power does not yet match numbers
 - (2) Turnout will increase as more become citizens
 - (3) See box in text regarding the Hispanic vote
 - d. Catholics, southerners, unionists departing the coalition lately
 - 3. Republican coalition
 - a. Party of business and professional people
 - b. Very loyal, defecting only in 1964
 - c. Usually wins vote of poor due to retired, elderly voters

V. Elections outcomes

- A. Party realignments
 - 1. Definition: sharp, lasting shift in the popular coalition supporting one or both parties
 - 2. Occurrences: change in issues that distinguish the parties, so supporting voters change
 - a. 1800: Jeffersonians defeated Federalists
 - b. 1828: Jacksonian Democrats came to power
 - c. 1860: Whigs collapsed; Republicans won
 - d. 1896: Republicans defeated Bryan
 - e. 1932: FDR Democrats came to power
 - 3. Kinds of realignments
 - a. Major party disappears and new party emerges (1800,1860)
 - b. Voters shift from one party to another (1896, 1932)
 - 4. Clearest cases of realignment
 - a. 1860: slavery

- b. 1896: economics
- c. 1932: depression
- 5. 1980 not a realignment
 - a. Dissatisfaction with Carter led to Reagan's victory
 - b. Also left Congress Democratic
- 6. Major change in 1972-1988: shift in presidential voting patterns in the South
 - a. Fewer Democrats, more Republicans, more independents
 - b. Independents vote Republican
 - c. Now close to fifty-fifty Democratic, Republican
 - d. Party de-alignment, not realignment, because party labels lost meaning for so many voters
- B. Party decline
 - 1. Fewer people identify with either party
 - 2. Increase in ticket splitting

VI. The effects of elections on policy

- A. Argument: public policy remains more or less the same no matter which official or party is in office
- B. Comparison: Great Britain, with parliamentary system and strong parties, often sees marked changes, as in 1945 and 1951
- C. Evidence indicates that many American elections do make great differences in policy, though constitutional system generally moderates the pace of change
- D. Why, then, the perception that elections do not matter? Because change alternates with consolidation; most elections are only retrospective judgments

The Media

Text Outline

I. Journalism in American political history

- A. The party press
 - 1. Parties created, subsidized, and controlled various newspapers.
 - 2. Possible because circulation small, subscriptions expensive
 - 3. Newspapers circulated among political and commercial elites
 - 4. Government subsidized the president's party press
- B. The popular press
 - 1. Changes in society and technology made possible self-supporting, mass readership daily newspapers
 - a. High-speed press
 - b. Telegraph
 - c. Associated Press, 1848; objective reporting
 - d. Urbanization concentrated population to support paper, advertisers
 - e. Government Printing Office established 1860-end of subsidies
- C. Magazines of opinion
 - 1. Middle class favors new, progressive periodicals
 - a. *Nation*, *Atlantic*, *Harper's* in 1850s and 1860s
 - b. *McClure's*, *Scribner's*, *Cosmopolitan* later
 - 2. Individual writers gain national followings through investigative reporting
 - 3. Number of competing newspapers declines, as does sensationalism
 - 4. Today, national magazines focusing on politics account for a small and declining fraction of magazines
 - 5. Internet
- D. Electronic journalism
 - 1. Radio arrives in 1920s, television in 1940s
 - 2. Politicians could address voters directly but people could easily ignore
 - 3. Fewer politicians could be covered by these media than by newspapers
 - a. President routinely covered
 - b. Others must use bold tactics
 - 4. Recent rise in talk show as political forum has increased politicians' access to electronic media
 - a. Big three networks have made it harder for candidates by shortening sound-bits to less than ten seconds
 - b. Politicians have more sources: cable, early-morning news, news magazine shows
 - c. These new sources feature lengthy interviews
 - 5. No research on consequences of two changes:
 - a. Recent access of politicians to electronic media for campaigns, elections, governing
 - b. Narrowcasting, where segmented audience targeted by TV and radio stations
 - 6. Politicians continue to seek visuals even after they are elected
 - 7. New era of electronic journalism emerging

II. The structure of the media

- A. Degree of competition
 - 1. Newspapers
 - a. Number of newspapers has not declined

- b. Number of cities with multiple papers has declined
 - (1) Sixty percent of cities had competing newspapers in 1900
 - (2) Four percent in 1972
 - 2. Radio and television
 - a. Intensely competitive, becoming more so
 - 3. Composed mostly of locally owned and managed enterprises, unlike Europe
 - a. Orientation to local market
 - b. Limitations by FCC-widespread ownership created
 - c. Telecommunications Act of 1996 may effect some changes
- B. The national media
 - 1. Existence somewhat offsets local orientation
 - 2. Consists of
 - a. Wire services (AP, UPI)
 - b. National magazines
 - c. Television network evening news broadcasts
 - d. CNN
 - e. Newspapers with national readerships
 - 3. Significance
 - a. Washington officials follow it closely
 - b. National reporters and editors distinctive from local press
 - (1) Better paid
 - (2) From more prestigious universities
 - (3) More liberal outlook
 - (4) Do investigative or interpretive stories
 - 4. Roles played
 - a. Gatekeeper: what subjects become national political issues, for how long
 - b. Scorekeeper: track political reputations and candidacies
 - (1) Elections covered like horse races
 - c. Watchdog: investigate personalities and expose scandals

III. Rule governing the media

- A. Newspapers versus electronic media
 - 1. Newspapers almost entirely free from government regulation
 - a. Prosecutions only after the fact-no prior restraint
 - b. After publication, sue only for libel, obscenity, incitement to illegal act
 - c. Each of these conditions defined narrowly, to enhance freedom of the press
 - 2. Radio and television licensed, regulated
- B. Confidentiality of sources
 - 1. Reporters want right to keep sources confidential
 - 2. Most states and federal government disagree
 - 3. Supreme Court allows government to compel reporters to divulge information in court if it bears on a crime
- C. Regulation of broadcasting
 - 1. FCC licensing
 - a. Seven years for radio license renewal
 - b. Five years for television license renewal
 - c. Stations must serve "community needs"
 - 2. Recent movement to deregulate
 - a. License renewal by postcard
 - b. No hearing unless opposed
 - c. Relaxation of some rule enforcement
 - 3. Other radio and television regulations
 - a. Equal-time rule
 - b. Right-of-reply rule
 - c. Political-editorializing rule
 - 4. Fairness doctrine was abolished in 1987; still voluntarily followed by many broadcasters
- D. Campaigning
 - 1. Equal-time rule applies
 - a. Equal access for all candidates
 - b. Rates no higher than cheapest commercial rate
 - c. Debates formerly had to include all candidates
 - (1) Reagan-Carter debate sponsored by LWV as news event
 - (2) Now stations and networks can sponsor debates limited to major candidates
 - 2. Efficiency in reaching voters varies
 - a. Works well only when market and district overlap
 - b. More Senate than House candidates buy television time

IV. The effects of the media on politics

- A. Studies on media impact on elections

1. Generally inconclusive, because of citizens' . . .
 - a. Selective attention
According to Doris Graber, newspaper readers are highly selective. The average person reads only about 20 percent of newspaper stories in full.
 - b. Mental tune-out
 2. Products can be sold more easily than candidates
 3. Newspaper endorsements of presidential candidates
 - a. Local newspapers often for Republicans
 - b. This endorsement cut successful Democrats' winning margins by five percentage points
- B. Major effect: on how politics is conducted, candidates perceived, policy formulated
1. Conventions scheduled to accommodate television
 2. Candidates win party nomination via media exposure
 - a. Estes Kefauver (1952)
 3. Issues established by media attention
 - a. Environment
 - b. Consumer issues
 4. Issues that are important to citizens similar to those in media
 - a. TV influences political agenda
 - b. But people less likely to take media cues on matters that affect them personally
 5. Newspaper readers see bigger contrasts between candidate than do TV viewers
 6. TV news affects popularity of presidents; commentaries have short-run impact

V. Government and the news

- A. Prominence of the president
 1. Theodore Roosevelt: systematic cultivation of the press
 2. Franklin Roosevelt: press secretary cultivated, managed, informed the press
 3. Press secretary today: large staff, many functions focused on White House press corps
- B. Coverage of Congress
 1. Never equal to that of president; members resentful
 2. House quite restrictive
 - a. No cameras on floor until 1978
 - b. Gavel-to-gavel coverage of proceedings since 1979 (C-SPAN)
 3. Senate more open
 - a. Hearings since Kefauver (1950); TV coverage of sessions initiated 1986
 - b. Incubator for presidential contenders through committee hearings

VI. Interpreting political news

- A. Are news stories slanted?
 1. Most people believe media, especially television where they get most news
 - a. But percentage increasing among those who think media biased
 - b. Press itself thinks it is unbiased
 2. Liberal bias of journalists, especially national media
Austin Ranney's analysis of the media concludes that cynicism pervades reporting, not liberalism. The loss of public confidence in the government may be the consequence.
 3. Various factors influence how stories are written
 - a. Deadlines
 - b. Audience attraction
 - c. Fairness, truth imposed by professional norms
 - d. Need sources with different views
 4. Types of stories
 - a. Routine stories: public events, regularly covered
 - (1) Reported similarly by all media; opinions of journalists have least effect
 - (2) Can be misreported: Tet offensive
 - b. Feature stories: public but not routinely covered so requires reporter initiative
 - (1) Selection involves perception of what is important
 - (2) Liberal and conservative papers do different stories
 - (3) Increasing in number; reflect views of press more than experts or public
 - c. Insider stories: investigative reporting or leaks
 5. Studies on effects of journalistic opinions
 - a. Nuclear power: antinuclear slant
 - b. School busing: probusing
 - c. Media spin almost inevitable.
 6. Insider stories raise questions of informant's motives in providing confidential information
 - a. From official background briefings of the past...

- b. . . . To critical inside stories of post-Watergate era
- B. Why are there so many news leaks?
 1. Constitution: separation of powers
 - a. Power is decentralized
 - b. Branches of government compete
 - c. Not illegal to print most secrets
 2. Adversarial press since Vietnam, Watergate, Iran-contra
 - a. Press and politicians distrust each other
 - b. Media are eager to embarrass officials
 - c. Competition for awards, etc., among journalists
 3. Cynicism created era of attack journalism
 - a. Most people do not like this kind of news
 - b. Cynicism of government mirrors public's increasing cynicism of media
 - c. People believe media slant coverage, have too much influence, abuse their constitutional protections
 4. Public confidence in big business down, and now media are big business
 5. Drive for market share forces media to use theme of corruption
- D. Government constraints on journalists
 1. Reporters must strike a balance between expression of views and retaining sources
 2. An abundance of congressional staffers makes it easier to gain information.
 3. Governmental tools to fight back
 - a. Numerous press officers in legislative and executive branches
 - b. Press releases--canned news
 - c. Leaks and background stories to favorites
 - d. Bypass national press to local
 - e. Presidential rewards and punishments for reporters based on their stories

Congress

Text Outline

- I. Contrasts between a parliament and a congress
 - A. Comparison with British Parliament
 1. Parliamentary candidates are selected by party
 - a. Become a candidate by persuading party to place your name on ballot
 - b. Members of Parliament select prime minister and other leaders
 - c. Party members vote together on most issues
 - d. Renomination depends on remaining loyal to party
 - e. Principal work is debate over national issues
 - f. Very little actual power, very little pay
 2. Congressional candidates run in a primary election, with little party control
 - a. Vote is for the candidate, not the party
 - b. Result is a body of independent representatives
 - c. Members do not choose president
 - d. Principal work is representation and action
 - e. Party discipline is limited, not enduring (104th Congress, 1995)
 - f. Great deal of power, high pay
- II. The evolution of Congress
 - A. Intent of the Framers
 1. To oppose concentration of power in a single institution
 2. To balance large and small states: bicameralism
 3. Expected Congress to be the dominant institution
 - B. General characteristics of subsequent evolution
 1. Congress generally dominant over presidency until twentieth century
 - a. Exceptions: brief periods of presidential activism
 2. Major political struggles were within Congress
 - a. Generally over issues of national significance, e.g., slavery, new states, internal improvements, tariffs, business regulation
 - b. Overriding political question: distribution of power within Congress
 - (1) Centralization-if the need is for quick and decisive action
 - (2) Decentralization-if congressional members and constituency interests are to be dominant
 - (3) General trend toward decentralization
 - C. Phase one: The powerful House
 1. Congressional leadership supplied by the president in first three administrations
 2. Preeminence of House of Representatives; originated legislation and nominated presidential candidates
 3. Party caucus shaped policy questions, selected party candidate for the presidency
 - D. Phase two: A divided House (1820s)
 1. Assertiveness of Andrew Jackson who vetoed bills if he opposed policy
 2. Caucus system disappears, replaced with national nominating conventions

- 3. Issue of slavery and Civil War shatter party unity, limiting Speaker's power
 - 4. Radical Republicans impose harsh measures on post-Civil War South
 - E. Phase three: Rise of a powerful speaker
 - 1. Thomas B. Reed (R-ME), Speaker, 1889-1899, produced party unity
 - 2. Joseph G. Cannon (R-IL), Speaker, 1899-1910, more conservative than many House Republicans
 - F. Phase four: The revolt against the speaker
 - G. Phase five: The empowerment of individual members
 - 1. Defining issue was civil rights during 1960s and 1970s
 - 2. Powerful Southern committee chairs blocked legislation until 1965
 - 3. Members changed rules to limit chairs' power
 - a. Committee chairs become elective, not just based on seniority
 - b. Subcommittees strengthened
 - c. Chairs could not refuse to convene committee meetings, most meetings were to be public
 - d. Member staff increased
 - H. Phase six: The return of leadership
 - 1. Efforts began to restore Speaker's power because the individualistic system was not efficient
 - a. Speaker appointed a majority of the Rules Committee members
 - b. Speaker given multiple referral authority
 - 2. Sweeping changes with 1994 Republican majority
 - a. Committee chairs hold positions for only 6 years
 - b. Reduced the number of committees, subcommittees
 - c. Speaker dominated the selection of committee chairs
 - d. Speaker set agenda (Contract with America) and sustained high Republican discipline
 - I. The future?
 - 1. Ongoing tensions between centralization and decentralization
- III. The evolution of the Senate
- A. Escaped many of the tensions encountered by the House, because:
 - 1. A smaller chamber
 - 2. In 1800s, balanced between slave and free states
 - B. Popular election of senators in 1913-Seventeenth Amendment
 - C. Filibuster restricted by Rule 22 (1917)
- IV. Who is in Congress?
- A. The beliefs and interests of members of Congress can affect policy
 - B. Sex and race
 - 1. The House has become less male and less white
 - 2. Senate has been slower to change
 - C. Incumbency
 - 1. Membership in Congress became a career: low turnover by 1960s
 - 2. 1992 and 1994 brought many new members due to
 - a. Redistricting after 1990 census
 - b. Anti-incumbency attitude of voters
 - c. Republican victory in 1994
 - 3. Incumbents still with great electoral advantage
 - a. Most House districts safe, not marginal
 - D. Party
 - 1. Democrats were beneficiaries of incumbency, 1933-1992
 - 2. Gap between votes and seats: Republican vote higher than number of seats won
 - a. One explanation: Democratic legislatures redraw district lines to favor Democratic candidates
 - b. But research does not support; Republicans run best in high-turnout districts, Democrats in low-turnout ones
 - c. Gap closed in 1994
 - d. Another explanation: incumbent advantage increasing
 - e. But not the reason; Democrats field better candidates whose positions are closer to those of voters, able to build winning district level coalitions
 - 3. Electoral convulsions alter membership, as in 1994
 - a. Voters opposed incumbents due to budget deficits, various policies, legislative-executive bickering, scandal
 - b. Other factors were 1990 redistricting and southern shift to voting Republican (replacing conservative coalition) legislation
- V. Getting elected to Congress: each state has two senators, but House representation based on population
- A. Determining fair representation
 - 1. Now elected from single-member districts
 - 2. Problem of drawing district boundaries
 - a. Malapportionment: deliberately creating disparity in number of people in each district
 - b. Gerrymandering: drawing boundaries to ensure party victory
 - 3. Congress decides size of House

4. Congress reapportions representatives every ten years
 5. 1964 Supreme Court decision requires districts to be drawn to ensure "one person, one vote"
 6. Majority-minority districts remain vexing question
 - a. Districts drawn to make it easier to elect minority representatives
 - b. *Shaw v. Reno*: Supreme Court states race can be a factor in congressional redistricting only if there is a "compelling state interest"-standard yet to be defined
 - c. Majority-minority districts raise debate about descriptive versus substantive representation
 - d. Liberal white Congressmen represent black interests as strongly as black members
- B. Winning the primary
1. Candidate needs to win the party primary to appear on the ballot in the general election
 2. Reduces influence of political party
 3. Incumbents almost always win: sophomore surge due to use of office to run personal campaign
 4. Candidates run personalized campaigns--offers them independence from party in Congress
 5. Way people get elected has two consequences
 - a. Legislators closely tied to local concerns
 - b. Party leaders have little influence
 6. Effects how policy is made: office geared to help people, committee pork for district
- C. Members must decide how much to be delegates (do what district wants) versus trustees (use independent judgment)

VI. The organization of Congress: parties and caucuses

- A. Party organization of the Senate
1. President pro tempore presides; member with most seniority in majority party
 2. Leaders are the majority leader and the minority leader--elected by their respective party members
 3. Party whips-keep leaders informed, round up votes, count noses
 4. Each party has a policy committee-schedule Senate business, setting schedule and prioritizing bills
 5. Committee assignments
 - a. Democratic Steering Committee
 - b. Republican Committee on Committees
 - c. Emphasizes ideological and regional balance
 - d. Other factors: popularity, effectiveness on television, favors owed
- B. Party structure in the House-House rules give leadership more power
1. Speaker of the House is leader of majority party; presides over House
 - a. Decides whom to recognize to speak on the floor
 - b. Rules on germaneness of motions
 - c. Decides to which committee bills go
 - d. Influences which bills are brought up for a vote
 - e. Appoints members of special and select committees
 - f. Has some patronage power
 2. Majority leader (floor leader) and minority leader
 3. Party whip organizations
 4. Committee assignments and legislative schedule set by each party
 - a. Democrats-Steering and Policy Committee, chaired by party leadership
 - b. Republicans divide tasks
 - (1) Committee on Committees for committee assignments
 - (2) Policy Committee to schedule legislation
 5. Democratic and Republican congressional campaign committees
- C. The strength of party structure
1. Loose measure of strength of party structure is ability of leaders to determine party rules and organization
 2. Tested in 104th Congress-Gingrich with party support for reforms and controversial committee assignments
 3. Senate different since transformed by changes in norms, not rules
 - a. Now less party-centered, less leader-oriented, more hospitable to freshmen
- D. Party unity
1. Problems in measuring party votes
 2. Party voting and cohesion more evident in 1990s
 3. Splits often reflect deep ideological differences between parties or party leaders
 4. Why is there party voting, given party has so little electoral influence?
 - a. Ideological differences important
 - b. Cues given by and taken from fellow party members
 - c. Rewards from party leaders
- E. Caucuses: rivals to parties in policy formulation

1. 1995, public funds denied caucuses-had to raise own money
2. Types of caucuses
 - a. Intra-party
 - b. Personal interest
 - c. National constituency
 - d. Regional constituency
 - e. State or district constituency
 - f. Industry constituency

VII. The organization of Congress: committees

A. Legislative committees-most important organizational feature of Congress

1. Consider bills or legislative proposals
Most bills sent to committees are never heard of again. One estimate calculates that only 6 percent of the bills introduced in Congress are ever reported by a committee for floor action. Committees are the graveyards of legislative proposals.
2. Maintain oversight of executive agencies
3. Conduct investigations

B. Types of committees

1. Standing committees-basically permanent bodies with specified legislative responsibilities
2. Select committees-groups appointed for a limited purpose and limited duration
3. joint committees-those on which both representatives and senators serve
 - a. Conference committee-a joint committee appointed to resolve differences in Senate and House versions of the same piece of legislation before final passage

C. Committee practices

1. Number of committee has varied; 1995 with significant cuts
2. Majority party has majority of seats on the committees
3. Each member usually serves on two standing committees but ...
 - a. House members serve on one exclusive committee
 - b. Senators receive two major and one minor committee assignments
4. Chairs are elected, but usually the most senior member of the committee is elected by the majority party-though seniority weakened in 1995
5. Subcommittee bill of rights of 1970s changed several traditions
 - a. House committee chairs elected by secret ballot in party caucus; Senate also with this possibility
 - b. Opened more meetings to the public

D. Committee styles

1. Decentralization has increased influence of individual members
 - a. Less control by chairs
 - b. More amendments proposed and adopted
 - c. Democratic leaders began to use restrictive rules, proxy votes
 - d. These practices provoked 1995 Republican reforms
2. Certain committees tend to attract particular types of legislators
 - a. Policy-oriented members
 - b. Constituency-oriented members

VIII. The organization of Congress: staffs and specialized offices

A. Tasks of staff members

1. Constituency service-major task of staff
2. Legislative functions-devising proposals, negotiating agreements, organizing hearings, meeting with lobbyists and administrators
3. Staff members consider themselves advocates of their employers entrepreneurial function

B. Growth and impact of staff

1. Larger staff generates more legislative work
2. Members of Congress can no longer keep up with increased legislative work and so must rely on staff
3. Results in a more individualistic Congress-less collegial, less deliberative

C. Staff agencies-offer specialized information

1. Congressional Research Service (CRS)
2. General Accounting Office (GAO)
3. Office of Technology Assessment (OTA), abolished in 1995
4. Congressional Budget Office (CBO)

IX. How a bill becomes law

A. Bills travel through Congress at different speeds

1. Bills to spend money or to tax or regulate businesses move slowly
2. Bills with a clear, appealing idea move fast
3. Complexity of legislative process helps a bill's opponents

B. Introducing a bill

1. Introduced by a member of Congress
2. Congress initiates most legislation

3. Presidentially drafted legislation is shaped by Congress
4. Resolutions
 - a. Simple-passed by one house affecting that house
 - b. Concurrent-passed by both houses affecting both
 - c. joint
 - (1) Essentially a law-passed by both houses, signed by president
 - (2) If used to propose constitutional amendment-two-thirds vote in both houses, president's signature unnecessary
- C. Bill is referred to a committee for consideration by either Speaker or presiding officer
 1. Revenue bills must originate in the House
 2. Most bills die in committee
 3. Multiple referrals limited after 1995
 4. Mark-up bills are revised by committees
 5. Committee reports a bill out to the House or Senate
 - a. If bill is not reported out, the House can use the "discharge petition"
 - b. If bill is not reported out, the Senate can pass a discharge motion
 - c. These are routinely unsuccessful.
 6. Bill must be placed on a calendar, to come before either house.
 7. House Rules Committee sets the rules for consideration
 - a. "Closed rule": sets time limit on debate and restricts amendments
 - b. "Open rule": permits amendments from the floor
 - c. "Restrictive rule": permits only some amendments
 - d. Use of closed and restrictive rules growing
 - e. Rules can be bypassed in the House-move to suspend rules; discharge petition; calendar Wednesday
 8. In Senate, majority leader must negotiate interests of individual senators-unanimous consent agreements
- D. Floor debate-the House
 1. Committee of the Whole-procedural device for expediting House consideration of bills but cannot pass bills
 2. Committee sponsor of bill organizes the discussion
 3. House usually passes the sponsoring committee's version of the bill
- E. Floor debate-the Senate
 1. No rule limiting germaneness
 2. Committee hearing process can be bypassed by a senator with a rider
 3. Debate can be limited only by a cloture vote.
 - a. Three-fifths of Senate must vote in favor of ending filibuster
 4. Both filibusters and cloture votes becoming more common
 - a. Easier now to stage filibuster
 - b. Roll calls are replacing long speeches
 - c. Filibuster can be curtailed by double-tracking: disputed bill is shelved temporarily so Senate can continue other business
- F. Methods of voting
 1. To investigate voting behavior, one must know how a legislator voted on amendments as well as on the bill itself
 2. Procedures for voting in the House
 - a. Voice vote
 - b. Division (standing) vote
 - c. Teller vote
 - d. Roll-call vote
 3. Senate voting is the same except no teller vote
 4. Differences in Senate and House versions of a bill
 - a. If a minor, last house to act merely sends bill to the other house, which accepts the changes
 - b. If major, a conference committee is appointed
 - (1) Decisions are by a majority of each delegation; Senate version favored

About 10 to 15 percent of bills end up in a conference committee. Which houses version is most likely to prevail in the dispute? Successive studies by Richard Fenno, Stephen Horn, and David Vogler indicate that the Senate is the most likely victor about 60 percent of the time, the House in only about a third of the cases.

- (2) Conference reports back to each

house for
acceptance or
rejection

(3) Report can only
be accepted or
rejected-not
amended

(4) Report
accepted, usually

5. Bill, in final form, goes to the president
 - a. President may sign it
 - b. If president vetoes it, it returns to house of origin

(1) Either house
may override
president by vote of
two-thirds of those
present

(2) If both override,
bill becomes law
without president's
signature

The president's veto is typically sustained. Historically, presidents' vetoes have prevailed 96 percent of the time. A veto threat has teeth.

X. How members of Congress vote

A. Representational view

1. Assumes that members vote to please their constituents, to get reelected
2. Constituents must have a clear opinion of the issue; the vote must attract attention
 - a. Very strong correlation on civil rights and social welfare bills
 - b. Very weak correlation on foreign policy
3. May be conflict between legislator and constituency on certain measures: gun control, Panama Canal treaty, abortion
4. Constituency influence important in Senate votes; influence in House unknown
5. Members in marginal districts as independent as those in safe districts
6. Weakness of representational explanation: no clear opinion in the constituency on most issues

B. Organizational view

1. Assumes members of Congress vote to please colleagues, to gain status and prestige
2. Organizational cues
 - a. Party
 - b. Ideology
 - c. Party members on sponsoring committees
3. Problem is that party and other organizations do not have clear position on all issues
4. On minor votes, most members influenced by party members on sponsoring committees

C. Attitudinal view

1. Assumes that ideology affects a legislator's vote
2. House members tend, more than senators, to have opinions similar to those of the average voter
 - a. 1970s-senators more liberal
 - b. 1980s-senators more conservative

XI. Reforming Congress

A. Numerous proposals to reform Congress

B. Representative or direct democracy?

1. Framers: representatives refine, not reflect, public opinion
2. Today: representatives should mirror majority public opinion
3. Move toward direct democracy would have consequences

C. Proper guardians of the public zeal?

1. Madison
 - a. National laws should transcend local interest
 - b. Legislators should make reasonable compromises on behalf of entire polity's needs
 - c. Legislators should not be captured by special interests
2. Problem is that many special-interest groups represent professions and public-interest groups

D. A decisive Congress or a deliberative one?

1. Framers designed Congress to balance competing views and thus act slowly
2. Today, complaints of policy gridlock but if Congress moves too quickly it may not move wisely

E. Imposing term limits

1. Anti-Federalists distrusted strong national government, favored annual elections and term limits
2. Today, 95 percent of House incumbents reelected, but 80 percent of public supports term limits

3. Twenty-two states in 1994 had passed term-limit proposals
4. Effects of term limits vary depending on type of proposal
 - a. Lifetime limits produce amateur legislators who are less prone to compromise
 - b. Limiting continuous sequence leads to office-hopping and push for public attention
 - c. 1995, Congress failed to approve resolutions for a constitutional amendment on term limits
 - d. Supreme Court ruled states cannot constitutionally impose term limits on Congress

F. Reducing power and perks

1. Legal bribes such as gifts banned in 1995; concerns remain
2. Regulating franking
3. Place Congress under law and not exempt itself from laws
 - a. Congressional Accountability Act of 1995--Congress obliged itself to obey eleven major employment laws
4. Trim pork to avoid wasteful projects
 - a. Main cause of deficit is entitlement programs, not pork
 - b. Some spending in districts is for needed projects; most of this spending already decreased
 - c. Members supposed to advocate interests of district
 - d. Price of citizen-oriented Congress is pork
5. Cut number of committees and assignments to slow pace and allow reasoned consideration of bills
 - a. 1995 reforms cut number of committees; Senate still had assignment inflation
6. Downsize staff as well
 - a. But staff size same as 1980s
 - b. Cutting staff makes Congress more dependent on executive

XII. Ethics and Congress

A. Separation of powers and corruption

1. Fragmentation of power increases number of officials with opportunity to sell influence
 - a. Example: senatorial courtesy rule offers opportunity for office seeker to influence a senator
2. Forms of influence
 - a. Money
 - b. Exchange of favors

B. Problem of defining unethical conduct

1. Violation of criminal law is obviously unethical
 - a. Since 1941, nearly fifty members faced criminal charges, most convicted
2. 1978-1992, charges of congressional misconduct against sixty-three members
 - a. 31 sanctioned, convicted
 - b. 16 resigned or announced retirement
 - c. Most infamous: ABSCAM (1980-1981) and Jim Wright (1989)

C. New ethics rules (104th Congress)

1. Honoraria: House bans, Senators may designate charity
2. Campaign funds: ban retaining of surplus
3. Lobbying: former members banned for one year
4. Gifts: \$250 House limit, \$100 Senate
5. Lobbyist payments banned for travel, legal defense funds, charitable donations

D. Problems with ethics rules

1. Rules assume money is the only source of corruption
2. Neglect political alliances and personal friendships that are part of legislative bargaining
3. The Framers were more concerned to ensure liberty (through checks and balances) than morality

E. Congressional Accountability Act of 1995

XIII. Summary: The old and the new Congress

A. House has evolved through three stages over past half-century

1. Mid-1940s to early 1960s
 - a. Powerful committee chairs, mostly from the South
 - b. Long apprenticeships for new members
 - c. Small congressional staffs so members dealt face-to-face
2. Early 1970s to early 1980s
 - a. Spurred by civil rights efforts of younger, mostly northern members
 - b. Growth in size of staffs
 - c. Committees became more democratic
 - d. Electronic voting meant members more often on record
 - e. Focus on reelection--sophomore surge
 - f. More amendments and filibusters
3. Early 1980s to present

- a. Strengthening and centralizing party leadership
 - b. Became apparent under Jim Wright
 - c. Return to more accommodating style under Tom Foley
 - d. Newt Gingrich more assertive
4. Senate meanwhile remained decentralized and individualistic throughout this period
- B Reassertion of congressional power in 1970s
- 1. Reaction to Vietnam, Watergate, and divided government
 - 2. War Powers Act of 1973
 - 3. Congressional Budget and Impoundment Act of 1974
 - 4. Legislative veto included in more laws
- C. Congressional power never as weak as critics have alleged

The Presidency

Text Outline

- I. Presidents and prime ministers
- A. Characteristics of parliaments
 - 1. Parliamentary system twice as common
 - 2. Chief executive chosen by legislature
 - 3. Cabinet ministers chosen from among members of parliament
 - 4. Prime minister remains in power as long as his/her party or coalition maintains a majority in the legislature
 - B. Differences
 - 1. Presidents are often outsiders; prime ministers are always insiders, chosen by party members in parliament
 - 2. Sitting members of Congress cannot simultaneously serve in a president's cabinet; members of parliament are eligible to serve in the prime minister's cabinet
 - 3. Presidents have no guaranteed majority in the legislature; prime ministers always have a majority
 - 4. Presidents and legislature often work at cross-purposes
 - a. Even when one party controls both branches
 - b. A consequence of separation of powers, which fosters conflict between the branches
 - c. Only Roosevelt and Johnson had constructive relations with Congress
 - C. Divided government common in U.S. but Americans dislike it for creating gridlock
 - 1. But divided government passes as many important laws, conducts as many investigations, and ratifies as many treaties as a unified government
 - 2. Unclear whether gridlock is always bad; it is a necessary consequence of representative democracy
- II. The evolution of the presidency
- A. Delegates feared both anarchy and monarchy
 - 1. Idea of a plural executive
 - 2. Idea of an executive checked by a council
 - B. Concerns of the Founders
 - 1. Fear of military power of president who could overpower states
George Washington was the only president who took active control of the military. During the Whiskey Rebellion of 1794, Washington requested state governors to provide a force of 12,900 militia troops-and ended up with a volunteer force larger than the one he had commanded during the Revolutionary War.
 - 2. Fear of presidential corruption by Senate
 - 3. Fear of presidential bribery to ensure reelection
 - 4. Concerned to balance power of legislative and executive branches
 - C. The electoral college
 - 1. Each state to choose own method of selecting electors
 - 2. Electors to meet in own capital to vote for president and vice president
The actual election of the president and vice president does not occur until January 6, when the sitting vice president, in the presence of both houses of Congress, opens the ballots of the electors. Although usually a formality, some electors have deviated from the way they were supposed to vote.
 - 3. If no majority, House would decide
 - D. The president's term of office
 - 1. Precedent of George Washington and the historical tradition of two terms
 - 2. Twenty-second Amendment in 1951 limits to two terms
 - 3. Problem of establishing the legitimacy of the office
 - 4. Provision for orderly transfer of power
 - E. The first presidents
 - 1. Office legitimated by men active in independence and Founding politics
 - 2. Minimal activism of early government contributed to lessening fear of the presidency
 - 3. Appointed people of stature in the community (rule of fitness)
 - 4. Relations with Congress were reserved; few vetoes; no advice
 - F. The Jacksonians
 - 1. Jackson believed in a strong and independent president
 - 2. Vigorous use of veto for policy reasons; none overridden
 - G. The reemergence of Congress

1. With brief exceptions the next hundred years was a period of congressional dominance
 2. Intensely divided public opinion-partisanship, slavery, sectionalism
 3. Only Lincoln expanded presidential power
 - a. Asserted "implied powers" and commander in chief
 - b. Justified by emergency conditions created by Civil War

The Supreme Court rejected Lincoln's emergency powers rationale for exercising power beyond the president's constitutional authority. In Ex Parte Milligan (1866), the Court declared that "the Constitution of the United States is a law for rulers and people, equally in war and in peace."
 4. President mostly an opposing force to Congress until New Deal
 5. Popular conception of president as center of government contradicts reality; Congress often policy leader
- III. The powers of the president
- A. Formal powers found in Article II
 1. Not a large number of explicit powers
 2. Potential for power found in ambiguous clauses of the Constitution-e.g., power as commander in chief, duty to "take care that laws be faithfully executed"
 - B. Greatest source of power lies in politics and public opinion
 1. Increase in broad statutory authority, especially since 1930s
 2. Expectation of presidential leadership from the public

The public's perception that presidential power is vast should not be exaggerated. In a 1990 survey, 31 percent believed that the Supreme Court was more powerful than the president (21 percent endorsed the opposite position).
- IV. The office of the president
- A. The White House Office
 1. Contains the president's closest assistants
 2. Three types of structure, often used in combination
 - a. Pyramid
 - b. Circular
 - c. Ad hoc
 3. Staff typically worked on the campaign; a few are experts
 - B. Executive Office of the President
 1. Composed of agencies that report directly to the president
 2. Appointments must receive Senate confirmation
 3. Office of Management and Budget among the most important
 - a. Assembles the budget
 - b. Develops reorganization plans
 - c. Reviews legislative proposals of agencies
 - C. The cabinet
 1. Not explicitly mentioned in Constitution
 - The term "cabinet" was coined by a journalist during the administration of George Washington.*
 2. President can appoint fewer than 1 percent of employees in most departments
 3. Secretaries become preoccupied and defensive about their own departments
 - D. Independent agencies, commissions, and judgeships
 1. President appoints members of agencies that have a quasi-independent status
 2. In general, independent agency heads can be removed only "for cause" and serve fixed term; executive agency heads serve at the president's pleasure, though their appointments must be confirmed by the Senate
 3. Judges can be removed only by impeachment
- V. Who gets appointed
- A. President knows few appointees personally
 - B. Most appointees have had federal experience
 1. "In-and-outers"-alternate federal and private sector jobs
 - C. Need to consider groups, regions, and organizations when making appointments
 - D. Rivalry between department heads and White House staff
- VI. Presidential Character
- A. Eisenhower-orderly
 - B. Kennedy-improviser
 - C. Johnson-deal maker
 - D. Nixon--mistrustful
 - E. Ford-genial
 - F. Carter-outsider
 - G. Reagan-communicator
 - H. Bush-hands-on manager
 - I. Clinton-focus on details
- VII. The power to persuade
- A. Formal opportunities for persuasion
 - B. The three audiences
 1. Fellow politicians and leaders in Washington, D.C.-reputation very important
 2. Party activists and officials outside Washington
 3. The various publics
 - C. Popularity and influence
- Presidents usually enjoy a temporary surge in popularity following a national crisis, even disasters like the Bay of Pigs (President Kennedy) and the hostage rescue mission in Iran (President Carter). This*

phenomenon is known as the rally-round-the-flag syndrome. However, recent scholarship has identified numerous exceptions to this rule.

1. Presidents try to transform popularity into congressional support for their programs
2. Members of Congress believe it is politically risky to challenge a popular president
3. Little effect of presidential coattails

D. The decline in popularity

1. Popularity highest immediately after an election
2. Declines by midterm

VIII. The power to say no

A. Veto

1. Veto message
2. Pocket veto (only before Congress adjourns at the end of its second session)
3. Congress rarely overrides vetoes; no line-item veto
4. 1996 reform permits enhanced recissions, though its constitutionality is uncertain

B. Executive privilege

Wide variations exist in the use of executive privilege. President Eisenhower asserted the claim forty-four times, whereas Kennedy and Johnson did so only twice each. Nixon cited privilege in refusing to hand over the Watergate tapes and recently the Supreme Court ruled against Bill Clinton. Clinton has claimed that he did not have to go before a Federal Grand Jury while sitting as President.

1. Confidential communications between president and advisers
2. Justification
 - a. Separation of powers
 - b. Need for candid advice
3. U.S. v. *Nixon* (1973) rejected claim of absolute executive privilege

C. Impoundment of funds

1. Defined: presidential refusal to spend funds appropriated by Congress
2. Countered by Budget Reform Act of 1974
 - a. Requires president to notify Congress of funds he does not intend to spend
 - b. Congress must agree in 45 days to delete item
 - c. Requires president to notify Congress of delays in spending
 - d. Congress may pass a resolution requiring the immediate release of funds

IX. The president's program

A. Putting together a program

The preparation of a presidential program was not institutionalized until the administration of Franklin Roosevelt. When Eisenhower assumed office, he failed to submit a program in the belief that initiating legislation was a congressional responsibility. Congress finally requested the president to forward his policies for action.

1. President can try to have a policy on everything (Carter)
2. President can concentrate on a small number of initiatives (Reagan)
3. Constraints
 - a. Public and congressional reaction may be adverse
 - b. Limited time and attention span of the president
 - c. Unexpected crises
 - d. Programs can be changed only marginally

B. Attempts to reorganize

When Congress rebuffed President Nixon's proposal to streamline executive departments, Nixon attempted to institute the reorganization by establishing a few "superdepartments" and having certain secretaries assume supervision over several departments. Watergate intervened.

1. Reasons for reorganizing
 - a. Large number of agencies
 - b. Easier to change policy through reorganization
2. Reorganization outside the White House staff must be by law

X. Presidential succession

A. Only fourteen of forty-one presidents have served two terms

B. The vice president

1. Eight vice presidents have succeeded to office on president's death
To avoid a succession calamity, the Secret Service insists that one member of the cabinet should be absent when the president delivers the State of the Union message. Since all high-ranking members of the administration attend, the possibility exists that the entire line of presidential succession could be wiped out by an act of terrorism.
2. Rarely are vice presidents elected president
 - a. Unless they first took over for a president who died
 - b. Only five instances otherwise: Adams, Jefferson, Van Buren, Nixon, Bush
Both John Adams and Thomas Jefferson were vice presidents prior to the adoption of the Twelfth Amendment, which provided for the election of a single ticket to the top executive offices (president and vice president). Adams and Jefferson, therefore, had no official party connection to the president.
3. "A rather empty job"
 - a. Candidates still pursue it
 - b. Vice president presides over Senate and votes in case of tie
 - c. Leadership powers in Senate are weak

C. Problems of succession

1. What if president falls ill?

- a. Examples: Garfield, Wilson, Eisenhower, Reagan
- 2. If vice president steps up, who becomes new vice president?
 - a. Succession Act (1886): designated secretary of state as next in line
 - b. Amended in 1947 to designate Speaker of the House
- 3. Twenty-fifth Amendment (1967) resolved both issues
 - a. Allows vice president to serve as acting president if president is disabled
 - (1) Decided by president, by vice president and cabinet, or by two thirds vote of Congress

President Reagan was the first president to use the incapacity provision of the Twenty fifth Amendment. While in the hospital to have an intestinal tumor removed, Reagan signed a statement allowing the then vice president, George Bush, to exercise power "in my stead commencing with the administration of anesthesia to me in this instance." However, Reagan never formally mentioned compliance with the Twenty-fifth Amendment.

- b. Requires vice president who ascends to office on death or resignation of president to name a vice president
 - (1) Must be confirmed by majority vote of both houses
 - (2) Examples: Agnew's and Nixon's resignations

D. Impeachment

- 1. Judges, not presidents, most frequent objects of impeachment
- 2. Indictment by the House, conviction by the Senate
 - a. Examples: Andrew Johnson, Richard Nixon (pre-empted by resignation), Clinton

XI. How powerful is the president?

- A. Both president and Congress are more constrained
- B. Reasons for constraints
 - 1. Complexity of issues
 - 2. Scrutiny of the media
 - 3. Greater number and power of interest groups

The Bureaucracy

Text Outline

I. Distinctiveness of the American bureaucracy

- A. Constitutional system and traditions make bureaucracy distinctive
 - 1. Supervision shared by president and Congress
 - 2. Federal agencies share functions with state and local governments
 - 3. Adversary culture leads to closer scrutiny; court challenges more likely
- B. Scope of bureaucracy
 - 1. Little public ownership of industry in the United States
 - 2. High degree of regulation in the United States of private industries

II. The growth of the bureaucracy

- A. The early controversies
 - 1. Supporters of a strong president argue against Senate consent being required for Senate-confirmed appointees
 - 2. President is given sole removal power but Congress funds and investigates
- B. The appointment of officials
 - 1. Officials affect how laws are interpreted, tone and effectiveness of administration, party strength
 - 2. Use of patronage in nineteenth and early twentieth centuries to reward supporters, induce congressional support, build party organizations
 - 3. Civil War a watershed in bureaucratic growth; showed administrative weakness of federal government and increased demands for civil service reform
 - 4. Post-Civil War period saw industrialization, emergence of a national economy-power of national government to regulate interstate commerce became controversial
- C. A service role
 - 1. 1861-1901: shift in role from regulation to service
 - 2. Reflects desire for limited government; laissez-faire beliefs; Constitution's silence on regulatory powers for bureaucracy
 - 3. War led to reduced restrictions on administrators and a slight enduring increase in personnel
- D. Depression and World War I lead to government activism
 - 1. Supreme Court upheld laws that granted discretion to administrative agencies
 - 2. Introduction of heavy income taxes supports a large bureaucracy

III. The federal bureaucracy today

- A. Direct and indirect growth
 - 1. Modest increase in number of government employees
 - 2. Significant indirect increase in number of employees through use of private contractors, state and local government employees
- B. Growth in discretionary authority
 - 1. Delegation of undefined authority by Congress greatly increased
 - 2. Primary areas of delegation

- a. Subsidies to groups
- b. Grant-in-aid programs
- c. Enforcement of regulations
- C. Factors explaining behavior of officials
 - 1. Recruitment and retention
 - a. The competitive service: most bureaucrats compete for jobs through OPM
 - (1) Appointment by merit based on written exam
 - b. The excepted service: most are appointed by other agencies on the basis of qualifications approved by OPM
 - c. Competitive service becoming more decentralized-increasing numbers recruited by agency-specific procedures
 - d. Workers less often blue-collar; increasing diversity of white-collar occupations
 - e. Still some presidential patronage-presidential appointments, Schedule C jobs, non-career executive assignments
 - (1) Pendleton Act (1883): transferred basis of government jobs from patronage to merit
 - (2) Merit system protects president from pressure and protects patronage appointees from new presidents (blanketing in)
 - f. The buddy system
 - (1) Name-request job: filled by a person whom an agency has already identified for middle- and upper-level jobs
 - (2) Job description may be tailored for person
 - (3) Circumvents usual search process but also encourages issue networks based on shared policy views
 - g. Firing a bureaucrat
 - (1) Most bureaucrats cannot be fired, although there are informal methods of discipline
 - (2) Senior Executive Service (SES) can more easily be fired or transferred
 - (3) SES managers receive cash bonuses for good performance
 - (4) But very few SES members have actually been fired or even transferred, and cash bonuses not influential
 - h. The agencies' point of view
 - (1) Agencies are dominated by lifetime bureaucrats who have worked for no other agency
 - (2) Assures continuity and expertise but also gives subordinates power over new bosses: can work behind boss's back through sabotage, delaying, etc.
 - 2. Personal attributes-social class, education, political beliefs
 - a. Allegations of critics:
 - (1) Higher civil servants are elitist
 - (2) Officials are ideologically biased
 - b. Results of survey of bureaucrats show that they
 - (1) Are somewhat more liberal than the average
 - (2) But they do not take extreme positions
 - c. Correlation between type of agency and attitudes of employees
 - (1) Activist agency bureaucrats more liberal (FTC, EPA, FDA)
 - (2) Traditional agency bureaucrats less liberal (Agriculture, Commerce, Treasury)
 - d. Bureaucrats' policy views reflect the type of their work
 - e. Do bureaucrats sabotage their political bosses?
 - (1) Most bureaucrats try to carry out policy, even those they disagree with
 - (2) But bureaucrats do have obstructive powers-Whistleblower Protection Act (1989)
 - (3) Most civil servants: Highly structured roles make them relatively immune from personal attitudes

This leads to what I call "Bureaucratic Inertia." Since it is difficult to fire and change those who actually carry out policy, agencies may often continue to do what has been before, regardless of official Presidential policy. Consider the IRS. To what extent would agents of the IRS become "friendlier" just because it was policy. Likewise, if it was a Presidential order, as Commander in Chief, to accept Gays in the military, would they be accepted by Commanders and the rank and file?

(4) Professionals' loosely structured roles may be influenced by personal attitudes- Professional values help explain how power is used

3. Culture and careers

- a. Each agency has its own culture
- b. Jobs with an agency can be career enhancing or not
- c. Strong agency culture motivates employees
 - (1) But it makes agencies resistant to change

This is also an aspect of Bureaucratic Inertia.

4. Constraints much greater on government agencies than on private bureaucracies

- a. Hiring, firing, pay, procedures, etc., established by law, not by market
- b. General constraints
 - (1) Administrative Procedure Act (1946)
 - (2) Freedom of Information Act (1966)
 - (3) National Environmental Policy Act (1969)
 - (4) Privacy Act (1974)
 - (5) Open Meeting Law (1976)
 - (6) Several agencies often assigned to a single policy
- c. Effects of constraints
 - (1) Government moves slowly
 - (2) Government sometimes acts inconsistently
 - (3) Easier to block action than take action
 - (4) Reluctant decision making by lower-ranking employees
 - (5) Red tape

5. Why so many constraints?

- a. Constraints come from citizens: agencies' responses to demands for openness, honesty, fairness, etc.

6. Agency allies

- a. Agencies often seek alliances with congressional committees or interest groups

Harold Seidman estimates that cabinet secretaries spend about 10 percent of their time attending to departmental business and 40 percent of their time testifying before congressional committees.

- (1) Iron triangle-client politics
- b. Far less common today-politics has become too complicated
 - (1) More interest groups, more congressional subcommittees
 - (2) Far more competing forces than ever given access by courts
- c. Issue networks: groups that regularly debate government policy on certain issues
 - (1) Contentious, split along partisan, ideological, economic lines
 - (2) New president often recruits from networks

IV. Congressional oversight

A. Forms of congressional supervision

- 1. Creation of agency by Congress
- 2. Statutory requirements of agency
- 3. Authorization of money, either permanent, fixed number of years, or annual
- 4. Appropriation of money allows spending

B. The Appropriations Committee and legislative committees

- 1. Appropriations Committee most powerful
 - a. Most expenditure recommendations are approved by House
 - b. Tends to recommend amount lower than agency request
 - c. Has power to influence an agency's policies through "marking up" an agency's budget
 - d. But becoming less powerful due to:
 - (1) Trust funds operate outside the regular government budget
 - (2) Annual authorizations
 - (3) Budget deficits have necessitated cuts
- 2. Legislative committees are important when
 - a. A law is first passed

- b. An agency is first created
 - c. An agency is subject to annual authorization
 - 3. Informal congressional controls over agencies
 - a. Individual members of Congress can seek privileges for constituents
 - b. Congressional committees may seek committee clearance: right to pass on certain agency decisions
- C. The legislative veto
 - 1. Declared unconstitutional by Supreme Court in Chadha (1983)
 - 2. Weakens traditional legislative oversight but Congress continues creating such vetoes
 - 3. Their constitutionality is uncertain; debate about the legislative veto continues
- D. Congressional investigations
 - 1. Power inferred from power to legislate
 - 2. Means for checking agency discretion and for authorizing agency actions contrary to presidential preferences
 - 3. Means for limiting presidential control-though executive may claim executive privilege
- V. Bureaucratic pathologies
 - A. Red tape--complex and sometimes conflicting rules
 - B. Conflict-agencies work at cross-purposes
 - C. Duplication-two or more agencies seem to do the same thing
 - D. Imperialism-tendency of agencies to grow, irrespective of benefits and costs of programs
 - E. Waste-spending more than is necessary to buy some product or service
- VI. Reforming the Bureaucracy
 - A. Numerous attempts to make bureaucracy work better for less money
 - 1. Eleven attempts to reform this century alone
 - 2. National Performance Review (NPR) in 1993 designed to reinvent government
 - a. Differs from previous reforms that sought to increase presidential control
 - b. Emphasizes customer satisfaction by bringing citizens in contact with agencies
 - 3. NPR calls for innovation and quality consciousness by:
 - a. Less centralized management
 - b. More employee initiatives
 - c. Fewer detailed rules, more customer satisfaction
 - B. Bureaucratic reform always difficult to accomplish
 - 1. Most rules and red tape due to struggle between president and Congress or agencies' efforts to avoid alienating influential voters
 - 2. Periods of divided government worsen matters, especially in implementing policy
 - a. Republican presidents seek to increase political control (executive micromanagement)
 - b. Democratic congresses respond by increasing investigations and rules (legislative micromanagement)

The Judiciary

Text Outline

I. The American Judicial System

A. Only in the United States do judges play so large a role in policy-making - The policy-making potential of the federal judiciary is enormous. Woodrow Wilson once described the Supreme Court as a constitutional convention in continuous session.

- 1. Judicial review: right of federal courts to rule on the constitutionality of laws and executive acts
 - a. Chief judicial weapon in system of checks and balances
- 2. In Britain, Parliament is supreme
- 3. In other countries, judicial review means little
 - a. Exceptions: Australia, Canada, Germany, India, and a few others
- B. Debate is over how the Constitution should be interpreted
 - 1. Strict constructionism: judges are bound by wording of Constitution
 - 2. Activist (loose constructionism): judges should look to underlying principles of Constitution
 - 3. Not a matter of liberal versus conservative
 - a. A judge can be both conservative and activist, or liberal and strict constructionist
 - b. Today: most activists tend to be liberal, most strict constructionists tend to be conservative

II. The development of the federal courts

A. Founders view

- 1. Most Founders probably expected judicial review but not playing so large a role in policy-making
- 2. Traditional view: judges find and apply existing law
- 3. Activist judges would later respond that judges make law
- 4. Traditional view made it easy for Founders to predict courts would be neutral and passive in public affairs
- 5. Hamilton: courts least dangerous branch

6. But federal judiciary evolved toward judicial activism
- B. National supremacy and slavery: 1789-1861
 1. *McCulloch v. Maryland* (1819): federal law declared supreme over state law
 2. Interstate commerce clause is placed under the authority of federal law; conflicting state law void
 3. *Dred Scott v. Sandford* (1857): Blacks were not, and could not become, free citizens of the U.S.; federal law (Missouri Compromise) prohibiting slavery in northern territories was unconstitutional
- C. Government and the economy: Civil War to 1936
 1. Dominant issue of the period: under what circumstances could the economy be regulated by state or federal governments
 2. Private property held to be protected by the Fourteenth Amendment
 3. Judicial activism-Supreme Court assessing the constitutionality of governmental regulation of business or labor
 4. The Supreme Court unable to define reasonable regulation
 5. The Court interprets the Fourteenth and Fifteenth amendments narrowly as applied to blacks-upheld segregation, excluded blacks from voting in many states
- D. Government and political liberty: 1936 to the present
 1. Court establishes tradition of deferring to the legislature in economic cases
 2. Court shifts attention to personal liberties and is active in defining rights
 3. Court-packing plan (FDR)
 4. In the 1990s, some rulings in favor of state's rights

III. The structure of the federal courts

- A. Two kinds of federal courts
 1. Constitutional courts exercise judicial powers found in Article III
 - a. Judges serve during good behavior
 - b. Salaries not reduced while in office
 - c. Examples: District Courts (94), Courts of Appeals (12)
 2. Legislative courts
 - a. Created by Congress for specialized purposes
 - b. Judges have fixed terms
 - c. Can be removed; no salary protection
 - d. Example: Court of Military Appeals
- B. Selecting judges-all are nominated by president and confirmed by the Senate
 1. Party background some effect on judicial behavior, but rulings are also shaped by other factors
 2. Senatorial courtesy: judges must be approved by that state's senators, particularly for district courts
 3. The litmus test
 - a. Presidential successes in selecting compatible judges
 - b. Concern this may downplay professional qualifications
 - c. Greatest impact on Supreme Court-no tradition of senatorial courtesy

IV. The jurisdiction of the federal courts

- A. Dual court system

State courts are the real workhorses in the dual court system. In the early 1990s, state courts averaged about 90 million cases annually, compared with 270,000 in federal courts.

 1. One state, one federal
 2. Federal cases listed in Article III and Eleventh Amendment of Constitution
 - a. Federal-question cases: involving U.S. Constitution, federal law, treaties
 - b. Diversity cases: involving different states, or citizens of different states
 3. Some cases can be tried in either court
 - a. Example: if both federal and state laws have been broken (dual sovereignty)
 - b. Justified: each government has right to enact laws and neither can block prosecution out of sympathy for the accused
 4. State cases sometimes can be appealed to Supreme Court
- B. Route to the Supreme Court
 1. Most federal cases begin in district courts
 - a. Most are straightforward, do not lead to new public policy
 2. Supreme Court picks the cases it wants to hear on appeal
 - a. Uses writ of certiorari (cert)

Other avenues exist for taking an appeal to the Supreme Court aside from the writ of certiorari. A "writ of certification" can be used when a U.S. Court of Appeals requests instructions from the Supreme Court on a point of law never before decided. A "writ of appeal" is available, in simple terms, when the constitutionality of a government action is in question or when a decision from a three-judge district court is appealed.

 - b. Requires agreement of four justices to hear case
 - c. Usually deals with significant federal or constitutional question
 - (1) Conflicting decisions by circuit courts
 - (2) Highest state court issues a ruling involving constitutional interpretation
 - d. Only 3 to 4 percent of appeals are granted certiorari

- e. Others are left to lower courts
- f. Results in diversity of constitutional interpretation among appeals courts

V. Getting to court

A. Deterrents

1. Court rejects over 95 percent of applications for certiorari
2. Costs of appeal are high
 - a. But these can be lowered by
 - (1) *In forma pauperis*: plaintiff indigent, with costs paid by government
 - (2) Indigent defendant in a criminal trial: legal counsel provided by government
 - (3) Payment by interest groups (e.g., American Civil Liberties Union)
 - b. Each party must pay its own way except for cases in which it is decided:
 - (1) that losing defendant will pay (fee shifting)
 - (2) Section 1983 suits
3. Standing: guidelines
 - a. Must be controversy between adversaries
 - b. Personal harm must be demonstrated
 - c. Being taxpayer not ordinarily entitlement for suit challenging federal government action
 - d. Sovereign immunity

B. Class-action suits

1. Brought on behalf of all similarly situated
2. Financial incentives to bring suit
3. In 1974, Supreme Court tightened rules on these suits

V I. The Supreme Court in action

A. Oral arguments by lawyers after briefs submitted

1. Each side has one half-hour, but justices can interrupt with questions
2. Role of solicitor general - decides what cases the federal government will appeal from lower courts and personally approves every case the government presents to the Supreme Court.
 - a. Often asked to submit amicus curiae. This brief is usually highly regarded by the court.
3. Amicus curiae briefs submitted if parties agree or Supreme Court grants permission
The Supreme Court must give its permission to accept an amicus brief. The Court is generous in its consent, taking 85 percent of all requests to file such briefs.
4. Many sources of influence on justices, e.g., law journals

B. Conference procedures

1. Role of chief justice: speaking first, voting last
2. Selection of opinion writer
3. Concurring and dissenting opinions

C. Voting patterns of the Court

1. 1960's - Liberal Activist Court - "The Warren Court" All the thos 60's landmark cases.
2. 1970s and 1980s
 - a. Liberal/activist bloc-Brennan, Marshall, Blackmun, Powell
 - b. Conservative/ strict constructionist bloc-Burger, Rehnquist, O'Connor
 - c. Swing bloc-White, Stevens
 - d. Liberals usually in minority; sometimes won by convincing swing bloc
3. Rehnquist Court still deeply divided in the 1990s
 - a. Liberals-Stevens, Ginsburg, Breyer
 - b. Conservatives-Rehnquist, Scalia, Thomas
 - c. Swing vote-Kennedy, Souter, O'Connor
4. Unity may be more notable than divisions-38.7 percent of opinions were unanimous in the 1995 term

VII. The power of the federal courts

A. The power to make policy

1. By interpretation of constitution or law
2. By extending reach of existing law
3. By designing remedies

B. Measures of power

1. Number of laws declared unconstitutional (over 120)
2. Number of prior cases overturned; not following *stare decisis*
3. Deference to the legislative branch (political questions)
4. Kinds of remedies imposed; judges go beyond what is narrowly required
5. Basis for sweeping orders either from Constitution or interpretation of federal laws

C. Views of judicial activism

1. Supporters
 - a. Courts should correct injustices when other branches or state governments refuse to do so
 - b. Courts are last resort

- 2. Critics
 - a. Judges lack expertise
 - b. Courts not accountable; judges not elected
 - 3. Possible reasons for activism
 - a. Adversary culture
 - b. Easier to get standing in courts
 - D. Legislation and the courts
 - 1. Laws and the Constitution are filled with vague language
 - a. Gives courts opportunity to design remedies
 - 2. Federal government is increasingly on the defensive in court cases; laws induce litigation
 - 3. The attitudes of federal judges affect their decisions
- VIII. Checks on judicial power
- A. Judges are not immune to politics or public opinion
 - 1. Effects will vary from case to case
 - 2. Decisions can be ignored
 - a. Examples: school prayer, school desegregation
 - b. Usually if wrongful act is not highly visible and actor is willing to risk charges
 - B. Congress and the courts
 - 1. Confirmation and impeachment proceedings gradually alter composition of courts
 - 2. Changing the number of judges, giving president more or less appointment opportunities

The number of justices sitting on the Supreme Court is determined by Congress. The current number of nine justices was established in 1869. However, the membership of the Court has ranged from five to ten justices.
 - 3. Revising legislation declared unconstitutional
 - 4. Altering jurisdiction of the courts and restricting remedies
 - 5. Constitutional amendment - According to Henry Abraham, six constitutional amendments have been adopted specifically to alter decisions by the Supreme Court.
 - C. Public opinion and the courts
 - 1. Defying public opinion frontally is dangerous, especially elite opinion
 - 2. Opinion in realigning eras may energize court
 - 3. Public confidence in court since 1966 has varied
 - D. Reasons for increased activism
 - 1. Growth of government
 - 2. Activist ethos of judges

The Policy-Making Process

- I. Setting the agenda
 - A. Most important decision affecting policy-making is deciding what belongs on the political agenda
 - 1. Shared beliefs determine what is legitimate
 - 2. Legitimacy affected by
 - a. Shared political values
 - b. Weight of custom and tradition
 - c. Changes in way political elites think about politics
 - B. The legitimate scope of government action
 - 1. Always gets larger
 - a. Changes in public's attitudes
 - b. Influence of events
 - 2. May be enlarged without public demand even when conditions improving
 - 3. Groups: a motivating force in adding new issues
 - a. May be organized (corporations) or disorganized (urban minorities)
 - b. May react to sense of relative deprivation--people's feeling that they are worse off than they expected to be

Example: Riots of the 1960s
 - c. May produce an expansion of government agenda

Example: New commissions and laws
 - d. May change the values and beliefs of others

Example: White response to urban riots
 - 4. Institutions a second force adding new issues
 - a. Major institutions: courts, bureaucracy, Senate, national media
 - b. Courts
 - 1. Make decisions that force action by other branches: school desegregation, abortion
 - 2. Change the political agenda
 - c. Bureaucracy
 - 1. Source of political innovation: size and expertise
 - 2. Thinks up problems to solve
 - 3. Forms alliances with senators and their staffs
 - d. Senate
 - 1. More activists than ever
 - 2. Source of presidential candidates with new ideas
 - e. Media

1. Help place issues on political agenda
 2. Publicize those issues raised by others, such as safety standards proposed by Senate
 5. Evolution of political agenda
 - a. Changes in popular attitudes that result in gradual revision of the agenda
 - b. Critical events, spurring rapid changes in attitudes
 - c. Elite attitudes and government actions, occasioning volatile and interdependent change
- II. Making a decision
- A. Nature of issue
 1. Affects politicking
 2. Affects intensity of political conflict
 - B. Costs and benefits of proposed policy a way to understand how issue affects political power
 1. Cost: any burden, monetary or nonmonetary
 2. Benefit: any satisfaction, monetary or nonmonetary
 3. Two aspects of costs and benefits important:
 - a. Perception affects politics
 - b. People consider whether it is legitimate for a group to benefit
 4. Politics a process of settling disputes about who benefits and who ought to benefit
 5. People prefer programs that provide benefits at low cost.
 6. Perceived distribution of costs and benefits shapes the kinds of political coalitions that form but not who wins
- III. Majoritarian politics: distributed benefits, distributed costs
- A. Gives benefits to large numbers
 - B. Distributes costs to large numbers
 - C. Initial debate in ideological or cost terms, for example, military budgets
- IV. Interest group politics: concentrated benefits, concentrated costs
- A. Gives benefits to relatively small group
 - B. Costs imposed on another small group
 - C. Debate carried on by interest groups (labor unions versus businesses)
- V. Client politics: concentrated benefits, distributed costs
- A. Relatively small group benefits; group has incentive to organize
 - B. Costs distributed widely
 - C. Most people unaware of costs, sometimes in form of pork barrel projects
- VI. Entrepreneurial politics: distributed benefits, concentrated costs
- A. Gives benefits to large numbers
 - B. Costs imposed on small group
 - C. Success may depend on people who work on behalf of unorganized majorities
 - D. Legitimacy of client claims is important, for example, the Superfund
- VII. The case of business regulation
- E. The question of wealth and power
1. One view: economic power dominates political power
 2. Another view: political power a threat to a market economy
 3. Text cautious; weighs variables
- F. Majoritarian politics
1. Antitrust legislation in the 1890s
 - a. Public indignation strong but unfocused
 - b. Legislation vague; no specific enforcement agency
 2. Antitrust legislation in the twentieth century strengthened
 - a. Presidents take initiative in encouraging enforcement
 - b. Politicians, business leaders committed to firm antitrust policy
 - c. Federal Trade Commission created in 1914
 - d. Enforcement determined primarily by ideology and personal convictions
- G. Interest group politics
1. Labor-management conflict
 - a. 1935: labor unions seek government protection for their rights: businesses oppose
 1. Unions win
 2. Wagner Act creates NLRB
 - b. 1947: Taft-Hartley Act a victory for management
 - c. 1959: Landrum-Griffin Act another victory for management
 2. Politics of the conflict
 - a. Highly publicized struggle
 - b. Winners and losers determined by partisan composition of Congress
 - c. Between enactment of laws, conflict continues in NLRB
 3. Similar pattern found in Occupational Safety and Health Act of 1970
 - a. Reflects a labor victory
 - b. Agency established
- H. Client politics
1. Agency capture likely
 2. Licensing of attorneys, barbers, and so on
 - a. Prevents fraud, malpractice, and safety hazards
 - b. Also restricts entry into occupation or profession; allows members to charge higher prices
 - c. Little opposition since:
 1. People believe regulations protect them
 2. Costs are not obvious
 3. Regulation of milk industry
 - a. Regulation prevents price competition, keeping price up
 - b. Public unaware of inflated prices

- c. Consumers have little incentive to organize
 - 4. Sugar quotas also benefit sugar producers
 - 5. Attempts to change regulations and cut subsidies and quotas
 - a. 1996 bill replaced crop subsidies with direct cash payments
 - b. Subsidies continued to increase
 - c. 2002 law replaced 1996 law, and new subsidies were authorized
 - d. Subsidies: the result of history and politics
 - 6. Client politics for "special interests" seems to be on decline
 - a. Importance of appearing to be "deserving"
 - b. Regulation can also serve to hurt a client (e.g., FCC and radio broadcasters/telephone companies)
 - I. Entrepreneurial politics; relies on entrepreneurs to galvanize
 - 1. 1906: Pure Food and Drug Act protected consumer
 - 2. 1960s and 1970s: large number of consumer and environmental protection statutes passed (Clear Air Act, Toxic Substance Control Act)
 - 3. Policy entrepreneur usually associated with such measures (Ralph Nader, Edmund Muskie)
 - a. Often assisted by crisis or scandal
 - b. Debate becomes moralistic and extreme
 - 4. Risk of such programs: agency may be "captured" by the regulated industry
 - 5. Newer agencies less vulnerable
 - a. Standards specific, timetables strict
 - b. Usually regulate many different industries; thus do not face unified opposition
 - c. Their existence has strengthened public-interest lobbies
 - d. Allies in the media may attack agencies with probusiness bias
 - e. Public-interest groups can use courts to bring pressure on regulatory agencies
- VII. Perceptions, beliefs, interests, and values
 - A. Problem of definition
 - 1. Costs and benefits not completely defined in money terms
 - 2. Cost or benefit a matter of perception
 - 3. Political conflict largely a struggle to make one set of beliefs about costs and benefits prevail over another
 - B. Types of arguments used
 - 1. "Here-and-now" argument
 - 2. Cost argument
 - C. Role of values
 - 1. Values: our conceptions of what is good for our community or our country
 - 2. Emphasis on self-interest
 - 3. Ideas as decisive forces
 - D. Deregulation
 - 1. Example: airline fares, long-distance telephone rates, trucking
 - 2. A challenge to "iron triangles" and client politics
 - 3. Explanation: the power of ideas
 - a. Idea: government regulation was bad
 - b. Started with academic economists
 - c. They were powerless but convinced politicians
 - d. Politicians acted for different reasons
 - 1. Had support of regulatory agencies and consumers
 - 2. Industries being deregulated were unpopular
 - 4. Reducing subsidies; for example, the tobacco industry
 - a. Supported by members of Congress from tobacco-growing states
 - b. Allowed growers to borrow against unsold tobacco and not pay back the loan
 - c. Public went along until smoking became issue
 - d. New system: growers pay subsidies
 - e. Widely held beliefs (against smoking) defeated narrow interests (subsidies)
 - 5. Presidents since Ford have sought to review government regulation
 - 6. Many groups oppose deregulation
 - a. Dispute focuses mostly on *how* deregulation occurs
 - b. "Process regulation" can be good or bad
 - 7. The limit of ideas
 - a. Some clients are just too powerful, for example, dairy farmers, agricultural supports
 - b. But trend is toward weaker client politics

Economic Policy

- I. Introduction
 - A. The politics of deficit spending
 - 1. 1999 / 2000 financial "miracle" (first surplus since 1969)
 - 2. Uniform public opinion versus divided politicians
 - a. Cut spending?
 - b. Raise taxes?
 - 3. Rapid growth of economy and increase in personal income and incoming taxes reduced deficit
 - 4. New Debate: What to do with the extra money?
 - a. Republicans: return it to the taxpayers
 - b. Democrats: spend it on new programs
 - c. Economic Growth and Tax Relief Reconciliation Act of 2001

- d. 2010 expiration and increase in spending on federal programs
 - e. Future economic conditions are difficult to predict
- II. The politics of American economic prosperity
 - A. Health of American economy creates majoritarian politics
 - 1. Voters influenced by their immediate economic situation
 - 2. Voters worry about the nation as a whole as well as their own situations
 - 3. Voting behavior and economic conditions correlated at the national level but not at the individual level
 - a. People understand what government can and cannot be held accountable for
 - b. People see economic conditions as affecting them indirectly, even when they are doing well
 - B. What politicians try to do
 - 1. Elected officials tempted to take short-term view of the economy
 - 2. Government uses money to influence elections, but government will not always do whatever is necessary
 - a. Government does not know how to produce desirable outcomes
 - b. Attempting to cure one economic problem often exacerbates another
 - 3. Ideology plays a large role in determining policy
 - a. Democrats tend to want to reduce unemployment
 - b. Republicans tend to want to reduce inflation
- III. The politics of taxing and spending
 - A. Inconsistency in what people want out of majoritarian politics
 - 1. No tax increases
 - 2. No government deficit
 - 3. Continued (or higher) government spending
 - B. Proposals to spend projected budget surplus in 1999
 - 1. Tax cuts
 - 2. New or enlarged government programs
 - 3. Reduce the debt
 - C. Difficult to make meaningful tax cuts
 - 1. Politicians get reelected by spending money
 - 2. Increased spending more popular than cutting taxes
- IV. Economic theories and political needs
 - A. Monetarism--inflation occurs when there is too much money chasing too few goods (Milton Friedman); advocates increase in money supply about equal to economic growth
 - B. Keynesianism--government should create right level of demand
 - 1. Assumes that health of economy depends on what fraction of their incomes people save or spend
 - 2. When demand is too low, government should spend more than it collects in taxes by creating public works programs
 - 3. When demand is too high, government should increase taxes
 - C. Planning--free market too undependable to ensure economic efficiency; therefore government should control it (John Kenneth Galbraith)
 - 1. Wage-price controls
 - 2. Industrial policy--government directs investments toward particular industries
 - D. Supply-side tax cuts--need for less government interference and lower taxes (Arthur Laffer)
 - 1. Lower taxes would create incentives for investment
 - 2. Greater productivity would produce more tax revenue
 - E. Ideology and theory: people embrace an economic theory partly because of their political beliefs
 - F. Reaganomics
 - 1. Combination of monetarism, supply-side tax cuts, and domestic budget cutting
 - 2. Goals not consistent
 - a. Reduction in size of federal government
 - b. Increase in military strength
 - 3. Effects
 - a. Rate of growth of spending slowed (but not spending itself)
 - b. Military spending increased
 - c. Money supply controlled
 - d. Federal taxes decreased
 - e. Large deficits incurred and dramatically increase the size of the national debt
 - f. Unemployment decreased
- V. The machinery of economic policy-making
 - A. Fragmented policy-making; not under president's full control
 - 1. Council of Economic Advisers
 - a. Members chosen are sympathetic to president's view of economics and are experts
 - b. Forecasts economic trends
 - c. Prepares annual economic report for president
 - 2. Office of Management and Budget
 - a. Prepares estimates of federal government agencies; negotiates department budgets
 - b. Ensures that agencies' legislative proposals are compatible with president's program
 - 3. Secretary of the Treasury
 - a. Reflects point of view of financial community
 - b. Provides estimates of government's revenues
 - c. Recommends tax changes; represents the nation before bankers and other nations
 - 4. The Fed (Federal Reserve Board)
 - a. Independent of both president and Congress
 - b. Regulates supply and price of money
 - 5. Congress most important in economic policy making

- a. Approves taxes and expenditures
 - b. Consents to wage and price controls
 - c. Can alter Fed policy by threatening to reduce its powers
 - B. Effects of interest group claims
 - 1. Usually majoritarian: economic health good for all
 - 2. Sometimes interest group: free trade (e.g., NAFTA)
- VI. Spending money
 - A. Conflict between majoritarian and client or interest group politics
 - B. Sources of conflict reflected in inconsistencies in public opinion
 - C. Politicians have incentive to make two kinds of appeals
 - 1. Keep spending down and cut deficit
 - 2. Support favorite programs of voters
- VII. The budget
 - A. Earlier practices
 - 1. Merely adding expenditures before 1921
 - 2. No unified presidential budget until 1930s
 - 3. Separate committee reactions after that
 - B. Congressional Budget Act of 1974: procedures
 - 1. President submits budget
 - 2. House and Senate budget committees analyze budget
 - 3. Budget resolution in May proposes budget ceilings
 - 4. Members informed whether or not spending proposals conform to budget resolutions
 - 5. Committees approve appropriations bills, Congress passes them, and sends them to the president for signature
 - 6. Hard to make big changes in government spending because of entitlements
 - 7. Big loophole: Congress not required to tighten government's financial belt
 - 8. Failures of the process after 1981
- VIII. Reducing Spending
 - A. Gramm-Rudman Balanced Budget Act (1985) called for:
 - 1. A target cap on the deficit each year, leading to a balanced budget
 - 2. A spending plan within those targets
 - 3. If lack of agreement on a spending plan exists, automatic across-the-board percentage budget cuts (a sequester)
 - B. "Smoke and mirrors" and failure of the Act
 - 1. Plan was unpopular, but "necessary"
 - 2. Congress and president found ways to increase spending about "target" anyway
 - C. New strategies
 - 1. Congress votes for a tax increase
 - 2. Passage of Budget Enforcement Act of 1990
 - a. Imposed a cap on discretionary spending (i.e., nonentitlements)
 - b. No limit on mandatory spending (i.e., entitlements) but did impose a "pay-as-you-go" approach
- IX. Levying taxes
 - A. Tax policy reflects blend of majoritarian and client politics
 - 1. "What is a 'fair' tax law?" (majoritarian)
 - a. Tax burden is kept low; Americans pay less than citizens in most other countries
 - b. Requires everyone to pay something; Americans cheat less than others
 - 2. "How much is in it for me?" (client)
 - a. Requires the better-off to pay more
 - b. Progressiveness is a matter of dispute: hard to calculate
 - c. Many loopholes: example of client politics
 - 3. Client politics (special interests) make tax reform difficult, but Tax Reform Act passed (1986)
 - B. The rise of the income tax
 - 1. Most revenue derived from tariffs until 1913 and ratification of Sixteenth Amendment
 - 2. Taxes then varied with war (high), peace (low)
 - a. High rates offset by many loopholes: compromise
 - b. Constituencies organized around loopholes
 - 3. Tax bills before 1986 dealt more with deductions than with rates
 - 4. Tax Reform Act of 1986: low rates with smaller deductions
 - 5. Will Bush tax cuts expire in 2010 or be made permanent?

Social Welfare

- I. Social welfare in the United States
 - A. Who deserves to benefit?
 - 1. Insistence that it be only those who cannot help themselves
 - 2. Slow, steady change in deserving/undeserving line
 - 3. Alternative view: fair share of national income; government redistribute money
 - 4. Preference to give services, not money, to help deserving poor
 - B. Late arrival of welfare policy
 - 1. Behind twenty-two European nations
 - 2. Contrast with Great Britain in 1908
 - C. Influence of federalism
 - 1. Federal involvement "illegal" until 1930s
 - 2. Experiments by state governments

- a. Argued against federal involvement because state already providing welfare
 - b. Lobbied for federal involvement to help states
 - D. Majoritarian welfare programs
 - 1. Social Security Act of 1935
 - a. Great Depression of 1929: local relief overwhelmed
 - b. Elections of 1932: Democrats and Franklin Roosevelt swept in
 - 1. Legal and political roadblocks; was direct welfare unconstitutional?
 - 2. Fear of more radical movements
 - i. Long's "Share Our Wealth"
 - ii. Sinclair's "End Poverty in California"
 - iii. Townsend's old age program
 - c. Cabinet Committee's two-part plan
 - 1. "Insurance" for unemployed and elderly
 - 2. "Assistance" for dependent children, blind, aged
 - 3. Federally funded, state-administered program under means test
 - 2. Medicare Act of 1965
 - a. Medical benefits omitted in 1935: controversial but done to ensure passage
 - b. Opponents
 - 1. AMA
 - 2. House Ways and Means Committee under Wilbur Mills
 - c. 1964 elections: Democrats' big majority altered Ways and Means
 - d. Objections anticipated in plan
 - 1. Application only to aged, not everybody
 - 2. Only hospital, not doctors,' bills covered
 - e. Broadened by Ways and Means to include Medicaid for poor; pay doctors' bills for elderly
 - E. Reforming majoritarian welfare programs
 - 1. Social Security
 - a. Not enough people paying into Social Security
 - b. Three solutions
 - 1. Raise the retirement age to seventy, freeze the size of retirement benefits, raise Social Security taxes
 - 2. Privatize Social Security
 - 3. Combine first two methods and allow individual investment in mutual funds
 - 2. Medicare
 - a. Problems: huge costs and inefficient
 - b. Possible solutions
 - 1. Get rid of Medicare and have doctors and hospitals work for government
 - 2. Elderly take Medicare money and buy health insurance
 - c. Delaying the inevitable
 - 1. Clinton and surplus, new benefits
 - 2. Bush and attempts at new health care measures
 - F. A client welfare policy: AFDC
 - 1. Scarcely noticed part of Social Security Act
 - 2. Federal government permitted state to
 - a. Define *need*
 - b. Set benefit levels
 - c. Administer program
 - 3. Federal government increased rule of operation
 - 4. New programs (e.g., Food Stamps, Earned Income Credit, free school meals)
 - 5. Difficult to sustain political support
 - a. States complained about federal regulations
 - b. Public opinion turned against program
 - c. Composition of program participants changed
- II. Two kinds of welfare programs
 - A. Majoritarian politics: almost everybody pays and benefits, for example, the Social Security Act and the Medicare Act
 - B. Client politics: everybody pays, relatively few people benefit, for example, the AFDC program
 - C. Majoritarian politics
 - 1. Programs with widely distributed benefits and costs
 - a. Beneficiaries must believe they will come out ahead
 - b. Political elites must believe in legitimacy of program
 - 2. Social Security and Medicare looked like "free lunch"
 - 3. Debate over legitimacy: Social Security (1935)
 - a. Constitution did not authorize federal welfare (conservatives)
 - b. But benefits were not really a federal expenditure (liberals)
 - 4. Good politics unless cost to voters exceeds benefits
 - D. Client politics
 - 1. Programs pass if cost to public not perceived as great and client considered deserving
 - 2. Americans believe today that able-bodied people should work for welfare benefits.
 - 3. Americans prefer service strategy to income strategy
 - a. Charles Murray: high welfare benefits made some young people go on welfare rather than seek jobs
 - b. No direct evidence supports Murray

Civil Liberties

- I. The politics of civil liberties
 - A. The objectives of the Framers
 1. Limited federal powers
 2. Constitution: a list of dos, not don'ts
 3. Bill of Rights: specific do not's
 - a. Not intended to affect states
 - b. A limitation on popular rule
- II. Politics, culture, and civil liberties
 - A. Liberties become a major issue for three reasons
 - B. Rights in conflict: Bill of Rights contains competing rights
 1. *Sheppard* case (free press versus fair trial)
 2. *New York Times* and Pentagon Papers (common defense versus free press)
 3. Kunz anti-Jewish speeches (free speech versus public order)
 4. Struggles over rights show same pattern as interest group politics
 - C. Policy entrepreneurs most successful during crises, especially war, by arousing people
 1. Sedition Act of 1789, during French Revolution
 2. Espionage and Sedition Acts of World War I
 3. Smith Act of World War II
 4. Internal Security Act of 1950, Korean War
 5. Communist Control Act of 1954, McCarthy era
 - D. Cultural conflicts
 1. Original settlement by white European Protestants produced Americanism
 2. Waves of immigration brought new cultures, conflicts
 - a. Non-Christians offended by government-sponsored creches at Christmas
 - b. English speakers prefer monolingual schools
 - c. Boy Scouts of America exclude homosexuals from being scout leaders
 3. Differences even within cultural traditions
- III. Interpreting and applying the First Amendment
 - A. Speech and national security
 1. Original Blackstone view: no prior press censorship
 2. Sedition Act of 1789 followed Blackstone view
 3. By 1917-1919, Congress defines limits of expression
 - a. Treason, insurrection, forcible resistance
 - b. Upheld in *Schenck* via test of "clear and present danger"
 - c. Justice Holmes dissents, saying test not met
 4. Fourteenth Amendment "due process" not applied to states originally; *Gitlow* elicits "fundamental personal rights"
 5. Supreme Court moves toward more free expression after WWI
 - a. But communists convicted under Smith Act under "gravity of evil"
 - b. By 1957, test of "calculated to incite"
 - c. By 1969 (*Brandenburg*), "imminent" unlawful act
 - d. 1977 American Nazi march in Skokie, Illinois, held lawful
 - e. "Hate" speech permissible but not "hate crime"
 - B. What is speech?
 1. Some forms of speech not fully protected; four kinds
 2. Libel: written statement defaming another by false statement
 - a. Oral statement: slander
 - b. Variable jury awards
 - c. Malice needed for public figures
 3. Obscenity
 - a. Twelve years of decisions; no lasting definition
 - b. 1973 definition: patently offensive by community standards of average person
 - c. Balancing competing claims remains a problem
 - d. Localities decide whether to tolerate pornography but must comply with strict rules
 - e. Protection extended: nude dancing only marginally protected
 - f. Indianapolis statute: pornography degrading but court disagreed
 - g. Zoning ordinances upheld
 - h. Regulation of electronic Internet (computer-simulated child pornography)
 4. Symbolic speech
 - a. Acts that convey a political message: flag burning, draft card burning
 - b. Not generally protected
 - c. Exception is flag burning: restriction of free speech
- IV. Who is a person?
 - A. Corporations, etc., usually have same rights as individuals
 1. Boston bank, antiabortion group, California utility
 2. More restrictions on commercial speech
 - a. Regulation must be narrowly tailored and serve public interest
 - b. Yet ads have some constitutional protection
 3. Young people may have fewer rights; *Hazelwood*; school newspaper can be restricted
- V. Church and state
 - A. The free exercise clause: no state interference, similar to speech
 1. Law may not impose special burdens on religion
 2. But no religious exemptions from laws binding all
 3. Some cases difficult to settle

- a. Conscientious objection to war, military service
 - b. Refusal to work Saturdays; unemployment compensation
 - c. Refusal to send children to school beyond eighth grade
 - B. The establishment clause
 - 1. Jefferson's view: "wall of separation"
 - 2. Congress at the time: "no national religion"
 - 3. Ambiguous phrasing of First Amendment
 - 4. Supreme Court interpretation: "wall of separation"
 - a. 1947 New Jersey case (reimbursements)
 - 1. Court: First Amendment applies to the states
 - 2. Court: State must be neutral toward religion
 - b. Later decisions struck down
 - 1. School prayers (voluntary, nonsectarian, delivered by a rabbi or minister or student elected by others students)
 - 2. Teaching of creationism
 - 3. In-school released time programs
 - c. Public aid to parochial schools particularly controversial
 - 1. Allowed: aid for construction of buildings, textbook loans, tax-exempt status, state deductions for tuition, computers, and sign language interpreters
 - 2. Disallowed: teacher salary supplements, tuition reimbursements, various school services, money to purchase instructional materials, special districts
 - 3. Though the Court can (and does) change its mind
 - d. Development of a three-part test for constitutional aid
 - 1. It has a strictly secular purpose
 - 2. It neither advances nor inhibits religion
 - 3. It involves no excessive government entanglement
 - e. Failure of the Court's test to create certainty in our law
 - 1. Nativity scenes, menorahs, and Christmas trees
 - 2. Seeming anomalies: Prayer in Congress, chaplains in the armed services, "In God We Trust" on currency
 - 3. Deep division / confusion among members of the Court
- VI. Crime and due process
 - A. The exclusionary rule
 - 1. Most nations punish police misconduct apart from the criminal trial
 - 2. United States punishes it by excluding improperly obtained evidence
 - 3. Supreme court rulings
 - a. 1949: declined to use exclusionary rule
 - b. 1961: changed, adopted it in *Mapp* case
 - B. Search and seizure
 - 1. When can "reasonable" searches of individuals be made?
 - a. With a properly obtained search warrant with probable cause
 - b. Incident to an arrest
 - 2. What can police search incident to an arrest?
 - a. The individual being arrested
 - b. Things in plain view
 - c. Things under the immediate control of the individual
 - 3. What of an arrest while driving?
 - a. Answer changes almost yearly
 - b. Court attempts to protect a "reasonable expectation of privacy"
 - c. Privacy in body and home but not from government supervisor
 - 4. Testing for drugs and AIDS
 - a. Mandatory AIDS testing called for, not yet in place
 - b. Government drug testing now in courts but private testing OK
 - c. Supreme Court: some testing is permissible
 - 1. Law enforcement and railroad employees
 - 2. Random sobriety checks on drivers
 - 3. Key: concern for public safety or national security
 - 4. High school athletes
 - C. Confessions and self-incrimination
 - 1. Constitutional ban originally against torture
 - 2. Extension of rights in the 1960s
 - a. *Escobedo*
 - b. *Miranda* case: "Miranda rules" to prove voluntary confession
 - D. Relaxing the exclusionary rule
 - 1. Positions taken on the rule
 - a. Any evidence should be admissible
 - b. Rule had become too technical to work
 - c. Rule a vital safeguard
 - 2. Supreme Court moves to adopt second position
 - E. Terrorism and Civil Liberties
 - 1. USA Patriot Act
 - a. Telephone and internet taps, voice mail seizure
 - b. Grand jury information exchange
 - c. Detainment of non-citizens and deportation of aliens
 - d. Money laundering
 - e. Crime and punishments
 - 2. Executive order for use of military courts

- a. Trial before commission of military officers, may be secret
 - b. two-thirds vote for conviction, appeal to secretary of defense and the president
3. Intensified investigations and concerns of civil liberties organizations