12E

AMERICAN GOVERNMENT

INSTITUTIONS AND POLICIES

BRIEF VERSION

JAMES Q. WILSON · JOHN J. DIIULIO, JR. · MEENA BOSE

12e

American Government

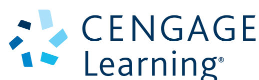
Institutions & Policies

Brief Version

James Q. Wilson
University of California, Los Angeles, emeritus
Pepperdine University
Boston College

John J. DiIulio, Jr.
University of Pennsylvania

Meena Bose
Hofstra University



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Preface

We wrote *American Government: Institutions and Policies, Brief Version* not only to explain to students how the federal government works, but also to clarify how its institutions have developed over time and describe their effects on public policy. Within this distinguishing framework, we explain the history of Congress, the presidency, the judiciary, and the bureaucracy because the politics we see today are different from those we would have seen a few decades ago. And, of course, change never stops: in another decade, federal politics may be very different from what they are today.

American Government: Institutions and Policies, Brief Version is written around certain key ideas that help students understand, not simply American government, but the reasons why the government in this country is different from those in other democracies. These ideas are the U.S. Constitution, America's adversarial political culture, and a commitment to freedom and limited government. This book is an attempt to explain and give the historical and practical reasons for these differences.

And as always, the book is thoroughly revised to excite students' interest about the latest in American politics and encourage critical thinking.

Special Features

- **Learning Objectives** open and close each chapter, serving as a road map to the book's key concepts and helping students assess their understanding.
- **Now and Then** chapter-opening vignettes offer attention-grabbing looks at a particular topic in the past and in the present, reinforcing the historical emphasis of the text and applying these experiences to the students' lives. These will help sensitize students to the still-unfolding saga of continuity and change.
- New **Constitutional Connections** features raise analytical issues from the constitutional debates that remain relevant today.
- **Landmark Cases** provide brief descriptions of important Supreme Court cases.
- **How We Compare** features show how other nations around the world structure their governments and policies in relation to the United States and ask students to think about the results of these differences.
- **How Things Work** boxes summarize key concepts and important facts that facilitate students' comprehension of the political process.
- **To Learn More** sections close each chapter with carefully selected Web resources and classic and contemporary suggested readings to further assist students in learning about American politics.

New to This Edition

Updates throughout the text reflect the latest scholarship and current events. The most current information available has been incorporated into the narrative, including the 2012 Supreme Court ruling upholding the health care law; the 2014 elections; budget battles and the sequestration of funds; ongoing debates about immigration, gay marriage, and other key issues in American politics; and foreign-policy decisions on Afghanistan, the Middle East, and North Korea. Many of the book's tables, figures, citations, and photographs are updated as well. The book has been streamlined and reorganized to introduce James Q. Wilson's politics of the policy process classification in Chapter 1, so that students may evaluate policy dynamics throughout the rest of the text.

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Additionally, significant chapter-by-chapter changes have been made as follows:

- **Chapter 1:** *American Government's* classic politics of policymaking framework is now introduced in Chapter 1, along with a new feature titled Constitutional Connections.
- **Chapter 2:** This chapter includes an expanded discussion of the views of John Locke and Thomas Hobbes and how their philosophies influenced the Framers. The Constitutional Connections feature discusses women's rights and the Constitution.
- **Chapter 3:** The opening vignette looks at the Antifederalists' opposition to the Constitution on the grounds that it gave too much power to the national government and how that has played out today. The chapter includes a new discussion on federalism and health care reform, with a Constitutional Connections feature on States and Health Exchanges. The Landmark Cases: Federal-State Relations box has been greatly expanded.
- **Chapter 4:** The Constitutional Connections feature discusses the Supreme Court's "selective incorporation" process of applying the Bill of Rights to the states.
- **Chapter 5:** The opening vignette explores how civil rights have changed over the years and a new section on Race and Civil Rights opens the chapter. The chapter includes updated coverage of affirmative action, same-sex marriage (including the Supreme Court's 2012 Defense of Marriage Act [DOMA] ruling), and other gay rights issues. The Constitutional Connections feature examines the evolution of race as a "suspect classification" in American politics. Rev. Dr. Martin Luther King, Jr.'s "I Have a Dream" speech now appears in the appendix.
- **Chapter 6:** Updated public opinion statistics are included throughout the chapter. The Constitutional Connections feature examines how public opinion influences policy making. The chapter also includes expanded coverage of the role of electronic media in American politics.
- **Chapter 7:** The Constitutional Connections feature discusses how perspectives on political parties have evolved since the founding of the American republic.
- **Chapter 8:** The chapter is updated to include the 2012 elections. The Constitutional Connections feature looks at variations in state voting laws.
- **Chapter 9:** The chapter is updated to incorporate the 113th Congress. The Constitutional Connections feature discusses the Framers' expectations for the new Congress.
- **Chapter 10:** The chapter is updated to incorporate governance in the Obama administration. The Constitutional Connections feature discusses how the Framers viewed presidential power.
- **Chapter 11:** The Constitutional Connections feature discusses how, if at all, the federal bureaucracy fits into the constitutional system of checks and balances.
- **Chapter 12:** The Constitutional Connections feature discusses how Congress uses the "Exceptions" clause in the Constitution to restrict the appellate jurisdiction of the Supreme Court.
- **Chapter 13:** This new Domestic Policy chapter discusses Social Welfare Policy and Environmental Policy.
- **Chapter 14:** This chapter includes updated information about foreign-policy decisions on Afghanistan, the Middle East, and North Korea, as well as a new figure on the public's view of the United States as a world leader.
- **Chapter 15:** The closing chapter presents a portrait of the current political landscape and asks readers to consider the future of American government using the tools they have acquired. A new How We Compare feature looks at deficit spending in America and Europe.

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Written by John Clark and Brian Schaffner, this booklet addresses the 2014 congressional and gubernatorial races, with real-time analysis and references.

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About the Authors

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John J. DiIulio, Jr.

JOHN J. DIIULIO, JR., is a professor of political science at the University of Pennsylvania. From 1986 to 1999, he was a professor of politics and public affairs at Princeton University's Woodrow Wilson School of Public and International Affairs. He received B.A. and M.A. degrees from the University of Pennsylvania and M.A. and Ph.D. degrees from Harvard University. He is the author, coauthor, or editor of a dozen books, including *Godly Republic* (2007), *Medicaid and Devolution* (1998, with Frank Thompson), *Deregulating the Public Service* (1994), and *Governing Prisons* (1987). He has received many awards for excellence in teaching including Penn's two most prestigious, the Lindback Award and the Abrams Award.

DiIulio advised both Vice President Al Gore and Governor George W. Bush during the 2000 presidential campaign. While on leave in academic year 2000–2001, he served as assistant to the president of the United States. He served as the first Director of the White House Office on Faith-Based Initiatives and assisted the Obama administration in reconstituting it. He has advised officials at the National Performance Review, the Office of Management and Budget, the General Accounting Office, the U.S. Department of Justice, and other federal agencies. He has served on the boards of Big Brothers Big Sisters of America and other nonprofit organizations.

In 1995, the Association of Public Policy Analysis and Management conferred on him the David N. Kershaw Award for outstanding research achievements, and in 1987 he received the American Political Science Association's Leonard D. White Award in public administration. In 1991–1994, he chaired the latter association's standing committee on professional ethics. Since 2005, he has had a leading role in nonprofit initiatives to assist post-Katrina New Orleans.

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Meena Bose

MEENA BOSE is Director of the Peter S. Kalikow Center for the Study of the American Presidency at Hofstra University, as well as Peter S. Kalikow Chair in Presidential Studies and Professor of Political Science. Her first book, *Shaping and Signaling Presidential Policy: The National Security Decision Making of Eisenhower and Kennedy* (Texas A&M University Press, 1998), was based on her dissertation, which won the Best Dissertation on the Presidency Award from the Center for Presidential Studies at Texas A&M University in 1997.

Dr. Bose also is editor of the reference volume *The New York Times on the Presidency* (2009) as well as several edited volumes in presidential studies, including *From Votes to Victory: Winning and Governing the White House in the Twenty-First Century* (2011); *President or King? Evaluating the Expansion of Presidential Power from Abraham Lincoln to George W. Bush* (2011); *U.S. Presidential Leadership at the United Nations from 1945 to the Present* (2012); and *Change in the White House: Comparing the Presidencies of George W. Bush and Barack Obama* (2012). She is co-editor (with Rosanna Perotti) of *From Cold War to New World Order: The Foreign Policy of George H. W. Bush* (2002), co-editor (with Mark Landis) of *The Uses and Abuses of Presidential Ratings* (2003), and co-editor (with John J. DiIulio, Jr.) of *Classic Ideas and Current Issues in American Government* (2007).

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Dr. Bose has developed non-partisan courses sponsored by The Washington Center in connection with the national party conventions as well as on key issues in American politics. She also has designed and taught courses for Elderhostel on presidential leadership and American politics. Dr. Bose serves on the editorial board of *Political Science Quarterly* and has been a guest editor several times for *White House Studies*.

Dr. Bose taught for six years at the United States Military Academy at West Point, where she also served as Director of American Politics in 2006. Dr. Bose previously was an assistant professor of political science at Hofstra from 1996–2000 and acting director of Hofstra's University Honors Program from 1999–2000. She received her undergraduate degree in international politics from Penn State University (1990), and her master's and doctoral degrees from Princeton University (1992, 1996).

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James Q. Wilson's death made news. There was a front-page story in *The New York Times*. There were stories in *The Wall Street Journal, The Washington Post*, and nearly every other major U.S. newspaper. There were also essays in *The Economist, The New Republic, The Weekly Standard*, and many other magazines; reflections by Ross Douthat, George Will, and many other leading syndicated columnists; postings by think-tank leaders and big-time bloggers; and statements by present and former public officials in both parties.

In 1959, Wilson received his doctoral degree in political science from the University of Chicago. He held endowed chair professorships at Harvard, UCLA, and Pepperdine, and a final post as a Distinguished Scholar at Boston College. Harvard and a half-dozen other universities bestowed honorary degrees on him. He won numerous academic awards, including ones from the American Political Science Association, the Academy of Criminal Justice Sciences, and the Policy Studies Organization. He held board chairmanships, memberships, directorships, or academic advisory group leadership positions with, among other institutions, the Joint Center for Urban Studies of Harvard and MIT, the American Academy of Arts and Sciences, the American Philosophical Society, the American Enterprise Institute, the National Academy of Sciences, the Robert A. Fox Leadership Program at the University of Pennsylvania, and the Pardee Rand Graduate School. He authored or co-authored 17 books, including 13 editions of *American Government* that, all told, sold more than a million copies. He also penned or co-penned several edited volumes and several hundred articles, plus scores of op-eds in leading newspapers.

Predictably, most of the public coverage that followed his passing, even the parts of it that included personal reminiscences or that quoted people who knew him, was mainly about Wilson the eminent and influential public intellectual. That is, it was about the Wilson who Senator Daniel Patrick Moynihan, his friend and former Harvard colleague, famously described to President Richard M. Nixon as "the smartest man in America." It was about the Wilson who served both Democratic and Republican officeholders, including six U.S. presidents, as an advisor. It was about the Wilson who was the chairperson of President Lyndon Johnson's White House Task Force on Crime, the chairperson of President Nixon's National Advisory Commission on Drug Abuse Prevention, and a member of many other public commissions or blue-ribbon bodies, including the President's Foreign Policy Intelligence Board, the President's Council on Bioethics, the Police Foundation's Board of Directors, and the International Council of the Human Rights Foundation. It was about the Wilson who received the Presidential Medal of Freedom in 2003 and was cited by President George W. Bush as "the most influential political scientist in America since the White House was home to Professor Woodrow Wilson."

Wilson, the eminent and influential public intellectual, was a real genius and a laudable giant, but that was not the whole of the man that I was blessed to know over the last 32 years. Even greater, in my view, were Wilson the deeply good family man and neighbor-citizen and Wilson the devoted teacher, dedicated mentor, and pure scholar.

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A two-time national high school debate champion, Jim graduated from the University of Redlands and served in the U.S. Navy. He married his high school sweetheart, Roberta. They were happily married for nearly sixty years. Jim is survived by Roberta and their two children, Matthew and Annie, his children's spouses, a sister, and many grandchildren, nieces, and nephews. Somehow, for all his prolific public and professional pursuits, he spent several lifetimes of quality time with his children, time that included reading all of the Sunday comics to them when they were young, never missing an important event in their lives, and leading them on many trips abroad and other adventures. Jim loved to share the things that he loved. Those things included scuba diving and underwater photography. He and Roberta co-authored a book, *Watching Fishes: Life and Behavior on Coral Reefs* (1985). He also loved cars, fast ones, and was into racing. I once described him as "an open-highway patriot," and he smiled at the description. Jim was a model community member. He coached a local youth soccer team and he served on the board of his local library.

Jim was also an amazingly dedicated undergraduate and graduate student classroom teacher. He was an angel-on-the-shoulder thesis supervisor, dissertation advisor, colleague, co-author, editor, and co-editor. He loved to laugh at himself and with others, and his generosity was genuine and unfailing.

For all Jim's influence and diverse intellectual interests, at the core of his professional and civic being he was a proudly card-carrying political scientist who always pursued knowledge more for its intrinsic than for its instrumental value. Indeed, he was supremely skeptical about what policy-oriented public intellectuals (often offering himself as Exhibit A) had to offer real-world public policymakers and administrators.

In *The Politics of Regulation*, an edited volume featuring chapters by many of his former graduate students, Jim wrote:

> *(M)uch, if not most, of politics consists of efforts to change wants by arguments, persuasion, threats, bluffs, and education. What people want—or believe they want—is the essence of politics. . . . Both economics and politics deal with problems of scarcity and conflicting preferences. Both deal with persons who ordinarily act rationally. But politics differs from economics in that it manages conflict by forming heterogeneous coalitions out of persons with changeable and incommensurable preferences in order to make binding decisions for everyone. Political science is an effort to make statements about the formation of preferences and nonmarket methods of managing conflict among those preferences; as a discipline, it will be as inelegant, disorderly, and changeable as its subject matter.*

Requiescat in Pace: May he rest in peace.

John J. DiIulio, Jr.

A longer version of this essay appeared in PS: Political Science and Politics, *2012. This excerpt is reprinted here by permission.*

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The Study of American Government

1

LEARNING OBJECTIVES

LO 1.1 What is meant by "politics"?

LO 1.2 Can you give two definitions of "democracy"?

LO 1.3 How is political power actually distributed in America?

LO 1.4 How can you classify and explain the politics of different issues?

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Today, Americans and their elected leaders are hotly debating the federal government's spending, taxing, and future finances.

Some things never change.

THEN

In 1786, a committee of Congress reported that since the Articles of Confederation were adopted in 1781, the state governments had paid only about one-seventh of the monies requisitioned by the federal government. The federal government was broke and sinking deeper into debt, including debt owed to foreign governments. Several states had financial crises, too.

In 1788, the proposed Constitution's chief architect, James Madison, argued that while the federal government needed its own "power of taxation" and "collectors of revenue," its overall powers would remain "few and defined" and its taxing power would be used sparingly.[1] In reply, critics of the proposed Constitution, including the famous patriot Patrick Henry, mocked Madison's view and predicted that if the Constitution were ratified, there would, over time, be "an immense increase of taxes" spent by an ever-growing federal government.[2]

NOW

A bipartisan presidential commission has warned that by 2015, the federal government will be paying well over $300 billion a year in interest on a roughly $20 trillion national debt, much of it borrowed from foreign nations. The federal budget initially proposed for 2014 called for spending about $3.8 trillion, roughly a fifth of it in deficit spending. Projected total state and local government spending for 2014 was about $3.2 trillion (including federal grants), and many states' and cities' finances were in shambles.[3]

So, in the 1780s, as in the 2010s, nearly everyone agreed that the government's finances were a huge mess and that bold action was required, and soon; but in each case, then and now, there was no consensus about what action to take, or when.

Issues and Politics

This might seem odd. After all, it may appear that the government's financial problems—including big budget deficits and revenue shortfalls—could be solved by simple arithmetic: either spend and borrow less, or tax more, or both. But now ask: spend or borrow less for what, and raise taxes on whom, when, how, and by how much? For example, should we cut the defense budget, but continue to fund health care programs, or the reverse? Or should we keep defense and health care funding at current levels, but reduce spending on environmental protection or homeland security? Should we perhaps increase taxes on the wealthy (define *wealthy*) and cut taxes for the middle class (define *middle class*), or … what?

Then, as now, the fundamental government finance problems were *political*, not mathematical. People disagreed not only over how much the federal government should tax and spend, but also over whether it should involve itself at all in various endeavors. For example, in 2011, the federal government nearly shut down, not mainly over disagreements between the two parties about how much needed to be cut from the federal budget (in the end, the agreed-to cuts totaled $38.5 billion), but primarily over whether any federal funding at all should go to certain relatively small-budget federal health, environmental, and other programs.

Fights over taxes and government finances; battles over abortion, school prayer, and gay rights; disputes about where to store nuclear waste; competing plans on immigration, international trade,

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welfare reform, environmental protection, or gun control; contention surrounding a new health care proposal. Some of these matters are mainly about money and economic interests; others are more about ideas and personal beliefs. Some people care a lot about at least some of these matters; others seem to care little or not at all.

Regardless, all such matters and countless others have this in common: each is an **issue**, defined as a conflict, real or apparent, between the interests, ideas, or beliefs of different citizens.[4]

issue A conflict, real or apparent, between the interests, ideas, or beliefs of different citizens.

politics The activity by which an issue is agitated or settled.

power The ability of one person to get another person to act in accordance with the first person's intentions.

An issue may be more apparent than real; for example, people might fight over two tax plans that, despite superficial differences, would actually distribute tax burdens on different groups in exactly the same way. Or an issue may be as real as it seems to the conflicting parties, as, for example, it is in matters that pose clear-cut choices (high tariffs or no tariffs; abortion legal in all cases or illegal in all cases).

And an issue might be more about conflicts over means than over ends. For example, on health care reform or other issues, legislators who are in the same party and have similar ideological leanings (like a group of liberal Democrats, or a group of conservative Republicans) might agree on objectives, but still wrangle bitterly with each other over different means of achieving their goals. Or they might agree on both ends and means, but differ over priorities (which goals to pursue first), timing (when to proceed), or tactics (how to proceed).

Whatever form issues take, they are the raw materials of politics. By **politics** we mean "the activity—negotiation, argument, discussion, application of force, persuasion, etc.—by which an issue is agitated or settled."[5] There are many different ways that any given issue can be agitated (brought to attention, stimulate conflict) or settled (brought to an accommodation, stimulate consensus). And there are many different ways that government can agitate or settle, foster or frustrate political conflict.

Some citizens are quite issue-oriented and politically active: they vote and try to influence others to vote likewise; they join political campaigns or give money to candidates; they keep informed about diverse issues, sign petitions, advocate for new laws, or communicate with elected leaders, and more.

But such politically attentive and engaged citizens are the exception to the rule, most especially among young adult citizens under age 30. According to many experts, ever more young Americans are closer to being "political dropouts" than they are to being "engaged citizens" (a fact that is made no less troubling by similar trends in the United Kingdom, Canada, Scandinavia, and elsewhere).[6] Many high school and college students believe getting "involved in our democracy" means volunteering for community service, but not voting.[7] Most young Americans do not regularly read newspapers (online or otherwise) or closely follow political news; and most know little about how government works, and exhibit no "regular interest in politics."[8] In response to such concerns, various analysts and study commissions have made proposals ranging from compulsory voting to enhanced "civic education" in high schools.[9]

Power, Authority, and Legitimacy

Politics, and the processes by which issues are normally agitated or settled, involves the exercise of power. By **power** we mean the ability of one person to get another person to act in accordance with the first person's intentions. Sometimes an exercise of power is obvious, as when the president tells the Air Force that it cannot build a new bomber, or orders soldiers into combat in a foreign land. Other times, an exercise of power is subtle, as when the president's junior speechwriters, reflecting their own evolving views, adopt a new tone when writing for their boss about controversial social issues like abortion. The speechwriters may not think they are using power—after all, they are the president's subordinates and may rarely see

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political agenda Issues that people believe require governmental action.

authority The right to use power.

legitimacy Political authority conferred by law or by a state or national constitution.

democracy The rule of the many.

direct or participatory democracy A government in which all or most citizens participate directly.

him face-to-face. But if the president lets their words exit his mouth in public, they have used power.

Power is found in all human relationships, but we shall be concerned here only with power as it is used to affect who will hold government office and how government will behave. We limit our view here to government, and chiefly to the American federal government. However, we shall repeatedly pay special attention to how things once thought to be "private" matters become "public"—that is, how they manage to become objects of governmental action. Indeed, as we will discuss more below, one of the most striking transformations of American politics has been the extent to which, in recent decades, almost every aspect of human life has found its way onto the **political agenda**.

People who exercise political power may or may not have the authority to do so. By **authority**, we mean the right to use power. The exercise of rightful power—that is, of authority— is ordinarily easier than the exercise of power not supported by any persuasive claim of right. We accept decisions, often without question, if they are made by people who we believe have the right to make them; we may bow to naked power because we cannot resist it, but by our recalcitrance or our resentment we put the users of naked power to greater trouble than the wielders of authority. In this book, we will on occasion speak of "formal authority." By this we mean that the right to exercise power is vested in a governmental office. A president, a senator, and a federal judge have formal authority to take certain actions.

What makes power rightful varies from time to time and from country to country. In the United States, we usually say a person has political authority if his or her right to act in a certain way is conferred by a law or by a state or national constitution. But what makes a law or constitution a source of right? That is the question of **legitimacy**. In the United States, the Constitution today is widely, if not unanimously, accepted as a source of legitimate authority, but that was not always the case.

What Is Democracy?

On one matter, virtually all Americans seem to agree: no exercise of political power by government at any level is legitimate if it is not in some sense democratic. That wasn't always the prevailing view. In 1787, as the Constitution was being debated, Alexander Hamilton worried that the new government he helped create might be too democratic, while George Mason, who refused to sign the Constitution, worried that it was not democratic enough. Today, however, almost everyone believes that democratic government is the only proper kind. Most people believe that American government is democratic; some believe that other institutions of public life—schools, universities, corporations, trade unions, churches—also should be run on democratic principles if they are to be legitimate; and some insist that promoting democracy abroad ought to be a primary purpose of U.S. foreign policy.

Democracy is a word with at least two different meanings. First, the term *democracy* is used to describe those regimes that come as close as possible to Aristotle's definition—the "rule of the many."[10] A government is democratic if all—or most—of its citizens participate directly in either holding office or making policy. This often is called **direct or participatory democracy**. In Aristotle's time—Greece in the 4th century B.C.—such a government was possible. The Greek city-state, or *polis,* was quite small, and within it, citizenship was extended to all free adult male property holders. (Slaves, women, minors, and those without property were excluded from participation in government.) In more recent times, the New England town meeting approximates the Aristotelian ideal. In such a meeting, the adult citizens of

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a community gather once or twice a year to vote directly on all major issues and expenditures of the town. As towns have become larger and issues more complicated, many town governments have abandoned the pure town meeting in favor of either the representative town meeting (in which a large number of elected representatives, perhaps 200–300, meet to vote on town affairs) or representative government (in which a small number of elected city councilors make decisions).

representative democracy A government in which leaders make decisions by winning a competitive struggle for the popular vote.

The second definition of *democracy* is the principle of governance of most nations that are called democratic. It was most concisely stated by the economist Joseph Schumpeter: "The democratic method is that institutional arrangement for arriving at political decisions in which individuals [that is, leaders] acquire the power to decide by means of a competitive struggle for the people's vote."[11] Sometimes this method is called, approvingly, **representative democracy**; at other times it is referred to, disapprovingly, as the elitist theory of democracy. It is justified by one or both of two arguments: First, it is impractical—owing to limits of time, information, energy, interest, and expertise—for the people to decide on public policy, but it is not impractical to expect them to make reasonable choices among competing leadership groups. Second, some people (including, as we shall see in the next chapter, many of the Framers of the Constitution) believe direct democracy is likely to lead to bad decisions, because people often decide large issues on the basis of fleeting passions and in response to popular demagogues. This concern about direct democracy persists today, as evidenced by the statements of leaders who disagree with voter decisions. For example, voters in many states have rejected referenda that would have increased public funding for private schools. Politicians who opposed the defeated referenda spoke approvingly of the "will of the people," but politicians who favored them spoke disdainfully of "mass misunderstanding."

Whenever we refer to that form of democracy involving the direct participation of all or most citizens, we shall use the term *direct* or *participatory* democracy. Whenever the word *democracy* is used alone in this book, it will have the meaning Schumpeter gave it. Schumpeter's definition usefully implies basic benchmarks that enable us to judge the extent to which any given political system is democratic.[12] A political system is *non*-democratic to the extent that it denies equal voting rights to part of its society and severely limits (or outright prohibits) "the civil and political freedoms to speak, publish, assemble, and organize,"[13] all of which are necessary to a truly "competitive struggle for the people's vote." A partial list of non-democratic political systems would include absolute monarchies, empires, military dictatorships, authoritarian systems, and totalitarian states.[14]

Scholars of comparative politics and government have much to teach about how different types of political systems, democratic and non-democratic, arise, persist, and change. For our present purposes, however, it is most important to understand that America itself was once far less democratic than it is today and that it was so not by accident, but by design. As we discuss in the next chapter, the men who wrote the Constitution did not use the word *democracy* in that document. They wrote instead of a "republican form of government," but by that they meant what we call "representative democracy." And, as we emphasize when discussing civil liberties and civil rights (see Chapter 4 and 5), and again when discussing political participation (see Chapters 7 and 8), America was not born as a full-fledged representative democracy; and, for all the progress of the past half-century or so, the nation's representative democratic character is still very much a work in progress.

For any representative democracy to work, there must, of course, be an opportunity for genuine leadership competition. This requires in turn that individuals and parties be able to run for office; that communications (through speeches or the press, in meetings, and on the internet) be free; and that the voters perceive that a meaningful choice exists. But what, exactly, constitutes a "meaningful choice"? How many offices should be elective and how many appointive? How many candidates or parties can

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exist before the choices become hopelessly confused? Where will the money come from to finance electoral campaigns? There are many answers to such questions. In some European democracies, for example, very few offices—often just those in the national or local legislature—are elective, and much of the money for campaigning for these offices comes from the government. In the United States, many offices—executive and judicial, as well as legislative—are elective, and most of the money the candidates use for campaigning comes from industry, labor unions, and private individuals.

Some people have argued that the virtues of direct or participatory democracy can and should be reclaimed even in a modern, complex society. This can be done either by allowing individual neighborhoods in big cities to govern themselves (community control), or by requiring those affected by some government program to participate in its formulation (citizen participation). In many states, a measure of direct democracy exists when voters can decide on referendum issues—that is, policy choices that appear on the ballot. The proponents of direct democracy defend it as the only way to ensure that the "will of the people" prevails.

As we discuss in the nearby **Constitutional Connections** feature, and as we explore more in Chapter 2, the Framers of the Constitution did not think that the "will of the people" was synonymous with the "common interest" or the "public good." They strongly favored representative democracy over direct democracy.

Political Power in America: Five Views

Scholars differ in their interpretations of the American political experience. Where some see a steady march of democracy, others see no such thing; where some emphasize how voting and other rights have been steadily expanded, others stress how they were denied to so many for so long, and so forth.

The actual distribution of political power in a representative democracy will depend on the composition of the political elites who are involved in the struggles for power and over policy.

CONSTITUTIONAL CONNECTIONS

Deciding What's Legitimate

Much of American political history has been a struggle over what constitutes legitimate authority. The Constitutional Convention in 1787 was an effort to see whether a new, more powerful federal government could be made legitimate; the succeeding administrations of George Washington, John Adams, and Thomas Jefferson were in large measure preoccupied with disputes over the kinds of decisions that were legitimate for the federal government to make. The Civil War was a bloody struggle over slavery and the legitimacy of the federal union; the New Deal of Franklin Roosevelt was hotly debated by those who disagreed over whether it was legitimate for the federal government to intervene deeply in the economy. Not uncommonly, the federal judiciary functions as the ultimate arbiter of what is legitimate in the context of deciding what is or is not constitutional (see Chapter 12). For instance, in 2012, amidst a contentious debate over the legitimacy of the federal health care law that was enacted in 2010, the U.S. Supreme Court decided that the federal government could require individuals to purchase health insurance, but could not require states to expand health care benefits for citizens participating in the federal-state program known as Medicaid.

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By **elite** we mean an identifiable group of persons who possess a disproportionate share of some valued resource—in this case, political power.

There are at least five views about how political power is distributed in America: (1) wealthy capitalists and other economic elites determine most policies; (2) a group of business, military, labor union, and elected officials controls most decisions; (3) appointed bureaucrats ultimately run everything; (4) representatives of a large number of interest groups are in charge; and (5) morally impassioned elites drive political change.

The first view began with the theories of Karl Marx, who, in the 19th century, argued that governments were dominated by business owners (the "bourgeoisie") until a revolution replaced them with rule by laborers (the "proletariat").[15] But strict Marxism has collapsed in most countries. Today, a **class view**, though it may derive inspiration from Marx, is less dogmatic and emphasizes the power of "the rich" or the leaders of multinational corporations.

The second view ties business leaders together with other elites whose perceived power is of concern to the view's adherents. These elites may include: top military officials, labor union leaders, mass media executives, and the heads of a few special-interest groups. Derived from the work of sociologist C. Wright Mills, this **power elite view** argues that American democracy is dominated by a few top leaders, many of them wealthy or privately powerful, who do not hold elective office.[16]

elite Persons who possess a disproportionate share of some valued resource, like money, prestige, or expertise.

class view View that the government is dominated by capitalists.

power elite view View that the government is dominated by a few top leaders, most of whom are outside of government.

bureaucratic view View that the government is dominated by appointed officials.

pluralist view View that competition among all affected interests shapes public policy.

creedal passion view View that morally impassioned elites drive important political changes.

The third view is that appointed officials run everything despite the efforts of elected officials and the public to control them. The **bureaucratic view** was first set forth by the German scholar Max Weber (1864–1920). He argued that the modern state, in order to become successful, puts its affairs in the hands of appointed bureaucrats whose competence is essential to the management of complex affairs.[17] These officials, invisible to most people, have mastered the written records and legislative details of the government and do more than just implement democratic policies; they actually make those policies.

The fourth view holds that political resources—such as money, prestige, expertise, and access to the mass media—have become so widely distributed that no single elite, no social class, no bureaucratic arrangement, can control them. Many 20th-century political scientists—among them David B. Truman—adopted a **pluralist view**.[18] In the United States, they argued, political resources are broadly shared in part because there are so many governmental institutions (cities, states, school boards) and so many rival institutions (legislatures, executives, judges, bureaucrats) that no single group can dominate most, or even much, of the political process.

The fifth view maintains that while each of the other four views is correct with respect to how power is distributed on certain issues or during political "business as usual" periods, each also misses how the most important policy decisions and political changes are influenced by morally impassioned elites who are motivated less by economic self-interest than they are by an almost religious zeal to bring government institutions and policies into line with democratic ideals. Samuel P. Huntington articulated this **creedal passion view**, offering the examples of Patrick Henry and the revolutionaries of the 1770s, the advocates of Jackson-style democracy in the 1820s, the progressive reformers of the early 20th century, and the leaders of the civil rights and anti-war movements in the mid-20th century.[19]

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Who Governs—and to What Ends?

So, which view is correct? At one level, all are correct, at least in part: economic class interests, powerful cadres of elites, entrenched bureaucrats, competing pressure groups, and morally impassioned individuals have all at one time or another wielded political power and played a part in shaping our government and its policies.

But, more fundamentally, understanding any political system means being able to give reasonable answers to each of two separate, but related questions about it: who governs, and to what ends?

We want to know the answer to the first question because we believe that those who rule—their personalities and beliefs, their virtues and vices—will affect what they do to and for us. Many people think they already know the answer to the question, and they are prepared to talk and vote on that basis. That is their right, and the opinions they express may be correct. But they also may be wrong. Indeed, many of these opinions must be wrong because they are in conflict. When asked, "Who governs?" some people will say "the unions" and some will say "big business"; others will say "the politicians," "the people," or "the special interests." Still others will say "Wall Street," "the military," "crackpot liberals," "the media," "the bureaucrats," or "white males." Not all these answers can be correct—at least not all of the time.

The answer to the second question is important because it tells us how government affects our lives. We want to know not only who governs, but what difference it makes who governs. In our day-to-day lives, we may not think government makes much difference at all. In one sense that is right, because our most pressing personal concerns—work, play, love, family, health—essentially are private matters on which government touches but slightly. But in a larger and longer perspective, government makes a substantial difference. Consider: in 1935, 96 percent of all American families paid no federal income tax, and for the 4 percent or so who did pay, the average rate was only about 4 percent of their incomes. Today, almost all families pay federal payroll taxes, and the average rate is about 21 percent of their incomes. Or consider: in 1960, in many parts of the country, African Americans could ride only in the backs of buses, had to use washrooms and drinking fountains that were labeled "colored," and could not be served in most public restaurants. Such restrictions have almost all been eliminated, in large part because of decisions by the federal government.

Matt McDermott

Americans felt powerfully connected to their fellow citizens in the immediate aftermath of 9/11.

It is important to bear in mind that we wish to answer two different questions, and not two versions of the same question. You cannot always predict what goals government will establish by knowing only who governs, nor can you always tell who governs by knowing what activities government undertakes. Most

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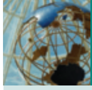

HOW WE COMPARE

Academic Freedom

You are reading a textbook on American government, but how is the freedom to study, teach, or do research protected from undue government interference? And how do European democracies protect academic freedom?

The U.S. Constitution does not mention academic freedom. Rather, in America, the federal and state courts have typically treated academic freedom—at least in tax-supported universities—as "free speech" strongly protected under the First Amendment.

In each of nine European nations, the constitution is silent on academic freedom, but various national laws protect it. In 13 other European nations, academic freedom is protected both by explicit constitutional language and by national legislation. But is academic freedom better protected in these nations than in either the United States or elsewhere in Europe?

Not necessarily. Germany's constitution states that "research and teaching are free," but subject to "loyalty to the constitution." Italy's constitution offers lavish protections for academic freedom, but its national laws severely restrict those same freedoms.
The United Kingdom has no written constitution, but its national laws regarding academic freedom (and university self-governance) are quite restrictive by American standards.

Source: Terence Karran, "Freedom in Europe: A Preliminary Analysis," *Higher Education Policy* 20 (2007):289–313.

people holding national political office are middle-class, middle-aged, white, Protestant males, but we cannot then conclude that the government will adopt only policies that are to the narrow advantage of the middle class, the middle-aged, whites, Protestants, or men. If we thought that, we would be at a loss to explain why the rich are taxed more heavily than the poor, why the War on Poverty was declared, why constitutional amendments giving rights to African Americans and women passed Congress by large majorities, or why Catholics and Jews have been appointed to so many important governmental posts.

This book is chiefly devoted to answering the question: Who governs? It is written in the belief that this question cannot be answered without looking at how government makes—or fails to make—decisions about a large variety of concrete issues. Thus, in this book we shall inspect government policies to see what individuals, groups, and institutions seem to exert the greatest power in the continuous struggle to define the purposes of government.

The Politics of Different Issues

Once an issue is on the political agenda, its nature affects the kind of politicking that ensues. Some issues provoke intense interest group conflict; others allow one group to prevail almost unchallenged. Some issues involve ideological appeals to broad national constituencies; others involve quiet bargaining in congressional offices. We all know that private groups try to influence government policies; we often forget that the nature of the issues with which government is dealing influences the kinds of groups that become politically active.

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