American Government in Black and White

THIRD EDITION

Diversity and Democracy

PAULA D. McCLAIN
STEVEN C. TAUBER

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American Government

IN **BLACK** AND **WHITE:** DIVERSITY AND DEMOCRACY

Third Edition

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To my husband, Paul C. Jacobson, daughters Kristina and Jessica and grandsons, Jackson and Sterling, whose love and support continued to sustain me throughout this long and continuing project.

Paula D. McClain

Dedicated to my wife Meghan and the memory of her sister Kathleen Hogan (1971–2013)

Steven C. Tauber

Brief Contents

Contents

To the Student

Alexis de Tocqueville, who was an early French visitor to the United States and wrote *Democracy in America* (1835), believed that the essence of America was in the uniquely free and egalitarian ideas that abounded at its founding. Yet, Tocqueville noted that the treatment and situation of Blacks and Indians in the United States contradicted the American passion for democracy. He saw slavery and the denial of constitutional rights and protections to Blacks as the principal threat to the American democratic system. From his perspective, Blacks would never be included in America's democracy; even the American Revolution's egalitarian principles would never change Whites' negative views of Blacks. Indians, he felt, would resist being civilized, and in so doing would be wiped out. Tocqueville believed that the institution of slavery should be abolished, but he also felt that the aftermath would be catastrophic because Blacks, Whites, and Indians would not be able to live together, so White genocidal violence against Blacks and Indians would follow.

For much of the history of the United States, the issues of race and the place of Blacks and American Indians, and later other racial or ethnic minority groups such as Asians and Latinos have been enduring threads in the American political fabric. Although they are still threads that can be pulled to generate angst and divisions, a great deal has changed since Tocqueville made his observations in 1835.

In 2008, Senator Barack Obama (D-IL) became the Democratic nominee for President of the United States and the first Black person to represent a major political party in the presidential race in the history of the United States. On November 4, 2008, Obama was elected the first African American president of the United States, with a wide margin in both the popular and electoral votes. He was reelected to a second term in 2012 by a substantial, albeit somewhat reduced, margin in the popular and electoral votes.

Many Americans view the historic election of a Black as president as a signal that issues of racism and inequality have been resolved and that there is no need for more or new public policies to address racial inequalities. They assert that any remaining inequalities are the result of a lack of individual initiative, not societal barriers. On the contrary, we believe that the election of Barack Obama brought into sharp relief the centrality of issues of race to American politics. In fact, President Obama's success might make it more difficult, not less, to address some of the issues of inequality that continue to exist in the United States.

In this book, we are concerned with the complexities of the American political system and inequalities that continue to exist within it. If you read and understand the text, we believe you will benefit in four ways.

First, government is more than just a set of institutions, rules, and procedures by which those institutions operate. Government exists also in our perceptions about and our experiences with government. Every American might perceive government differently, and each of us behaves somewhat differently based on these perceptions. Describing government in this sense is not something that is feasible here, but we can report on the perceptions of different peoples grouped by shared characteristics. The United States is not "one nation . . . indivisible" but, instead, something different to each of us based on our citizenship status, socioeconomic class, religion, age, place of residence, race, ethnicity, gender, and many other factors.

Second, we offer a practical view of American government supported by empirical analysis. By using hard evidence to support our views, we hope to avoid a naive "how government should work" approach and give you a firm base for developing informed opinions. For example, we list the powers of the president, but in reality these powers are limited and the president is much less powerful than a simple list of official powers would suggest.

Third, you will have a sense of how race has played out in the American governmental system and its politics. Although some historical events present a sad and painful look at the American system, recent events such as the election of President Obama show a more hopeful albeit cautious look at the American political system and its politics.

Finally, reading this book will give you a more holistic and realistic perspective on American government. You will have a sense of what government can do and what American citizens must do to help government achieve its objectives. Regardless of whether that help comes through social movements, voting, or participation in other types of political activity, people—individually and collectively—are central to the American governmental system.

New to the Third Edition

- A sleek and modern four-color design and revamped photo program bring enhanced visual interest to this award-winning text.
- Updates and analysis place the 2016 election and its results into political and cultural context for students.
- Expanded coverage of Latinos highlights the importance and complexities of the political influence wielded by this growing demographic and voting group.
- Enhanced discussion of political science research in relevant chapters provides insights into both the scholarly debates and consensus of the discipline. Many of the tables in the chapters have been updated with the most recent data available.

Revisions to the 2016 Election Update

- Updated coverage on voter purges in Florida (p. 63).
- Updated voter ID discussion (p. 143).
- Updated Equal Rights Amendment discussion (p. 155).
- Updated same-sex marriage discussion (p. 157).
- Updated discussion of the Congressional Black Caucus (p.179).
- Updated discussion of minorities in the cabinet (p. 217).
- Updated discussion of clashes between President Obama and Congress (p. 221).
- Updated caseload data (pp. 255–266).
- Updated minority state party chairs (p. 424).
- Updated information on policy enactment and affirmative action (p. 491).
- More citations added to all chapters.
- Updated opening vignette for Chapters 2, 4, 5, 6, 7, 8, 10, 11, 13, 14, and 15.
- Post-election updates made to Chapter 15, Campaigns and Elections.
- Updated coverage in Chapter 12, including: Chicano Movement; Asian American Movement; Anti-Nuclear Movement; added material to the last paragraph on page 370 on Tea Party and Black Lives Matter.
- Updates to seventeen tables, three figures, and "Measuring Equality" features.

Organization of This Book

Chapter 1, "American Government and Politics in a Racially Divided World," introduces the concept of government in its general and various forms. It also shows that the choices the Framers of the Constitution made in structuring the new governments were neither accidental nor unconnected. The structures of these governments had theoretical and philosophical foundations in classical liberalism, republicanism, and a tradition of exclusion.

Chapter 2, "The Constitution: Rights and Race Intertwined," introduces the basic government documents—the Declaration of Independence and the Constitution. It addresses the events and problems under the Articles of Confederation that led to the drafting of the 1787 Constitution and focuses on the overt and tacit role that slavery played throughout the constitutional process.

Chapter 3, "Federalism: Balancing Power, Balancing Rights," explains the concept of federalism—the balance of power between the national government and the states. It also discusses how that power has ebbed and flowed since the founding of the republic.

Chapter 4, "Civil Liberties: Freedom and Government Authority in Tension," addresses the tension between government authority and the civil liberties afforded citizens under the Bill of Rights. We pay particular attention to how each amendment also offers protections against state governments.

Chapter 5, "Civil Rights: Inequality and Equality," focuses on the increased legal protection afforded various racial and ethnic minorities and women over time and how the reality of this protection has varied across levels of government. We also discuss the differences in timing of the extensions of these protections to the various groups, including the LGBT community, the elderly, and disabled people.

Chapter 6, "Congress: Representation and Lawmaking," outlines the general functions of and influences on Congress, as well as the nature of representation in our democratic system.

Chapter 7, "The Presidency: Conventional Wisdom Redefined," looks at the Office of the President. We outline the roles, powers, and limitations of the president of the United States and the Office of the President, with the purpose of presenting a realistic view of what can and cannot reasonably be expected of presidents. We pay particular attention to the presidential selection process.

Chapter 8, "The Bureaucracy: Career Government Employees, Accountability, and Race," addresses the important topic of government agencies. We examine and assess the relative size and range of functions of the national bureaucracy, and the racial, ethnic, and gender composition of these bureaucracies.

Chapter 9, "The Judiciary: Blending Law and Politics," describes the structure, selection processes, and decision-making dynamics of the national courts. The influence of these factors on the operation of these important institutions highlights the differences among various levels of courts.

Chapter 10, "Public Opinion: Divided By Race?" listens to the voice of the people. We explore the complexities of public opinion by examining the views of the many publics that exist in the American political system, including their racial, gender, and regional differences. A second focus is the role public opinion plays in the American political process.

Chapter 11, "The Media: Reinforcing Racial Stereotypes?" focuses on the role of the media in the American political process. We examine the media's influence on the formation of public opinion, policy agenda setting, and campaigns. We also consider the importance of symbols and symbolism and the "parallel press."

Chapter 12, "Social Movements: Civil Rights as a Movement Model," looks at how opinions are mobilized into efforts to address grievances. Preconditions and timing are of key interest. Drawing from illustrations of several populations, we examine why groups coalesce into social movements at certain points in time and not at others when conditions are perhaps even worse.

Chapter 13, "Interest Groups: Good Outcomes with Few Resources," flows from the discussion of social movements. This chapter distinguishes between social movements and interest groups and examines the ways in which interest groups affect the policy process and influence political outcomes. We note that interest groups are not only those organizations or racial and ethnic minorities and women who have been excluded from the political process, but

also are far more likely to include strong majority-dominated organizations whose influence and access are generally much greater than those of the so-called special interests of disadvantaged groups.

Chapter 14, "Political Parties: Linking Voters and Governing Institutions," provides a history of the development of the national two-party system in the United States. We discuss the pros and cons of a two-party system as well as the strengths and weaknesses of the current Democratic and Republican parties. The history of the experiences of Blacks, Latinos, American Indians, and Asian Americans is discussed to provide a context for the current placement of these groups within the two political parties.

Chapter 15, "Voting and Elections: From Obama to Clinton," discusses the voting behaviors of the American public. Voting at the national level for the president commands the most attention. We also consider the factors of race and gender in the examination of voting patterns.

Chapter 16, "The Making of Domestic and Foreign Policy," outlines the public policymaking process, summarizing how all institutions and processes converge to help explain what government does and does not do. It focuses on the differences and the relationship between both domestic and foreign policy.

Note about Terminology

Before proceeding, it is important to define the terms used throughout the book.[1] First, the terms *Black* and *African American* are used interchangeably. Recent research suggests that among Americans of African descent, slightly more than 1 percent difference exists in those who prefer to be called Black (48.1 percent) and those who prefer to be called African American (49.2 percent).[2] Our own preference is for the term *Black* because it concisely describes an identity and a status in American society that are based on color. The Black experience in the United States differs markedly from that of White ethnics, and the use of *African American* might convey the impression that Blacks are just another ethnic group similar to Italian Americans, Irish Americans, or Polish Americans.

Similarly, we use *Latino* and *Hispanic* interchangeably as umbrella terms when we cannot distinguish among subgroups of the nation's Spanish-origin population. Many academics reject the term *Hispanic* because it was devised by the U.S. Census Bureau to classify individuals and is devoid of any connection to the people to which it refers in the United States. The term comes from the Latin word for Spain and is associated with people from the Iberian Peninsula in Europe. It refers to people of Spain, Portugal, Gibraltar, and Andorra, and clearly does not technically include individuals of Mexican, Puerto Rican, Cuban, and Central and South American descent. We most often use *Latino* in recognition of this distinction because this term refers more exclusively to persons of Mexican and Latin American origin.

Third, we use the term *Indian peoples* or *American Indians* rather than the population term *Native American*. Scholars of American Indian politics dislike

the term *Native American* because it can be applied literally to any person born in the Americas. Although the terms *Indian peoples* and *American Indians* ignore geographical differences and cultural diversity among Indian groupings, they are the preferred terms of scholars working in the area.[3]

Fourth, the term *Asian American* is an umbrella term for a number of ethnic origin groups—Japanese, Koreans, Chinese, Filipinos, Southeast Asians, and East Indians. We use the term when we or the data we use do not allow us to differentiate among these various ethnic origin groups.

At times, we use the term *ethnicity* in a specific sense of the term—generally meaning the groupings of people on the basis of learned characteristics, often associated with national origin. Issues of ethnicity are particularly pertinent in the Latino, Asian, and Indian groups and are becoming more important in the Black population as the number of Black immigrants from Africa and the Caribbean increases.

We also use the terms *racial minority* or *racial and ethnic minorities* as a shorthand method of identifying Blacks, Latinos, Asian Americans, and American Indians collectively based on their proportion of the population vis-à-vis the majority White population.

We also use the generic term *women* at times, but most often we specify which group of women to which we are referring. Women as a category have been excluded from participation in many segments of American society, but we do not consider the generic category of women as a numerical minority of the population.

Significantly, we use the capitalized form for all of the various racial and ethnic groups—White, Black, Asian American, American Indian, and Latino—as well as for the various ethnic origin groups, such as Mexican American.

Finally, a word about the concept of *equality* that we examine and apply throughout this book. There are many ongoing debates about the kinds of equality and which should be embraced and pursued by governmental policies. Political philosophers pitch "equality of opportunity" against "equality of outcome" and weigh in on their relative benefits. Measures of fairness or justice are overlaid on top of these categories in an attempt to moderate their disparate results. In this book, we look at all these values through the lens of racial and ethnic disparity. Thus, some of the measures and evaluations of equality we suggest apply only to those who have suffered or benefited from racial and ethnic inequality. Other lessons we draw about equality can be applied across the spectrum of public policy—to the poor White woman in Appalachia, the auto worker who just lost his job, the gay person being taunted at work, or the disabled person who cannot go where she wants because there is no wheelchair access. We do not take on these inequalities in as great a depth as we do racial and ethnic inequality, but many of the measures and evaluations of equality we make can be extended to them as well—and we encourage students to read the text with that in mind.

Chapter Features

Each chapter has a set of features that highlight the main themes of the chapter and provide information important to understanding many of the points raised in the chapter. Each feature plays a specific role in the text in support of our approach to American government:

- Chapter opening **vignettes**, drawn from actual events, that highlight the theme of complex inequalities. These vignettes are intended to help make concrete concepts that might appear abstract.
- **Glossary** definitions in the text when the term is first encountered, making it easier to find the definitions and understand their meaning in context.
- **Measuring Equality boxes** provide empirical, quantitative data that support a conclusion or underscore an argument we make to provide you with information on a topic that might be unfamiliar.
- **Our Voices boxes** contain excerpts from the writings of important people or organizations to allow you to "hear" their voices and excerpts from original documents important to the development and workings of the American political system.
- **Evaluating Equality boxes** contain a scenarios that ask you to use the central points of the chapter as a basis for thinking critically about aspects of our political system. These are framed in terms of questions for debate or discussion.
- **Chapter conclusions** tie the chapter content into the opening vignette and draw the themes together.
- **Review questions** at the end of each chapter that are also tied to the theme. By focusing on the review questions, you will be able to distill the main issues from each chapter.
- **Additional readings** with short annotations for each reference.

In all, we hope these features add to your interest in the story of American government that we tell through the lens of race and ethnicity.

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Oxford University Press offers instructors and students a comprehensive ancillary package for qualified adopters of *American Government in Black and White: Diversity and Democracy*:

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- **Instructor's Manual and Test Bank:** includes chapter objectives, detailed chapter outlines, lecture suggestions and activities, discussion questions, and video and web resources. The test bank includes multiple-choice, short answer, and essay questions.
- **Computerized Test Bank:** utilizes Diploma, a test authoring and management tool. Diploma is designed for both novice and advanced users and enables instructors to create and edit questions, compose randomized quizzes and test with an intuitive drag-and-drop tool, post quizzes and tests to online courses, and print quizzes and tests for paper-based assessments.
- **Downloadable and customizable PowerPoint slides:** including one set for in-class presentations and the other for text images
- **Access to thirty CNN videos** correlated to the chapter topics of the text. Each clip is approximately five to ten minutes long, offering a great way to launch your lecture
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- Enables students to experience how politics works, seeing the trade-offs required to produce meaningful policies and outcomes
- Is optimized to work on any mobile device or computer
- Ends with Assessments to connect the activity to classroom discussions

Interactive Media Activities include:

- NEW – Individualism vs. Solidarity
- Passing Immigration Reform
- Electing Cheryl Martin
- Building the USS Relief
- Intervening in Bhutan
- The Fight Against Warrantless Wiretapping
- Balancing the Budget
- NEW – Redistricting in "Texachusetts"
- NEW – Saving the Electric Car
- Election Reform

- NEW – Fact-checking the Media
- NEW – Passing the Thirteenth Amendment
- NEW – Negotiating with China

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- The Constitution: A Brief Tour
- Civil Rights: How does the 14th Amendment ensure equal right for all Citizens?
- Federalism: What does it mean to Incorporate the Bill of Rights?
- Political Participation: What affects voter turnout?
- Media: How the news is shaped by agenda setting, framing, and profit bias?
- Interest Groups: What is a Political Action Committee, and what makes some PACs Super PACs?
- Congress: Why do we hate Congress but keep electing the same representatives?
- The Judiciary: How do judges interpret the Constitution?
- Polling: How do we know what people know?
- Campaigns and Elections: How does Gerrymandering work?

Course Cartridges containing student and instructor resources are available through Angel, Blackboard, Canvas, D2L, Moodle, Respondus, or whatever course management system you prefer.

- ***Now Playing: Learning American Government Through Film***
  Through documentaries, feature films, and YouTube videos, *Now Playing: Learning American Government Through Film* provides a variety of suggested video examples that illustrate concepts covered in the text. Each video is accompanied by a brief summary and discussion questions. It is available in both a student and an instructor version and can be packaged with *American Government: Diversity and Democracy* for free.

- **Format Choices**: Oxford University Press offers cost-saving alternatives to meet the needs of all students. This text offered in a Loose Leaf format at a 30% discount off the list price of the text; and in an eBook format, thought CourseSmart for a 50% discount. You can also customize our textbooks to create the course material you want for your class. For more information, please contact your Oxford University Press sales representative, call 800.280.0280, or visit us online at **www.oup.com/us/mcclain**.

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Acknowledgments

This text has been long in the making even though it was published at an auspicious time in U.S. political history. Many reviewers, editors, colleagues, and friends have given advice and offered help while we developed the text. It is impossible to thank everyone individually who contributed to our efforts, but it is important to acknowledge the vast collective effort that resulted in such a mold-breaking text. We accept responsibility for any errors and shortcomings reflected in the text but share full credit for its strengths with the people who joined us in making this book possible.

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—Paula D. McClain and Steven C. Tauber

The third edition has also been a collective effort. Duke University graduate students, Gloria Ayee, Nura Sediqe, and Taneisha Means spent countless hours gathering new data and updating older material. Jessica Johnson Carew completed the Instructor's Manual and Test Bank and I am appreciative that she agreed to take on that arduous task. I also want to thank Steve Tauber for signing on as a coauthor on a project that had many fits and starts, and lots of twists and turns. It has been a pleasure working with Steve on the first, second and third editions of this book, and I anticipate that this will be a long-term co-authorship.

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—Paula D. McClain

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been invaluable. I would also like to thank Paula McClain, one of my mentors from graduate school, for inviting me to be a coauthor. I have enjoyed working with her on both editions of this book and look forward to future collaborations.

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—Steven C. Tauber

About the Authors

Paula D. McClain is professor of political science and public policy and Dean of the Graduate School and Vice Provost for Graduate Education at Duke University. She directs the American Political Science Association's Ralph Bunche Summer Institute, hosted by Duke University and funded by the National Science Foundation and Duke University. She was formerly the cofounding director of the Center for the Study of Race, Ethnicity and Gender in the Social Sciences at Duke University. A Howard University PhD, her primary research interests are in racial minority group politics, particularly minority political and social competition, and urban politics. Her articles have appeared in numerous journals, and she is author of many books, including the popular, award-winning classroom supplement, "*Can We All Get along?": Racial and Ethnic Minorities in American Politics*, co authored with Joseph Stewart, Jr., and the seventh edition will be published in early 2017. Jessica Johnson Carew will be joining her as a new co-author. Professor McClain has won many awards for scholarship and teaching and has served the discipline in many capacities. She was elected to the American Academy of Arts and Sciences in 2014. She is particularly valued for her commitment to mentoring students from every background.

Steven C. Tauber entered the University of California–San Diego with the goal of becoming a doctor and then a lawyer. By his junior year, however, he found his political science courses so intellectually stimulating that he decided to pursue a career as a political science professor. He entered the PhD program in government at the University of Virginia, receiving his PhD in 1995, and started teaching at the University of South Florida in Tampa, where he is now an associate professor with tenure. He is also currently serving a stint as department chair. Professor Tauber enjoys teaching classes in introduction to American government, constitutional law, judicial politics, research methods and statistics, and American political thought. He has published refereed journal articles and book chapters on interest group use of the federal judiciary, minority group politics, and the effect of animal advocacy groups. In 2016 he published *Navigating the Jungle: Law, Politics, and the Animal Advocacy Movement* (Routledge). His current research focuses primarily on animal rights in a global context. Just as some of his undergraduate political science classes sparked his interest in political science, he hopes that this book will have the same effect on the current generation of undergraduate students.

CHAPTER 1

American Government and Politics in a Racially Divided World

In 2016, Gov. Jack Markell signed a long-awaited resolution officially apologizing for the state's role in slavery. The apology for slavery illustrates the long and sometimes painful history of the United States' struggle with race, from the time of Thomas Jefferson, a slave owner, to President Barack Obama, the first Black president of the United States.

December 6, 2015, marked the 150th anniversary of the abolishment of slavery, when the U.S. Congress ratified the Thirteenth Amendment to the Constitution. There were numerous events recognizing the end of slavery, including an official White House event presided over by President Obama. On February 11, 2016, Delaware joined eight other states to formally apologize for slavery when Governor Jack Markell (D) signed the state's joint resolution. Delaware's resolution acknowledged its participation in 226 years of slavery first of both Native Americans and Africans in the mid-1600s; by the close of the 1700s its entire slave population was of African descent. The resolution also included acknowledgments that Delaware criminalized humanitarian attempts to assist slaves and that in later times Delaware passed and enforced Jim Crow laws to deny the rights of African American citizens for much of the twentieth century.[1]

On July 29, 2008, the U.S. House of Representatives passed a nonbinding resolution, introduced and championed by Representative Steven Cohen (D-TN), which offered a formal apology for the government's participation in African American slavery and the establishment of Jim Crow laws. The resolution said, in part, "African Americans continue to suffer from the consequences of slavery and Jim Crow—long after both systems were formally abolished—through enormous damage and loss, both tangible and intangible, including the loss of human dignity and liberty, the frustration of careers and professional lives, and the long-term loss of income and opportunity."[2]

On June 18, 2009, the U.S. Senate unanimously passed a similar resolution apologizing to African Americans for slavery and Jim Crow. The Senate resolution said explicitly that the apology could not be used in support of reparations (or compensation for past wrongs).[3]

Reparations A concept or tool for providing monetary payments to members of aggrieved groups based on past wrongful actions against them or their ancestors.

chapter outline

features

intro

The story of apologies for slavery is a complex one that highlights some of the underlying dilemmas that face the U.S. political system—how to reconcile its stated principles of how individuals should be treated with how the government actually treats and has treated individuals. The apologies are intended to acknowledge the nation's complicity in a destructive and immoral institution, at the same time avoiding any discussion of reparations for the descendants of those enslaved.

Both sides criticize the apologies for slavery. Arkansas Governor Mike Beebe (D) questioned whether Arkansas should join the other Southern states in apologizing for slavery: "I think Arkansas has as good a feel for folks working together as any Southern state or any other state, so I think we've moved past that."[4] In Georgia, which also debated the issue, former speaker of the house Glen Richardson (R) expressed the views of many of his constituents when he said, "I'm not sure what we ought to be apologizing for. I think slavery was wrong—absolutely. But no one here was in office then."[5]

On the other side, John Hope Franklin (now deceased), a prominent historian of African American history, was also not a fan of apologies. Referring to North Carolina's issuance of an apology on April 12, 2007, by a unanimous vote of the House and the Senate, Franklin said:

> *It's going to become an epidemic now. People are running around apologizing for slavery. What about that awful period since slavery—Reconstruction, Jim Crow and all the rest? What about the enormous wealth that was built up by Black labor? If I was sitting on a billion dollars that someone had made when I sat on them, I probably would not be slow to apologize, if that's all it takes. I think that's little to pay for the gazillions that Black people built up—the wealth of this country—with their labor, and now you're going to say I'm sorry I beat the hell out of you for all these years? That's not enough.[6]*

On May 31, 2007, Alabama governor Bob Riley (R) signed a resolution expressing the state's "profound regret" for Alabama's participation in slavery and apologizing for slavery's wrongs and their lingering aftereffects.[7] With his signature, Alabama became the fourth Southern state to issue an apology for slavery, following apologies issued by the legislatures of Maryland, Virginia, and North Carolina. Riley said, "Slavery was evil and is a part of American history. I believe all Alabamians are proud of the tremendous progress we have made and continue to make."[8] Florida issued an apology in March 2008. In the North, New York was the first state to issue an apology, in June 2007, followed by New Jersey in January 2008, and Tennessee and Connecticut in 2009.

Despite apologies by several states, apologies by the federal government and on behalf of the American people for mistreatment of a segment of its population are rare. It was not until 1988 that Congress passed legislation issuing an apology and providing reparations for Japanese Americans interned during World War II. In 1993, the United States apologized to native Hawaiians for providing military assistance to the White businessmen who in 1893 had overthrown Queen Liliuokalani, placed her under house arrest, and seized the islands of Hawaii for the United States.

These actions and the controversy surrounding them raise several questions and concerns about the American political system. Why did a government founded on the concepts of freedom and equality engage in actions and put in place policies that were inequitable and unjust? Why is it so difficult for this government to make amends for the inequities and inequalities it created? Who benefits from inequalities? When inequalities are created, those who have access to an arena such as voting, employment, political office, and education, gain at the expense of those who are denied opportunities. When government moves to correct the inequalities it created, those

In 1893, the United States military, at the behest of White businessmen, overthrew Queen Liliuokalani and seized the islands of Hawaii for the United States. On July 4, 1894, the Republic of Hawaii was declared with Sanford B. Dole as president. Queen Liliuokalani was eventually arrested in 1895 and held until 1896.

who have gained a privileged position might perceive a lessening of opportunities for themselves. Is it possible to correct inequalities for those aggrieved without creating the belief that the government is reducing opportunities for others? These are difficult questions, but ones that the American political system has struggled with since its inception.

The U.S. government is built on a foundation with values that are expressed in phrases such as "All men are created equal"; "life, liberty, and the pursuit of happiness"; and "government by the people." These phrases, many Americans believe, convey the essence of the United States. Yet these simple phrases do not convey the complexities of government, the reality that government treats people differently, or the continual struggle necessary to ensure that the values expressed in those phrases apply equally to all Americans.

All of these questions illustrate the complicated and conflicted nature of American government and politics in our time. Yet the sources of these complexities and conflicts are rooted in the history of government in general and of the United States in particular. Only by exploring that history can we understand these issues more fully. To that end, this opening chapter begins by examining what government is, what it does, and what forms it can take. This information serves as the context for understanding the ideas that influenced the creation of the American political system and continue to this day to shape its political debates.

The Nature of Government

Can you imagine a situation in which all people could do whatever they wanted without regard for how their actions could affect others? If you wanted to drive 100 miles per hour through your neighborhood streets, or launch a rocket from your backyard, you could do so without concern for the safety of your neighbors or airline passengers overhead. It is difficult to imagine living in a country without some mechanism for controlling the behaviors and managing the conflicts that arise when people interact. The mechanism that does this is government.

When you think of government, some of you might think of the president and the White House, others think of senators and representatives and the U.S. Capitol, and still others think of the Internal Revenue Service, the people down at city hall, or the postal service. Each of these thoughts recognizes a part of government. In the simplest sense, **government** is a social institution that controls the behavior of people. It does this by managing conflicts, establishing order, and devising rules and regulations. More concretely, government is the entity that has the authority to make decisions for you and all those who live in a political unit, such as a country, a state, or a city. When we speak of the government, we refer to those individuals who make up that political and administrative hierarchy.

Government A social institution that controls the behavior of people; the political and administrative hierarchy of an organized state.

The Functions of Government

Government serves several essential functions, including providing security, serving the public good, managing and resolving conflicts, and offering services. A first function of government is the provision of security. National governments maintain armed forces to protect their countries from attack from other countries; for example, the United States maintains an armed force that consists of the U.S. Army, Navy, Air Force, Marines, and Coast Guard. The United States is estimated to have from 700 to 1,000 bases around the world that range from small drone sites in Afghanistan to large permanent military bases, such as Ramstein Air Force Base in Germany.[9]

Government provides security in other ways as well. It tries to protect citizens from such harms as unfair business practices, discrimination, and denial of constitutional rights. In the United States laws have been passed to correct those harms, such as the 1968 Fair Housing Act aimed at protecting African Americans and other racial minorities from discrimination in the purchase of a home and the renting of an apartment or house. In addition, Title IX of the Education Amendments of 1972, as amended, prohibits discrimination on the basis of sex in federally assisted education programs. The latter has had a tremendous effect on the ability of women to participate in sports. In 1971, women made up 7 percent of high school athletes; in 2008, women made up 41 percent of all high school athletes. At the university level, women were 15 percent of all college athletes in 1971, but 43 percent of all college athletes by 2008.[10] In 2012, at the collegiate level, there were 8.73 women's varsity teams per school, up from 2.5 in 1970.[11]

A second function of government is to provide for the **public good**, a policy or action that benefits society as a whole rather than a specific individual. Government has the responsibility to address issues and problems in terms of how they affect the well-being of the larger society. Even though you also might think about issues and problems that affect society, you, like most individuals, are likely to make decisions for your own benefit. Thus, government is the entity charged with making decisions that will reflect broad, rather than narrow, interests in society.

Public Good A government policy or action that benefits society as a whole rather than a specific individual.

One way government ensures the public good is through laws and regulations. For example, legislation to protect the environment, such as the Clean Air Act of 1963, and its amendments over the years, has the broader interests of society as its objective and is therefore a public good. National defense is also a public good because it provides security for the entire nation, not a particular individual. The Civil Rights Act of 1964 made it illegal to discriminate against African Americans and other racial minorities in the use of public accommodations, such as restaurants, movie theaters, and hotels, thereby outlawing segregation and serving the interests of all citizens.

The process of determining what is best for the well-being of society, however, generates debate and controversy, which leads to a third function of government: managing and resolving conflict. The give-and-take in a governmental

Title IX has expanded opportunities for female athletes and has resulted in the development of major women's sports teams. Chelsea Gray (12) of Duke University drives to the basket against Dawnn Maye of Georgia Tech in an NCAA women's college basketball game on December 6, 2012. Duke won the game 85–52.

system, and the resolution of the problems that arise in that system through the process of discussion, bargaining, and competition, are called **politics**. Bargaining could occur among groups that want different outcomes on the same issue or among individuals who want to occupy positions in government. Government serves as the arbitrator of this compromise process. Congress balances the arguments from groups of people who will be affected by specific legislation and tries to balance those interests in compromises struck in the final bill.

Governments also offer services, a fourth function, many of which would not be had if government did not provide them. In the United States, our government supports the postal system, education, hospitals, transportation, and Social Security for elderly citizens, among other things. Although some private entities might build a toll highway, it is unlikely that the national interstate highway system that runs from east to west and north to south in the country would have been built without the federal government. Likewise, large public universities, such as the University of California–Berkeley, Ohio State University, or the University of Maryland–College Park, would not have been established without the land grants of the federal government's Morrill Acts of 1862 and 1890.[12]

Although most governments participate in these functions, not all governments do so in the same way. For example, in Denmark health care is universal and basically free to patients. In the United States, despite the passage of the Affordable Care Act of 2010 that will provide health care for many of the currently uninsured, people must pay something for physician and hospital services.[13] The differences in how governments approach these functions are rooted in the type of government in question, its philosophical foundations, and its source of authority.

Politics The conflict, competition, and compromise that occur within a political system.

The Types of Government

Some form of government oversees every country in the world, but those governments differ in form and structure. The United States is a **democracy**, a system of government in which the people exercise political power. The word *democracy* derives from the Greek words *demos* (the people) and *kratos* (authority). The way in which people participate in a democracy may be direct or indirect (representative). **Direct democracy** exists when people make decisions themselves rather than electing individuals to make decisions on their behalf. The democracy of the ancient Greeks was direct in that everyone who was eligible to participate in government had a say in the decision-making process in an open forum. In the United States, the town meeting format found today

Democracy A system of government in which political power is exercised by the people.

Direct Democracy A democracy in which the people are able to participate directly in decision making.

in some New England towns serves as a form of direct democracy. Every resident of the town is eligible to participate in the town meeting and to vote on the resolution of issues taken up in the meeting.

Indirect (or representative) democracy exists when people do not make governmental decisions themselves but elect individuals to represent their interests. Indirect, or representative, democracy is the most common form of government found in the world today; individuals elect officials to represent them in the political process and to participate on their behalf. The United States is a representative democracy. Americans elect people to represent them at all levels of government—U.S. Congress, state legislatures, city councils, school boards, and mayors' offices, among others. Most countries that are democracies are representative; no pure direct democracies exist among the governments of the world today.

Indirect (or Representative) Democracy A democracy in which people do not participate directly in decision making and instead elect individuals to represent their interests.

Most democracies derive their governmental authority from a written **constitution**, which is a set of formal written rules and principles governing the country. In a **constitutional democracy**, authority for government stems from the constitution. In such democracies, all actions by government must conform to the constitution, and officials who make and enforce the law are themselves subject to the law.

Constitution A set of formal written rules and principles governing a state.

Constitutional Democracy A government that derives its authority from a constitution.

Constitutional democracies share several characteristics.

1. There are free elections in which candidates compete with each other, and the political opposition (those not in power) is free to criticize the government.
2. The press and other media are free, meaning they operate independently of the government, and censorship is rare.
3. Elections are held at regular intervals; elected officials serve for a prescribed length of time, never for life; and the transition of power from one elected official to the next is a peaceful process.
4. Personal and civil rights, such as freedom of speech and religion, are protected.[14]

The United States, Great Britain, Canada, Australia, Iceland, the Netherlands, South Africa, and a host of other countries that exhibit these characteristics are constitutional democracies. Although Great Britain does not have a single written constitution similar to that of the United States, its governing principles stem from numerous legislative acts, common law, and conventions that provide a constitutional framework.

Principles of Constitutional Democracies

Even though the structures of constitutional democracies may differ—for instance, certain countries have presidents and other countries have prime ministers and parliaments—they all share several common principles. These principles provide a common basis for understanding some of the values

present in constitutional democracies. These principles are the rule of law, natural law, and natural rights. Understanding the principles common to constitutional democracies provides a window through which to view the essential features of the American political system.

The Rule of Law

Rule of Law The predominance of law over discretionary authority.

A first element of constitutional democracy is a belief in the **rule of law**, the idea that laws should take precedence over the arbitrary governance of people. According to the rule of law, all citizens, including the government and government officials, must obey the law. This principle prohibits constitutional democracies from acting in an arbitrary and capricious manner. For example, the U.S. government cannot take your property without following a prescribed legal process. By law and constitutional authority, the government cannot detain you without telling you the charges and allowing you to obtain legal counsel. Government's actions must adhere to authority granted in a constitution or in laws passed by the legislature.

The rule of law is a core principle of the American political system. Laws passed by a legislative body such as the U.S. Congress, a state legislature, or a city council are intended to bring order and fairness to the political system. By the rule of law, everyone is supposed to be equal before the law, and the law is supposed to apply equally to all. No person—rich, poor, official, or ordinary—is supposed to be above the law. In reality, the United States has a history of treating its citizens differently based on race, gender, and sexual orientation. Paula D. McClain and Joseph Stewart, Jr. argue that for much of the nation's history, Blacks were subject to a "separate system of laws."[15]

Natural Law

Natural Law Law that comes from nature and is superior to statutory law.

A second principle underlying a constitutional democratic government is **natural law**, law that comes from nature and is superior to written law passed by legislatures. The theory of natural law holds that a system of right or justice comes from nature rather than from rules of society and that it applies to all persons. Human beings have the ability to reason ("right reason") and through the use of reason are able to determine the proper and correct thing to do. Cicero (106–43 BCE), a political philosopher in ancient Rome and one of the earliest to discuss the concept, provided a definition of natural law:

> There is in fact a true law—namely, right reason—which is in accordance with nature, applies to all men, and is unchangeable and eternal. By its commands this law summons men to the performance of their duties; by its prohibitions it restrains them from doing wrong. Its commands and prohibitions always influence good men, but are without effect on the bad. To invalidate this law by human legislation is never morally right, nor is it permissible ever to restrict its operation, and to annul it wholly impossible.[16]

Statutory Law A type of law pertaining to rules made by legislatures, especially Congress.

Natural law theory argues that if **statutory law**, or the laws passed by legislative bodies, conflicts with natural law—for example, the correct thing to

do—it need not be obeyed. The U.S. Declaration of Independence invokes natural law in its first paragraph:

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

The clause emphasized here in italics argues that natural law entitled the colonists to break away from Great Britain.

Natural Rights

A third and last common principle of constitutional democratic governments is that of **natural rights**, those rights to which every person is entitled and that exist apart from and are not dependent on government, such as life and liberty. Natural rights stem from natural law and belong to individuals from birth. The concept of natural rights is drawn primarily from the work of John Locke (1632–1704), an English political theorist. Locke argued that natural law endowed people with natural rights, which for Locke were "life, liberty, and property." In the Declaration of Independence, Thomas Jefferson adapted Locke's natural rights of life, liberty, and property to "Life, Liberty, and the pursuit of Happiness."

Natural Rights Rights to which every person is entitled, such as life and liberty; rights that are not dependent on government.

Foundations of American Government

Given that constitutional democracies share similar principles of government, yet might differ in structure, why does the United States have the political system that it does? What are the theoretical and philosophical underpinnings of the system, and from where did they come?

The American system of government draws on several theories of government and governing in Western European political thought and is the product of multiple political traditions. These traditions include (1) **classical liberalism**, a name now applied to a body of Western European political philosophy that is concerned with the freedom of the individual and the role of government in protecting that freedom; (2) **classical republicanism**, a theory that says rule by the people ought to be indirect through representatives; and (3) **inegalitarianism**, a tradition of excluding large segments of the American population from participation in the political system despite the universal language of equality, liberty, and freedom.[17] These traditions are central to an understanding of the American political system.

Classical Liberalism A body of Western European political philosophy that is concerned with the freedom of the individual and the role of government in protecting that freedom.

Classical Republicanism A theory that rule by the people ought to be indirect through representatives.

Inegalitarianism A tradition of excluding large segments of the American population from participation in the political system despite the language of equality, liberty, and freedom.

Classical Liberalism

The founders of American government, particularly Thomas Jefferson, author of the Declaration of Independence, were familiar with contemporary Western European political thought. They were especially influenced by the ideas