

# BACKGROUND

## ORIGIN OF THE FEDERAL SYSTEM

In the United States, the federal system of government combines a system of state governments with a centralized national government.

## ARTICLES OF CONFEDERATION

- Ratified in **1781**, the Articles of Confederation set up a weak association of states that favored states' rights over central power so that states retained their sovereignty.
- Disturbances like **Shays's Rebellion** (1786–1787) exposed the national government's inability to impose order and protect the welfare of the nation, encouraging movements for a more centralized, stronger system of government.
- Delegates met at the **Annapolis Convention** of 1786 and the **Constitutional Convention** of 1787 to amend the Articles and create a new framework for government.

## U.S. CONSTITUTION

- Ratified in **1788**, the U.S. Constitution set up a stronger central government composed of 3 branches—legislative, executive, and judicial.

- To prevent any one branch from becoming too powerful, the Constitution implemented:

1. **Separation of powers:** the legislative branch (a bicameral Congress) makes laws; the executive branch (the president) oversees the enforcement of these laws; and the judicial branch (the courts) interprets these laws with regard to the Constitution.
2. **Checks and balances:** the different branches of government overlap in some areas, allowing each branch to "check" the power of another.
  - The president can veto acts of Congress and appoint Supreme Court justices.
  - Congress can override the president's veto and impeach federal officers, including the president, the vice president, and federal judges; the Senate must confirm the president's nominees for the Supreme Court.
  - The judicial branch has the power to declare acts of Congress unconstitutional. This power, not made explicit in the Constitution, was first asserted in the 1803 case *Marbury v. Madison*.

- In the debate over ratification of the Constitution, two sides emerged:

1. **Federalists**, led by Alexander Hamilton and James Madison, supported the Constitution because it established a strong central government.
2. **Anti-Federalists**, led by Thomas Jefferson, feared the Constitution would produce a tyrannical central power and pushed for a less centralized system in which the states would retain their sovereignty.

## THE BILL OF RIGHTS

- Ratified in 1791, the Bill of Rights consists of the first 10 amendments of the Constitution.
- The Bill of Rights:
  1. Guarantees **individual liberties** and **states' rights**
  2. Guards against potential tyranny of the central government
  3. Was a **concession** that the Federalists made to the Anti-Federalists to ensure that the Constitution would be ratified: many states agreed to ratify the Constitution only on the condition that a Bill of Rights would be added during the first meeting of Congress

# FEDERAL VS. STATE POWERS

## FEDERAL POWERS

1. **Express powers:** Powers that the Constitution explicitly grants the federal government. These include the powers to:
  - Collect taxes
  - Regulate interstate commerce
  - Coin money, regulate currency, set standards of weights and measures
  - Declare war
  - Raise and maintain an army and navy
2. **Implied powers:** Based on the **elastic clause** (*Art. I, § 8, cl. 5*), powers considered "necessary and proper" for carrying out the enumerated (or express) powers
  - For example, in 1791, Federalists in Congress argued that the creation of a national bank was "necessary and proper" for Congress to execute its enumerated powers to coin and borrow money and regulate currency. *McCulloch v. Maryland* (1819) confirmed Congress's right to found this national bank.

3. **Denied powers:** Powers that the Constitution explicitly denies to the federal government. These include:

- The writ of habeas corpus cannot be suspended unless in cases of rebellion or invasion, when deemed necessary to national safety.
  - No bill of attainder or ex post facto law can be passed.
4. **"Supreme law of the land":** the Constitution and federal laws take precedence over state laws (*Art. 6*)

## STATE POWERS

1. **Powers reserved for the states:** "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people" (Tenth Amendment in the Bill of Rights)

2. **Overlapping powers:** Powers allotted to both state governments and the federal government. These include:

- The power to levy taxes
- The power to borrow money
- The power to charter corporations

3. **State-to-state relations:**

- Full faith and credit clause: each state must honor other states' public acts and records (*Art. 4, § 1*).
- A citizen of one state is a citizen of every state and is entitled to all the privileges and immunities of those states (*Art. 4, § 2, cl. 1*).
- Anyone who is charged with a crime in one state and escapes to another state must be returned to the state where the crime was committed (*Art. 4, § 2, cl. 2*).
- Congress may admit new states to the Union, but no new states can be created within the boundaries of existing states without the approval of Congress and the state legislatures concerned (*Art. 4, § 3*).

# THE LEGISLATIVE BRANCH

## HOUSE OF REPRESENTATIVES

### QUALIFICATIONS AND LOGISTICS

- Qualifications: at least 25 years old; U.S. citizen for at least 7 years; resident of the state from which he or she is chosen
- Term of office: 2 years; elections held every 2 years
- Number of representatives fixed at 435
- Number of representatives per state proportionate to state population, with every state getting at least 1
- In the 108th Congress (2003–2004), California had the most representatives (53)

### GERRYMANDERING

- Dividing regions into election districts in order to give an advantage to a particular political party or interest group
- Legally sanctioned in 1982, when Congress amended the Voting Rights Act of 1965 to encourage the representation of minorities. Due to Supreme Court's 1993 ruling in *Shaw v. Reno*, gerrymandering is now more difficult
- Often skews the **direct representation** of the House: because of the strange configuration of districts, the popular vote for House members is often not accurately reflected in House membership

### SOLE POWERS

- To vote on charges of impeachment
- To propose bills for raising revenue (i.e., tax laws)

### LEADERSHIP POSITIONS

#### 1. Speaker of the House

- Elected by the House's majority party
- Presiding officer of the House
- Recognizes speakers, controls floor debate
- Determines committee assignments for members
- Assigns bills to committees

#### 2. Majority leader

- Aids the Speaker of the House in making committee appointments and referring bills
- Schedules floor action
- Formulates House agenda

#### 3. Minority leader

- Heads opposition party
- Consults with majority leader
- Forms reaction to majority-party agenda

#### 4. Majority and minority whips

- Enforce the party line
- Line up votes for legislation

#### 5. Committees

- Propose and evaluate bills, recommend action on bills
- Help divide work in the House, allowing members to specialize in certain subject matters, usually in matters important to their constituents
  - For example, a representative from an agrarian district in the Midwest would likely be assigned to the Agriculture Committee
- **Standing committees:** Can amend, expedite, delay, or stop bills. The most important include the:
  - Rules Committee: sets House rules; can defeat almost any bill by not letting it pass out of committee; is generally controlled by the Speaker of the House
  - Ways and Means Committee: considers revenue-raising measures, such as tax bills
  - Budget Committee
  - Appropriations Committee
- **Select committees:** Hold inquiries and hearings but cannot propose bills
- **Joint committees:** Composed of both senators and representatives. There are 4:
  - Joint Economic Committee
  - Joint Committee on Taxation
  - Joint Committee on Printing
  - Joint Committee on the Library of Congress

## SENATE

### QUALIFICATIONS AND LOGISTICS

- Qualifications: at least 30 years old; citizen for at least 9 years; resident of the state from which he or she is chosen
- Term of office: 6 years; 1/3 of senatorial positions elected every 2 years
- Number of senators: 2 per state; currently 100 total

### FILIBUSTER

- A strategy that opponents of a bill employ to defeat it
  - A senator or senators hold the floor indefinitely to postpone a vote and defeat a bill (the Senate has a policy of not limiting the length of debate)

- In 1917, a **cloture** resolution was passed allowing the Senate to halt a filibuster with a 3/5 vote (60 senators)
- One of the only means for minority interests in the Senate to thwart the interests and agenda of the majority

### SOLE POWERS

- To try an impeached official
- To confirm presidential appointments, e.g., Supreme Court justices, ambassadors, and cabinet officials (by a 2/3 vote)
- To ratify treaties (by a 2/3 vote)

### LEADERSHIP POSITIONS

#### 1. Role of the U.S. vice president

- Serves as president of the Senate
- Votes only in case of a tie

#### 2. President pro tempore

- Leads the Senate while the vice president is absent (often the case)
- Selected by the majority party; usually a senior member of the party

#### 3. Majority and minority leaders

- Head their respective parties
- Formulate Senate agenda

#### 4. Majority and minority whips

- Coordinate party support for legislation

#### 5. Committees

- Propose and evaluate bills, make recommendations
- Help divide labor in the Senate, allowing senators to specialize in certain subject matters
- **Standing committees:** Can amend, expedite, delay, or stop bills. The most important include the:
  - Budget Committee
  - Appropriations Committee
  - Finance Committee
  - Foreign Relations Committee
  - Judiciary Committee
- **Select committees:** (see House of Representatives, above)
- **Joint committees:** (see House of Representatives, above)

# THE EXECUTIVE BRANCH

## PRESIDENT

### Qualifications and logistics

- **Qualifications:**
  - At least 35 years old
  - Natural born U.S. citizen
  - Resident of the U.S. for the past 14 years
- **Term of office:** 4 years
- **Two-term limit (8 years)**
  - **George Washington** set the precedent of presidents serving no more than two terms in office, which every president followed until **Franklin D. Roosevelt**; FDR served 3 full terms in office and died early in his fourth term (1945)
  - Two-term limit became law in 1951 with the ratification of the Twenty-Second Amendment

### Power

- The Constitution outlines a number of specific presidential powers:
  - Serves as **commander-in-chief** of armed forces
  - Accepts or **veto**s congressional bills
  - Makes **treaties** with the "advice and consent" of Senate
  - Makes **appointments**: federal judges, ambassadors, cabinet members (also with advice and consent of Senate)
  - Gives an annual **State of the Union** message to Congress recommending a legislative agenda
  - Oversees enforcement of federal laws
  - Has the power to grant **pardons** in all federal cases except those of impeachment
  - Receives ambassadors and other public ministers
- Although the Founding Fathers intended the president's main responsibility to be simply the enforcement of congressional laws, the president has become a much more **active and influential** position.
  - **Andrew Jackson** was the first president to use the veto power extensively, strongly asserting his political will. Following Jackson's example, many presidents since have set the nation's legislative agenda.

### Process of election

- The U.S. public does not vote directly for the president; instead, they vote in statewide elections for electors. The **electoral college** is the group of representatives chosen by the voting public to vote directly for the president and the vice president.
- Each state is given 1 electoral vote for every senator (2) and representative (at least 1) from that state.
  - As a result, candidates tend to spend most of their campaigning time in the most populous states, where the most electoral votes are at stake.
  - California has the greatest number of electoral votes (55), followed by Texas (34), New York (31), Florida (27), Illinois (21), Pennsylvania (21), and Ohio (20).
  - Alaska, Delaware, Montana, North Dakota, South Dakota, Vermont, Washington D.C., and Wyoming have the fewest number of electoral votes (3 each).

- General presidential elections are held in each state, and the winner receives all the electoral votes for that state.
  - Exceptions are Maine and Nebraska, where two electors are chosen by statewide popular vote, and the remainder by the popular vote within each Congressional district.
- If no candidate wins a majority of the electoral votes (currently 270), then the vote falls to the House of Representatives, where each state gets one vote. The candidate who wins votes from the majority of states (26) becomes president.
  - In 1824, Andrew Jackson won a plurality but not a majority of the votes in a five-candidate election. In the runoff election in the House, John Quincy Adams defeated Jackson.

### Process of removal

- The president, vice president, and federal judges can be "removed from Office on impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors" (Art. 2, § 4).
- The House votes the charges of impeachments
- The Senate tries all cases of impeachment
  - Chief justice of the Supreme Court presides over the trial
  - A conviction requires a 2/3 vote in the Senate
- **Andrew Johnson** and **William Jefferson Clinton** are the only 2 presidents to be impeached by the House thus far; both were acquitted in the Senate

## VICE PRESIDENT

### Logistics

- Before 1804, the vice presidency was awarded to the candidate who received the second-highest number of votes in the presidential election.
  - After the 1796 election, two rivals—John Adams (Federalist) and Thomas Jefferson (Republican) ended up in office together: Adams as president, and Jefferson, the second-highest vote-getter, as vice president. Their tense and unproductive relationship prompted a call for change.
- The **Twelfth Amendment**, ratified in 1804, revised the election process so that candidates clearly run as either president or vice president.

### Power

- Presides over the Senate but votes only in case of a tie
- Becomes president if the president is unable to serve

## DEPARTMENTS AND OFFICERS

### White House staff

- Aides and advisers who work closely with the president
- Often, these aides are longtime political associates and allies of the president
- The chief of staff heads and coordinates the entire White House staff

### Cabinet

- The Constitution does not expressly provide for the cabinet
- Basis for the cabinet's creation is in Article II, Section II of the Constitution: "[The president] may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices"
- Composed of the heads of 15 federal agencies (listed below) who are appointed by the president and confirmed by the Senate
- Advisers unofficially called "cabinet" since the 1790s; name not officially recognized in law until 1907

### Executive agencies

- Cabinet departments include:
  - Department of Agriculture (USDA)
  - Department of Commerce
  - Department of Defense
  - Department of Education
  - Department of Energy
  - Department of Health and Human Services (includes the Food and Drug Administration)
  - Department of Homeland Security
  - Department of Housing and Urban Development
  - Department of the Interior
  - Department of Justice
  - Department of Labor
  - Department of State
  - Department of Transportation
  - Department of the Treasury
  - Department of Veterans Affairs

### Executive offices of the president

- Offices included in the executive branch, including:
  - Council of Economic Advisers
  - Council on Environmental Quality
  - Council on Women's Initiatives and Outreach
  - Domestic Policy Council
  - National Economic Council
  - National Security Council (NSC)
  - Office of Administration
  - Office of Faith-Based and Community Initiatives
  - Office of the First Lady
  - Office of Management and Budget (OMB)
  - Office of National AIDS Policy
  - Office of National Drug Control Policy
  - Office of Science and Technology Policy
  - Office of the Vice President of the United States
  - President's Foreign Intelligence Advisory Board
  - United States Trade Representative (USTR)

# THE JUDICIAL BRANCH

The Supreme Court is the only court expressly provided for in the Constitution. Congress is given the power to establish lower federal courts as it sees fit—"to constitute Tribunals inferior to the Supreme Court" (Art. 1, § 8)

## STRUCTURE

- Supreme Court **justices** are nominated by the president and confirmed by the Senate.
  - No qualifications are laid out in the Constitution
  - Nomination generally is based on candidate's competence, ethics, ideology, political support, and political activism
- **Term of office:** Justices hold position for life, barring resignation or impeachment
- **Number of justices:**
  - Originally 6 when the Court was established in 1789
  - At one point after the Civil War, there were 10 justices
  - Since 1869, the Court has been comprised of 9 justices
- **Court-packing scheme:**
  - In 1937, Franklin Delano Roosevelt tried to increase the number of judges on the court (1 new judge for every judge over age 70), hoping to make the court more liberal and supportive of his progressive New Deal policy.
  - This "court packing scheme" would have allowed FDR to appoint 6 new justices.
  - The Senate rejected the policy change, and the uproar cost FDR some credibility.
- **Chief justice of the Supreme Court:**
  - Presides over meetings
  - Assigns writing of opinions
  - Can significantly shape the Court's direction

- The **Marshall Court** (1801–1835), under Chief Justice John Marshall, greatly enhanced federal power at the expense of states' rights.
- The **Warren Court** (1953–1969), under Chief Justice Earl Warren, was liberal and progressive and expanded civil and political rights.

## FEDERAL JURISDICTION

- Court has jurisdiction over any case involving:
  - The U.S. Constitution, federal laws, treaties, and admiralty and maritime affairs
  - Ambassadors, other public ministers, or consuls
  - Cases in which the U.S. or a state itself is a party
  - Interstate affairs
- **Original jurisdiction** in all cases involving a state or an ambassador or other public minister or consul
- **Appellate jurisdiction** in federal cases (sometimes state cases) in which the original decision is appealed

## 3 PATHS TO THE SUPREME COURT

### 1. Writs of certiorari:

- The Court grants a writ when it agrees to hear a case.
- 4 of 9 justices must agree to hear a case.
- If the Court refuses to hear a case, then the lower court ruling stands. This does not necessarily mean that the Court agrees with the lower court's ruling, however.
- The Court might refuse to hear if the case lacks national importance; if the issues at stake are too narrow (i.e., not a federal question); or if the Court is too divided on the matter.

### 2. Right of appeal:

- The Court must hear appeals of decisions made by three-judge district courts.
- It can simply affirm or reverse the decision with a short statement.

### 3. In forma pauperis petition:

- According to federal law, any indigent who takes a "pauper's oath" postponing payment of required fees can submit a case to a federal court.
- Most of these petitions are written by inmates in federal and state prisons.
- Many petitions go unanswered; in rare instances, the Court holds hearings and reopens the case.

## NOTABLE SUPREME COURT DECISIONS

- **Marbury v. Madison** (1803): Established principle of **judicial review** (the Court's power to rule an act of Congress unconstitutional). The Court did not again invoke this power until the **Dred Scott** decision in 1857 (see below).
- **McCulloch v. Maryland** (1819): Established that the federal government's power must be considered supreme within its sphere and that states do not have the power to interfere with the exercise of federal powers.
- **Gibbons v. Ogden** (1824): Interpreted Congress's right to regulate interstate commerce to include all forms of business, not just the exchange of goods.
- **Dred Scott v. Sandford** (1857): Effectively nullified the Missouri Compromise and declared slaves to be property, not citizens.
- **Slaughterhouse Cases** (1873): Drew a distinction between state and federal citizenship and ruled that the Fourteenth

# THE JUDICIAL BRANCH (continued)

- Amendment does not guard against all instances of state discrimination. In its ruling, the Court considered the amendment's original purpose: to protect citizenship rights of freed slaves.
- **Munn v. Illinois** (1877): Allowed states to regulate private businesses when "public interests" are involved; has since been modified.
  - **Plessy v. Ferguson** (1896): Ruled that segregation is legal as long as accommodations were "separate but equal."
  - **Cumming v. County Board of Ed.** (1899): Ruled that laws establishing separate schools for whites are constitutional even if there are no comparable schools for blacks.
  - **Northern Securities Co. v. U.S.** (1904): The first case in which the Sherman Anti-Trust Act (1890) was successfully invoked to break up a business monopoly.
  - **Muller v. Oregon** (1908): Authorized states to pass laws setting maximum working hours.
  - **Standard Oil Co. of New Jersey v. U.S.** (1911): Authorized the federal government to break up trusts for "unreasonable restraint of trade."
  - **Schenck v. U.S.** (1919): Set the "clear and present danger" standard for restricting free speech, especially applicable during wartime; upheld the Espionage Act (1917).

- **Schechter v. U.S.** (1935): Declared the National Recovery Administration (part of FDR's New Deal) unconstitutional on the basis that the NRA gave the executive branch regulatory powers that belonged exclusively to Congress.
- **Dennis et al. v. U.S.** (1951): Upheld the Smith Act (1940), which made it a crime to advocate overthrowing the government.
- **Brown v. Board of Education** (1954): Declared segregation in schools unconstitutional, overturning the "separate but equal" doctrine established in **Plessy v. Ferguson** (1896).
- **Roth v. U.S.** (1957): Defined obscene publications as those that attract "prurient interests" and lack any "redeeming social importance."
- **Mapp v. Ohio** (1961): Extended the federal exclusionary rule to states; this rule prohibited illegally obtained evidence from being presented in courts.
- **Engel v. Vitale** (1962): Ruled school prayer unconstitutional on the basis that it violates the Establishment Clause of the First Amendment.
- **Baker v. Carr** (1962): Granted federal courts jurisdiction over state apportionment systems to assure that all citizens' votes are granted equal weight.
- **Gideon v. Wainwright** (1963): Required states to provide public defenders for indigent defendants in felony cases.

- **Miranda v. Arizona** (1966): Required police to make suspects aware of their rights to remain silent and to have an attorney present during questioning—the so-called **Miranda rights**.
- **Loving v. Virginia** (1967): Declared laws against interracial marriage unconstitutional.
- **New York Times Co. v. U.S.** (1971): Overturned the Justice Department's order to restrict free press in the interests of national security (the Justice Department aimed to block publication of the so-called **Pentagon Papers**). The ruling firmly protected freedom of the press.
- **Roe v. Wade** (1973): Ruled unconstitutional all laws outlawing abortion (except in the third trimester) on the basis that these laws violate the Fourteenth Amendment's implied right for women to make private decisions about their bodies and reproductive capacities.
- **University of California v. Bakke** (1978): Allowed universities to admit students on the basis of race in order to counter discrimination.
- **Bowers v. Hardwick** (1986): Authorized states to regulate sexual interaction conducted in private between consenting adults.
- **Webster v. Reproductive Health Services** (1989): Allowed states to restrict access to abortion services significantly.

## HOW A BILL BECOMES A LAW

### 1. Bill is introduced in either House or Senate

- Exception: Revenue bills must originate in the House

### 2. First reading

- Bills are no longer read out loud but instead are entered into the *Senate Journal* or the *House Journal* and referred to the appropriate committees.

### 3. Referral to committee

- Input from relevant agencies is requested.
- Public hearings are held only if deemed necessary, if bill deemed important enough.
- **Markup:** Subcommittee makes a favorable, unfavorable, or table recommendation to the full committee, sometimes with amendments.
- **Final committee action:** Bills are discussed, amended, and voted on—usually either passed on to the full house or tabled indefinitely.

### 4. Second reading

- **Report:** Committee staff issues a report explaining the bill, the committee's actions and findings, and why the bill should be enacted.
- Bill is placed on the calendar.
- Member debate:
  - Senators can indefinitely postpone a vote with a filibuster, but a filibuster can be halted by a 2/3 vote.
  - The amount of debate in the House is initially limited by a cloture rule; however, debate may be lengthened.
- Member amendments are offered.

### 5. Third reading by title only and a vote

### 6. Bill goes to other chamber of Congress

- Bill is either:
  - Defeated
  - Passed as is

- Passed with new amendments, then sent to a joint House-Senate conference committee, and finally sent back to both houses for a final vote

### 7. Bill is given to the president

- Bill is either:
  - Signed (approved) and becomes law
  - Held, and then:
    - Becomes law after 10 days
    - Is **pocket vetoed**: if Congress adjourns within the 10 days, the bill is automatically defeated
  - Vetoed and returned to the originating house
  - The house of origin may override the veto by 2/3 or greater vote. The bill is then sent to the other house. If both houses vote to override the veto, the bill becomes law.

## THE PARTY SYSTEM

### BACKGROUND

- Political parties were **not originally present** in the U.S. government, as exemplified by George Washington's ideologically diverse cabinet.
- The Founding Fathers condemned parties as self-serving factions detrimental to the good of government.
- However, the winner-takes-all presidential system used in America naturally leads to two parties, because votes and issues become either-or questions, and people feel their votes are worthless if they do not vote for the front-runner or nearest challenger.
- **Two parties evolved in the 1790s** around major issues, particularly the centralization of the government (states' rights vs. federal power) and support for Britain vs. support for France.
  1. **Federalists**
    - Led by Alexander Hamilton
    - Pushed for a strong central government
    - Pro-England
    - Centered in the Northeast
  2. **Republicans** (officially, the **Democratic-Republican Party**)
    - Led by Thomas Jefferson and James Madison
    - Aimed to limit the power of the central government and expand individual and states' rights
    - Tended to be pro-France
    - Centered in the South
- Party politics has characterized the U.S. political scene ever since the formation of the Federalists and the Republicans, with the exception of a brief return to a one-party system during the **Era of Good Feelings** (roughly 1817–1825), when Republicans faced little or no opposition.
- Identification with parties has changed little in recent times, other than a steady increase in people who identify themselves as independents and a decrease in those who identify themselves as Democratic.
- Party members and representatives convene every four years at a **national party convention**
  - Meets during the presidential election year to choose a presidential candidate
  - Sets the **platform**, a vague outline of the party's position on a variety of issues, meant to focus the party ideology and set broad campaign themes

### HISTORICAL PARTIES

Over the years, there have been various changes in party names, platforms, and allegiances.

#### DEMOCRATIC PARTY

- In modern times, the more **liberal** party
- Rooted in the **Democratic-Republican Party** (see left)
  - Was first formalized in support of **Andrew Jackson** after Jackson, a Republican, lost the 1824 election to Republican rival John Quincy Adams even though Jackson had won more popular and electoral votes.
  - Jackson's supporters, led by Martin Van Buren and John C. Calhoun, rallied together and formed what became known as the Democratic Party.
  - Jackson won the presidency in 1828.
  - Throughout the mid- and late 1800s, the party **championed states' rights** and fought against political domination by the economic elite.
  - Before the Civil War, the party found its core support in the **South** and was the party of slaveholders.
  - After the Civil War, the party was the champion of Confederates and opposed congressional Reconstruction.
  - Industrialization later pulled the party toward **social causes** as workers were increasingly exploited without redress.
  - The party underwent a **major transformation** in the 1930s during Franklin Delano Roosevelt's presidency, when Democrats began to embrace a more aggressive and involved role for federal government.
    - FDR's **New Deal policies** cost Democrats the support of the white South—their traditional stronghold—and won them the support of many blacks, farmers, urban workers, and women, called the **New Democratic Coalition**.
    - This support base remains in place today.

#### REPUBLICAN PARTY

- In modern times, the Republican party has been the more **conservative** and **pro-business** party
- Emerged in the late 1850s as the **Free Soil Party**, with its platform of limiting slavery to the southern states and not allowing slavery's expansion to the territories
- Found its core support in the **North**
- In 1860, the party successfully elected **Abraham Lincoln** president and continued to dominate national politics during the Civil War and early Reconstruction Era
- Held the black vote for more than 60 years because of its origin as an antislavery party, until FDR's New Deal policies caused a shift in alliances (see above)

#### WHIG PARTY

- Emerged during Jackson's presidency when leaders of the **National Republic Party** and other opponents of Jackson joined forces
- Composed mostly of southern Republicans, northern Democrats, and social reformers
- The party gained popularity throughout the 1830s, culminating when Whig candidate William Henry Harrison won the presidential election in 1840. However, Harrison died in office only a month after his inauguration.
- The party began to disintegrate in the 1850s along sectional (North-South) lines, primarily over the issues of slavery and protective tariffs.
  - Many antislavery Whigs defected to the **Republican Party**, effectively killing the Whig Party.
  - Anti-immigrant and anti-Catholic parties like the **Know-Nothings** also weakened the Whig Party.

#### POPULIST PARTY

- Begun in 1892; Composed mostly of farmers from the Midwest and South and poor laborers
- Platform included **"free silver"** (the unlimited coinage of silver), public ownership of railroads, immigration restriction, and the direct election of senators
- In 1896, the Democrats appropriated parts of the Populist platform and nominated **William Jennings Bryan** for president. Bryan lost to Republican William McKinley.
- Populists faded from the national scene after Bryan's loss.

#### PROGRESSIVE PARTY (BULL MOOSE PARTY)

- In 1912, Theodore Roosevelt and his supporters split from the Republican Party, angered over President William Howard Taft's conservative policies. Roosevelt then formed the Progressive Party, nicknamed the Bull Moose Party.
- Supported **progressive policies**, including **tight business regulation**, primary elections, women's suffrage, national social insurance, prohibition of child labor, and restrictions on the use of injunctions in labor disputes
- The **most successful third party in U.S. history**, with Roosevelt winning more than 27% of the popular vote to Taft's 23% in the 1912 election. Democrat Woodrow Wilson won the election, however.

#### SOCIALIST PARTY

- A leftist party that advocated workers' rights and collective ownership of the means of economic production
- The Socialist Party gained increased popularity during the **Progressive Era** (roughly 1900–1917)

# THE PARTY SYSTEM (continued)

- Won control of a number of city governments and elected some members of Congress and state legislatures
- Socialist **Eugene V. Debs** was a presidential candidate five times between 1900 and 1920

## LIBERTARIAN PARTY

- Founded in 1971; currently the third-largest party; candidates in House races in 2000 won 1.7 million votes combined
- Advocates minimal government interference in the economy and individuals' lives. Espouses repealing the income tax, privatizing most government services, and eliminating laws (such as gun control laws or abortion bans) that encroach on individual rights and liberties.

## GREEN PARTY

- Formed in 1984
- Values include grassroots democracy, campaign-finance reform, social justice, ecological conservation, strict business regulation and consumer protection, an end to the electoral-college system, and universal health care
- Elected members to city council and state legislatures: at least 205 Greens held office in 26 states as of 2003
- Ralph Nader ran as the Green candidate in the 1996, 2000, and 2004 presidential elections; high-water mark was 2000, when he won 2.6% of the popular vote

## REFORM PARTY

- Founded in 1995 by businessman H. Ross Perot to challenge the Democratic and Republican Parties
- Espouses campaign-finance reform, balanced budget, paying off national debt, open primaries, immigration restriction, and replacing the electoral-college system with a popular vote
- As an independent, Perot won 19% of the popular vote in the 1992 presidential election. As a Reform candidate in 1996, Perot again finished third, but with a lower popular vote.
- Elected some members of state legislatures, including Jesse Ventura (a governor of Minnesota)

# THE AMERICAN MEDIA

## MEDIA STRUCTURE AND EFFECT

### Overview

- Often referred to as the **fourth branch of government**
- Not elected; instead usually supported by advertising and driven by profit
- Politically uncensored, except in regard to obscenity and in times of war
- One of the few true free presses in the world
  - Very rarely in modern times has a publication been prevented from publishing by the U.S. government (see *New York Times Co. v. U.S.* in the Supreme Court section)

### History

- Newspapers were first launched by political groups to spread their ideas.
  - For example, in the 1790s, Republicans roused political awareness and spread criticism of the Federalist Party through America's first opposition newspaper, *The National Gazette*.
- The telegram (mid-1800s) sped the sharing of information, giving newspapers a new purpose—to spread facts and human-interest stories—and separating them from political parties.
- In the mid-1800s, increasing literacy and decreasing printing costs led to the **penny presses**, which had sensationalist tendencies, and to **independent publications** funded by entrepreneurs, which could provide more autonomous political reports.
- Modern media is now focused primarily on creating an **objective journalism**.
- Since the 1960s, a more critical and advocacy-oriented media has evolved as **the new journalism**.

### Influence

- The media has grown to become a protector and representative of the people, investigating controversy and conspiracy, evaluating politics, and speaking for the public.
- **Selective perception:** People hear what they want to hear.
- **Selective exposure:** People avoid exposure to media that espouses viewpoints with which they disagree.
- **Public relations (PR):** Politicians have become increasingly adept at creating events, managing the press, and rewording, or **spinning**, the news toward a particular ideology.
- **Bias:** Studies point to a liberal bias in the media, but a number of conservative issues still garner media support, and in general, the media endorses Republican candidates more often than Democratic candidates.

### Corporate ownership

- In 1982, 50 companies owned more than half of the media. This figure dropped to 29 companies by 1986 and 20 companies by 1993.
- Mergers and acquisitions have resulted in a media currently dominated by several giant corporations:
  - Time Warner, Disney, Bertelsmann, Viacom, News Corp., Sony, Comcast, TCI, Vivendi Universal, and NBC
  - These companies own interests in TV, film, books, music, retail, amusement, magazines, and newspapers.

## TYPES

### Television

- In the 1960s, television became the major source of news.
- Television has made the presentation of people and ideas more important, giving rise to the **sound bite**—a short "representative" statement or prepared response for use in the media.

- In 1990, **CNN** became the first all-news TV channel, blanketing the world with around-the-clock coverage of the Persian Gulf War (1991). Since then, other all-news channels have emerged, including **MSNBC** and **Fox News**.

### Radio

- FDR is famous for effective use of the radio with his **fire-side chats**, which boosted the public's confidence in government and won him widespread support.
- Political radio experienced a resurgence in the 1990s, through talk shows that have made radio a haven for pundits, such as conservative talk-show host Rush Limbaugh.
- 90% of all Americans still listen to the radio.

### Newspapers

- Have a long history in politics, including:
  - The Federalists' *Gazette of the United States*
  - Abolitionist newspapers like William Lloyd Garrison's *The Liberator*
  - The **yellow press**, which advocated jingoistic and exaggerated viewpoints at the end of the nineteenth century
  - Publication of the **Pentagon Papers**, which exposed government deceptions during the Vietnam War
- Newspapers are more politically engaged and provide the most in-depth information of all main media sources.
- Circulation of newspapers in the United States has remained just above 115 million over the last 20 years.

### The Internet

- The Internet has become increasingly important in distributing information, providing anonymous contact between organizations and people, and passing rumors.
- **Email** has become an increasingly powerful means of coordinating and sharing information.

# INTEREST GROUPS

## TYPES

### Businesses

- Large corporations and small businesses

### Groups of individuals

- Professional associations (doctors, teachers, accountants, lawyers, etc.)
- Employees/workers
  - Labor unions represent roughly 13% of the workforce
  - Most workers (nonprofessionals and nonexecutives) are not specifically represented in the government by any interest group

### Ideological groups

- Include environmental, civil rights, religious, health, education, consumer protection, and taxpayer organizations
- May be temporarily powerful as the shifting public interest rallies behind a specific cause

### Government groups

- Includes groups of national governments (states, cities, counties) and foreign governments

## METHODS OF INFLUENCE

### Targeted campaign finance

- Business groups target the expected winner
  - Use polling, party "safe-seat" districts, and incumbency to predict the winner
- Then, business groups invest heavily in selected politician's election with the hopes of influencing policy

### Lobbying

- **Lobbyists** often are ex-professionals or ex-bureaucrats with contacts that give them special access to legislators and bureaucrats. Sometimes, lobbyists are relatives and friends of party members.
  - 15,000 full time lobbyists, 9,200 registered, up to 50,000 part time (third-largest industry in Washington D.C.)
  - At least 80% of lobbyists have corporate ties
- **Recruitment**
  - Businesses push to get their own people into the 3,200 appointed positions in the executive department. Very few professional civil servants rise to the policymaking positions that are appointed.
  - **The revolving door:** As administrations change, appointments revolve between government and private positions

### Influence during bill creation:

- Supply information and make suggestions about policy during the drafting stage
- **Ghostwriting:** Write bills, make legislative changes, and write speeches for legislators
- Offer testimony and rationale for voting during the hearing and member debate
- Visit congressional offices before the vote
- **Grassroots lobbying:** Lobbyists sometimes use the public to pressure legislators via television ads, public-relations efforts using new research studies, authoritative reports, and ghostwritten editorials.
- **Deep lobbying:** predict future issues and develop future strategy

### Court strategies

- **Test cases:** Cases brought to court in order to set precedent and change policy, using financial and legal resources
- **Amicus briefs:** "Friend of the court" third-party briefs solicited from experts for neutral analyses, advocacy briefs
- Efforts to influence judicial appointments to favor judges who are receptive to specific political causes

# ELECTIONS

## CAMPAIGN FINANCE

### Comparative spending

- Most money in campaigns is spent on advertisements. TV usually receives more than half of all funds.
- Remaining expenses cover staffing (20–25%), travel, office expenses, etc.

### 1. House of Representatives seats

- In 2002, 95% of campaigns were won by the candidate with the most money. In 1996, the average winner spent \$636,000; the average loser, \$150,000.

### 2. Senate seats

- In 2002, 76% of campaigns were won by the candidate with the most money. In 1996, the average winner spent \$5.6 million; the average loser, \$2 million.

### 3. Presidency

- In 2000, the Republican winner spent \$186 million; the Democratic candidate spent \$120 million.

- \$62 million in public funding is reserved for campaign expenses incurred after the party convention for those candidates who agree to spending limits (in 2000, the Republicans did not)

### Limits

Passed in the **Federal Election Campaign Act of 1974:**

- Interest groups cannot give a candidate more than \$5,000.
- Individuals cannot give a candidate more than \$1,000.
- Every contribution over \$200 must be reported with the amount, date, and donor's name and address.

### Loopholes

- **Political action committees (PACs):** Corporations cannot donate directly to campaigns, so they form PACs by company and industry (e.g., an ExxonMobil PAC and an Oil PAC).
- **Multiplier:** Industries get all the company PACs and the industry PACs to donate, thus multiplying the \$5,000 checks to any candidate.

- **Bundling:** The collection of individual donations into bundles of checks; for example, the "family bundle"
- **Doubling:** Donation during both the primary and the general elections. The law allows donations in both, effectively doubling the limit on money that can be donated.

- **Soft money:** Money that is donated to a political party and then spent by the party in support of a specific candidate. Soft money was banned by the Campaign Finance Reform Act, which took effect in November 2002.
- **Independent committees:** Committees formed to provide support to a candidate. As long as they do not explicitly solicit a vote, they can avoid campaign-finance limits.

## THE U.S. BUDGET

- According to the nonpartisan Congressional Budget office, in 2003, the federal income was \$1.78 trillion, with a budget of \$2.16 trillion, resulting in a budget deficit of \$375 billion. The gross federal debt in 2003 was \$6.8 trillion.