

Making American Government and Politics

TENable

Making American Government and Politics Understandable

“Americans are intellectually autochthonous, having no pedigree except that of an idea.”

Gary Wills

In a recent National Spelling Bee competition, the winning word as spelled was “a-u-t-o-c-h-t-h-o-n-o-u-s.” The young schoolboy’s stunning concentration amazed as he methodically revealed, in order, each correct letter. What did the word “autochthonous” mean? No one seemed to care. No surprise. There are many words we hear each day that we do not know. Far too many.

Does it matter? Years ago, Wittgenstein said “...the limits of my language mean the limits of my world.” Our world is indeed getting smaller. It has been suggested that through language we differentiate ourselves from beasts. Our language is increasingly unfamiliar. The “mystic chords of memory” that Lincoln spoke of are long forgotten. The simple, the familiar, the essential words we once lived by have been replaced with our own more private vernacular. Common sense is no longer common. Politicians and government officials resort to name-calling and double-speak? It is all we understand. We need not settle for less. We can do better.

We believe it does matter. It is our conviction that this Republic cannot long endure when such a wide gulf exists between what our civic leaders say, and what we the people understand. What happens if we do not know the words used by our elected officials? We can be certain that a healthy democracy without an educated citizenry atrophies.

This primer is designed as a stop-gap measure for teachers, students, and citizens who wish to better understand our government and politics through the study of the essential words. Only a beginning, this primer is meant to facilitate an understanding of the political arena by way of word study. This is not, however, a mere glossary but both a lexis and a nexus. The lay-out is didactic. You will find that we have subdivided this primer in to “The Big Ten” topics of American government and politics. Corresponding to each topic you will find a cardinal term illuminated by an additional set of 10 words and activities. Ultimately, every word connects back to the essence of this primer, “With words we govern men.”

Autochthonous, by the way, means “indigenous or native.” Our American pedigree can be found in an idea. The ideas of our founding, however, will escape us unless we take the time to understand the words which make up those sentiments. In heeding these words, we can anticipate a future which will last quite a long spell. Enjoy.

Making Government and Politics TENable

Foundations

Separation of Powers

The Founding Fathers agreed that in order to preserve liberty the duties of government had to be divided. The power of the purse (legislative branch) and the power of the sword (executive branch) could not be in the same hands. Separation of powers is most clearly seen in our three branches of government. In this separation of powers we find our most cherished principle. The ultimate end of the separation of powers is to protect our liberty by limiting government.

3 branches of government/legislative-executive-judicial/safeguard liberty

Checks and Balances

Some have suggested that the genius of American government can best be found when examining our system of checks and balances. The system of checks and balances means that most acts of government cannot be performed exclusively by one branch. When one branch engages in an activity another branch can stop or adjust its outcome. Checks and balances prevent one branch from becoming too strong. It is another way our individual liberty is protected. Checks and balances limit government power.

Intra-government oversight/Limited government/safeguard liberty

Reserved Powers/ 10th Amendment

A limited government safeguards our rights in a number of ways. Federalism divides power between national, state and local governments. This idea is guaranteed by our 10th Amendment. Reserving powers to the state and local governments is another way we protect ourselves against the tyranny of absolute authority. Though in recent years the national government has encroached upon state powers we continue to enjoy the security of a strong government but not too strong.

Limited national government/empower state government/federalism

Pluralism vs. Elitism

Our Declaration of Independence proclaimed, "All men are created equal." A pluralist society best recognizes this truth. In a true democratic form of government ALL types of individuals and groups compete equally for influence and power in order to make public policy. Elitist societies can be democratic, however, they do not recognize the value of ALL and place more power and privilege with certain classes of people. Power, elites argue, cannot be entrusted to ALL. There is a viable debate as to whether or not America is truly pluralistic or in fact elitist.

Competing interests/each vying for power/safeguards equality

Popular Sovereignty

The sine qua non of our democratic form of government is that “we the people” are in charge. Popular sovereignty means nothing more and nothing less than the people here have the last say. Legitimacy begins and ends with the wishes of the people. The authority of the government is bound to representing those wishes. When Alexander Hamilton gave tours of the U.S. Capitol to foreign guests he would open the doors of the House chamber and say, “Here the people rule.” Here sovereignty is in the hands of the people.

Power with the people/democracy/”We the people”

Caucus/Convention/Primary

Our long political narrative can be summed up in one word – democratization. Early on political parties used caucuses, a small group, to make many of the most important decisions. As more and more people wanted to be included political parties opened up the decision making process to larger conventions. Today our political process is more likely to use primary elections that invite all to participate. As time has passed political parties have empowered more and more everyday people. The process has become more democratic. Political parties have dynamically shifted from an elitist perspective to a more pluralistic polity.

Elites make important decisions/Representatives make important decisions/the people make important decisions

Federalist 10

The Federalist Papers were a series of 85 essays written to persuade the state legislatures to ratify our new constitution. Federalist 10 was one of the most important. It addressed two vital questions. First it tried to argue the merits of a republic over a direct democracy. Second its purpose was to convince the states that a large republic could best guard against the dangers of factions than a small republic. Large republics, in essence, could dilute the potency of factions that hoped to kidnap public policy for its own purposes. History could provide little support for both arguments. This is why early on the American government was called a grand experiment.

republic over democracy/large republic over small republic/Madison promotes new constitution

Democracy v. Republic

Our Founders hoped to create a large republic but today might be surprised to find a large democracy. Republics are democracies that filter public opinion through an elite class of elected officials. A true democracy removes that filter. Elected officials might still represent the people but rather than doing what is best those elected officials are asked to mirror what the people want. There is no general agreement today which system works best. Yet one thing is certain, once the toothpaste is out of the tube you cannot put it back in. Once the people receive what they want it is difficult for them to accept anything less.

People rule/direct v. representative/evolution of government from republic to democracy

Bicameralism

At every step, at every level our Founders built in checks and balances into our government. The separation of powers was more than idle rhetoric. The Founders were also pragmatic politicians able to compromise when necessary. Nowhere is this seen more clearly than looking at the make up of our Congress. Bicameralism means we have a two-house legislature, House and Senate. Not only does it further separate powers but it also served as a compromise between the big and small states back in 1789. The House is proportioned on the basis of population favoring large states. The Senate is equally divided giving large and small states two senators each.

Great Compromise – large states v. small states/2 House legislature/House – population, Senate - = #

Formal v. Informal Power

The Founding Fathers were torn between their disdain toward monarchy and their fear of anarchy. Creating a strong or weak president personified this dilemma. So too today we debate the powers of the president. The formal powers, those specifically granted in the Constitution, would suggest far more limits than we would imagine. Most would agree that our president's greatest energy arises from the informal powers. Informal powers, those not specifically stated in the Constitution, embolden the president to act more authoritatively and aggressively. Examples would be the president's ability to use executive orders, agreements and privilege to avoid scrutiny from the other branches. Presidential power to persuade public opinion may be the greatest informal power.

Formal – power in constitution/Informal – power outside constitution/expanding power of central government

Judicial Review

The United States Supreme Court was designed to be “the least dangerous branch.” This did not last long. Chief Justice John Marshall changed the Court’s trajectory in the case *Marbury v. Madison* (1803). Marshall wrote in his opinion that the Court had the authority to “say what the law is.” Judicial review allows the Court to do more than apply the law its ultimate duty is to say what the law means. Judicial review empowers the U.S. Supreme Court to rule on the constitutionality of all law. This newfound power bolstered the Court’s influence and prestige.

Marbury v. Madison (1803)/rule on constitutionality of law/expand judicial power

Federalism

Federalism

Federalism is our fundamental bulwark against the natural tendency toward national tyranny. The Founding Fathers decided the best way to protect our liberties was to separate power. Not only did they separate the national government into three branches but also the various sovereignties - national, state and local. American Federalism promotes unity while permitting local variation. Time has shown that Federalism stimulates local interest in policy making. It also fosters innovation and experimentation. Louis Brandeis wrote in a famous 1932 Supreme Court dissent that the genius of Federalism allowed states to serve as "laboratories of democracy," (New State Ice Co. v. Liebmann). Though Federalism appeared to create more government it is safe to say it created less concentration of government in one place. In other words, "more is less."

Division of power/National.State.Local/Safeguard liberty – more is less

Supremacy Clause

Though federalism allocates power throughout the United States to its many units of government is one higher than the other? If there is conflict between two who and or what decides? The Constitution asserts in Article 6 that U.S. law trumps all others. The supremacy of the U.S. Constitution may be the final word but it does not suggest other levels are powerless. Rather local authorities cannot deny certain national provisions. Wars would be fought over how this exactly works.

National government supreme/Aggrandizement of the national government/McCulloch v. Maryland (1819)

Marble Cake

Understanding how federalism actually works is no easy task. Political scientists have often used metaphors. No better metaphor than cake. One would like to imagine federalism is like a layer cake. Each layer of government is separate in their respective duties. This picture would be incorrect. Federalism actually looks more like a marble cake. The duties and responsibilities of national and state governments is mixed. Though separately organized today government units tend to cooperate more than rival each other. For example in the area of education all levels of government, national and state, cooperate together in order to reach their respective goals.

Federalism/Cooperation/Authority blurred not layered

Demographics

So we do not forget, our governments have been formed "of the people, by the people and for the people." Therefore governments need to know who the people are. Demography is the study of populations and their vital statistics. Demographics important to political science would include gender, education, race, religion, occupation, region and age. Data is collected on all of these subcategories in order for the government to better fulfill its duties. Politicians collect demographic data to target prospective voters. Students look at this data to better understand our political system. Public opinion polls are frequently used to measure current demographic data.

Classification of people groups/broad regional differences/states provide policy laboratories

Grassroots

Former House Speaker Tip O'Neil uttered a basic maxim of our government, "All politics is local." As much as we study and follow the national news and its hot issues much of our personal involvement and interest happens at the local level. Grassroots are the organic displays of local political participation. Elections are won and lost in our backyards. This is another practical outcome of federalism. By maintaining sovereign governments at the local level it encourages greater involvement. We are more likely to trust those whom we know and have worked with. Grassroots means more and more common folk are engaged in politics. Grassroots strengthens the political process at all levels.

Local citizens/engaged in political activity/ "all politics is local"

Devolution

Devolution is a word used in many different contexts but it always involves returning to something. Devolution in this context means returning to classical federalism. Political power, over time, has increasingly become more centralized at the national level. Devolution is an idea that stressed the benefits of returning some of that power to state and local governments. Devolution was an idea that found particular resonance in the Republican Party during the 1990s. It continues to be rallying cry for conservatives.

Return to classical federalism/attempt to demonize national government/conservative movement

Mandates

The story of American government has been the story of federal aggrandizement. The central government of the United States has grown for a variety of reasons in a variety of ways. Most commonly the national government uses its power of the purse to apply sticks and carrots to state and local governments. Mandates are like sticks. Mandates are when the national government requires state and local governments to provide certain services often without money attached. There are many examples of federal mandates. Some of the most common are in the area of educational standards. The federal government requires state and local school districts to comply to certain national standards. Usually mandates are met with misgiving.

National government requirement/reduces state's relative power/sticks

Referendums

Two important trends in government have produced an electoral reform that seems to be gaining energy throughout the United States. That reform is a growing number of Election Day referendums. The two trends are an ever growing and expanding federal government and an increasingly democratic electorate. As power has increased mistrust has too. The people have demanded greater authority in their government. Referendums allow the people to vote directly for or against legislation on Election Day. Bypassing the filter of our elected officials referendums give people a greater say on public policy.

People vote directly on an issue/bypass representative government/direct democracy

Grants

The story of American government has been the story of federal aggrandizement. The central government of the United States has grown for a variety of reasons in a variety of ways. Most commonly the national government uses its power of the purse to apply sticks and carrots to state and local governments. Grants are like carrots. Grants are appropriations of money given to states by the national government for certain purposes. Categorical grants give states the least discretion with the provided money. Block grants tend to give states greater discretion. Often block grants are given for education or transportation needs. States receive federal money to rebuild roads but the states can decide which roads to rebuild. Of course nothing is ever free. Grants ultimately increase the power of the federal government over the states.

National government gives money/reduces state's relative power/carrots

Electoral College

Another way the Founding Fathers built Separation of Powers and Federalism into our political system is the way we select our President. Even today we do not directly elect our President. Presidential candidates must receive a majority of votes in the Electoral College to win. Each state receives one electoral vote for each member in Congress (538 total). The candidate who receives 270 electoral votes or more is the next U.S. President. Most states have a winner-take-all rule. The candidate who receives the most votes in the statewide election receives ALL of that state's electoral votes. If no candidate receives a majority in the Electoral College the House of Representatives chooses the next president. In rare occurrences popular vote getters do not win in the Electoral College.

Chooses president/winner-take-all/270 of 438 majority required

McCulloch v. Maryland (1819)

The relationship between national and state governments has never been without tension. Conflict over the balance of power has characterized American government from our very beginning. Often these disputes have to be settled by the courts. *McCulloch v. Maryland* (1819) was one of the earliest court precedents settling a dispute between the national and state governments. At issue was the national bank. The national bank was not mentioned in the U.S. Constitution therefore the state of Maryland attempted to impede its authority by levying a tax on its business. The U.S. Supreme Court ruled by appealing to "the necessary and proper" clause found in Article 1, Section 8, Clause 18 of the U.S. Constitution. The national bank could be justified through the implied powers of the central government. In essence the Court delineated the supremacy of the national government over the states. Where conflict arises the national government trumps state obstructions. *McCulloch v. Maryland* (1819) would ultimately be tested on the battlefields of the American Civil War.

Federalism/State conflict/National supremacy

Public Opinion

Political Socialization

The means by which we learn how to think politically is called political socialization. Political socialization is how I learn what to think about government. Most would argue that the single greatest influence on our political views is family. Though still true there are many other factors. Demographic factors help point us in certain directions. Often times our political views are shaped by gender, race, religion, class, education and region. The constant barrage of media messages also influence our political views. Political views have labels. We use a political spectrum to sort out those labels. Liberals and/or Democrats are on the left side of the line. Conservatives and/or Republicans are found on the right side of the line. More and more Americans find themselves less attached to any one rigid political philosophy. More and more Americans call themselves moderate or independent. In the end today's political socialization provides less answers and more questions.

How we learn to think politically/Political Spectrum left v. right or liberal v. conservative/role of family

Bill of Rights

The Bill of Rights, the first ten amendments in our Constitution, is like a promissory note. It represents a promise made by those who came before us that our national government would forever be characterized by its limits. Originally the men who wrote our Constitution claimed such a written guarantee was unnecessary. Public opinion was not convinced. "We the people" had learned that blind trust was not sufficient. Put it in writing was the rallying cry. Today those guarantees remain strong. Our most basic and fundamental rights are still on display in the Bill of Rights. Better yet, "we the people" still expect our government to abide by their instruction. We still hold our government to its limits.

1-10 Amendments/safeguard of individual liberties/priority given to free speech – 1st Amendment

14th Amendment

The 14th Amendment, some have argued, may be the single greatest act done by our government. The 14th Amendment guarantees due process of law and equal protection to all citizens. Ratified following the Civil War, the 14th Amendment was originally seen as the Constitutional provision that tendered citizenship rights to former slaves. It has proven to do much more. Today the 14th Amendment has been commonly used to extend fundamental rights to all in each and every state. Through the incorporation doctrine the 14th Amendment has been used to apply most of the Bill of Rights to the states. Due process and equal protection is not debatable from state to state. No, each of us now have them as guarantees. For this we can thank the 14th Amendment.

Civil War Amendment/due process – equal protection/extend Bill of Rights to states

Equal Protection

Enforcing equal protection has been one of America's dilemmas. We have yet to fully realize its full meaning. Thankfully we keep trying. Jefferson immortalized the ideal when he wrote in our Declaration of Independence, "We hold these truths to be self evident, that all men are created equal." Equal protection can mean so many different things. At the very least equal protection means that all citizens are to be treated the same. No one is above the law. Justice is blind. There is no privileged class in America. Liberty without equality means little. Yet there is still unfinished business when it comes to equality in America. "We the people" need to commit our energies to the promise that all are in fact equal.

Constitutional guarantee/levels playing field/empowers diverse population

Litigation

We are a litigious society. Whenever we have a question about the law or a conflict with our neighbor we are prone to take it to court. To litigate means to bring someone to court. No people sue each other more than Americans. In a nation of law one should not be so surprised. American courts settle our most important disputes. Whereas politicians can often delay and put off their responsibilities we can receive closure more quickly by litigating. Litigation is often used as a means to obtain real change. It is a form of political participation that ends in real results. We should not shake our head about being a litigious society. Rather we should be glad that here in America the law works . . . for you and for me.

Take someone to court/affect policy/more immediate form of participation

3rd Parties

Though we are governed by a two-party system, 3rd parties have played an important role in American government and politics. 3rd parties provide a place for people to imagine there can be a different way. 3rd parties give people a chance to think outside of the box. They allow those people feeling left out a place to voice their divergent opinions. Sometimes they can be an obstacle to a candidate seeking office from one of the major parties. More importantly, if a 3rd party begins to resonate due to landing upon an important issue their idea is usually picked up by one of the other major parties. In this way 3rd parties are kind of like bees, once they sting they die.

Difficult to defeat 2 party system/unlikely winners/like bees – sting with new ideas then die

Spin/Information

Spin is what we call information that is manipulated in order to shine a better light on someone else's cause. Spin tells the truth. It is just not telling the whole story. Unfortunately with an ever expanding means to disseminate partisan information spin has become more and more commonplace. Discerning between opinions and facts has become our great challenge. Political parties, interest groups and others seeking power have used spin to gain great advantages. In the information age it is a wonder that we often are so misinformed. Knowledge is power. Spin gains someone else power at our expense.

Media messages/short messages/branding messages

Frontloading

Front-loading is the strategic advantage given to the earliest of primaries and caucuses during the first stages of a presidential election cycle. More specifically, front-loading refers to the disproportionate benefit given to the Iowa caucus and the New Hampshire primary. Set earlier than all of the others, these two races set the bar in the presidential nomination process. You can hardly expect to become President if you are unable to win in at least one of those places. It is for this reason that candidates running for president spend an incredible amount of time and money trying to win over the hearts and minds of Iowans and those living in New Hampshire. The silliness of such pandering may explain why so many Americans opt out of participating at all.

Earliest primaries and caucuses/advantage given to front runners/bandwagon effect after Iowa and N.H.

Marginal Districts

Marginal districts are those Congressional seats that are competitive. Marginal districts are swing seats. The winner in a marginal districts receives a majority but less than 55% of the vote. Few seats in our U.S. Congress are marginal districts. Most are what we call safe seats. Incumbent advantages make it increasingly difficult to defeat a sitting member of Congress. Public opinion, however, has begun to notice. Demands to reform both our electoral system and the process of redistricting emanate from the fact that there are so few marginal districts. Public opinion seems to expect that in a democratic election voters should expect real choices. Is that too much to ask?

Congressional races decided by less than 55%/competitive democracy/unusual due to incumbency

Rule of Propinquity

The rule of propinquity is quite simple, “the closer you are to power the more power you have.” It can be found at the highest levels of government as well as in the most remote social networks. The rule of propinquity suggests that having the right connections makes a big difference. It is for this reason that workers in the White House often have more power than those cabinet level Secretaries whose offices are spread throughout Washington DC. We like to surround ourselves with our closest most loyal confidants. In return we give them power. Some argue, however, that this practice runs the risk of insulating the President from divergent public opinion.

Close to power/more power you have/basic rule of politics – proximity matters

Freedom of Information Act (FOIA)

Knowledge is power. If “we the people” hold the power we need to be informed about our government. For this reason the U.S. Congress passed the Freedom of Information Act in 1966. FOIA was passed to assure that Executive Branch agencies would be required to disclose their actions to the people upon request. In an open democracy there is little room for secrets. The Courts have proven to be a safeguard for this openness except in cases where national security is involved. The public’s vigilance in demanding open and transparent government is one of our most important duties. If we expect to hold on to our freedom we need to persistently demand from our leaders access to their information.

National guarantee/access to national policy information/government transparency

Participation

Suffrage

Voting is the sine qua non of the democratic process. Suffrage allows citizens to select or vote for the candidates of their choice in an election. Amendments to the U.S. Constitution have extended the privilege of voting to those previously excluded based upon race, gender and age. Suffrage, the right to vote, is also called the franchise. Former President Lyndon B. Johnson said, “The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible wall which imprison men because they are different from other men.” There are many ways to participate in our democracy but none more important than casting an intelligent vote.

Right to vote/expanded franchise/free – fair – elections

Elites

In the beginning the laws of America seemed to favor those few elites who owned property. Voting in our 13 original colonies was reserved for the “best and the brightest.” Many safeguards were put in place to protect the new government from a passionate mob. A republican form of government was established so that the privileged class would oversee a commonwealth of the people. As time evolved, however, more and more citizens began to demand greater rights and privileges. Equality was meant to be more than mere words. Nevertheless even today most would agree that certain elites continue to play a disproportionate role in guiding our public debate. Those elites tend to be wealthy, highly educated and often famous. Collectively we wonder who knows best?

Best and brightest/disproportionate influence/republic over direct democracy

15th, 19th, 26th Amendments

Throughout history our American government has tried to redress its faults. We have expanded the right to vote three separate times by way of Constitutional amendment. The 15th Amendment gave African American males the right to vote. The 19th Amendment gave women the right to vote. The 26th Amendment gave young people between the ages of 18-20 the right to vote. Despite extending suffrage the percentage of eligible voters voting did not increase with these amendments. They did, however, correct deficiencies in the original document. Federalism allowed for differences of governance from state to state. Yet one thing we can all agree on is that the right to vote is not debatable.

15 = black males can vote/19 = women can vote/26 = 18 – 20 years olds can vote

Polling

Marking ballots happens too far and between to serve as the only means of measuring what the people want in a vibrant democracy. If republican forms of government want to be truly representative they must accurately gauge public opinion. This task is not easy. Nevertheless public opinion polls have become ubiquitous in our modern big data society. The veracity of opinion polls depends upon a number of scientifically measured practices. Valid polls must be objective, draw from random samples and have clearly worded questions. In the end if high levels of political efficacy are necessary for a healthy democracy polling provides the best means to that end. Polls are telling reflections of what “we the people” desire. Beware of polls that push rather than measure opinion. Polls are a valuable tool but can also be dangerous in manipulating public opinion. Polls are a weapon of mass instruction.

Random sample/Reflection/People's desire

Activists

Activists are those citizens who are the most ideologically rigid. Because of their hardened views they are more likely to get involved. Activists have a high turnout rate. They vote more consistently than any other type of voter. There are activists on both sides of the political spectrum. Often times we find our elected officials from the ranks of the activists. In part this is due to the fact that activists are more likely to vote in the primary elections. They tend to vote for their own kind. The consequence, however, means that compromise and civility between the two major parties becomes increasingly difficult.

Most loyal party members/ideologically rigid and consistent/most likely to vote and participate

Critical Elections/Realignments

Critical elections occur when one loyal group of voters decide to switch their allegiance to another party due to one prevailing issue. When this occurs we call it a realignment. It rarely happens. The last time political scientists have identified a critical election was back in 1932. In 1932 loyal African Americans switched their allegiance from the Republican Party to the Democratic Party. The prevailing issue was the Great Depression. Today we are more likely to see a dealignment. This occurs when voters no longer claim loyalty to any political party. More and more Americans see themselves as independent voters. Political parties can claim fewer loyal patrons.

Shift in party loyalty/African Americans shift to Democrats in 1932/dealign - becoming independent

Voting Rights Acts of 1965

Interested citizens know that due diligence is always necessary when maintaining your rights. The right to vote is no exception. Though the 15th Amendment extended the right to vote to African Americans many State governments put in place hurdles making it difficult to cast an honest ballot if you were black. The Civil Rights movement in the 1950s began to put more and more pressure on the national government to put an end to such practices. The Courts did their best and in 1965 the U.S. Congress felt pressured to do the same. The Voting Rights Act of 1965 put in place federal authority to protect the right of African Americans to vote. For example it eliminated literacy tests. President Johnson knew there would be a political cost to Democrats. He was right. Today the South is solidly Republican.

Expanded voting privilege to African Americans/Ended literacy tests/South moved toward Republicans

Turnout

The most common form of political participation in the United States is voting. Although turnout rates rank among the lowest when compared to other democracies. Turnout is the number of eligible voters who show up on Election Day. Our highest turnout occurs during Presidential elections. In a typical presidential election turnout is somewhere between 50-55%. Local elections usually have the lowest turnout. It is not uncommon for local elections to have a turnout of under 25%. Today older more educated citizens are more likely to vote. Young people and those who have completed a high school education or less tend not to vote. Turnout is a leading indicator of political efficacy.

% of eligible voters/majorities of Americans do not vote/highest % for President elections (around 50%)

Single Member Districts

Many of our political questions can be answered by “single member districts.” Why do we have a 2 party system? Single member districts. What prevents 3rd parties from gaining legislative seats? Single member districts. What makes redistricting so difficult? Single member districts. Single member districts mean that each Congressional district is held by one elected official. That official need not win a majority but a plurality of votes. It is a winner take all system. Single member districts affect how we participate and who we get to vote for. There is no shortage of criticism of single member districts. But there is a shortage of ideas to replace them.

Winner – take – all/ Every unit of government elects one winner/helps to explain our 2 party system

Winner – Take – All

The winner-take-all rule is most clearly seen when looking at the Electoral College. Most states have the rule that the candidate who receives the most votes in that state will in turn receive all of that state’s electoral votes. This often gives election results a skewed appearance. A presidential candidate can win a number of states by a narrow margin but then win in the Electoral College by a landslide. This is all because of the winner-take-all rule. This rule also effects the way candidates run their campaign. Because there is no benefit to finishing second, candidates will often avoid spending resources in those states in which they have no chance to win.

No second place winners/ plurality elections – most votes win/helps to explain our 2 party system

“One Man, One Vote” *Baker v. Carr* (1962)

In a series of high profile Supreme Court cases in the early 1960s [*Baker v. Carr* and *Wesberry v. Sanders*] the Justices entered into what they called “the political thicket.” Politics was not considered to be within the jurisdiction of the Supreme Court. Politics should be addressed by voters not judges. Yet what if the voters are unwilling to extend certain political privileges to all? Enter the Supreme Court. The precedent “one man one vote” extended equality to all voters. Prior to these cases reapportionment and redistricting often denied full rights to African Americans. The “one man one vote” decision remedied this inequity.

Baker v. Carr (1962)/all votes count the same/racial representation more equitable

Political Parties

Big Tent

Political parties want to be a big tent. Political parties want to attract as many voters as possible who will vote for their candidates. Political parties are a linkage institution. They link the people to the government. The primary way political parties do this is to have their candidates win elections. Political parties provide voters labels. Democrats stand up for liberal causes while Republicans stand up for conservative causes. This way even if you are unsure about candidates, their respective party label tells you what they are about. Though political parties are weaker today than in the past, party identification or party labels still provide a significant help to voters come election day. Political parties also help by fund raising for candidates and helping to get out political messages to the electorate. In the end political parties are all about winning elections. The best way to do this is to be a big tent. Welcome to the party we need your vote.

Parties/attracting/more votes

Divided Government

Divided government is when the President of the United States belongs to a different political party than the majority of Congress. When they both belong to the same party it is called a unified government. It is often assumed that when our government is divided less significant policy changes can take place. Gridlock and inaction would be expected. The facts, however, would suggest something else. Often times divided governments encourage a greater spirit of compromise. Remember that in politics voters are always looking to blame somebody. In divided government there is less blame because voters do not have a clear sense who is at fault. In a unified government one political party takes all of the blame and is therefore less likely to make dramatic changes.

Congress/President/2 different parties

Party Machine

A Party Machine describes a local party leader who builds loyalty and devotion by passing out perks and privileges. In history party machines often involved mayors who built long-term winning coalitions through the strategic use of patronage. By passing out jobs to their patrons these mayors create a web of loyalists who go out and work to build even more support for the machine boss. These party machines and their respective boss were often charged with corruption and have subsequently fallen in disrepute. As our political process has grown more and more democratic and as our political parties have grown weaker and weaker the influence of party machines has been reduced.

Local/boss/loyalty via patronage

Labels

One of the most important roles played by political parties is to provide voters with clear cut labels. Democrats represent liberal interests while Republicans represent conservative interests. Liberals look toward making changes. They encourage government to take an active role in the economy though would prefer the government to stay out of private moral questions. Conservatives try to hold on to winning principles of the past. They encourage government to respect the free enterprise system by staying out of the economy. Conservatives hold to traditional values. Party labels allow citizens to use partisan ID as a short cut when determining their vote. Personal followings, however, have made party labels less important.

Political party essence/short cut for voters/Republicans = conservative, Democrats = liberal

2 Party System

The American political process is characterized, in part, by our two party system. Whereas most democracies welcome multiple parties here in the United States certain institutional rules make it almost imperative that we have only two. One reason we have a two party system is that in America most of our issues can be reduced to broad coalitions of “agree or disagree.” We also have pluralistic elections. This means the candidate with the most votes wins. If there were more than two candidates, the winner would more likely have less than a majority vote. Political efficacy and legitimacy improves when elected officials carry a majority of the votes. Single member Congressional districts also help explain why we have a two party system.

Plurality/winner – take – all/majority winner

Base - Rank and File

Within our political parties two distinct types of members can be found. All political parties have base members and rank and file members. The base would be the party activists. Base members are the most loyal and the most likely to vote. The base of most parties today is shrinking. Rank and file members are more numerous but show more casual support. They vote but not always. Rank and file members might claim a certain partisan ID but can be found changing their allegiance. More and more Americans are independent voters. They are neither base nor rank and file members of either political party.

Most loyal - party members/activists – less active/left and right wingers – more moderate

Platforms

A political party platform would be a laundry list of issue positions. If you want to know what a candidate and his/her party will stand up for you can look at their respective platform. Throughout history the platform debates would often dominate the nominating conventions. Back when political parties were stronger their platforms often meant more for winning elections than did the candidates. Today with the candidates taking center stage with their own personal followings party platforms have grown less important. As issues have been replaced by images political party platforms have almost outgrown their usefulness.

Political party/issue positions/elections

Personal Followings

Personal followings are a recent phenomenon in the American political system. Candidates used to be wholly dependent upon their political party. The party after all chose the candidates, provided them a label, gave them a campaign strategy and most importantly delivered campaign cash. With the inception of modern media, like TV, candidates were able to bypass the political party by creating their own direct support. This personal following allowed candidates the chance to challenge the party bosses. Candidates now on their own could brand their campaigns, hire their own handlers and receive money from their own followers. In turn these personal following have weakened political parties in America.

Candidates/minimize party affiliations/atraction based on personality

Party Caucuses

We all know that political parties have grown demonstrably weaker. This would not be true, however, inside the United States Congress. The entire organization of Congress along with its leadership is centered around political parties. An important party function inside the Congress is found in the party caucuses. Party caucuses are made up of party members who gather to discuss strategy, agendas and legislative priorities. If a political party can show the discipline to act together their power in the legislative chamber is usually enhanced greatly. The most important leaders within a party can be found exerting their power inside the party caucuses.

Choose candidates/voice vote/Iowa first

Patronage

Patronage is as old as politics itself. In history it was called “the spoils system.” To the winner goes the spoils. Patronage means that the winner in an election gets to appoint friends and loyal base members to positions of importance in the government. Patronage is not only a way to build loyal coalitions but also a way to surround yourself by trusted allies. Civil service reform in the late 19th century brought an end to much of the patronage power once held by the U.S. President. The Pendleton Act (1883) replaced many of the patronage jobs in the executive branch with jobs based upon merit. One long term result of this reform is that it is now difficult for each new presidential administration to dramatically change a government culture now made up of life long civil servants.

Perks and benefits/jobs/party loyalty

***Citizens United v. FEC* (2010)**

In one of the more controversial Court decisions in recent years, a majority of justices in the case *Citizens United vs. FEC* (2010) held that U.S. corporations could participate in campaigns and elections. U.S. corporations could now participate in campaigns through independent expenditures. Corporations still could not cooperate directly with candidates by giving hard money donations but they could advocate for political positions using their resources to buy media time. The Court argued that corporations are protected by the same rights as individuals. Opponents, however, worried that corporate money could swing electoral outcomes in ways that would advantage the privileged.

Campaign finance reform/eliminate soft money/increase independent hard money

Interest Groups

Mother's Milk

The primary means of influencing public officials begins with a noticeable campaign donation. When a political system is governed by wealth it is called a plutocracy. There have been many attempts to limit and regulate the role money plays in our political system. Substantiating substantive corruption is rare, but our perception, as citizens, is that money significantly tarnishes the integrity of our political process. Congress has routinely proposed finance limits and regulations. Presidents have willingly enforced these restrictions and the Supreme Court typically has found little constitutional burden. Nevertheless, our perception of monies' corrupting influence goes unabated. We look upon interest groups, lobbyists and "the special interests" with great disdain. We often forget that these despicable folks are regular citizens just like us, organized under the protection of the First Amendment's right to petition our government. Perhaps our hopes of a government which is lactose intolerant is misguided. Maybe mother's do know best.

Money/essential to campaigns/empowers interests, those groups who organize

Minority Rights

One of our most cherished founding principles is that "all men are created equal." For this reason the writers of the Constitution were reluctant to place ultimate power in the hands of majorities. Popular sovereignty is unmistakable but so too are the safeguards given to minority rights. For this reason individuals and groups of all types have been empowered to influence public policy. Our government does not always act democratically. Republican forms of government are empowered to make principled decisions that are in the best interests of all of the people. Being popular is not always in our best interests.

Republican ideal, limits majority/empowers small groups/pluralism

Access Points

The First Amendment protects our right to petition the government. This means that "we the people" have the right to influence public policy to our liking. In a federal system, like ours, there are numerous access points to do this. In fact there are close to 90,000 total units of government in the United States. National, state and local elected officials all have authority to make and implement law. This means there is no shortage of places for us to affect change. These access points increase our efficacy but they also make government vulnerable to corruption. Would we have it any other way?

Federalism promotes layers of government/many places to influence/government more easily corrupted

Efficacy

Political efficacy is a basic measurement important to all successful democratic polities. Political efficacy measures how well the people understand their government. It also takes into account how responsive the government is to the people. Polities with high levels of political efficacy are marked by increasing levels of participation. This increases both the legitimacy and authority of the government. Unfortunately the contrary is true as well. Low political efficacy is marked by declining participation. With a decline in legitimacy and authority elected officials lose their vitality and ultimately their ability to govern. Democracy is unthinkable without an electorate characterized by a certain standard of efficacy.

Internal = understand government/external = government is responsive/decline

Super PACS

Campaign money, meant to influence elections, comes from a variety of sources. Much of it has been limited and regulated by way of federal law. Independent expenditures are a new and popular way to fly under the radar of these laws. Often called 527s or Super PACs, these relatively anonymous sources of unlimited campaign cash have changed the way elections are funded. Critical to Super PACs is that they must be independent from a candidate's campaign. No coordination between the two is allowed. Super PACs can, however, advocate for a candidate through the purchase of media and other message delivery systems. Without disclosure requirements this means that many campaign images are funded by sources unknown.

Independent expenditures/Super PACs advocating for candidates/unlimited \$ no disclosure

Single Issue Voting

With the decline of political parties and partisan ID there has been a rise in single-issue voting. Interest groups have found they can mobilize voters more efficiently when focusing them on one highly charged wedge issue. Love may our ideal but fear causes us to act. Advocacy groups have discovered that by creating certain fears with respect to a particular issue citizens will come out and vote with greater ferocity. Pandering to single-issue interests may attract votes but it certainly does not make governing any easier. Remember at the core of any interest group is their desire to affect public policy one issue at a time.

Votes/activists/motivated by one issue

K Street

"K Street" may be the most important road in all of the United States. "K Street" is where the most powerful go to work. The kings and rulers of our democracy are headquartered on "K Street." And who are these powerful? They are the interest groups and advocacy groups whose corporate lodgings are found on this otherwise nondescript Washington street. Fundamental to a democracy is the ability of the people to influence their government. Those factions who can best organize parlay that into the most influence. "K Street" is open to all of us but many important interests remain unrepresented. Many find the real estate rates on "K Street" too high to play.

Metaphor for interest groups/DC street for lobbyists/influential proximity to Capitol Hill

Approval Ratings

The most valuable commodity that interest groups possess is information. Elected officials cannot act without the appropriate know how. With so many complex issues facing our government the vested advocates and respective interest groups are more than willing to provide the expertise required. Yet interest groups provide more than just information about issues. They also publish approval ratings of various members of Congress. This form of pressure raises both the attention and ire of politicians. Approval ratings can substantiate popularity but they can also humble the mighty. Information, after all, is power.

Interest group strategy/manipulate Congress/manipulate public opinion

Lobbying

In order to climb Mt. Everest you will need to employ the services of a Sherpa. These mountain guides know every trick and angle in order to make a successful ascent to Everest's highest peak. If your goal is to affect public policy at its highest peak you should be encouraged to hire the services of a lobbyist. Lobbyists are the Sherpas to our American government. They possess the information, the know how and the expertise to guide legislators and bureaucrats around complex issues. Employed by the special interests lobbyists assure that the people's wishes are represented by those elected to serve. Often, however, lobbyists are perceived as tricksters and hustlers. Your view most likely will depend upon if your interests have been peaked.

Interest group/hired hand/influence government policy

Iron Triangles

Iron Triangles, or issue networks as they are now called, are not easy to understand. They are nevertheless the keys to understanding how public policy is both made and sustained. Public policies are a byproduct of relationships between Congressional committees, related interest groups and specific executive agencies. Because all three groups share a particular interest they guard specific policies from outsiders. This makes it nearly impossible to change specific government policies despite common sense objections. Iron Triangles become entrenched in time and help explain why it is so difficult to reduce the size and scope of the national government.

Issue networks/Congressional committee, executive agency, interest group/difficult to reform policy

***Brown v. Board of Education* (1954)**

One of the most important Court precedents in our history was rendered by the Warren Court back in 1954. With their unanimous decision in the case Brown vs. Board of Education our High Court struck down the "separate but equal" doctrine. Henceforth all public schools "with all deliberate speed" were ordered to integrate. The practice of legally segregating schools came to an end. Though we would like to think that such action came about from the top down. Yet it was not our government that initiated the Brown case. Rather the NAACP, a group advocating for minority rights, successfully used the courts to gain influence and subsequently equal rights for African Americans.

NAACP/use litigation/push agenda [to integrate schools]

Campaigns/Elections

Handlers

Elections are not new to democracy, but the type of campaigns we currently witness are. The modern campaign demands much more than a few whistle stops and posters. Handlers coordinate advance work, scheduling, speech writing, media, polling, finance and spin. Running a campaign is now a career choice. More so, some have wondered if governing has become just another name for campaigning. With handlers ever present, the blur between policy and politics is ever apparent. Presidential handlers have been called “the most powerful political figures America has never heard of.” Electability once anchored on character, with modern day marketers handling candidates, winning now depends more on likeability. With a voyeuristic media and a more savvy electorate, candidates need to be cautious of their image at all times. They need proper handlers.

Professional campaigners/advise candidates/master image builders

Presidential/Midterm Elections

According to the Constitution federal elections are held every two years. Presidential elections are held every four years. Though it often appears that presidential campaigns never end, our quadrennial popularity contests costs billions and attracts our largest voter turnout. Midterm elections occur two years into a president's term. These elections are for electing members to Congress. Turnout for midterms tends to be much lower. They also tend to result in a loss of power for the president. The president's political party usually loses seats in midterm elections. With endless politicking and frequent elections it is not uncommon to talk about “the permanent campaign.”

Every 4 years – Every 2 years/Choose President – choose Congress/President party usually loses seats

Motor Voter Bill

In 1992 a Democratic Congress hoped to make voting easier. By passing the Motor Voter Bill all citizens could register to vote while renewing their driver's license. Political scientists often suggest that strict registration laws throughout the United States hinder voter turnout. Voting procedures ordinarily are determined by each individual state. This law was a federal attempt to encourage more and more citizens to vote. The Democratic Party often pursues policies that would expand voting. The Republican Party is more likely to defend rules that assure honest and secure election practices. The political parties ultimately defend policies that would best advantage them in the next election. With the Motor Voter Bill no significant increase in turnout was realized.

Democratic President Clinton/voting easier/register voters when renewing driver's license

Horse Race Journalism

Horse race journalism describes the tendency of the national media to focus on who is winning at any given time during a presidential campaign. Some would say this occurs at the expense of covering the issues. Poll driven campaigns allow the media to assess which candidates are leading in the race. The American voters would like to think they choose winners. Horse race journalism is often held responsible for creating a bandwagon effect or worse self fulfilling prophecies. Either way it is essential for candidates to appear strong early on and to maintain the illusion that winning is likely. Debates and other campaign activities are less about clarifying issues and more about looking like a winner.

Media/reports who is winning/less coverage on issues

GOTV

Get Out The Vote (GOTV) strategies can easily be overlooked in our slick modern media driven political campaigns. Yet most often GOTV tactics make the difference in any election cycle. You can have a hip branded candidate with lofty rhetoric but without armies of voters what is the point? Most votes win. Therefore winning candidates must engage in sophisticated micro targeting of voters. Beyond sweeping electronic media campaigns, candidates are still required to raise platoons of volunteers in field offices to send spirited mailings, knock on doors and engage prospective voters on social media sites. Big Data has allowed campaigns to zero in on specific neighborhoods and even blocks to push each and every critical household to the polling place on Election Day. GOTV provides the steak to any sizzling political campaign. When assessing the viability of any candidate it would be fair to ask, "Where's the beef?"

Strategies/Grassroots/Assuring votes

Hard Money v. Soft Money

There are many ways to give money to a presidential campaign. All face significant legal limitations. Hard money is the campaign cash given to specific candidates. Though the limits are now adjusted for inflation, recent hard money donations were capped at \$2,400 per individual. Soft money, as we know it, was banned in the McCain-Feingold Bill back in 2002. Soft money was the unlimited monies we once were allowed to give to the national political parties. Hard money limits address the perception that fat cats buy candidates. The elimination of soft money addressed the concern that political parties could use their large cache of money to circumvent campaign laws in order to benefit their candidates. Perhaps an unintended consequence of eliminating soft money, however, was the weakening of political parties.

Individual donation – unlimited/candidate – party/limited to \$2500 – banned

PACs

Political Action Committees, or PACs, are created for the express purpose of raising money for particular causes and candidates. Some argue that PACs are simply another way around certain campaign finance limits. Others, however, see PACs as another way for Americans to engage in the political process. PACs exert influence beyond what any single individual could. When looking at PACs one notices that the vast majority represent business interests. For this reason PACs in recent years have been given a pejorative label. More and more candidates are reluctant to accept money from PACs. Nevertheless PACs continue to play an important role in campaigns and elections.

Political Action Committee/groups raise money with limits/give to candidates with limits (business)

Cattle Show

Cattle shows are the name given to the campaign practice of bringing together all of a political parties candidates for president at one time and listening to them debate. Because there are primary contests in most of the states these cattle shows can occur dozens and dozens of times. In some presidential years cattle shows occur even before the primaries begin. There appears to be a demand to see candidates confront each other live on TV. Our attention should not be mistaken for interest in intellectual debate. Rather these cattle shows have gained notoriety for their gaffes and gotcha moments. The standard to be president appears to be you cannot make too many verbal slips.

Party candidates/during primaries/debating

Inc incumbency

Inc incumbency characterizes our United States Congress. An incumbent is an elected official seeking reelection. Close to 90% of all sitting members of the House of Representatives win when seeking reelection. Certainly there are exceptions, but challengers face almost insurmountable obstacles when trying to unseat a member of Congress. Inc incumbent advantages include name recognition, ease of raising campaign cash, free postage called franking and of course constituent service. Though incumbency creates stability in our government it also questions the legitimacy of our democracy when so few Congressional candidates face serious opposition.

Current office holder/running for reelection/big advantage – name recognition, \$\$\$, franking

Head of State

Images often trump reality in our modern media rich society. Likewise in the modern political campaign we are no longer surprised by candidate centered activity. This carries into public office as well. Presidents, for instance, have to perform many functions that have little to do with governing. Presidents meet with national heroes, bestow honors on celebrities, visit areas ravaged by storms and commend acts of service. These duties make up the President's role as Head of State. Previously kings and queens performed such obligations. In our democracy the President is asked to do these ceremonial tasks. Do not see them as a burden. The Head of State function is just another way for President's to connect with real people and to politic while still heading our government.

President/ceremonial responsibility/Branding empathy

***Bush v. Gore* (2000)**

It has been said that "tough cases make bad law." Bush v. Gore may be one of those cases. A constitutional crisis, however, was looming. The state of Florida was fighting over disputed ballots in the 2000 presidential election. Without Florida, neither candidate could achieve the necessary electoral college votes to win. The election appeared to be heading into the House of Representatives. At the final hour the U.S. Supreme Court agreed to hear the case Bush v. Gore. They ruled to uphold state sovereignty over elections. Subsequently Florida law certified that George Bush had more votes than Al Gore. Many wondered about the legitimacy of an election seemingly decided by 5 justices over the millions of votes cast across the nation.

Court decision 2000/state sovereignty over elections/W. Bush made president

Congress

Cup and Saucer

Our bicameral legislature was divided for reasons other than compromising between big states and small states. Each house represents the people, yet they also possess remarkably different responsibilities. The House, modeled on the British House of Commons, represents the passions of the people. The Senate, modeled on the British House of Lords, responds to these passions with reason. James Madison saw the Senate as an “anchor,” a “necessary fence” against the “fickleness and passion” of the people. The Senate is to “cool” House legislation just as a saucer was used to cool hot tea. Thomas Jefferson once expressed his doubts about the usefulness of the Senate. “Why did you pour that coffee into your saucer?” George Washington asked. “To cool it,” Jefferson replied. “Even so,” Washington declared, “we pour legislation into the senatorial saucer to cool it.”

Today, with the advent of directly elected Senators and the 24/7 televised news cycle, it is more difficult to discern between the passions of the House and the Senate. By not fulfilling their proper roles, our cups run over. Who is going to clean up the mess?

Cup – House, hot/Saucer – Senate, cool/Senate tempers House passions

Necessary and Proper Clause

There is a reason the necessary and proper clause has been dubbed the elastic clause. This constitutional provision has allowed the Congress and subsequently the government of the United States to expand far beyond what the Founders had envisioned. In all fairness, however, the Founders never could have imagined what our world would be like today. It was for this reason they wrote into law a provision that would allow the Constitution to be a living letter. Some argue it lives too gregariously. It is necessary and proper for “we the people” to decide whether or not the Congress abuses its authority.

Informal Congressional power/expand government role/elastic clause

Amendment Process

Our Founding Fathers have often been deified by those who looked at their accomplishments. What they were able to achieve at the Constitutional Convention in 1787 was truly remarkable. More remarkable was that they did not believe the headlines. Our Founding Fathers understood their limitations. For this reason they included within the Constitution the means to change it. The process also reflected their core beliefs. The amendment process mirrors the separation of powers, checks and balances and federalism. Though imperfect our Constitution continues to teach those willing to notice an enlightened civics lesson.

2/3 Congress proposes/3/4 States ratify/another example of Federalism

Constituent Service

Everyone knows that the duty of the legislative branch is to make laws. Few know, however, that much of the time spent by legislators is devoted to constituent service. Constituents are those citizens who live in a legislator's district. In a representative government serving your constituents is certainly a good thing. Constituent service is often criticized because it shares a lot in common with campaign activity. Members of Congress serve their constituents, in part, to help their chances of being reelected. Incumbency rates, the likelihood of being reelected, approach 90% in the House. Most of us may not know what Congress does in Washington but we sure know what they are doing in our neighborhood. Good enough for most of us to say "go back and keep on doing it."

Congressman/serving prospective voters/incumbent advantage

Gerrymandering

Gerrymandering is another word, albeit pejorative, for redistricting in a way that favors one party over another. Some have called it a gerry rigging of elections. The Constitution requires a census to be taken every ten years. The new population numbers are used to reapportion the House of the Representatives. Remember the lower house is based upon population. Reapportionment often means that some states gain representatives in Congress while others lose representatives. The state legislatures are authorized to redraw their Congressional district maps to reflect the new population numbers. Often this redistricting involves political choices. Lines are drawn to pack partisan support guaranteeing almost certain electoral victory. This act of political skullduggery is called gerrymandering.

Census – reapportion/State legislatures redistrict/lines drawn to benefit incumbent

Leadership

Amongst the electorate political parties may be weak but inside our Congress they have never been stronger. The leadership structure inside the legislative branch is built upon the strength political parties. The political party with the most seats wins all of the major leadership positions. This means that the majority party controls the agenda of the legislative branch. If the leadership can adequately discipline its members a party agenda can be pushed despite loud opposition. The most important leaders are the Speaker of the House and the Majority Leader in the Senate. Throughout our history these leaders have wielded tremendous power. As one Speaker used to say, "Go along and get along."

Majority party/chief positions – committee chairs/partisan Congress

Logrolling

Logrolling is as old as politics itself. Logrolling is vote trading. I will support your bill if you support mine. You scratch my back and I will scratch yours. One wonders if principle can be found anymore? Logrolling also provides cover for legislators to do an interest groups' bidding. Yet many would argue that without logrolling even less would get done inside Congress. Logrolling serves as a practical lubricant to the legislative process. Our Constitution was a byproduct of great compromises. Our form of government persists because of even more great compromises. Let's roll.

Congress/vote trading/do nothing v. do something

Franking

Franking has come to symbolize just another incumbent advantage. Franking gives members of Congress free postage. Thought not to be used for campaign literature, it is often difficult to discern the difference. When members of Congress freely send their constituents updates on their legislative accomplishments it certainly advantages them when campaigning. Incumbency rates for current members of the House routinely hover around 90%. Franking alone does not explain incumbency. Yet any way you look at franking it helps those in office stay in office.

Free postage for Congress/campaign finance advantage/incumbent advantage

Legislative Process

As the saying goes, “Laws are like sausages, it is better not to see them being made.” Congressional rules make the legislative process difficult to navigate. The vast majority of all proposed bills fail. This is no accident. A limited government cannot be free to wield its power unfettered. The difficulty of the legislative process checks Congress at every step. For a bill to pass it must move through both houses in exact form. The House limits debate and is encumbered by strict rules. The Senate is more open but often requires a super majority vote due to the filibuster. One senator can obstruct the entire process until 60 members end the filibuster with a cloture vote. Gaining cloture is not easy. This helps to explain why the Senate often becomes the “skunk at the garden party.”

House limits debate – Rules committee/Senate filibuster – unlimited debate/opposition holds advantage

Oversight

At every step, at every level our Founders built in checks and balances into our government. The separation of powers was more than idle rhetoric. It also was more than a one-time event. Running a government that serves the people requires constant and rigorous oversight. Both the Congress and the Courts have formal authority to oversee that government behavior is within the law. The Congress provides oversight by controlling the budget and holding investigatory hearings while the Courts oversee by practicing judicial review. There is no sense in holding the people accountable if the government cannot hold itself responsible.

Government accountability/Congressional hearings/Court practicing judicial review

Commerce Clause

The Constitution’s enumerated power to regulate all interstate commerce has been used to expand the size and scope of the federal government. Congress uses this provision more than any other to justify its regulatory prerogative. In a recent Court argument a Justice asked if there were any limits to what could be regulated under the commerce clause. Before the attorney could answer another Justice quipped, “Don’t give anything away here. They might want to do it next.” Conservatives in recent years have tried to reign in the use of the commerce clause. With little success, the commerce clause continues to be at the epicenter of political debate over the role played by our government in our lives.

Constitutional provision/expands congressional power/regulates all forms of commerce

President

Bully Pulpit

Whereas Congressional authority is given constitutional advantages, the vast reach of presidential power is found through political means. Though not always true, Theodore Roosevelt in 1909 understood this when he said, "I suppose my critics will call that preaching but I have got such a bully pulpit." It should be noted, however, that in those days the word "bully" meant "excellent," "superb," and "wonderful." Roosevelt understood that the status of president gave the office a unique position to persuade and therefore the ability to accomplish great things. Regardless of personality, the American public looks to the president for leadership, guidance and direction. We, more often than not, follow. Today the connotation of "bully" is to be a "ruffian" or "intimidator." In either case, whether a bully is a sweetheart or a junk-yard dog, the president of the United States has gained by the nature of the office great and grande power to advance an agenda that is difficult to impede.

Supreme Power/persuade the media/manipulate public opinion

Energetic President

Our Founding Fathers feared anarchy as much as they feared monarchy. Yet they had just fought against the tyranny of King George of England. It was no surprise then that the new Constitution appeared to create a weak chief executive. The office of President, however, was given access to great potential power. That potential is found in the president's unilateral ability to execute the laws and the power to exploit public opinion. No one would deny that today's presidents appear quite powerful. The bigger question is would the Founding Fathers be surprised?

Formal power = weak/informal power = strong/pitiful helpless giant

Bureaucracy

When government is asked to do something – and it is asked a lot – somebody has to do it. Democratic governments have been instituted to serve the people. The Legislative Branch and their respective legislatures respond to the needs of the people by writing laws. In our United States government Congress is responsible for creating public policy. The Executive Branch is given the primary function to implement those policies. The President of the United States and his staff execute the laws. This is no small task. The large arm of the executive branch responsible for translating laws into action is called the Federal Bureaucracy. The Federal Bureaucracy is the government means to a public policy end. When we want our government to do something, it is the Federal Bureaucracy who is responsible for doing it. The Federal Bureaucracy transforms our wishes into realities. The Federal Bureaucracy transforms Federal policy into action. Those individuals who transform public policy into actionable services are Federal bureaucrats. As the action figures in our government they come under frequent criticism and attack. Characterized by its hierarchical organization and specialization, the ever-growing Federal Bureaucracy has been asked to address more and more. With its size comes inefficiency and unresponsiveness making us wonder if we can live with it. One thing about the Federal Bureaucracy is certain, however, we cannot live without it.

Executive branch workforce/enforce laws/independent authority

Impeachment

Impeachment proceedings provide the perfect civics lesson. Impeachments demonstrate our checks and balances system. The House of Representatives is given the formal power to levy charges against an elected official with a simple majority vote. The Senate tries the impeachment case and can vote to remove with a 2/3s vote. Impeachments also teach the separation of power, federalism and partisanship. More importantly, however, impeachments are often fueled by public opinion. Constitutional safeguards protect elected officials from being removed on whim. Many over the years have been impeached by the House but few have been removed by the Senate.

Check on president/House impeaches/Senate removes

Electoral Mandate

Presidential elections are in essence referendums for a particular direction. Candidates offer voters a choice. What combination of policies do you wish for your future? The candidate who wins in the Electoral College can claim more than victory in our quadrennial popularity contest. Winning the presidency also means receiving a mandate to govern. More than choosing a winner voters endorse a particular program. Presidents serve four year terms. Mandates may not last more than the first 100 days. Mandates, like public opinion, tend to turn negative with time. For this reason most presidents look to achieve something big early on in their first term.

Large election victory/vote of public confidence/power to enact agenda

State of the Union Speech (SOTU)

The Constitution mandates that all presidents provide Congress with an annual message. This State of the Union speech often outlines an Administration's priorities. For much of our history this message was sent via the U.S. Postal Service. Since President Woodrow Wilson, however, the speech has been given live before a combined Congressional audience. Today that audience has expanded to a global media spectacle. The State of the Union address provides a good example of the president using his bully pulpit. Though the message was intended for the Congress, today the State of the Union is as much about building allies with American public opinion. The state of our union is now as much about politics as it is about governing.

Formal speech/national priorities/ultimate bully pulpit

Revolving Door

The federal bureaucracy has grown exponentially as more and more demands have been put upon our national government. With it has grown the temptation for Federal officials to cash in their political ties and join private companies who do business with government. Few can lobby the government better than those who once walked the very halls as elected officials themselves. The revolving door between public service and private interests often threatens the impartiality of public policy. Though laws have been written to mitigate the ill effects of the revolving door loop holes still exist casting doubts upon the fairness and equity of government programs.

Ex – government worker/hired by private firm/influence – lobby former friends

Coat tails

Coattails are achieved when a popular presidential victory results in an across the board windfall for the new president's political party. It is plainly seen when one party wins overwhelmingly in a presidential election. Joined by large majorities in Congress can serve to help new presidents achieve their agenda. Yet coattails are at best an exception and not the rule. Evidence of coattails appears limited to history. It has not occurred in recent elections. The absence of presidential coattails would appear to reflect poorly on our political parties. With the rise of independent voters and personal followings over partisan ID the word coattails just might be a word to forget.

Popular president victory/influence Congressional elections/strengthens president's party

Veto

Presidents do more than enforce the laws. They also play a vital role in the legislative process itself. Using their power to bargain, presidents can wield tremendous authority in shaping public policy. No better way to do this than to use the presidential veto. Though often seen as the means to reject a bill already passed by Congress most presidents use the veto as a means to mold the process itself. In the end if a veto is used it is highly unlikely that the Congress can override it. The vast majorities of all vetoes are final. In this way presidents not only rule over the Executive Branch but now, some would say, over the Legislative Branch as well.

Presidential power/reject legislation/almost impossible to override

Chief Executive

President Truman said it best, "The buck stops here." The President of the United States is the CEO, chief executive officer, of our government. Whether fair or not, the President assumes the responsibility of both the successes and failures during their time in office. Perhaps this is why we have seen an increase in executive orders and agreements. Both can be likened to a decree made by a king. Executive Orders relate to domestic policy while Executive Agreements relate to foreign policy. Often seen as a unilateral stroke of the pen, executive orders and agreements have the force of law yet do not require Congressional approval. Strong and energetic presidents, it is argued, need the power to act without delay. The deliberative process would hinder certain circumstances. If President's are responsible for our government at large, they are more likely to take as much authority as possible into to their own hands. Invariably this has caused tension with the other branches.

CEO/US government/Aggrandized authority

***U.S. v. Nixon* (1974)**

In 1974 our Supreme Court weighed in on what some have called our greatest "constitutional crisis" in history. President Richard Nixon faced numerous Articles of Impeachment due to his role in covering up various crimes associated with his successful reelection bid in 1972. Nixon withheld critical evidence under the cover of Executive Privilege. On principle, he argued that all presidents required a certain protection from public exposure of private conversations. The Court in *U.S. vs. Nixon* disagreed. The Court ruled that Executive Privilege had limits. In the end the Court upheld that despite Nixon's persistence otherwise, no one is above the law - even the President of the U.S.

Court check on President/limit executive privilege/no one is above the law

Courts

Rule of Law

With the signing of the Magna Carta in 1215, the British royalty could no longer rule arbitrarily. "...The law of the land" became sovereign. With it, a fundamental concept took root, ultimately flowering in the United States. Essential to our make-up, an underlying theme to our whole system of justice, is the fact that "we are a nation of law, not men." Our government today cannot rule unconstrained. Rather, because of the rule of law, our inalienable rights are guarded by constitutional and statutory fences. John Locke wrote, "Wherever law ends, tyranny begins." Indeed, with great power comes great responsibility. Is this our gift or our curse? The results found in history of those choosing anything but law have proven to be at best societies with short life spans and worse societies characterized by barbarism. Choose wisely, are we to be a nation of law or of men?

Backbone of any civil society/equal treatment for all/no one is above the law

Justice is Blind

Our legal system is to be impartial. Judicial outcomes ideally should be based upon objective criteria. One of our most basic inalienable rights is "that all men are created equal." In real terms this means that no one; not the wealthy, not the most educated, not the most famous, no one is to receive any more or any less than anybody else when before the law. It is for this reason that Lady Liberty is often portrayed wearing a blind fold. Justice is blind is one of the most important pillars in our a civil society.

Societal ideal/objective Court/above politics

Selective Incorporation

The Bill of Rights, when ratified in 1791, DID NOT apply to the states. Thus varying degrees of civil liberties were quite common from state to state. This was federalism in action. But what if certain inalienable rights, rights which when defended forged our union, were at best unforced and worse disregarded in some states? Was our republic founded on false pretense? With the passing of the 14th Amendment, in 1868, a new era of civil liberty was born. Section 1 states: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens...nor deprive any person...without due process of law...nor deny...the equal protection of the laws." Soon thereafter, the Supreme Court began exploring the reach of such words. In the Slaughterhouse cases (1873) it was argued that certain privileges and immunities "belong of right to the citizens of all free governments." Yet it was not until 1925, in the case *Gitlow v. N.Y.*, when a Court majority for the first time applied such thinking to a specific provision found in the Bill of Rights. Here, the Court for the first time used the language of the 14th Amendment to "incorporate" the free speech clause of the 1st Amendment. Thus, the Supreme Court, not local state governments, became the overseer of basic civil liberties.

Bill of Rights/applied to the States/14th Amendment due process clause

Opinion of the Court

It is not enough for our Federal Courts to simply decide the merits of a case. Ruling for or against one side does little to help resolve like-minded cases in the future. This is why our courts are required to do more than merely decide cases. The Court is expected to write their rationale for all of their decisions. This provides a thorough and complete legal precedent for similar situations that might occur later. In addition to the Court opinion, justices write concurring and dissenting opinions. Concurring opinions agree with the majority but for different reasons. Dissenting opinions disagree with the court opinion. In this way, our court opinions are didactic.

Decision/rationale/majority and dissenting

Voting Blocs

Voting blocs in our United States Supreme Court have become as evident as the partisan divide in our Congress. Due to the number of written Court opinions, we have ample evidence of each justice's consistent pattern of beliefs and opinions. When deciding landmark cases we can predict almost without fail how the conservative bloc justices and the liberal bloc justices will decide. As today's blocs are evenly divided, one or two swing votes often can determine the great legal outcomes of our time.

Court/partisan/conservative and liberal judges

Borked

Robert Bork was a Reagan appointee to the United States Supreme Court in 1987 who was rejected by the Senate. Many argue this episode unleashed an unprecedented partisan battle over all subsequent presidential court appointees that has lasted to this day. It certainly gave further evidence that the Federal courts were no longer "above politics." For Robert Bork it meant that his name would forever be used as a verb.

Presidential nominee/rejected/partisan confirmation process

Amicus Curiae Briefs

Though our Federal courts and its judges are made up of the best and brightest legal minds they are not immune from outside influences. In fact, judges welcome candid advice from other elites. This advice is collected formally through amicus curiae briefs. Filed with the court, these legal briefs argue the relevant facts using expert testimony by those not connected to the case. Often federal judges do not have expertise in certain areas. Relying on outside opinions, some say, compromise the courts' apparent objectivity. Or is that just gossip between two elites?

Court/lobbied or influenced/by elites

Buckley v. Valeo (1976)

Holding free and fair elections is the sine qua non of any democracy. Today's elections, however, are anything but free. Billions of dollars are raised in any election cycle to attract voters to certain candidates and to encourage those voters to cast ballots. Many Americans assume money corrupts the process. The perception toward campaign finance is almost always negative. Congress has addressed this perception by limiting various means of collecting and spending money during campaigns. *Buckley v. Valeo* (1976) provides the clearest Court opinion with regards to money in politics. Though money is protected by the First Amendment, the Court has argued, Congress has a compelling reason to limit campaign money.

1st Amendment/protects campaign \$/allows for individual limits

Jurisdiction

A nation of laws inherently means there are limits placed upon the government. So too are there limits on the Courts. Jurisdiction is a reminder of these limits. Jurisdiction speaks to the extent to which a court can act. Having jurisdiction empowers a court to decide a case. Conversely, without jurisdiction courts are limited. There are certain cases that federal courts are restricted from viewing. This is true for state courts as well. Original jurisdiction is the right to hear a case first. Appellate jurisdiction involves hearing a case on appeal to redress a previous court mistake. The U.S. Supreme Court is our highest appellate court. Jurisdictional questions are a healthy reminder that governments, courts in this instance, cannot do anything that they want.

Why is it so important that we have a limited government, including the Courts?

Litmus Test

Of all the responsibilities held by the President of the United States few carry the legacy of judicial appointments. Federal judges have the distinction of serving for life. Once they are appointed federal judges often serve well beyond the president who chose them. This gives presidents the opportunity to influence policy decisions over a long period of time. This is why judicial appointments are so important and equally so partisan. Judicial appointments are ways presidents can pack the Court with jurists who share a particular bias and perspective. A litmus test is a set of issues a president would want a perspective judge to agree with before being nominated and confirmed by the Senate. Conservative presidents appoint conservative judges and liberal presidents appoint liberal judges. This way a president can be assured his/her program will not be impeded by the Courts. Litmus Tests are another reason it is now difficult to claim our Courts are "above the law."

Court nominee/alignment with presidential ideals/packing the court

Jurisprudence

What is the basis of Supreme Court decisions? Ralph Lerner has described the Supreme Court as a "republican schoolmaster" whose responsibility it is to "transfer to the minds of the citizens the modes of thought lying behind legal language and the notions of right fundamental to the regime," (Ralph Lerner, "The Supreme Court as Republican Schoolmaster," in 1967 Supreme Court Review . Chicago: University of Chicago Press, 1967, pp. 127-128.). Conservative justices tend to reserve their judgments to the original intent of the Framers, thus practicing judicial restraint. Liberals opt for a more activist jurisprudence. This approach recognizes the Constitution as a living document and whose spirit must be adapted to contemporary issues. These varying views regarding jurisprudence make for interesting gamesmanship on today's highest court.

Court decision making process/conservatives = restraint/liberals = activism

Meta-Big Picture

The Meta-Narrative Behind a Study in American Government and Politics

The story of American government and politics is a story of:

1. An ever-expanding and centralizing national government.

The story of American government is a story of federal aggrandizement.

2. The increasing democratization of the American polity.

Traditional republicanism and its inherent elitism have increasingly been transformed into a more pluralistic and populist democracy.

3. The hyper-politicization of our governing institutions

We once politicked to govern but now it appears all of our institutions govern to politic.