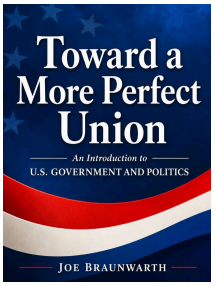
DEBATING DEMOCRACY: AN INTRODUCTION TO U.S. GOVERNMENT AND POLITICS



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Chapter 1: Ideals and Reality- The Context of US Government

The Context of US Government and Politics

> "*Why am I so interested in politics? If I were to answer you very simply I would say this: why shouldn't I be interested? That is to say, what blindness, what deafness, what density of ideology would have to weigh me down to prevent me from being interested in what is probably the most crucial subject of our existence, that is to say, the society in which we live, the economic relations in which it functions, and the system of power which defines the regular forms and regular permissions and prohibitions of our conduct? The essence of our life consists, after all, of the political functioning of the society in which we find ourselves.*" – Michel Foucault

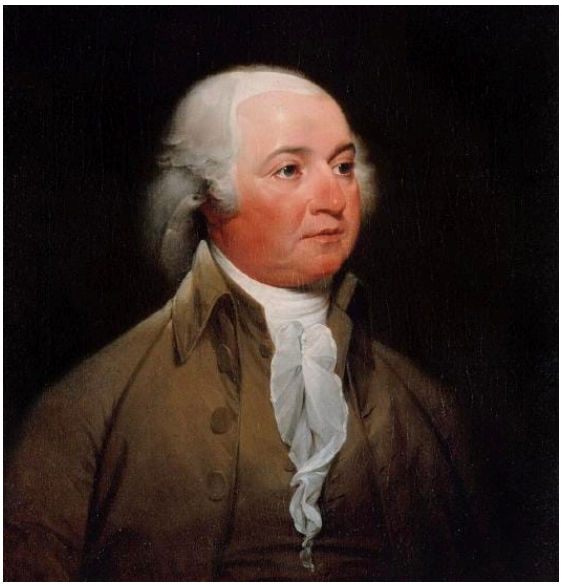


Figure 1.1: "Government is nothing more than the combined force of society, or the united power of the multitude, for the peace, order, safety, good and happiness of the people." - John Adams (Image Credit: White House, via Wikimedia Commons, Public Domain)

If **Foucault** is right, and the essence of our lives is tied to the political functioning of the societies we inhabit, then understanding government and politics is essential. In the United States, people hold a wide range of views about what government is and what it should do. At its core, government is the structure through which society organizes **collective action**, particularly to provide services and protections that individuals cannot easily secure on their own. **Government** is not separate from society; rather, it **enables society to function**. It shapes nearly every aspect of our lives, from the education we receive to the air we breathe, from our economic opportunities to our rights and liberties. Whether we acknowledge it or not, government plays a powerful role in determining the options available to us, and those that are off limits.

Many traditional textbooks portray government as a **neutral** or benevolent mechanism, an arena where public officials negotiate, compromise, and make decisions that promote the common good. This view suggests that institutions like checks and balances protect everyone equally and that laws are created and enforced fairly. However, political decisions always involve the exercise of **power**. Every law, policy, or compromise benefits some people while imposing costs on others. These costs may come in many forms: economic (through taxes or fines), personal (through loss of freedom or forced compliance), or even life-threatening (through war or capital punishment).

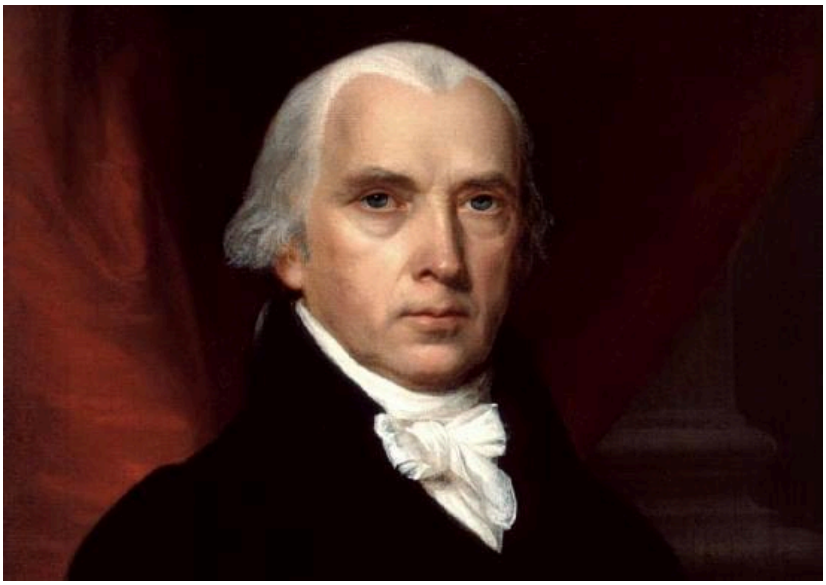


Figure 1.2: "The essence of Government is power; and power, lodged as it must be in human hands, will ever to liable to abuse." - James Madison (Image Credit: White House, via Wikimedia Commons, Public Domain)

Government also plays a central role in enforcing social **norms**—shared expectations about behavior—that often reflect the values and priorities of dominant groups in society. These norms are not neutral; they can privilege some groups while marginalizing others. For example, consider how laws have historically regulated the use of mind-altering substances. Alcohol consumption, such as drinking a martini, is both legal and culturally accepted, while for much of the 20th and early 21st centuries, marijuana use was criminalized. The enforcement of these laws has not been uniform. Certain communities have faced significantly higher rates of policing, prosecution, and incarceration for drug-related offenses, even when overall usage rates are similar across demographic groups. This **selective enforcement** illustrates how the legal system can reinforce existing **social hierarchies** and inequalities. Far from being purely protective or impartial, government decisions often reflect deeper patterns of social order and systemic disparity.

The term "**politics**" comes from the Greek word *polis*, referring to the city-state—an early form of government in which decisions were made collectively (though often only by a privileged few). Political scientist **Harold Lasswell** famously defined politics as "who gets what, when, and how." Politics is not just what happens in Washington, D.C., or in election campaigns, it is the ongoing process by which **power** is distributed and exercised in society. Understanding politics means understanding the rules, actors, and institutions that shape our lives. This is politics[S1] .

The chapters that follow will introduce you to **key political concepts** and debates that are directly **relevant to your life**, perhaps more than any other subject you're studying this semester. What other textbook can claim that the material it covers may shape your rights, responsibilities, opportunities, and even your safety?

This book explores foundational questions about government and politics in the United States, questions that are both timeless and timely. Among others, this textbook will examine the following questions that correspond to the subsequent chapters of this textbook:

- *Why do we even **need government** at all? Why don't we just use private enterprise to provide all of the goods and services provided by government?*
- *How does our **Constitution** create a government that is strong enough to govern a large and powerful country but not so strong as to become tyrannical?*
- *What are the differences between **civil liberties** and **civil rights**?*
- *If you've "got nothing to hide," why should you still care about the **rights** of those accused of crimes?*
- *Do you believe women have, or even should have, complete **equality** in society and in the workplace? How about African Americans? The LGBTQ+ community? The poor?*
- *Why is the federal government so involved in issues that used to be exclusively handled by the states? Is this expanded scope of **national power** necessary or even constitutional?*
- *Can a **survey** of 1,000 people really tell us anything accurate about the views of over 340 million Americans? And if many people are politically uninformed, apathetic, or influenced by conspiracy theories, why should we care about their **opinions** anyway?*

- *Why do small, well-funded **interest groups** often succeed in shaping policy—even when their goals run counter to the public interest?*
- *Why is American politics dominated by two major **parties** when so many Americans would like an alternative? Do third parties have any real impact?*
- *If the norm of **political equality** means "one person, one vote, "why does **money** play such a powerful role in determining who gets heard and who gets elected?*
- *How is the **media** changing, and what do those changes mean for political awareness, growing polarization, and a democracy where competing narratives and "alternative facts" challenge shared reality and accountability?*
- *If public approval of **Congress** is so low, why do incumbents almost always get reelected? Should Congress have term limits?*
- *How much power should the **president** have? Does the president have the power to dismantle entrenched opposition in government or does this erode institutional checks and balances and violate democratic norms?*
- *Is it true, as Alexis de Tocqueville observed, that nearly every political question in the U.S. eventually becomes a **judicial** one? If so, why?*
- *Should the United States support authoritarian leaders **abroad** if it serves short-term strategic interests? At what cost to long-term democratic values?*
- *If families are told to live within their means, why does the federal government keep **borrowing trillions** with no end in sight?*

These questions, and many others, lie at the heart of U.S. government and politics. This book will help you explore them critically, consider a range of perspectives, and develop informed positions of your own.

Political Culture

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. – That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed…”

- Excerpt from the Declaration of Independence

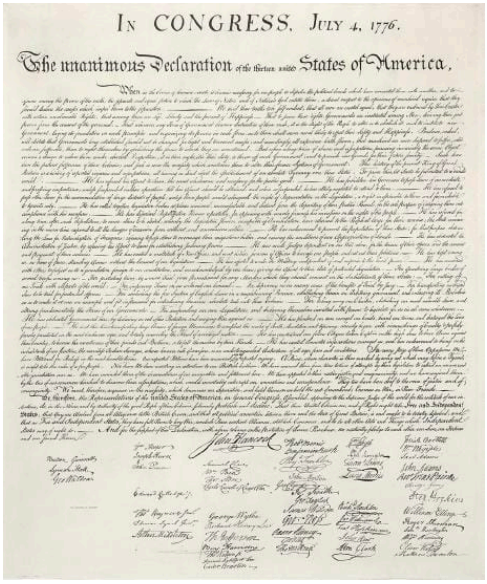


Figure 1.3: The Declaration of Independence. (Image Credit: Second Continental Congress, via Wikimedia Commons, Public Domain)

Are all people truly treated as **equals** in the American political system? Why did Thomas Jefferson, in writing the **Declaration of Independence**, emphasize the **rights** secured by government but say little about the **responsibilities** individuals owe to it? And who exactly are “the American people”? Can we even speak of them as a unified group, given the extraordinary diversity of the United States in terms of race, religion, political beliefs, economic status, and more?

Despite this diversity, Americans do share, at least broadly, a set of common political beliefs and values, a concept known as *political culture*. **Political culture** refers to the widely shared attitudes, values, and beliefs about how government should function. To understand U.S. government and politics, it is essential first to understand this political culture, its shared vocabulary, founding

myths, and symbolic ideals. This does not mean Americans all agree on political issues, they clearly do not. But they tend to express their disagreements using a common set of terms and ideals: **liberty**, **democracy**, **equality**, **justice**, "**the American dream**," and "**our way of life**," to name a few.

Even social and **political movements** that challenge the status quo—such as the Civil Rights Movement, the Feminist Movement, or the LGBTQ+ Movement—often do so using the common language of American political culture. They appeal to the founding ideals of **equality**, **freedom**, and **justice**, seeking not to reject the American political tradition, but to fulfill it more completely.

While Americans may still share a common political culture, reflected in shared values, language, and ideals, there are growing signs that this consensus is fraying. **Trust** in the core institutions of American democracy has **declined** sharply in recent decades. In 2023, only about **16%** of Americans reported that they trusted the federal government to do what is right "just about always" or "most of the time," according to Pew Research Center. To put that in perspective, in 1964, during a period of relative political unity, roughly **77%** of Americans expressed trust in their government.

This erosion of trust is not only deep but also increasingly **partisan**. Public confidence in government now tends to rise and fall based on which political party holds the presidency. When a Democrat is in the White House, Democrats express greater trust in government, while Republican trust declines, and the reverse is true when a Republican is president. This pattern suggests that many Americans now view government **legitimacy** less as a shared civic principle and more as a function of partisan alignment.

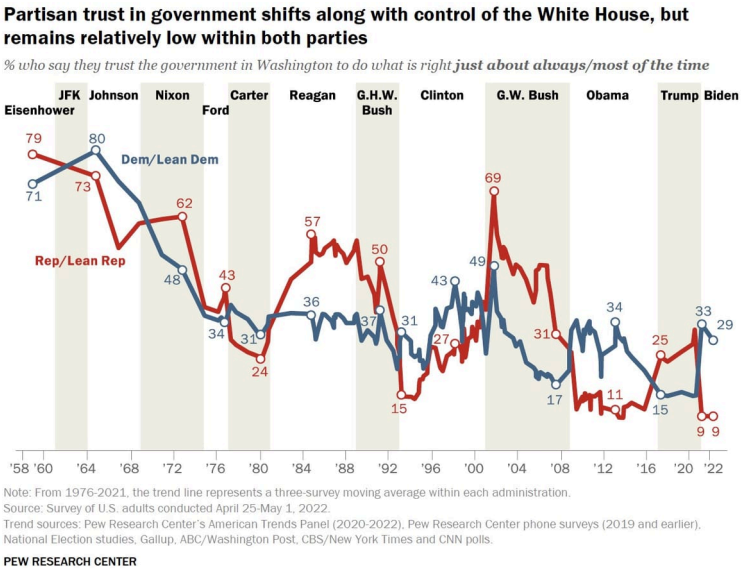


Figure 1.4: A graph showing how faith in government increases for members of a political party when their party holds the White House. (Image Credit: PEW Research Center)

Political scientists warn that this growing distrust, if left unchecked, could weaken democratic norms, fuel **polarization**, and even lead to **constitutional crises** or political **violence**. Some commentators have raised concerns about a potential "**cold civil war**," marked not by open conflict but by deep and potentially destabilizing divisions in society.

Perhaps the most urgent political question facing the United States today is this: **What happens to a democracy when its people no longer trust its institutions?** There is no single answer. But the chapters that follow will help you explore this issue from multiple angles, offering the tools to better **understand**, and **participate** in, the political system of which you are a part.



Figure 1.1: Unlike many nations united by shared ancestry or religion, **the United States is bound together primarily by shared political ideals**. Values such as liberty, equality, and democracy form the foundation of American political culture and shape the institutions and debates that define the nation's system of government. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

The United States is distinctive among nations in that its people are not bound together by shared ancestry, ethnicity, or religion, but by a set of **shared political values**. This political culture, grounded in ideals such as **liberty**, **equality**, and **democracy**, forms the foundation of American national identity. Because of this, understanding both the myths and realities of U.S. political culture is essential to understanding how American government and politics function. These foundational principles will be explored in this chapter to provide some context for the material covered throughout the rest of this textbook.

This chapter begins with an overview of the **cultural foundations** of American government and politics, examining how core values like **individualism**, **liberty**, and **equality** foster support for **self-government** and **free markets**. It will then explore different theories about how **power** is exercised in the United States, consider the basic question of why governments are **necessary** in the first place, and assess the growing influence of **corporate capitalism** on American political life. Finally, the chapter will address the decline of **civil society** and what that might mean for **democratic participation** and governance in the 21st century.

Classical Liberalism

The History of Classical Liberalism

The political attitudes, values, and beliefs of the people of the United States are deeply rooted in the political philosophy of **Classical Liberalism**, a worldview that gained prominence in Western Europe, particularly in England, around the time of the American founding. Not to be confused with the term "liberal" as used in contemporary U.S. political discourse (a distinction discussed in the chapter on public opinion), Classical Liberalism, sometimes referred to as capital-L Liberalism, shapes the foundational political culture of the United States. Even modern conservatives and Republicans are considered Liberals in this classical sense because they embrace ideas such as individual liberty, limited government, and free markets.

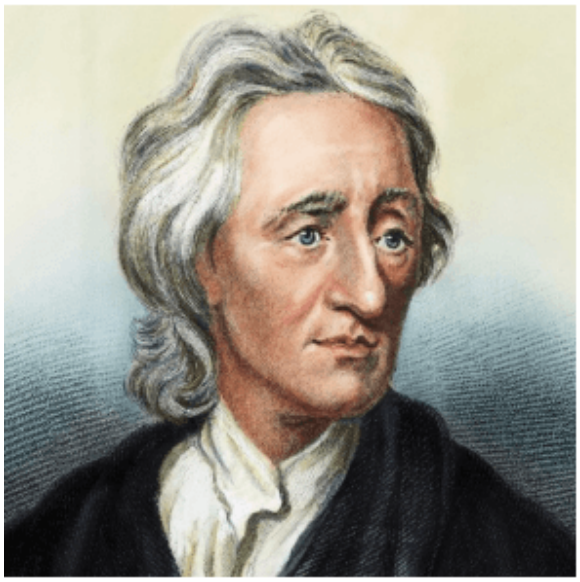


Figure 1.5: John Locke was an early Classical Liberal thinker. (Image Credit: Public Domain, via Wikimedia Commons CC BY-SA 4.0)

Classical Liberalism was championed by influential political thinkers such as **Thomas Hobbes**, **John Locke**, and others who challenged the rigid social and religious hierarchies of their time. These thinkers began reimagining the relationship between the individual and society, questioning long-standing assumptions that individuals must be subordinate to state or church authority and laying the intellectual foundation for many of the principles enshrined in the U.S. Constitution and American political culture.

For centuries, the prevailing belief was that a stable society required individuals to be **subordinated to collective authority**, be it monarchy, religion, or tradition. However, disruptive historical forces began to shift that thinking. The **Black Death** of the 14th century, which wiped out roughly one-third of Europe's population across all classes, created economic and social upheaval that opened up new opportunities for survivors. Then, in 1517, **Martin Luther** challenged the Catholic Church's monopoly on religious knowledge with his *95 Theses*. Luther argued that individuals could engage directly with scripture without needing a priestly intermediary. His ideas helped spark the Protestant Reformation and emphasized individual conscience, further elevating the role of the individual in both spiritual and social life.



Figure 1.6: Martin Luther argued that individuals could engage directly with scripture without needing a priestly intermediary. His ideas helped spark the Protestant Reformation and emphasized individual conscience, further elevating the role of the individual in both spiritual and social life. (Image Credit: Lucas Cranach, via Wikimedia Commons, Public Domain)

Classical Liberals built on this shift by asserting that individuals were **rational**, **reasonable**, and **self-interested** and thus deserving of liberties and rights. They rejected the notion that people's destinies were predetermined by birth, class, or religious

authority. Instead, they believed all individuals were **fundamentally equal** in their capacity for reason and moral agency. Because individuals could understand the world around them, they could be trusted to make their own choices. And because they were reasonable, they could govern themselves and interact peacefully in society. This view of human nature led directly to support for **individual rights**, **limited government**, **private property**, and **free markets.**

To you, reading this today, this way of thinking might feel obvious, of course people are rational, reasonable, and self-interested. But at the time, this focus on the individual was representative of, literally, a **new way of thinking** about the **individual and society**; a way of thinking that has still not yet taken root throughout the world.

Building on these foundations, **John Locke** offered one of the most influential formulations of **Classical Liberal thought**. He argued that **legitimate political power arises from the consent of the governed**, as individuals voluntarily surrender some personal **freedom** through a **social contract** establishing a government in order to secure protection of their **rights**. The creation of **government**, Locke believed, is legitimate only if it reflects the consent of the governed and exists to protect their **natural rights**, in particular **life, liberty, and property**. If a government violates this contract or fails to serve the common good, it loses its legitimacy, and the people have both the **right and the duty** to reform or replace it.

While Locke's principles provide the **philosophical foundation** for democracy, the effectiveness of a democratic system depends on how citizens **engage with government and politics in practice**. Despite the widely shared belief that individuals are rational and capable of self-government, research consistently shows that many Americans possess **limited or superficial knowledge** of U.S. government and politics. Consider the following questions:

1. What is the name of your Congressional representative?
2. Who are your two U.S. Senators?
3. Who is the current Secretary of State?
4. Who is the Secretary of the Interior?
5. Who is the Chief Justice of the U.S. Supreme Court?

If you're unsure of the answers, you're not alone. Surveys indicate that a significant portion of Americans struggle with these questions. For instance, a Pew Research Center survey found that only **35% of Americans** could name their Congressional representative. Similarly, a FindLaw.com survey revealed that nearly **two-thirds** of Americans couldn't name a single member of the U.S. Supreme Court.

This lack of basic **political knowledge** raises concerns about **civic engagement** and the **effectiveness of democratic participation**. If citizens are unaware of who represents them or how their government functions, it raises serious questions about how effectively they can participate in, or hold accountable, the system that governs their lives. Understanding the **structure of government** and its **key figures** is essential for meaningful participation in a democratic society.

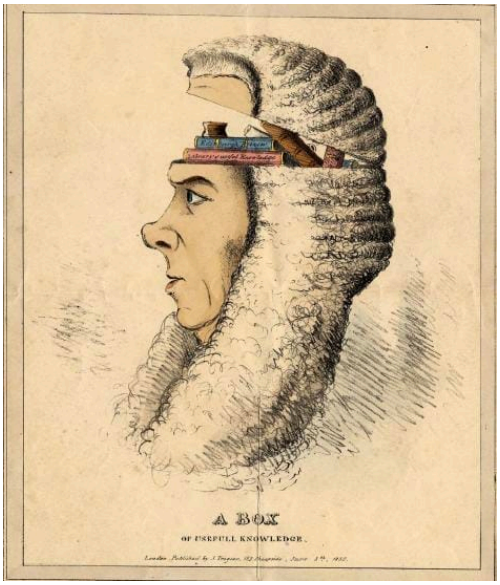


Figure 1.7: Are we as knowledgeable about politics as this portrait suggests? (Image Credit: The Trustees of the British Museum, via Wikimedia Commons, CC BY-NC-SA 4.0)

Beyond gaps in knowledge, broader **cultural values** also shape how Americans engage with politics. The American emphasis on **self-interest** often finds expression in a strong cultural focus on **material acquisition**; if the United States has a national religion, some might argue it is consumerism. **Consumerism** refers to the tendency to purchase goods not solely for practical use, but because they serve to enhance **social status** or fulfill a sense of **personal identity**. **Mass media** play a powerful role in promoting the idea that emotional or social fulfillment can be achieved through consumption. Yet, this preoccupation with possessions rarely prompts reflection on the deeper implications of such values, after all, as the saying goes, "he who dies with the most toys... is still dead."

This **consumerist mindset** also extends to political behavior. Just as products are marketed to fulfill desires, political candidates and policies are often packaged and sold like **commodities**, emphasizing **image over substance**, **emotion over evidence**. Voters may approach elections as consumers, seeking leaders who align with their personal identity or offer **simple solutions** to **complex problems**. Campaigns increasingly rely on targeted advertising, data analytics, and emotional appeals rather than substantive policy debate. In this environment, politics can feel more like a **marketplace of slogans** than a forum for **democratic deliberation**, raising important questions about the health of **civic life** and the capacity of **democratic institutions** to address real challenges.



Figure 1.8: Public reactions to political scandals often reflect **partisan loyalty** as much as **personal morality**, illustrating how Americans may judge similar behavior differently depending on political affiliation. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Cultural expectations around **morality** have also influenced American political life. While Americans have long valued the belief that reason should guide behavior, this ideal has often taken the form of **high moral standards for elected officials**, sometimes beyond what most private citizens could meet themselves. Yet, these standards appear to be shifting. The political rise and continued relevance of figures with well-publicized personal controversies suggest that for many Americans, **partisan loyalty** now out weights **personal morality**. Public judgment remains uneven; some leaders are harshly condemned for personal indiscretions, while others are excused, largely depending on **partisan allegiance**.

Fear and **misperception** also shape political engagement. Americans are often fearful of issues that are statistically rare or misunderstood. Media coverage and public discourse amplify concerns about **terrorism**, **civil unrest**, **immigrants**, or **transgender individuals**, even though these groups pose no widespread threat. Meanwhile, pressing and complex issues such as **climate change**, **wealth inequality**, and **access to healthcare** often receive far less attention. This culture of fear, combined with a strong belief in **individualism** and **self-reliance**, frequently leads to skepticism—or even hostility—toward government programs designed to help marginalized or vulnerable populations, as well as toward efforts to address complex societal problems. It also influences attitudes toward **justice**, which often emphasize **retribution** over **rehabilitation**, reflecting a broader pattern of skeptical or punitive public judgement.

This environment of fear and skepticism contributes to widespread **cynicism** about government. Sensationalist media, **partisan rhetoric**, and decades of political scandals have fostered the perception that public officials serve **special interests** rather than the **common good**. This sentiment, captured in **Ronald Reagan**'s famous claim that "government is not the solution; government is the problem", has become a cultural touchstone. Yet, this textbook aims to challenge that view. As you read, reflect, and learn, you are engaging in the essential civic work of replacing **resignation** with **informed political engagement.** Knowledge is the

first step toward meaningful participation, and you've already taken it.



Figure 1.9: Supporters of President Donald Trump gather near the U.S. Capitol on January 6, 2021, before the attack on Congress. The event underscored how intense partisan divisions, mistrust of institutions, and inflammatory political rhetoric can escalate into violence, posing a serious challenge to democratic stability. (Image Credit: Tyler Merbler CC BY 2.0)

In addition to **fear** and **cynicism**, American political culture is also marked by a troubling **propensity for violence**. The United States was founded in **revolution** and has long celebrated myths of the **frontier** and **self-reliance** that often equate strength with the capacity for force. This cultural backdrop helps explain the country's exceptional levels of **gun ownership** and tolerance for political rhetoric steeped in **conflict**. Recent events—including the **January 6th attack on the U.S. Capitol** and the **assassination attempt** on presidential candidate Donald Trump—highlight how **partisan hostility** and **mistrust in institutions** can escalate into violent action. While most Americans reject political violence, its persistence demonstrates that **violence** remains an enduring, if troubling, element of American political culture and a serious challenge to **democratic stability**.

Open to Debate:
Equality of Opportunity

> *Cultural **beliefs** are just that, beliefs. While they may be widely shared and upheld as **ideals**, this does not mean that everyone agrees on their underlying assumptions or definitions. The way these beliefs are implemented in practice is open to debate. In many cases, these beliefs function as myths, stories or narratives that serve to justify and obscure existing **power relations** and **class structures**. Anthropologist **Bronislaw Malinowski**'s work among the Trobriand Islanders illustrates how myths can legitimize material inequality, power relations, and social control; myths are both products of and justification for existing power relations. In any society, myths help elevate that society's values as universal truths, providing the "**background assumptions**" that shape cultural and political understanding. Politically, practices that align with these background assumptions, those that lie just beneath the surface of public attention, are more likely to be accepted by the broader culture.*

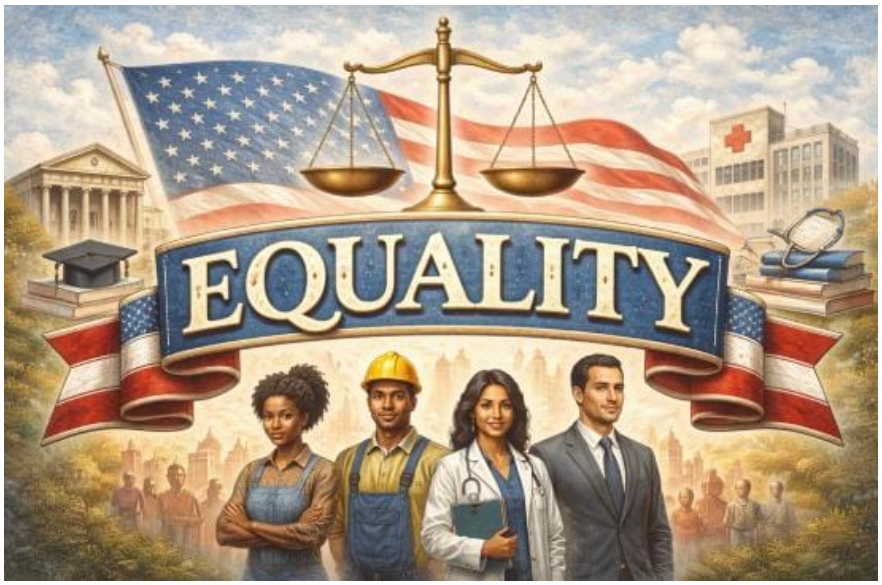


Figure 1.1:

Equality is one of the central ideals of American political culture, yet its meaning remains contested. While the United States emphasizes **equality of opportunity**, debates continue over whether social and economic conditions truly provide all individuals with a fair chance to succeed.

(Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

*An interesting example of how political belief intersects with political myth is the American idea of **equality**. In the United States, the notion of **equality of condition**, the idea that everyone should have roughly the same material circumstances, is generally rejected. Instead, the prevailing belief is in **equality of opportunity**, the idea that individuals differ in talent and motivation and will be rewarded based on merit. However, even the concept of equality of opportunity is open to debate. Some believe that true opportunity requires **active government support**, such as quality **education**, **healthcare**, or protection from the disadvantages of **poverty**. Others maintain that individuals should succeed or fail based solely on their own **efforts**, without relying on public assistance. In reality, Americans do not start from a **level playing field** when competing for political or economic rewards.*

*A useful analogy is that of a **card game**. Success in cards often depends on the hand you're dealt. While some skilled players can win with a poor hand, it is much easier to win with a strong one. In life, people are not dealt hands randomly. Circumstances such as family **wealth**, physical **attractiveness**, innate **talent**, and access to quality **education** vary widely. Some people also face systemic obstacles, including **racism**, **sexism**, or **disability** or **illness**.*

*While factors like attractiveness or talent are largely beyond one's control, a society committed to true equality of opportunity would need to offer what political scientists call **positive freedoms**, the tangible **resources and conditions** that allow individuals to compete equally. These include access to high-quality education, healthcare, and freedom from discrimination. Without these supports, the playing field is uneven, and one's ability to succeed is compromised. Although the United States widely embraces the myth of social mobility, the idea that anyone can rise "**from rags to riches**", the reality is more sobering. While individuals may see their income increase over their careers, those born into **poverty** in the U.S. are statistically very likely to remain in poverty. On the other hand, there are no formal legal barriers to success, and many public institutions, such as public schools, libraries, and healthcare programs, exist to provide some degree of equal opportunity.*

*So, is the idea of **equal opportunity** in the United States something of a myth, one that benefits some while disadvantaging others? Evidence suggests that those who benefit most from the current **social hierarchy** have a vested interest in maintaining it. Support for the principle of equality varies across socioeconomic lines: wealthier individuals tend to be more resistant to expanding political equality, while lower-income individuals are generally more supportive of it. New programs aimed at increasing opportunity, like **universal healthcare**, are often hotly contested. At the same time, institutions intended to promote equal opportunity, such as **public education**, differ dramatically in quality between affluent and poor areas. Some proposed reforms, like **school voucher programs**, may further exacerbate inequality by diverting resources away from underfunded public schools. Additionally, rising tuition*

and fees at public colleges and universities create further barriers to opportunity for many students.

*Do we truly have **equality of opportunity** in the United States? The answer, like many in American political life, remains **open to debate**.*

Democracy

If we begin with the assumption that individuals are **rational** and capable of making informed decisions, it follows that people should have an equal and free opportunity to govern themselves in accordance with their own interests. Within the political culture of the United States, founded on **Enlightenment** ideals of individual liberty and autonomy, democracy, or self-government, emerges as the most appropriate and legitimized mode of governance.



Figure 1.1: The Greek philosopher **Plato**, author of *The Republic*, explored fundamental questions about **justice**, **power**, and the nature of **political authority**, debates that continue to shape modern discussions of **democracy** and **legitimacy**.(Image Credit: Raphael, "The School of Athens", Vatican, Public Domain)

Historically, political power was often justified by brute strength, what philosophers call the principle of "**might makes right**." As the character Thrasymachus cynically asserts in Plato's *Republic*, "justice is nothing more than the advantage of the stronger." For centuries, monarchs claimed legitimacy through the "**divine right of kings**," asserting their authority as God-given and beyond challenge. In contrast, modern democratic systems are founded on the principle of legitimacy through the "**consent of the governed**." This concept lies at the heart of democratic governance.



Figure 1.1: President Abraham Lincoln delivers the Gettysburg Address in 1863, invoking the democratic ideal that the United States should remain a "**government of the people, by the people, for the people**." (Image Credit: National Journal, via Wikimedia Commons, Public Domain)

The word "**democracy**" originates from ancient Greece, specifically the fifth-century B.C. city-state of Athens. It derives from the Greek words *demos* (the people) and *kratein* (to rule), literally meaning "rule by the people." This idea was famously echoed by President **Abraham Lincoln** in the **Gettysburg Address**: democracy is "government of the people, by the people, for the people."

In a political culture like that of the United States, grounded in **individualism** rather than consensus, it is unrealistic to expect unanimous agreement in public decision-making. Individualism implies diversity in thought, priorities, and interests. If consensus were required for all political decisions, change would become nearly impossible, and policy would default to the status quo. For this reason, American democracy relies on **majority rule** to determine electoral and legislative outcomes. This process aligns with the principles of **classical liberalism**: each individual expresses their preferences (usually through voting), and the aggregate decision reflects the majority's will.

Given the size and complexity of the United States, **representative democracy** is necessary. Rather than voting directly on every issue, citizens elect representatives to govern on their behalf. However, some jurisdictions do make use of **direct democracy** mechanisms, such as ballot initiatives and referenda, where citizens vote directly on laws or policy proposals.

While democratic governance may appear ideal in theory, it also raises serious challenges. **Plato**, in *The Republic*, criticized democracy as a **flawed** system prone to **populism** and **mediocrity**. He argued that the masses would elect leaders in their own image, average in intelligence, virtue, and judgment, and that these leaders would pander to short-term desires rather than serve the long-term good of the community. Furthermore, he feared that the general public, driven by self-interest and emotion, would be easily manipulated by **demagogues**, leaders who exploit fears and prejudices for political gain.

Plato's solution was to limit political participation to a class of trained, wise rulers, an idea that clashes with contemporary democratic ideals of inclusion and equality. Still, his critique highlights a persistent tension in democratic systems: the possibility that the majority may use its power to infringe upon the rights of minorities. This phenomenon is often referred to as **the irony of democracy**, that democratic processes can be used to enact undemocratic outcomes. Consider a hypothetical example: suppose a majority of citizens or their elected representatives decided to restrict certain political rights for individuals with tattoos, based on the unfounded belief that tattooed individuals are morally suspect. Even if this decision were made through democratic procedures, it would conflict with core democratic values such as political equality and protection of individual rights. In a healthy democracy, **constitutional protections**, **judicial oversight**, and **public education** are essential safeguards against such abuses of majority rule.



Figure 1.1: In a healthy democracy, constitutional protections, judicial oversight, and public education are essential safeguards against such **abuses of majority rule**. Such abuses are known as the **irony of democracy**. (Image Credit: Miguel Discart, via Wikimedia Commons, CC BY-SA 2.0)

In sum, while democracy remains a powerful ideal—rooted in individual freedom and collective self-governance—it is not without limitations or contradictions. Understanding these complexities is essential to being an informed and responsible participant in the democratic process.

Open to Debate:
The Limits of Majority Rule

*While it may be far-fetched to imagine a modern democracy **revoking political rights** from individuals based solely on superficial traits like having tattoos, the United States has a long history—and, in some cases, a continuing pattern—of restricting the rights and liberties of certain groups based on **ethnicity**, **religion**, **gender**, or **sexual orientation**. In **California**, for example, one of 26 states that allow for citizen-initiated statutory changes, a clear pattern has emerged in ballot initiative outcomes. While only about one-third of all citizen initiatives are approved by voters overall, nearly three-fourths of those that aim to **limit the rights** of racial, ethnic, or LGBTQ+ minorities pass. Many of these measures are later overturned in court because they violate **constitutional protections**, underscoring the fact that **popular approval** does not necessarily equate to ethical **soundness** or constitutional **legitimacy**.*

*As **Winston Churchill** once quipped, "The best argument against democracy is a five-minute conversation with the average voter." This critique highlights enduring tensions within democratic governance:*

*· Can a large, diverse society be effectively governed if individuals primarily act in their own **self-interest**?*

*· Are citizens too **uninformed** or too easily **manipulated** by charismatic **demagogue**s to make responsible political decisions?*

The answers to these questions remain open to debate.

Who Governs

It's common to hear that the United States is a **democracy** where **power rests with the people**—but is that truly how the system operates? While there are **constitutional limits** on government power and elected officials must compete for **votes**, it's worth asking: does meaningful political power genuinely reside with the **general public**? Or is it more accurately held by powerful **interest groups** and economic **elites** who wield disproportionate influence over policy and governance? In reality, elements of all three dynamics are present in the American political system. On paper, the U.S. is a representative democracy, but the way power is exercised in practice is far more complex.

The **majoritarian model** of democracy holds that political **power rests with the people**, who not only elect leaders but also directly shape public policy through their collective will. In this model, government is responsive to the majority's preferences as expressed through voting and public opinion.

In contrast, the **pluralist model** suggests that power is distributed among a variety of **organized groups**, such as labor unions, business associations, advocacy groups, and professional organizations, that compete for influence over policy. According to this view, no single group dominates, and governance results from compromise among diverse interests.

Finally, the **elitist model** argues that a relatively small number of individuals—primarily from wealthy, corporate, or politically connected backgrounds—hold a disproportionate share of power. These **elites** often shape policy behind the scenes, regardless of public opinion or the outcomes of elections.

Understanding how these competing models function, and where they overlap, is key to analyzing who actually governs in the United States and how decisions are made.

The Majoritarian Model of Democracy

The core idea behind **majoritarianism**, also known as **popular democracy**, is that true political **power resides with the people**. In this model, change occurs from the "bottom up," as ordinary citizens, acting through their elected representatives, drive political decisions and reform. Democracy, in this view, is more than just a method for tallying votes, it embodies a set of fundamental values and principles.

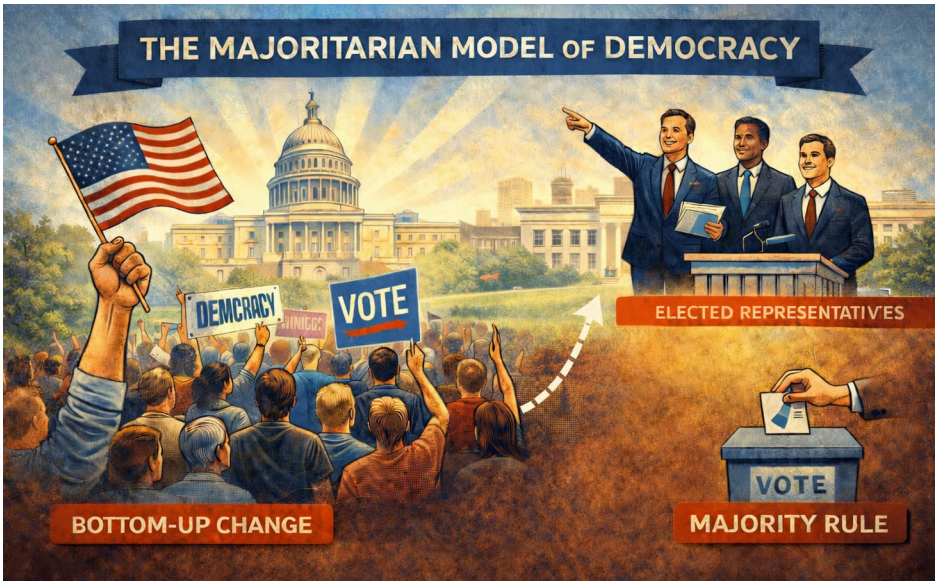


Figure 1.1: In the majoritarian model of democracy, political power flows from the people upward. Citizens express their preferences through voting and collective participation, and elected representatives are expected to translate the will of the majority into public policy. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

At the heart of majoritarian democracy is the belief in **popular control**: the idea that government should reflect the will of the people over time, not the other way around. For popular control to be meaningful, several conditions must be met:

- **Widespread and effective participation**: Citizens must have the opportunity to be involved in the political process, not just on Election Day, but in shaping policy and debate.
- **Access to high-quality information and deliberation**: A well-functioning democracy requires that people have exposure to accurate, comprehensive, and meaningful political information so they can make informed decisions.
- **Political equality**: This principle extends beyond the basic "one person, one vote" rule. It includes equal access to the political process in all its forms—voting, organizing, petitioning, running for office, and beyond.

Additionally, majoritarian democracy depends on **legal limitations on government power**. These safeguards include fixed terms of office, free and fair elections with genuine choices among candidates, and the protection of essential political rights such as freedom of speech, freedom of the press, the right to assemble, and the ability to form political parties. Crucially, the rights of minorities must also be protected from the potential tyranny of the majority.

In this model, the legitimacy of government comes from the people, and the effectiveness of democracy depends on their informed and active participation.

The Pluralist Model of Democracy

How can democracy function if many citizens are uninformed, disengaged, or indecisive? Individuals often lack the time, resources, or influence to pursue political change on their own. However, pluralism offers a solution: people can band together in **interest groups** to amplify their voices and advocate for their shared goals.

In the **pluralist model**, public policy is shaped through competition and negotiation among diverse **interest groups**, including citizen organizations, trade associations, labor unions, and corporations. The government acts as a neutral moderator, managing the conflicts that emerge from these competing demands. In a large, diverse society like the United States, pluralism may be the most practical way to ensure that all voices are heard and that government remains responsive to a variety of interests.



Figure 1.1: Under the **pluralist model** people can band together in **interest groups** to amplify their voices and advocate for their shared goals.. (Image Credit: DonkeyHotey, via Wikimedia Commons, CC BY 2.0)

The roots of pluralism in American political thought can be traced to **James Madison's Federalist No. 10**, where he argued that a large republic with many competing interests, or "factions", would prevent any single group from dominating the political process. This idea was shaped by early American experiences with **religious pluralism**, as many colonists had fled religious persecution in Europe. The cultural embrace of religious diversity helped lay the groundwork for political pluralism and may have contributed to the U.S. avoiding the kind of authoritarian rule that plagued many European nations.

Democratic theorists like **Robert Dahl** have praised pluralism as a safeguard for democracy, especially in a society where many citizens may be politically passive. By enabling people to influence policy through collective action, pluralism can help balance the power of elites and ensure broader representation.

However, pluralism is not without its critics. A major concern is that **not all groups have equal power**. Corporate and industry groups often have far more financial and organizational resources than grassroots citizen organizations. Some groups, such as the poor, the homeless, or future generations, may struggle to organize at all. Ironically, these are often the groups most in need of political representation and protection. Critics argue that when wealth and influence determine which voices are heard, pluralism risks reinforcing inequality rather than correcting it.

The Elitist Model of Democracy

While democratic theory often emphasizes popular control or group-based representation, some political analysts argue that real power in the United States is concentrated in the hands of a relatively small and privileged group. According to the **elitist model**, political power is not broadly distributed among the public or interest groups but is instead held by a small number of wealthy and influential individuals—those who dominate business, finance, media, and high-level government positions.

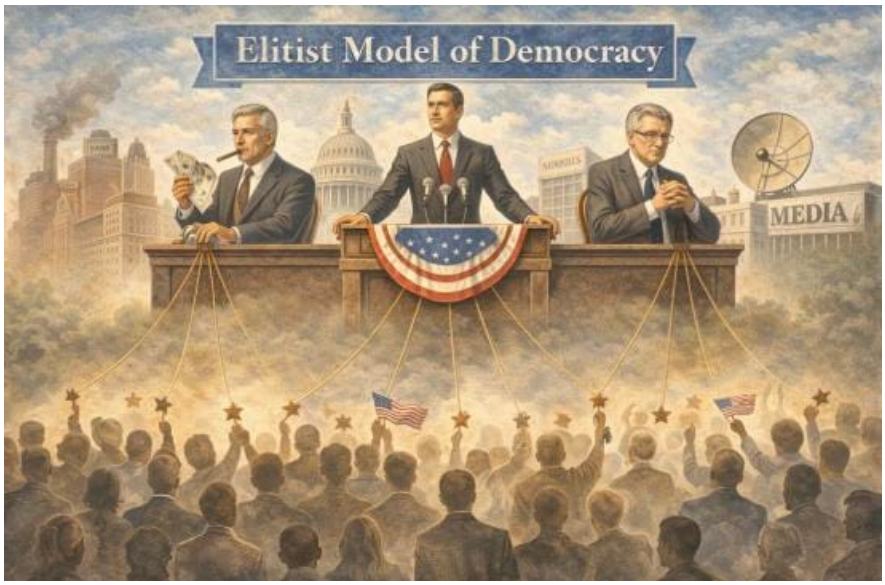


Figure 1.1: According to the **elitist model**, political power is not broadly distributed among the public or interest groups but is instead held by a small number of wealthy and influential individuals. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Elitist theorists argue that the same people or networks occupy key leadership positions across various sectors of society. These individuals are often **well-connected**, **highly educated**, and **economically advantaged**. Through campaign donations, access to decision-makers, control of major institutions, and influence over public discourse, elites are able to shape public policy to reflect their interests, often regardless of popular opinion or electoral outcomes.

Some critics go further, arguing that the United States increasingly resembles an **oligarchy**, a system in which political and economic power is concentrated in the hands of a small, wealthy elite. From this perspective, elites do not merely exert disproportionate **influence** but effectively dominate the policymaking process in ways that **preserve** their **wealth** and **status**. The term underscores concerns that democratic **accountability** may be too weak to constrain entrenched interests, raising the question of whether the United States functions less as a democracy and more as a government responsive primarily to the few rather than the many.

Unlike pluralists, who see competition among groups as a check on concentrated power, elitists believe that this competition is largely an illusion. Even when different groups appear to be in conflict, the outcomes often **benefit elite interests** or fall within a narrow range of acceptable policy choices defined by those in power.

Critics of the elitist model argue that it underestimates the influence of grassroots movements, public opinion, and democratic institutions. However, supporters point to enduring **inequalities** in wealth, access, and influence as evidence that elites continue to wield disproportionate control over government decisions. They note, for example, how **corporate lobbying**, high-dollar **campaign financing**, and **media consolidation** can drown out the voices of ordinary citizens and perpetuate policies that benefit the few at the expense of the many.

In sum, the elitist model challenges us to question the extent to which democracy is truly realized in practice and encourages closer examination of who exercises power in the American political system, and why.

Open to Debate:
To What Extent Is the U.S. a Democracy—or an Oligarchy?

> *In an **elite democracy**, **elections** provide a means for the public to select from among elite candidates, those with access to **wealth**, **education**, **influence**, and **institutional power**. In this model, democracy becomes a mechanism for **legitimizing elite rule** rather than challenging it. Does this describe the United States? Consider the following questions:*
>
> *· Are there **key positions in influential industries**—such as media, finance, defense, and consumer goods—that carry far more political and economic power than the average citizen?*
>
> *· Do these elites share a general outlook on how society and the economy should be structured? While there may*

*be partisan and policy differences, many analysts argue that elites are united by their **shared class interests** and a commitment to **maintaining the status quo**. For example, 1% of Americans control roughly one-third of the nation's wealth and hold 85% of all voting stock shares, giving them **disproportionate influence** over corporate and economic decisions.*

*· Can this concentrated **economic power** translate into **political power**? Many of the chapters ahead will explore the mechanisms by which this occurs, including campaign finance, lobbying, and media ownership.*

*· Are **elected officials**, regardless of party, ultimately aligned with the interests of **economic elites**? Critics argue that both Democrats and Republicans often promote policies that favor elite priorities, regardless of voter preferences.*

*· In our **elections**, are voters simply choosing between competing members of the elite class?*

*· Do candidates who **challenge** elite interests have a realistic chance of gaining major political power?*

*· **Do elites ever lose** on policy issues that matter to them, or do they largely **control the political agenda** through access to resources and media influence?*

*The answers to these questions don't have simple answers. However, they suggest that an **elite system** or – even an **oligarchy** – may dominate the political landscape in the United States. However, it would be premature to dismiss the influence of both **organized interests** and the **general public**. This raises the question of to what extent are citizens largely **uninformed** or **disengaged** from politics? As we will explore in later chapters, the answer is complex. On one hand, it can be argued that those who show little interest in politics are simply **latent** in their disinterest; if they were directly affected by government decisions, they might be more likely to mobilize and exercise their democratic power.*

*Or is the public too **fragmented** on key issues, such as abortion, LGBTQ+ rights, environmental policy, and tax reform, to act as a cohesive force in governance.*

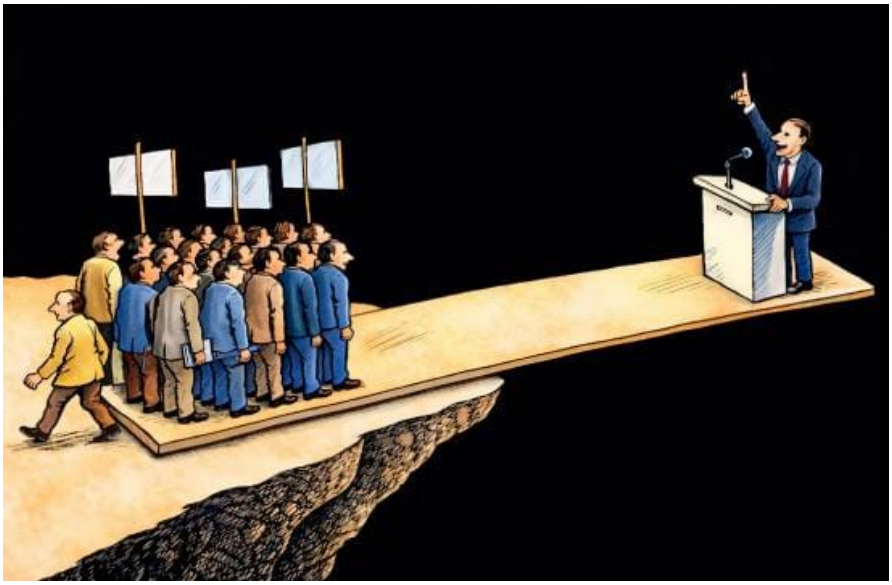


Figure 1.1:
Political power ultimately rests on the support of the masses. While elites may shape the political agenda and sometimes foster divisions that weaken collective action, they must still compete for public support—making the people both the foundation of political authority and a potential check on elite power in a democracy.
(Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

*Do elites recognize the **potential power** of a well-educated, informed, and engaged citizenry, and strategically **foster divisions**, around race, religion, and other contentious issues, to prevent unity on shared economic concerns.*

However, if the political system is indeed controlled by elites for their own benefit, why do they continue to enact

*policies that **cater to the masses,** even at some cost to themselves? Is it the masses – not the elites – who ultimately hold real hold **power**? At the very least, the masses appear to serve as a **check** on elites, with the **competition for votes** being one of the key distinctions between a democracy and a dictatorship.*

*Is our democracy ultimately ruled by an **elite**? The answer to this question remains open to debate.*

In short, evidence supports the existence of **all three models**: **majoritarian**, **pluralism** and **elite** How is this possible? All models are relevant and all, essentially, function at all times, it really depends on what one looks at and what questions one asks; different models may be more or less relevant in different situations.

Why Government

Given the strong emphasis on **individualism** and **personal freedom** in American political culture, one might reasonably ask: why have government at all? Or at the very least, why have more than the minimal amount necessary, a basic police force to prevent the chaos of anarchy? One way to answer this question is to recognize that government does more than restrict individual freedom. In many cases, it limits certain freedoms in order to solve **collective action problems—challenges that individuals cannot effectively address on their own**. By coordinating shared efforts, managing public resources, and enforcing common rules, government helps to achieve outcomes that **benefit society as a whole**.

Collective Action and the Role of Government



Figure 1.1: Lighthouses are public goods because no one can be prevented from benefiting from it and therefore they must be provided by government.

(Image Credit: Cabrillo National Monument, via Wikimedia Commons, CC BY-SA 4.0)

Sometimes, individuals can achieve greater benefits by working together than by acting alone, even if cooperation involves personal costs. This situation is known as a **collective action problem**. It arises when individuals face a **conflict between their immediate self-interest and the long-term interest of the group**. While the benefits of collective action—like clean air, public safety, or national defense—are shared by everyone, the costs are often borne individually and upfront. This mismatch can lead to widespread inaction, ultimately harming society as a whole.

A Lighthouse in San Diego: A Classic Example

One example of a collective action problem would be the construction of a lighthouse. In San Diego, boats must navigate around the dangerous rocks of Point Loma to enter San Diego Bay. Under conditions of darkness or poor weather, this can be hazardous. All who use the bay, pleasure boaters, commercial shippers, and fishermen, would benefit from the construction of a lighthouse.

Now imagine that these boaters recognize the need and decide to build one. Each would gain **long-term safety benefits**, but contributing money toward construction involves an **immediate personal cost**. If the boating community were small and close-

knit, members might appeal to one another directly to fund the lighthouse. But in a large, dispersed, and loosely connected group, coordination is difficult. Some people will inevitably choose not to contribute, even though they still benefit from the lighthouse. These individuals are called **free riders**, they receive the benefit of a public good without paying for it.

Why do free riders exist? Because the lighthouse is a **public good**; it is **non-excludable** (no one can be prevented from using it) and **non-rivalrous** (one person's use doesn't diminish its value to others). You can't turn off the lighthouse for non-payers, and so there is little incentive for anyone to contribute voluntarily.

This is the essence of the **collective action problem**: individuals acting in their self-interest end up undermining the group's long-term benefits.

Why Not Let the Market Provide It?

In a society that values free markets and private enterprise, one might wonder: why wouldn't a company build the lighthouse for profit? The problem is that private companies rely on **profits**, and public goods don't offer a reliable revenue stream. Because no one can be excluded from benefiting, there is no way to enforce payment. Even if a company wanted to help, it would be **economically irrational** to do so.

Government as the Solution

To solve such problems, the **decision-making must shift from individuals to the collective**. This is where **government** steps in. **Government** has the unique authority to **compel contributions**, usually through taxation, and to **make collective decisions** on behalf of society. If the public agrees that the benefits of a lighthouse outweigh the costs, government can fund and construct it, ensuring everyone benefits.

This logic applies not only to lighthouses but to many other public goods: **national defense**, **clean air**, **public health**, **transportation infrastructure**, and more. These goods are underprovided or not provided at all by markets, due to the **free rider problem**.



Figure 1.1: **Pollution creates a negative externality**, an economic cost imposed on others that isn't reflected in the price of the polluting product. Because these costs are not reflected in market prices, **government regulations** such as emission limits and environmental standards are often necessary to protect public health and the environment. (Image Credit: Navin75, via Wikimedia Commons, CC BY-SA 2.0)

For example, **pollution** creates a **negative externality**, an economic cost imposed on others that isn't reflected in the price of the polluting product. Polluters benefit privately while society pays the cost. Without government regulations, such as emission limits or pollution taxes, there's little incentive for individuals or companies to reduce pollution voluntarily.

Public Goods vs. Public Services

It's important to distinguish between **public goods**—which are **non-excludable and non-rivalrous**, like clean air, national defense, or lighthouses—and **public services**, which can be provided either by the government or private markets. Services like fire protection, public education, healthcare, and libraries are often provided by government not because the market can't provide them, but because society has decided they **should be accessible to everyone**, regardless of ability to pay. These decisions are often rooted in values like **political equality**, **social justice**, and **equal opportunity**.

Real-World Examples of Collective Action

Understanding collective action problems helps explain a wide range of political issues and government policies. Consider:

· **Climate change**: Greenhouse gas emissions contribute to global warming, but the effects are distributed globally and over time. Since polluters rarely bear the full cost, emissions continue unless governments intervene with **carbon pricing**, **regulations**, or **international agreements**.

· **Public health**: Vaccination programs protect not only the vaccinated but also the community at large through **herd immunity**. However, if too many people choose to "free ride" by skipping vaccines, disease outbreaks can return. Government mandates or incentives help maintain high vaccination rates for the collective good.

· **Transportation infrastructure**: Everyone benefits from well-maintained public roads, but no one can be excluded from driving on them based on their tax contributions. Governments use taxes to fund road construction and maintenance for the common benefit.

The Political Dimension While most Americans accept that government should provide certain public goods and services, there is **ongoing political debate** about **which public services** should be offered, **how much should be spent**, **who should pay**, and whether these services should be managed by **local, state, or federal** government These debates often reflect **ideological differences** about the proper role of government in society. Some advocate for **limited government** and more **market solutions**, while others emphasize **collective responsibility** and **public investment**.

Ultimately, these disagreements, and the political processes used to resolve them, are what make American government so dynamic and important to study. At its core, political decision-making is about **how we manage shared problems** and **balance individual freedom with collective responsibility**. Understanding the logic of **collective action** helps us better appreciate the essential functions of government and the constant negotiation of competing values in a democracy.

Political Economy

Political economy refers to the **interplay between government and the economy**—how **public policy** shapes **economic outcomes** and how **economic forces** influence **government decisions**. Although government and economics are often studied as distinct disciplines, they are fundamentally **interconnected**.

At the heart of this relationship lies **American political culture**, deeply influenced by the **Classical Liberal tradition**. Thinkers like **John Locke** and **Adam Smith** emphasized **individualism** and **limited government**, promoting both **political** and **economic freedom**. Locke argued that the primary purpose of government is the **protection of property** (life, liberty, and estate). Similarly, Smith's *Wealth of Nations* laid the foundation for **capitalism** by describing how individuals, acting in their own **self-interest**, could inadvertently benefit society as a whole—the **"invisible hand."**

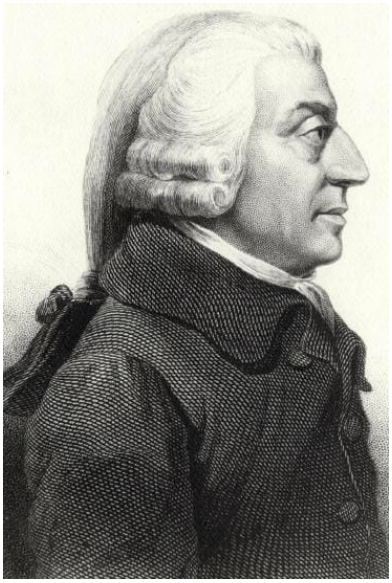


Figure 1.1: Adam Smith added to the Classical Liberal tradition by describing how individuals, acting in their own self-interest could inadvertently benefit society as a whole. (Image Credit: Cadell and Davies, via Wikimedia Commons, Public Domain)

Smith was not arguing for an entirely **unregulated market**. He was responding to **mercantilism**, which relied on **monopolies**, **tariffs**, and **guilds** to protect national interests at the expense of individual freedom. Smith rejected **zero-sum thinking** and argued for a **market economy** that maximized **voluntary exchange**. However, he also acknowledged that **government regulation** is needed where **unchecked self-interest** can cause **social harm**.

This **Classical Liberal vision** of **limited government**, especially in economic matters, has been a **foundational idea** in **American political thought**. But it is not the only idea. The American commitment to **political equality** also has **economic implications**. If **equality of opportunity** is a national ideal, then government must sometimes **intervene** to ensure that **economic advantages** do not become **political advantages**.

This tension between **liberty and equality**—between **free markets** and **public regulation**—has defined much of the debate over the **role of government in the economy**. Over time, that balance has shifted as a result of greater **concentrations of corporate power**. This shift has been driven by three primary trends: the **growth of corporate capitalism**; the **declining influence of government** as a **countervailing force**; and the **decline of civic institutions** in the United States.

Corporate Capitalism and the Concentration of Power

At the time of the nation's founding, most **businesses** were small, local, and relatively limited in scope. **Government's role** in the economy was therefore modest. But as the American economy **industrialized** and expanded, businesses grew larger and more complex. Today, the U.S. economy is dominated by **large corporations**. While corporations make up less than 20 percent of all U.S. businesses, they account for over 90 percent of total **business output**. This concentration of **economic power** is especially evident in sectors like **finance, energy, telecommunications, and technology**.



Figure 1.1: This late nineteenth-century political cartoon portrays the **Standard Oil monopoly as a giant octopus**, symbolizing public fears that large corporations could extend their economic power into politics and dominate government institutions. (Image Credit: Arena magazine - Volume 35, via Wikimedia Commons, Public Domain)

These corporations are not just economic actors, they are also **political players**. U.S. law grants corporations many of the same **rights** as individuals, including the right to **spend money on political campaigns**. This gives them substantial **influence over public policy**, often outmatching the influence of individual citizens or smaller businesses. For example, in recent years, the combined annual **revenue** of just two U.S. corporations—Walmart and Amazon—has exceeded **$1 trillion**. By contrast, the total annual sales of all **2 million U.S. farms** is around $550 billion. This comparison illustrates the immense **scale of corporate power** relative to the traditional small-business backbone of the American economy. The rise of large corporations has also made it more difficult for **small businesses** to start, survive, and compete, further reinforcing the dominance of already powerful firms.

As corporate capitalism has matured, concentrated corporate wealth has also given rise to a class of **billionaires** whose personal fortunes rival the economies of entire states. These individuals, often at the helm of technology, finance, and energy firms, have become increasingly active in U.S. politics. By funding **think tanks**, **political action committees**, and even their own **media outlets**, they shape debates and policy agendas in ways that advance their interests. This often skews public policy **toward the priorities of the wealthy**, rather than the needs of the broader population. In this sense, billionaires represent not just an outgrowth of corporate capitalism but also a powerful **political force**, channeling concentrated wealth directly into the democratic process and often at the expense of the masses.

Government as a Countervailing Force?

In the early 20th century, public outcry over **monopolies** led to the **"trust-busting" era**, during which the federal government used **antitrust laws** to break up powerful conglomerates. The **Great Depression** of the 1930s prompted another wave of **intervention**, with the **New Deal** expanding the federal government's role in **regulating business** and providing **economic security** for citizens.

Following World War II, government and business became more aligned, as public policy focused on promoting growth and prosperity through corporate success. But as the economy shifted away from manufacturing toward a more service- and information-based model, the **benefits of growth** became increasingly **uneven**. **Government policies** have often **prioritized corporate interests**, even when doing so left many Americans **behind**.

Declining Corporate Tax Burden

One way the concentration of corporate power intersects with politics is visible in the changing **tax structure**. In the 1960s, **corporate income taxes** accounted for roughly 22 percent of **federal revenue**. Today, that figure is closer to 13 percent. The difference is made up not only by **individual taxpayers** but also by increases in the **national debt**, effectively shifting costs onto **future generations**. Supporters of this shift argue that keeping **corporate taxes** low helps U.S. companies stay **competitive** and supports overall **economic growth**. Critics contend that it reflects a system increasingly tilted toward **corporate interests** and

the influence of a small **economic elite**.

Billionaires as Political Actors



Figure 1.1: The headquarters of **General Motors** in Detroit symbolizes the immense economic and political influence large corporations have wielded in the United States, **illustrating a long-standing belief that corporate success is closely tied to national prosperity**. (Image Credit: Historic Detroit, photographer unknown - Retouching by Helmut Ziewers, Public Domain)

This alignment between **corporate** and **national interests** was famously captured in 1955 by General Motors CEO **Charles E. Wilson**, who told the U.S. Senate, "What's good for General Motors is good for the United States." While his remark was controversial even then, it reflected a broader belief that large corporations and wealthy **elites** could, and should, shape national prosperity and public policy to serve their interests. The growing political engagement of **billionaires**, through **campaign contributions**, **lobbying**, and **direct advocacy** to steer public opinion and political outcomes, represents a modern extension of this trend, giving them disproportionate **influence** over legislation, regulation, and the broader **political economy**. Together, these patterns show how **concentrated corporate and billionaire power** can tilt policy toward **elite interests**, making it all the more vital for **citizens** to **actively hold power accountable**.

The Decline of Civic Institutions

Another factor contributing to the growing power of **corporations** and **economic elites** is the weakening of **civic institutions** that once helped balance private economic power. **Labor unions**, **community organizations**, and **local media outlets** have all seen declines in **membership**, **funding**, and **influence**. These institutions historically served as **intermediaries** between citizens and the **market**, helping to ensure that **government** remained responsive to a broad set of **public interests**. Without these counterweights, the **balance of power** has shifted more heavily toward well-organized, well-funded **economic elites**, reinforcing the patterns of concentrated influence outlined earlier.

Economic Power, Political Consequences

Taken together, the growth of **corporate capitalism**, the increasing direct involvement of **billionaires** in politics, and the **decline of civic institutions** illustrate how economic power in the United States has become highly concentrated. These trends have shifted the balance of influence away from the **broader public** and toward a relatively small set of well-resourced actors, enabling them to shape **policy** and **governance** to reflect their interests. At the same time, the weakening of traditional intermediaries—**unions**, **community organizations**, and **local media**—reduces the capacity of ordinary citizens to counterbalance these forces. Understanding this interplay is crucial for evaluating how well U.S. democracy functions in practice and highlights the importance of an **informed and engaged citizenry** as a check on concentrated power.

These concentrations of economic and political power help explain why many citizens struggle to influence government, why inequalities persist, and why democracy often seems **skewed in favor of the wealthy**, making an **informed, engaged public** not just desirable, but essential to safeguarding the rights and interests of ordinary Americans.

The Changing Structure of the U.S. Economy

The U.S. economy is increasingly characterized as **postindustrial**, meaning it relies less on traditional **manufacturing** and more on **innovation-driven, knowledge-based service sectors** such as **finance, technology, communications, and healthcare**. This shift began in earnest in the late 20th century, as **blue-collar jobs** moved overseas in search of lower **labor costs** and looser **regulations**. While **globalization** and **technological advancement** have lowered consumer costs, they have also contributed to the loss of **middle-class jobs**, especially for workers without a **college degree**.

In a **postindustrial economy**, opportunities are concentrated in **high-skill, high-wage professions** requiring **advanced education**. **College degrees** are now considered essential for **upward mobility**, with **graduate and professional degrees** becoming the new standard. Those without such credentials are relegated to **low-wage service jobs**, fueling a **two-tier economy** and widening the gap between **professional and service workers**.



Figure 1.1: As AI and outsourcing scale across ecommerce and tech, traditional American white-collar jobs quietly disappear. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Beyond manufacturing, the **outsourcing of white-collar jobs**—particularly in **technology** and **technical services**—has accelerated. Work once considered immune to globalization, such as **software programming**, **data processing,** and **customer support**, is now performed in countries like **India, China, and the Philippines**. Meanwhile, **artificial intelligence** is automating tasks once reserved for highly skilled professionals, including **legal research, financial analysis, medical diagnostics, and coding**. This dual force of **globalization and automation** is pressuring **wages** and **job security**, even among the highly educated.

Over time, the **distribution of income** has shifted. In 1970, **middle-income households** held 62% of national income; by 2022, that share had fallen to 43%. Meanwhile, **upper-income households** rose from 29% to 48%, and **lower-income households** slipped from 10% to 8%.

This growing **income inequality** raises concerns about **democratic participation**. As **wealth concentration** increases, middle- and lower-income groups risk feeling disconnected from the **political process**, threatening the health of **democracy**.

Ultimately, this trend underscores a central theme in **American political economy**: **economic growth** has not been evenly distributed. As **wealth** becomes more concentrated, so too does **political influence**—raising critical questions about **economic justice, political equality,** and the **role of government** in ensuring **fair opportunity** for all citizens.

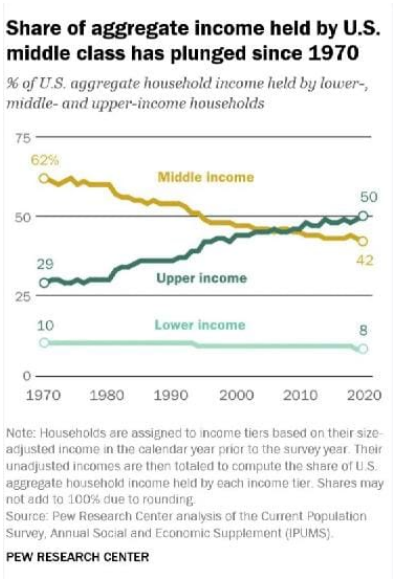


Figure 1.1: (Image Credit: PEW Research Center)

While the **middle class** has declined, both the **lower** and **upper classes** have grown, resulting in widening **economic inequality**. This inequality poses challenges for **American democracy**. As **socioeconomic classes** diverge, members develop distinct **experiences, interests,** and **policy views**, making common ground harder to find.

This inequality also fuels **economic instability**. Individuals may have greater opportunities for **wealth**, but also face higher risks of **poverty**. For example, a **shift manager** lacks the **economic security** or **civic investment** of a **small business owner**—weakening a sense of shared stake in **public institutions**.

The erosion of the **middle class** is especially troubling politically. Historically, it has been the foundation of **American pluralism**—sustaining broad **participation** and a moderating influence essential to **democracy**. A vibrant **middle class** has traditionally upheld the **civic institutions** that support **democratic governance**.

> *"As I've often said… this [increasing income inequality] is not the type of thing which a democratic society – a capitalist democratic society – can really accept without addressing."* – Alan Greenspan, June 2005



Figure 1.1: While the middle class has declined, both the lower and upper classes have grown, resulting in widening economic inequality. (Image Credit: culturemap Houston, Fair Use)

Civil Society

Civil society refers to the web of voluntary **civic** and **social organizations** and institutions that support the functioning of a **democratic society**. These organizations exist independently from the **state** and the **market**. Civil society includes **religious groups**, **charities**, **advocacy organizations**, **neighborhood associations**, **clubs**, and **labor unions**, essentially any group in which people voluntarily come together to pursue shared goals or values.

At its core, civil society values **pluralism**, **liberty**, **mutual responsibility**, and the **common good**. While government can enforce laws and provide services, it cannot instill the habits of **civility**, **cooperation**, and **community engagement**. These qualities must be cultivated by individuals who recognize their responsibility to the larger society, especially within a democratic system that depends on **informed and active citizens**.



Figure 1.1: Civil society consists of the voluntary organizations and associations—such as religious groups, charities, advocacy organizations, neighborhood groups, clubs, and labor unions—through which citizens come together to pursue shared goals and strengthen democratic life independent of government and the market. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Political scientist **Robert Putnam**, in *Bowling Alone: The Collapse and Revival of American Community* (1995; 2000), argued that the health of American democracy depends on **civic engagement**—participation in **voluntary associations** and **social groups**. Civic engagement fosters **social capital**, or the networks of **trust** and **reciprocity** that make cooperation possible. According to Putnam, citizens active in their communities—whether through **churches**, **youth sports**, **union halls**, or even **bowling leagues**—are more likely to consider the interests of others and act for the **collective good**. This idea has deep roots in American political thought. As early as the 1830s, **Alexis de Tocqueville** observed that the vibrancy of American democracy was closely tied to widespread participation in voluntary associations.

> "*No doubt the mechanisms through which civic engagement and social connectedness produce such results—better schools, faster economic development, lower crime, and more effective government—are multiple and complex.*" - Robert Putnam, *Bowling Alone* (2000)

However, both **civic engagement** and **social capital** have declined in recent decades. A variety of factors contribute to this decline, including increased reliance on **digital technology**, greater geographic mobility, changing family structures, and rising **economic pressures**. For example, **union membership** in the private sector has dropped sharply, from over one-third of the workforce in the 1950s to just 6% in 2023. Many families are struggling to meet basic needs like housing, food, and healthcare, making civic engagement a luxury they can't afford. At the same time, growing **materialism** and **individualism** have further eroded the bonds of community.

The consequences of this decline are significant. Despite a cultural emphasis on self-reliance, real-world crises have shown that individuals are deeply dependent on community support. The **terrorist attacks of September 11, 2001**, **Hurricane Katrina**, the **Great Recession of 2007–2009**, and the **COVID-19 pandemic** all revealed the limits of individualism and the vital importance of **collective responses**. In *Bowling Alone*, Putnam suggested that a national crisis—such as a war, economic depression, or natural disaster—might temporarily revive civic engagement. After 9/11, there was indeed a short-lived surge in volunteerism,

church attendance, and blood donations. However, within a year, most of these activities returned to pre-crisis levels, though some signs of increased **political engagement** persisted.



Figure 1.1: During the COVID-19 pandemic, public health measures such as mask mandates became highly politicized. Protests like this one reflected broader divisions over government authority, individual liberty, and the appropriate response to a national public health crisis. (Image Credit: Sarah Stierch, via Wikimedia Commons, CC BY 4.0)

The **COVID-19 pandemic** provided a more sobering test of Putnam's hypothesis. Rather than unifying the country, the pandemic laid bare deep **political and social divisions**. Americans disagreed sharply over public health mandates, economic shutdowns, vaccine requirements, and even the basic facts surrounding the virus. Wearing masks became a political symbol, with some viewing it as a public duty and others as an infringement on personal freedom. These divisions often aligned with **partisan identities**, with Democrats generally supporting more restrictive health measures and Republicans favoring fewer constraints. At the same time, the pandemic exposed and intensified existing **inequalities**. **Marginalized communities** bore the brunt of both the health and economic consequences, while debates over government relief programs deepened **political polarization**. The widespread dissemination of **misinformation** further fractured trust in **public institutions**.

In addition to political divisions, other long-term trends have contributed to a sense of **social isolation**. The rise of **social media**, **remote work**, and the **digital economy** has created fewer opportunities for face-to-face interaction. According to the U.S. Census Bureau, as of 2023, more than 29% of U.S. households consist of individuals living alone, a dramatic increase from just 7.7% in 1940. Nearly half of all U.S. adults are single, and marriage rates have steadily declined. Alongside these demographic changes, **mental health** issues like **anxiety** and **depression** have risen sharply.

The erosion of **civil society** has profound implications for **democracy**. Civic life is the training ground for **citizenship**, where individuals learn to cooperate, deliberate, and consider the **common good**. Without these experiences, citizens may retreat further into **individualism**, **mistrust**, and **political apathy**. A healthy democracy depends not just on fair **elections** and functioning **institutions**, but on a vibrant civil society that fosters **connection**, **empathy**, and **civic responsibility**.

In summary, the United States has seen a troubling decline in civil society in recent decades, reflected in weakening community ties, reduced civic engagement, and growing distrust in institutions. This trend has been accelerated by digital technology, increased isolation, and intensifying political polarization. As shared spaces for dialogue and collaboration shrink, the health of American democracy faces mounting challenges. Rebuilding civil society will require renewed investment in **civic education**, inclusive **public discourse**, and opportunities for meaningful **community participation**.

Open to Debate: COVID-19 and Civil Society

> *Why were Americans so deeply **divided** in their responses to the **COVID-19 pandemic**? Are we simply more politically and socially **polarized** than we were two decades ago, following the **September 11, 2001, terrorist attacks**? The contrast is striking. In 2001, the nation experienced a powerful surge of **national unity**. In 2020, facing a **public health crisis** that would claim over a **million American lives**, the response was **fractured** along **ideological, partisan, and cultural lines**.*

*The **stakes** during the pandemic were arguably even higher. A **2022 study** estimated that nearly **319,000 U.S. deaths** could have been prevented had all eligible adults chosen to be **vaccinated**. Yet rather than unifying around a **collective response**, Americans became increasingly **divided** over **masks, lockdowns, vaccine mandates, school closures**, and the very **role of government** in protecting **public health**.*

*Did this **polarization** erode **civil society** even further? Instead of strengthening **social bonds** in the face of crisis, did the pandemic accelerate **isolation, mistrust, and civic disengagement**?*

*Some argue there has been a deliberate effort—by **political actors, media personalities, or interest groups**—to weaken **civil society** by promoting **division and suspicion**. Others see these developments as the unintended consequence of Americans prioritizing **personal freedom, material comfort, or ideological purity** over a sense of **collective responsibility**. In either case, the result may be the same: a society where people are increasingly **isolated, angry, and susceptible to misinformation and manipulation**.*

*Ironically, much of the **frustration** sparked by the pandemic was directed not at the **virus**, but at **government institutions**—often the very structures best positioned to **coordinate effective responses** and promote the **common good**. This raises an important question for any **democracy**: If **trust in government** erodes and **civil society** weakens, who or what is left to **hold society together**? The answer to this question remains **open to debate**.*

Carrying Democracy Forward

These challenges to **civil society** raise important questions not just about the state of our **democracy** today, but about who will carry it forward **tomorrow**. As the **structures and habits** that once held communities together weaken, the responsibility of **revitalizing civic life** falls increasingly on the **next generation of Americans**. Fortunately, there are signs that many **young people** are stepping up to this task in **new and innovative ways**.



Figure

: Younger Americans are shaping a distinct and increasingly influential political culture. (Image Credit: fabola CC BY-SA 2.0)

Growing up amid rapid **technological change, globalization, and social and political upheaval**, younger Americans are shaping a distinct and increasingly influential **political culture**. Many of them exhibit a heightened awareness of **social, economic, and environmental issues**, placing a strong emphasis on **inclusivity, diversity, and sustainability** in their political values. Their **fluency in digital communication** equips them with powerful tools for **activism and organizing**, opening new avenues for **civic participation** outside **traditional institutions**.

These generations also tend to be more **socially progressive**, with many advocating for causes such as **LGBTQ+ rights, climate action, and gun reform**. At the same time, **skepticism** toward **established institutions** has led many younger citizens to seek

alternative sources of news and community, fostering a more **critical and independent** approach to **political engagement**.

As **younger Americans** reach **voting age** and begin to shape **public discourse** and **electoral outcomes**, their perspectives are expected to influence the **trajectory of U.S. politics** for years to come. **Politicians and parties** alike will need to adapt to address their **values, priorities, and expectations**.

Whatever the causes of these **generational shifts**, the hope is that **younger Americans** will take up the challenge of **reinvigorating our democracy**. The **need is urgent**. Levels of **trust** between citizens and **government** are at **historic lows**, while **polarization** between the **political right and left** is at **historic highs**. It is hoped that the material in the chapters that follow will provide you with the **tools and understanding** needed to meet your **democratic responsibilities**, and seize the **opportunities** that come with them.

Conclusion

Political **culture**, **democracy**, **power**, **collective action problems**, **political economy**, and **civil society** are all essential foundations for understanding the structure and function of **U.S. government and politics**. These concepts not only help explain how our political system works, but also why it often works the way it does and, at times, why it struggles to work at all.

The knowledge you have gained from this introductory chapter provides the **analytical tools** needed to examine the political world with greater clarity. You've been introduced to the **tensions** between **individual freedom** and **collective responsibility**, the persistent challenges of **inequality** and **polarization**, and the critical importance of **active, engaged citizenship** in maintaining a healthy **democracy**.

As you move through the chapters ahead, you will explore how these **foundational ideas** play out in real **institutions and processes**—from the **Constitution** and **federalism** to **Congress**, the **presidency**, the **courts**, and beyond. You'll also examine the roles of **political parties**, the **media**, **interest groups**, and **voters** in shaping **policy** and **political outcomes**.

Ultimately, the strength of **American democracy** depends not just on the system itself, but on the willingness of its **citizens** to **understand it, participate in it, and, when necessary, work to improve it**. The hope is that this chapter has not only informed you but also inspired you to **engage more thoughtfully—and more fully—in the democratic process**.

Glossary

Civil Society: A society in which individuals are active in the community and take the larger community into account when making political decisions.

Classical Liberalism: Individuals are equally rational and reasonable and thus deserve liberties and rights

Collective Action Problem: The problem of acting in concert with one another even though there is a direct cost to the individual

Collective Good: Something that can be enjoyed by all; no one's use of the collective good limits others' use of that good. Subsequently, there is no way of limiting access and providing a profit to a private company.

Consumerism: The tendency of people to purchase material goods, not primarily out of practical necessity but because the goods enhance their social-status or fulfill some sense of self-identification

Consumerism: The tendency to emphasize material acquisition as a measure of self-fulfillment

Corporate Capitalism: Capitalism characterized by concentrations of economic power in large corporations

Cynical: Skeptical of the motives and sincerity of politicians.

Demagogues: Political actors who prey on popular prejudices and simplistic claims and promises in order to gain power

Direct Democracy: When citizens make policy directly, without representatives

Elite model of democracy: a small and identifiable group of people possess all real power in society

Factionalism: The danger of a dominant group exercising power at the expense of the minority

Free Riders: Those who get the benefit of collective action without having to pay any of the cost

Irony of Democracy: Under popular rule, a majority may democratically pass a law which undermines the democratic rights of a minority

Limited Government: Rulers are limited in the scope and duration of their power

Majoritarian or Popular model of democracy: Political power rests with the masses and they prevail not only in the counting of votes but also in the determination of public policy

Majority Rule: Decisions about choice of representatives or policy are made by a majority of the electorate

Negative Externality: An economic consequence that is not taken into account by the market price of the product in question

Negative Freedom: Freedom from government intervention

Pluralism: Public policy is determined through negotiation between the groups with government playing the role of moderator

Political culture: The political attitudes and beliefs widely shared by a people or a nation

Political Economy: The ways in which government influences the economy and the degree to which economic actors and markets influence government policy

Politics: The competition to influence public policy or "who gets what, when, and how"

Popular Control: The government does what the people want in the long run

Positive Freedom: Government policies designed to enable all to compete equally

Positive Freedoms: Providing the resources that allow one the freedom to compete equally in the political and economic realms

Postindustrial Economy: An economy characterized by highly innovative, knowledge intensive service industries such as communications, finance, and high-technology rather than by traditional manufacturing industries

Public Policy: Government outputs such as laws, rules and regulations

Puritanical: Particularly concerned with the private morality of political leaders

Representative Democracy: Voters elect representatives who carry out the responsibilities of governing on behalf of the electorate

Retribution: Emphasis on punishment rather than rehabilitation for those who break the norms of society

Social Capital/Civic Engagement: Membership in social groups or organized social interaction between the individual and government levels of society

Social Mobility: The belief that people have equal ability to go "from rags to riches" and move up the class ladder

Two-Tier Economy: An economy characterized by opportunities at the high end for highly educated professional and at the bottom end for low-skill labor but few opportunities in the middle.

Select Internet Sites

http://www.cato.org/. A prominent libertarian think tank examining issues from a Classical Liberal perspective.

http://www.thelockeinstitute.org/. The Locke Institute examines issues relating to Class Liberalism.

http://www.belmont.edu/lockesmith/. The Lockesmith Institute at Belmont University is a site for scholarship on the topic of

Classical Liberalism.

https://www.census.gov/. The U.S. Census website gives data on America's people and economy.

https://www.pewresearch.org/. Pew Research Center is a nonpartisan fact tank that informs the public about the issues, attitudes and trends shaping the world.

http://www.bowlingalone.com/. The *Bowling Alone* website which examines issues of declining social capital and civil society.

http://www.pbs.org/kcts/affluenza/diag/diag.html. The *Affluenza* website examines issues relating to consumerism.

http://www.bowlingforcolumbine.com/l...fear/index.php. This site examines Americans culture of fear and why we fear the wrong things.

http://www.tompaine.com/. TomPaine.com is an online public affairs journal of progressive analysis and commentary.

http://www.publicwork.org/. The Center for Democracy and Citizenship examines issues relating to expanding democracy from an activist citizen perspective

...http://www.iscv.org/. The Institute for the Study of Civic Values seeks to foster a renewed commitment to America'shistoric civic ideals.

http://www.epi.org/. The Economic Policy Institute examines economic issues from the perspective of workers.

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Chapter 2: A Republic If You Can Keep It- Foundations and Challenges of the US Constitution

> *"We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessing of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America"*
>
> - The Preamble to the United States Constitution

Constitutionalism

Throughout this textbook, you will examine various aspects of U.S. government and politics. Before diving into the specific functions of government institutions, it is essential to understand the foundational rules and structures that guide them.

A **constitution** outlines a society's **basic vision**, **creates political institutions**, and **defines how they function**. It **both empowers and limits** the government, establishing legal boundaries and **protecting the rights and liberties of individuals**. By restricting the arbitrary exercise of power, a constitution helps **safeguard democratic values**. This idea—that government authority must be exercised within legal constraints—is the essence of **constitutionalism**. The constitution is the highest law in a political system, and no law or government action may conflict with it.

To understand modern American politics, one must first understand the U.S. Constitution, which was drafted in **1787**. While the framers could not have foreseen the specific challenges of the 21st century—such as nuclear weapons, global terrorism, or digital privacy—the framework they created continues to shape how these issues are debated and resolved.



Figure 2.1: The Preamble to the U.S. Constitution. (Image Credit: Navyatha123, via Wikimedia Commons, CC BY-SA 4.0)

Consider the Constitution as setting the **"rules of the game."** Just as the rules of sports like football or baseball remain constant even as each game unfolds differently, the Constitution provides a stable foundation while allowing political actors and institutions to navigate new and evolving issues.

The U.S. Constitution Under Threat

The **U.S. Constitution**, while remarkably durable, was designed to operate within a system that depends on **public trust**, **respect for the rule of law**, and **adherence to democratic norms**. In recent years, several emerging threats have tested the strength of this system. **Political polarization** has intensified to levels that undermine compromise, distort public discourse,

and fuel widespread distrust in government institutions. When citizens and leaders no longer share a common commitment to constitutional principles, **the stability of the system itself comes into question**.Another major threat arises from efforts to **restrict access to voting**, **manipulate electoral districts**, and **concentrate power** in the hands of a few. These practices weaken the principle of representative democracy by diluting the voice of the electorate and entrenching political power. Furthermore, **misinformation and disinformation**, amplified by new technologies and social media, have challenged the integrity of elections and **weakened public confidence** in legitimate outcomes. Some political actors have also tested the limits of executive authority, **threatening the constitutional balance of powers** among the legislative, executive, and judicial branches.

Perhaps most concerning is the erosion of long-standing democratic norms, including respect for **judicial independence**, the **peaceful transfer of power**, and the role of a **free press**. While the Constitution provides a strong framework, it ultimately relies on the willingness of leaders and citizens to uphold its values. Understanding these current threats is critical for anyone studying American government today, as preserving the Constitution requires not only legal protections but also a renewed **commitment to the democratic ideals** it embodies.

The Development of American Nationalism

In the mid-eighteenth century, the American colonies thrived under British rule. Colonists enjoyed economic prosperity, a degree of self-governance, and considered themselves loyal British subjects. However, this relationship began to fray after 1763, when Britain emerged victorious from the **Seven Years' War** against France and Spain. Believing the war had been fought largely for the colonies' benefit, Britain expected the colonists to help repay the resulting debt.

To raise revenue, Parliament passed the **Sugar Act** and the **Stamp Act**, which taxed goods such as refined sugar, printed materials, and legal documents. These measures were met with widespread resistance. Colonists objected not just to the taxes themselves, but to the principle of **"taxation without representation."** Boycotts and protests followed, and many colonists began to see themselves as politically and culturally distinct from Britain.



Figure 2.2: "The Destruction of Tea at Boston Harbor", lithograph depicting the 1773 Boston Tea Party. (Image Credit: Nathaniel Currier, via Wikimedia Commons, Public Domain)

Tensions escalated further in 1773 when a group of colonists, later known as the **Boston Tea Party**, dumped a shipment of British tea into Boston Harbor to protest a new tea tax. In response, Parliament enacted the **Coercive Acts** (called the **Intolerable Acts** by the colonists), which imposed harsh penalties, increased taxes, and stationed more British troops in the colonies.

These actions radicalized many previously indifferent colonists. What had been the cause of a vocal minority now gained broader support, helping to solidify a growing sense of **American identity** and **nationalism**. Resistance to British control laid the groundwork for the coming revolution and for the founding of a government based on new, distinctly American principles.

The Declaration of Independence

Great historical moments often appear inevitable in hindsight, but they are usually the result of **debate, uncertainty, and compromise**. Such was the case in **1776**, when the American colonies moved toward **declaring independence** from Britain. While tensions with the British Crown had been growing for years, many colonists still saw themselves as loyal subjects. Others believed independence should only be declared with broad public support expressed through local assemblies.

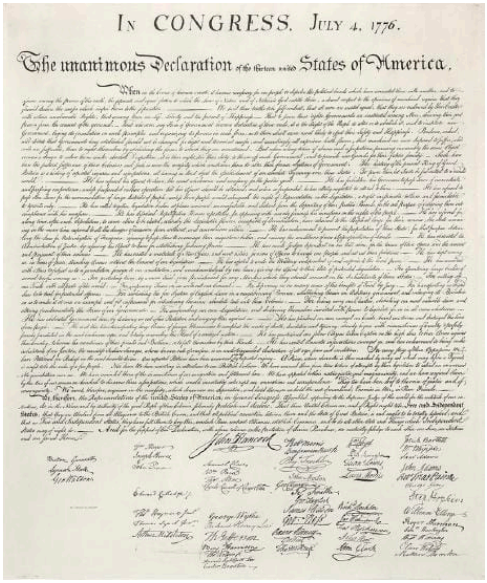


Figure 2.3: The Declaration of Independence. (Image Credit: Second Continental Congress, via Wikimedia Commons, Public Domain)

The turning point came on May 15, 1776**,** when the **Second Continental Congress** met in Philadelphia. Led by **Richard Henry Lee,** a group of revolutionaries proposed a bold resolution: that the colonies "are, and of right ought to be, free and independent States." Though not all delegates agreed, a committee was formed on June 11 to draft a formal declaration. The Committee of Five included **Thomas Jefferson**, **John Adams**, **Benjamin Franklin**, **Roger Sherman**, and **Robert R. Livingston**. Jefferson, recognized as the most skilled writer, was chosen to draft the document.

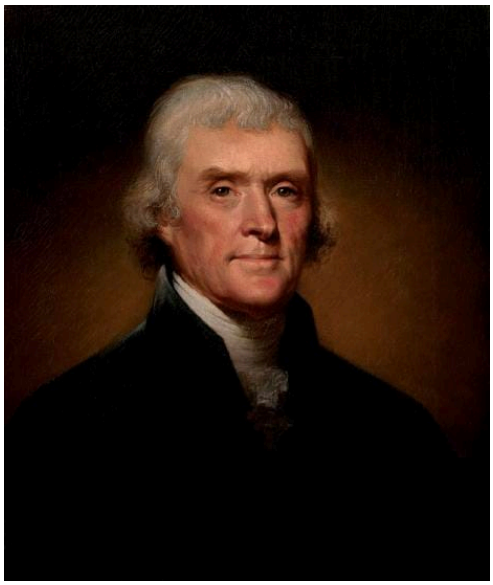


Figure 2.4: **Thomas Jefferson**, principal author of the **Declaration of Independence**, drew heavily on Enlightenment ideas about **natural rights**. Influenced by philosophers such as **John Locke**, Jefferson articulated the revolutionary principle that all individuals possess inherent rights to **life, liberty, and the pursuit of happiness**. (Image Credit: Rembrandt Peale, via Wikimedia Commons, Public Domain)

Jefferson drew heavily from Enlightenment thinkers, especially **John Locke**, whose ideas about **natural rights**—life, liberty, and property—shaped Jefferson's famous phrase: *"All men are created equal, [and] are endowed by their Creator with certain unalienable Rights... [including] life, liberty, and the pursuit of happiness."*

Locke's philosophy held that these rights were not granted by governments but inherent to all individuals by virtue of their humanity and are thus "**unalienable**". Jefferson also echoed the views of **Thomas Paine**, who argued that natural rights include freedom of thought and action so long as they do not infringe upon the rights of others.

Though Jefferson made no direct citations, common for political writing at the time, his intellectual debt to thinkers like Locke is clear. Interestingly, Jefferson modified Locke's "life, liberty, and property" to "life, liberty, and the pursuit of happiness." Some historians suggest this change reflected Jefferson's discomfort with the institution of slavery, particularly associating the word "property" with human bondage. In fact, Jefferson's original draft included a passage blaming King George III for perpetuating the slave trade, but it was removed to gain consensus among the colonies, especially those in the South.

This omission has long been viewed as a tragic irony: that a document declaring equality and freedom failed to confront the injustice of **slavery**. Whether motivated by principle or economic interest, Jefferson's failure to explicitly condemn slavery reflects the deep contradictions that would haunt the new nation.

Nevertheless, the **Declaration of Independence** remains a foundational expression of American political ideals. Its assertion of equality and unalienable rights has inspired generations of Americans, and people around the world, in their struggles for liberty and justice.

Natural Rights and the Social Contract

According to the Declaration of Independence, **natural rights**—such as life, liberty, and the pursuit of happiness—are not granted by government, but are **inherent to all individuals**. These rights are protected through a **social contract**: an agreement in which individuals consent to form a government that exists to secure their rights.

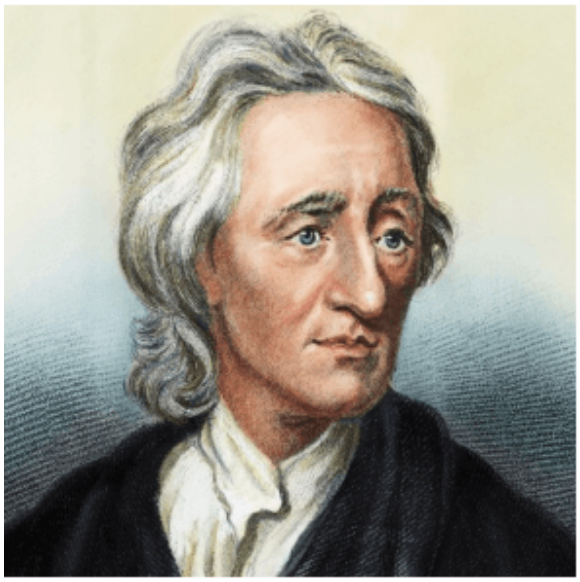


Figure 2.5: English philosopher **John Locke** was a central influence on the development of Classical Liberal thought. His ideas about **natural rights**, the **social contract**, and the right of the people to replace governments that violate those rights helped shape the political philosophy of the American Revolution and the principles expressed in the Declaration of Independence. (Image Credit: Public Domain, via Wikimedia Commons, CC BY-SA 4.0)

This idea draws heavily from **Classical Liberalism**, especially the writings of **John Locke**, who described life without government as a **"state of nature."** In this condition of **anarchy**, meaning no formal government, people are free but lack security. To overcome the "inconveniences" of anarchy, rational individuals agree to form a government with **limited powers**. In doing so, they give up some freedoms in exchange for protection of their natural rights. Crucially, if a government violates this **contract** and fails to protect those rights, the people have the right to alter or abolish it. As Jefferson wrote, when faced with a "long train of abuses and usurpations," the people are compelled "to throw off such Government, and to provide new Guards for their future security."

This concept also reinforces the idea of **limited government**, a central tenet of the **Classical Liberal tradition**. Government should exist to protect **individual liberties**, not to control every aspect of citizens' lives. Because Classical Liberalism emphasizes individuals as **independent, rational beings**, it often assumes that people deserve **rights and freedoms,** but **not necessarily shared obligations or collective responsibilities**. This limited view of community continues to influence American attitudes toward **social welfare**, a topic explored further in later chapters.

Drafting and Finalizing the Declaration

Thomas Jefferson worked on the first draft of the Declaration between June 11 and June 28, 1776. The Committee of Five—Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert Livingston—reviewed and revised his draft. On July 1**,** the committee and Congress made edits, removing two major passages: one that sharply criticized the people of Britain, and another that condemned the slave trade. The latter was removed to avoid alienating Southern slaveholders and Northern merchants involved in the trade.

On July 2, 1776**,** the Continental Congress formally voted for independence, and on July 4**,** it approved the final text of the Declaration. Although **John Hancock**, president of the Congress, signed it that day, most other signers added their names in the weeks that followed.

The **Declaration of Independence** is composed of three main parts:

1. A statement of universal rights, including the right to change a government that fails to protect them (this section can be found below).

2. A list of grievances against the British Crown.

3. A formal declaration that the colonies are now free and independent states.

> *IN CONGRESS, July 4, 1776.*
>
> *The unanimous Declaration of the thirteen united States of America,*
>
> *When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.*
>
> *We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. – Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world...*
>
> - The Declaration of Independence

A Risky Act of Revolution

Signing the Declaration of Independence was not just symbolic, it was an act of **treason against Great Britain**. If the revolution failed, the signers risked arrest, trial, and execution. Many delegates to the Continental Congress refused to sign for fear of punishment. Those who did sign were fully aware of the consequences. As **Benjamin Franklin** famously quipped, "We must all hang together, or, most assuredly, we shall all hang separately."

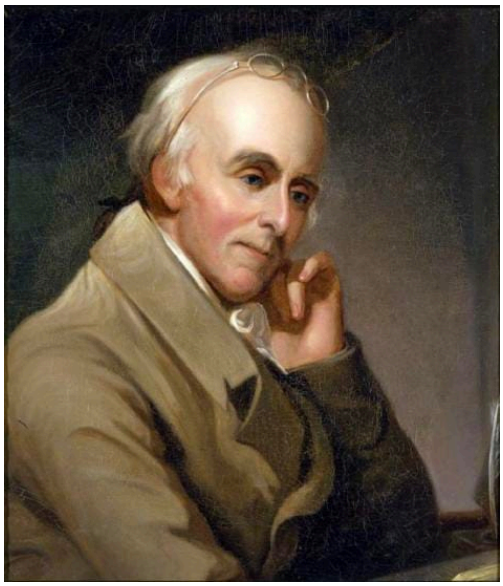


Figure 2.6: Dr. Benjamin Rush, a physician, political leader, and signer of the Declaration of Independence, played an active role in the revolutionary cause and later reflected on the gravity—and occasional dark humor—of the momentous decision to break from Great Britain. (Image Credit: Charles Wilson Peale, via Wikimedia Commons, Public Domain)

One signer, Dr. Benjamin Rush, recalled a moment of gallows humor on July 4, 1776. He overheard Benjamin Harrison of Virginia joke to the slender Elbridge Gerry of Massachusetts:

“I shall have a great advantage over you, Mr. Gerry, when we are all hung for what we are now doing. From the size and weight of my body, I shall die in a few minutes. But from the lightness of your body, you shall dance in the air for an hour or two before you are dead.”

Though the remark drew a smile, Rush noted the somber atmosphere that quickly returned—everyone in the room understood **the weight of their decision**.

About 200 copies of the Declaration were printed and distributed across the colonies, often read aloud in town squares. Only 25 original copies are known to exist today—two of them in Britain, showing that King George III received the colonists' bold declaration.

A Cultural Break and National Identity

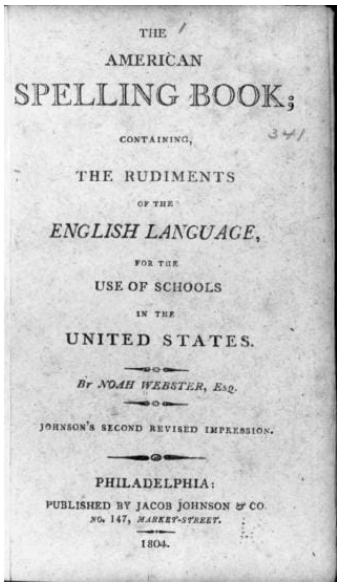

THE
AMERICAN
SPELLING BOOK;
CONTAINING,
THE RUDIMENTS
OF THE
ENGLISH LANGUAGE,
FOR THE
USE OF SCHOOLS
IN THE
UNITED STATES.
By NOAH WEBSTER, Esq.
JOHNSON'S SECOND REVISED IMPRESSION.
PHILADELPHIA:
PUBLISHED BY JACOB JOHNSON & CO.
No. 147, MARKET-STREET.
1804.

Figure 2.7: Noah Webster's "The American Spelling Book" helped to forge an American identity distinct from that of England. (Image Credit: Library of Congress, Public Domain)

The outcome of the Revolution was far from certain. In 1776, many believed British victory was likely, and American independence a long shot. Some nationalists, including Thomas Jefferson and John Adams, pushed not only for political independence but also **cultural separation** from Britain. One step in this direction came from **Noah Webster**, who authored an American speller and reader that standardized American spellings, like *honor* instead of *honour*, or *theater* instead of *theatre*. Webster’s books sold millions of copies and helped forge a distinct American identity rooted in language as well as politics.

The Enduring Legacy of the Declaration

The **Declaration of Independence** is often described as the **birth certificate of the United States.** It proclaimed the colonies' independence from Britain and articulated a commitment to **individual liberty**, **natural rights**, and **equality.** While many realities at the time, especially slavery and the exclusion of women, contradicted its ideals, the Declaration’s words have continued to inspire demands for justice and equality**.**

· In 1863, President Abraham Lincoln drew upon its principles in the **Emancipation Proclamation**, connecting the abolition of slavery to the nation’s founding ideals.

· In 1848, leaders of the **women’s suffrage movement** modeled the Seneca Falls Declaration of Sentiments on Jefferson’s language, asserting that “all men and women are created equal.”

· During the **Civil Rights Movement** of the 1960s, leaders like Martin Luther King Jr. invoked the Declaration as a moral standard the nation had yet to fulfill.

To this day, Americans continue to appeal to the Declaration of Independence as both and inspiration and justification in the ongoing struggle for freedom and equality.

Republicanism and the Spirit of '76

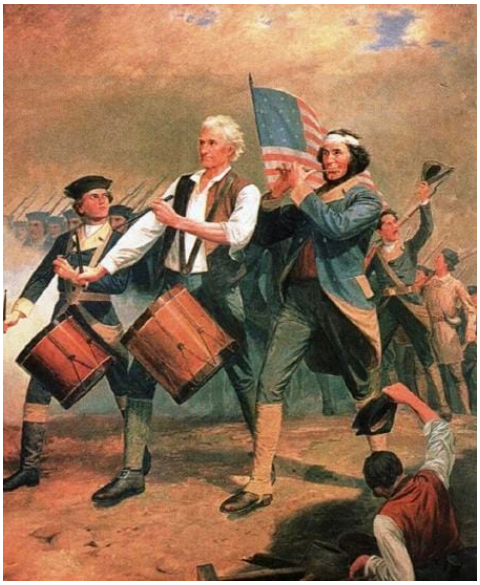


Figure 2.8: "The Spirit of '76" painting by Archibald MacNeal Willard embodied the idea of republicanism, that political power should derive from the people, not from monarchs or hereditary elites. (Image Credit: Archibald MacNeal Willard, via Wikimedia Commons, Public Domain)

After the Declaration of Independence was published in 1776, a new political philosophy swept through the colonies: **republicanism**. This wave of thinking, often called the **"Spirit of '76,"** was fueled not only by the Declaration itself but also by influential writings such as **Thomas Paine's *Common Sense***, which became a colonial bestseller. These texts popularized the idea that **political power should derive from the people**, not from monarchs or hereditary elites.

Republicanism emphasized that government should be run by **elected representatives** serving **short, limited terms**, rather than by unaccountable rulers. This **distrust of executive authority** was reflected in the new **state constitutions** drafted after independence. Most states concentrated power in their legislatures, which were seen as the branch closest to the people and most responsive to public opinion. Executive offices, such as governorships, were intentionally weakened, and terms of office were often limited to a single year to guard against the rise of authoritarian figures. These constitutions also frequently included **bills of rights**, which aimed to safeguard individual liberties and prevent abuses of power by elected bodies.

Republicanism, like all forms of government, required a careful **balance between liberty and order**. While British efforts to enforce control had provoked resistance, the post-independence focus shifted to the challenge of preserving liberty without descending into anarchy. The **republican ideal** was not simply about protecting individual rights, it also stressed the importance of **civic virtue** and **the public good**. Citizens were expected to act not only in their own interest, but also in the interest of the broader community.

The Declaration's language of **equality**—"all men are created equal"—had a powerful effect on colonial society. Though a formal class structure still existed, the rhetoric of equality clashed with traditional European-style deference to social rank. In the years following 1776, **indentured servitude declined sharply**, reflecting a shift toward greater **personal freedom** and a rejection of hierarchical labor arrangements. This growing sense of **egalitarianism**, while limited in practice (especially regarding women and enslaved people), laid the ideological foundation for future movements demanding equality and democratic participation.

The Articles of Confederation

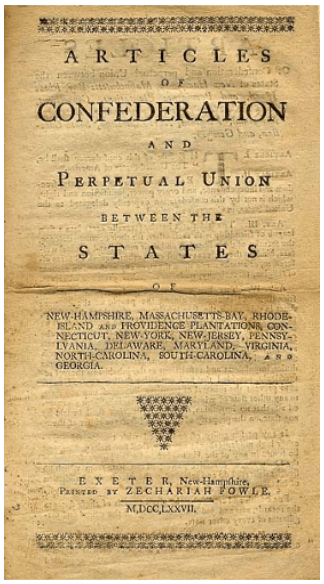

ARTICLES
OF
CONFEDERATION
AND
PERPETUAL UNION
BETWEEN THE
STATES
OF
NEW-HAMPSHIRE, MASSACHUSETTS-BAY, RHODE-ISLAND AND PROVIDENCE PLANTATIONS, CONNECTICUT, NEW-YORK, NEW-JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, NORTH-CAROLINA, SOUTH-CAROLINA, AND GEORGIA.
EXETER, New-Hampshire,
PRINTED BY ZECHARIAH FOWLE.
M,DCC,LXXVII.

Figure 2.9: Articles of Confederation and perpetual union between the states. (Image Credit: Library of Congress, Public Domain)

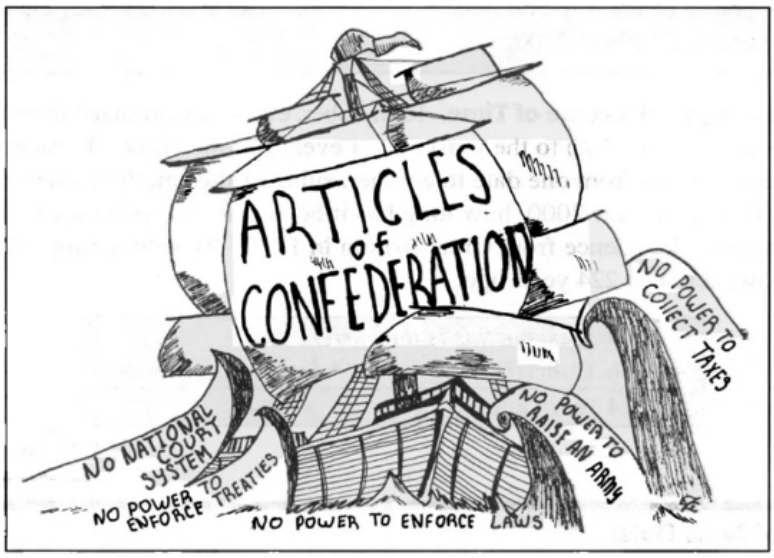
The American colonies were no strangers to **self-governance**. Given the long distance from England, direct oversight from London was impractical, leading the colonies to develop their own systems of local rule. Examples include the Fundamental Orders of Connecticut (1639), the Massachusetts Body of Liberties (1641), and Pennsylvania's Frame of Government (1682) and Charter of Privileges (1701). Even the **Mayflower Compact of 1620**—signed aboard ship by the Pilgrims before landing—reflected a commitment to self-rule. Some historians believe that Native American political systems, such as the **Iroquois Confederacy,** also influenced early American constitutional thinking. In 1520, the Iroquois pledged "to form a union, to establish peace, equity, and order"—language that echoes in the American political tradition.

As tensions with Britain escalated, the First Continental Congress met in 1774, followed by the Second Continental Congress in 1775, with representation from all 13 colonies. Even before the war's end, in June 1776, the Congress began drafting what would become the United States' first constitution: the **Articles of Confederation**. The final draft was adopted on November 15, 1777, though it wouldn't be ratified by all states until 1781.

A Weak Central Government by Design

Under the Articles, **power resided almost entirely with the states**. Each state maintained its own government, with the national government—such as it was—serving mostly to coordinate common interests. The central government had no real enforcement power and depended on the states' voluntary cooperation. A **confederation** is a system in which **sovereignty** (complete governing authority) lies with the constituent units, not with a central authority.

Each of the thirteen former colonies was essentially an **independent country or state**. This historical quirk helps explain why the U.S. uses the term "states" to describe its subnational units—unlike other countries, which use terms like "provinces" or "regions." Early in the revolution, France even proposed sending 13 different ambassadors to the newly independent "states."



"Rough Sailing Ahead?"

Figure 2.10: A cartoon using a sinking ship metaphor to illustrate the fundamental weaknesses of the Articles of Confederation. (Image Credit: Unknown)

As the constituent units under the Articles of Confederation were **sovereign**, they were not under the direct power of the central government. This made governing as a nation very difficult. The constituent units in a confederation may choose to **delegate power** upward for the sake of acting in concert with others for their mutual benefit, but that power is granted only conditionally and can be withdrawn at any time. Similarly, the central government could request actions from the states but had **no power to enforce** those demands. A confederation is a very **weak** form of central government.

Why did the former colonies decide to form a confederation as their first form of government? The former colonies were quite **distinct**. Each had a different **economic** base: large plantation agriculture in the South, fishing and trade along the coast, nascent industry in the North, and small-scale agriculture in the interior. Residents of each state were also distinct **culturally** and identified themselves first and foremost as citizens of their state, not of a larger nation. When people talked about their country, they meant "my country Virginia," or "Massachusetts," or "Georgia," etc.

But the primary reason the former colonies formed a **weak confederate government** was their **fear of tyrannical central rule**, such as they had experienced under Great Britain. However, the inherent weakness of a confederation quickly led to **serious problems,** both **economically** and **militarily**.

Economic and Military Challenges

The Articles of Confederation quickly revealed serious **flaws**. On the **economic** front, Congress could request funds from the states but had no power to compel payment**.** Predictably, many states failed to contribute their fair share, each hoping to **free ride** on the contributions of others. With **little revenue**, Congress struggled to pay off **war debts**, maintain a **military**, or fund basic **government operations**.

Without a national army or navy, the states were vulnerable to **foreign threats**. Britain, despite agreeing to peace in 1783, maintained troops in the Northwest and challenged U.S. claims to Western lands. Spain obstructed trade on the Mississippi River**,** further complicating the young nation's foreign relations. Some states attempted to build their own militias and navies, but these efforts were small and ineffective.

Trade disputes also erupted between states. Many imported goods from Europe passed through key coastal states, which imposed **tariffs** as those goods moved inland. In retaliation, inland states taxed coastal goods, sparking **interstate trade wars**. Some states even issued their own **currencies**, leading to widespread **inflation** and **financial instability**.

The Rise of Social and Economic Unrest

By the mid-1780s, the nation faced severe **economic decline**. **Inflation** soared, small farmers and tradespeople fell into **debt**, and **class divisions widened** between debtors and creditors. Banks began **foreclosing** on farms, and rural populations responded

with increasing anger.

In some states, legislatures sympathetic to farmers' grievances **canceled debts**, undermining the rights of property owners and creditors. In others, **armed insurrections** broke out. The most famous of these was **Shays' Rebellion** (1786–87), when Revolutionary War veteran Daniel Shays led a group of farmers in Massachusetts to forcibly shut down court proceedings and prevent foreclosures.

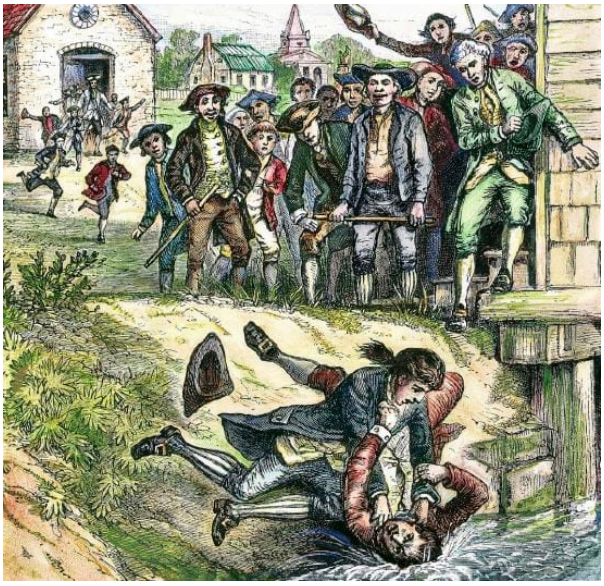


Figure 2.11: Shay's Rebellion. (Image Credit: Originally Published in the Columbus Dispatch, CC BY-SA 4.0)

While these **uprisings** were short-lived, they deeply alarmed political and economic elites**.** What had begun as a revolution against monarchial tyranny now appeared to be spiraling into **popular rebellion** and lawlessness. Ironically, it was not the executive power of a king that now posed a threat—it was the power of the people, expressed through state legislatures and mobs.

The republic appeared to be on the verge of **collapse**. Trade was stagnant, foreign threats loomed, and the authority of law was undermined. The Spirit of '76**,** which had emphasized liberty and popular rule, now looked like a force that might destroy the fragile new union.

Toward a Stronger Union

Faced with **growing instability**, many leaders began to call for a stronger central government. But change was not easy. State leaders were reluctant to give up **power**, and the memory of **British oppression** was still fresh. It wasn't clear that the American people were ready to **trade liberty for order**.

Yet the rising fear of **economic collapse** and **armed rebellion** eventually galvanized both elites and ordinary citizens. As one historian put it, "When the peasants suffer, so do the elites." **Popular unrest** made it clear: without reform, the American experiment might fail entirely. The stage was set for the Constitutional Convention of 1787**.**

The Constitutional Convention

Representatives from each of the thirteen states were called to meet in Annapolis, Maryland, on September 11, 1786, to discuss commercial problems. However, it soon became clear to those in attendance, most notably **Alexander Hamilton** and **James Madison**, that a more comprehensive discussion of the challenges facing the thirteen states was needed. As a result, delegates from twelve of the thirteen states (Rhode Island abstained) were sent to **Philadelphia in May of 1787**. Fifty-five delegates ultimately attended. Notably absent were Thomas Jefferson and John Adams, who were serving as ambassadors to France and England, respectively. Their absence is significant, as both were highly skilled in the art of statecraft: Jefferson was largely responsible for writing the Virginia Constitution, while Adams played a central role in crafting Massachusetts'. Nevertheless, their legacies and ideas were well represented at the Constitutional Convention.

The meetings were held in the Pennsylvania State House in Philadelphia, which would later become known as **Independence Hall**. The summer was unseasonably hot and humid, and working conditions in the building were far from ideal. As a result, much informal debate took place at the nearby Indian Queen Tavern. **Benjamin Franklin**, the oldest delegate at 81, suffered from gout. When he was unable to walk, four prisoners from a nearby jail carried him to the proceedings in a fancy Chinese chair. For amusement, he was known to occasionally trip fellow delegates with his cane from his aisle seat.



Figure 2.12: "Washington at the Constitutional Convention of 1787" (Image Credit: Junius Brutus Stearns, public domain)

Once the convention officially opened on May 25, one of the first orders of business was to name **George Washington** as president of the proceedings. This was an obvious choice, given Washington's **prominence and popularity** across the thirteen states. His leadership lent the convention an aura of seriousness and legitimacy. Interestingly, Washington contributed little to the debates, reportedly because he was aware that his opinions would carry excessive influence. Although the delegates had convened "for the sole and express purpose of revising the Articles of Confederation," they almost immediately resolved to **discard the Articles** entirely and **draft a new constitution** from scratch. They also agreed to keep the proceedings **secret**, enforcing a strict news blackout. While this "no news out of doors" policy might strike modern readers as undemocratic, it allowed the delegates to speak freely — to float ideas and raise objections without concern over how their remarks might be received by the public or the press.

Open to Debate:
Altruism or Self-Interest?

*What motivated the Framers as they drafted the Constitution? Were the Framers of the Constitution **principled statesmen** acting in the **public interest**, or were they **self-interested** elites seeking to protect their own **economic and political power**? The answer remains, fittingly, open to debate.*

*Historian **Charles Beard** famously argued in* An Economic Interpretation of the Constitution of the United States *(1913) that the Constitution's authors were not representative of the broader population. Instead, they came from the ranks of the **wealthy, educated, and politically powerful** — "the well bred, the well read, the well wed, and the well fed." Beard contended that these men were primarily motivated by **economic self-interest**. As merchants, bondholders, and creditors, many stood to benefit directly from a stronger national government that could regulate commerce, suppress insurrections, and honor debts. Article VI of the Constitution, for example, declares that all debts incurred under the Articles of Confederation "shall be as valid against the United States under this Constitution," effectively guaranteeing repayment — including for securities some framers had purchased for a fraction of their face value during times of fiscal uncertainty.*



Figure 2.13: Delegates to the Constitutional Convention of 1787 debate the structure of a new national government. Historians continue to debate whether the framers were primarily motivated by civic virtue and the public good, or by the economic and political interests of the nation's elite. (Image Credit: Architect of the Capitol, Public Domain)

Critics of Beard's view argue that his interpretation is too cynical and reductionist. While many framers had personal stakes in the outcomes, they also designed a system that deliberately limited government power and established checks and balances to protect individual rights. Some scholars contend that even if the framers were motivated by self-interest, the Constitution they produced has, over time, expanded democracy and individual liberty far beyond what existed in 1787.

Another dimension of this debate concerns ***human nature****. The framers — shaped by Enlightenment ideas and wary of both mob rule and tyranny — assumed that people are naturally* ***self-interested*** *and that government must channel this tendency through institutional constraints. In contrast, the Anti-Federalists believed that in smaller, more localized republics, citizens could act with genuine concern for the* ***common good****. They viewed the centralized system proposed by the Constitution as a betrayal of the egalitarian ideals of the Revolution — the "Spirit of '76."*

Finally, the ***secrecy*** *of the Constitutional Convention raises its own questions. Did it allow delegates to insulate their deliberations from popular pressures and protect their own interests without scrutiny? Possibly. Yet secrecy may also have enabled compromise and open dialogue, free from the distortions of public posturing.*

Were the framers ***idealists or pragmatists****? Were they* ***guardians of democracy or protectors of privilege****? Perhaps they were all of these things at once — and perhaps that complex mix is part of the Constitution's enduring legacy. The answer remains open to debate.*

The U.S. Constitution: Compromise and Accommodation

The U.S. Constitution is remarkable not only for the government it established, but also for the **skill, deliberation, and diplomacy** that went into its creation. Its construction serves as a powerful reminder that politics, at its best, is not about confrontation or bravado, as modern political rhetoric often implies, but about **civility, patience, and hard work**.

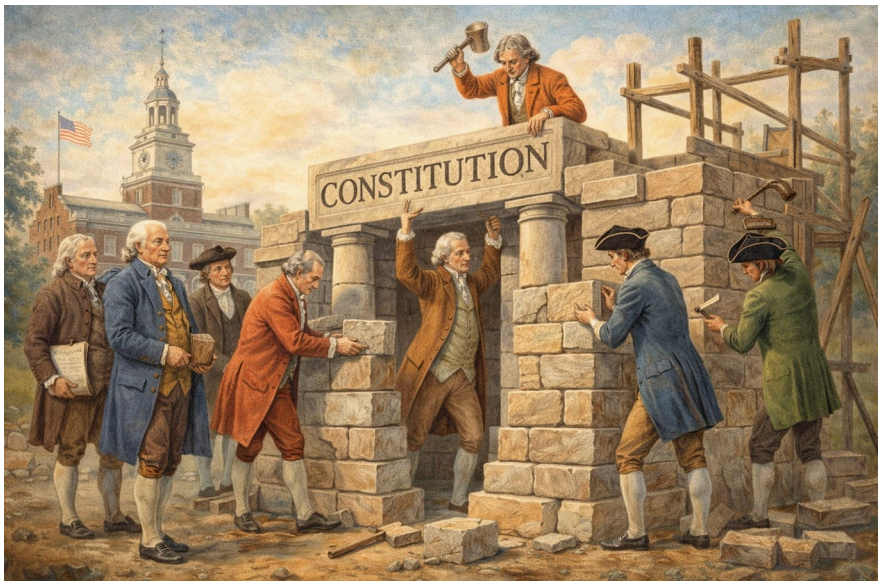


Figure 2.14: The U.S. Constitution was not created in a moment of dramatic confrontation, but through months of careful negotiation, compromise, and collaboration among delegates at the Constitutional Convention of 1787—illustrating how democratic institutions are often built through patience, diplomacy, and collective effort. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Effective statesmanship is not defined by rigidity or ideological purity, but by the ability to forge practical solutions through **compromise**. Unfortunately, the entertainment-driven nature of contemporary U.S. political culture often clashes with this ideal. Today's political figures rarely gain popularity by pledging to collaborate with the opposition, yet that kind of **cooperation** is precisely what's needed to govern a diverse and complex society.

Americans often celebrate the outcomes of effective policymaking but are less comfortable with the messy, incremental process that leads there. It's a bit like breakfast sausage: while people may enjoy the final product, they'd rather not watch it being made. Still, as with policymaking, it's the process that makes all the difference.

The Constitution wasn't handed down in perfect form from a mountaintop or discovered behind a burning bush. It emerged from intense **debate, negotiation, and compromise**, a testament to **the art of accommodation in service of the common good**.

The Great Compromise

As mentioned earlier, the individual states were reluctant to surrender their sovereignty. However, by 1787, it had become clear that the Articles of Confederation created a national government too weak to govern effectively. In designing a new system, the states were primarily concerned with **protecting their own power**, especially in relation to one another.

The debate took shape when **Governor Edmund Randolph** of Virginia introduced the **Virginia Plan**, which proposed a **bicameral** (two-chamber) legislature. Members of the lower house would be elected directly by the people, with the number of representatives based on each state's population. This chamber would then choose members of the upper house from a list of nominees submitted by the state legislatures. The national legislature would also choose both the executive and the judiciary. This plan clearly **favored larger states,** as they would receive greater representation and therefore wield more influence across all branches of government.

In response, **William Paterson** of New Jersey proposed the **New Jersey Plan**, which maintained the principle of **equal representation** for each state—one state, one vote—as under the Articles of Confederation. This plan also called for Congress to select a plural executive, which would in turn appoint a judiciary. This approach **favored smaller states**, ensuring they wouldn't be dominated by the more populous ones.

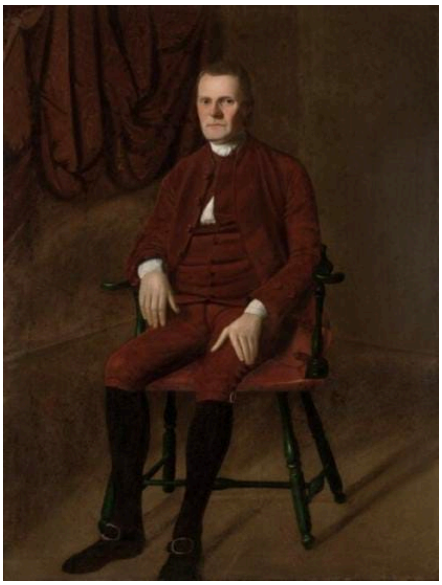


Figure 2.15: **Roger Sherman** of Connecticut helped resolve the deadlock between large and small states at the Constitutional Convention by proposing the **Connecticut (or Great) Compromise**, which created a **bicameral legislature** with proportional representation in the House of Representatives and equal representation for each state in the Senate. (Image Credit: Ralph Earle, Yale University Art Gallery, via Wikimedia Commons, Public Domain)

The debate between large and small states grew intense, with threats to dissolve the convention altogether. The deadlock was finally broken through the efforts of **Roger Sherman** of Connecticut, whose proposal became known as the **Connecticut Compromise** or the **Great Compromise**.

Sherman's plan combined elements of both the Virginia and New Jersey proposals. It created a **bicameral legislature** in which representation in the **House of Representatives** would be based on population, while each state would have equal representation in the **Senate**, with two senators per state. This compromise allowed both large and small states to support the new Constitution and laid the foundation for the structure of Congress that exists today.

The Slavery Compromise

The issue of **slavery** presented another seemingly insurmountable obstacle to the representatives to the constitutional convention. A clear commitment either to the abolitionist cause or to slaveholders would likely doom the Constitution's ratification. Although slavery was widespread in 1787, growing numbers, particularly in the North, had begun to question its morality and economic necessity, inspired in part by the ideals of liberty and equality from the "spirit of '76."

Even some Southern slaveholders, including George Washington, believed slavery's days were numbered. Washington's will provided for the emancipation of his enslaved people after the deaths of both himself and his wife Martha (though Martha's own will made no such provision). Still, **Southern delegates** insisted that slavery was vital to their economies, particularly for large-scale plantation agriculture, and would not support any Constitution that threatened the institution.

Northern delegates, many of whom were morally opposed to slavery, faced a stark choice: compromise or risk the collapse of the entire constitutional project. To ease Southern fears that the new government might quickly outlaw the slave trade, a compromise was reached: Congress would be **prohibited from banning the international slave trade** for 20 years**,** until 1808.

Another major point of contention was whether enslaved people would count in the population totals used to apportion seats in the House of Representatives. Southern states wanted enslaved people to count toward representation, but not toward the apportionment of taxes. Northern delegates resisted, arguing it was unjust to grant political representation based on populations who had no rights and were considered property.

The resulting **Three-Fifths Compromise** counted each enslaved person as three-fifths of a person for purposes of both **representation and direct taxation**. This compromise gave the South disproportionate influence in the House of Representatives: had enslaved people not been counted at all, the South would have held about one-third of the seats rather than nearly half.

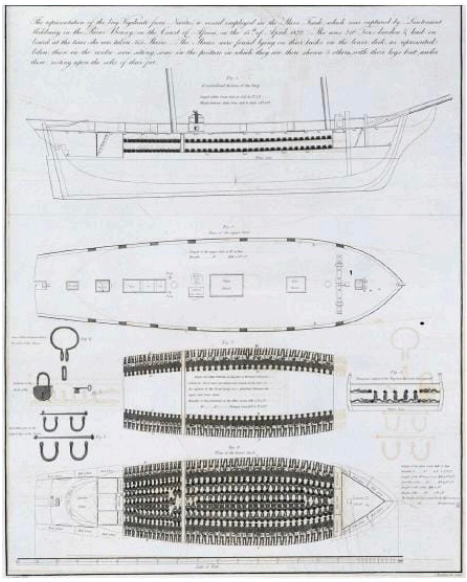


Figure 2.16: Representation of the slave ship 'Vigilante'. (Image Credit: Public Domain)

The slavery compromises satisfied neither side completely. However, each faction could claim a partial victory. Southern delegates **preserved slavery** and protected the slave trade for two decades**,** giving them time to expand their labor force. Northern delegates accepted the compromise without granting slavery explicit constitutional protection, and without ever using the words “slave” or “slavery” in the document.

The ability to navigate this deeply divisive issue without derailing the entire Constitutional Convention was a remarkable political feat, though it came at a profound **moral cost**, one that would haunt the nation for generations.

Checks and Balances

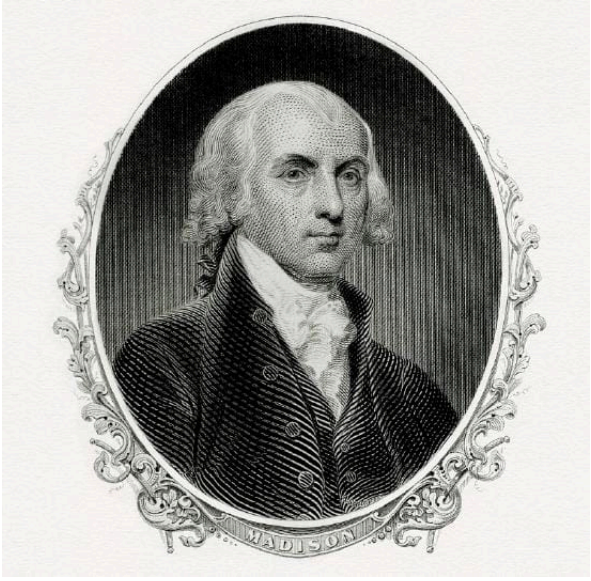


Figure 2.17: James Madison. (Image Credit: Public Domain)

> *“If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place, oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.”*

- James Madison, The Federalist, No. 51

The framers of the Constitution faced a fundamental challenge: creating a central government **strong enough to govern effectively, yet limited enough to prevent tyranny**. The failures of the Articles of Confederation had demonstrated the dangers of a government that was too weak. At the same time, the recent experience with British rule made the framers deeply wary of centralized power.

The task of designing a government that balanced authority and restraint largely fell to **James Madison**, whose ideas became known as the **Madisonian Model**, influenced by Enlightenment thinker **Baron de Montesquieu**. Madison believed that the key to limiting governmental power was **separation of powers**—dividing authority among **three distinct branches**: legislative, executive, and judicial.

But Madison's vision went further. He also advocated for a system of **checks and balances**, in which each branch would have the authority to limit the powers of the others. In this way, "**ambition could be made to counteract ambition**," ensuring that no single branch could dominate.

This system, embedded in the Constitution, has proven remarkably resilient. Some core examples of checks and balances include:

· **Legislation**: Congress passes laws, but the President must sign them for enactment. The President can veto legislation, but Congress can override that veto with a two-thirds vote in both chambers.

· **Executive Power**: The President enforces laws, but relies on Congress to authorize funding—an essential check known as the "power of the purse."

· **Judicial Review**: Courts can declare presidential actions or legislative acts unconstitutional. However, federal judges are appointed by the President and must be confirmed by the Senate.

This intricate system requires **cooperation and mutual oversight**. By **dispersing power** and creating **interdependence** among the branches, Madison's model has helped preserve democratic governance and earned him the title **"Father of the Constitution."**

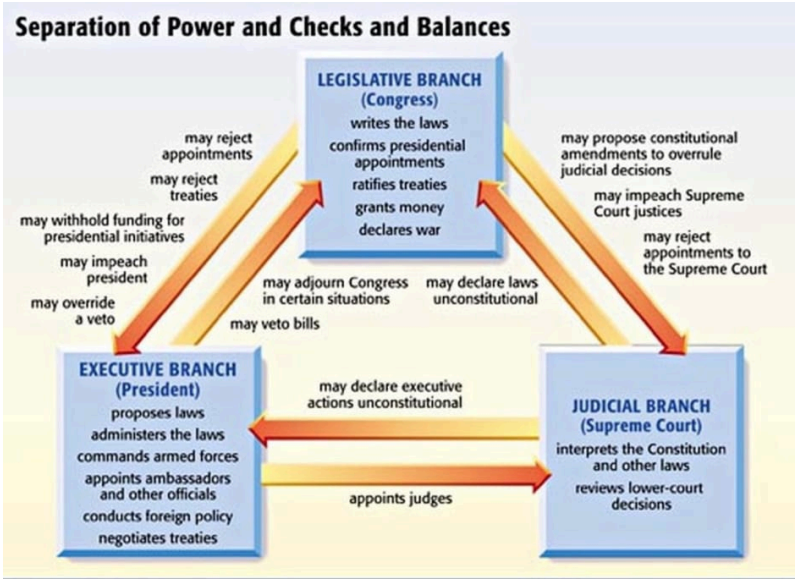


Figure 2.18: Separation of Power and Checks and Balances in the U.S. Constitution. (Image Credit: Jaye Ramseysutter CC BY-SA 3.0)

Indirect Democracy

One of the final challenges the framers of the Constitution faced was how to accommodate the republican spirit that had swept the new nation after its successful rebellion against British rule. How could the new government reflect this democratic impulse while also ensuring that those in power had the **wisdom, experience, and temperament** to govern effectively?

At the time, most political systems assumed that authority flowed from the **top down,** typically from a monarch or supreme executive. The notion that **power could flow upward** from the people was revolutionary. Yet the framers, especially James Madison, were wary of the risks that came with too much direct participation by the public. They had witnessed what they viewed

as the **excesses of popular** rule under the Articles of Confederation, including **debt forgiveness** laws and **populist uprisings** like Shays' Rebellion, which threatened property rights and legal contracts.

For the framers, then, **indirect democracy** wasn't just a **practical compromise**; it was a **philosophical necessity**. They wanted a system in which sovereignty ultimately rested with the people, but where governance was carried out by a filtered group—those deemed capable of responsible decision-making.

The solution was a **representative democracy**, but one with multiple barriers between the people and the highest levels of power:

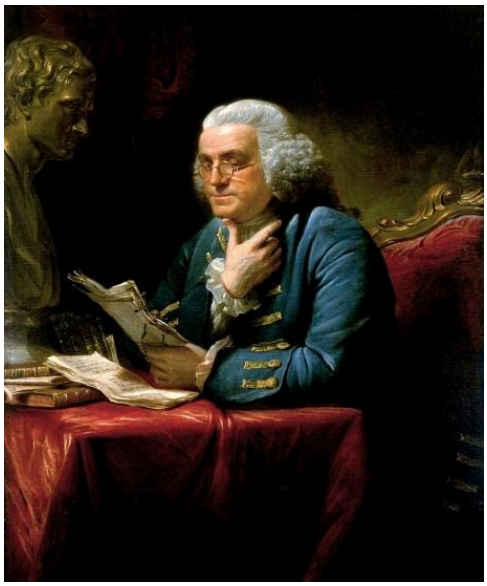


Figure 2.19: Benjamin Franklin. (Image Credit: The White House Historical Association, Public Domain)

The only federal officials **directly elected** by the people would be **members of the House of Representatives**, a concession to democracy likely necessary for ratification.

· Even at that level, most states limited voting to **white male property owners**, typically the wealthiest ten percent of the population.

· Proposals for broader suffrage, such as Benjamin Franklin's support for universal white male voting rights, were rejected as too radical.

· **Senators** were to be chosen by **state legislatures**, not by the people directly (until the 17th Amendment changed this in 1913).

· The **President** would be selected by **electors**, not by a national popular vote—creating a b**uffer** between public opinion and executive power.

In sum, while the framers acknowledged the sovereignty of the people**,** they designed a system in which **popular influence was indirect and highly mediated**. Their goal was to **balance** the **democratic ideals** of the Revolution with a structure that protected against what they saw as the **dangers of mob rule.**

Open to Debate:
Checks and Balances — Protecting Liberty or Preserving Power?

> *In* Federalist No. 10*, James Madison warns about the dangers of* ***factions****—groups of people united by a shared interest or passion that may work against the rights of others or the interests of the community. Madison argues that a large republic, governed through a representative system, is the best defense against any one faction gaining too much power.*

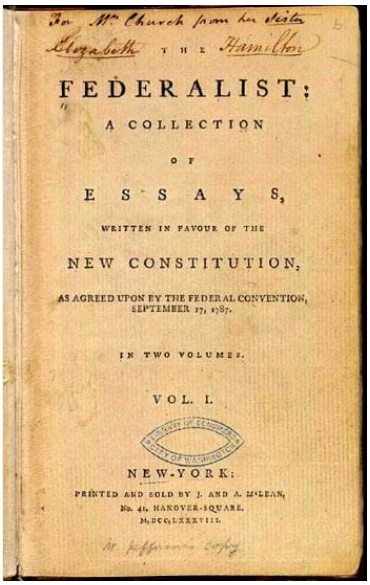


Figure 2.20: The Federalist, a collection of 85 essays written in favor of the new U.S. Constitution. (Image Credit: Public Domain)

> *But what kind of faction was Madison most concerned about? Was he primarily warning against* ***majority rule****, where a popular majority could trample on the rights of a minority? Or was he also concerned about* ***popular movements*** *that could threaten the interests of an economic or political elite?*
>
> *In* Federalist No. 51*, Madison promotes the idea of* ***checks and balances****—a structure in which each branch of government can limit the power of the others. This is often celebrated as a* ***safeguard against tyranny****. But critics have pointed out that the same system of mutual checks can also* ***limit the influence of popular majorities,*** *especially when elected officials or courts act to block reforms that challenge entrenched power.*
>
> *So, what were the Framers truly trying to protect? Were checks and balances designed primarily to guard* ***individual liberty*** *and minority rights, as Madison claimed? Or do they also serve to preserve the* ***power of elites*** *by making it difficult for popular movements to bring about change? Do the constitutional mechanisms that restrain government also sometimes restrain democracy? The answer remains open to debate.*

Ratification

The Constitution was signed on September 17, 1787, but it would not become law until ratified by the states. Under the Articles of Confederation, amending the national framework required unanimous approval from all thirteen states—a nearly impossible standard. The Constitutional Convention sidestepped this requirement, declaring that ratification by **nine** states would be sufficient. This controversial change set off one of the most vigorous public debates in U.S. history.

The ratification debate was waged between two primary camps: the **Federalists**, who supported the new Constitution and a stronger national government, and the **Anti-Federalists**, who feared centralized power and the loss of state sovereignty. The Federalists were led by figures like **Alexander Hamilton**, **James Madison**, and J**ohn Jay**, who published a series of essays known as ***The Federalist Papers*** defending the Constitution. Anti-Federalist writers, such as “Brutus” and “Cato,” warned that the Constitution would erode liberty, ignore the rights of the people, and concentrate power among elites.

Many state ratifying conventions echoed debates from the Philadelphia convention. In **Massachusetts**, delegates objected to the 3/5 Compromise and the temporary protection of the slave trade, seeing these as moral compromises. In **South Carolina**, by contrast, delegates worried that slavery was not protected strongly enough. Ultimately, Southern assurances rested on the fact that the Constitution gave the national government only enumerated powers—abolishing slavery was not among them.

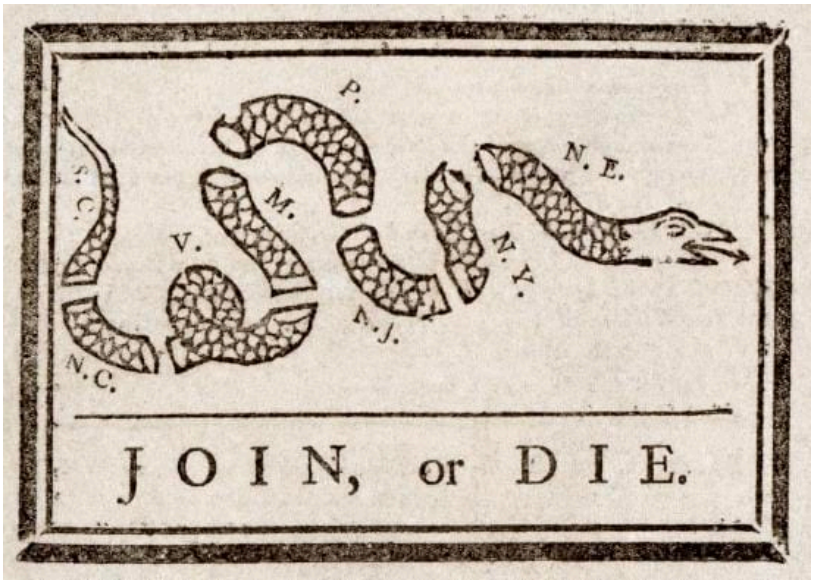


Figure 2.21: Benjamin Franklin's "Join, or Die" political cartoon. (Image Credit: first published on May 9, 1754 in the *Pennsylvania Gazette*, Library of Congress, Public Domain)

Despite Federalist confidence, ratification was far from guaranteed. **Public skepticism** of centralized authority ran deep, especially in key states like Massachusetts. Many of its delegates arrived opposed to the Constitution, concerned about long Senate terms, vague executive powers, and the absence of a bill of rights. Yet through skillful argumentation, such as defending the Senate's six-year term as necessary for stable foreign policy, and the influential moderation of figures like **Samuel Adams**, the Federalists gradually won support. Massachusetts ratified the Constitution in February 1788, helping to build momentum nationwide.

The **Federalists** had several **advantages**. They had written the document and understood its complexities better than their opponents. Many were well-educated and influential, with access to the press and strong public trust—especially with **George Washington's** endorsement. Anti-Federalists, by contrast, had only just received the finished document and had little time to craft persuasive responses.

Still, the **Anti-Federalists** made a lasting impact. Their primary concern, the lack of a **bill of rights**, resonated across the political spectrum. Many state constitutions already included such protections, and the absence of one in the federal Constitution seemed suspicious. James Madison initially argued that enumerating rights was unnecessary in a system rooted in popular sovereignty, but he and other Federalists soon recognized that promising a bill of rights was essential to securing ratification. They pledged to add one during the new government's first session.



Figure 2.22: "The Ninth Pillar erected" The cartoon illustrates the ratification by the states of the new Federal Constitution. (Image Credit: The Library of Congress, Public Domain)

That promise helped secure **ratification** in several swing states. True to their word, the **Bill of Rights**, ten amendments protecting fundamental liberties, was ratified in 1791. Ironically, **Madison**, once skeptical, became the chief author of these amendments.

Today, the Bill of Rights stands alongside the Constitution and the Declaration of Independence as one of the foundational documents of American democracy.

Evolution of the Constitution

A Living Document

How can a constitution written in 1787 still shape debates about issues like internet piracy, artificial intelligence, and global terrorism? How does the world's oldest functioning democratic constitution remain effective in one of the most technologically advanced societies?

The answer lies in the design and nature of the **U.S. Constitution**. It is a **procedural** constitution, focused primarily on outlining *how* government operates, rather than prescribing *what* policies it must follow. Its language is relatively **brief**, **general**, and **open to interpretation**. This was intentional: the Constitution needed to **balance competing interests** at the time and provide a **flexible framework** that could accommodate future generations.



Figure 2.23: The Constitution's broad language allows its meaning to evolve over time. Through interpretation—especially by the Supreme Court—its principles continue to adapt to new circumstances, leading many scholars to describe it as a "**living document**." (Image Credit: K. Sutliff, via Wikimedia Commons)

Because of its general language, the Constitution relies heavily on **interpretation**, especially by the **judicial branch**. As discussed in more detail in the chapter on the judiciary, the Supreme Court's power of **judicial review** plays a key role in applying constitutional principles to new and unforeseen circumstances. Though the Framers could not have anticipated the digital age, their decision to write a **framework rather than a rulebook** allowed the Constitution to **evolve** over time. This adaptability is why the U.S. Constitution is often referred to as a **"living document."**

A Contrast: The California Constitution

To understand the flexibility of the U.S. Constitution, it helps to contrast it with the **California Constitution**, which is an example of a **substantive** constitution. Unlike the U.S. Constitution, California's includes not only the structure and powers of government but also a wide range of **detailed policy provisions**. These often reflect the political compromises and special interests involved in its drafting and amendment over the years.

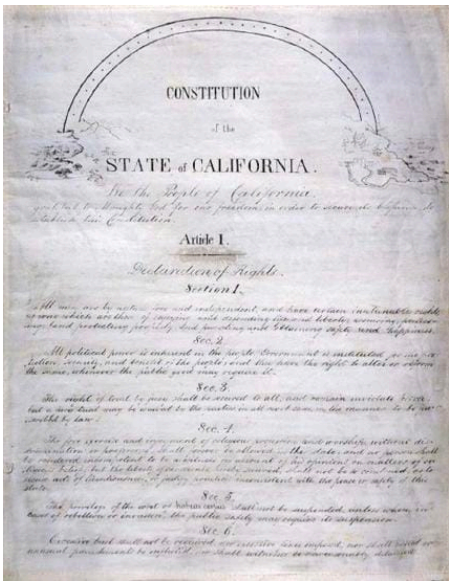


Figure 2.24: The 1849 California State Constitution. (Image Credit: Public Domain)

The result is a much **longer and more rigid** document. The California Constitution has over 33,000 words and more than 500 amendments**,** compared to about 4,500 words and 27 amendments in the U.S. Constitution. It includes provisions on such specific matters as the sale of alcohol on airplanes, the use of bingo by charities, and property tax exemptions for grapevines less than three years old. Its index alone is longer than the entire U.S. Constitution.

Because it is so **detailed**, the California Constitution requires **frequent amendment** to respond to changing conditions, often through ballot initiatives. In contrast, the general and adaptable language of the U.S. Constitution has allowed it to guide American governance through dramatic social, technological, and political changes for more than two centuries.

Amending the Constitution

The U.S. Constitution is intentionally **difficult to amend**. The framers designed the process to ensure that only proposals with broad, bipartisan support could become part of the nation's highest law. There are two main steps in the amendment process: **proposal** and **ratification**.

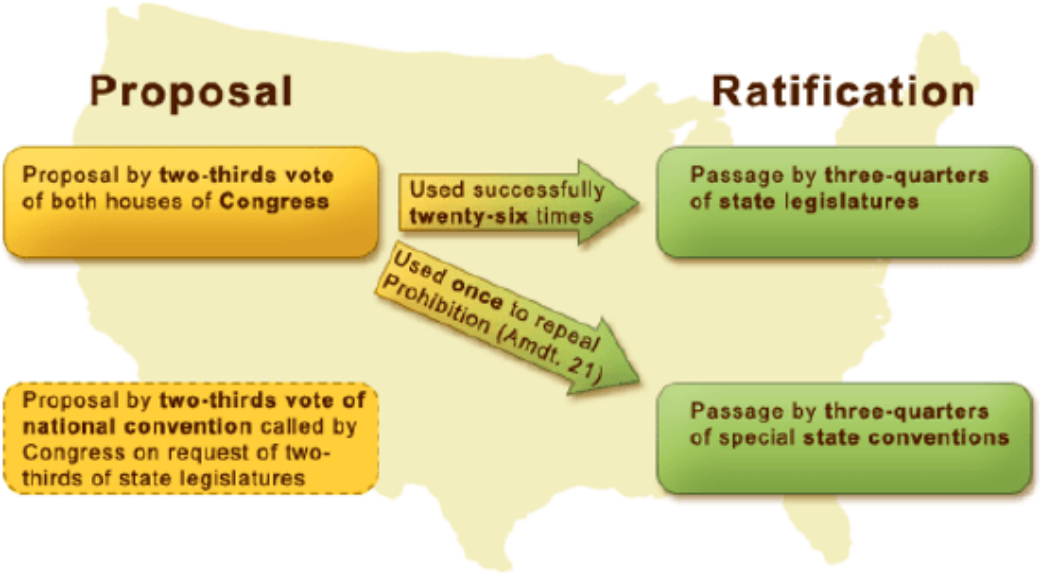


Figure 2.25: The Amendment Process to the U.S. Constitution. (Image Credit: Wikimedia Commons, CC BY-SA 4.0)

Step 1: Proposal

An amendment can be proposed in one of two ways:

1. **By Congress**, with a two-thirds vote in both the House of Representatives and the Senate.

2. **By a national convention**, called at the request of two-thirds of state legislatures (34 out of 50). *This second method has never been used.*

Step 2: Ratification
Once proposed, an amendment must be ratified by one of the following:

1. **Approval from three-fourths of state legislatures** (38 states).

2. **Approval from conventions in three-fourths of the states**. *This method has been used only once, to repeal Prohibition with the 21st Amendment. Supporters believed state legislatures might be too influenced by the vocal temperance movement.*

How Often Is the Constitution Amended?

Since 1789, nearly 12,000 amendments have been proposed in Congress, but **only 27 have been ratified**. That's a success rate of less than 1%. The first 10 amendments, known as the Bill of Rights, were adopted in 1791 to guarantee key civil liberties. Two amendments canceled each other out, the 18th Amendment**,** which created Prohibition, and the 21st Amendment**,** which repealed it. That leaves just 15 additional amendments in over 230 years. Given the immense technological, cultural, and political changes the U.S. has undergone, this is a remarkably small number.

Making the Constitution More Democratic

Many of the successful amendments have expanded democracy by increasing who can participate and how:

· **13th Amendment (1865):** Abolished slavery.

· **14th Amendment (1868):** Guaranteed equal protection and due process under the law.

· **15th Amendment (1870):** Prohibited racial discrimination in voting.

· **17th Amendment (1913):** Established direct election of U.S. Senators.

· **19th Amendment (1920):** Granted women the right to vote.

· **24th Amendment (1964):** Banned poll taxes in federal elections.

· **26th Amendment (1971):** Lowered the voting age to 18.

Amendments That Failed

Some major proposed amendments have gained national attention but ultimately fell short of ratification. These include:

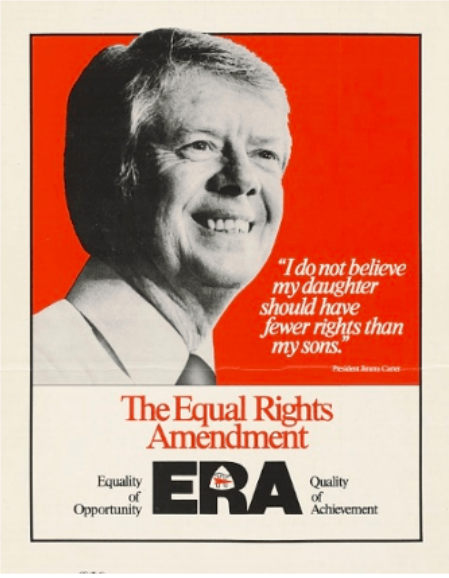


Figure 2.26: The Equal Rights Amendment (ERA) would have guaranteed equal legal rights regardless of sex. (Image Credit: Smithsonian Institution, CC0)

· **The Equal Rights Amendment (ERA):** Would have guaranteed equal legal rights regardless of sex. It passed Congress in 1972 but failed to be ratified by the necessary number of states before the deadline.

· **District of Columbia Voting Rights Amendment (1978):** Would have granted Washington, D.C., full representation in Congress, as if it were a state, including voting members in the House and Senate. Although Congress approved it, only 16 states ratified it before the 7-year deadline, far short of the required 38.

· **Flag Desecration Amendment:** Aimed to prohibit the burning or defacing of the U.S. flag. It passed the House several times but consistently fell short in the Senate.

The rarity of constitutional amendments raises an important question: Should a foundational document remain largely unchanged as society evolves, or should it be more readily adapted to meet modern needs? Though formal amendments are rare, **constitutional interpretation through the courts**, especially the Supreme Court, has allowed the Constitution to remain a living, evolving framework.

Open to Debate:
Should the Electoral College Be Abolished?

*In the 2000 presidential election, the Democratic candidate, **Al Gore**, won a clear majority of the popular vote, yet was not elected president. In 2016, **Hillary Clinton** received nearly three million more votes than Donald Trump, but she too lost the presidency. In both cases, **the candidate who received fewer votes nationwide became president**. How can this happen in a democracy that claims to value majority rule and government by the people? The answer lies in the Constitution.*



Figure 2.27: Critics of the **Electoral College** argue that presidential elections often hinge on a small number of **swing states**, leaving many voters in reliably Democratic or Republican states feeling overlooked. This dynamic has fueled debates about whether the system still reflects the democratic principle of **"one person, one vote"** in modern American elections. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

*The U.S. Constitution was designed in part to **insulate the presidency from direct control by the masses**. The Framers feared that voters might be swayed by **demagogues**—charismatic figures who appeal to emotion and self-interest rather than reason and experience. To guard against this, they created the **Electoral College**, a body of electors that would formally choose the president.*

*Over time, however, the Electoral College has evolved. Today, voters in presidential elections are technically voting for electors who are pledged, by law or party custom in most states, to support the candidate who wins the popular vote in their state. In 48 states, this is done on a **winner-take-all** basis: the candidate with the most votes receives* all *of that state's electoral votes, regardless of the margin. This means that some votes carry more weight than others, depending on where voters live.*

The Electoral College has now led to five presidential elections in which the winner of the presidency did not win the national popular vote:

*· In **1824**, John Quincy Adams became president despite losing both the popular and electoral vote to Andrew Jackson. Because no candidate won a majority in the Electoral College, the House of Representatives chose the winner.*

*· In **1876**, Rutherford B. Hayes lost the popular vote but won the presidency by a single electoral vote after a highly contested result.*

*· In **1888**, Benjamin Harrison won the presidency despite losing the popular vote to Grover Cleveland by over 90,000 votes.*

*· In **2000**, George W. Bush became president after narrowly winning the Electoral College while losing the popular vote to Al Gore by over half a million votes.*

*· In **2016**, Donald Trump lost the popular vote to Hillary Clinton by nearly 3 million votes, yet won the presidency with a comfortable electoral majority.*

*These outcomes have led many Americans to question whether the Electoral College still serves a legitimate purpose in a modern democracy. Critics argue that it is an outdated and undemocratic system that violates the principle of **"one person, one vote."** They note that a small number of **swing states** now effectively decide the outcome of presidential elections, leaving many voters in other states feeling ignored or powerless.*

Defenders of the Electoral College argue that it was designed to preserve the federal character of the nation

*by ensuring that **smaller states** have a voice in presidential elections. They contend that eliminating it would concentrate power in large urban areas and reduce attention to rural and less populous states.*

*Yet the question remains: **Should the U.S. move to a system of direct national popular vote for electing its president?** Such a change would require a **constitutional amendment**, a difficult but not impossible task. The debate continues over whether the Electoral College protects the republic, or undermines its democratic ideals. The answer remains open to debate.*

A Constitution for the Elites or the People? Jefferson, Adams, and the Founding Debate

The United States was founded on ideals of **liberty, equality, and popular sovereignty**. But the creation of the Constitution also reflected a concern for **order and stability**, goals that often required empowering a strong central government and placing political authority in the hands of a well-educated elite.

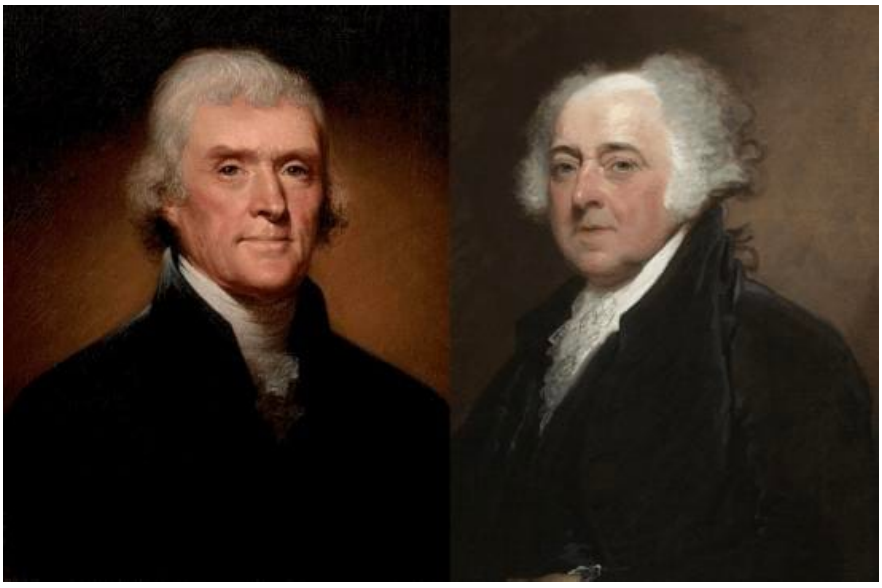


Figure 2.28: Thomas Jefferson and John Adams. (Image Credit: Public Domain)

This **tension between popular rule and elite control** was at the heart of one of the most significant and sustained debates of the early republic: the correspondence between **John Adams and Thomas Jefferson**. These two Founders, once allies and later political rivals, spent their final years exchanging letters that reflected their competing visions for American democracy. This debate was most fully elaborated in their correspondence, which they both preserved (self-consciously) for posterity. Fittingly, they died on the same day, July 4, 1826, the 50th anniversary of the Declaration of Independence. Their deaths, just hours apart, underscored the historical significance of their partnership and their differences.

Adams, a **Federalist**, believed inequality was natural and inevitable. He argued that a governing elite would emerge based on merit and that giving too much power to the masses risked instability or demagoguery. In his view, a republic required experienced leaders capable of governing wisely.

Jefferson, reflecting **Anti-Federalist** concerns, believed democracy depended on broad participation and vigilance against entrenched elites. He feared a powerful central government in the hands of a few would betray the Revolution's ideals. For Jefferson, only a system that empowered ordinary citizens could preserve liberty.

This founding debate explains many of the Constitution's ambiguities. Its carefully crafted language allows for both elite and popular interpretations of power. That tension—between **democratic ideals and institutional control**—remains a defining feature of American politics.

Conclusion: From 1787 to Today: Balancing Founding Ideals and Modern Challenges

The **U.S. Constitution** was not created in a vacuum. It emerged from the failures and limitations of the **Articles of Confederation** and was shaped by the revolutionary ideals expressed in the **Declaration of Independence**. While the Declaration laid out a bold vision of **liberty**, **equality**, and **government by consent**, the Constitution provided the structure and procedures to make self-government functional and lasting.

At the **Constitutional Convention of 1787**, delegates faced enormous challenges: how to balance large and small states, how to count enslaved people for the purposes of representation and taxation, and how to prevent **tyranny**, whether by a monarch, a legislature, or the people themselves. The **compromises** they reached, especially around **representation** and **slavery**, were pragmatic but morally and politically fraught, with consequences that echoed through the **Civil War** and beyond.



Figure 2.29: Scene at the Signing of the Constitution of the United States. (Image Credit: Howard Chandler Christy, Public Domain)

The Constitution they produced established a system of **checks and balances**, **separation of powers**, and **federalism**, structures designed to prevent the abuse of power by distributing it across multiple institutions and levels of government. It also created an intentionally **indirect democracy**, including the **Electoral College** and a **Senate** originally chosen by state legislatures, reflecting the Framers' deep ambivalence about the political wisdom of the general public.

The **ratification debate** that followed revealed sharp divisions about whether the Constitution created a government that was too powerful or not powerful enough. **Federalists** argued it provided the strength and stability the young republic needed; **Anti-Federalists** warned that it lacked protections for individual rights and risked creating an elite-dominated system. The addition of the **Bill of Rights** helped secure ratification and has since become a core element of American constitutional identity.

Over time, the Constitution has proven to be both durable and deeply contested. The formal **amendment process** is intentionally difficult—only **27 amendments** have been added since 1789—but the document has evolved through **judicial interpretation**, political practice, and public engagement. Debates about its meaning and legitimacy continue today, especially around issues like the **Electoral College**, **voting rights**, and the role of government in ensuring **equality**.

Ultimately, the Constitution reflects both the lofty ideals and practical compromises of its time. It is a framework built on contradictions—between **liberty and order**, **federalism and unity**, **elite control and popular participation**. As such, it remains a **"living document,"** not because it changes easily, but because each generation is called to reinterpret and re-engage with it.

Its survival depends not just on the brilliance of its design, but on our collective commitment to its principles. In recent years, rising **political polarization**, attacks on **democratic institutions**, and efforts to undermine the **peaceful transfer of power** have tested the resilience of the constitutional system. These challenges make clear that the Constitution does not enforce itself. Its continued relevance and authority require an informed public, active **civic participation**, and leaders who place the **rule of law** above personal or partisan interest. Whether the Constitution can continue to serve as a bulwark against tyranny and a guide for democratic governance depends on how we rise to meet these contemporary threats and whether we continue to ask the hard questions: Who is represented? Who holds power? And how can we make the promise of democracy more real for more people?

Looking Ahead: Rights and Freedoms in Theory and in Practice

The Constitution established a framework for government, but it also left many questions unanswered about the rights of individuals and who gets to enjoy them. In the next chapter, we'll examine **civil liberties**: the **fundamental freedoms** the Constitution protects from government interference, such as freedom of speech, religion, and the right to privacy. These liberties are essential to democracy, but they haven't always been applied equally or consistently.

In the following chapter, we'll turn to **civil rights**, which focus on the struggle for **equality under the law**. While civil liberties protect individuals *from* the government, civil rights are about ensuring the government actively protects people *against* discrimination. Together, these chapters explore how the promises of the Constitution have been tested, expanded, and challenged over time, and whose voices have shaped the ongoing fight for justice and inclusion.

Glossary

Anti-Federalists: Those who favored more localized government in which citizens would protect the interests of each other; they were opposed to the new Constitution.

Articles of Confederation: The first constitution of what would become the United States in which sovereignty rested with the thirteen constituent states.

Bicameral: A legislature consisting of two houses.

Confederation: A system of government in which the constituent units are sovereign.

Connecticut Plan or "Great Compromise": The creation of a bicameral system of representation which balanced the interests of the large and the small states.

Constitutionalism: The creation of a basic law which places limits on the power that can be exercised by government and establishes rights for those who are governed.

Declaration of Independence: The document in which the colonies formally declared their independence from Great Britain.

Federalists: Those who advocated a nationalist vision of a strong central government that would be able to exert its influence westward and become a major global actor; they were in favor of the new Constitution.

Madisonian Model: Dividing government into three branches which must share power with each through a system of "checks and balances."

Natural Rights: Rights which individuals have simply by virtue of being human. Subsequently, individuals cannot be separated from these rights; they are "unalienable."

New Jersey Plan: A plan for representation which favored the smaller states.

Procedural constitution: A constitution which sets out the procedures government is to follow and not the substance of what government does.

Northwest Ordinance: Passed by the Confederation Congress in 1787, the Ordinance prohibited the introduction of slavery and individual rights, including freedom of religion in any future states created from the territories north-west of the Ohio River.

Representative democracy: A system in which the people elect representatives to carry out the task of governing.

Republicanism: A system of governance in which political power rests with the people who exercise that power through representatives who govern on behalf of the masses and not the elites.

Social contract: When rational individuals agree to give up some of their liberties in order to form a government which will protect their natural rights.

Sovereignty: A government which has complete control over a state.

Spirit of '76: The sense of Republicanism and equality that swept through the colonies following the Declaration of Independence.

Three-fifths compromise: A compromise in which each slave was counted as three-fifths of a person for the purposes of determining representation to the House of Representatives and for determining per-capita taxes paid by the states to the central government.

Virginia Plan: A plan for representation which favored the larger states.

Selected Internet Sites

http://www.archives.gov/national_arc.../charters.html. The Constitution of the United States and related articles.

https://www.archives.gov/milestone-documents/northwest-ordinance. The Northwest Ordinance.

http://www.usconstitution.net/. A variety of information about the U.S. Constitution.

http://www.usconstitution.net/consttop_ccon.html. Some Constitutional facts linked from the site above.

http://www.usconstitution.net/constconart.html. Comparing the U.S. Constitution and the Articles of Confederation.

http://memory.loc.gov/ammem/bdsds/bdsdhome.html. Documents from the Continental Congress and the Constitutional Convention.

http://www.answers.com/topic/beard-charles-austin. Information on Charles Austin Beard, author of *An Economic Interpretation of the Constitution*.

http://www.loc.gov/law/guide/usconst.html. Texts, Commentaries, Historical Texts and Judicial Decisions.

http://ratify.constitutioncenter.org/constitution/. The Constitution along with some "fast facts."

http://bensguide.gpo.gov/6-8/documen...ackground.html. Ben's guide to U.S. Government.

http://avalon.law.yale.edu/subject_menus/fed.asp. The Federalist Papers.

http://www.constitution.org/afp/afp.htm. The Anti-Federalist Papers.

https://www.acslaw.org/. The American Constitution Society.

http://www.constitutionparty.com/. The goal of the Constitution Party is to limit the federal government to its delegated, enumerated, Constitutional functions and to restore American jurisprudence to its original Biblical common-law foundations.

http://www.aclu.org. The American Civil Liberties Union.

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Chapter 3: Liberty and Security- The Struggle for Civil Liberties

Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety.

– Benjamin Franklin

Civil Liberties: The Struggle Between Freedom and Security

Civil liberties are the **individual rights and freedoms** that government may not infringe upon without due process of law. These include protections such as freedom of speech, freedom of religion, and the right to privacy. The concept of liberty has always been central to American political culture. Many early colonists came to the New World seeking religious and political freedom. As early as 1641, the Massachusetts General Court adopted the *Body of Liberties*, one of the first legal documents in the colonies to outline rights that the government could not violate.



Figure 3.1: The Statue of Liberty (more formally, Liberty Enlightening the World, and more colloquially, Lady Liberty) is a structure located on Liberty Island in New York Harbor, presented to the United States on the centennial of the signing of the American Declaration of Independence as a gift from France. The statue has been known as a beacon of freedom to much of the world. (Image Credit: William Warby, via Wikimedia Commons, CC BY 2.0)

In the ***Declaration of Independence***, Thomas Jefferson famously wrote that liberty was among the "**unalienable rights**" endowed to all people, rights he believed the British monarchy had repeatedly violated through a "long train of abuses and usurpations." This strong emphasis on **individual freedom** is deeply rooted in the **Classical Liberal tradition**, which holds that government exists primarily to protect **natural rights**—such as life, liberty, and property—while limiting its interference in people's lives.

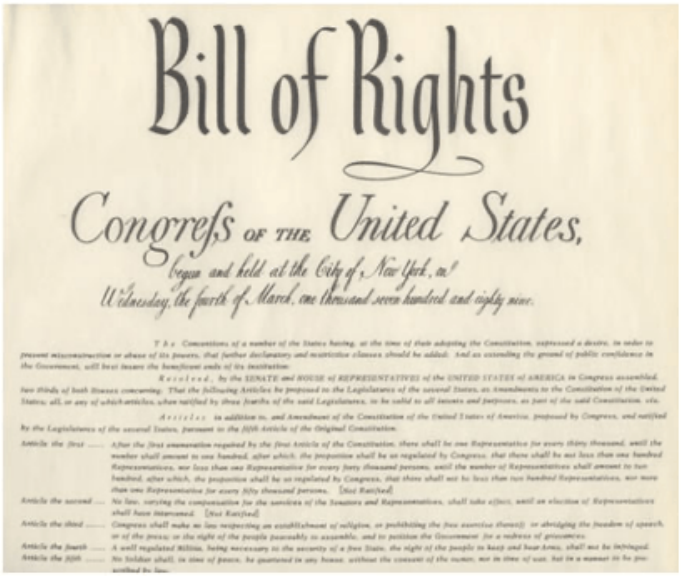
This emphasis on freedom is not without limits. When people feel fearful or unsafe, the ideal of liberty can quickly become secondary, or even irrelevant. Psychologist **Abraham Maslow** (1954) notes that there is a **hierarchy of human needs**, suggesting that individuals must first satisfy their basic physiological needs—such as food, water, and shelter—before they can focus on higher-order concerns. Once these basic needs are met, people seek safety, stability, and freedom from fear and anxiety. This includes not only physical safety, but also economic security, health, and protection from harm. When these **needs are threatened**, individuals may **prioritize order and stability over abstract ideals like freedom or justice**. In such moments, liberty can be seen as a luxury rather than a necessity, something to be bargained away in exchange for a greater sense of control or protection.

This **tension between order and freedom** is one of the central challenges in American democracy. Total freedom and total

security cannot coexist, some **compromise** is always required. Where that line is drawn often depends on political circumstances and public sentiment. Are citizens willing to give up certain freedoms in exchange for a greater sense of safety? Can political leaders use fear to curtail civil liberties or target specific groups? And are there individuals or movements willing to risk personal harm or sacrifice self-interest to protect liberty and justice for all? Or, as **Henry David Thoreau** cautioned in ***Civil Disobedience***, will most people, when faced with **fear or threats** to their comfort, quietly accept policies that conflict with their values—**overlooking injustice** or remaining silent when civil liberties are eroded? These enduring questions lie at the heart of American debates over civil liberties—past and present.

Civil Liberties

As discussed in Chapter One, **democracy** is a foundational value in U.S. political culture. While voting and choosing political leaders are important, the **individual freedoms** that all people enjoy—such as freedom of speech, religion, assembly, and protection from unreasonable searches—are even more essential. These rights are not guaranteed everywhere. In many countries, citizens lack the ability to protect government actions and may live in fear of arrest, torture, or execution without due process. Protecting these freedoms and guarding against arbitrary government power are central to the American ideal of democracy.


Bill of Rights

Congress of the United States,

begun and held at the City of New York, on

Wednesday, the fourth of March, one thousand seven hundred and eighty nine.

Figure 3.2: The United States Bill of Rights guarantees civil liberties, the basic rights and freedoms that protect individuals from government interference. (Image Credit: 1st United States Congress, via Wikimedia Commons, Public Domain)

These protections are called **civil liberties**: the basic rights and freedoms that protect individuals from government interference. Civil liberties limit how much the government can control or restrict individual behavior and expression. They are rooted in the concept of **natural rights**, which philosopher **John Locke** described as rights every person possesses simply by being human, as discussed in Chapter Two. Today, these civil liberties are primarily guaranteed by the first ten amendments to the U.S. Constitution, known as the **Bill of Rights**.

Incorporation

The **First Amendment** begins with the phrase "**Congress** shall make no law...," indicating that its protections originally applied only to the **federal government**, not to state governments. When the Constitution was written in 1787, the primary concern was limiting the power of the new national government, which many feared could become too powerful. State governments were viewed as closer to the people and already had their own protections for rights in many state constitutions.

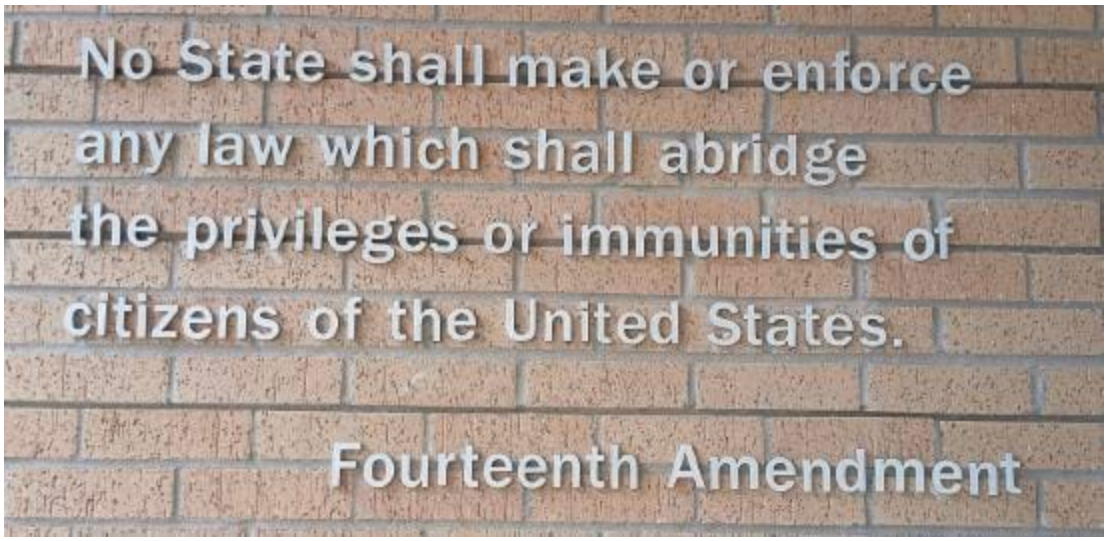


Figure 3.3: The 14th Amendment to the U.S. Constitution begins, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States" (Image Credit: Ser Amantio di Nicolao, via Wikimedia Commons, CC BY-SA 4.0)

However, after the Civil War, it became clear that states also needed to be required to protect the civil liberties of all individuals. This led to the adoption of the **Fourteenth Amendment** in 1868, which states that "No state shall... deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." This amendment laid the foundation for **extending civil liberties protections to state and local governments**.

This process, known as **incorporation**, gradually applied the **Bill of Rights**, which originally restricted only the federal government, to the states as well. Through **selective incorporation**, the **Supreme Court** reviewed cases involving state violations of civil liberties and decided which rights would be extended to state governments.

The first major incorporation case was ***Gitlow v. New York*** (1925), which applied the First Amendment's protection of **free speech** to the states. Over the following decades, the Court incorporated additional rights, including **freedom of the press** (***Near v. Minnesota***, 1931), protection against **unlawful searches and seizures** (***Mapp v. Ohio***, 1961), the right to **legal counsel** in criminal cases (***Gideon v. Wainwright***, 1963), and the **right to privacy** (***Griswold v. Connecticut***, 1965). The Second Amendment right to **bear arms** was incorporated in 2010 through ***McDonald v. City of Chicago***. Some rights, like the Third Amendment's protection against forced quartering of soldiers and the Seventh Amendment's right to jury trials in civil cases, remain unincorporated.

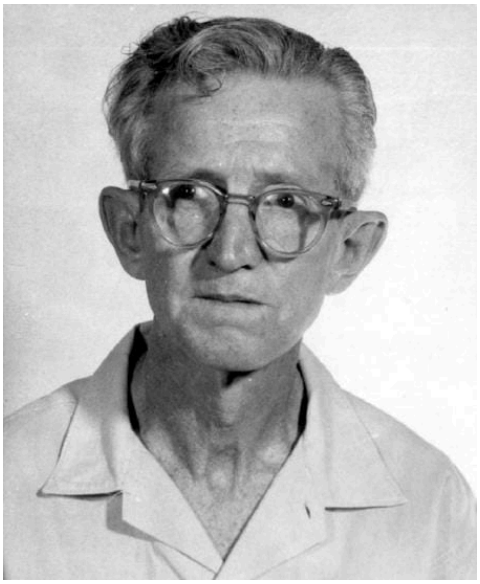


Figure 3.4: Clarence Earl Gideon, the plaintiff in the landmark 1963 Supreme Court case *Gideon v. Wainwright*, which established the right to an attorney for indigent defendants in felony cases. (Image Credit: The Florida Memory Project archived at The State Archive of Florida, public domain)

Incorporation significantly strengthens the protection of civil liberties across the country. Since most speech and assembly occur at the **state and local level**, incorporation ensures these rights are protected nationwide. Additionally, since states are responsible for most law enforcement activities, incorporation ensures greater **consistency** in the protection of constitutional rights across the country. Persons accused of similar crimes in Minnesota or Texas may expect to face different sentences, but they can also expect to have their same basic **constitutional rights** protected.

The First Amendment: Freedom of Expression

The **First Amendment** is one of the most vital parts of the U.S. Constitution in protecting individual freedoms. It states:

> *"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."*

These protections—covering **speech, religion, press, assembly, and petition**—form the core of what is often called ***freedom of expression***. They are central to American democracy and political culture. But understanding the First Amendment means confronting some difficult questions:

· Should all people have the right to express their views, no matter how offensive or unpopular?

· Should government actions be open to criticism, even when they are widely supported?

· Should groups be allowed to hold peaceful protests, even if their views are controversial or divisive?

Most Americans support these rights in theory. But when these freedoms are exercised in ways that provoke strong emotional or political responses, support often becomes more conditional. Consider these additional questions:

· Should people be allowed to burn the American flag?

· Should the Ku Klux Klan or the Nazi Party be allowed to hold marches or rallies?



Figure 3.5: Burning the American flag is protected under the First Amendment of the U.S. Constitution as a form of symbolic speech. (Image Credit: Loavesofbread, via Wikimedia Commons, CC BY-SA 4.0)

These are not abstract hypotheticals—they're real situations the courts have had to address. For example, in ***Texas v. Johnson*** (1989), the Supreme Court ruled that **burning the American flag** is a form of symbolic speech protected by the First Amendment. Gregory Lee Johnson had burned a flag during a protest at the 1984 Republican National Convention, and the Court held that "if there is a bedrock principle underlying the **First Amendment**, it is that the **government may not prohibit the expression of an idea** simply because society finds the idea itself offensive or disagreeable."

Yet many Americans remain deeply uncomfortable with the act. While it may be legally protected, flag burning is widely viewed as unpatriotic or even seditious. This tension highlights a key issue in civil liberties: the difference between ***constitutional protection*** and ***cultural acceptance***. You may have the right to speak freely, but that doesn't mean you'll be shielded from criticism or social backlash.

Similarly, freedom of speech is often tested during times of **national stress**, such as **war** or national **crisis**. During these times, people may be reluctant to question military actions or foreign policy for fear of being labeled **unpatriotic**. But this is precisely when dissent matters most. As 19th-century philosopher **John Stuart Mill** argued, **silencing dissent is dangerous**—not only because dissenters might be right, but because debating opposing views helps society refine and strengthen its beliefs. Even flawed or incorrect opinions serve a purpose by challenging assumptions and stimulating public discussion.



Figure 3.6: Frank Collin, head of the National Socialist Party of America, tells the press about his organization's plans to march in the predominantly Jewish town of Skokie, Ill., on June 22, 1978. The Supreme Court affirmed the neo-Nazi organization's right to march. (Image Credit: Associated Press, via Wikimedia Commons, Public Domain)

This idea is especially important when considering controversial or extremist groups. Many Americans support free speech but draw the line at groups like the Ku Klux Klan or American Nazi Party. Yet it is the **speech of unpopular or offensive groups** that most **needs protection** under the First Amendment. Groups whose views align with mainstream values rarely need constitutional defense. But in a truly free society, the government cannot pick and choose whose voices are allowed. The test of the First Amendment is not how well it protects popular ideas, but how faithfully it defends the right to express dissenting, even offensive, views.

In this way, the **First Amendment** serves as a safeguard—not just of individual rights, but of democracy itself. By protecting free expression, it ensures that citizens can **challenge authority**, **advocate for change**, and **participate meaningfully** in public life.



Figure 3.7: Photograph of Members of the Mochida Family Awaiting Evacuation. (Image Credit: Dorothea Lange for the U.S. Department of the Interior, via Wikimedia Commons, Public Domain)

These debates are not new. American history offers sobering reminders of how fear, prejudice, and political pressure can lead to widespread violations of civil liberties—especially for groups seen as dangerous or unworthy of constitutional protection at the time. The forced relocation and **internment of Japanese Americans** during World War II, the systemic **denial of civil rights to African Americans** during the Jim Crow era and the Civil Rights Movement, and the displacement and **dispossession of Native**

Americans during westward expansion all serve as cautionary tales. In each case, basic constitutional principles were sacrificed in the name of national security, public order, or cultural dominance. In retrospect, these episodes are widely condemned as unjust and contrary to the ideals the Constitution was meant to uphold. The Bill of Rights exists not only to protect individual freedoms but also to **prevent the passions of the majority** from **infringing on the rights of vulnerable minorities**—especially during times of fear, uncertainty, or crisis.

Limits of Free Speech: Balancing Liberty and Order

Can speech from groups that promote **hateful** or **dangerous ideas**—such as racism or even genocide—be restricted? According to the Supreme Court, the answer is generally no, unless that speech presents a **direct and immediate threat** to specific individuals or public safety. For example, burning a cross in a public park, while deeply offensive, may be protected as symbolic speech under the First Amendment. However, burning a cross on the lawn of an African American family would constitute an act of intimidation targeted at specific individuals and could be prosecuted.

Freedom of speech and assembly are cornerstones of a democratic society, but they are not unlimited. The government has a legitimate interest in preserving **public order**, ensuring **public safety**, and **protecting individuals** from threats and harassment. The courts have long recognized the need to **balance** expressive freedoms with these concerns. For instance, while individuals have the right to express controversial or unpopular views, that right does not extend to **libel** (written falsehoods) or **slander** (spoken falsehoods) that intentionally damage someone's reputation.

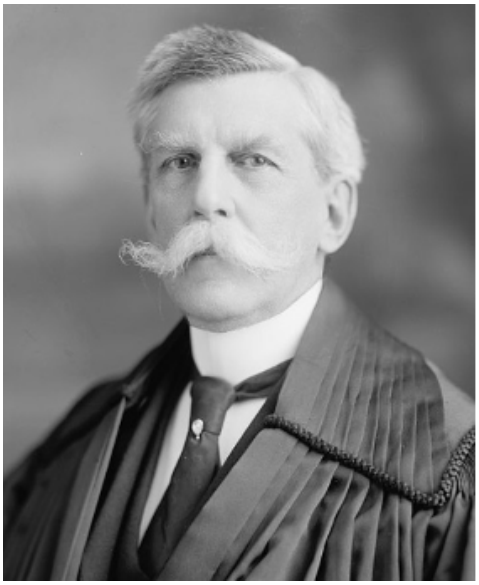


Figure 3.8: Oliver Wendell Holmes Jr., Associate Justice of the U.S. Supreme Court from 1902 to 1932. (Image Source: Harris & Ewing Collection - Library of Congress, via Wikimedia Commons, Public Domain)

This tension was first formally addressed in ***Schenck v. United States*** (1919), where **Justice Oliver Wendell Holmes** introduced the **"clear and present danger" test**. Holmes argued that certain forms of speech, such as falsely shouting “fire” in a crowded theater, could be restricted if they posed a real and immediate threat to public safety. In that case, Charles Schenck had distributed anti-draft pamphlets during World War I and was convicted for interfering with the war effort. While the Court upheld his conviction at the time, modern interpretations of free speech have become more protective of political dissent.

During the **Cold War**, speech promoting the violent overthrow of the government, particularly from members of the Communist Party, was often prosecuted. However, by the **Vietnam War** era, courts had shifted toward broader protections for speech critical of government policy. Today, the legal standard for restricting speech is more demanding: the government must show that the speech is likely to **incite imminent lawless action** (***Brandenburg v. Ohio***, 1969), a far narrower and more speech-protective test than the one used in *Schenck*.

The First Amendment: Freedom of Religion

The First Amendment not only protects freedom of expression but also guarantees **freedom of religion**. It states: *“Congress*

shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." This passage addresses two distinct but related principles: the **Establishment Clause** and the **Free Exercise Clause**.

The **Establishment Clause** prevents the government from creating an official religion or **favoring one religion** over others. The Framers aimed to avoid the religious conflicts and state-sponsored churches common in Europe, especially England. Although many early colonists came to America seeking religious freedom, some colonies themselves enforced strict religious conformity. For example, Samuel Argall, governor of Virginia (1616–1618), punished those who did not attend church with imprisonment and forced labor.

Thomas Jefferson famously described the Establishment Clause as creating a "**wall of separation between Church and State**." Over time, the U.S. Supreme Court has interpreted this clause to mean that the government cannot officially support or oppose any religion. However, this balance often leads to challenging questions, such as:

· Can public schools require a moment of silence that students may use for voluntary prayer?

· Can government funds be used to support education at religious (parochial) schools?

· Is it constitutional to display religious symbols, like the Ten Commandments or crosses, on public property?

· Must students recite the Pledge of Allegiance, which includes the phrase "under God," in public schools?

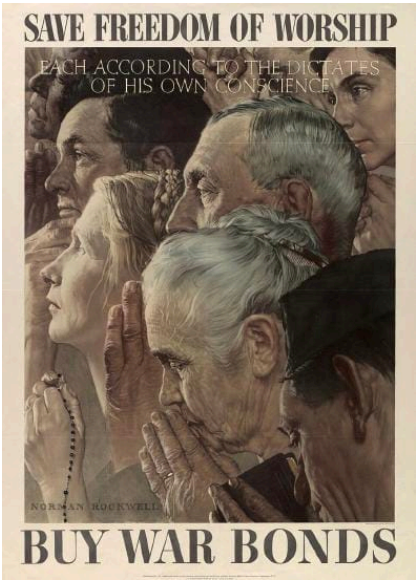


Figure 3.9: The Free Exercise Clause of the U.S Constitution protects individuals' rights to practice their religion freely without government interference (Image Credit: OWI poster No. 43. 1943--O-510256, via Wikimedia Commons, Public Domain)

The **Free Exercise Clause** protects individuals' rights to **practice their religion freely** without government interference. This means people can hold religious beliefs and perform religious rituals without fear of punishment, as long as those practices do not violate public safety or other laws. For example, people have the right to attend religious services, wear religious clothing, or refuse certain medical treatments for religious reasons. However, the government can sometimes limit religious practices if they conflict with important social interests, such as health regulations or anti-discrimination laws. This also leads to challenging questions such as:

· Can an employer refuse to accommodate an employee's religious beliefs or practices?

· Can a religious group be exempt from laws that conflict with their beliefs, such as laws outlawing drug use or animal sacrifice?

· Can a student be excused from participating in activities that conflict with their religion, like certain classes or dress codes?

· Can government require vaccination or medical treatment even if it conflicts with someone's religious beliefs?

· Can a business refuse service to someone based on religious beliefs?

Together, these clauses work to protect religious freedom by preventing government establishment of religion while also safeguarding individuals' rights to practice their faith.

Religion and Identity

Questions about religion and government, such as those above, are often deeply divisive because religious beliefs are closely tied to personal identity and values. While the Declaration of Independence declares that people are "endowed by their Creator with certain unalienable Rights," around the time of the Revolutionary War, only about 20% of American adults belonged formally to a church. Today, about 77% identify with a religious tradition, though regular attendance and belief in God have declined in recent decades. Despite this decline, strong religious sentiment continues to fuel intense debates over the separation of church and state.

School Prayer and Religious Expression

One of the most controversial issues has been **prayer in public schools**. Students have the right to pray individually or in groups, but **public schools**, as government entities, **cannot require or sponsor prayer**. In ***Engel v. Vitale*** (1962), the Supreme Court ruled that even a state-led prayer was unconstitutional. Likewise, an Alabama law mandating a **moment of silence** was struck down in ***Wallace v. Jaffree*** (1985) because it was seen as endorsing religion. However, some states have laws allowing a moment of silence intended for secular reflection, which courts have generally upheld. For example, in Texas, student-led prayer at school events is permitted if it is not directed by school officials.

More recently, the Supreme Court's ruling in ***Kennedy v. Bremerton School District*** (2022) upheld a public-school football coach's right to **pray privately** on the field after games, framing it as protected **free speech** and **free exercise** of religion. Critics worry that such rulings blur the line between personal religious expression and government endorsement, raising concerns about religious pressure in public settings.

Government Aid and Religious Schools



Figure 3.10: Protesters outside the Supreme Court demonstrating against the use of public funds for religious schools. (Image Credit: Matthew Sobacinski, *USAT*, Fair Use)

The government's role in **funding education at religious schools** is another complex issue. Courts have allowed public funds for non-religious services such as textbooks, lunches, and special education, but not for salaries of religious school teachers. This principle comes from ***Lemon v. Kurtzman*** (1971), which **forbids "excessive government entanglement with religion."**

School voucher programs, which provide public money to parents for tuition at private schools, including religious ones, have sparked further debate. In ***Zelman v. Simmons-Harris*** (2002), the Supreme Court upheld Ohio's program because the funding reached religious schools through independent parental choice, not government mandate. More recently, ***Carson v. Makin*** (2022) expanded when public funds can fund religious schools, underscoring that this remains an evolving constitutional question. Critics

often raise concerns about whether religious schools receiving public funds should follow the same **civil rights** and **disability laws** as public schools.

Religious Symbols on Public Property

Displaying religious monuments on government property also generates controversy. In 2003, Ala**bama Chief Justice Roy Moore** was removed from office for refusing to remove a **Ten Commandments monument** from a courthouse, despite federal court orders that it **violated the Establishment Clause**. Moore argued it was a historical symbol, but courts disagreed.

More recently, the Supreme Court in ***American Legion v. American Humanist Association*** (2019) upheld a World War I **memorial cross on public land**, illustrating how courts weigh historical context and religious meaning. The legal landscape around religious displays remains complex and unsettled.

The Pledge of Allegiance



Figure 3.11: Children saying the pledge of allegiance at Gwynns Falls Elementary School 1 year after Brown v. Board of Education. (Image Credit: Richard Stack for *The Baltimore Sun*, via Wikimedia Commons, Public Domain)

The **Pledge of Allegiance**, written in 1892 by **Francis Bellamy**, originally expressed loyalty to the flag and nation without religious language. The phrase "**under God**" was added in 1954 during the Cold War to distinguish the U.S. from the Soviet Union's atheism. This addition raises constitutional questions about whether the Pledge violates the **Establishment Clause** by mixing government and religion.

Religious Facilities at Public Institutions

The presence of **religious facilities** on publicly funded campuses, such as a mosque at Richland College in Texas, also raises questions about the **separation of church and state**. Critics argue that if public funds support such buildings, it may violate the **Establishment Clause**. Courts often examine whether government money directly supports religious activities to determine constitutionality, and this issue remains a live debate.

Open to Debate:
Civil Liberties vs. Civil Rights: Freedom of Speech vs. Freedom from Discrimination

> *Can a government—state or federal—force an individual to express an idea they fundamentally disagree with? Can it require someone to act in a way that violates their deeply held religious beliefs? These questions lie at the* ***intersection of civil liberties*** *(like free speech)* ***and civil rights*** *(like protection from discrimination)—and they came to a head in the Supreme Court's 2023 decision in* **303 Creative LLC v. Elenis**.
>
> *In a 6–3 ruling, the Court sided with Lorie Smith, a Colorado-based web designer who challenged the state's* ***Anti-***

***Discrimination Act**. Smith, who **opposes same-sex marriage on religious grounds**, argued that being required to design wedding websites for same-sex couples would violate her First Amendment rights by compelling her to express messages she does not support.*

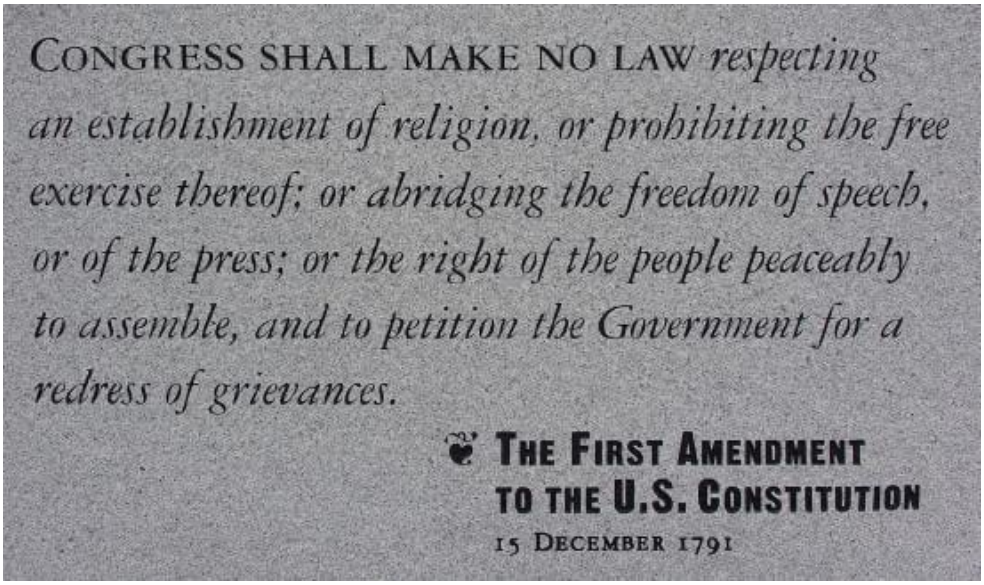


Figure 3.12: The **First Amendment** protects core civil liberties—including **freedom of religion**, **freedom of speech**, **freedom of the press**, and the rights of people to **assemble** and **petition the government**. Yet these freedoms sometimes come into tension with other democratic values, such as **equal access** and **protection from discrimination**, raising difficult constitutional questions about where the line between **individual liberty** and **civil rights** should be drawn. (Image Credit: "The First Amendment to The U.S. Constitution" Monument in Independence National Historic Park in Philadelphia, Pennsylvania, via Wikimedia Commons, CC BY-SA 2.0)

*Writing for the majority, **Justice Neil Gorsuch** agreed, framing the issue as one of compelled speech:*

"The government may not force individuals who speak for pay to accept every commission, regardless of content. That principle protects artists, speechwriters, and others whose work is inherently expressive." Gorsuch acknowledged that anti-discrimination laws serve a vital purpose, but emphasized that no such law is exempt from constitutional scrutiny—especially when it compels speech.

*In dissent, **Justice Sonia Sotomayor** took a sharply opposing view, arguing that Colorado's law regulates conduct, not speech:*

*"The act of **discrimination** has never been protected expression under the First Amendment. There is no constitutional right to refuse service to a disfavored group." She stressed that **public accommodation laws** are essential to guaranteeing equal dignity and access, particularly for historically marginalized groups. Allowing businesses to opt out of serving certain customers, she warned, opens the door to broader forms of **legalized discrimination**.*

*This case reveals a **fundamental tension** in constitutional law: Should the First Amendment shield individuals from being compelled to create speech they disagree with? Or should anti-discrimination laws take precedence when the rights of marginalized groups are at stake? Where is the **line between personal freedom and public equality**—and who gets to draw it?*

· Do you think the First Amendment protects business owners from being forced to create expressive content that conflicts with their beliefs?

· Should public accommodation laws require businesses to serve all customers equally, even if doing so conflicts with the business owner's religious or moral convictions?

· How should courts balance civil liberties against civil rights when these two values appear to be in conflict?

*The answers to these questions remains **open to debate**.*

The Second Amendment

The **Second Amendment** to the U.S. Constitution states: "*A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.*"

For decades, d**ebate** has centered on whether this amendment protects an **individual right** to own firearms or only guarantees the right to bear arms within the context of **militia** service. Historically, the amendment was tied to colonial-era concerns about standing armies and the need for local militias. The text itself is **ambiguous**, linking the right to "a well-regulated Militia" but also affirming "the right of the people."

Early Interpretation: United States v. Miller *(1939)*

The Supreme Court first addressed the scope of the **Second Amendment in *United* States *v. Miller*** (1939), a case involving the **National Firearms Act of 1934**. The law regulated weapons like sawed-off shotguns and machine guns in response to violent crime during Prohibition. The Court upheld the law, ruling that the Second Amendment **protected arms related to militia service**, **not private ownership** of any weapon. This decision shaped Second Amendment interpretation for decades but applied only to federal laws, not to state-level gun regulations.

A Shift: District of Columbia v. Heller *(2008)*

In a major shift, the Supreme Court ruled in ***District of Columbia v. Heller*** (2008) that the Second Amendment protects an **individual's right to possess firearms**, independent of service in a militia. The case struck down a D.C. law that banned handgun ownership and required other firearms to be stored unloaded or disassembled. Writing for the majority, Justice Antonin Scalia emphasized the right to own a firearm for lawful purposes such as self-defense in the home. However, because D.C. is a federal district, this ruling did not directly apply to state laws.

Incorporation to the States: McDonald v. Chicago *(2010)*



Figure 3.13: In *McDonald v. Chicago* (2010), the Supreme Court ruled that the Second Amendment applies to state and local governments through the Fourteenth Amendment's Due Process Clause. (Image Credit: Anthony Crider, via Wikimedia Commons, CC BY 2.0)

Two years later, the Court extended the *Heller* decision in ***McDonald v. Chicago*** (2010), ruling that the Second Amendment applies to state and local governments through the Fourteenth Amendment's Due Process Clause. Otis McDonald, a Chicago resident, challenged the city's handgun ban, arguing he needed a firearm for protection in his high-crime neighborhood. The Court agreed, **incorporating the right to bear arms** against state and local restrictions. While the ruling affirmed individual rights, it also acknowledged that governments may still impose certain restrictions, such as bans on felons owning guns or limits on carrying firearms in sensitive places like schools.

Open to Debate:
Gun Rights vs. Gun Safety

*The **Supreme Court** has affirmed that the **Second Amendment** protects an individual's right to own firearms. But what limits, if any, can or should be placed on that right? Should governments be allowed to restrict access to certain types of weapons or limit who can own them? Does the right to bear arms extend to carrying guns in public, including in schools, parks, or crowded venues?*

Advocates of gun rights argue that the ability to defend oneself and one's home is a fundamental liberty. Gun control supporters contend that reasonable regulations are essential to reduce gun violence and protect public safety.

What do you think?

· Does the Second Amendment protect the right to own any type of firearm?

· Should public safety outweigh individual gun rights in certain circumstances?

· How should courts balance constitutional freedoms with efforts to reduce gun-related deaths?

*The answers to these questions remain **open to debate.***

Unenumerated Rights

The Right to Privacy

The U.S. Constitution does not explicitly mention a "**right to privacy**." However, the Supreme Court has interpreted several amendments—including the First, Third, Fourth, Fifth, and Ninth—as collectively implying such a right. This interpretation was first articulated in ***Griswold v. Connecticut*** (1965), where the Court struck down a state law banning the use of contraceptives, even by married couples.

Writing for the majority, **Justice William O. Douglas** argued that the Bill of Rights creates "**penumbras**," or implied zones of privacy, through the guarantees it makes explicitly—such as freedom of speech, protection from unreasonable searches, and the right against self-incrimination. Together, these create a broader constitutional protection of personal privacy.

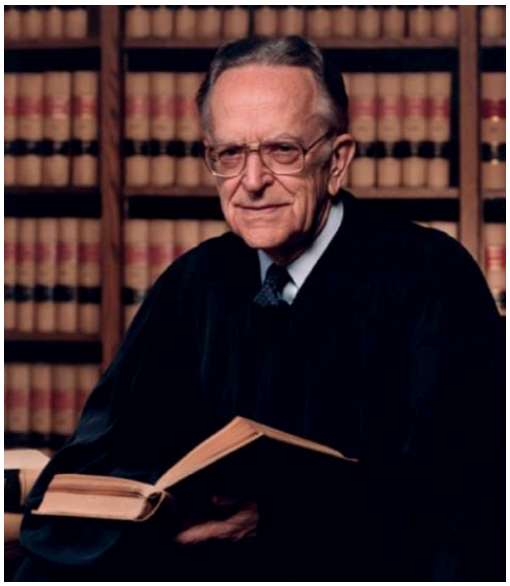


Figure 3.14: Associate Justice of the Supreme Court Harry Blackmun. (Image Credit: U.S. Justice Blackmun, official portrait, via Wikimedia Commons, Public Domain)

This reasoning laid the foundation for ***Roe v. Wade*** (1973), the landmark case that legalized abortion nationwide. The Court held that a woman's decision to terminate a pregnancy falls within the **constitutional right to privacy** and that this right limited state

interference, particularly during the early stages of pregnancy. **Justice Harry Blackmun**, writing for the majority, emphasized that the ability of women to make reproductive choices was essential to their equality and autonomy.

In the years following *Roe*, the Supreme Court upheld some state-level restrictions on abortion. In ***Webster v. Reproductive Health Services*** (1989), the Court allowed states to **prohibit the use of public funds** or facilities for abortions. ***Planned Parenthood v. Casey*** (1992) reaffirmed the core holding of *Roe* but permitted states to impose certain **restrictions**—such as waiting periods and parental consent—so long as they did not place an "undue burden" on the woman.

This legal framework dramatically changed in 2022 with ***Dobbs v. Jackson Women's Health Organization***. In a 5-4 decision, the Court **overturned *Roe v. Wade***, ruling that the Constitution does not protect a right to abortion because no such right is explicitly stated. The majority opinion, written by **Justice Samuel Alito**, rejected the idea that the right to privacy extends to abortion access. The decision returned authority over abortion laws to the individual states.

With *Dobbs*, the constitutional basis for the right to privacy, especially as it relates to reproductive freedom, has been fundamentally redefined. The ruling has triggered a patchwork of state laws, some severely restricting or banning abortion altogether, and others expanding protections. The broader implications for privacy rights remain a central issue in American constitutional law.

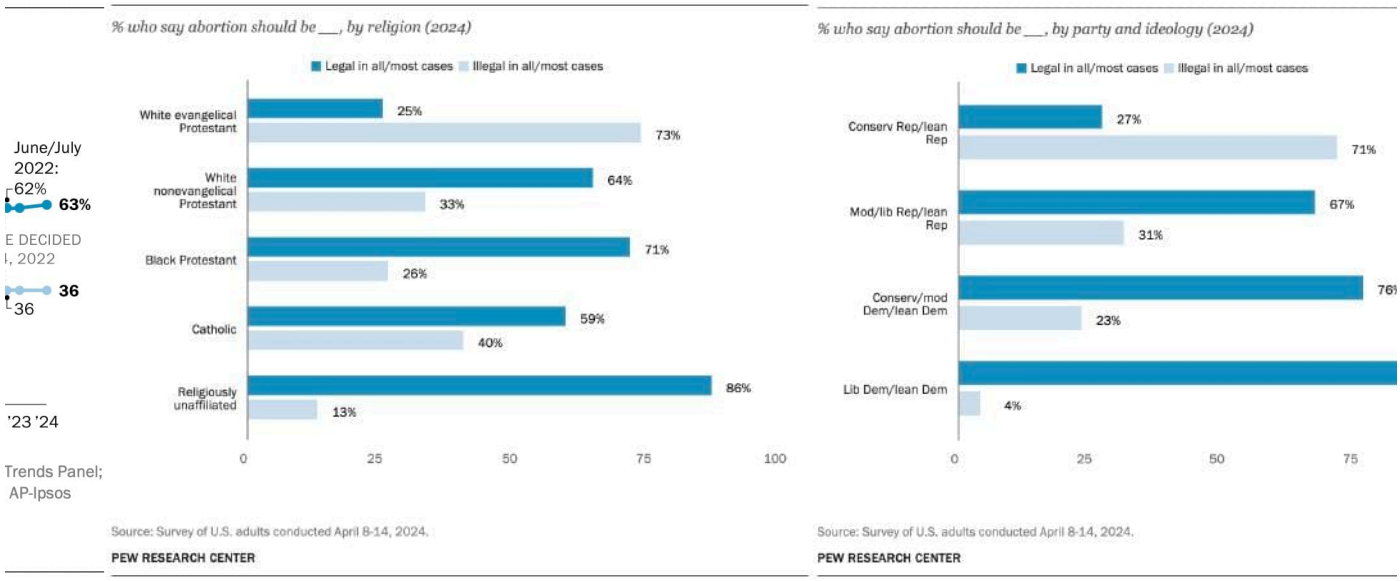


Figure 3.15: Public Opinion on Abortion 1995-2024. Support tends to be higher among younger adults, individuals with higher education levels, non-evangelical Christians, and those identifying as Democrats or leaning Democratic. (Image Credit: PEW Research Center)

These polls indicate that a majority of Americans support legal abortion in all or most cases, with variations across different demographic groups. Support tends to be higher among younger adults, individuals with higher education levels, non-evangelical Christians, and those identifying as Democrats or leaning Democratic.

Open to Debate:
Reproductive Freedom

The Supreme Court's decision in Dobbs v. Jackson Women's Health Organization *(2022) reignited the national debate over reproductive rights. The ruling overturned* Roe v. Wade *(1973), ending nearly fifty years of federal protection for abortion access and returning authority to regulate abortion to the individual states.*



Figure 3.16: Demonstrators protest the *Dobbs* decision in New York City 14 May 2022. (Image Credit: Rhododendrites, CC BY-SA 4.0)

Supporters *of the* Dobbs *decision argue that it* ***enhances democracy*** *by allowing* ***state legislatures*** *to reflect the values and concerns of their constituents. They contend that* Roe *was an example of* ***judicial overreach*** *and that reproductive policy should be decided through the* ***democratic process****, not imposed by federal courts. Many advocates of stricter abortion laws believe the state has a compelling interest in* ***protecting unborn life****, and they see* Dobbs *as a necessary correction to a long-standing constitutional error. Justice Samuel Alito, writing for the majority, called* Roe *"egregiously wrong from the start," noting that the Constitution does not explicitly guarantee a right to abortion or even a general right to privacy.*

Opponents*, however, view reproductive freedom as a* ***fundamental right*** *grounded in the* ***Constitution's protections for liberty, equality, and privacy****. They argue that government should not interfere in deeply personal medical decisions and that the* Dobbs *ruling* ***strips women of autonomy*** *over their own bodies. The dissenting justices wrote that the decision "****curtails women's rights****, and their status as free and equal citizens." Critics also warn that abortion bans disproportionately affect low-income women and women of color, exacerbating social and economic inequality. Some fear that the reasoning in* Dobbs *could be used to* ***justify future restrictions*** *on other personal liberties, such as access to* ***contraception*** *or* ***same-sex marriage****.*

The ruling also raises important questions about ***federalism****. Supporters say* Dobbs *respects* ***state sovereignty*** *and allows local communities to make policy based on their own moral and cultural values. Opponents counter that fundamental rights should not vary depending on where someone lives. They argue that* ***consistent nationwide protections*** *are necessary to ensure equal access to reproductive healthcare and to uphold the constitutional principles of* ***due process*** *and* ***equal protection*** *under the law.*

Regardless of one's position, Dobbs *represents a major shift in constitutional law and public policy.* ***Balancing the rights of individuals with the interests of the state****—and determining whether such rights should be protected at the* ***federal or state level****—remains a deeply divisive issue. The future of reproductive freedom in America is still very much* ***open to debate.***

The Right to Die

Advances in medical technology have made it possible to extend life even in cases of severe illness or irreversible coma. This has raised difficult legal and ethical questions about personal autonomy, medical intervention, and the right to die with dignity. While suicide is generally prohibited by law, courts have recognized a limited constitutional right to refuse life-sustaining treatment.



Figure 3.17: Ruth Gallaid from Eugene, Or., who supports physician assisted suicide, protests in front of the Supreme Court Wednesday, Oct. 5, 2005, in Washington. (Image Credit: Charles Dharapak for the Associated Press, fair use)

In ***Cruzan v. Director, Missouri Department of Health*** (1990), the Supreme Court ruled that competent adults have a constitutionally protected **right to decline medical treatment**, including artificial nutrition and hydration. However, the Court also upheld a state's right to require "clear and convincing evidence" of a patient's wishes before allowing life support to be withdrawn. This led many states to pass laws supporting living wills and advance directives, legal documents that allow individuals to express their end-of-life decisions ahead of time.

In ***Washington v. Glucksberg*** (1997), the Court declined to recognize **physician-assisted suicide** as a constitutionally protected right, ruling that states may ban the practice. Nevertheless, some states—including Oregon, California, and Washington—have passed laws allowing medical aid in dying under strict conditions.

The right to die remains a contentious issue, balancing the individual's right to privacy and dignity with the state's interest in preserving life and protecting vulnerable individuals.

Due Process

> "*No person shall be…deprived of life, liberty, or property without due process of the law*"

- Fifth Amendment to the Constitution of the United States

The principle of **due process** is enshrined in the **Fifth and Fourteenth Amendments** of the U.S. Constitution, ensuring that individuals are not deprived of life, liberty, or property without fair legal procedures. This foundational concept safeguards individuals against arbitrary government actions by mandating adherence to established legal protocols.

Historically, the U.S. Supreme Court has reinforced due process protections through landmark decisions. In ***Mapp v. Ohio*** (1961), the Court established the **exclusionary rule**, preventing the use of evidence obtained through unconstitutional searches. ***Gideon v. Wainwright*** (1963) guaranteed the right to **legal counsel** for defendants unable to afford an attorney, and ***Miranda v. Arizona*** (1966) mandated that suspects be **informed of their rights** prior to interrogation.

In recent years, debates surrounding **due process** have intensified. Critics argue that certain executive actions have circumvented established legal procedures, raising concerns about the erosion of constitutional protections. For instance, **mass terminations** of federal employees without adequate notice or hearings have been challenged as violations of procedural due process rights. Similarly, **expedited deportations** without proper legal proceedings have sparked debates over the rights of non-citizens under the Constitution.

These developments underscore the ongoing **tension between governmental authority and individual rights**. As the legal landscape evolves, the interpretation and application of due process remain central to discussions about civil liberties in the

United States.

Habeas Corpus and the Right to Challenge Detention

The Constitution's guarantee of *due process* is closely linked to the principle of **habeas corpus**, a Latin term meaning "you shall have the body." Enshrined in Article I, Section 9 of the Constitution, the writ of habeas corpus allows individuals to **challenge the legality of their detention** before a neutral judge. This protection ensures that no person can be held in custody indefinitely without being formally charged and given an opportunity to contest their imprisonment.

Historically, the right of habeas corpus has been suspended only in times of national crisis, such as during the Civil War or in response to foreign threats. In the 21st century, it became especially relevant again during the War on Terror, when detainees held at Guantánamo Bay sought access to federal courts. In cases such as ***Boumediene v. Bush*** (2008), the Supreme Court affirmed that even non-citizens held in U.S. custody overseas have a constitutional right to challenge their detention.



Figure 3.18: Immigration detainees and officers at the Krome North Service Processing Center, an Immigration and Customs Enforcement (ICE) facility in Miami, Florida. (Image Credit: Jack Gruber for *USAT,* fair use)

In more recent years, concerns have resurfaced about the potential erosion of this right. Expanded detention authority at the border, the use of military facilities to hold migrants or protesters, and executive efforts to bypass judicial review have raised constitutional questions. Critics argue that weakening habeas corpus **undermines core civil liberties** and invites **unchecked government power**, while defenders of such policies claim they are necessary tools for **maintaining national security and public order**.

Regardless of political affiliation, the right to habeas corpus remains a foundational safeguard of liberty, ensuring that the **government cannot detain individuals arbitrarily or indefinitely**. As with other civil liberties, its protection depends on ongoing vigilance, especially during times of heightened political tension or national uncertainty.

Open to Debate:
Why Should You Care if You Have Nothing to Hide?

> *Many people ask why law-abiding citizens should care about the civil liberties of criminals. After all, it can seem frustrating when suspects avoid conviction on what appear to be "technicalities." If someone has illegal drugs or admits to a crime, shouldn't they be punished regardless of police procedure or Miranda warnings?*
>
> *The answer lies in **fairness** and **protecting everyone's rights**, including both the accused and the victims. Due process safeguards exist to reduce the **risk of wrongful convictions**. While rare, innocent people can be mistakenly punished; these protections help prevent such injustices, even if that means some guilty individuals avoid conviction temporarily.*
>
> *In many countries without legal protections for search, seizure, or fair treatment of suspects, governments often*

*disregard individual rights. The common argument that "if you have nothing to hide, you have nothing to fear" overlooks the dangers of **unchecked government power**. Would you want to live in a society where your privacy is unprotected and you could be coerced or abused without recourse?*

*As long as fears of crime, terrorism, or immigration are used to justify expanding government surveillance and power, the balance between security and liberty remains **open to debate**.*

Civil Liberties and Immigration

As we've seen, the First Amendment offers broad protections for freedom of expression, but civil liberties go far beyond speech alone. The Constitution also safeguards individuals from arbitrary government action, especially through due process protections in the Fifth and Fourteenth Amendments. While these protections are guaranteed to all "persons," not just citizens, how they apply to immigrants, particularly undocumented immigrants, has become one of the most contentious civil liberties debates in modern American politics.

Due Process and Immigration



Figure 3.19: Immigrants Rights march. (Trevor Stone, via Wikimedia Commons, CC BY-SA 2.0)

The **tension** between **national sovereignty** and in**dividual rights** is especially visible in immigration policy. While the government has the authority to regulate borders and enforce immigration laws, it must also respect the constitutional rights of individuals within its jurisdiction. These include the right to due process, legal representation, and protection from arbitrary detention.

Under President Donald Trump, immigration policy took center stage in national politics. The administration adopted a more restrictive approach to both legal and undocumented immigration, emphasizing border security, expedited removals, and limited asylum protections. Critics argued that many of these policies undermined **due process rights** by denying access to legal counsel, increasing detention without trial, and limiting judicial oversight.

Free Speech and Political Retaliation

Beyond legal process concerns, civil liberties advocates have also raised alarms about **First Amendment violations** as immigrants have been targeted for removal not because of their immigration status alone, but because of their **political speech or activism**. For example, immigration enforcement actions were sometimes directed at individuals who had publicly criticized government policy or participated in protests. This raised serious concerns that immigration laws were being used to **suppress dissent and punish political expression**, core violations of free speech protections.

The debate over immigration and civil liberties is not just about borders or policy, it is a test of the nation's commitment to

the principles enshrined in the **Bill of Rights**. Are these protections truly universal, or do they falter when applied to the most vulnerable?

Civil Liberties and Technology

Technological innovation has transformed nearly every aspect of daily life, from communication and commerce to healthcare and national security. However, these advances have also posed serious challenges to civil liberties, particularly in the areas of **privacy**, **surveillance**, and **personal autonomy**.

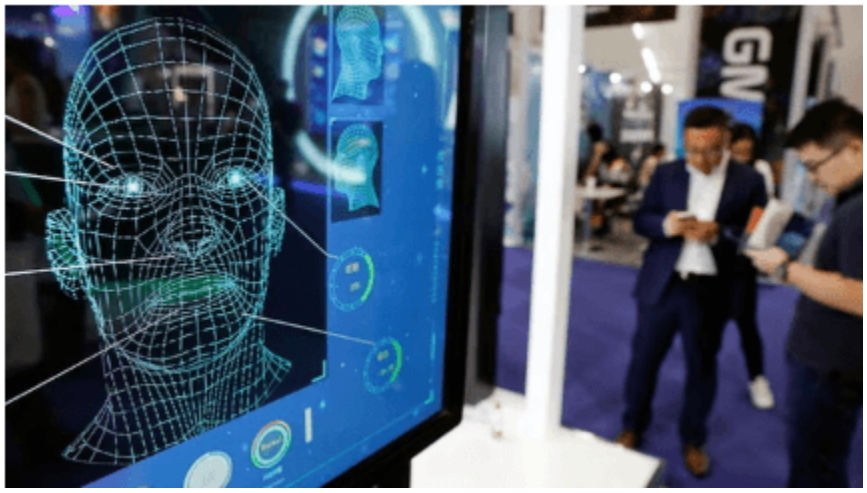


Figure 3.20: Facial recognition software promises both increased security and increased threats to civil liberties. (Image Credit: Reuters/Damir Sagolj, fair use)

The rapid development of tools such as facial recognition, artificial intelligence, location tracking, and mass data collection has significantly expanded the capacity of both governments and private companies to monitor individuals. While such technologies can enhance public safety and efficiency, they also raise critical concerns about the erosion of constitutional protections, especially the **right to privacy**, which, although not explicitly mentioned in the Constitution, has been interpreted by the Supreme Court as essential to liberty.

Government surveillance programs, often justified in the name of national security, have come under increased scrutiny in the wake of revelations about warrantless data collection. Similarly, the largely unregulated practices of tech companies in harvesting, storing, and selling personal data have sparked widespread debate about consumer rights and digital privacy. Questions persist about who owns personal data, how it can be used, and whether individuals have any real control over their digital footprint.

In recent years, courts and lawmakers have begun to grapple with how existing civil liberties apply in a digital age. Some states have passed **data privacy laws**, and the federal government has debated comprehensive legislation addressing **digital rights**. Meanwhile, the Supreme Court has ruled in cases such as ***Carpenter v. United States*** (2018) that accessing certain digital information, like cell phone location data, requires a **warrant**—marking a significant step in adapting **Fourth Amendment** protections to modern realities.

As technology continues to evolve, so too must the legal and ethical frameworks designed to protect civil liberties. Striking a balance between innovation and individual rights is one of the most pressing constitutional challenges of the 21st century. Without vigilant oversight and updated legal protections, the tools meant to improve lives may become instruments of intrusion and control.

The Eighth Amendment: Incarceration

"*Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.*"

- Eighth Amendment to the U.S. Constitution

Mass Incarceration in the United States

The United States has long held the **highest incarceration rate in the world.** Despite accounting for about 5% of the global population, the U.S. houses nearly 20% of the world's incarcerated individuals. At its peak in the early 2000s, the number of people in U.S. prisons and jails surpassed 2 million. When including those on probation or parole, over 7 million Americans, approximately 1 in 31 adults, were under some form of correctional supervision.

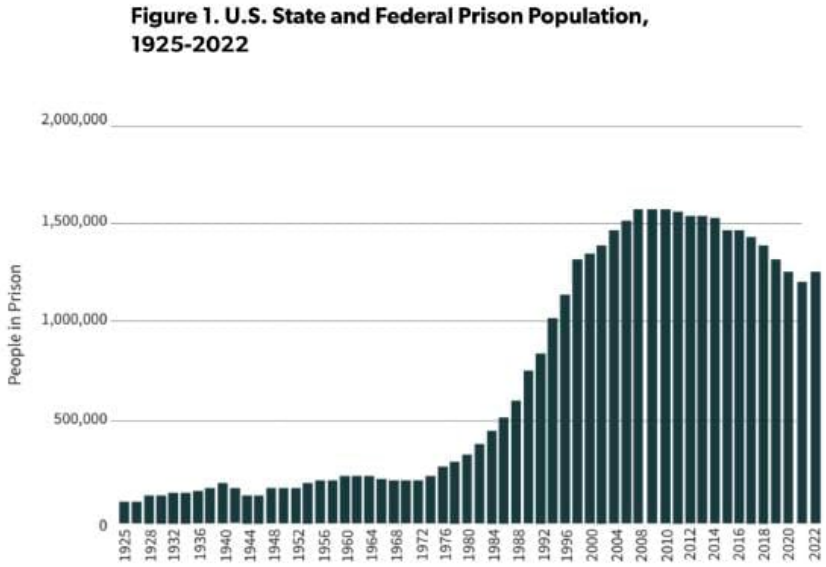


Figure 3.21: U.S. State and Federal Prison Population, 1925-2022. (Image Source: *Prisoners in 2022–Statistical tables.* Bureau of Justice Statistics, Public Domain)

While incarceration rates have declined somewhat in recent years, the U.S. still leads the world in total prison population. Much of this growth can be traced to the "**war on drugs**" and "**tough on crime**" policies of the 1980s and 1990s. These policies emphasized **punishment over rehabilitation**, resulting in **mandatory minimum sentences**, **harsh drug laws**, and **"three strikes" laws** that mandated lengthy—sometimes life—sentences for repeat offenders.

Eighth Amendment Concerns



Figure 3.22: Prisoners lay on their bunks at California State Prison in Los Angeles County, located in the city of Lancaster. (note: The Department of Corrections said it no longer uses triple bunks in its facilities.). (Image Credit: *California Dept. of Corrections & Rehabilitation*, Public Domain)

Mass incarceration has also overwhelmed prison systems, creating conditions that courts have found unconstitutional. In 2011, the U.S. Supreme Court upheld a federal court ruling in ***Brown v. Plata*** that **overcrowding** in California prisons, operating at more than 200% of design capacity, constituted **cruel and unusual punishment**. The Court ordered the state to reduce its prison population by tens of thousands. Critics argue that incarcerating more individuals for longer periods has produced **unintended consequences,** including, ironically, a decline in public safety. Overcrowded conditions have limited access to educational programs, drug rehabilitation services, and vocational training, resources that are essential for successful reintegration into society. As a result, many prisoners are released less prepared to become functional members of the community than when they entered.

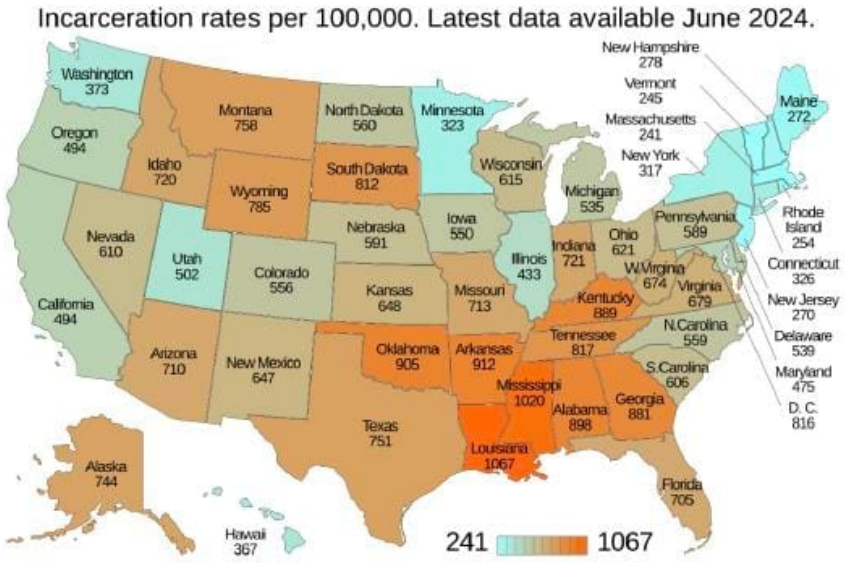


Figure 3.23: Incarceration Rates per 100,000 citizens per state. (Image Credit: Timeshifter, via Wikimedia Commons, Public Domain)

Declining Incarceration Rates in the United States

After decades of explosive growth, the U.S. prison population has begun to **decline**, a reversal driven by shifting demographics, changes in public opinion, and meaningful policy reforms. While the United States still incarcerates more people than any other country, recent trends suggest a growing national rethinking of criminal justice and punishment.



Figure 3.24: Theda Rice, 77, photographed in prison. (Image Credit: Ron Levine for the "Prisoners of Age" photography series, Public Domain)

One key factor is **age**. The incarcerated population is getting older, and most people “age out” of crime. As long-serving inmates are released, many do not return to prison. At the same time, **younger Americans are committing fewer crimes**, especially violent ones. This drop is attributed to a variety of factors, including community policing innovations, greater access to education and mental health services, and broader social changes.

Equally important are **policy reforms**. In response to growing awareness of the social and fiscal costs of mass incarceration, many states, and the federal government, have enacted changes. These include:

· Reducing mandatory minimum sentences,

· Expanding eligibility for parole,

· Offering alternatives to incarceration for nonviolent offenses, and

· Increasing the use of drug courts and restorative justice practices.

The **legalization and decriminalization of marijuana** in many states, as well as broader efforts in states like Oregon and Colorado to **treat drug addiction as a public health issue**, have also reduced prison admissions. These changes reflect a broader cultural shift away from punitive approaches to substance use.

Despite the political popularity of "tough on crime" rhetoric in some circles, there is growing **bipartisan support** for reform. High-profile legislation like the federal **First Step Act** (2018) demonstrates that both major parties recognize the need for a more balanced approach. However, progress is uneven. Some reforms enacted through ballot initiatives are difficult to modify, and many lawmakers remain wary of being labeled "soft on crime."

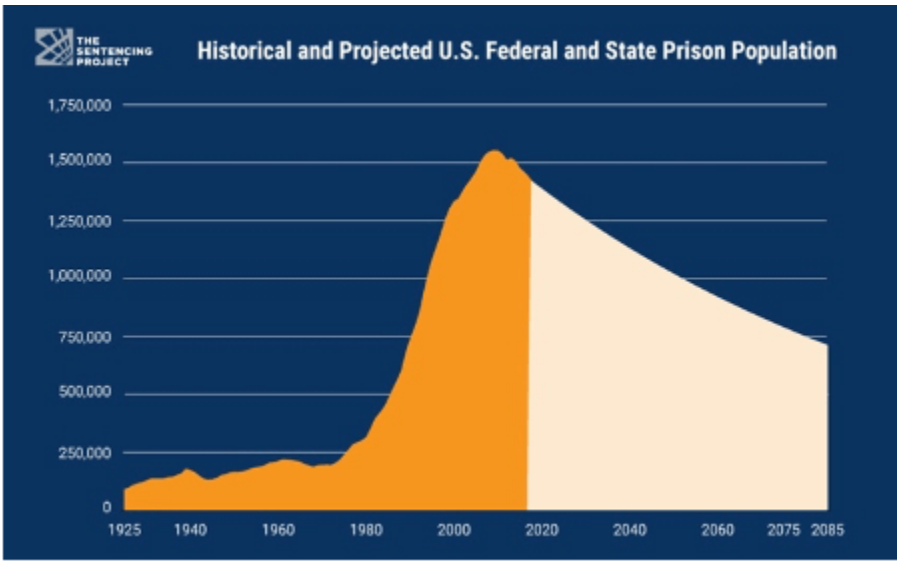


Figure 3.25: Historical and Projected U.S. State and Federal Prison Population, Based on 2009-2021 Rate of Decline. (Image Credit: *Prisoners in 2021–Statistical tables*. Bureau of Justice Statistics, Public Domain)

Still, **public opinion is changing**. Courts and legislatures are increasingly receptive to arguments grounded in constitutional protections—especially the Eighth Amendment's prohibition of cruel and unusual punishment. As a result, the debate over the proper role of incarceration continues to evolve, with growing attention paid to fairness, effectiveness, and long-term public safety.

The Eighth Amendment: The Death Penalty

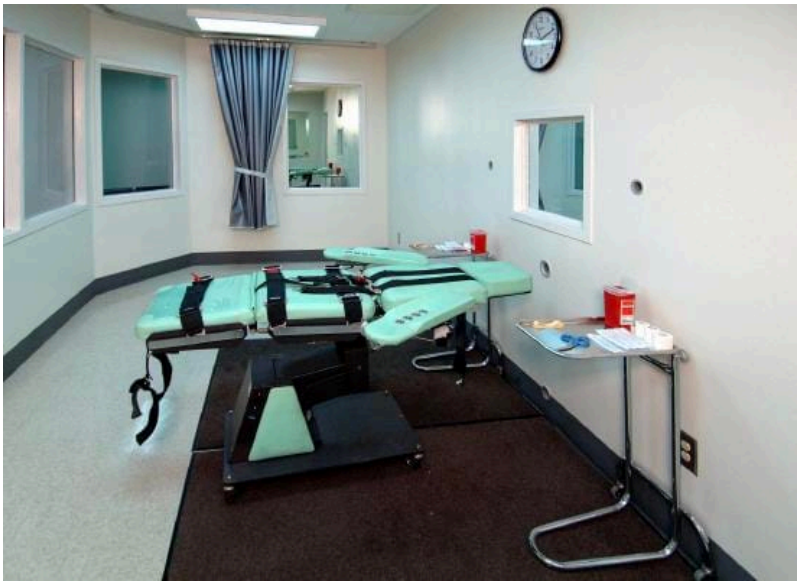


Figure 3.26: Does the death penalty violate the Constitution's Eighth Amendment prohibition of “cruel and unusual punishments”? (Image Credit: California Department of Corrections and Rehabilitation, via Wikimedia Commons, Public Domain)

The Eighth Amendment’s prohibition of “cruel and unusual punishments” has made the death penalty one of the most contested issues in American constitutional law. The debate centers on concerns over **racial disparities**, the risk of **wrongful executions**, and the possibility that certain methods of execution cause **unnecessary suffering**. While the U.S. shares democratic ideals with many other nations, it remains the only industrialized democracy that still carries out executions. Globally, over 95% of executions take place in just five countries: China, Iran, Saudi Arabia, Pakistan, and the United States.

Constitutional Challenges and Landmark Cases

In ***Furman v. Georgia*** (1972), the Supreme Court halted the death penalty due to its arbitrary application. Four years later, in ***Gregg v. Georgia*** (1976), it allowed executions to resume under revised laws with greater procedural safeguards. Since then, the Court has limited capital punishment, ruling it unconstitutional for people with intellectual disabilities (***Atkins v. Virginia***, 2002) and for crimes committed by juveniles (***Roper v. Simmons***, 2005).

The Death Penalty Today

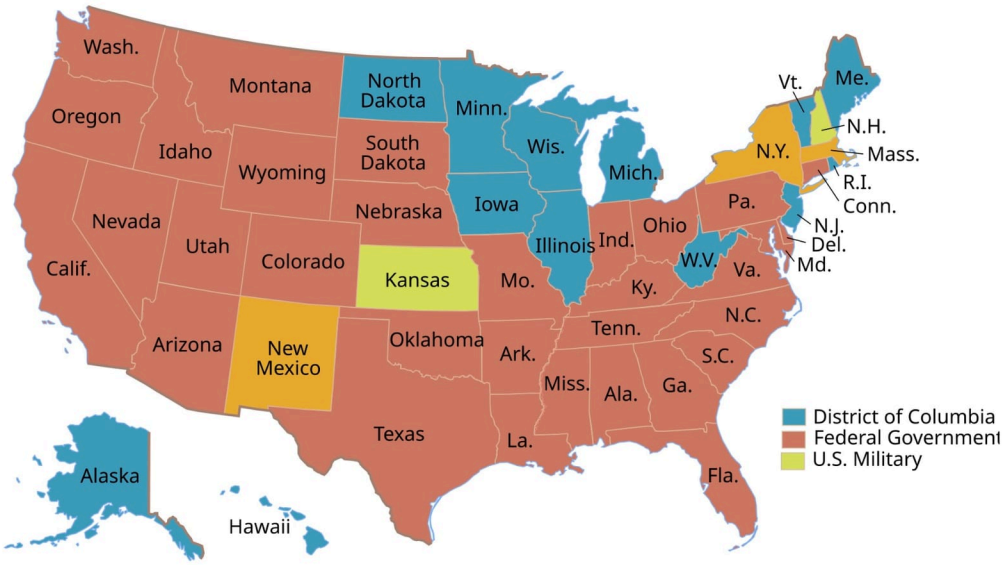


Figure 3.27:
Blue: No current death penalty statute
Orange: Death penalty statute declared unconstitutional (New York Court of Appeals declared statute unconstitutional June 24, 2004)
Yellow: No one executed since 1976
(Image Credit: Death Penalty Statutes in the United States, via Wikimedia Commons, Public Domain)

As of 2025, **24 states** actively retain and enforce capital punishment. Twenty-three states have abolished it, and three states (California, Oregon, and Pennsylvania) have placed executions on hold through gubernatorial moratoriums. While some states have moved to repeal or limit the death penalty, others continue to defend or expand its use, sometimes by introducing new methods of execution in response to shortages of lethal injection drugs.

Public opinion on the death penalty remains divided. Support for capital punishment has declined over the past few decades, especially as DNA evidence has exonerated individuals who were wrongfully convicted. Racial disparities in sentencing persist; studies show that defendants accused of killing white victims are significantly more likely to be sentenced to death than those accused of killing Black or Latino victims.

A Nation Divided

The **death penalty** continues to raise deep questions about **justice**, f**airness**, and the **power of the state**. Is capital punishment a necessary deterrent and moral response to the most heinous crimes, or does it violate basic human rights and risk irreversible injustice? As legal standards and social values shift, the future of the death penalty in the United States remains uncertain and deeply contested.

Conclusion: Liberty in a Changing World

The story of **civil liberties** in the United States is one of constant tension—between **freedom and order**, the individual and the state, security and justice. From the colonial struggles for r**eligious liberty** to modern debates over **digital privacy**, Americans have continually redefined what it means to be free. The **Bill of Rights** provides the foundation for these freedoms, but it has never been a static document. Its meaning has evolved through **Supreme Court decisions**, political movements, and the changing values of each generation.

At times of crisis—wars, terrorist attacks, pandemics—the balance has tilted toward **security**, often at the expense of **liberty**. Yet history shows that civil liberties, once restricted, can be difficult to reclaim. Each generation must therefore decide how much power government should wield in the name of protection, and how much freedom individuals are willing to risk in pursuit of true

self-government.

The challenge is not merely legal but moral and civic: how to sustain a society that protects both the **safety** and the **dignity** of all people. Civil liberties safeguard the **minority against the majority**, the individual against the state, and the powerless against the powerful. They are the **guardrails of democracy**, the limits that preserve our ability to speak, believe, and live freely.

As technology reshapes communication and **surveillance**, and as new questions arise about **privacy**, and **equality**, the struggle to define and defend liberty will continue. Civil liberties are not self-enforcing; they survive only when citizens understand them, demand them, and extend them to others—even, and especially, when it is inconvenient to do so. In that sense, the ongoing defense of civil liberties is not just a **constitutional duty**, it is the most enduring expression of the **American experiment** itself.

Glossary

Bill of Rights: The first ten amendments to the U.S. Constitution.

Civil liberties: The freedoms individuals have which are protected from government interference by constitutional provisions, laws, and practices.

Classical Liberalism: Government exists primarily to protect **natural rights**—such as life, liberty, and property—while limiting its interference in people's lives.

Clear-and-present-danger test: Limitations on free speech for the protection of the public.

Constitutionalism: Constitutional limitations on the degree to which the majority can interfere with the lives of the minority.

Due Process of Law: A fundamental principle in the U.S. legal system, guaranteed by the Fifth and Fourteenth Amendments to the Constitution that ensures fairness and protection against arbitrary government actions by requiring that all legal procedures be followed and that individuals have the opportunity to be heard and defend their rights.

Establishment Clause: First Amendment clause that prevents the government from creating an official religion or favoring one religion over others.

Exclusionary rule: Evidence obtained illegally should be excluded from admission at trial.

Free Exercise Clause: First Amendment clause that protects individuals' rights to practice their religion freely without government interference.

Habeas Corpus: a Latin term meaning "you shall have the body." Enshrined in Article I, Section 9 of the Constitution, the writ of habeas corpus allows individuals to challenge the legality of their detention before a neutral judge.

Incorporation: A legal principle that extends the protections of the Bill of Rights to state governments through the Fourteenth Amendment's Due Process Clause.

Natural Rights: Rights such as life, liberty, and property that all individual have simply by being human and are thus natural and unalienable.

Unalienable Rights: Rights endowed to all people simply by virtue of being human.

Selected Internet Sites

http://www.aclu.org/. The American Civil Liberties Union works to defend and preserve the individual rights and liberties guaranteed by the Constitution.

http://home.nra.org/#/nraorg. The NRA.

http://www.crf-usa.org/. The Constitutional Rights Foundation seeks to instill a deeper understanding of citizenship through the values expressed in the Constitution and the Bill of Rights.

http://www.deathpenaltyinfo.org/. The Death Penalty Information Center.

http://www.humanrightsfirst.org/. Human Rights First examines civil liberties since September 11, 2001.

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Chapter 4: Equality and Justice- The Struggle for Civil Rights

> *We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.*

– The Declaration of Independence

What does it mean to be **"created equal"** in the United States? Has that founding promise been fulfilled for everyone? Who continues to be excluded from the full protections and benefits of American democracy and why?

Civil *liberties* are protections from government interference, such as the freedom of speech or the right to due process. **Civil *rights***, on the other hand, require government action to ensure that all individuals—regardless of race, gender, religion, ability, or background—receive **equal treatment and protection under the law**. Civil rights are not just about the absence of discrimination; they are about **removing barriers** to **full inclusion** and **participation** in society.

To explore the scope and relevance of civil rights today, ask yourself:

· Do **women** enjoy full equality in society and the workplace?

· Have **African Americans** overcome the legacy of slavery and systemic racism?

· Are **LGBTQ+** individuals treated with dignity, fairness, and legal equality?

· Do Muslims and other **religious minorities** experience true freedom of religion?

· Are **Native Americans** respected as sovereign peoples with protected rights?

· Do people with **disabilities** have equitable access to education, employment, and public spaces?

· Are **immigrants**, regardless of status, protected from discrimination and afforded basic human rights?

· Does **poverty** limit one's ability to exercise fundamental civil rights?

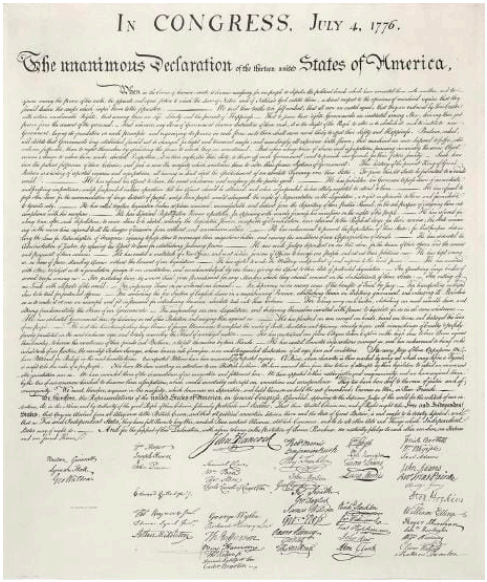
These are not simply historical concerns, they are urgent and **ongoing challenges**. Civil rights are deeply embedded in America's evolving story, and they affect millions of people every day.



Figure 4.1: Civil rights are deeply embedded in America's evolving story, and they affect millions of people every day. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

While many groups have organized to demand greater equality, this chapter will focus on the movements for African American and women's civil rights. These two case studies offer insight into the broader dynamics of **civil rights struggles** in the U.S.—including the **legal strategies**, **grassroots organizing**, and **cultural shifts** that can drive progress. The ideas and tools developed in these movements have shaped the efforts of countless others: immigrants fighting deportation and family separation, people with disabilities advocating for access and accommodation, and transgender individuals seeking recognition and protection under the law.

The African American civil rights movement, in particular, has played a foundational role. It began before the nation's founding and continues today, confronting centuries of slavery, segregation, disenfranchisement, and systemic inequality. Its legacy not only reshaped American law and society—it also provided a framework for other marginalized communities to assert their rights and demand justice in a nation built on the ideals of liberty and equality.


IN CONGRESS, JULY 4, 1776.

The unanimous Declaration of the thirteen united States of America,

Figure 4.2: The Declaration of Independence remains an inspiration for groups seeking full equality in the United States. (Image Credit: Second Continental Congress, via Wikimedia Commons, Public Domain)

The debate over civil rights in the United States begins with some of the most aspirational language in American political history. **The Declaration of Independence** boldly proclaims that **"all men are created equal"** and are endowed with **"unalienable Rights" to "Life, Liberty and the pursuit of Happiness."** But from the beginning, that promise has been unevenly applied, and

remains unfulfilled for many Americans today.

At the time of the **Revolutionary War**, the shared struggle for independence fostered a sense of **unity** across the colonies. The successful revolt against the British Empire created an opportunity to build a new nation founded on **liberty** and **self-government**. However, when it came time to codify the rules of this new democracy in the Constitution of 1787, the lofty ideals of equality and universal rights were **compromised** by deeply entrenched **social hierarchies** and **economic interests**.

While the **Constitution** established a system of government that was relatively democratic for its era, access to **political power** and **civil rights** remained extremely **limited**. Enslaved people were denied any rights of citizenship or participation. Women were excluded entirely from the political process. Even most white men, those without substantial property, were barred from voting in many states. In fact, the Constitution explicitly protected the institution of slavery, permitting the **slave trade** to continue for at least 20 more years and including the infamous **Three-Fifths Compromise**, which counted enslaved individuals as three-fifths of a person for purposes of representation and taxation.

In short, the opening phrase of the Constitution—"**We the People**"—did not include the vast majority of people living in the new republic. The **gap between American ideals and American reality** was wide at the nation's founding and closing that gap has been the central project of civil rights struggles ever since. From abolition to suffrage, from civil rights marches to contemporary movements for inclusion and justice, the United States has been slowly, but not steadily, working to live up to the promise of equality embedded in its founding documents.

Civil Rights for African Americans



Figure 4.3: A detail of a lithograph of the Emancipation Proclamation. (Image Credit: Designed and Copyrighted by Mrs. M.M. Pabor in 1888, via Wikimedia Commons, Public Domain)

It was not until the **Civil War** that the laws of the United States began to more closely reflect the nation's founding principles. President **Abraham Lincoln** is rightly credited with freeing enslaved people, but his motivation was shaped as much by political necessity as by moral conviction. By the summer of 1862, the Civil War was going poorly for the Union, and Lincoln recognized that any eventual peace would have to resolve the issue of slavery. He also understood that the North's willingness to endure heavy battlefield losses required a cause more compelling than the abstract goal of preserving the Union. **Emancipation**, therefore, became **both** a **moral** declaration and a **strategic** decision to rally public support for the war effort.

Lincoln knew that the timing of such a proclamation was critical. In September 1862, Confederate forces under General Robert E. Lee had gained momentum in Virginia. Many feared that announcing emancipation at that moment would appear desperate and undermine its effectiveness. Lincoln believed he needed a Union military victory to give the proclamation greater legitimacy. On September 17, **1862**, the Union and Confederate armies clashed at **Antietam** Creek in western Maryland, resulting in the bloodiest single day in American history. Although the battle was tactically inconclusive, the Union Army succeeded in halting Lee's invasion of the North, providing Lincoln with the opportunity he needed. Five days later, on September 22, Lincoln issued the preliminary **Emancipation Proclamation**, declaring that "all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free."

The Civil War

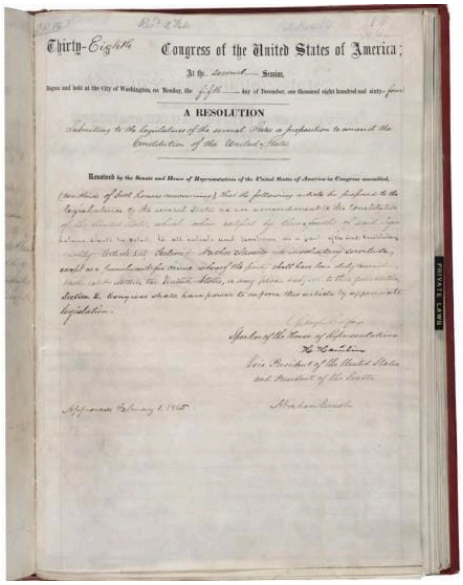
Juneteenth

On June 17, 2021, President Joe Biden signed a bill making **June 19—Juneteenth—the nation's twelfth federal holiday**. Juneteenth commemorates the day in 1865 when enslaved people in Galveston, Texas, learned that President Abraham Lincoln's **Emancipation Proclamation**, effective January 1, 1863, had declared them free. Although the proclamation legally ended slavery in the rebelling states, full freedom required the Union's military victory two years later, turning June 19 into "**Freedom Day**" for nearly four million formerly enslaved people.

The Civil War's Cost and Consequences

The American Civil War claimed about **700,000 lives, roughly 2 percent of the population, equivalent to more than 6 million Americans today**. In his Second Inaugural Address, Lincoln framed the conflict as divine retribution for "two hundred and fifty years of unrequited toil." The war settled two existential questions: **states cannot secede, and slavery is permanently abolished**. Yet Union victory did not end racial oppression; instead, it laid a foundation for future civil-rights struggles that would stretch well into the twenty-first century.

The Civil War Amendments: Shifting Federal Power


Thirty-Eighth Congress of the United States of America;

A RESOLUTION

Figure 4.4: Joint Resolution Proposing the Thirteenth Amendment to the United States Constitution, 01-31-1865 (Image Credit: National Archives and Records Administration, via Wikimedia Commons, Public Domain)

As you read in Chapter 2, the Founders emphasized ***negative liberty***: **limits** on what government could do to individuals. The original Constitution and Bill of Rights mostly constrained government power through negative rights, such as **freedom of speech** or **protection from unlawful searches**. But the amendments made to the U.S. Constitution in the wake of the Civil War marked a turning point: by granting Congress explicit enforcement powers, they introduce ***positive liberty***: rights that require government action to secure equality and justice.

This transformation unfolded during **Reconstruction** (1865-1877), the period following the Civil War when the federal government attempted to rebuild the South, protect the rights of formerly enslaved people, and redefine the balance between federal authority and state sovereignty. Reconstruction produced three landmark constitutional amendments:

· **13th Amendment (1865)** – Abolished slavery, placing the word "slavery" in the Constitution only to ban it.

· **14th Amendment (1868)** – Guaranteed due process and equal protection under the law.

· **15th Amendment (1870)** – Prohibited denying the right to vote on the basis of race.

Each of these amendments ends with the same enforcement clause: *"**Congress shall have power** to enforce this article by appropriate legislation."* This language created a new, affirmative role for the national government. No longer limited to merely refraining from violating rights, Congress now had constitutional authority to pass laws to actively protect civil rights and promote equal treatment.

This shift represented a major **rebalancing of power between the federal and state governments**. Having just endured a brutal civil war largely rooted in slavery and states' rights, the authors of the Reconstruction Amendments no longer trusted the Southern states to uphold civil rights on their own. By placing enforcement power squarely in the hands of the national government, they sought to make the promises of freedom and equality more than just theoretical.

Reconstruction's Rise and Collapse



Figure 4.5: A photograph of a former slave in front of his home, taken in Suwanee, Gwinnett County, Georgia, around 1921. (Image Credit: Georgia Archives, Public Domain)

During early Reconstruction, Union troops ensured Black men could **register to vote**, and African Americans won seats in southern legislatures. Momentum stalled after the disputed **election of 1876**. The **Compromise of 1877** awarded the presidency to **Rutherford B. Hayes** in exchange for withdrawing federal troops, effectively **ending Reconstruction** and leaving African Americans vulnerable to renewed white supremacy.

Sharecropping: Freedom without Opportunity

With emancipation won but land and capital scarce, many freed people entered **sharecropping** contracts. Landlords supplied seed, tools, and basic provisions, to be repaid from the harvest. Inflated charges and opaque bookkeeping kept tenants, both Black and poor white, in perpetual debt, creating an **exploitative system** that demanded less oversight than slavery but offered little economic mobility.

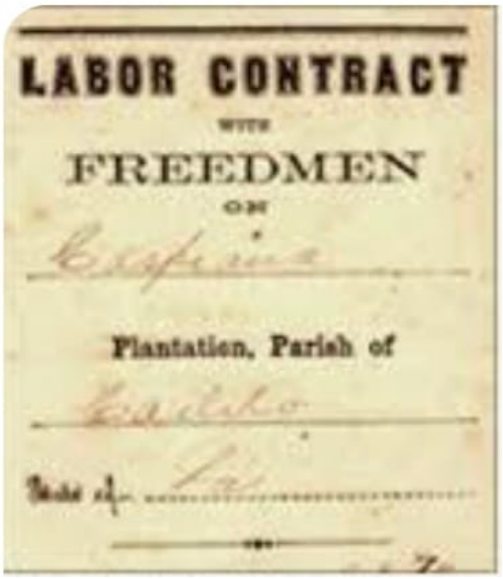


Figure 4.6: A sharecropping contract. (Image Credit: LSU Shreveport, Noel Memorial Library Archives, Hutchinson Family Papers, Public Domain)

Terror and Backlash

White supremacist violence filled the vacuum left by federal withdrawal. The South averaged **about 100 lynchings per year in the 1880s and 1890s**, often staged as public spectacles meant to terrorize Black communities. The backlash culminated in events such as the **Tulsa Race Massacre of 1921**, when mobs burned 35 blocks of the Greenwood neighborhood of Tulsa—"Black Wall Street"—and killed an estimated 30 to 300 African Americans. Long suppressed in public memory, Tulsa illustrates how **racial violence** curtailed African-American progress even outside the former Confederacy.



Figure 4.7: The Greenwood district of Tulsa, Okla., in 1921, after white mobs shot and pillaged their way through the vibrant and prosperous Black enclave. (Image Credit: Library of Congress, Public Domain)

Disenfranchisement

Although the **Fifteenth Amendment**, ratified in **1870**, prohibited states from denying the **right to vote** "on account of race, color, or previous condition of servitude," southern states quickly developed new strategies to suppress African American political participation. These measures were often framed in race-neutral language but were clearly designed to circumvent the

amendment's intent. Three of the most effective tools for disenfranchisement were poll taxes, grandfather clauses, and literacy tests.



Figure 4.8: A sign posted in Mineola, Texas, in January 1939, reminding citizens to pay their poll tax to vote. (Image Credit: Library of Congress, Public Domain)

Poll taxes required individuals to pay a fee before casting a ballot. For newly freed African Americans, many of whom lived in poverty, this fee represented an insurmountable financial burden. Some states made the tax *cumulative*, meaning that if a person had failed to pay in previous election cycles, they would have to pay back taxes from all missed elections before being allowed to vote again. This policy effectively blocked many African Americans, and a significant number of poor whites, from participating in elections.

Grandfather clauses were another means of evading the Fifteenth Amendment. These laws allowed individuals to vote only if their grandfathers had been eligible to vote prior to the Civil War. Because most African Americans' grandfathers had been enslaved and therefore barred from voting, these clauses excluded nearly all Black citizens. Meanwhile, they allowed poor and illiterate white citizens to bypass poll taxes and literacy tests. While the language of these laws was technically race-neutral, their purpose and impact were deliberately discriminatory, reinforcing white political dominance throughout the South.

Literacy tests added another layer of voter suppression. Prospective voters were required to demonstrate their ability to read and interpret complex constitutional passages or answer lengthy and often obscure civics questions. These tests were administered with extreme **bias**: white applicants often received simple questions or generous scoring, while Black applicants faced difficult or arbitrary tests with no margin for error. For example, Alabama's literacy test included 68 questions; a single wrong answer could disqualify a voter.

Together, these tactics enabled southern states to dramatically reduce African American voter turnout while appearing to comply with the Fifteenth Amendment. By masking **race-based disenfranchisement** behind facially neutral laws, white elites in the post-Reconstruction South maintained their grip on political power and systematically denied Black Americans one of the most fundamental rights of citizenship.

Try the following excerpt from the **Alabama literacy test** and see how literate you are. Answers can be found at the end of the chapter.

· The number of representatives which a state was entitled to have in the House of Representatives was originally based on _____.

· Appropriation of money for the armed services can be only for a period limited to _____ years.

· The electoral vote for President is counted in the presence of two bodies. Name them: _____ and _____.

· "Involuntary servitude" is permitted in the United States upon conviction of a crime. True _____ False _____.

· Congress passes laws regulating cases which are included in those over which the U.S. Supreme Court has ____ jurisdiction.

· The Constitution limits the size of the District of Columbia to _____.

· The only laws which can be passed to apply to an area in a federal arsenal are those passed by _____, provided consent for the purchase of the land is given by the_____ _____.

· Congress decides in what manner states elect presidential electors. True ____ False ____.

· After the presidential electors have voted, to whom do they send the count of their votes? _____

· In the impeachment of a Chief Justice of the Supreme Court of the United States, who tries the case? _____

The intense efforts to deny civil rights during this era reveal two enduring truths. First, they underscore the immense **power of the vote**. The fact that so many people went to such lengths to prevent others from voting demonstrates how seriously political power is taken, and how far some will go to protect their own access to it. In these periods, countless individuals risked, and sometimes lost, their lives simply for the right to cast a ballot. Their sacrifices serve as a powerful reminder that voting is not just a right, but a hard-won privilege that should never be taken for granted.

Second, these efforts reflect how deeply **entrenched political culture** can be. Attitudes about race, gender, and other social identities are often passed down over generations and tend to evolve slowly. Even when laws change, social and cultural norms often lag behind. In more recent years, **resistance to greater equality** has often been fueled by feelings of **economic insecurity**, particularly among those who feel left behind by globalization and the shift toward a post-industrial economy. These anxieties can create fertile ground for backlash against movements seeking to expand civil rights and social inclusion.

Segregation

Between the end of the Civil War and the rise of the civil rights movement in the mid-20th century, **racial segregation** became a defining feature of American life, especially in the South. A collection of state and local laws, collectively known as **Jim Crow laws**, enforced racial segregation in nearly every aspect of public life, from schools and transportation to restaurants and public restrooms.

In 1896, Homer Adolph Plessy, a prominent member of New Orleans' African American community, deliberately challenged a segregation law by purchasing a train ticket and sitting in a car reserved for white passengers. After refusing to move, he was arrested, and his case eventually reached the U.S. Supreme Court. Plessy argued that segregation laws violated the **Fourteenth Amendment's Equal Protection Clause**.



Figure 4.9: A "Colored Waiting Room" sign at a bus station in Durham, North Carolina, photographed in May 1940. (Image Credit: Library of Congress, Public Domain)

In ***Plessy v. Ferguson* (1896)**, however, the Court upheld the constitutionality of segregation, establishing the **"separate but equal"** doctrine. This decision provided legal justification for racial segregation throughout the South, and in some areas of the North, for more than half a century.

Although the ruling claimed to permit segregation as long as accommodations were equal, in practice, African Americans were consistently relegated to **inferior schools**, **housing**, and **services**. The goal of segregation was not merely to separate the races but to **enforce a social hierarchy** that placed African Americans in a permanently subordinate position.

This **moral and psychological** toll is vividly captured in **Dr. Martin Luther King Jr.'s 1963** "**Letter from Birmingham Jail**," written during his imprisonment for participating in nonviolent protests against segregation in Alabama. He wrote:

"I guess it is easy for those who have never felt the stinging darts of segregation to say, 'Wait.' ... when you have to concoct an answer for a five-year-old son asking in agonizing pathos: 'Daddy, why do white people treat colored people so mean?' ... when you are forever fighting a degenerating sense of 'nobodiness'; then you will understand why we find it difficult to wait."

King's letter became a defining **moral appeal** of the civil rights movement, reminding Americans that segregation was not only a legal injustice but also a profound personal and cultural wound.

In response to these injustices, **W.E.B. DuBois** and others founded the **National Association for the Advancement of Colored People (NAACP)** in **1909**. The organization quickly became the nation's leading advocate for civil rights in the early 20th century. Following World War II, the NAACP shifted its focus to dismantling segregation through the legal system, especially in **education**. Because elected officials in the South often had a vested interest in maintaining Jim Crow laws, civil rights advocates increasingly turned to the **courts** as the primary venue for challenging Jim Crow laws.

The Civil Rights Movement

Brown v. the Board of Education



Figure 4.10: Nettie Hunt and her daughter Nikki in front of the Supreme Court building on May 17, 1954, holding a newspaper with the headline "HIGH COURT BANS SEGREGATION IN PUBLIC SCHOOLS". (Image Credit: Library of Congress, Public Domain)

In **1954,** the NAACP, led by attorney **Thurgood Marshall**, challenged the constitutionality of school segregation in **Topeka, Kansas.** The case, ***Brown v. Board of Education of Topeka***, focused on the claim that racially segregated public schools violated the **Fourteenth Amendment's Equal Protection Clause**. The Supreme Court unanimously agreed, declaring that **"separate but equal" educational facilities were inherently unequal** and thus unconstitutional. This landmark ruling **overturned *Plessy v. Ferguson* (1896)** as it applied to public education and became a cornerstone of the modern civil rights movement.

While the decision was legally groundbreaking, the Court recognized that enforcement would be politically difficult and left the implementation to local authorities. In a follow-up ruling a year later (*Brown II*), the Court instructed school districts to proceed with desegregation "**with all deliberate speed**." This vague phrasing provided room for resistance, and many southern states exploited it to delay integration for years, sometimes decades.



Figure 4.11: Rally at Arkansas state capitol, protesting the integration of Central High School. (Image Credit: Library of Congress, Public Domain)

Opposition was particularly fierce in the Deep South, where local officials and citizens employed a variety of tactics to obstruct desegregation. One of the most infamous examples occurred in **1957**, when Arkansas Governor **Orval Faubus** used the state's National Guard to block nine African American students, later known as the **Little Rock Nine**, from entering Central High School. In response, **President Dwight D. Eisenhower** deployed **federal troops** to enforce the Court's ruling and ensure the students' safe entry, marking a rare but powerful use of federal force to uphold civil rights.

As desegregation orders spread across the South, many white families chose to withdraw their children from public schools and enroll them in newly created private institutions, often sponsored by white Protestant churches. These schools, later dubbed **"segregation academies,"** were frequently established in direct response to court-mandated integration. Though framed as private or religious alternatives, their primary purpose was to maintain racial segregation. The surge in the founding of such schools during the 1950s and 1960s illustrates how resistance to desegregation adapted to the legal and political constraints of the era, enabling segregation under the guise of private education.

States' Rights as a Shield for Segregation

As efforts to desegregate schools and other public institutions gained momentum, **resistance** across the South intensified, not just through grassroots defiance, but through official state actions cloaked in constitutional rhetoric. Southern politicians and local leaders began invoking the doctrine of **states' rights** as a way to justify opposition to federal civil rights mandates. This argument, rooted in the long-standing belief that states should retain sovereignty over internal affairs, became a central theme in efforts to resist integration.



Figure 4.12: George Wallace delivering his 1963 inaugural address as Governor of Alabama, a moment known for his "Segregation Now, Segregation Tomorrow, Segregation Forever" speech. (Image Credit: Library of Congress, Public Domain)

The language of states' rights allowed segregationists to reframe their opposition to civil rights as a defense of constitutional principles, rather than a defense of white supremacy. Southern governors such as **George Wallace of Alabama** and **Ross Barnett of Mississippi** used fiery pro-states' rights rhetoric to rally white constituents, portraying federal intervention as tyrannical overreach. Wallace famously declared in his 1963 inaugural address, "**Segregation now, segregation tomorrow, segregation forever**," framing his resistance as a noble stand against federal coercion.

Some states went so far as to pass laws attempting to nullify federal court orders, shut down public schools facing desegregation, or threaten to revoke the licenses of teachers who supported integration. These actions echoed the **nullification crisis** of the 1830s, during which states argued that they could ignore federal laws and court rulings as part of the secessionist logic that led to the Civil War, demonstrating how deeply resistance to federal authority was embedded in parts of the American political tradition.

In practice, the states' rights argument functioned as a legal and political cover for maintaining **racial hierarchy**. While the **Tenth Amendment** does reserve powers to the states, it does not allow them to violate constitutional rights protected under the **Fourteenth Amendment**. Ultimately, the federal government—through the courts, Congress, and executive enforcement—would have to assert its supremacy to protect the civil rights of African Americans, often over the objections of state and local governments.

From Brown to the Montgomery Bus Boycott



Figure 4.13: Rosa Parks seated on a Montgomery, Alabama, bus in 1956, after the Supreme Court declared bus segregation unconstitutional. (Image Credit: Bettmann, UPI, via Wikimedia Commons, Public Domain)

The *Brown v. Board of Education* decision applied specifically to public education, leaving segregation in other areas of American life intact. Nevertheless, it energized a growing grassroots movement to challenge racial injustice more broadly. In **1955**, **Rosa Parks**, a seasoned civil rights activist and secretary of the Montgomery, Alabama chapter of the NAACP, was arrested for refusing to give up her seat to a white passenger on a segregated city bus. Her quiet act of defiance inspired the Montgomery African American community to organize a boycott of the city's bus system.

The movement soon found a powerful voice in a young Baptist minister, **Dr. Martin Luther King Jr.**, who was chosen to lead the Montgomery Improvement Association. Under his leadership, the **Montgomery Bus Boycott** endured for 382 days despite legal challenges, economic pressure, and threats of violence. The successful boycott marked a turning point in the modern Civil Rights Movement and established nonviolent protest as a key strategy in the struggle for racial equality.



Figure 4.14: The SCLC was a coalition of churches and civil rights organizations committed to ending segregation through nonviolent means. (Image Credit: SCLC Button, Unknown)

Following the success of the Montgomery Bus Boycott, Martin Luther King Jr. helped found the **Southern Christian Leadership Conference (SCLC)**, a coalition of churches and civil rights organizations committed to ending segregation through nonviolent means. King quickly became the de facto leader of the Civil Rights Movement, advocating a strategy of **civil disobedience**: deliberately breaking unjust laws to draw national attention to racial injustice. King explained the rationale behind this approach in his landmark *Letter from the Birmingham City Jail* (1963):

> *I have earnestly worked and preached against violent tension, but there is a type of constructive nonviolent tension that is necessary for growth. Just as Socrates felt that it was necessary to create a tension in the mind so that individuals could rise from the bondage of myths and half-truths to the unfettered realm of creative analysis and objective appraisal, we must see the need of having nonviolent gadflies to create the kind of tension in society that will help men to rise from the dark depths of prejudice and racism to the majestic heights of understanding and brotherhood. So the purpose of the direct action is to create a situation so crisis-packed that it will inevitably open the door to negotiation.*

King's philosophy of nonviolent resistance was deeply influenced by **Mahatma Gandhi** (1869–1948), who had led a successful campaign of civil disobedience against British colonial rule in India. Gandhi, in turn, drew inspiration from the writings of American philosopher **Henry David Thoreau** (1817–1862), whose 1849 essay ***Civil Disobedience*** argued for individual moral resistance to **unjust laws**, particularly those supporting slavery and the Mexican American War.

By grounding the Civil Rights Movement in a long intellectual tradition of **nonviolent protest**, King was able to appeal to both **moral conscience** and **democratic ideals**, pushing the nation to confront the **contradictions** between its founding **principles** and its racial **realities**.

Sit-Ins and Civil Disobedience

One of the most visible and impactful forms of nonviolent protest during the Civil Rights Movement was the **sit-in**, a deliberate act of civil disobedience aimed at challenging unjust segregation laws. Dr. Martin Luther King Jr. defined an **unjust law** as "a code that a majority inflicts on a minority that is not binding on itself." Sit-ins tested these unjust laws in public places, especially in the South.



Figure 4.15: Civil rights sit-in by John Salter, Joan Trumpauer, and Anne Moody at Woolworth's lunch counter in Jackson, Mississippi, May 28, 1963. This type of passive resistance simultaneously enraged segregationists and won sympathy and support from across the country (Image Credit: Digital Library of Georgia, Public Domain)

In February **1960**, four African American college students initiated a sit-in at a segregated Woolworth's lunch counter in **Greensboro**, North Carolina. Although they were refused service, they remained seated in quiet defiance. In the days that followed, dozens more students joined them, occupying every available seat. The protestors were jeered at, spat upon, doused with condiments, and physically attacked, yet they refused to retaliate. Following the teachings of Dr. King, the protestors maintained strict **nonviolence** and remarkable **self-control**. This **passive resistance** simultaneously enraged segregationists and won sympathy and support from across the country.

The success in Greensboro inspired similar demonstrations, including a major sit-in campaign in Nashville, Tennessee. Within a year, more than 100 sit-ins were organized, targeting segregated lunch counters and expanding to parks, libraries, theaters, swimming pools, churches, museums, and beaches. These actions not only forced local change but also pushed civil rights to the forefront of national consciousness.

In **1961**, another major front in the movement emerged: transportation segregation. Organized by the **Congress of Racial Equality (CORE)**, the **Freedom Rides** involved interracial groups of civil rights activists riding buses through the South to challenge segregation in interstate travel facilities, in defiance of both Jim Crow laws and federal court rulings that had deemed such segregation unconstitutional.



Figure 4.16: This attack on a Freedom Riders' bus in Anniston, Alabama in May 14, 1961 illustrates the often violent responses to nonviolent action. (Image Credit: Joe Postiglione photographer, Library of Congress, Public Domain)

The Freedom Riders trained in **nonviolent resistance**, anticipating confrontation. They were met with brutal **violence**, beaten with clubs, chains, and pipes, with one bus even firebombed. Local authorities often failed to intervene or directly participated in the attacks. Yet the riders persevered. The images of bloodied, peaceful protestors shocked the conscience of the nation and galvanized support for the movement.

In response to public outcry, **President John F. Kennedy** dispatched 500 federal marshals to protect the Freedom Riders. At the urging of **Attorney General Robert F. Kennedy**, the Interstate Commerce Commission (ICC) issued new regulations **banning segregation** in interstate bus terminals, marking a pivotal moment in federal enforcement of civil rights.

These campaigns demonstrated the power of **nonviolent civil disobedience** not only to expose injustice but to compel **federal action**, an essential development in the long struggle for racial equality in the United States.

Birmingham 1963: Media, Morality, and Momentum

The next major flashpoint in the Civil Rights Movement came in the spring of **1963**, when civil rights leaders launched a strategic campaign to dismantle segregation in **Birmingham, Alabama**, a city known for its entrenched racial divisions and violent resistance to integration. The movement aimed to desegregate public schools, buses, lunch counters, and retail stores through sustained **nonviolent protest**.

Birmingham's police commissioner, **Eugene "Bull" Connor**, became a symbol of the brutal resistance to civil rights. Under his direction, peaceful demonstrators, including children, were met with high-powered fire hoses, police dogs, and mass arrests. Dr. Martin Luther King Jr. was among those jailed during the campaign, where he penned his now-famous “Letter from the Birmingham City Jail,” defending civil disobedience and calling out the **complacency of white moderates**.

What set the Birmingham campaign apart was the unprecedented role of **mass media**. Though television technology was still in its early stages, mobile camera crews were able to film the violence and broadcast it to a national audience. Images of young protestors being knocked down by water cannons or menaced by snarling dogs appeared on evening news programs and in major newspapers across the country. These visuals generated national outrage and **helped transform public opinion**.



Figure 4.17: Parker High School student Walter Gadsden being attacked by police dogs in Birmingham, Alabama, May 4, 1963. (Image Credit: Bill Hudson photographer, Alabama Department of Archives and History, public domain)

For many Americans who had previously ignored or underestimated the severity of racial injustice, the **images** from Birmingham provided undeniable evidence of the urgent need for federal civil rights legislation. The events in Birmingham underscored the growing power of television in shaping public discourse, and gave critical momentum to the Civil Rights Act of 1964.

The success of the Civil Rights Movement can be attributed in large part to its strategy of **nonviolence**, the often-**brutal reactions** it provoked from segregationists, and the widespread **media coverage** that brought these clashes into the homes of Americans across the country. In this way, the Civil Rights Movement serves as a powerful example of a **mass movement**. Unlike traditional interest groups, which typically focus on specific policy goals and narrow constituencies, mass movements aim to inspire **broad-based social and political change** by mobilizing large segments of the population, including those not directly affected by the issue. Dr. Martin Luther King Jr. understood that the movement's success depended on gaining the support of **white moderates** across the country who, though not openly hostile to civil rights, were often **complacent**. By exposing them to the realities of segregation and racial injustice, King hoped to awaken their moral conscience and motivate action. As he argued in his famous "Letter from Birmingham Jail," silence in the face of injustice is a form of complicity.

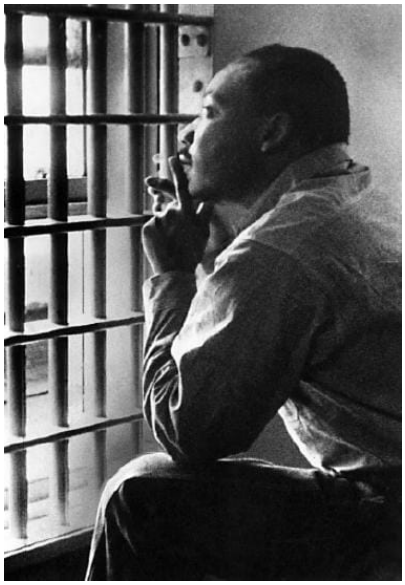


Figure 4.18: Martin Luther King Jr. in the Birmingham City Jail in April 1963. (Image Credit: African American Civil Rights Collection, Public Domain)

I must confess that over the last few years I have been gravely disappointed with the white moderate. I have almost

reached the regrettable conclusion that the Negro's great stumbling block in the stride toward freedom is not the White Citizen's Council-er or the Ku Klux Klanner, but the white moderate who is more devoted to "order" than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says "I agree with you in the goal you seek, but I can't agree with your methods of direct action;" who paternalistically feels he can set the timetable for another man's freedom; who lives by the myth of time and who constantly advises the Negro to wait until a "more convenient season." Shallow understanding from people of goodwill is more frustrating than absolute misunderstanding from people of ill will. Lukewarm acceptance is much more bewildering than outright rejection.

The March on Washington and the 1964 Civil Rights Act

Although he campaigned on civil rights during the 1960 presidential election, **President John F. Kennedy** was **initially cautious** about advancing civil rights legislation once in office. With Congress closely divided, Kennedy was reluctant to alienate powerful Southern Democrats who chaired key congressional committees. However, by 1963, growing **public outrage** over racial injustice made inaction politically untenable. That year, Kennedy proposed sweeping civil rights legislation aimed at ending segregation and ensuring equal protection under the law.



Figure 4.19: The Rev. Martin Luther King, Jr. acknowledges the crowd outside the Lincoln Memorial for his "I Have a Dream" speech during the March on Washington on Aug. 28, 1963. (Image Credit: Public Domain)

To build support for the bill, civil rights organizations—including the Southern Christian Leadership Conference (SCLC) and the Congress of Racial Equality (CORE)—organized a massive **March on Washington for Jobs and Freedom**. On **August 28, 1963**, more than 200,000 people gathered at the Lincoln Memorial to call for civil and economic rights for African Americans. It was during this event that Dr. Martin Luther King Jr. delivered his iconic "**I Have a Dream**" speech, articulating a powerful vision of racial equality rooted in the promises of the Constitution.

Kennedy's proposed civil rights legislation was still under debate in Congress when he was assassinated on November 22, 1963. His successor, **President Lyndon B. Johnson**, despite a mixed past on civil rights, took up the cause and pushed the bill through Congress. The result was the landmark **Civil Rights Act of 1964**, which **outlawed racial discrimination** in **education**, **employment**, and **public accommodations** that were connected in any way to **interstate commerce**—such as restaurants, hotels, and theaters. This legislation remains one of the most significant achievements in the struggle for civil rights in the United States.

However, Johnson recognized that legislation alone could not eradicate deeply rooted racism. Upon signing the bill, he remarked that **Democrats** had likely "**lost the South for a generation**." His prediction proved accurate. While the South had historically voted Democratic in reaction to Republican leadership during Reconstruction, the Civil Rights Movement caused many white Southern voters to shift their allegiance to the Republican Party, reshaping the nation's political landscape for decades to come.

Freedom Summer

Even after the passage of the Civil Rights Act of 1964, many African Americans in the South continued to be denied their right to vote through intimidation, discriminatory practices, and violence. In response, the Student Nonviolent Coordinating Committee (SNCC), with support from the Congress of Racial Equality (CORE), launched a major **voter registration campaign** during the summer of **1964**, known as **Freedom Summer**. More than one thousand black and white college students were trained in nonviolent resistance and sent to **Mississippi** to help register African Americans who had long been excluded from the political process.

The volunteers faced constant **threats and harassment**. Many were arrested, beaten, or shot, and six were killed, including three civil rights workers—James Chaney, Andrew Goodman, and Michael Schwerner—who were murdered by members of the Ku Klux Klan in **Neshoba County**, Mississippi. Local law enforcement was widely suspected of aiding in the killings. This tragic event was later dramatized in the 1988 film *Mississippi Burning*. While the film emphasized the role of white FBI agents in the investigation, the true heroes of Freedom Summer were the thousands of African Americans who bravely registered to vote despite threats of retaliation from the local white power structure. These individuals remained behind long after the college volunteers had returned home, demonstrating extraordinary **courage and determination** in the face of deep-seated injustice.



Figure 4.20:

Top left: Alabama police attack Selma to Montgomery marchers, known as "Bloody Sunday," in 1965
Top right: Marchers carrying banner "We march with Selma!" on street in Harlem, New York City, New York in 1965
Bottom left: Participants in the Selma to Montgomery march in Alabama during 1965
Bottom right: Dr. Martin Luther King, Dr. Ralph David Abernathy, their families, and others leading the Selma to Montgomery march in 1965

(Image Credit: Library of Congress, via Wikimedia Commons, Public Domain)

The struggle for voting rights gained national attention in **1965** when Dr. Martin Luther King Jr. led a series of **marches** from **Selma to Montgomery**, Alabama, to protest the continued denial of voting rights to African Americans. During the first march, peaceful demonstrators were brutally attacked by Alabama state troopers and local authorities in an event that became known as "**Bloody Sunday**." Marchers were beaten with clubs, tear-gassed, and some were shot or arrested. The violence was broadcast on national television and sparked widespread **public outrage**.

In response, President Lyndon B. Johnson introduced legislation that would become the **Voting Rights Act of 1965**. Though the bill faced strong opposition and was **filibustered** in the Senate, it ultimately passed. The act aimed to enforce the **Fifteenth Amendment** by prohibiting racial discrimination in voting and eliminating barriers such as literacy tests and poll taxes. It marked a major victory for the Civil Rights Movement and significantly expanded access to the ballot box for African Americans across the South.

However, the protections of the Voting Rights Act have been weakened in recent years. In the 2013 Supreme Court case ***Shelby***

County v. Holder, the Court struck down the formula used to determine which states and localities were required to obtain federal approval before changing their voting laws. Without this "**preclearance**" requirement, several states quickly enacted laws such as strict **voter ID** requirements, **reduced early voting** periods, and the **closure of polling places** in minority communities, measures that critics argue disproportionately affect voters of color. While the Voting Rights Act remains a landmark piece of civil rights legislation, its diminished enforcement has reignited debates about voter suppression and access to the ballot in the 21st century.

However, the protections of the Voting Rights Act have been further narrowed by a **2026 Supreme Court decision** that significantly limited the scope of **Section 2**, which prohibits racially discriminatory voting practices. The Court imposed a more demanding standard for proving discrimination, making such challenges more difficult. Supporters argue this clarifies the law and reinforces state authority, while critics contend it weakens one of the last remaining tools to combat voter suppression.



Figure 4.21: President Lyndon B. Johnson signs the 1968 Civil Rights Act. (Image Credit: Library of Congress, via Wikimedia Commons, Public Domain)

The third major piece of civil rights legislation during this era was the **Civil Rights Act of 1968**, also known as the **Fair Housing Act**. This law prohibited discrimination in the sale, rental, or financing of housing based on race, religion, national origin, or later, gender and disability. While such protections may seem essential and are widely accepted today, the legislation faced **strong opposition** in Congress at the time. Ironically, the Act's passage was only made possible by the national outpouring of grief and sympathy following the **assassination of Dr. Martin Luther King Jr.** Just days after his death, the bill was passed as a symbolic **tribute** to his legacy. Ultimately, the combined efforts of civil rights activists from both the North and South brought about profound changes in the political, economic, and civic lives of African Americans across the nation.

De Facto Segregation

The Challenge of School Integration

The civil rights legislation of the 1960s marked a significant milestone in the fight for racial equality, particularly by ending ***de jure* segregation**: segregation enforced by law. However, striking down legal segregation did not eliminate ***de facto* segregation**: segration by fact, which continued as a result of longstanding **social and economic inequalities**. Because Black and white families often lived in **separate neighborhoods**, a legacy of **redlining** (the practice of banks refusing to give housing loans in minority neighborhoods), **discriminatory housing policies**, and **generational wealth gaps**, **public schools** remained largely **segregated** despite the new legal protections.

To address this problem, the U.S. Supreme Court under **Chief Justice Warren Burger** upheld the use of **court-ordered busing programs** designed to integrate public schools. These programs transported students between racially segregated neighborhoods to foster greater racial diversity and educational equity. While well-intentioned, busing policies triggered **fierce backlash**. Many white families opposed the practice and responded by relocating to suburban communities, a trend known as

"**white flight**." This shift allowed many to maintain racial separation in practice (*de facto* segregation), even as legal segregation (*de jure*) had been eliminated.

It is important to note that not all suburban migration was rooted in racial prejudice. Many white families, along with growing numbers of middle- and upper-middle-class African Americans, **left urban centers** in response to **shifting economic conditions**, declining city services, and rising crime. However, real estate agents also exploited racial anxieties to accelerate white flight, using racially coded language, warning homeowners that their neighborhoods were "changing", to prompt rapid property sales and reap commissions. These dynamics entrenched **residential segregation**, complicating efforts to create truly integrated schools and communities.

Urban Disinvestment, the Drug War, and Mass Incarceration



Figure 4.22: Detroit Mayor Jerome Cavanagh speaks to a young man two months after the Detroit riots in July of 1967. The young man tells the mayor the rubble had been a five and ten cent store. (Image Credit: Ira Rosenberg, Detroit Free Press, CC0)

The most damaging consequence of white and middle-class flight from urban centers was not merely the loss of cross-cultural interaction, it was the hollowing out of **economic opportunity**. As middle- and upper-class residents moved to the suburbs, they often took with them essential businesses, retail establishments, and jobs. At the same time, the U.S. **manufacturing** sector began to **decline**, further shrinking employment opportunities for those left behind. Many inner-city neighborhoods were left **economically isolated**, with few successful role models and limited access to stable employment. As **economic hardship** deepened, so too did **political disempowerment**, as **poverty** and **social dislocation** undermined **civic engagement**.

The crisis worsened in the **1980s** with the rapid spread of crack cocaine in urban neighborhoods. The drug's affordability, addictiveness, and wide availability contributed to rising crime and violence, leading to increased policing and public concern. The federal government responded with a series of punitive laws under the so-called "**War on Drugs**," which imposed disproportionately harsh sentences for crack cocaine, prevalent in low-income Black neighborhoods, compared to powder cocaine, more commonly associated with affluent white users.

The effects of these policies were devastating and deeply unequal. Although African Americans make up about 12% of the U.S. population, they have consistently accounted for a much larger share of those **incarcerated** for drug offenses. Despite studies showing that white Americans, particularly upper-middle-class individuals, use illegal drugs at similar or higher rates, Black Americans have been far more likely to be arrested, prosecuted, and imprisoned. By 2008, approximately one in nine Black men in their twenties was either incarcerated, on probation, or on parole, surpassing the number enrolled in college at the time. Overall, African Americans comprised 44% of the U.S. prison population, despite being just 12% of the general population.

These patterns of **mass incarceration** have had ripple effects across generations. With **fewer job opportunities**, **high incarceration rates**, and the **social stigma** of criminal records, many Black men face diminished prospects for economic advancement and family formation. The result is a **weakening of community structures**, a **shortage of role models** for young people, and a growing **cycle of poverty and disenfranchisement** that continues to challenge efforts at racial equity and civil rights reform.

Contemporary Urban Inequality and Community Resilience

While the overt legal structures of segregation have been dismantled, many inner-city neighborhoods today remain deeply **segregated along racial and economic lines**. These patterns are the result of historical policies, such as **redlining** and **discriminatory lending**, as well as ongoing systemic disinvestment and unequal access to opportunity. African Americans and Latinos are disproportionately concentrated in low-income urban areas where schools are underfunded, public services are limited, and healthcare access remains inadequate.



Figure 4.23: Portion of a lending map produced by J.M. Brewer for Metropolitan Life Insurance showing redlining in the Sharswood neighborhood of Philadelphia. Redlining is a practice where financial services are withheld from neighborhoods based on the racial or ethnic composition of their residents, a discriminatory practice that contributes to the racial wealth gap in the United States. (Image Credit: J.M. Brewer, via Wikimedia Commons, Public Domain)

Generational poverty, **underemployment**, and **wage stagnation** continue to hinder economic mobility in these communities. Although violent crime has declined significantly since the 1990s, neighborhoods still struggle with public safety, particularly where housing instability and lack of social infrastructure persist. **Wealth inequality** remains stark: the median white household holds more than six times the wealth of the median Black household. These disparities are often exacerbated by modern housing trends, including gentrification, which can bring investment while displacing long-time residents through rising costs and redevelopment.

Yet despite these challenges, **many urban communities remain resilient**. They are home to strong social networks, rich cultural traditions, and grassroots movements working toward equity, justice, and systemic reform. Understanding both the struggles and the strengths of these neighborhoods is essential to any meaningful discussion of civil rights today.

The Ongoing Struggle for Racial Equality

What is perhaps most remarkable about the landmark civil rights legislation of the 1960s is that opposition to it is not ancient history, it is **recent** and, in many ways, **ongoing**. Many Americans who lived through the Civil Rights Movement remain active in public life today. Legal barriers such as segregation and voter suppression have been dismantled in their most blatant forms, but **racial inequality persists**, and **social attitudes** have evolved only gradually. For instance, Mississippi did not officially ratify the 13th Amendment, which abolished slavery, until 1995, 130 years after it was passed. Although younger Americans generally express more progressive views on race, racism continues to manifest in more subtle forms, including **implicit biases**, **unequal** treatment in **education**, **housing**, **healthcare**, and the **justice system**. White Americans consistently report perceiving less racism in society than Black Americans do, reflecting differences in lived experiences and proximity to discrimination.



Figure 4.24: President Barack Obama meeting with six young individuals, known as "DREAMers," in the Oval Office on February 4, 2015. The meeting was held to discuss the Deferred Action for Childhood Arrivals (DACA) program and its impact. (Image Credit: Pete Souza/The White House, Public Domain)

The election of **Barack Obama** as the nation's first Black president in 2008 was a historic moment that many hoped would usher in a new era of improved race relations. At the time, approximately 40% of Americans felt that Obama's presidency helped race relations, with African Americans more likely to express optimism. However, Obama's election also sparked **backlash** among some segments of the population. **The Southern Poverty Law Center (SPLC)** documented a significant rise in anti-government and **white supremacist** groups in the years following his election, fueled by both racial resentment and fears about shifting demographics.



Figure 4.25: The "Unite the Right" rally August 12, 2017 in Charlottesville, Virginia. (Image Credit: Anthony Crider, CC BY 2.0)

These **racial tensions** intensified during **Donald Trump's presidency** (2017–2021), which was marked by racially charged rhetoric and policies that critics argued emboldened white nationalist sentiment. For example, Trump's 2017 comment that there were "very fine people on both sides" after a white supremacist rally in Charlottesville, Virginia, drew widespread condemnation. His administration also rolled back several civil rights protections, including those related to fair housing, diversity training, and police reform. The FBI and SPLC both reported **increased hate group activity** and incidents of **racially motivated violence** during his first term.

Trump's re-election in 2025 further deepened **political and racial polarization**. His administration continued to **prioritize**

immigration restrictions, **eliminate federal diversity initiatives**, and **challenge voting rights protections**. While Trump's supporters viewed him as a defender of traditional American values, critics argued that his presidency highlighted the persistence of **structural racism** and **social polarization** in American society.



Figure 4.26: A Black Lives Matter (BLM) protest in Washington, DC, September 5, 2020. (Image Credit: Elvert Barnes, via Wikimedia Commons, CC BY-SA 2.0)

Despite these challenges, social movements such as **Black Lives Matter** and a new generation of civil rights advocates have pushed racial justice issues to the forefront of national debate. Protests following high-profile incidents of **police violence** have led to local reforms in policing, bail systems, and public accountability, though progress has been uneven across the country. The struggle for racial equality continues to be one of the defining issues of American political life, shaped by a complex interplay of history, policy, and evolving public opinion.

Affirmative Action

The term "**affirmative action**[SS11] " was first used by **John F. Kennedy** in a 1961 executive order requiring that the federal government, and businesses that contract with the federal government, do more than just abstain from discrimination on the basis of race. Kennedy required that, in addition, they engage in "affirmative actions" **intentionally recruiting qualified minorities** for employment. **Lyndon B. Johnson** extended the executive order to include the recruitment of qualified **women**. Affirmative action does not require the hiring of unqualified candidates over more qualified candidates, but it does require that an organization make **intentional efforts to diversify its workforce** by providing **equal opportunity** to groups that have historically suffered from discrimination.



Figure 4.27: A rally support of overturning the California Supreme Court's decision in *Bakke v. Regents of the University of California*, May 7, 1977. (Image Credit: University of California, Bancroft Library, Berkeley, CA, via Wikimedia Commons, Public Domain)

In the 1970s, institutions of higher education began using intentional efforts to expand educational opportunities for both historically underserved minority groups. In **1978**, the Supreme Court ruled in ***Regents of the University of California v. Bakke***, in a narrow decision, that the medical school at the University of California at Davis **violated** the **equal protection clause of the Fourteenth Amendment** by setting aside 16 of the 100 admission spots for applicants who were economically or educationally disadvantaged or who were of an ethnic minority. All applicants competed on the same criteria; however, those in the special admission program only competed against each other. The Court ruled that while a diverse student body is a compelling government interest, the use of **fixed quotas** is an **impermissible** means of achieving that goal. Such goals would be admissible if they did not use quotas. Race could, however, be used as factor in considering admission alongside other factors like GPA and standardized test scores.

In **2007**, the Court ruled in ***Parents Involved in Community Schools v. Seattle School District No. 1*** that voluntary **school desegregation** plans in Seattle and Louisville, Kentucky, which used race as a factor in student assignments, **violated** the **Equal Protection Clause of the Fourteenth Amendment**. **Chief Justice Roberts**, writing for the majority, stated, "The way to stop discrimination on the basis of race is to stop discriminating on the basis of race." This decision marked a **significant shift** from earlier rulings that permitted race-conscious policies aimed at achieving diversity in public schools.

In **2023**, the Court further **curtailed race-conscious policie**s in higher education. In ***Students for Fair Admissions v. President and Fellows of Harvard College*** and ***Students for Fair Admissions v. University of North Carolina***, the Court ruled 6-3 that **race-based admissions programs** at Harvard and **UNC violated the Equal Protection Clause**. Chief Justice **Roberts** emphasized that the universities' admissions programs lacked sufficiently focused and measurable objectives and involved racial stereotyping. The decision effectively overruled previous precedents allowing limited consideration of race in college admissions, such as *Grutter v. Bollinger* (2003) and *Regents of the University of California v. Bakke* (1978). The ruling does not apply to military academies, as the Court did not have jurisdiction over those institutions in this case.

These decisions reflect a broader **trend** in the Court's interpretation of the Equal Protection Clause, moving away from policies that consider race as a factor in public education and admissions. The implications of these rulings continue to influence debates over diversity, equity, and inclusion in American institutions.

Open to Debate:
Affirmative Action

> *The question of whether **affirmative action** policies, designed to ensure equal educational and employment opportunities for women and racial minorities, align with the **Equal Protection Clause** of the **Fourteenth Amendment** remains open to debate. Supporters argue that such policies are necessary to address **historical and systemic discrimination** faced by these groups. Critics, however, contend that affirmative action amounts to **reverse discrimination**, violating both the Fourteenth Amendment and the **1964 Civil Rights Act**, which prohibits racial discrimination.*
>
> *For much of U.S. history, the law not only permitted but also mandated discrimination based on race, ethnicity, and*

*sex. Today, the question persists: Is basing decisions solely on **merit** the best way to overcome past discrimination, or are merit-based assessments inherently **subjective**, influenced by factors beyond pure academic or professional achievements? The answer remains **open to debate**.*

Civil Rights for Women

The struggle for women's civil rights in the United States can be traced back to the nation's founding. When Thomas Jefferson drafted the **Declaration of Independence**, he famously wrote that "**all men are created equal**." While some interpret this phrase as referring to all of humanity—including women—Jefferson lived in a time when **women** (along with enslaved people) were **systematically excluded from political and civil life.** Women were generally denied access to formal education, barred from voting or holding office, and expected to confine their roles to child-rearing and household management.

Despite these limitations, the ideals of the American Revolution inspired many to question the status quo. Thinkers such as **Thomas Paine** and others began to explore the idea that women, too, were entitled to the same **natural rights** of **liberty and equality**. These early discussions laid the groundwork for the women's rights movements that would gain momentum in the 19th and 20th centuries.

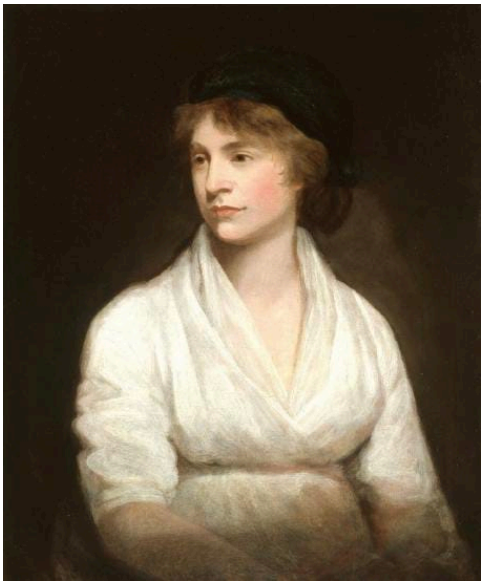


Figure 4.28: English writer and women's rights advocate Mary Wollstonecraft (1759-1797), author of *A Vindication of the Rights of Woman* (1792), in which she argued that it was unjust and irrational for women to be denied property rights, educational opportunities, equal legal standing, and other fundamental civil and social rights.
(Image Credit: National Portrait Gallery, via Wikimedia Commons, Public Domain)

Mary Wollstonecraft (1759–1797), a British writer and early advocate for women's rights, was inspired by the natural rights philosophies of thinkers like Thomas Jefferson and Thomas Paine. In her groundbreaking work ***A Vindication of the Rights of Woman* (1792)**, Wollstonecraft argued that it was unjust and irrational for women to be denied property rights, educational opportunities, equal legal standing, and other fundamental civil and social rights. She emphasized the importance of education, asserting that without the opportunity to develop their capacity for reason, women would continue to be treated as inferior and would, in effect, surrender their natural rights. Wollstonecraft also criticized society's tendency to value women primarily for their beauty and submissiveness rather than recognizing them as equal partners in society.

In the American context, **Abigail Adams**, wife of founding father and future president **John Adams**, shared similar concerns. A keen political observer and trusted advisor to her husband, Abigail lamented the **lack of educational and political opportunities** for women. In a letter written to John Adams in March 1776, while he was serving in the Continental Congress, she famously urged him to consider women's rights in the founding of the new nation:

"I long to hear that you have declared an independency—and by the way, in the new Code of Laws which I suppose

> *it will be necessary for you to make, I desire you would remember the ladies, and be more generous and favorable to them than your ancestors. Do not put such unlimited power into the hands of the husbands. Remember, all men would be tyrants if they could. If particular care and attention is not paid to the ladies, we are determined to foment a rebellion, and will not hold ourselves bound by any laws in which we have no voice or representation."*

John Adams replied playfully but dismissively, writing:

> *"As to your extraordinary code of laws, I cannot but laugh... Depend upon it, we know better than to repeal our masculine systems."*

Though delivered in a tone of jest, their exchange reveals the early tensions surrounding gender equality in the founding era and highlights the long-standing calls for the inclusion of women in the democratic promises of the United States.

The **abolitionist movement**, which sought to end slavery and secure civil rights for African Americans, also gave rise to a parallel movement advocating for women's rights. The core argument of the abolitionists – that all human beings are entitled to their natural rights regardless of race – was soon **extended to gender**. Many women involved in the fight against slavery began to draw connections between racial and gender-based oppression, arguing that just as skin color should not determine one's rights, neither should gender. This linkage helped lay the ideological foundation for the women's rights movement, as activists began to demand equal treatment for all individuals under the principles of liberty and justice.

The Seneca Falls Convention

One leading abolitionist, **Elizabeth Cady Stanton**, became increasingly frustrated by the lack of political and social opportunities available to women in the mid-nineteenth century. When she shared her concerns with a group of fellow abolitionists, she found strong support. Several Quaker activists – including **Lucretia Mott**, **Mary Ann McClintock**, and **Jane Hunt** – agreed that action was urgently needed. Together, they organized what would become the first women's rights convention in American history. Held on July 19–20, 1848, at the Wesleyan Chapel in Seneca Falls, New York, the **Seneca Falls Convention** attracted more than 300 attendees, both men and women. Interestingly, Lucretia Mott's husband, John Mott, presided over the conference, as no woman present felt comfortable doing so. Such diffidence reflects the limited public role played by women at the time. However, at the convention, Elizabeth Cady Stanton introduced the ***Declaration of Sentiments***, a document modeled on the Declaration of Independence, which boldly proclaimed that "**all men and women are created equal**." It included 11 resolutions calling for women's equality in various spheres of life, most controversially, the **right to vote**.



Figure 4.29: Elizabeth Cady Stanton who, at the Seneca Falls Convention, introduced the *Declaration of Sentiments*, a document modeled on the Declaration of Independence, which boldly proclaimed that "all men and women are created equal." (Image Credit: National Portrait Gallery, via Wikimedia Commons, Public Domain)

The demand for **suffrage** was so radical for the time that many attendees hesitated to endorse it. However, the influential orator and former slave **Frederick Douglass** spoke in favor of the resolution, helping to secure its adoption. Although the *Declaration*

of Sentiments was widely mocked in the press in the weeks following the convention, the criticism inadvertently brought national attention to the issue. As a result, the modern women's rights movement was underway.

Excerpts from the *Declaration of Sentiments* (1848)

> *"We hold these truths to be self-evident: that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness."*
>
> *"The history of mankind is a history of repeated injuries and usurpations on the part of man toward woman, having in direct object the establishment of an absolute tyranny over her."*
>
> *"He has never permitted her to exercise her inalienable right to the elective franchise."*
>
> *"He has taken from her all right in property, even to the wages she earns."*
>
> *"He has denied her the facilities for obtaining a thorough education—all colleges being closed against her."*

— *Declaration of Sentiments*, Seneca Falls Convention, 1848

The Right to Vote



Figure 4.30: Elizabeth Cady Stanton (seated) and Susan B. Anthony (standing) circa 1900. They fought tirelessly for women's suffrage, yet women would not win the right to vote until long after their death. (Image Credit: Library of Congress, via Wikimedia Commons, Public Domain)

Elizabeth Cady Stanton continued her tireless advocacy for women's rights and was soon joined by **Susan B. Anthony**, a fellow reformer and Quaker who had been active in the temperance movement. After the Civil War, many suffragists hoped that women would gain the **right to vote** alongside newly freed African American men. However, abolitionist leaders chose to focus solely on securing voting rights for formerly enslaved men, fearing that including women in their demands might jeopardize the success of their campaign.

Women would not win the right to vote until more than 50 years later, with the ratification of the **19th Amendment** in **1920**. The amendment stated: "*The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex*." Even then, its passage was far from certain. It faced strong **opposition** from states' rights advocates and business interests who feared that an empowered female electorate would challenge low wages and poor working conditions for women.

As the amendment made its way through the **ratification** process, momentum slowed until it came down to one final state: **Tennessee**. After weeks of debate and shifting votes, the Tennessee legislature remained deadlocked. The tie was broken when 24-year-old state legislator **Harry Burn** unexpectedly changed his vote from "no" to "yes," influenced by a letter from his mother urging him to "Hurrah, and vote for suffrage!" With that, the 19th Amendment was ratified. The victory came more than 72 years

after the *Declaration of Sentiments* was signed at Seneca Falls, and long after the deaths of both Susan B. Anthony and Elizabeth Cady Stanton. Both women spent their lives working for the suffrage movement, "**not for ourselves alone**," to use their own words, but for the greater good of all.

Women on the Home Front: Shifting Roles During World War II



Figure 4.31: "We Can Do It!" 1942 USA World War II homefront poster. (Image Credit: National Museum of American History, Smithsonian Institution, via Wikimedia Commons, Public Domain)

Much like the experience of African Americans, women's access to the ballot did not immediately translate into full social or economic equality. After winning the right to vote in 1920, the **women's rights movement** lost momentum, particularly during the Great Depression of the 1930s, when national attention turned to economic survival. However, World War II, As millions of men joined the military and left for overseas combat, the U.S. government and private industry called on women to fill labor shortages and keep the economy running. Millions of women, many of whom had never worked outside the home, heeded the call and entered factories and other industries vital to the war effort. Iconic images such as "**Rosie the Riveter**" symbolized women's growing presence in the workforce and their vital contribution to national defense. Yet, when the war ended and soldiers returned home, women were often encouraged, and sometimes pressured, to give up their jobs and resume traditional roles as homemakers. While many complied, the wartime experience had expanded women's sense of agency and possibility, laying the foundation for the modern women's rights movement that would emerge in the decades that followed.

The Rise of Second-Wave Feminism



Figure 4.32: Betty Friedan demonstrating, NYC, April, 1979.

Friedan published ***The Feminine Mystique***, a groundbreaking book that gave voice to the frustration of many educated women who felt confined by the **limited roles** society assigned them as wives and mothers.

(Photograph: Gotfryd, Bernard, photographer, Library of Congress, via Wikimedia Commons, Public Domain)

The 1960s marked the beginning of a powerful resurgence in the women's rights movement, often referred to as **second-wave feminism**. Several key developments helped spark this revival. The introduction of the **birth control pill** gave women unprecedented control over their reproductive choices and contributed to broader shifts in social and moral attitudes. In 1963, **Betty Friedan** published ***The Feminine Mystique***, a groundbreaking book that gave voice to the frustration of many educated women who felt confined by the **limited roles** society assigned them as wives and mothers.

At the same time, many women became active in **other social movements**, particularly the **civil rights movement** and **anti-Vietnam War protests**, only to find themselves relegated to subordinate roles, such as clerical work and logistical support. This **marginalization** made it clear that women would need to organize independently if they wanted their voices to be heard and their rights respected.

The renewed women's movement brought a wide range of issues into public discourse, including **gender equality in education and the workplace**, **reproductive rights**, and the problems of **sexual harassment and violence**. A major legal breakthrough came with the **Civil Rights Act of 1964**. **Title VII** of the Act prohibited employment discrimination not only on the basis of race but also, thanks to a last-minute amendment, on the basis of sex. Ironically, some legislators added the word "sex" in an attempt to sink the bill, assuming the idea of **gender equality** would be seen as absurd. Instead, the provision survived and became a crucial legal tool for advancing women's rights.

Women also began to challenge **societal norms** that were presented as being for their benefit but often limited their opportunities. One key criticism was the idealization of women as "the fairer sex," which placed them on a "**debilitating pedestal**" and hindered their ability to compete equally with men in many areas of life. This was especially evident in **athletics**, where women were routinely denied the opportunity to participate in events traditionally open to men.



Figure 4.33: The historic moment in the 1967 Boston Marathon when race official Jock Semple attempted to physically remove Kathrine Switzer from the course. (Image Credit: Harry Trask, via Wikimedia Commons, Public Domain)

For example, it was widely believed that women's bodies, particularly their reproductive systems, were too fragile to endure the physical demands of events like marathons. In **1967**, race officials at the **Boston Marathon** attempted to physically remove **Katherine Switzer**, who had registered for the race under a gender-neutral name, when they discovered she was a woman. Despite their efforts, Switzer completed the race, becoming a symbol of women's struggle for equality in sports. It wasn't until **1984**, nearly two decades later, that the International Olympic Committee **added a women's marathon event to the Olympic Games**.

Title IX was added to the **Federal Educational Amendments of 1972**. It was designed to **end discrimination against women in collegiate academics or athletics**. It reads, "*No person in the U.S. shall, on the basis of sex be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal aid.*" Implementation of Title IX in the arena of college athletics has been controversial as some colleges have closed men's programs in order to achieve equality. In spite of such controversy, Title IX bears heavy responsibility for the large numbers of women competing in sports at all levels today.

Women and Academia



Figure 4.34: Today, women earn 59% of all bachelor's degrees, and nearly 60% of advanced degrees held by adults aged 25 to 29 are held by women. (Image Credit: University of California, CC0)

The **academic achievements** of women have been extraordinary over the past few decades. In 1972, women earned only 9% of medical degrees, 7% of law degrees, and 25% of doctoral degrees. Today, women earn 59% of all bachelor's degrees, and nearly 60% of advanced degrees held by adults aged 25 to 29 are held by women. **Women now outnumber men** on most college campuses, with this trend particularly pronounced among African Americans and Hispanics. For example, 10% more white women enroll in college directly after high school than white men, 12% more African American women than men, and 13% more Hispanic women than men.

This increase in **college enrollment** among women can be attributed to several factors. One key reason is the **changing labor market**: as barriers to women entering a wide range of professions have diminished, the value of women obtaining technical training and advanced degrees has risen. Additionally, there is evidence that **boys and young men** face **academic challenges** due to a combination of factors including **gender socialization**, **brain development**, **behavioral differences**, and **societal expectations**, which can inhibit their educational attainment compared to their female peers.

The Equal Rights Amendment: A Persistent Struggle for Gender Equality



Figure 4.35: Demonstrators carry a banner from the Florida Governor's mansion to the capitol during a march for the Equal Rights Amendment in 1975. (Image Credit: The Florida Memory Project hosted at the State Archive of Florida, via Wikimedia Commons, Public Domain)

In 1972, the **Equal Rights Amendment (ERA)** was passed by Congress and sent to the states for ratification. The ERA stated, "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex." Originally drafted in 1923 by **Alice Paul**, the amendment aimed to ensure that "men and women have equal rights throughout the United States." While the ERA initially gained momentum, with 35 states ratifying it, it ultimately fell three states short of the necessary 38 for adoption into the Constitution. The ratification process was further complicated by the expiration of the deadline and the rescission of ratifications by some states.

Opposition to the ERA was led by **Phyllis Schlafly**, a conservative activist who founded the "STOP ERA" campaign. Her organization argued that the amendment would eliminate protective laws for women, such as alimony and child custody preferences, and could lead to unintended consequences like create unisex bathrooms, legalize gay marriage, allow women in combat, provide for taxpayer funded abortions. Schlafly's grassroots efforts, including delivering homemade bread to lawmakers, successfully mobilized conservative women and garnered significant support for the anti-ERA movement. In addition to Schlafly's campaign, other conservative groups, including the **Moral Majority**, also opposed the ERA. These organizations linked the amendment to broader concerns about tradition**nal family values** and the potential **erosion of gender-specific roles**. Their opposition played a significant role in the amendment's failure to achieve ratification. Despite the ERA not being adopted, the debate highlighted ongoing issues of gender inequality and sparked continued efforts toward achieving equal rights for women.

Open to Debate:
Feminism

> *What is **feminism**? The Encarta Dictionary defines feminism as "1. Belief in **women's rights**: belief in the need to secure, or a commitment to securing, rights and opportunities for women equal to those of men. 2. **Movement for women's rights**: the movement committed to securing and defending equal rights and opportunities for women equal to those of men." This definition seems quite straightforward; however, the meaning of feminism in society*

*remains **open to debate**. This debate reflects both the evolving paths of the modern women's rights movement and the **backlash** it continues to face.*

*Feminism in the **Classical Liberal tradition**—rooted in the values of **individual freedom** and **equal opportunity**—emphasizes legal and social equality. In this view, feminism advocates for equal access to education, careers, sports, and leadership roles; an end to **gender-based violence**; and **equal pay for equal work**. Despite decades of progress, women still earn, on average, **83 cents** for every dollar earned by men. This gap is expected to narrow as women continue to outpace men in educational attainment, but full economic parity remains elusive. While many Americans support these goals, far fewer identify as feminists.*

*Why the hesitation? Some of it stems from a deliberate campaign by critics who portray feminism as an **extreme ideology** that seeks to upend **traditional gender roles** or reject family and heterosexual relationships. While radical perspectives do exist within feminist circles, they do not reflect the broader movement. Unfortunately, these portrayals have distorted the term "**feminism**" and undermined public support for gender equality efforts.*

*What, then, should feminism mean today and what should be the goals of the contemporary civil rights movement for women? Is **pornography** a form of free expression or an act that inherently degrades women? Does the **objectification** of women in advertising reinforce inequality? Do **men** also suffer under rigid gender roles, especially when discouraged from engaging in childrearing or emotional expression? The answers to these questions remain **open to debate**—but engaging with them is a key part of understanding how civil rights evolve in a changing society.*

Civil Rights of Other Groups

Native American Civil Rights



Figure 4.36: The 1942 oil painting "The Trail of Tears" by artist Robert Lindneux. (Image Credit: The Granger Collection, New York, via Wikimedia Commons, CC BY 2.0)

The U.S. government's policy toward **Native Americans** has changed dramatically over time. During the 18th and 19th centuries, as the United States expanded westward, Native American communities were forcibly removed from their ancestral lands—often violently—to make way for settlers. One of the most infamous examples was the **Indian Removal Act of 1830**, which mandated the relocation of all Native Americans to lands west of the Mississippi River. This policy resulted in widespread suffering and death, most notably during the **Trail of Tears**, when thousands died from disease, exposure, and starvation.

Many scholars argue that the treatment of Native Americans fits the definition of **genocide**: the intentional destruction, in whole or in part, of a racial, ethnic, or national group. Estimates suggest that between 5 and 10 million Native Americans lived in what is now the United States at the time of European contact. By the end of the 19th century, fewer than 250,000 remained. While disease played a major role in this decline, historical records show that U.S. military units at times deliberately spread disease, such as smallpox, through "gifts" of contaminated blankets, an early form of biological warfare. Others died in armed conflicts, forced relocations, or state-sanctioned massacres.

In California, where an estimated 150,000 Native Americans lived at the time of the 1849 gold rush, fewer than 16,000 remained by 1900. State and local governments offered **bounties** for Native American scalps, while militias were reimbursed

for “extermination” efforts,, often with federal funds. Despite their deep roots in the land, Native Americans were denied full citizenship and the right to vote until **1924**, with the passage of the **Indian Citizenship Act**.

The Native American civil rights movement gained momentum during the 1960s, inspired by the broader African American civil rights movement. In **1968**, Native activists founded the **American Indian Movement (AIM)** in Minneapolis to protest **police brutality** and **systemic inequality**. A year later, Native activists drew national attention by occupying **Alcatraz Island**, citing an 1868 treaty provision that allowed Native Americans to reclaim unused federal land.

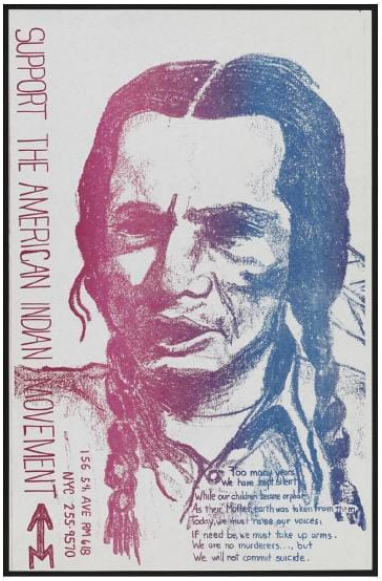


Figure 4.37: A poster depicting a portrait of a Native American to raise awareness for the American Indian Movement, 1968. (Image Credit: American Indian Movement, Library of Congress, via Wikimedia Commons, Public Domain)

Throughout the early 1970s, AIM continued to push for recognition of **tribal sovereignty and treaty rights**. In **1972**, activists seized the **Bureau of Indian Affairs** in Washington, D.C., and in **1973**, AIM members staged a 71-day armed occupation of **Wounded Knee**, South Dakota, site of an 1890 massacre of hundreds of Lakota Sioux by U.S. troops. These high-profile protests reignited national awareness of Native American grievances and led to increased legal and political advocacy.

Like other marginalized groups, Native Americans achieved some important legal victories. The **Indian Civil Rights Act of 1968** extended key constitutional protections, including freedom of speech and due process, to Native Americans living on tribal lands. However, serious disparities remain. Native Americans experience **disproportionately high rates of poverty, poor health, and limited access to quality education and employment**.

In recent decades, some tribes have found new sources of income by operating **casinos** on sovereign tribal lands. In many states, tribes have negotiated formal agreements with state governments regulating casino operations. These businesses have brought economic benefits to some communities but have also sparked legal and political debates over the limits of tribal sovereignty and state oversight.



Figure 4.38: An Atlanta Braves tomahawk. The use of Native American images and stereotypes in sports is an ongoing are of civil rights activism. (Image Credit: Unknown Author, via Wikimedia Commons, Public Domain)

Another ongoing area of civil rights activism involves the use of **Native American names, images, and stereotypes in sports**. In **2020**, under mounting public pressure, the NFL's Washington franchise dropped its longstanding "Redskins" name and logo, later rebranding as the **Washington Commanders**. However, teams like MLB's **Atlanta Braves** have resisted calls to change their name, mascot, and fan traditions such as the "tomahawk chop." The **NCAA** has implemented policies restricting the use of Native American mascots by its member schools unless explicitly approved by tribal representatives.

While many challenges remain, Native American communities continue to assert their rights through **legal action**, **grassroots activism**, and **cultural revitalization**, contributing to the broader struggle for civil rights and justice in the United States.

Latino and Hispanic Civil Rights

Americans of Latin American descent are commonly referred to as Latinos, while "Hispanic" typically refers to Americans with a Spanish-speaking background. These terms are often used interchangeably, though not all individuals embrace them. Some prefer broader identifiers such as "American," while others choose more specific labels tied to their national or cultural heritage, such as Mexican American, Cuban American, Puerto Rican, Chicano, Nuyorican, or Boricua. A key reason that Latino political power and the Latino civil rights movement developed more slowly than other minority groups is the **diversity within the population**—culturally, geographically, and historically—leading to fragmented identification rather than a single, unified group identity.



Figure 4.39: A protest during the National Chicano Moratorium March on August 29, 1970, in East Los Angeles, California. (Image Credit: Civil Rights and Labor History Consortium / University of Washington, Fair Use)

Despite these differences, Hispanic Americans now represent the **largest minority group in the United States**. Like other marginalized communities, they have **historically faced discrimination** in housing, education, employment, and access to public services. The modern Latino civil rights movement gained momentum in the 1960s with the rise of the **Chicano Movement**, which sought to advance the rights of Mexican Americans and other Latinos. Inspired by the strategies of the African American civil rights movement, Hispanic activists formed organizations like the **Mexican American Legal Defense and Educational Fund (MALDEF)**, modeled after the NAACP Legal Defense Fund. Their efforts combined legal advocacy with grassroots activism, including sit-ins, marches, and boycotts, to demand equal treatment and greater political representation.



Figure 4.40: Labor leader **Cesar Chavez** addresses supporters during the **Chicano Movement**, using speeches, strikes, and boycotts to draw national attention to the working conditions and wages of farmworkers and to advance the cause of labor rights through the **United Farm Workers (UFW)**. (Image Credit: Los Angeles Times Photographic Collection, via Wikimedia Commons, CC BY 4.0)

One of the most influential figures of the Chicano Movement was **Cesar Chavez**, a Mexican American labor leader who co-founded the **United Farm Workers (UFW)** in 1962 alongside **Dolores Huerta**. Chavez led a five-year strike and national **boycott of California grapes** in the late 1960s and early 1970s to protest poor working conditions and low wages for farmworkers. The movement drew national attention and helped improve labor protections in the agricultural sector.

Immigration remains a central issue for many Latinos, both as a lived experience and a focal point of political activism. During times of economic hardship, anti-immigrant sentiment has often intensified. Immigration policy became a flashpoint again

following Donald Trump's return to the presidency in 2025. In the first 100 days of his second term, the administration issued over 180 immigration-related executive orders, including reviving the "Remain in Mexico" policy and attempting to revoke Temporary Protected Status (TPS) for approximately 400,000 migrants from countries such as Cuba, Haiti, Nicaragua, and Venezuela. Although a federal appeals court blocked the TPS rollback, citing a lack of individualized case assessment, the administration intensified enforcement through large-scale **Immigration and Customs Enforcement (ICE) raids** in major urban centers.

These policies and actions have had a widespread psychological and political impact on Latino communities. Nearly **half of Latino voters** report concerns that immigration enforcement may put themselves or their loved ones at risk, and **43% believe** that even U.S. citizens or legal residents may be unfairly targeted. Local governments and civil rights groups filed multiple legal challenges, citing constitutional concerns and civil liberties violations.

Despite these challenges, Latino **political mobilization has grown significantly**. In the 2024 presidential election, an estimated **36.2 million Latinos were eligible to vote**, up from 32.3 million in 2020. This **growing electorate** reflects both the rising population and increased civic engagement in response to perceived threats. Latino political leaders, advocacy organizations, and grassroots campaigns continue to press for **comprehensive immigration reform, stronger labor protections, and greater accountability in law enforcement practices**.

LGBTQ+ Civil Rights

The **LGBTQ+ civil rights** movement in the United States has evolved significantly over the past several decades, marked by major legal milestones and continued social and political challenges. According to a February 2025 Gallup poll, 9.3% of U.S. adults identify as LGBTQ+, nearly double the 5.6% reported in 2020. This increase is driven largely by younger generations: 23.1% of Generation Z and 14% of Millennials identify as LGBTQ+. Among these, bisexual individuals represent the largest subgroup.

The modern movement for LGBTQ+ rights gained national momentum following the **1969 Stonewall riots** in New York City, where LGBTQ+ patrons of the Stonewall Inn resisted police harassment. The riots catalyzed the formation of advocacy groups across the country and are widely considered the birth of the modern LGBTQ+ rights movement.

Since then, several landmark Supreme Court decisions have advanced LGBTQ+ legal protections:

· **Romer v. Evans (1996):** Struck down a Colorado constitutional amendment that barred legal protections for gay and lesbian individuals, citing Equal Protection Clause violations.

· **Lawrence v. Texas (2003):** Invalidated sodomy laws nationwide, decriminalizing consensual same-sex sexual conduct.

· **Obergefell v. Hodges (2015):** Legalized same-sex marriage across the country, recognizing it as a constitutional right under the Fourteenth Amendment.

In the military, the Clinton administration implemented the **"Don't Ask, Don't Tell"** (DADT) policy in 1993, which barred openly gay individuals from serving while prohibiting investigations into sexual orientation. Criticized for forcing LGBTQ+ service members to remain closeted, DADT was repealed in 2011 under President Barack Obama, allowing LGBTQ+ individuals to serve openly in the armed forces.



Figure 4.41: Activists gathered outside the Supreme Court in 2019 as it heard arguments in a major L.G.B.T.Q. rights case. (Image Credit: Jonathan Ernst/Reuters)

More recently, the movement has faced setbacks and growing legal debate. In **303 Creative LLC v. Elenis (2023)**, the Supreme Court ruled that a Colorado web designer could legally refuse to create wedding websites for same-sex couples, citing **First Amendment** free speech protections. Critics warn that the decision could weaken state-level anti-discrimination laws and open the door to broader denials of service based on sexual orientation.

Transgender rights have also become a central issue. In 2024, the Supreme Court issued its decision in ***United States v. Skrmetti***, upholding Tennessee's **ban on gender-affirming care for minors**. The Court ruled that states have broad authority to regulate medical treatments for children, concluding that the law did not violate the Equal Protection Clause because it applied equally to all minors regardless of sex assigned at birth. Critics argue that the decision allows states to target transgender youth and undermines parental rights and medical judgment, while supporters contend that it protects children and affirms state power to set health-care standards. The ruling has prompted a wave of similar legislation across the country and has become a defining moment in the legal and political battles over transgender rights.

Social acceptance of LGBTQ+ individuals continues to grow, particularly among younger Americans. Public opinion polls consistently show that college-aged adults express higher levels of support for LGBTQ+ rights than older generations. Still, cultural shifts are often met with resistance, and the political landscape remains sharply divided over issues like gender identity, transgender healthcare, and LGBTQ+ inclusion in education.

These ongoing debates reflect broader societal tensions about identity, equality, and the role of government in protecting civil rights. As with earlier civil rights struggles, progress has often been uneven, but each legal decision and public conversation continues to shape the evolving meaning of equality in American democracy.

Open to Debate:
The Future of LGBTQ+ Rights

> *While the United States has made significant progress in expanding civil rights for **African Americans** and **women**, the struggle for full equality for **LGBTQ+** individuals is still unfolding. Given the historical influence of the **Classical Liberal tradition**, emphasizing **individual liberty** and **equal protection** under the law, will the fight for LGBTQ+ rights follow a similar path as previous civil rights movements?*
>
> *Many of the arguments once used to oppose **interracial marriage** have largely faded from mainstream discourse. Will public attitudes toward **same-sex marriage**, **gender identity**, and **transgender rights** evolve in the same way over time? Will future generations look back with regret and shame at the barriers faced by LGBTQ+ individuals, as many now do with past racial and gender-based discrimination? Or will some view current efforts to expand LGBTQ+ rights as having gone too far, potentially threatening **cultural norms** and **shared values**?*
>
> *Unlike other nations that are more ethnically or religiously homogenous, the United States is bound together not by a shared ancestry, but by a shared commitment to **civic ideals** and **democratic principles**. Some argue that*

*rapid cultural change surrounding gender and sexuality risks undermining those common bonds, while others see the extension of rights and recognition to LGBTQ+ people as a natural and necessary expansion of America's founding promise of **liberty and equality** for all.*

*How society ultimately answers these questions will shape the future of **civil rights** in the United States. As with other moments of social transformation, the outcome depends on a dynamic interplay of **public opinion**, **legal decisions**, **political leadership**, and **generational change**. The trajectory is not predetermined—and remains **open to debate**.*

Conclusion: The Expanding Promise of Equality in American Democracy

The Declaration of Independence, authored by Thomas Jefferson and influenced heavily by John Locke, proclaimed that "**all men are created equal**," a revolutionary ideal that planted the seeds for expanding **equality** in American society. At the founding of the United States, political participation was limited primarily to **white, landowning males**. Yet, if all individuals are endowed with **reason** and **rationality**, as the classical liberal tradition asserts, then why should access to political power be confined to only a privileged few?

Over time, various groups drew inspiration from the Declaration's ideals to challenge the legal and cultural barriers that denied them **full citizenship**. If **liberty** and **equality** are truly universal, why were they historically reserved for white males? Why were women, people of color, and others excluded? These questions have driven the American **civil rights** tradition across centuries.

Cultural norms, codified into **law**, tend to reflect what a given society deems acceptable at a particular moment in time. This creates a natural **tension**: some citizens view these norms as too progressive, while others see them as not progressive enough. As political and social conditions shift, so too do popular attitudes about **civil rights** and **civil liberties**. The racist and sexist rhetoric that once justified the marginalization of African Americans, women, and other groups is no longer broadly accepted and is often remembered with shame rather than pride.

Change, however, is rarely immediate. Attitudes about **equality** and **justice** tend to evolve gradually, often over generations. Yet history shows that while progress may be slow, the arc of American democracy continues to bend, however unevenly, toward greater **inclusion** and **equality for all**.

Answers to the Alabama Literacy Test

1. The number of representatives which a state was entitled to have in the House of Representatives was originally based on _____. Population (as determined by census) less untaxed Indians.

2. Appropriation of money for the armed services can be only for a period limited to ____ years. Two

3. The electoral vote for President is counted in the presence of two bodies. Name them. _____ and _____. House of Representatives – Senate

4. "Involuntary servitude" is permitted in the United States upon conviction of a crime. True ____ False ____. True

5. Congress passes laws regulating cases which are included in those over which the U.S. Supreme Court has ____ jurisdiction. co-appellate

6. The Constitution limits the size of the District of Columbia to _____. Ten miles square

7. The only laws which can be passed to apply to an area in a federal arsenal are those passed by _____, provided consent for the purchase of the land is given by the_____ _____. Congress - state legislatures

8. Congress decides in what manner states elect presidential electors. True ____ False ____. False

9. After the presidential electors have voted, to whom do they send the count of their votes? _____ Vice President (as President of the Senate)

10. In the impeachment of a Chief Justice of the Supreme Court of the United States, who tries the case? _____ The Senate.

Glossary

***Brown v. the Board of Education of Topeka*:** The Supreme Court ruling which determined that separate accommodations for different races were inherently unequal.

Busing: Requiring students to be bused between schools in cities throughout the country in order to achieve a better racial balance and thus promote greater interaction and understanding between blacks and whites.

Civil Rights Act of 1964: Made racial discrimination illegal in education, employment, and all public accommodations such as restaurants, hotels, and theaters.

Civil Rights Act of 1968: Barred any discrimination in the sale or rental of housing.

Civil Rights: Provisions that ensure that all individuals are treated equally by government.

De facto segregation: Segregation based on the fact.

De jure segregation: Segregation by law.

Grandfather Clause: A law allowing individuals to vote if their grandfathers had been eligible to vote before the Civil War, effectively disenfranchising most African Americans whose ancestors had been enslaved.

Incorporation: The process by which civil liberty protections which originally only applied to the national government came to apply to state and local governments as well.

Jim Crow Laws: Laws which segregated people by race and degraded African Americans.

Literacy Tests: Tests disproportionally applied to African American voters used to create barriers to voting.

Mass movements: Movements designed to mobilize large segments of the population, including innocent bystanders not directly affected by the issue at hand to seek a widespread change in political attitudes.

Nonviolent disobedience: The practice of nonviolently disobeying unjust laws in order to expose the injustice inherent in such laws.

***Plessey v. Ferguson*:** The Supreme Court case in which it was determined that separate accommodations for different races were legal as long as the accommodations were equal.

Poll Tax: A fee levied on all individuals, regardless of income, used to disenfranchise African American voters following the Civil War.

Unjust laws: Laws which a majority impose on a minority that are not binding on the majority.

Voting Rights Act of 1965: Gave teeth to the Fifteenth Amendment and enable African Americans to register to vote.

White flight: The migration of whites out of large cities and into the suburbs.

Selected Internet Sites

http://seattletimes.nwsource.com/mlk...m/MLKquiz.html. A Seattle Times quiz on the civil rights movement and Martin Luther King.

http://www.aaregistry.org/. The African American registry is an encyclopedia of African American History online.

http://www.aclu.org/. The American Civil Liberties Union works to defend and preserve the individual rights and liberties guaranteed by the Constitution.

http://www.ourdocuments.gov/doc.php?...age=transcript. This is the text of the 1964 Civil Rights Act.

http://www.deathpenaltyinfo.org/. The Death Penalty Information Center.

http://www.infoplease.com/spot/civil...timeline1.html. A civil rights timeline.

http://www.kodak.com/US/en/corp/feat...oreIndex.shtml. Photos of the civil rights struggle by photojournalist Charles Moore.

http://www.law.cornell.edu/topics/civil_rights.html. The Legal Information Institute's overview of Civil Rights legislation.

http://www.naacp.org/. The NAACP works to promote racial equality and eliminate racial discrimination.

http://www.now.org/. The National Organization of Women represents the interests of women in the United States.

http://www.aimovement.org/. The American Indian Movement.

http://www.maldef.org/. The Mexican American Legal Defense and Educational Fund.

http://www.thetaskforce.org/. The National Gay and Lesbian Task Force

http://http://www.lambdalegal.org/. Lambda Legal – national civil rights legal organization for LGBT

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Chapter 5: Unity and Diversity- The Federal System in Action

Balancing Power Between Nation and State

When the framers of the Constitution gathered in 1787, they faced a fundamental challenge: how to create a unified nation without erasing the power and identity of the individual states. The solution they crafted was **federalism**, a system in which power is constitutionally divided and shared between a national government and state governments.

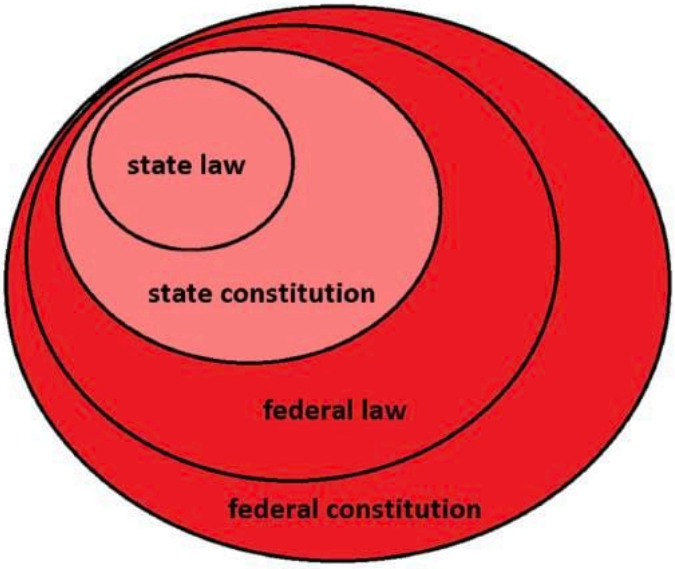


Figure 5.1: Federalism is a system in which power is constitutionally divided and shared between a national government and state governments. (Image Credit: Lone Internaut, CC BY-SA 4.0)

This was a bold innovation. Under the previous system, the Articles of Confederation, the national government had been too weak to address collective problems like national defense and interstate commerce. But many leaders feared that swinging too far in the other direction would create a centralized authority that could override local values and individual rights. Federalism emerged as a compromise: the national government would be strong enough to govern effectively, but the states would retain substantial authority over their own affairs.

Federalism remains one of the defining features of the American political system, but also one of its most debated. Understanding how this system emerged helps us better grasp the balance of power that continues to shape American politics today.

Open to Debate:
How Should Power Be Distributed?

> *Since the founding of the United States, there has been an ongoing debate about how power should be divided between the national government and the states. Should the national government take the lead in setting policy, or should states retain broad autonomy to reflect the diverse preferences of their populations? More fundamentally, which level of government is better equipped to protect individual rights and represent the will of the people?*



Figure 5.2: At the Constitutional Convention of 1787, Federalists argued for a strong national government with a powerful executive, believing this was essential to ensure stability and unity. Antifederalists, however, worried that centralized power would endanger personal liberty and democratic self-rule. They advocated for strong state governments and a more limited national authority. (Image Credit: *Foundation of the American Government* by John Henry Hintermeister, Public Domain)

*At the Constitutional Convention of 1787, **Federalists** argued for a strong national government with a powerful executive, believing this was essential to ensure stability and unity. **Antifederalists**, however, worried that centralized power would endanger personal liberty and democratic self-rule. They advocated for strong state governments and a more limited national authority.*

*Over time, these ideological divisions have shifted. In the 20th century, **liberals** (especially northern Democrats) generally supported an expanded national role in areas like civil rights, economic regulation, and social welfare. Meanwhile, **conservatives** (including Republicans and many southern Democrats) often defended states' rights as a check on federal overreach. In the 21st century, debates over federalism continue to cut across traditional party lines and ideological boundaries, depending on the issue at hand.*

*For example, in the early 2000s, many **liberals** favored state-level experimentation on same-sex marriage, while **conservatives** pushed for a national constitutional amendment to define marriage as between a man and a woman. On the other hand, when it comes to **environmental protection**, liberals often argue for strong federal standards to ensure consistency and effectiveness, while conservatives tend to resist national mandates and prefer limited government intervention.*

These contradictions suggest that positions on federalism are often shaped less by principle than by policy preference. The question of how to distribute power between national and state governments remains open to debate.

The Historical Roots of Federalism

From Confederation to Constitution

As noted in Chapter One, the **Articles of Confederation**, drafted in 1777 and ratified in 1781, were designed to unite the newly independent states while avoiding the kind of centralized power the colonists had resisted under British rule. The result was a **confederate system**, where most power remained with the states, and the national government was deliberately kept weak.

Under the Articles:

· Congress could not tax citizens directly or regulate interstate commerce.

· States could coin their own money and ignore national laws.

· There was no national judiciary to resolve disputes among states or enforce federal law.



Figure \(\PageIndex{3}\): The Articles of Confederation, drafted in 1777 and ratified in 1781, were designed to unite the newly independent states while avoiding the kind of centralized power the colonists had resisted under British rule. (Image Credit: U.S. Government, Department of the Post Office, Public Domain)

This arrangement soon proved unworkable. The country faced mounting economic troubles, international threats, and domestic unrest. The breaking point came in 1786 with **Shays' Rebellion**, a tax revolt in Massachusetts that required military intervention. Even supporters of limited government began to recognize the need for a stronger national authority.

In 1787, delegates were called to a convention in Philadelphia "for the sole and express purpose of revising the Articles of Confederation." Instead, they drafted an entirely new Constitution that created a much stronger national government, yet one that still respected the autonomy of the states.

The solution they devised was **federalism**, a system in which power is shared between national and state governments. In a federal system:

· Both levels of government can act directly on individuals.

· Some powers are exclusive, others are shared, and some are reserved to the states per the **Tenth Amendment**.

· Amending the Constitution requires participation from both levels.

· The **Supremacy Clause** (Article VI) ensures that when federal and state laws conflict, federal law prevails. Without such a provision, legal consistency across the nation would be impossible.

Federalism as a Political and Structural Compromise

Federalism represented a deliberate **middle ground** between two extremes:

· In a **unitary system**, power is concentrated in a central government, which may delegate authority to local governments, but can also take it back.

· In a **confederal system**, like that created by the Articles, the central government is dependent on the states and lacks the authority to act directly on individuals.

Roughly 75% of the world's governments today are unitary. **Confederal systems**, by contrast, tend to be unstable and short-lived. Even during the Civil War, some southern states withheld funds from the Confederate government at critical times, highlighting

the same problems that plagued the Articles.

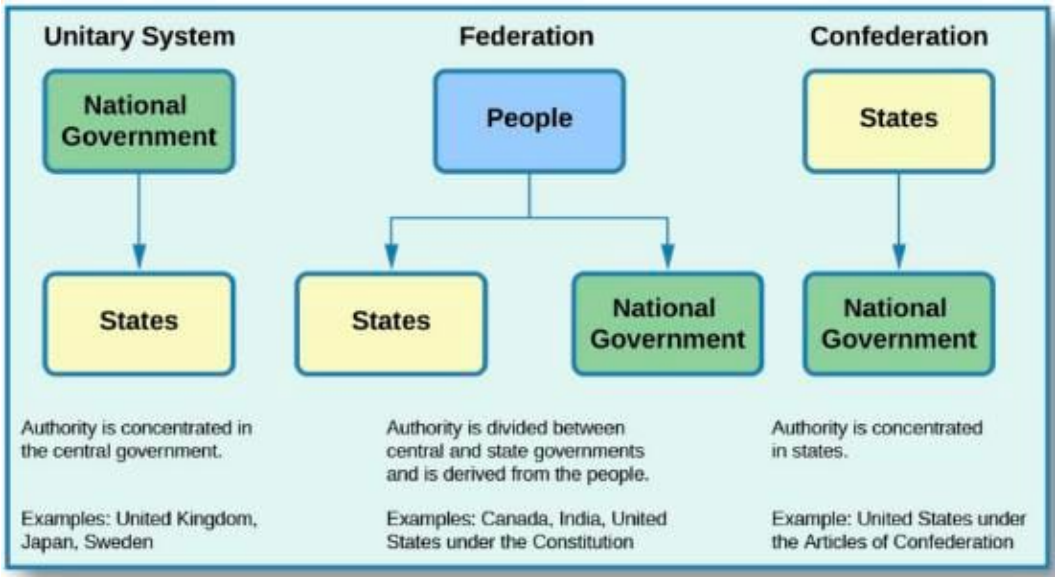


Figure 5.4:
There are three general systems of government—unitary systems, federations, and confederations—each of which allocates power differently.

(Image Credit: Texas Higher Education Coordinating Board, CC BY-SA 4.0)

Federalism was not just a political compromise; it was also a **practical solution** for a country as geographically large and culturally diverse as the early United States. Even with only thirteen states, the new nation was bigger than most European countries. The framers anticipated expansion and recognized the value of allowing regional governments to respond to local needs, conditions, and values.

Federalism allows for **unity without uniformity**, a national framework that can hold together diverse political cultures while giving states the flexibility to innovate and address issues in ways that reflect local priorities.

As we will see throughout this chapter, federalism is dynamic. Although the system started closer to the decentralized side of the spectrum, the balance of power shifted significantly toward the national government in the 20th century, and continues to evolve today.

Dividing Power: National, State, and Shared Authority

The Constitution establishes a framework for dividing power between the national and state governments. **Article I** spells out many of these divisions, particularly by:

· Listing the **powers granted to Congress** (enumerated or express powers),

· Specifying the **powers denied to Congress**, and

· Identifying certain **powers denied to the states**.



Figure \(\PageIndex
{5}\): The Tenth Amendment reads, "
The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

(Image Credit: Public Domain)

All other powers—those not expressly delegated to the national government or prohibited to the states—are **reserved to the states**, as affirmed in the **Tenth Amendment**.

Some powers are clearly **exclusive to the national government**. These include areas such as:

· Conducting foreign relations,

· Regulating interstate and international commerce,

· Declaring war, and

· Coining money.

In contrast, certain powers are **reserved to the states**, such as:

· Regulating property and land use,

· Administering local governments,

· Conducting elections, and

· Overseeing public education (though the federal government increasingly plays a role here).

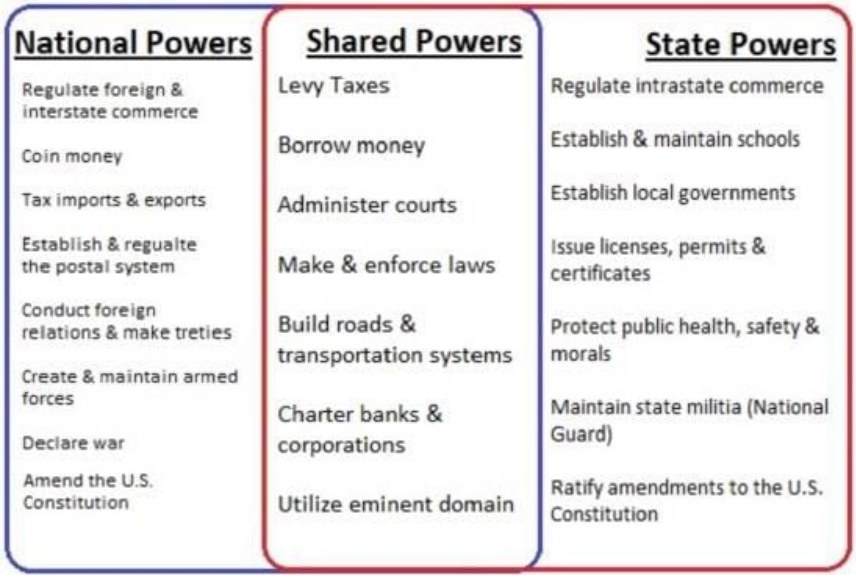


Figure 5.6:
Under federalism governmental powers are divided and shared between national and state governments. (Image credit: Tylerlucero84, via Wikimedia Commons, CC BY-SA 4.0)

In many areas of public policy—including **health care, education, transportation, and welfare**—power is **shared** between the national and state governments. These are known as **concurrent powers** and may include:

· The ability to tax and borrow money,

· The operation of court systems,

· The enforcement of laws, and

· The provision of public services.

This overlap requires **cooperation between levels of government**, and often results in **complex intergovernmental relationships**.

Categories of National Power: Express, Implied, and Inherent

The powers of the national government fall into **three broad categories**: **express (or enumerated), implied, and inherent**.



Figure 5.7: The Louisiana Purchase of 1803. (Image Credit: Library of Congress, via Wikimeida Commons, Public Domain)

· **Inherent powers** are not mentioned in the Constitution at all, but are considered **fundamental to national sovereignty**, especially in foreign affairs. These powers are typically asserted by the **executive branch**, often in times of crisis or when national interests are at stake. For example, although the Constitution does not explicitly grant the power to acquire territory, President Thomas Jefferson justified the **Louisiana Purchase** as an **inherent executive power**. Similarly, during the Civil War, President Abraham Lincoln imposed a blockade of Southern ports and took other extraordinary actions without prior congressional approval. After the war, the Supreme Court upheld many of Lincoln's actions, further legitimizing the concept of inherent powers.

· **Express powers** are those **explicitly written in the Constitution**, primarily in Article I, Section 8. These include powers such as declaring war, coining money, and establishing post offices. While these powers are clearly stated, they are relatively limited and often require interpretation.

· **Implied powers** are not directly stated but are **logically derived** from express powers through the **Necessary and Proper Clause** (also called the "Elastic Clause"). For example, while the Constitution doesn't mention establishing a national bank, the Supreme Court in *McCulloch v. Maryland* (1819) upheld Congress's authority to create one as a means of carrying out its enumerated fiscal powers. This decision solidified the legitimacy of implied powers and expanded congressional authority.

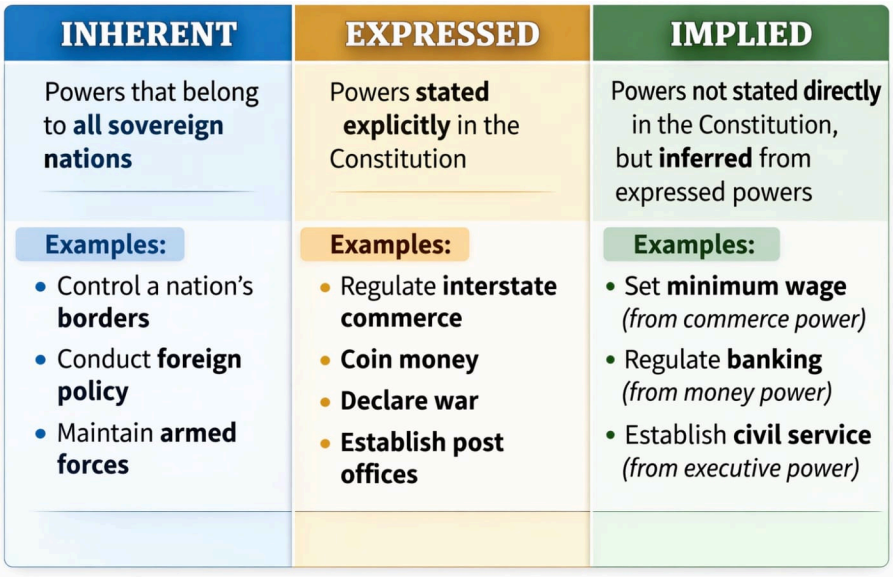


Figure 5.8: Inherent, Expressed, and Implied federal powers. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Evolving Interpretations and the Roots of Controversy

This historical evolution shows that the Constitution does not precisely define the **limits or extent** of national power. Over time, Congress and especially the presidency have expanded their authority through **broad interpretations** of implied and inherent powers, often in response to national emergencies such as war, economic crisis, or social unrest.

These expansions have frequently provoked **controversy**, especially among those who fear unchecked federal power. Critics argue that an expansive national government could undermine federalism and violate the Constitution's principles of **separation of powers** and **limited government**.

This debate dates back to the very founding of the republic. During the battle over ratification of the Constitution, the **Federalists** supported a strong national government and strategically labeled their opponents the **Antifederalists**, a term that cast them as resistant to unity and progress.



Figure 5.9: The Bill of Rights, a set of constitutional amendments that would explicitly protect individual freedoms from federal overreach. The first ten amendments were adopted in 1791 by the First Congress, addressing many of the Antifederalists' core concerns. (Image Credit: Jack Miller Center for Teaching America's Founding Principles and History, CC0)

The **Antifederalists** feared that the Constitution gave too much power to Congress and the President, at the expense of the states

and individual liberty. Though they lost the ratification battle, their concerns had a lasting impact: in order to secure ratification, the Federalists promised to add a **Bill of Rights**, a set of constitutional amendments that would explicitly protect individual freedoms from federal overreach. The **first ten amendments** were adopted in 1791 by the First Congress, addressing many of the Antifederalists' core concerns.

Maintaining the Balance of Power

Despite the fears of the Antifederalists, the states remain vibrant and influential in the 21st century. However, much of the **20th century** witnessed a significant **shift in power toward the national government**, especially in areas related to economic regulation and civil rights.

Ironically, many of the early threats to individual liberty in the 20th century came not from the national government, but from the **states themselves**, through discriminatory laws, suppression of workers' rights, and resistance to civil rights. In response, **Congress and the President took active steps to expand federal authority to protect individual liberties**, including:

- The **Wagner Act** (1935), which protected workers from unfair labor practices;
- The **Fair Labor Standards Act** (1938), which banned child labor in interstate commerce;
- The **Equal Pay Act** (1963), aimed at gender-based wage discrimination;
- The **Civil Rights Acts of 1964 and 1965**, which prohibited discrimination in employment and voting.

Presidents such as **Franklin D. Roosevelt**, **Harry Truman**, **John F. Kennedy**, and **Lyndon B. Johnson** played key roles in pushing these reforms. Many of their efforts were reinforced, or even preceded, by **Supreme Court decisions** that expanded civil liberties, particularly in the areas of free speech, criminal justice, and equal protection.

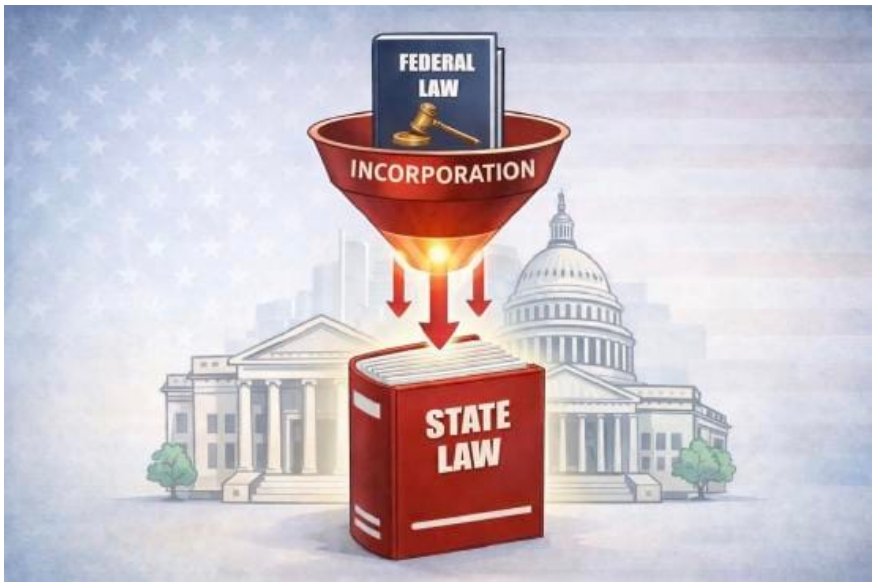


Figure 5.10: Selective incorporation is the process by which the U.S. Supreme Court applies the protections of the Bill of Rights to state governments through the Fourteenth Amendment. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Interestingly, this expansion of national authority to protect rights relied heavily on **new interpretations of the Bill of Rights**, originally adopted in 1791 to limit the powers of the **federal government**. Through the **Fourteenth Amendment** (ratified in 1868), the Supreme Court gradually applied most provisions of the Bill of Rights to the **states**, a process known as **incorporation**.

The Tension in Federal Systems

A core challenge in federalism is finding the right balance: the **central government must be strong enough to ensure national unity**, but **not so strong that it overwhelms state autonomy**. This dynamic tension is shaped by two opposing forces:

- **Centrifugal forces** pull authority away from the center. These include calls for states' rights, interstate conflicts, and resistance to federal mandates. Left unchecked, they risk fragmenting national cohesion.
- **Centripetal forces** pull power toward the center. These often take the form of federal regulation, centralized policymaking,

and efforts to standardize laws across states. Excessive centralization can undermine state experimentation and threaten individual liberty.



Figure 5.11: A core challenge in federalism is finding the right balance: the central government must be strong enough to ensure national unity, but not so strong that it overwhelms state autonomy.
(Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

In the U.S., this tension often plays out **geographically**. States in the West and rural regions have historically resisted what they see as remote, overreaching mandates from Washington, D.C., arguing that national officials lack understanding of local needs.

This balancing act, sometimes called the **"Goldilocks dilemma"**, is central to American political development. How much federal power is "just right" has always been a matter of debate.

As **James Madison** wrote in *The Federalist No. 10*, the Constitution "forms a happy combination... the great and aggregate interests being referred to the national, the local and particular to the state legislatures." Yet, disagreements over what constitutes a "great and aggregate" interest remain.

The **Constitution's vagueness** about the precise division of powers between national and state governments is both a **strength and a weakness**. It provides flexibility for the system to evolve, but also opens the door to confusion, conflict, and state-level resistance to national authority. This ongoing negotiation between unity and autonomy is what makes American federalism both dynamic and, at times, contentious.

A Contemporary Example: Immigration and Federalism

Contemporary debates over **immigration policy** highlight the complexities of American federalism. While the **federal government** holds primary authority over immigration and border control, **state and local governments** increasingly play a role—sometimes in cooperation with, and sometimes in opposition to, federal policies. For example, some states have passed laws requiring local police to assist with federal immigration enforcement, while others have declared themselves **"sanctuary jurisdictions,"** limiting their cooperation with federal authorities. These conflicts illustrate how federalism can both empower and frustrate public policy, depending on which level of government is seen as more responsive or legitimate.

Federalism in a Global Context



Figure 5.12: A map of Unitary states (blue) and Federal states (green). (Image Credit: Lokal_Profil, CC BY-SA 2.5)

Although the United States is one of the most prominent examples of federalism, it is far from alone. Roughly one-quarter of the world's countries—including Canada, India, Germany, Brazil, and Australia—use federal systems that constitutionally divide power between national and regional governments. Together, these nations comprise about 40% of the world's population and half its land area.

In contrast, most countries have **unitary systems**, in which power is centralized in the national government. Some, such as France and Japan, are highly centralized; others, like the United Kingdom, have recently decentralized authority to regions like Scotland and Wales. These changes have blurred the line between federal and unitary systems, leading some scholars to describe many governments as "unitary-decentralized."

A few nations, such as Switzerland and the United Arab Emirates, are structured as **confederations**, loose associations of states or regions that retain significant independence and delegate only limited powers to a central body. Confederations often struggle with coordination and risk fragmentation, as seen in the breakups of Yugoslavia, Czechoslovakia, and the Soviet Union.

Comparing the Systems: Advantages and Trade-offs

Each form of government has strengths and weaknesses. **Unitary systems** offer uniform laws, more efficient decision-making, and fewer jurisdictional conflicts, but they risk becoming too remote from local needs or concentrating power excessively in the central authority. In contrast, **federal systems** provide flexibility, protect regional diversity, and encourage policy innovation by allowing states to experiment with different approaches. However, they can also create inefficiencies, legal inconsistencies, and difficulties in coordinating national responses to complex issues.

For instance, in the United States, environmental policy is complicated by federalism. While the federal government can sign international climate agreements or set national goals, individual states retain significant autonomy. This leads to a patchwork of environmental regulations across the country, making it harder to respond uniformly to climate change. Likewise, education systems and tax structures vary from state to state, which can complicate interstate mobility and economic planning.

Federalism in Perspective

Understanding how power is divided between levels of government—whether in federal, unitary, or confederal systems—helps us better assess the strengths and limitations of American federalism. While no system is perfect, examining other countries' approaches offers valuable insight into the enduring challenges of balancing national unity with regional autonomy.

A Brief History of National vs. State Power

Throughout U.S. history, the balance of power between the national and state governments has **shifted repeatedly**, influenced by economic needs, political movements, court rulings, and national crises.

The Early Republic and the Marshall Court

Although the Constitution gave the national government more authority than it had under the Articles of Confederation, **states remained dominant** in most areas during the early years of the republic. However, the **Supreme Court under Chief Justice John Marshall (1801–1835)** helped expand national power through landmark decisions.

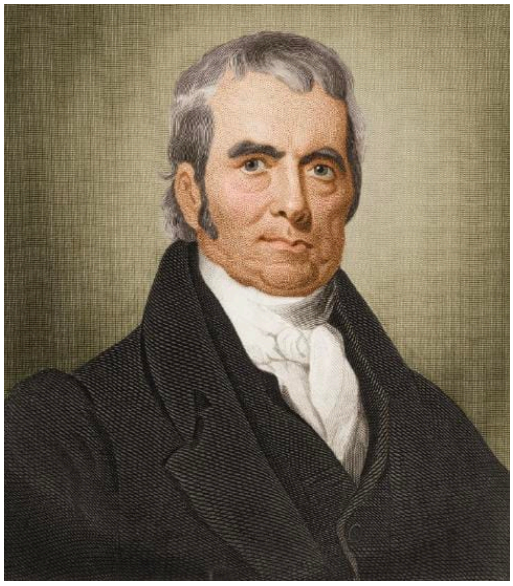


Figure 5.13: Supreme Court Chief Justice John Marshall (1801–1835) helped expand national power through landmark decisions. (Image Credit: Portrait by Henry Inman, c. 1832, Public Domain)

In ***McCulloch v. Maryland* (1819)**, the Court upheld the national government's authority to create a bank under the **Necessary and Proper Clause** and ruled that states could not tax federal institutions, famously stating, "the power to tax is the power to destroy."

In ***Gibbons v. Ogden* (1824)**, the Court broadly interpreted the **Commerce Clause**, allowing the federal government to regulate interstate navigation. This laid the foundation for future national regulation of the economy.

Dual Federalism and Limited National Power

Despite these rulings, the 19th century was largely dominated by **dual federalism**, in which state and national governments operated in separate spheres. States oversaw most domestic policy areas—education, infrastructure, and elections—and federal power remained limited, even after the Civil War and the passage of the 13th, 14th, and 15th Amendments.

The **Supreme Court reinforced this separation** by striking down efforts to expand federal authority, particularly in economic regulation. Political scientist **Morton Grodzins** likened this period to a **"layer cake"** model, with clear divisions between national and state powers.

The New Deal and Cooperative Federalism

The **Great Depression** marked a turning point. In response to national economic collapse, President **Franklin D. Roosevelt** launched the **New Deal**, expanding the federal role in economic and social policy. Although initially resisted by the Supreme Court, the Court eventually upheld many New Deal programs, enabling the growth of a strong **federal bureaucracy**.



Figure 5.14: In layer-cake (dual) federalism, the responsibilities of the national government and state governments are clearly separated. In marble-cake (cooperative) federalism, national policies, state policies, and local policies overlap in many areas. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

These programs were often **jointly administered** by federal and state governments, ushering in the era of **cooperative federalism**, described by Grodzins as a **"marble cake"** where responsibilities are mixed rather than separated.

Creative and Coercive Federalism

In the 1960s, **President Lyndon B. Johnson's Great Society** further expanded federal aid, especially to local governments, often bypassing state legislatures. This approach, sometimes called **creative federalism**, involved hundreds of targeted grants aimed at addressing poverty and civil rights.

While presidents since **Richard Nixon** have promoted **"new federalism"**, seeking to return more discretion to the states, **federal influences over states remains strong**. Some scholars, like **John Kincaid**, argue that since the 1970s the U.S. has entered an era of **"coercive federalism,"** in which the federal government compels state compliance through conditions attached to funding.



Figure 5.15: **Creative federalism** expanded federal aid in the 1960s by directing grants to local governments to address poverty and civil rights, often bypassing state legislatures. In later decades, scholars have described a shift toward "**coercive federalism**," in which the national government encourages state compliance by attaching conditions to federal funding. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Despite political rhetoric favoring state autonomy, the federal government continues to play a dominant role in shaping public policy—especially in areas like education, healthcare, and the environment.

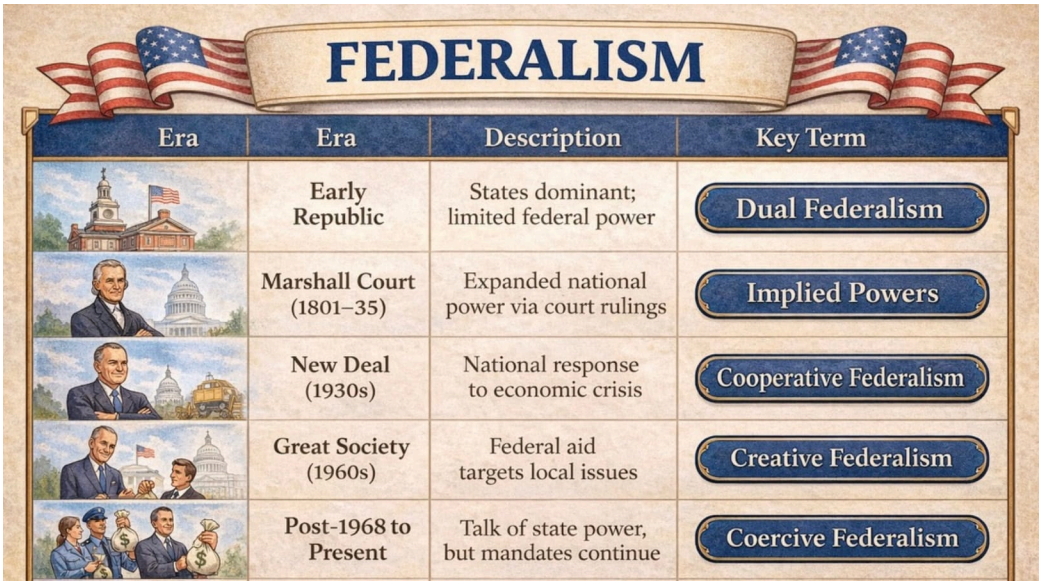


Figure 5.16: This chart illustrates how the balance of power between the national government and the states has shifted over time, from **dual federalism** in the early republic to forms of **cooperative, creative, and coercive federalism** in the modern era. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

The Supreme Court's Role in Shaping Federalism

The **Supreme Court has played a pivotal role in defining the boundaries between national and state power**. During the late 19th and early 20th centuries, the Court often sided with the states, limiting the federal government's ability to regulate the economy. But in the **1930s**, as the nation faced the Great Depression, the Court shifted to support broader **national regulatory authority**, upholding New Deal legislation after initial resistance.



Figure 5.17: The Works Progress Administration is a New Deal federal economic program eventually upheld by Supreme Court. This represents a shift from earlier decisions limiting the federal government's ability to regulate the economy. (Image Credit: A poster by Vera Bock for the Works Progress Administration, c. 1936–41, Public Domain)

In the **1950s through the 1970s**, the Court further expanded federal power in the name of protecting **individual rights**, often striking down state laws related to racial segregation and criminal justice. Landmark decisions like *Brown v. Board of Education* (1954) and *Miranda v. Arizona* (1966) reflected this trend.

By the **1980s and 1990s**, the Court began to **rein in federal power**, reflecting a broader political movement toward **states' rights**. In decisions such as *United States v. Lopez* (1995), the Court ruled that Congress had overstepped its authority under the Commerce Clause, signaling a return to a more limited view of national power.

The Supreme Court and Federalism Under President Trump

Since President Trump's return to office in 2025, the Supreme Court has largely **reinforced national authority over state and local governments**, reflecting an ongoing pattern of **"coercive federalism."** In several decisions, the Court has limited the ability of states to challenge or block federal policies—particularly when those challenges come in the form of nationwide injunctions issued by lower courts. For example, in *Trump v. CASA* (2025), the Court ruled that federal courts **cannot issue universal injunctions** unless they are necessary to provide relief to the actual plaintiffs. This restricts states' and cities' ability to stop controversial federal policies nationwide, even when they argue those policies harm their residents.



Figure 5.18: President Donald Trump holds a signed executive order. Executive orders are directives issued by the president to manage federal policy and can have significant effects on how national policies are implemented in the states. (Image Credit: Official White House Photo by Tia Dufour, Public Domain)

At the same time, the Court has upheld broad **executive discretion** over federal spending and administrative appointments, narrowing the space for state governments to influence or resist national policy implementation. These rulings are especially significant in areas like **immigration enforcement**, **education funding**, and **agency rulemaking**, where states have traditionally acted either as implementers or challengers of federal programs.

While the Court has not dismantled the framework of cooperative federalism, its recent decisions suggest a continued drift toward **centralized policymaking authority**, with the national government setting terms and states expected to comply. Critics argue this trend undermines the Constitution's balance between state autonomy and national unity, while supporters claim it promotes clarity and consistency in national governance.

These shifts underscore how the Court's interpretation of federalism can change over time, often in response to political, economic, or social pressures.

Open to Debate:
Federalism and Marijuana Laws

> *One of the most visible modern examples of federalism in action—and tension—is the regulation of marijuana. While* ***federal law continues to prohibit marijuana****, a growing number of* ***states have moved to legalize it*** *for medical and recreational use, creating a conflict between federal and state authority.*
>
> *Under the* ***Controlled Substances Act of 1970****, marijuana remains classified as a* ***Schedule I substance****, meaning it is considered to have a high potential for abuse and no accepted medical use. This makes possession, cultivation, or sale of marijuana illegal under* ***federal law****, regardless of state policies.*



Figure 5.19: Many states have legalized marijuana for medical or recreational use. Yet because marijuana remains illegal under federal law, businesses operating legally under state law exist in a complex legal gray area - highlighting ongoing tensions within American federalism. (Image Credit: Tony Webster, CC BY-SA 2.0)

*However, since the late 1990s, many states have **legalized marijuana for medical use**, and as of 2023, **23 states and the District of Columbia** have legalized it for **recreational use**. These laws reflect shifting public opinion and state-level efforts to exercise autonomy over drug policy.*

*This divergence has created a **legal gray area**. Marijuana businesses that operate legally under state law remain technically illegal under federal law, creating challenges in areas like banking, taxation, and law enforcement. While the **Supremacy Clause** gives federal law priority over conflicting state law, enforcement has varied by administration. For example, the **Cole Memorandum** (2013) under President Obama directed federal prosecutors to deprioritize enforcement in states with robust regulatory systems—but this guidance was **rescinded in 2018** under Attorney General Jeff Sessions, returning discretion to individual U.S. Attorneys.*

*As marijuana legalization continues to expand, the **conflict between federal and state law remains unresolved**, serving as a modern test case for how power is shared—and sometimes contested—between levels of government in the U.S. federal system. This underscores the dynamic relationship between federal and state powers in the United States, highlighting the complexities and tensions inherent in a system of government that values both centralized authority and the autonomy of states.*

This evolving situation raises important questions:

· Should states have the authority to set their own drug laws without interference from the federal government?

· Or should the federal government maintain uniform national standards, particularly on issues with public health and interstate commerce implications?

*The answers to these questions remain **open to debate**.*

Federal-State Interaction

Since the 1930s, federal–state relations have been characterized by increasing cooperation, with federal, state, and local governments often sharing funding and administrative responsibilities. This section examines three major tools Congress uses to shape state and local action: **grants-in-aid**, which provide funding with varying degrees of flexibility; **mandates**, which require states to implement specific policies; and **preemptions**, which limit or eliminate state authority in certain areas. Together, these mechanisms illustrate how the national government encourages, or compels, states to act in ways that advance national priorities.

Grants-in-Aid



Figure 5.20: Goldy Gopher, the mascot for the University of Minnesota. In the 19th century, federal aid often came in the form of land grants, such as the *Morrill Act of 1862*, which funded land-grant universities like the University of Minnesota. (Image Credit: CC0)

In the 19th century, federal aid often came in the form of **land grants**, such as the *Morrill Act of 1862*, which funded land-grant universities like Ohio State and the University of Minnesota. In the 20th century, aid shifted to **financial transfers**, particularly during the New Deal (1930s) and Great Society (1960s). These **grants-in-aid** have become central to American federalism.

Most grants are **categorical grants**, funds designated for specific purposes like highway safety or job training. These grants often come with federal rules governing how the money is used. Categorical grants can be either **formula-based** (automatic, based on population or need) or **project-based** (competitive, requiring applications).

Grants are part of a broader system of **fiscal federalism**, which allows Congress to influence state policies by tying money to specific conditions. For example, in 1984 Congress passed the *National Minimum Drinking Age Act*, threatening to cut highway funding for any state that didn't raise its legal drinking age to 21. States resisted initially but eventually complied. A similar tactic was used in the 1970s to push states to lower speed limits.

Categorical vs. Block Grants

Debates over the reach of federal authority increased as federal grants grew rapidly in the 1960s. Presidents Nixon and Ford endorsed a shift toward **New Federalism**, which emphasized **greater state flexibility**. In 1972, **General Revenue Sharing** provided states money with minimal federal strings attached. **Block grants**, broader in scope than categorical grants and with less federal oversight, were also introduced, giving states more flexibility discretion over how to spend federal funds in a general area like public health.

President **Reagan** ended revenue sharing in 1986, arguing that federal aid led to overspending and increased deficits. He also sought to reduce categorical grants, hoping states would end programs rather than raise taxes. However, many programs survived, with states finding ways to fund them. Despite initial reductions, **federal grant spending resumed growth by the 1990s**, and today, grant-based aid remains a major component of federal-state relations.

The Politics of Grants



Figure 5.21: Senator Robert Byrd once referred to himself as “West Virginia’s billion-dollar industry,” highlighting his success in securing federal grants and appropriations for his state. (Image Credit: Courtesy U.S. Senate Historical Office, Public Domain)

Grants are politically popular. Nearly **every congressional district** benefits from them, and lawmakers often campaign on their ability to “bring home the bacon.” Programs that may seem like **pork barrel spending** to outsiders, spending for local gain rather than national need, are defended by lawmakers as essential investments. Former Senator **Robert Byrd** once referred to himself as “West Virginia’s billion-dollar industry,” and Representative **Mendel Rivers** boasted, “Rivers delivers,” for his district.

While critics argue that some grants distort local priorities or create bureaucratic bloat, **grants-in-aid** can also **redistribute wealth**, **encourage policy innovation**, and **promote national standards**, such as anti-discrimination rules, across all states. They represent the national government’s unique capacity to **raise large amounts of revenue** and support programs that states may not be able to fund alone.

However, the system has drawbacks. Navigating the **complex web of over 670 categorical grants** requires large state bureaucracies. Compliance rules can diminish state autonomy and make locally elected officials beholden to national priorities rather than local needs.

Mandates



Figure 5.22: State and local governments often strongly oppose federal mandates—requirements that force them to carry out certain policies or provide services, often without accompanying funding. (Image Credit: Connecticut Conference of Municipalities, Public Domain)

While state and local officials often complain about the conditions attached to federal grants, they typically welcome the funding, which helps them complete projects they couldn't otherwise afford. In contrast, they often **strongly oppose federal mandates**—requirements that **force** them to carry out certain policies or provide services, often **without accompanying funding**. Unlike grants, which states can choose to accept or reject, mandates are **compulsory** and enforceable by law.

Federal mandates began to appear in the **1960s**, increasing significantly in the **1980s** as Congress looked for ways to retain control over state and local governments while reducing federal spending. Mandates can be especially burdensome for **small communities** with limited tax bases. For example, environmental mandates requiring new sewer systems can overwhelm the budgets of small towns that lack basic infrastructure.

Mandates have raised legal and constitutional concerns, especially when they are seen as "commandeering" state and local governments. In **United States v. Printz (1997)**, the Supreme Court struck down a provision of the **Brady Handgun Violence Prevention Act** that required county sheriffs to conduct background checks, ruling it violated principles of federalism. However, other mandates have been upheld, such as the **Family and Medical Leave Act (1993)**, which requires unpaid medical leave for eligible employees, including those working for state governments.



Figure 5.23: President Bill Clinton, a former governor, issued an executive order to limit the scope of unfunded mandates. In 1995, a Republican-led Congress passed the Unfunded Mandates Reform Act (UMRA), which Clinton signed into law. (Image Credit: Bob McNeely, The White House, Public Domain)

By **1990**, nearly 170 pieces of federal legislation included mandates. Responding to pressure from state leaders, President **Bill Clinton**, a former governor, issued an **executive order** to limit the scope of unfunded mandates. In **1995**, a Republican-led Congress passed the **Unfunded Mandates Reform Act (UMRA)**, which Clinton signed into law. The act does not prohibit mandates but requires Congress to provide **cost estimates** and hold a **separate vote** if any proposed law would impose **unfunded costs exceeding $50 million** on state or local governments. However, the law **does not apply to existing mandates** and does not prevent Congress from passing new ones.

At the same time, some **state legislatures began limiting unfunded mandates** imposed on their own local governments, recognizing that cities often face the same budget pressures states do.

Open to Debate:
Mandates and the Balance of Power

> *Federal **mandates** are often criticized as **overreaches**—requirements imposed by the **national government** that strain **state budgets** and limit **local control**. Similarly, **state mandates** can place significant burdens on **cities and counties**. These top-down directives frequently come without **sufficient funding**, leading to accusations of **government overreach** and **unfunded obligations**.*
>
> *What remains open to debate is the degree to which higher levels of government—**federal or state**—have not just the authority, but the **responsibility**, to require lower levels of government to provide certain services. For instance, major **environmental protection laws** have often been enacted by the federal government because of perceived failures by the states to adequately safeguard **natural resources**. But tensions arise when the goals of one level of government clash with **the fiscal** or **policy priorities** of another.*
>
> *Supporters of mandates argue that they promote **national standards**, **reduce disparities** across regions, and improve **policy coordination**. But do these benefits justify limiting **local discretion** and imposing **financial burdens** on subnational governments? And to what extent should governments that impose mandates be required to **fund them**?*
>
> *These questions strike at the heart of **American federalism**—and the answers remain **open to debate**.*

Preemptions

Another powerful tool used by Congress to shape national policy is **preemption**, the process by which federal law overrides or limits the authority of state and local governments. Preemptions can be either **total**, where states are entirely barred from legislating in a specific area, or **partial**, where states may legislate only within limits set by federal law.



Figure 5.24: Americans with Disabilities Act (ADA) preempts states and localities from setting less stringent standards for accessibility than those established under federal law. (Image credit: ada.com, Public Domain)

For example, the **Americans with Disabilities Act (ADA)** prohibits states and localities from setting less stringent standards for accessibility than those established under federal law. In doing so, the ADA completely removes state discretion in this area to ensure a uniform national standard for protecting the rights of individuals with disabilities.

Preemption is especially common in areas such as **environmental regulation**, **consumer protection**, and **public health and safety**, where federal lawmakers seek consistency across all states. However, it can also be controversial, particularly when states wish to adopt stronger or more tailored regulations than those mandated by Congress.

Preemption is not limited to the federal-state relationship. **State legislatures** frequently preempt **local governments** by passing laws that prevent cities or counties from enacting policies on issues such as gun control, minimum wage increases, or environmental protections. For example, some states have prohibited municipalities from suing gun manufacturers to recover the costs associated with gun violence or from adopting stricter local firearm regulations.

While preemption can promote national uniformity and prevent regulatory confusion, it also raises concerns about undermining local autonomy and innovation—core values in a federal system of government.

Interstate Cooperation



Figure 5.25: Interstate cooperation allows states to work together on shared challenges—such as electricity distribution, water allocation, and environmental conservation—through agreements, compacts, and coordinated policies that cross state boundaries.
(Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

The framers of the Constitution, primarily through Article IV, designed several provisions to promote cooperation among states within the federal system.

Full Faith and Credit Clause

States must recognize the public acts, records, and judicial proceedings of other states. This means, for example, that a legally executed contract, marriage license, or divorce decree in one state must be recognized by other states. This clause promotes legal consistency and prevents people from evading legal responsibilities by crossing state lines. However, it does **not** apply to criminal judgments.

Interstate Extradition

Article IV also requires states to return fugitives charged with serious crimes (like treason or felony) who flee across state lines. When a request is made, the governor of the state where the fugitive is found typically signs extradition papers to return the individual to the requesting state. While governors occasionally refused extradition in the past, such refusals have become rare, and no federal court has ever compelled compliance.

Privileges and Immunities Clause

Citizens of one state are entitled to many of the legal rights and protections offered in other states, such as access to courts and the ability to enter into contracts. However, states may charge nonresidents higher fees for certain public services, such as out-of-state tuition at public universities, without violating the Constitution.

Interstate Compacts

Although Article I prohibits states from entering into agreements or compacts with other states without congressional approval, this clause also provides a mechanism for cooperation. Interstate compacts are formal agreements between states to address shared concerns such as river pollution, taxation, or transportation. Congress has approved nearly all such agreements, more than 120 to date. One of the most prominent examples is the **Port Authority of New York and New Jersey**, established in 1920 to

oversee infrastructure like bridges, tunnels, and airports in the greater New York City region.

Informal Cooperation



Figure 5.26: States frequently collaborate through professional organizations such as the National Governors Association. (Image Credit: National Archives at College Park, Public Domain)

Beyond these constitutional tools, states frequently collaborate through professional organizations such as the **National Governors Association**, and through law enforcement data-sharing and joint initiatives. Still, interstate relations are not always harmonious. States sometimes compete to attract businesses by lowering taxes or loosening environmental regulations, a phenomenon known as a **"race to the bottom."**

Finally, even minor issues can highlight challenges to uniformity. For instance, while most of North America observes daylight saving time, states such as **Arizona** and **Hawaii**, and some areas of **Indiana**, do not, creating minor disruptions in interstate coordination, reminding us that full alignment among subnational governments remains elusive even in cooperative federal systems.

Conclusion: Evaluating American Federalism

American **federalism** has both **advantages** and **disadvantages**, many of which have become more evident over time. In large, geographically diverse countries, federalism provides the **flexibility** for states to develop policies that reflect their distinct needs, histories, and political cultures. For example, progressive states like Oregon and Wisconsin have pioneered innovative **health policies**, while large western states have adopted higher **speed limits**, Montana, for a time, even eliminated daytime speed limits altogether. States and cities also tailor strategies to promote **economic development** in ways that suit their unique circumstances.

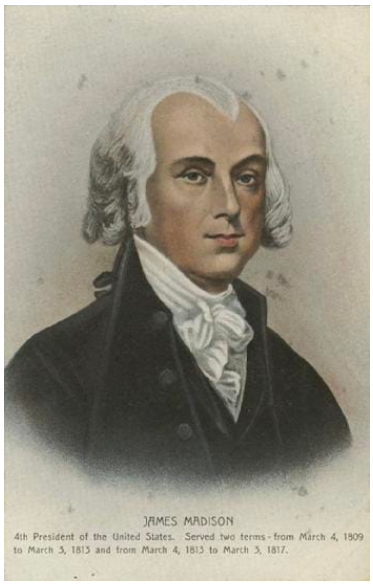


Figure 5.27: President James Madison argued that federalism prevents the concentration of power by dividing authority among multiple levels of government. (Image Credit: John I. Monroe Collection, Public Domain)

As **James Madison** anticipated, federalism prevents the **concentration of power** by dividing authority among multiple levels of government. No single political or economic group can easily dominate all 50 states, over 3,000 counties, or the roughly 85,000 local governments in the U.S. This **decentralization** helps reduce national conflict by creating many venues for **policy experimentation** and debate, and it fosters **competition** among governments to attract residents and businesses.

Federalism also enhances **political participation** by creating numerous opportunities for public service. Many members of Congress, for instance, began their political careers in **state or local offices**. With so many elected positions across the country, federalism provides citizens with more **points of access** to government and greater chances to **influence public policy**.

However, there are also clear **disadvantages**. Many argue that **national power** has become overly intrusive, with distant federal authorities imposing **regulations** that do not account for local needs. At other times, **decentralization** has allowed states to perpetuate **injustice**—such as **racial segregation** or the denial of **women's rights**—by resisting national reforms. Striking the **right balance** between **state autonomy** and **national oversight** remains a persistent challenge.



Figure 5.28: Do you think the national government or the state government should have the power to limit air pollution? (Image Credit: Vasily Iakovlev, CC BY 4.0)

Coordination among states can be complicated and inconsistent. Laws regulating **taxes**, **environmental policy**, **voting**

procedures, and even the observance of **daylight-saving time** vary widely. The **2000 presidential election** in Florida revealed the lack of uniformity in ballot design and vote-counting procedures even within a single state. While some of these differences may be minor inconveniences, others—like inconsistent **environmental laws** or **civil rights enforcement**—can have serious consequences.

Federalism also makes it difficult to address problems that **cross state lines**. For example, air pollutants from coal-burning plants in the Midwest have damaged forests in New England through **acid rain**, but affected states have struggled to compel polluting states to change their practices or provide compensation. Federal systems can also allow states to delay or obstruct **national policy**. After the Supreme Court's 1954 decision in ***Brown v. Board of Education***, many southern states resisted **school desegregation** by closing public schools or adopting policies designed to circumvent integration. Similarly, state-level **voter suppression** tactics persisted for years before federal intervention forced change.

Despite these drawbacks, few Americans advocate abandoning the **federal system**. While a **unitary** but decentralized model, like that of the United Kingdom, may appear more efficient, it would likely encounter strong political resistance in the U.S. Given the longstanding preference for **limited national power**, reform in the U.S. is more likely to focus on **fine-tuning** the current system than replacing it. The search for the "**right balance**" between **national authority** and **state autonomy** remains central to American political life—and the **debate continues**.

Glossary

Articles of Confederation: The government in effect from 1777 to 1787 in which there was weak national authority and strong state authority.

Block Grants: Grants-in-aid given to states and cities for broad purposes, allowing recipients considerable control over how the money is spent.

Categorical Grants: Grants-in-aid established by Congress to be used by recipients for specific purposes.

Centrifugal Forces: Propel objects outward from the center; here political factors that give power to the states.

Centripetal Forces: Propel objects toward the center; here political factors that give power to the central government in Washington.

Coercive Federalism: When Congress uses rules attached to grants-in-aid to force states and cities to take certain specified actions.

Confederation: A weak governmental system in which states have more authority than the central government.

Cooperative Federalism: View of the American federal system in which power is shared by the states and the national government.

Creative Federalism: A subset of cooperative federalism in which the national government often gave grants to cities to establish programs to attack social problems.

Dual Federalism: View of the American federalism system in which states and the national government are seen as exercising fixed power in separate spheres. It is a system marked by conflict.

European Union: Economic confederation of twenty-five nations with a total population of about 450 million people.

Exclusive Powers: Constitutional authority, such as control of interstate commerce, that can only be exercised by the national government.

Express Powers: Constitutional authority, such as the ability to declare war, that is specifically granted to Congress.

Federal Mandates: Congressional directives requiring states and cities to take certain actions; often without federal funding.

Federation: Governmental system in which there is a sharing of power between the national government and regional (state) governments, with national laws taking precedence over state laws.

Fiscal Federalism: When Congress uses federal grants-in-aid to compel states and cities to establish policy based on national values.

Formula Grants: Grants-in-aid that are awarded to states or cities that qualify based on meeting standards, such as population size.

Full Faith and Credit: Clause in the Constitution that requires states to recognize the validity of legal acts, such as divorce decrees, of other states.

General Revenue Sharing: Program adopted in 1972 to return money to states and cities with few strings attached. It was ended in 1986.

Grants-in-aid: Money given by the national government to states and cities with rules and regulations attached.

Implied Power: Authority not specifically mentioned in the Constitution that can be inferred from enumerated (express) constitutional authority.

Inherent Power: Authority of Congress or the President that is not expressly granted in the Constitution, but is thought to be fundamental to running the government.

National Supremacy: Governmental system in which the national constitution and laws take precedence over state constitutions and laws.

New Federalism: Program associated with presidents Nixon and Reagan that was designed to give more power to states to develop their own programs.

Patriot Act: Legislation supported by President Bush soon after 9/11 giving the national government more power to monitor terrorist activity in the United States.

Preemptions: Congressional actions that prohibit states, in full or in part, from regulating certain activities.

Project Grants: Grants-in-aid that are awarded by the national government to states and cities based on a competitive application process.

Unitary System: Arrangement in which nearly all power rests with the national government.

Selected Internet Sites

www.stateline.org. Once you are on the homepage, click “State News Roundup” and you will have access to major stories of the day in each state. You can look at issues, such as “Environment and Energy” by clicking on those in which you are interested. Under “States” you can get information about each state.

www.nga.org. This is the website for the National Governors’ Association. Click on “Key State-Federal issues.”

http://plato.stanford.edu/entries/federalism/. The Stanford Encyclopedia of Philosophy examines Federalism

http://www.closeup.org/. The Close Up Foundation is committed to making citizenship education accessible to everyone, regardless of ethnicity, socio-economic standing, or grade point average.

www.governing.com. This is the website for the monthly publication, *Governing: The Magazine of States and Localities*. You can check current news about states and cities under “Today’s News.” The full context of *Governing* is available, as well as statistical information from the magazine’s *Source Book*.

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Chapter 6: Consensus and Conflict- Defining and Debating Public Opinion

What do you think about climate change? Immigration? The last election? Questions like these are at the heart of what political scientists call public opinion. It may seem obvious that people have thoughts about politics, but how we define and measure those thoughts can be surprisingly complex. One widely used definition, offered by political scientists Erickson and Tedin, defines public opinion as "**The preferences of the adult population on matters of relevance to government**." That means public opinion isn't just any opinion, it's specifically about issues, policies, and decisions that involve the political system. Preferences, in this sense, go beyond casual likes or dislikes, they reflect a person's ability to connect political ideas in a meaningful way. Some scholars prefer a broader definition, including any attitude or belief held by the public, or a segment of it, that relates to political or governmental concerns. However it's defined, understanding public opinion is key to understanding how democracy functions.

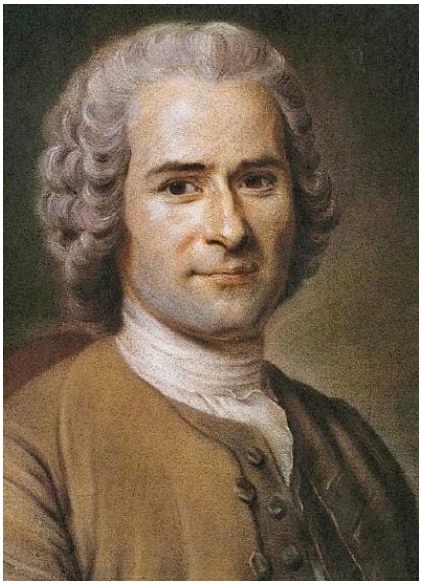


Figure 6.1: A portrait of Jean-Jacques Rousseau who used the term public opinion to describe the collective view of ordinary people. (Image Credit: Portrait by Maurice Quentin de La Tour, 1753, via Wikimedia Commons, Public Domain)

The concept of ***public opinion*** dates back at least to the 1740s, when French philosopher **Jean-Jacques Rousseau** used the term to describe the collective views of ordinary people, as distinct from those of elites. Rousseau saw public opinion as a powerful force that could, and should, shape public policy.

In the early years of the United States, however, public opinion was more narrowly understood. After the Constitution was adopted, it generally referred to **the views of a small, educated elite**, those with the education and access necessary to influence government. Many of the framers were wary of the passions of the broader public and designed institutions to buffer against them. For example, they opposed the direct election of the president and senators, preferring a system that filtered public influence through layers of representation.

But as **universal male suffrage** expanded during the 19th century in the U.S. and Europe, governments increasingly had to account for **the opinions of working-class citizens**. By the 20th century, some political scientists still believed that public opinion could be easily manipulated by elites and therefore did not need to be taken seriously. In contrast, democratic theorists argued that ordinary citizens were capable of forming meaningful, informed judgments, and that their voices were essential to a functioning democracy.

The Foundations of American Political Culture: Classical Liberalism

Public opinion in the United States is shaped by more than current events, social identities, or media coverage. Beneath those

surface influences lies a shared **political culture** rooted in the ideas of **Classical Liberalism**, a philosophy that emphasizes individual rights, personal liberty, limited government, and the belief in human rationality.



Figure 6.2: René Descartes (1596-1650), an Enlightenment thinker who emphasied reason and individual judgment. (Image Source: Frans Hals, Louvre Museum, via Wikimedia Commons, Public Domain)

This political tradition traces back to Enlightenment thinkers like **René Descartes**, who emphasized reason and individual judgment, and more directly to **John Locke**, who argued that all people are born with **natural rights** to "life, liberty, and property." Locke believed that governments exist to protect these rights and that political authority derives from the consent of the governed.

These ideas profoundly influenced the **Founding Fathers**. Thomas Jefferson echoed Locke in the **Declaration of Independence**, stating that all men are "endowed by their Creator with certain unalienable Rights" and that governments derive "their just powers from the consent of the governed." This philosophical foundation continues to inform the way Americans think about politics, government legitimacy, and individual freedom.

Even today, **Americans of all political stripes** tend to approach political issues with certain assumptions inherited from this tradition: that individuals are capable of self-rule, that personal freedom must be protected, and that government should be limited and accountable.

Understanding Classical Liberalism helps explain why public opinion in the United States often centers around debates about rights, government overreach, and the balance between individual liberty and collective responsibility.

Open to Debate:
The Quality and Influence of Public Opinion

> *How informed and effective is **public opinion** in a **democracy**? Critics argue that many Americans lack **knowledge** or interest in most policy areas, leaving room for well-organized **interest groups**, especially those with economic stakes, to shape policy with little public input. In such cases, public opinion may have limited influence on actual decision-making.*
>
> *Some scholars also question whether public opinion is even **rational**. Research in **moral foundations theory**, particularly by **Jonathan Haidt**, suggests that political beliefs are often shaped by deep-seated **moral intuitions**—such as **fairness**, **loyalty**, or **authority**—rather than careful reasoning. People tend to form moral judgments intuitively and then construct rational arguments to justify them after the fact.*
>
> *This raises important questions: In a democracy where power ultimately rests with the people, are citizens sufficiently informed to carry out their **civic responsibilities** responsibly? Should politicians always respond to public opinion, or are there times when it's wiser to **lead rather than follow**? And were the **framers** right to be skeptical of **mass opinion** and to design institutions that buffer public passions? The answers to these questions remain open to debate.*

The Process of Political Socialization



Figure 6.3: Political socialization is the lifelong process through which individuals develop their political beliefs, values, and identities. Family, schools, peers, media, religion, and cultural background all play central roles in shaping how citizens understand government, public policy, and their role in a democratic society. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Political socialization is the lifelong process through which individuals acquire political beliefs, values, and behaviors. It begins in early childhood and continues throughout adulthood, shaped by interactions with **family**, **peers**, **schools**, **media**, and **political events**. Scholars from various disciplines study this process: **sociologists** emphasize how social groups influence individuals; **psychologists** focus on stages of individual development; and **political psychologists** examine the interplay between personal traits and political contexts.

Regardless of perspective, most researchers agree that **early learning leaves a lasting impact**, often shaping how individuals interpret new political information later in life. All political systems—democratic or authoritarian—seek to instill loyalty and acceptance of the prevailing political and economic order, especially among children.

As you read further, consider your own experiences. How were your political values formed? To what extent do they reflect patterns identified by researchers studying political socialization?

Family

The **family** is often considered the most influential agent of **political socialization**, especially during early childhood. Children absorb political values by observing and interacting with their parents. When parents frequently discuss politics, express opinions about public figures (like the president or police), or display interest in current events, their children are more likely to form early political attitudes. For example, **preschool-aged children** often develop a basic sense of political identity and can recognize national symbols like the American flag.



Figure 6.4: The family is often considered the most influential agent of political socialization, especially during early childhood. Children absorb political values by observing and interacting with their parents. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Parental influence is strongest in households with **two politically engaged parents** who maintain close personal relationships. In contrast, political influence tends to be weaker in households where **politics is rarely discussed** or **print and media resources** are absent. Young children often learn broader attitudes—toward authority, community, and government—that later shape their more specific adult political beliefs.

Although there is evidence of **parent-child agreement** on political values, this agreement is not always strong when it comes to **specific issues**. A classic study by Jennings and Niemi found little correlation between parents' and adolescents' views on free speech for controversial groups, for instance, whether to allow speeches against churches. However, they found a **much stronger link in party identification**: when both parents shared a political party affiliation, about **three-fourths of children adopted the same affiliation**. When parents differed, children were more likely to adopt the **mother's party ID**. This may be because **party labels** (such as who the "good guys" or "bad guys" are) are more visible and easier to pass on informally than policy stances.

As children grow into adults, the durability of these early influences often depends on **social and economic context**. Adults who retain their **parents' socioeconomic status (SES)** are more likely to maintain partisan alignment. However, **cross-pressures** from peers, education, career, or marriage may cause individuals to shift party allegiance. For example, a daughter of working-class Democratic parents who earns an MBA, marries a Republican, moves to a wealthy suburb, and joins a country club may become a Republican over time.

Since the 1970s, **partisan transmission** has declined. Scholars like Erickson and Tedin attribute this to increased **cross-pressures** and the growing number of political **independents**, who, by definition, are less likely to pass on strong party cues to their children. Nevertheless, **party identification remains more strongly inherited than specific policy views**, continuing to shape political behavior across generations.

School



Figure 6.5: Mary Ann Yahiro, center, recites the Pledge of Allegiance at Raphael Weill School in San Francisco in 1942 before being sent to Topaz internment camp in Utah. (Image Credit: Dorothea Lange/National Archives and Records Administration, Public Domain)

Schools are a **key agent of political socialization**, second only to the family in shaping children's early political values. From a young age, students are taught to respect authority, follow rules, and participate in collective rituals that foster **patriotism** and a shared national identity. For example, **elementary school routines** often include reciting the **Pledge of Allegiance**, celebrating national holidays like **Veterans Day** or **Presidents' Day**, and learning about revered historical figures such as **George Washington** and **Abraham Lincoln**. These activities, while not overtly political, instill a sense of loyalty to the political system and encourage acceptance of the prevailing political and economic order.

Although **partisan agendas** are rarely promoted in K–12 education, schools implicitly reinforce civic norms and attitudes. In fact, studies from the 1960s found that **American schools devoted more time to political education** than even schools in the Soviet Union. For example, the **State of California** still requires that public schools include daily patriotic exercises, reflecting the continuing expectation that schools help cultivate national identity.

In **middle and high school**, students receive more formal instruction about the structure and functions of government. Field trips to government institutions, mock elections, and lessons about **civic responsibility** aim to develop knowledgeable and engaged citizens. By the eighth grade, most students can distinguish between individual political leaders and the offices they hold. However, despite improvements in **civics textbooks** and **teacher training**, surveys show that **basic political knowledge remains low** among many high school graduates.

One area where schools have proven less effective is in fostering **political participation**. Following the reduction of the voting age to 18 in 1972, turnout among voters aged 18–24 steadily declined, from 48% in 1972 to 41% in 2004. However, youth turnout **rebounded to 51% in 2020**, suggesting a renewed engagement among young voters, possibly due to increased polarization and social media activism.

Education level is also strongly correlated with **political tolerance**. High school and college students tend to be more accepting of controversial viewpoints and marginalized groups than individuals with only a **grade-school education**. Those with **college degrees** are generally more socially liberal, particularly on issues like **LGBTQ+ rights** and **religious freedom**, though they may also become **more economically conservative**, especially when preparing for careers in business, engineering, or medicine.

Schooling and Inequality

Social class influences how students perceive government. **Upper- and middle-class white students** are more likely than **minority or working-class students** to view political leaders as benevolent and responsive. They also tend to express greater **political efficacy**, or the belief that they can influence political outcomes. In contrast, students from lower-income or marginalized communities may be more skeptical of government and less likely to feel empowered in the political system.

Homeschooling and Cultural Messaging

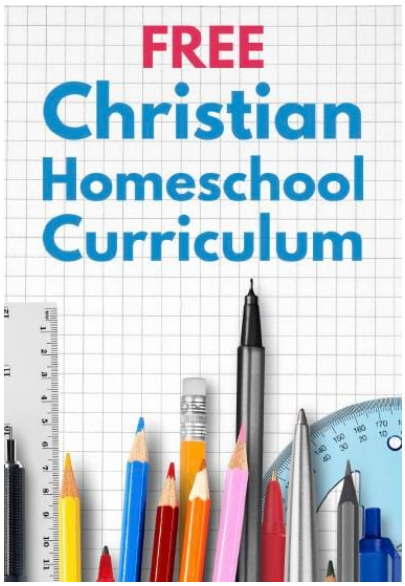


Figure 6.6: About 2 million children in the U.S. are homeschooled, and roughly two-thirds of those are taught in evangelical Christian households. Many of these parents choose homeschooling specifically to promote religious or cultural values they believe are lacking, or even undermined, in public schools. (Image Credit: Freedom Homeschooling, fair use)

About **2 million children** in the U.S. are **homeschooled**, and roughly two-thirds of those are taught in **evangelical Christian households**. Many of these parents choose homeschooling specifically to promote **religious or cultural values** they believe are lacking, or even undermined, in public schools. Since the 1980s, homeschooling has grown in part as a response to what some see as an overly secular public curriculum that excludes **prayer** and teaches **evolution**. In these households, political socialization can be particularly strong and ideologically specific.

Higher Education and Political Views

College has a mixed impact on political beliefs. It often **reinforces** rather than **reverses** existing attitudes. Students attending **liberal arts colleges** (like Oberlin or Reed) are often already liberal, just as those attending **conservative religious institutions** are more likely to hold traditional views before enrolling. For example, **Patrick Henry College** in Virginia, established primarily for homeschooled evangelical Christians, trains students to "lead our nation and shape our culture with timeless biblical values," with over **39% of students majoring in government**.



Figure 6.7: College has a mixed impact on political beliefs. It often reinforces rather than reverses existing attitudes. (Image Credit: Berea College, CC BY 2.0)

While some members of the public believe that **liberal faculty** "indoctrinate" students, research suggests that **peer influence** is stronger than faculty influence. Moreover, college experiences generally encourage **open-mindedness**, **critical thinking**, and **tolerance**, particularly in diverse classroom settings. Yet, because college also exposes students to career paths tied to economic self-interest, it can simultaneously foster **fiscal conservatism**, particularly among business and STEM majors.

Open to Debate:
The Impact of Family and School

*The influence of **family** and **school** on political beliefs and public opinion is widely recognized, but the extent and nature of that influence remain open to debate.*

*To what extent have **family experiences** shaped your views on political issues? Does your family regularly discuss major political events or civic matters? Research suggests that **parents' attitudes**, particularly about topics like **civil liberties** or **partisan identification**, can have a significant impact on their children. But how true is this in your experience?*

*Schools are also powerful agents of **political socialization**, but they vary widely in how they encourage political awareness and participation. Do you agree with studies that show most **high school education** does little to motivate students to **register and vote**? Did your own high school experience increase your **tolerance for differences** or give you a stronger understanding of your political system?*

*What about college? Have your political beliefs changed, or simply been reinforced, through your experience in **college courses**? Some critics argue that many **college faculty**, particularly in the humanities and social sciences, promote **liberal views** in the classroom. Do you agree with this assessment, or do you think college instructors largely encourage **critical thinking** and **openness to diverse viewpoints**?*

*Finally, what should be the proper role of **government and civics teachers** at both the high school and college level? Should they avoid politics entirely, or engage students in exploring controversial topics? In a democracy, where **political knowledge and participation** are essential, these answers remain **open to debate**.*

Media

Media as an Agent of Political Socialization



Figure 6.8: There exists a complex relationship between mass media and American politics as the landscape has transformed from a few centralized sources to a decentralized digital environment. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Alongside family and school, the **media**, in all its evolving forms, plays a powerful and increasingly dominant role in shaping political attitudes and opinions. From traditional **newspapers**, **radio**, and **television** to modern **social media platforms**, media outlets are major sources of information about politics, government, and public affairs. But media do more than just inform, they help **frame issues**, influence **perceptions of candidates and events**, and often reinforce existing attitudes through **selective exposure**.

As Americans spend more time online and less time with traditional media, the **fragmentation of the media environment** has dramatically changed how people learn about politics. Instead of a few trusted, mainstream sources shaping a shared understanding of events, people now have access to thousands of news outlets, ranging from high-quality journalism to **misinformation** and **opinion-driven content**.

Cable news and **online commentary**, especially from ideologically oriented sources like Fox News, MSNBC, or popular political YouTubers and podcasters, can strongly influence viewers' political beliefs. Many people self-select news that aligns with their preexisting views, a phenomenon known as the **echo chamber effect**, which can lead to increased **polarization** and a distorted perception of reality.



Figure 6.9: This image illustrates the concept of polarization and conflict in digital communication, often referred to as a "social media brain" effect. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Social media platforms like X (formerly Twitter), Facebook, TikTok, and Instagram have added a new dimension to political socialization, especially for younger people. These platforms combine news, opinion, entertainment, and social interaction in ways that blur the line between fact and fiction, journalism and activism. Algorithms often prioritize content that generates emotional reactions, which can further amplify **partisan divides** or spread **disinformation**.

Despite these challenges, media remains a crucial source of **political learning**, especially during **election campaigns**, major political events, or crises. Well-informed citizens typically rely on a mix of traditional and digital media and develop habits of **fact-checking**, **critical evaluation**, and **media literacy**.

In short, the media, while not always neutral or reliable, play a central role in how individuals form, reinforce, or revise their political opinions. The challenge for a democratic society is to ensure that its citizens have access to accurate information and develop the skills needed to **navigate a complex and competitive media environment**.

Media and Conspiracy Theories

One troubling consequence of today's fragmented and fast-paced media environment is the **proliferation of conspiracy theories**, unsupported, often fantastical claims about powerful forces secretly manipulating events. While conspiracy theories have existed throughout American history, the rise of digital media and social platforms has dramatically accelerated their spread and influence.

Social media algorithms tend to reward content that provokes strong emotional responses—such as **anger**, **fear**, or **outrage**—making conspiracy-driven posts highly visible and widely shared. Once-fringe ideas, such as the belief that vaccines are a government tracking tool or that major elections are "rigged," can now gain national or even global attention in a matter of hours.

Research in **cognitive psychology** has shown that humans are **naturally prone to conspiracy thinking**, especially when they encounter uncertainty or fear. We are wired to look for **patterns** and **causal explanations**, even when none exist. This tendency, called **apophenia**, leads many to draw connections between unrelated events or accept overly simple explanations for complex social or political phenomena. Evolutionary psychologists argue that in uncertain environments, believing in a false threat was often safer than ignoring a real one. This legacy of "better safe than sorry" can make people susceptible to **unfounded but emotionally satisfying narratives**.

Some people are especially vulnerable to conspiracy thinking when they feel **powerless**, **distrustful of institutions**, or **isolated from mainstream culture**. In these cases, conspiracy-oriented media can provide a sense of community and validation, even if the content being consumed is misleading or false.



Figure 6.10: Jacob Chansley, the 'QAnon Shaman', poses for a picture before the attack on the US Capitol, on 6 January 2021. (Image Credit: Gage Skidmore, via Wikimedia Commons, CC BY-SA 2.0)

The political impact can be serious. Conspiracy theories can lead to a **breakdown in trust** in democratic institutions, reduce the public's willingness to accept **legitimate election results**, and even increase **political violence**, as seen in the January 6, 2021 Capitol riot. They also contribute to political **polarization** and make it more difficult to achieve consensus on basic facts.

For a functioning democracy, it is essential that citizens develop **media literacy**, engage in **critical thinking**, and rely on **credible sources of information**. Combating the political effects of conspiracy theories requires both institutional safeguards and an informed, skeptical public.

Peers and Group Influence

While family and school are central in the early stages of political development, **peers**—including friends, classmates, coworkers, and social groups—play a growing role as individuals mature. Through discussion, debate, and shared experiences, peer groups often **reinforce or challenge** existing political beliefs, especially during adolescence and early adulthood when individuals are forming their **political identities**.



Figure 6.11: Through discussion, debate, and shared experiences, peer groups often reinforce or challenge existing political beliefs, especially during adolescence and early adulthood when individuals are forming their political identities. (Image Credit: James Emery, CC BY 2.0)

Unlike family, which often transmits political values without open disagreement, **peer interaction** typically involves more active engagement and exposure to a range of views. These interactions may occur in school lunchrooms, dorm rooms, online discussion boards, or community spaces. Although peers are not always more influential than parents or media, they can be more persuasive in moments of **political uncertainty**, **identity formation**, or **life transitions**.

In particular, peer influence is strongest when it aligns with **other social identifiers** such as race, religion, gender, or economic status. For example, members of a religious youth group may reinforce values associated with conservative politics, while students involved in campus activism may push one another toward more progressive viewpoints. Peer groups often serve as informal gatekeepers to **political participation**, encouraging or discouraging behaviors like voting, protesting, or campaign involvement.

Social networks, both offline and online, now function as powerful peer spaces where individuals share political content, express opinions, and influence each other's thinking. This can lead to **greater political engagement**, but also to **ideological sorting**, when people surround themselves only with others who share their views, contributing to increased **partisan polarization**.

Group identity plays a key role in shaping how people interpret political messages and which issues they prioritize. When individuals strongly identify with a social group—whether based on ethnicity, religion, region, or ideology—they tend to adopt the **political norms** of that group. This is particularly evident in the way **partisan identity** functions as a kind of social identity, affecting not just what people think about politics, but also how they view facts, science, and even morality.

In short, peer and group influences serve both to **diversify** and **stabilize** political beliefs. They can introduce people to new perspectives but also entrench existing divisions, depending on the context and the composition of the group.

Differences in Public Opinion among Social Groups

Analysis of **public opinion polls** reveals significant differences in political attitudes based on **income**, **education**, **race**, **gender**, **age**, **region**, and **religion**. As expected, people from different backgrounds often view political issues through different lenses. In many cases, **economic self-interest** helps explain these differences. For example, **upper-income Jewish voters** have consistently ranked among the strongest supporters of **social welfare policies**, often prioritizing social justice over personal economic gain.

At the same time, **some low-income voters have increasingly supported Republican candidates and policies** that may not align with their immediate economic interests. This trend is often attributed to factors such as **cultural identity**, **religious values**, **attitudes toward government**, or **opposition to social change**, rather than purely material concerns.

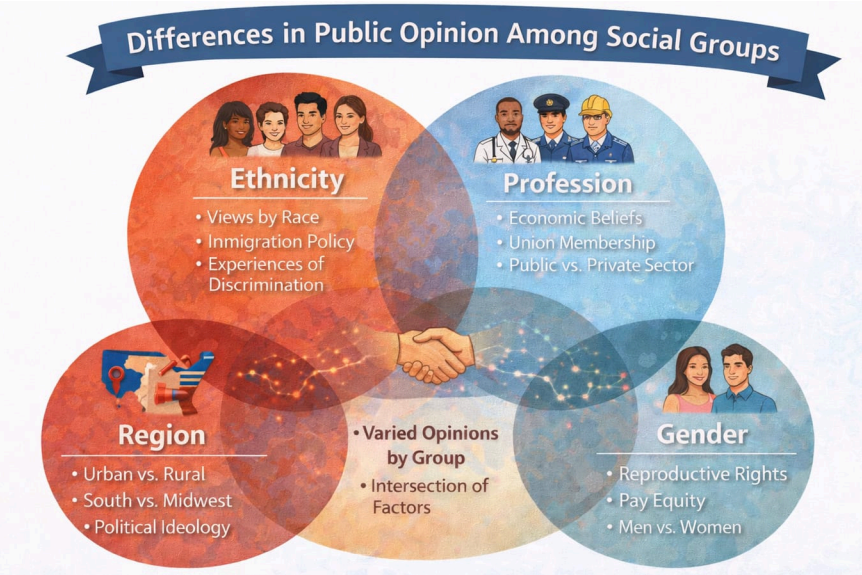


Figure 6.12: This Venn diagram of overlapping circles illustrates that a collection of factors affect a social individual in combination, rather than each factor in isolation. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

It's also important to remember that individuals belong to **multiple social groups simultaneously**, making it difficult to isolate which factor has the greatest influence. For instance, how do we understand the political beliefs of a **Latina physician living in Utah**, by her **ethnicity, profession**, **region**, **gender**, or some combination of all of these?

As we examine how group identities shape public opinion, we will also look at how attitudes have changed over time and explore why. In doing so, we must guard against **stereotyping** or assuming **uniformity within groups**. No social group thinks with one voice, **intragroup diversity** is just as important to recognize as intergroup differences.

Income

Although nearly **90 percent of Americans** identify as **middle-class** or **working-class**, **income** in the United States is more **concentrated in the upper class** than in most other Western democracies, and this concentration has increased over the past 25 years. Despite this economic inequality, voting behavior and public opinion in the U.S. are less sharply divided along **class lines** than in Europe. For example, many lower-income white voters in the South tend to support the **Republican Party**, largely because they share **conservative views on social and cultural issues** with wealthier conservatives, despite having different economic interests. In contrast, many **upper-income white Democrats** support **increased government spending on social welfare programs**, reflecting a more progressive approach to economic policy.

When it comes to **strictly economic issues**, those with **lower incomes** and generally **lower levels of education** tend to strongly support government programs aimed at **job creation** and economic assistance.

On **non-economic issues**, a different pattern emerges: the **upper class** often holds more **liberal positions** on civil liberties, such as being **pro-choice** on abortion and supportive of **LGBTQ+ rights**. As noted earlier, higher levels of **education** tend to increase **social tolerance** and acceptance of individual differences, even while often correlating with more **conservative economic views**.

Race, Ethnicity, and Religion

Public opinion in the United States often varies significantly across racial, ethnic, and religious lines, reflecting the nation's complex history and social dynamics.



Figure 6.13: Public opinion in the United States often varies significantly across racial, ethnic, and religious lines, reflecting the nation's complex history and social dynamics. (Image Credit: The American Psychological Association, fair use)

Historically, African Americans have been among the most loyal supporters of the **Democratic Party**, largely due to the party's leadership on **civil rights** and **social welfare** initiatives. African Americans continue to express higher levels of concern about **racial discrimination**, **systemic racism**, and **socioeconomic inequality** compared to white Americans. They tend to strongly support **affirmative action** policies and maintain greater skepticism toward institutions such as the **police** and **judicial system**.

Latino voters are a diverse and growing demographic with varied political views influenced by factors such as **country of origin**, **immigration attitudes**, and **socioeconomic status**. While Latino voters have generally leaned Democratic, recent elections show some shifts, with a notable increase in support for Republican candidates among **young Latino males**, particularly those who resonate with conservative stances on family, religion, and economic opportunity.

Interestingly, **some young African American males** also showed increased support for Donald Trump in the 2024 election, reflecting complex shifts where economic messaging, cultural values, or dissatisfaction with traditional party politics played a role. These emerging trends suggest that party loyalty along racial and ethnic lines, while still strong, may be more fluid than in the past.

Asian Americans represent another politically important and diverse group. They often lean Democratic but exhibit significant variation in political preferences depending on ethnicity, immigration history, and generation, making them a key demographic to watch in future elections.



Figure 6.14: Political opinions differ between members of various denominations and degree of religiosity. (Image Credit: Kenneth C. Zirkel, Wesley United Methodist Church, Worcester MA, via Wikimedia Commons, CC BY-SA 4.0)

Religion adds further complexity. Among **Protestants**, major differences exist between members of **mainline denominations** (such as Presbyterians, Methodists, and Lutherans) and the growing number of **fundamentalist/evangelical Christians**, many

unaffiliated with national denominations. Religious fundamentalists tend to hold more **conservative views** on issues like **prayer in public schools**, **abortion**, **same-sex marriage**, and **military intervention**. Concentrated in the South, fundamentalists influence the region's conservative profile.

Beyond denominational affiliation, **religiosity**, measured by frequency of church attendance and prayer, strongly predicts political attitudes. The more religiously observant tend to be more **tradition-minded** and **morally conservative** on a wide range of issues. This "**God Gap**" divides religiously observant **Republicans** from more secular **Democrats**, contributing to recent electoral polarization.

Understanding these racial, ethnic, and religious divisions, and the evolving political landscape they reflect, is essential for grasping the complexity of American public opinion and for developing policies that respect diverse perspectives and experiences.

Gender and Education

Public opinion in the United States shows significant variation by **gender** and **age**, with further differences shaped by **education**, **race**, **income**, and **marital status**.

By 2022, the **gender gap** in party affiliation had widened to approximately **33 percentage points**. Among men, **Republicans** held an 18-point advantage, while **Democrats** led among women by 15 points. This divide is especially pronounced among **college-educated women**, who favored Democrats by a striking **38-point margin**. In contrast, women without college degrees showed only a slight Democratic preference, while **men without college degrees** leaned strongly Republican, making **college-educated men** and **non-college-educated women** key swing voter blocs in recent elections.

Gender also shapes policy preferences. Women are generally more likely than men to support **government spending** on education, health care, and welfare, and they are more likely to oppose **military intervention**. However, the gender gap narrows—or even reverses—on some issues. For example, men have at times expressed greater support than women for the **Equal Rights Amendment (ERA)**. That said, it's important not to overgeneralize based on gender alone, as factors such as **race**, **income**, and **religion** often exert a stronger influence on political attitudes.



Figure 6.15: The diploma divide tilts slightly toward Democrats. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Overlaying these gender patterns is a growing **diploma divide** between the two major political parties. Voters with a **college degree**, especially women, have increasingly aligned with the Democratic Party, drawn by its positions on **diversity**, **environmental protection**, and **social justice**. At the same time, the Republican Party has gained ground among **white voters without a college degree**, many of whom feel **culturally alienated** and **economically left behind**. This educational divide has fueled increasing **partisan polarization** between **urban, highly educated populations** and more **rural, working-class communities**, reshaping the American political landscape.

Age

There are also marked differences in opinion between **younger and older Americans**, particularly on **social issues** and views of **government responsibility**. Younger people are generally more **progressive**—supportive of **LGBTQ+ rights**, **racial diversity**, and **climate change action**—and less supportive of **military engagement** than older generations. Interestingly, these trends persist **within parties**: younger **Republicans**, for example, tend to be more socially tolerant and environmentally concerned than older Republicans.



Figure 6.16: There are marked differences in opinion between younger and older Americans, particularly on social issues and views of government responsibility. (Image Credit: Geralt, via Wikimedia Commons, CC0 1.0)

In terms of **political engagement**, older adults are significantly more likely to **follow political news** and **vote** than younger people. While **18- to 24-year-olds** historically have low turnout rates, the **2020 presidential election** saw a significant increase, with turnout in that age group reaching **51%**, the highest in decades.

Contrary to the stereotype that people become uniformly more **conservative with age**, research shows more nuance. There are some **life-cycle effects**, such as people becoming more fiscally conservative in middle age, but older adults often become **more liberal** later in life, especially regarding **social spending**, once they begin to benefit from programs like **Social Security** and **Medicare**.

Generational differences are also shaped by **social context**. For example, Americans under 50 have grown up in a world **after legalized racial segregation**, and in which **marijuana legalization**, **same-sex marriage**, and **multiculturalism** have become normalized. **Millennials and Gen Z** are more likely to agree with statements like *"Government should do more to solve problems"* and *"Increasing racial and ethnic diversity is good for society."* These views reflect the distinct historical and cultural environments in which different generations were socialized.

Together, the intersections of **gender, education, and age** paint a complex and evolving picture of American public opinion—one that defies simple binaries and reflects broader social transformations over time.

Region and Urban–Rural Divides

Public opinion in the United States also varies significantly by **region** and by whether individuals live in **urban, suburban, or rural** areas. These geographic divides often reflect deeper differences in **culture**, **economics**, **religion**, **education**, and **demographics**, and they have played an increasingly important role in shaping political polarization in recent decades.

The Regional Divide

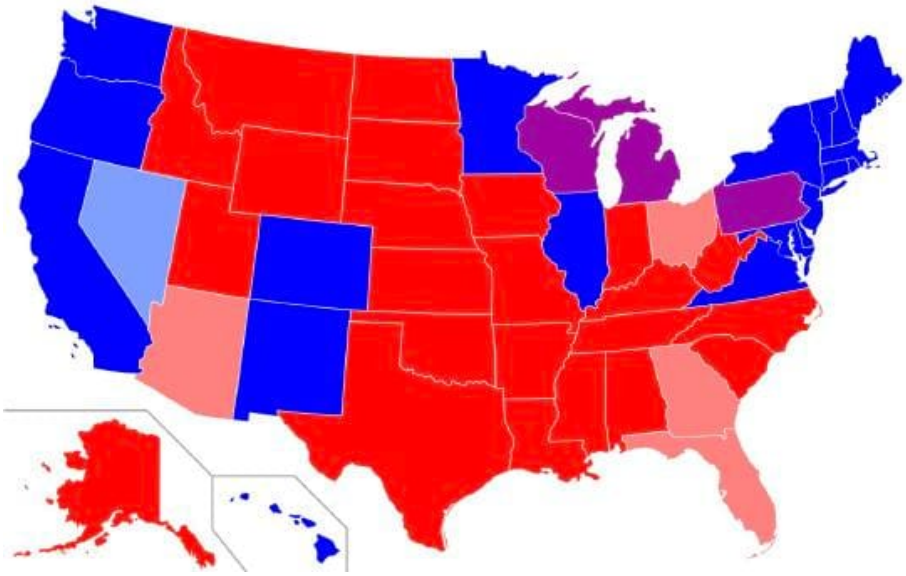


Figure 6.17: Map of red states and blue states in the U.S.;
Red=The Republican candidate carried the state in the 2012, 2016, 2020, 2024 presidential elections.
Light red=The Republican candidate carried the state in three of the four elections.
Purple=The Republican candidate and the Democratic candidate each carried the state in two of the four elections.
Light blue=The Democratic candidate carried the state in three of the four elections.
Blue=The Democratic candidate carried the state in all four elections (Image Credit: privacy6189, via Wikimedia Commons, CC BY-SA 4.0)

Historically, the most distinct regional political difference has been between the **South** and the rest of the country. For much of U.S. history, the South was solidly Democratic, a legacy of the Civil War and Reconstruction. However, since the **1960s**, in response to the national Democratic Party's support for **civil rights legislation**, the South has shifted dramatically toward the **Republican Party**. Today, most Southern states vote reliably Republican in presidential elections, and Southern voters tend to be more **socially conservative**, more **religious**, and more likely to support **gun rights** and **restrictions on abortion** than voters in other regions.

In contrast, the **Northeast** and the **West Coast** lean heavily Democratic, with strong support for **civil rights**, **climate change action**, **abortion access**, **immigration**, and **LGBTQ+ rights**. These areas are typically more urban, more diverse, and more secular. The **Midwest**, long considered America's "swing region," remains politically divided: **Rust Belt** states like **Michigan**, **Wisconsin**, and **Pennsylvania** often determine the outcome of presidential elections, alternating support between the two major parties.

The Urban–Suburban–Rural Divide

One of the most pronounced and growing divides in American politics is based on **population density**, in other words, whether people live in **urban**, **suburban**, or **rural** areas.

· **Urban voters** overwhelmingly favor **Democratic candidates** and tend to support progressive policies on issues like **climate change**, **policing**, **housing**, and **social welfare**. Cities tend to be more **racially and ethnically diverse**, have **younger populations**, and higher levels of **education**, all of which are correlated with more **liberal attitudes**.

· **Rural voters**, on the other hand, are much more likely to support **Republican candidates** and conservative policies. Rural areas tend to have older, whiter populations, lower levels of formal education, and stronger ties to **traditional values**, **religion**, and **gun culture**. Rural residents are also more skeptical of federal government programs and more likely to believe in **local autonomy** and **individual responsibility**.

· **Suburban voters** are more politically diverse and have become increasingly important in recent elections. While suburban areas once leaned Republican, the **Democratic Party has made significant gains**, particularly among **college-educated white women** and **racial minorities** who have moved into the suburbs. As a result, suburban swing voters have become a major target for both parties.

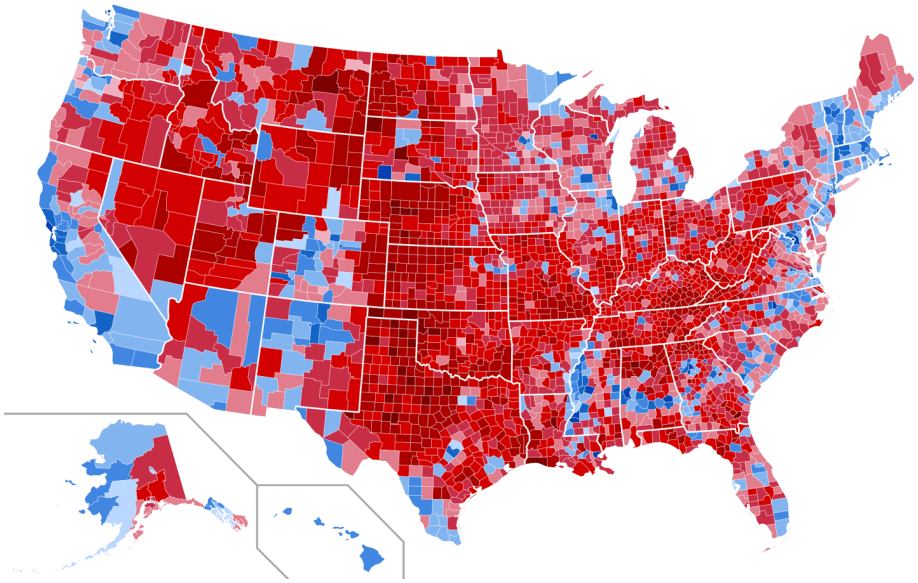


Figure 6.18: U.S. Election Results by County. Note how urban areas vote more Democratic (blue) while rural areas vote more Republican (red) (Image Source: Ali Zifan and Inqvisitor, Public Domain)

Polarization and Geography

The urban–rural divide is not just about geography—it reflects differing worldviews, lifestyles, and even sources of information. Rural and urban Americans often **watch different news channels**, **consume different social media**, and have different life experiences that shape their political opinions. This divide has contributed to **political polarization**, with each side increasingly skeptical of the other's values, priorities, and way of life.

Campaign strategies, political advertisements, and policy agendas are now frequently tailored to appeal to specific geographic constituencies. For example, a Republican candidate might emphasize **agriculture**, **religious freedom**, and **Second Amendment rights** in rural areas, while a Democrat might focus on **public transportation**, **housing affordability**, and **climate policy** in urban districts.

Understanding these geographic patterns in public opinion helps explain why the same policy proposal can generate dramatically different responses depending on where people live. It also underscores the challenge of building **national consensus** in a country that is not only politically divided, but geographically segmented.

As we've seen, individuals develop political opinions through a wide range of social and cultural influences, including family, religion, region, and media. But even deeper than these influences are the moral instincts and emotional responses that shape how we view the world—often without our conscious awareness. To better understand the roots of public opinion, political psychologist **Jonathan Haidt** has proposed the **Moral Foundations Theory**, which suggests that our political judgments grow from evolved, intuitive moral values. These underlying values help explain not only *what* people believe, but *why* they feel so strongly about political issues, and why disagreement can feel so personal and emotional.

Moral Foundations and Public Opinion: Why We Disagree About Politics



Figure 6.19: Jonathan Haidt argues that our political opinions are based on deep-seated moral values. (Image Credit: Fronteiras do Pensamento, via Wikimedia Commons, CC BY-SA 2.0)

Why do Americans with similar levels of education, access to information, and democratic rights come to such vastly different conclusions about politics? Why do debates about policies like immigration, welfare, or free speech so often feel like moral battlegrounds? According to social psychologist **Jonathan Haidt**, the answers may lie not just in political ideology, but in **deep-seated moral values rooted in human evolution**.

Haidt's **Moral Foundations Theory** argues that all human beings share a set of core moral instincts that evolved to help early societies survive and thrive. These instincts shape our intuitive responses to right and wrong, good and evil, fairness and loyalty. Political beliefs, Haidt suggests, are not the product of purely rational analysis, but are often **moral intuitions first, with reasoning and justification coming afterward**, a process he compares to a rider trying to control an elephant. The "elephant" is our intuitive, emotional brain; the "rider" is our reasoning, which tries to justify the path the elephant is already taking.

Haidt identifies **six key moral foundations** that people draw upon when forming opinions:

1. **Care/Harm** – valuing compassion and protecting the vulnerable
2. **Fairness/Cheating** – emphasizing justice, rights, and equal treatment
3. **Loyalty/Betrayal** – valuing allegiance to one's group, tribe, or nation
4. **Authority/Subversion** – respecting tradition and legitimate leadership
5. **Sanctity/Degradation** – avoiding impurity and elevating the sacred
6. **Liberty/Oppression** – resisting domination and promoting freedom

People on the **political left** tend to place more emphasis on the first two foundations: **care** and **fairness**. They are more likely to support policies that help marginalized groups, such as social welfare programs or environmental protections, based on concerns about harm and injustice.

People on the **political right** tend to draw from a broader range of moral foundations, including **loyalty, authority, and sanctity**, in addition to care and fairness. This leads to support for policies that uphold tradition, national security, and moral or religious values, such as restrictions on immigration, strong policing, and opposition to abortion.

Importantly, Haidt argues that **neither side is wrong**, but each is emphasizing **different moral priorities**. This helps explain why political debates in the U.S. often seem so intractable, people are not simply disagreeing about facts or policy outcomes; they are operating from **different moral matrices**. When citizens cannot understand the moral values that underlie their opponents' positions, they are more likely to demonize one another and less likely to compromise.

Haidt's theory helps explain phenomena such as **political polarization**, **selective media consumption**, and the emotional intensity of debates over controversial issues. It also suggests that public opinion cannot be fully understood by looking only at

economic self-interest, partisanship, or media influence. Instead, we must also consider **the moral frameworks through which people interpret the world**.

Understanding these foundations can foster greater empathy and more productive political discourse. As Haidt puts it, "Morality binds and blinds." It binds people into communities, but it can also blind them to the perspectives of others.

Open to Debate:
Are We Born to Disagree?

> *Jonathan Haidt argues that **moral instincts**, shaped by **evolution**, are the real drivers of political opinion. These instincts help explain why people feel so strongly about issues like immigration, same-sex marriage, or climate change, and why political arguments often go nowhere.*
>
> *But if our political beliefs are largely rooted in unconscious moral values, **can we really change people's minds with facts and arguments?** Does knowing that our "rational" beliefs may just be post-hoc justifications make you rethink your own political opinions?*
>
> *Do you recognize any of the six moral foundations in your own thinking about politics? Which ones do you think are emphasized most in your community, school, or family? What happens when you encounter someone who prioritizes different moral values than you do?*
>
> *And finally: **Is it possible—or even desirable—for Americans to try to understand the moral worldviews of their political opponents?** Or are some moral perspectives simply incompatible?*
>
> *The answers to these questions remain **open to debate**.*

Understanding the moral foundations of political belief helps us appreciate the depth and durability of political divisions in the United States. These core moral values not only guide how people respond to political issues, but also influence their alignment with broader **ideological worldviews** and **partisan identities**. In the next section, we will explore how Americans define themselves ideologically—liberal, conservative, or moderate—and how party identification continues to shape public opinion in an increasingly polarized political environment.

Political Ideology: Organizing Public Opinion

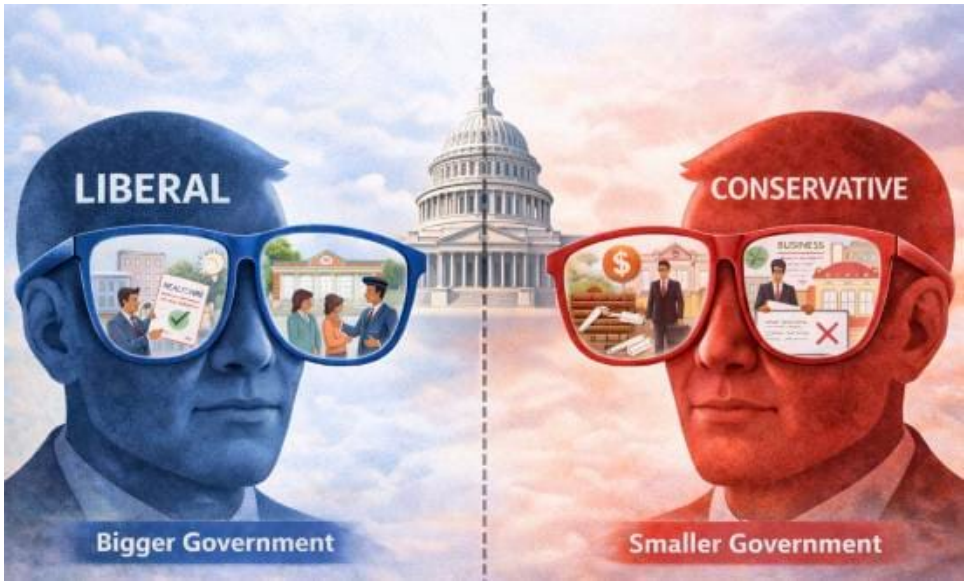


Figure 6.20: Liberal and Conservative ideologies shape interpretations of the role of government and the scope of public policy. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

While many Americans do not consistently think about politics in ideological terms, *political ideology* provides a framework through which individuals and groups interpret the role of government and the proper scope of public policy. At its core, a political ideology is a coherent set of beliefs about the nature of people, society, and the role of government. In the United States, the two

most prominent ideological labels are **liberal** and **conservative**, though many Americans also identify as **moderate**, **libertarian**, or **progressive**, and a significant portion resist ideological labels altogether.

Historically, **liberals** have supported a more active government role in addressing social and economic inequality. This includes greater federal involvement in public education, health care, environmental protection, and support for marginalized groups. Liberals often emphasize **individual rights**, **social justice**, and **government programs** as tools to correct systemic imbalances.

In contrast, **conservatives** tend to favor **limited government**, **personal responsibility**, and **traditional social values**. They are more skeptical of government regulation, prefer lower taxes and less spending on social welfare, and tend to emphasize **free market economics** and **national security**. On social issues, conservatives often advocate for preserving traditional norms, including opposition to abortion and resistance to rapid cultural change.

Although these ideological categories provide a useful map of political beliefs, public opinion research shows that most Americans do not adhere rigidly to any one ideology. Many self-identified conservatives support government programs like Social Security and Medicare. Many liberals express concern about deficits or support a strong national defense. Ideological inconsistency is especially common among young voters and among those with lower levels of political knowledge or interest.

Moreover, the relationship between ideology and issue positions is not always straightforward. As discussed in the previous section, political psychologist **Jonathan Haidt** argues that ideological differences are rooted in deeper moral intuitions. For example, liberals may prioritize **care and fairness**, while conservatives also emphasize **loyalty, authority, and sanctity**. These underlying moral values shape how individuals form their positions on everything from taxation to immigration to criminal justice.

Finally, it's important to note that **ideology often serves as a guidepost**, not a rulebook. For politically engaged individuals, ideology helps organize beliefs and provides consistency. But for many Americans, issue opinions are shaped more by **emotion, identity, or party loyalty** than by ideological principle. In this way, ideology forms a foundation for public opinion, but partisanship often determines its expression.

In the next section, we explore how **party identification**, a powerful psychological attachment to a political party, reinforces and amplifies ideological divisions, often shaping public opinion even more than ideology itself.

Partisanship

One of the most influential and enduring factors shaping public opinion in the United States is **party identification**. Party identification refers to an individual's psychological attachment to a political party, an identity often formed during adolescence and reinforced by family, peers, religion, and regional culture. Of the many socializing influences discussed earlier in this chapter, **race**, **religion**, and **geography** have become increasingly central, and self-reinforcing, components of party identity.

Despite widespread claims of political independence, **party identification** remains deeply **ingrained** and remarkably **stable** over a person's lifetime. Older individuals are significantly less likely to change their partisan affiliation, even in response to shifting candidates or issue positions. As noted in Chapter 8, formal party affiliation has declined over recent decades, with more Americans identifying as "**independents**." However, data consistently show that roughly two-thirds of those self-identified independents lean consistently toward either the Democratic or Republican Party and vote accordingly. In short, they are "**closet partisans**."

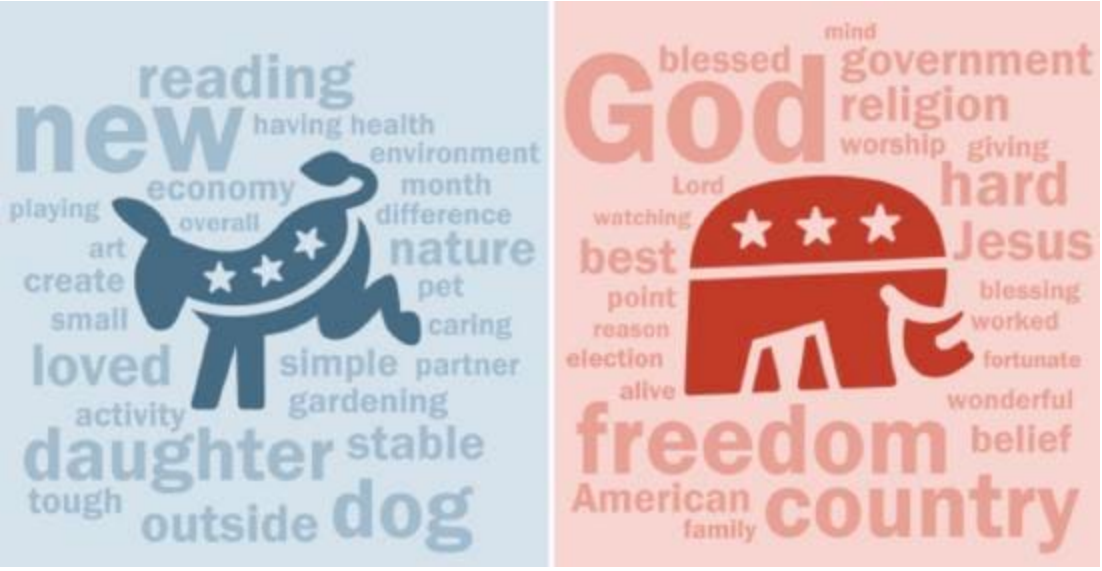


Figure 6.21: In the United States, even the meaning of life can have a partisan tinge. (Image Source: PEW Research Center, Public Domain)

Party identification also acts as a **cognitive filter** through which individuals receive, interpret, and prioritize political information. People tend to trust information that aligns with their party affiliation and to reject or discount information that challenges it, a process known as **confirmation bias**. For instance, after the 2020 presidential election, then-President Donald Trump claimed, without credible evidence, that the election was stolen. Despite dozens of court rulings rejecting these claims, **polls showed that about two-thirds of Republican voters believed the election was illegitimate**, highlighting the power of partisanship in shaping political perception.

Beyond perception, partisanship strongly influences attitudes toward public policy. Democrats are generally more likely to support **progressive positions** on issues like health care, environmental regulation, and income redistribution, while Republicans tend to favor **limited government**, **gun rights**, and **restrictions on immigration**. On nearly every major policy issue—from abortion to taxation to climate change—there is now a sharp partisan divide. Americans with strong partisan identification tend to **align their policy preferences with their party's platform**, even when those policies conflict with their own economic interests or previous positions. This phenomenon has been described as the **"thermostatic model"** of opinion: partisans adjust their views to stay aligned with their party's shifting stances.



Figure 6.22: Partisanship contributes to polarization. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Increasingly, **partisanship contributes to polarization**, as Americans self-segregate both socially and geographically. Democrats are more likely to live in urban and coastal areas, while Republicans dominate in rural and Southern states. This

geographic polarization is matched by an **information divide**, with individuals consuming media that reinforce their political leanings. As a result, Americans today are not only more divided, but also less likely to engage with people or information that challenge their partisan worldview.

This intensifying polarization, rooted in deepening partisan identity, is reshaping public opinion in ways that will be explored further in Chapter 10 on media and Chapter 8 on political parties.

Open to Debate:
Is Partisanship Helping or Hurting American Democracy?

Party identification *has long provided voters with a* ***helpful shortcut*** *for understanding political issues and making electoral decisions. But what happens when party loyalty becomes so strong that it* ***overrides*** *personal* ***beliefs*** *or objective* ***facts****?*

· Do you think ***party identification*** *helps people participate more* ***effectively*** *in politics, or does it lead to* ***blind loyalty****?*

· Have you ever ***disagreed*** *with your party on a major issue? If so, how did you reconcile the conflict?*

· Should voters be more ***independent*** *in their thinking, or is it natural (and even beneficial) to rely on the positions of trusted* ***parties****?*

· Is the rise of partisan ***media*** *a positive development, providing* ***clarity*** *for voters—or does it increase* ***polarization*** *and* ***misinformation****?*

· If party loyalty causes voters to support ***policies*** *that may* ***not benefit*** *them personally or their communities, is that a sign of political* ***commitment****—or* ***manipulation****?*

As ***partisanship*** *continues to influence nearly every aspect of political life, from* ***media*** *consumption to trust in* ***institutions****, what responsibilities do citizens have to remain* ***informed****,* ***open-minded****, and* ***engaged****? The answers to these questions remains* ***open to debate****.*

Trends in Public Opinion: How American Views Change Over Time

One of the most powerful tools of political analysis is the ability to track how public opinion changes over time. Through decades of **polling**, researchers have documented how Americans' attitudes **evolve** in response to new information, cultural shifts, landmark events, and government actions. While party identification and core beliefs tend to be stable, **positions on specific policy issues** can, and often do, **shift** significantly over a generation or even within a decade.

The Dynamics of Social Change



Figure 6.23: Same-sex marriage is an example of a rapid change in public opinion. (Image Credit: Howard Barnett, via Wikimedia Commons, CC By-SA 4.0)

Public opinion on **civil rights, LGBTQ+ rights, and gender equality** offers clear examples of how social values evolve. In 1942, only 30% of white Americans supported **school integration**. By 1985, that number had climbed to 93%, reflecting both the impact of the civil rights movement and increased intergroup contact. Similarly, **same-sex marriage** support rose from just 27% in 1996 to over 70% by 2021, with the Supreme Court's 2015 ruling in ***Obergefell v. Hodges*** both reflecting and reinforcing public sentiment.

However, change is not always linear. For example, after decades of declining support, the 2022 Supreme Court decision in ***Dobbs v. Jackson*** *Women's Health Organization* overturned *Roe v. Wade*, removing federal protections for **abortion access**. While the ruling satisfied some religious conservatives, it ran counter to broader public opinion. A 2023 Pew survey found that **61% of Americans believe abortion should be legal in all or most cases**, while only **37% say it should be mostly or always illegal**—a divide that has grown significantly between Republicans (38% legal) and Democrats (80% legal).

Issue Polarization and Stability

Some issues, like **same-sex marriage**, have seen dramatic opinion shifts. Others remain **deeply polarizing**, such as **immigration**, **gun rights**, **affirmative action**, and **transgender rights**. These are often closely tied to partisanship, religion, and region. Meanwhile, some policy attitudes, like support for **capital punishment**, have declined slowly over time but remain relatively strong, with notable differences by race and political affiliation.

It's important to note that while public opinion can be a driver of change, it can also **lag behind** or **resist** reforms. As with civil rights in the 1950s or gender equality in the 1970s, elite leadership and legal rulings often precede majority support, only for the public to gradually catch up.

Polling and Public Opinion: Measuring the Voice of the People



Figure 6.25: Public opinion polling uses scientific sampling, carefully worded survey questions, and statistical analysis to measure citizens' attitudes about candidates, policies, and current events. Polls provide a snapshot of public preferences at a given moment, helping policymakers, media, and voters understand trends, divisions, and shifts in political opinion. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

In a democracy, public opinion plays a crucial role. But how do we measure what the public thinks—especially in a nation of over 330 million people? For more than a century, pollsters have tried to answer that question. Their success—and occasional failure—has shaped how government officials, the media, and citizens interpret democratic legitimacy.

A **public opinion poll** is a survey used to measure the attitudes or beliefs of a sample of people on specific issues, candidates, or events. Properly conducted, polls can provide remarkably accurate snapshots of the public's views. But they also raise important questions: How accurate are the results? What makes a poll scientific? Can polls be manipulated to favor a political narrative? Do politicians rely too much on polls instead of leading on principle? And how have polls changed in the age of cell phones and online communication?

A Brief History of Polling in the U.S.

In the early 19th century, newspapers conducted unscientific **straw polls** in which readers filled out and mailed in ballots. While sometimes accurate, these polls lacked random sampling and often missed key parts of the population. In the 1920s and 1930s, these straw polls continued despite routinely missing election results by significant margins.



Figure 6.26: Straw polls in the 1936 election predicted a win for Republican Alfred Landon, Instead Franklin D. Roosevelt won re-election in a landslide. The episode exposed the dangers of non-representative and self-selected samples. (Image Credit: Public Domain)

Polling changed forever in 1936, when *The Literary Digest* predicted a landslide win for Republican Alfred Landon. Instead, Franklin D. Roosevelt won re-election in a landslide. The Digest had mailed surveys to ten million people, drawing names from telephone directories and automobile registration lists. This excluded poorer Americans hit hardest by the Great Depression. Only two million responded, skewing the sample toward upper-income individuals. The episode exposed the dangers of non-representative and self-selected samples.



Figure 6.27: Harry S. Truman holding newspaper with the erroneous headline "Dewey Defeats Truman" after winning the 1948 United States presidential election. (Image Credit: Byron H. Rollins, via Wikimedia Commons, Public Domain)

In contrast, a young **George Gallup** used a smaller but **scientifically selected sample** to accurately predict Roosevelt's win. This marked the rise of **scientific polling**, which emphasizes **representative sampling**, neutral question wording, and statistical rigor. However, even Gallup made errors, famously predicting Thomas Dewey would beat Harry Truman in 1948. Like the Digest, Gallup's poll included too many upper-class voters and stopped polling too early to capture Truman's late surge.

What Makes a Poll Scientific?

A scientific poll must use a **random sample**, where every person in the population has an equal chance of being selected. Most reputable national polls include 1,000 to 1,500 respondents, producing a **margin of error** of about ±2.5%. Rather than sampling the entire U.S. at random, pollsters use **multistage cluster sampling**: dividing the country into regions, randomly selecting

counties and metropolitan areas, and then selecting blocks and households within those areas.

Curiously, the proportion of the sample size to the total population doesn't affect accuracy. A properly drawn sample of 1,000 people can accurately represent either a city or the entire nation. Larger samples are often used when researchers want to analyze the views of subgroups, such as African Americans, Latinos, or young voters.

Polling in the Cell Phone Era

As landline use has declined, pollsters have adapted by using **dual-frame random-digit dialing**, which combines both landline and cell phone numbers. Federal law prohibits robocalls to cell phones, so live interviewers must be used, which increases costs. Cell phone polling faces challenges like lower response rates, call screening, and difficulties in reaching a representative sample.

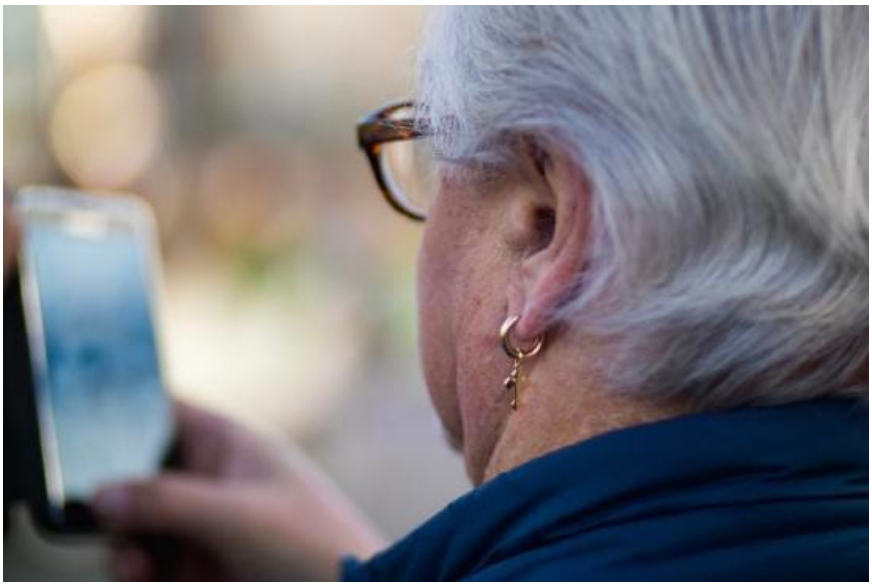


Figure 6.28: As landline use has declined, pollsters have adapted by using dual-frame random-digit dialing, which combines both landline and cell phone numbers. (Image Credit: Ivan Radic, CC BY 2.0)

To address these challenges, many pollsters now use **online polling panels**, where participants are recruited and surveys are administered digitally. Though these are sometimes criticized for self-selection bias, careful **weighting** and large sample sizes can make them reliable when done properly.

The Importance of Question Wording

Even with a perfect sample, biased or unclear wording can distort results. Good polls use **neutral, pre-tested questions** to ensure clarity. For example, Americans respond very differently to questions about "welfare" compared to "assistance to the poor."

A classic study by Kenneth Rasinski showed that **question wording** can drastically alter results. When survey questions used more positive or emotionally neutral language (like "solving the problems of big cities"), respondents were more likely to support funding than when harsher terms (like "assistance to big cities") were used. Similarly, in questions about abortion, wording such as "murder of unborn babies" yields far different results than "a woman's right to choose."

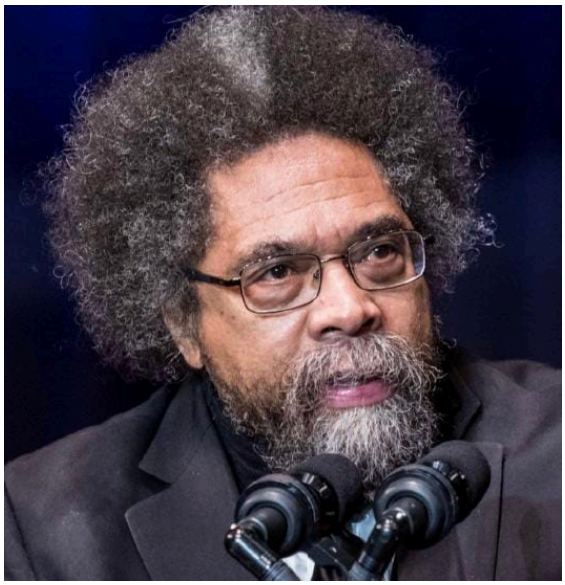


Figure 6.29: **Dr. Cornel West**, a prominent scholar and public intellectual, has often sparked debate on university campuses—illustrating how public opinion can simultaneously support academic freedom while opposing controversial viewpoints. (Image Credit: Darrell Nance, via Wikimedia Commons, CC By-SA 4.0)

Even consistent respondents can give seemingly **contradictory answers**. One poll showed 75% of people supported professors' right to teach freely, yet the same percentage said controversial professors had no place in public universities. These contradictions highlight the importance of carefully written, unbiased questions.

Interviewer Effects and Non-Attitudes

Interviewers must remain **neutral**, read questions as written, and avoid influencing responses with their tone, expressions, or commentary. When asking **open-ended questions**, they must accurately record what the respondent says without interpretation.

Another challenge is **non-attitudes**. Respondents sometimes answer questions about topics they don't understand, just to avoid seeming uninformed. These answers are not based on real beliefs and can distort results. Good polls include screening questions to identify whether respondents have actually thought about *the issue and always provide a "no opinion" or "don't know" option.*

How to Be a Smart Consumer of Polls

When reading poll results, always check:

- The **sample size**
- The **margin of error**
- The **dates** the poll was conducted
- The **wording** of the questions
- Whether respondents were given a **"no opinion"** option

Polls provide snapshots of public sentiment at a specific moment. Public opinion can shift quickly, especially during campaigns. Also consider the **intensity** of opinion. A small but passionate minority can sometimes have more political impact than a large but indifferent majority.

In conclusion, **Polling** remains one of the most powerful tools for measuring public opinion, when conducted scientifically and interpreted carefully. In a democracy where power rests with the people, understanding how **public opinion** is measured is essential. Learning how to critically evaluate polls allows citizens to better judge whether leaders are truly listening or simply responding to the loudest voices in the room.

Public Opinion and Policy: A Complex Relationship

The relationship between **public opinion** and **public policy** in the United States is complex and often indirect. Elected officials are expected to be responsive to the will of the people, and in many cases, policy decisions do reflect prevailing public attitudes, especially when there is a clear and sustained majority view. For example, in response to rising concern about crime in the 1980s and 1990s, federal and state governments enacted tougher sentencing laws, including mandatory minimums and expanded use of the death penalty, reflecting strong public demand for law and order.

However, government responsiveness is far from automatic or uniform. In some cases, there is a significant **lag** between public opinion and policy action. For instance, while Americans expressed support for a national health insurance program as early as the 1940s, **Medicare** was not enacted until 1965. Similarly, even after public support for the **Vietnam War** declined sharply, U.S. involvement continued for several years.

Polling also reveals that strong public preferences do not always translate into legislative outcomes. While large majorities support increasing the **minimum wage** and preserving programs like **Social Security** and **Medicare**, Congress has often been slow or divided in acting on these issues. Likewise, despite consistent public support for stricter **gun control** measures—particularly following mass shootings—federal legislation has remained limited, highlighting the influence of institutional constraints, interest groups, and political polarization.



Figure 6.24: A Rally in Support of Affordable Care Act. (Image Credit: tedeytan, via Wikimedia Commons, CC BY-SA 2.0)

At the same time, the relationship between opinion and policy is **reciprocal**. Public policy can shape public opinion just as opinion can shape policy. The **Affordable Care Act (2010)**, for example, was initially unpopular, but gained majority support over time as Americans experienced its benefits. This dynamic interaction underscores a central feature of democratic governance: public opinion and policy are continuously influencing one another.

Division and Inaction

When **public opinion is deeply divided**, policymakers may **avoid acting** altogether. Congress, for example, has largely deferred to the states on **abortion policy**, especially after the Supreme Court's 2022 *Dobbs v. Jackson Women's Health Organization* decision overturned *Roe v. Wade*. In polarized contexts, elected officials often fear **alienating** one segment of the electorate or their party's base.



Figure 6.30: A citizen expressing their opinion during President Trump's 2017 impeachment process. (Image Credit: Master Steve Rapport, CC By-SA 2.0)

Sometimes, members of Congress may act **against national opinion** if their **constituents hold strong, opposing views**. For example, many Republican members voted to impeach President Bill Clinton in 1998, despite broad national opposition to his removal, because their own districts supported the action. Similarly, House Democrats pursued **two impeachments of President Donald Trump**, even though conviction in the Senate was highly unlikely.

The Gun Control Paradox

A striking example of the **disconnect between public opinion and policy** is gun control. Polls consistently show that:

· Over 70% of Americans support **universal background checks**.

· Most favor **licensing requirements** for gun ownership.

· A majority supports **trigger locks** and **bans on assault weapons**.

Yet Congress has passed only limited gun reform legislation. Why? In part, because of the **power of a mobilized minority**—particularly the **National Rifle Association (NRA)** and its allies. This is an example of what political scientists call the **intensity problem**: a relatively small group with strong views and political organization can outweigh a large, but less mobilized, majority.



Figure 6.31: U.S. Senator Bernie Sanders speaking with attendees at a "Fight Oligarchy" rally at Mullett Arena in Tempe, Arizona. (Image Credit: Gage Skidmore CC BY-SA 2.0)

Some scholars argue that government is more responsive to **corporate interests and the wealthy** than to average citizens, a critique central to the campaigns of figures like **Ralph Nader** and **Bernie Sanders**. Research shows that **policy outcomes often reflect the preferences of the affluent far more than those of low-income Americans**, a phenomenon known as **elite bias**.

Moreover, there is a strong **institutional bias toward the status quo**. Congress is designed to make it difficult to pass sweeping changes, and **gridlock** is common even when public support for change is strong. This inertia helps explain the slow pace of reform on issues like **health care**, **climate change**, and **immigration**.

The Reality of Representation

Despite concerns about unresponsiveness, most members of Congress tend to **align with the views of their constituents**, largely because voters elect **like-minded representatives**. Liberal districts elect liberal members, and conservative districts elect conservatives. Although legislators are, on average, wealthier and more educated than their constituents, they generally share the same **partisan identities**, **racial backgrounds**, and **community ties**.

Still, the relationship between public opinion and policymaking is complicated by **misinformation** and **conspiracy theories**. When constituents hold **misinformed views**, for example, believing in disproven claims about vaccine safety or election fraud, it becomes harder for representatives to base decisions on evidence or reasoned judgment. In some cases, elected officials echo or amplify falsehoods to remain politically viable, which further **erodes trust in democratic institutions**.

Reelection as a Constraint



Figure 6.32: Public opinion express through voting is the primary means by which representatives are kept accountable. (Image Credit: Valeria Hinojosa, CC BY-SA 2.0)

Ironically, most Americans pay little attention to how their representatives actually vote. **Nearly half don't know their representative's name**, and most **incumbents are reelected with ease**—over 90% in the House and about 85–90% in the Senate. With little electoral risk, many members feel free to **vote their own conscience or party line**, unless facing organized opposition.

Still, elected officials typically remain attentive to the **general mood** of their districts. Whether because of personal conviction or electoral pragmatism, **public opinion continues to be one of the most important forces shaping government action**—but it competes with many other forces, including partisanship, interest groups, misinformation, and institutional barriers.

Open to Debate:
Does Government Really Respond to Public Opinion?

Should elected officials always follow public opinion? *Or are there times when it's better for leaders to make unpopular decisions based on what they believe is right?*

· Do you think members of Congress pay attention to public opinion when making decisions? What kinds of issues seem most influenced by the public?

· Why do some policies (like background checks for gun purchases) enjoy widespread support but rarely become law? Should politicians be more responsive to these kinds of majorities?

· When misinformation or conspiracy theories shape public opinion, should elected officials still represent those views?

· Is it fair to say that wealthy individuals and corporations have more influence on policy than ordinary citizens? If so, what reforms might change that?

· Should politicians represent the views of their district even if those views differ from the national majority?

***Bottom line**: In a representative democracy, elected officials are supposed to **reflect the will of the people**—but **whose voices** are being heard most clearly? And what happens when those voices are **misinformed**? The answers to these questions remain **open to debate**.*

Summary: Evaluating the Role of Public Opinion

Based on the material presented in this chapter, several generalizations can be made about the **role of public opinion** in American politics.

Public opinion often **shifts over time**—sometimes rapidly in response to major domestic or international events, and sometimes gradually through evolving circumstances. While it can be difficult to draw direct causal links between public opinion and specific policy enactments, public opinion frequently sets **boundaries** or **limits** on what kinds of policies are politically acceptable. This is particularly true in **foreign policy**, where public attention is often limited. For example, support for U.S. military intervention is typically constrained by factors such as **geography** (which regions or countries), **duration** (preferring short commitments), and **acceptable casualties**. Similar boundaries exist in domestic policy—for instance, most Americans support the **death penalty** for murder, but public opinion restricts its use for other crimes.



Figure 6.33: Franklin Delano Roosevelt, "A government an be no better than the public opinion which sustains it." (Image Credit: FDR Presidential Library & Museum, CC BY 2.0)

Although the ideal of "**government by the people**" is central to American democracy, many citizens are **uninformed** or **disengaged** on key issues. Worse yet, the majority can sometimes hold mistaken views, which public officials may still follow. For example, until the 1960s, few Southern members of Congress challenged **racial segregation**, despite its moral failings. In these cases, the **Supreme Court** has served as an important check by ruling on constitutional grounds, often going **against majority public opinion**. Over the past six decades, landmark decisions on **civil rights**, **prayer in public schools**, **rights of criminal defendants**, and **flag burning** illustrate this tension.

When the public lacks detailed knowledge or interest, **narrowly focused, well-funded interest groups** gain disproportionate influence. As some of the Constitution's framers feared, public **apathy** can create openings for **elite manipulation**, often through emotional appeals to existing prejudices. Others suggest that apathy may reflect **satisfaction with the status quo**, while a sudden surge in political engagement might indicate social unrest.

The best remedy for this democratic dilemma is **better civic education**—encouraging citizens to become informed, engaged, and responsible participants in democracy. A thriving democracy should welcome a politically active public, confident that an informed electorate strengthens rather than threatens governance.

Glossary

Cross-Pressures: When young adults experience political values and beliefs that differ from those of their parents and they are undecided about the direction they want to take.

Depression Era: The United States in the 1930s, following the stock market crash of 1929 when unemployment rose and economic production fell.

Franking Privilege: The ability of members of Congress to send certain mailings to their constituents without paying postage.

Fundamentalists: Those who stress a strict and literal interpretation of the Bible as fundamental to Christian life.

Gender Gap: Differences of opinion between women and men on political, economic, and social issues.

Liberalizing: Acquiring information that causes people to become more tolerant of personal differences and more accepting of different political points of view.

Mainline Denominations: Traditional Protestant groups, such as Presbyterians and Lutherans, whose religious views are considered moderate.

Multistage Cluster Samples: In a national sample (poll), the country is divided into regions and people in counties and cities within the regions are selected at random to be interviewed.

Political Socialization: Process by which children acquire political beliefs and values from their parents, teachers, and the media. Adults are socialized by their peers, the media, and public officials.

Poll: Process of questioning persons selected at random to get their opinions on issues or candidates.

Public Opinion: The collected attitudes of a group of people concerning issues or candidates.

Random Sample: When everyone in a given population has an equal chance of being questioned in a poll.

Region: The United States is divided into four geographical areas that have certain common characteristics. The regions are South, Northeast, Midwest, and West.

Religiosity: How religious someone is. Does not depend on type of religion but on intensity of belief. The more religious tend to be more conservative.

Sample: The group of people selected to be interviewed in a poll.

Wording of Questions: Questions in polls need to be direct and unambiguous.

Selected Internet Sites

All major polling organizations have websites. Here are a few sites:

www.gallup.com, www.cbsnews.com. (CBS Television News and the *New York Times*).

www. washingpost.com. (ABC Television News and the *Washington Post*).

www.pollingreport.com. This is a service of *The Polling Report*, which reports on opinions about politics, the economy, and popular culture.

www.ropercenter.uconn.edu. This is the site for the Roper Poll, as well as for archival data from many polls, including the Gallup Poll.

www.publicagenda.com. This site has polling data, plus information about how to analyze poll results critically.

www.fivethirtyeight.com. This site is the home of Nate Silver, the well regarded statistician who polls about politics.

www.pollingreport.com. This site is a non-partisan aggregation of polling data on a variety of issues.

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Chapter 7: Influence and Inequality- The Politics of Interest Groups

Interest Groups

People who share similar public policy goals often work together by forming or joining **interest groups**: organized associations that pool resources to **influence government** decisions at the local, state, or national level. Interest groups come in many forms, but all seek to **shape public policy** in ways that benefit their members or causes.



Figure 7.1: French political thinker **Alexis de Tocqueville** (1805-1859) famously called America a "nation of joiners." (Image Credit: Théodore Chassériau (1819–1856), Public Domain)

The United States has a long tradition of civic engagement and group activity. In the 1830s, French political thinker **Alexis de Tocqueville** famously called America a **"nation of joiners,"** noting how Americans regularly formed associations to pursue shared goals. That observation still holds true today.

Interest groups have become a central part of American politics. They play a critical, though often behind-the-scenes, role in nearly every stage of the policymaking process. While the Framers of the Constitution, especially **James Madison**, were wary of what they called **"factions"** (see *Federalist No. 10*), they nonetheless protected the right of citizens to organize. The **First Amendment** guarantees the right "to assemble, and to petition the Government for a redress of grievances."



Figure 7.2: Organized groups amplify individual voices into collective power, competing within the political arena to shape public policy and ensure their interests are heard. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

As noted above, Americans have long been known as a **"nation of joiners,"** and the steady growth of interest groups continues to support that reputation. Each year, over **3,000 interest groups** are active at the **state and national** levels, with countless smaller, and often short-lived, groups forming at the **local** level. Most Americans belong to multiple organizations, many of which function at least in part as **interest groups** within the political system. Compared to citizens in most other countries, Americans are far more likely to engage politically through **interest groups**, while citizens elsewhere are more likely to participate through **political parties**.

What distinguishes an interest group is its aim to **influence public policy**. These organizations pool **resources**, **expertise**, and **organizational power** to shape the **laws, rules, and regulations** that govern society at the **local, state, or national** level. Groups of people who share concerns but have not yet mobilized to influence policy are sometimes referred to as **potential interest groups**, because they could choose to act collectively at any time.

Interest groups exist across many sectors of American life. For example, **veterans', service, ethnic, and religious organizations** often advocate for public policies aligned with their missions. Even **college students** are, by definition, affiliated with institutions that engage in political advocacy, especially around **federal financial aid** and **state funding** for public education. These issues affect students directly through policies governing **loans, grants, and tuition support**.

In short, a glance at the typical American's wallet or inbox might reveal membership cards, subscriptions, or affiliations with organizations that, knowingly or not, pursue **public policy goals** on their behalf.

Types of Interest Groups

Interest groups in the United States come in many forms, but they are generally classified based on the **constituencies they represent** and the issues they seek to influence. While this categorization provides a useful framework, it is important to note that many groups do not fit neatly into one category and may employ overlapping strategies or pursue multiple goals.

Economic Interest Groups

Economic interest groups are the most numerous and best-funded in American politics. Their primary goal is to promote the financial well-being and policy priorities of their members.



Figure 7.3: The U.S. Chamber of Commerce (founded in 1912) is an **umbrella organization** coordinating large-scale lobbying efforts on behalf of their members. (Image Credit: U.S. Chamber of Commerce, fair use)

Business groups, in particular, dominate the lobbying landscape. More than half of all registered lobbyists in Washington represent business interests, ranging from small firms to multinational corporations. Some groups represent individual companies, while others organize as **trade associations**, such as the Pharmaceutical Research and Manufacturers of America (PhRMA) or the American Petroleum Institute (API). Two of the most influential **umbrella organizations**, or **peak associations**, are the National Association of Manufacturers (founded in 1893) and the U.S. Chamber of Commerce (founded in 1912). These associations coordinate large-scale lobbying efforts on behalf of their industries.

Agricultural interest groups, like the American Farm Bureau Federation, advocate for policies that support farmers and agribusiness, including subsidies and trade protections.

Labor unions, though diminished in size since their mid-20th-century peak, continue to represent workers' interests in areas like wages, benefits, and workplace safety. **Public sector unions**, such as the American Federation of State, County and Municipal Employees (AFSCME), remain especially active. The **AFL-CIO**, formed by a merger of craft and industrial unions in 1955, remains a key coordinator of union advocacy. Although their **influence has waned** relative to business interests, labor unions are still significant players in policy debates.**Professional associations** represent the interests of workers in specialized fields such as education, law, medicine, and public safety. Groups like the American Medical Association (AMA) and the National Education Association (NEA) seek to influence **licensing standards**, **compensation policies**, and **professional regulations** that affect their members.

Public Interest Groups

Public interest groups advocate for causes that they claim **benefit society as a whole**, rather than the narrow interests of a specific constituency. These groups often emphasize **ethics**, **transparency**, and **accountability** in government and business.



Figure 7.4: Consumer advocate **Ralph Nader** helped launch several Public Interest Research Groups (PIRGs), which investigated corporate and government misconduct. (Image Credit: Slowking4, via Wikimedia Commons, CC BY-NC 3.0)

One of the earliest and most well-known public interest groups is **Common Cause**, founded in 1970 by John Gardner. Common Cause focuses on **political reform**, including issues like **campaign finance transparency** and **voting rights**. Around the same time, consumer advocate **Ralph Nader** helped launch several **Public Interest Research Groups (PIRGs)**, which investigated corporate and government misconduct. His flagship organization, **Public Citizen**, continues to promote **consumer protections**, **environmental responsibility**, and **ethical governance**.

Although public interest groups typically have fewer financial resources than business lobbies, they have achieved major policy victories by leveraging **litigation**, **grassroots activism**, and **public awareness campaigns**.

Ideological and Issue-Oriented Groups

Ideological and single-issue groups focus on advancing a specific worldview or advocating for a particular cause. These groups often seek to shape **legislation**, **public opinion**, and **judicial outcomes**.

Historical examples include the **abolitionist** and **temperance** movements, which sought to end slavery and prohibit alcohol, respectively. Today, the ideological spectrum includes groups focused on **reproductive rights**, **gun policy**, **environmental regulation**, **immigration**, and **civil liberties**. Some organizations pursue a single issue, such as the National Rifle Association (NRA) or the League of Conservation Voters. Others promote a broader ideological agenda. On the **right**, groups such as the Christian Coalition, Focus on the Family, and the American Conservative Union advocate for conservative social and economic policies. On the **left**, the American Civil Liberties Union (ACLU), People for the American Way, and Americans for Democratic Action promote progressive priorities.

Many of these groups publish **scorecards** rating elected officials based on their voting records, using these tools to inform members and influence election outcomes.

Identity-Based and Civil Rights Groups

Identity-based and civil rights groups advocate for the rights and interests of specific populations based on **race**, **ethnicity**, **gender**, or **sexual orientation**. Their goal is often to secure **legal protections**, **social equity**, and **political representation** for historically marginalized groups.



Figure 7.5: The NAACP (National Association for the Advancement of Colored People) uses a mix of lobbying, litigation, education, and public campaigns to influence policy and promote social change. (Image Credit: NAACP, Fayetville Branch, Fair Use)

Examples include the NAACP (National Association for the Advancement of Colored People), which focuses on civil rights for **African Americans**; NOW (National Organization for Women), which advocates for **gender equality**; LULAC (League of United Latin American Citizens), which supports **Latino civil rights**; and the Human Rights Campaign, which works on behalf of **LGBTQ+** communities.

These organizations use a mix of **lobbying**, **litigation**, **education**, and **public campaigns** to influence policy and promote social change.

Governmental Interest Groups

Government entities themselves sometimes act as interest groups. **State and local governments** often lobby the federal government for funding, regulatory waivers, or favorable policy treatment. Organizations like the **National Governors Association** and the **U.S. Conference of Mayors** help coordinate these efforts.

Federal agencies may also advocate for their institutional interests, often through designated **congressional liaison offices**. For example, a federal agency might lobby Congress to maintain or expand its **budget** or **regulatory authority**.

Foreign governments and **international entities** also engage in lobbying. They may seek **trade agreements**, **environmental cooperation**, or access to **U.S. markets and technologies**. For instance, in the late 1970s, British and French officials lobbied the U.S. government for landing rights for the **Concorde** supersonic airliner—a campaign that balanced commercial interests with environmental concerns.

Although this classification system helps organize the complex world of interest groups, many groups defy simple categorization. Some are **temporary** and **narrowly focused**; others are **permanent** and **deeply embedded** in the policymaking process. Regardless of type, all interest groups share a common goal: to **influence the decisions of government**—whether by shaping **public opinion**, **lobbying elected officials**, **making campaign contributions**, **filing lawsuits**, or **mobilizing voters**.

Open to Debate:
Are Interest Groups Helpful or Harmful?

*Do **interest groups** enhance or undermine American **democracy**? On one hand, interest groups allow citizens to **organize**, **express their views**, and **influence public policy**—an essential part of democratic participation. Groups representing causes such as **environmental protection**, **workers' rights**, or **civil liberties** often serve as **watchdog**s, holding government and corporations accountable.*

*On the other hand, critics argue that interest groups, especially those with substantial **financial resources**, can*

distort *the policy process in favor of* ***narrow*** *or* ***elite interests****. Some groups have far greater* ***access*** *to lawmakers than others, raising questions about* ***equity*** *and* ***representation****.*

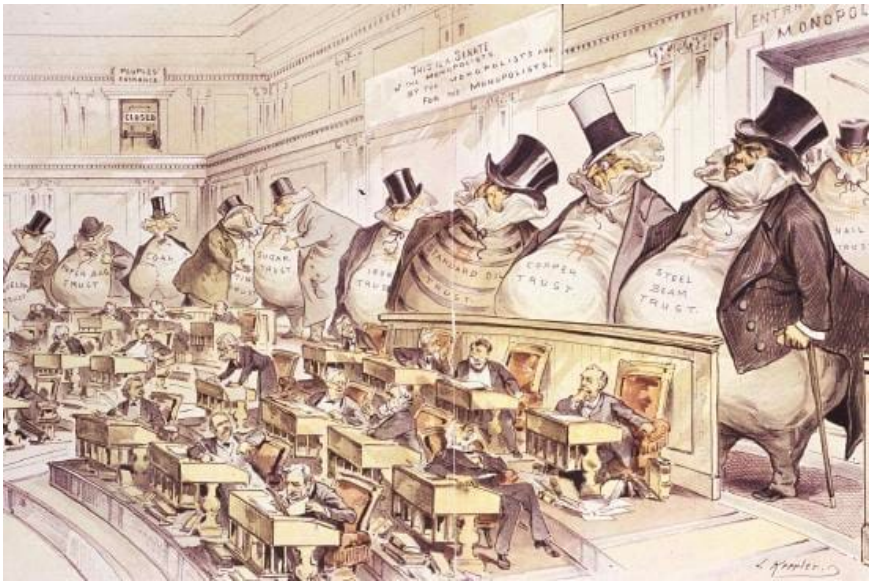


Figure 7.6: This cartoon depicts **corporate interests**–from steel, copper, oil, iron, sugar, tin, and coal to paper bags, envelopes, and salt–as giant money bags looming over the tiny senators at their desks in the Chamber. The door to the gallery, the "people's entrance," is bolted and barred. The galleries stand empty while the special interests have floor privileges, operating below the motto: "This is the Senate of the Monopolists by the Monopolists and for the Monopolists!". (Image Credit: Joseph Keppler, via Wikimedia Commons, Public Domain)

The ***Founders****, particularly* ***James Madison****, were wary of such* ***factions****, fearing that they could dominate the political system. Yet they also recognized that the right to* ***organize*** *and* ***petition government*** *was fundamental to* ***liberty****.*

So, are interest groups a vital expression of democratic ***pluralism****, or do they contribute to* ***unequal influence*** *and* ***policy gridlock****? Should the system place more* ***limits*** *on their power, or would that threaten* ***free expression****?*

The answer, as always, remains ***open to debate****.*

Interest Group Membership

Why do people join interest groups, and why do many remain members for years or even a lifetime? In the United States, citizens participate in a broad array of organizations spanning political, social, and professional spheres. However, the reasons for membership are often complex and varied, and not everyone joins primarily to influence public policy

Multiple Motivations for Joining

People join interest groups for a variety of reasons:

- Some are driven by **ideological or purposive incentives**, joining because they believe in the group's goals or want to support a cause they care about deeply.
- Others are attracted by **material incentives**, tangible benefits such as insurance discounts, professional training, or member-only services.
- Many join for **solidary incentives**, valuing the social connections, friendships, and sense of community that group membership provides.

For some, the goal of **influencing policy** may be **secondary** or even an unintended consequence of membership. For example, a person might join a veterans' organization primarily for camaraderie but also benefit from the group's advocacy for veterans' benefits.

Economic Interests and Professional Associations

Interest groups linked to **business**, **trade**, and **labor** often attract members focused on preserving or advancing their economic well-being. Similarly, **professional associations** provide career-related benefits, including networking, licensing support, and policy advocacy related to the profession.

Latent Membership and the Free Rider Problem

Not everyone who benefits from an interest group's work is a member. This phenomenon, known as **latent membership**, raises a challenge called the **free rider problem**: individuals can enjoy public goods—such as cleaner air, better workplace safety, or civil rights protections—without contributing time or money to the group advocating for them. As noted earlier in the chapter, this dynamic is central to understanding why some groups mobilize effectively while others struggle.

Political economist **Mancur Olson** explained that it is often **not rational** (in a purely economic sense) for individuals to actively participate if they can receive benefits without joining. To overcome this, interest groups provide **selective incentives**—material, solidary, or purposive rewards—to encourage membership and active engagement.

The Logic of Collective Action: Why Some Groups Organize More Effectively

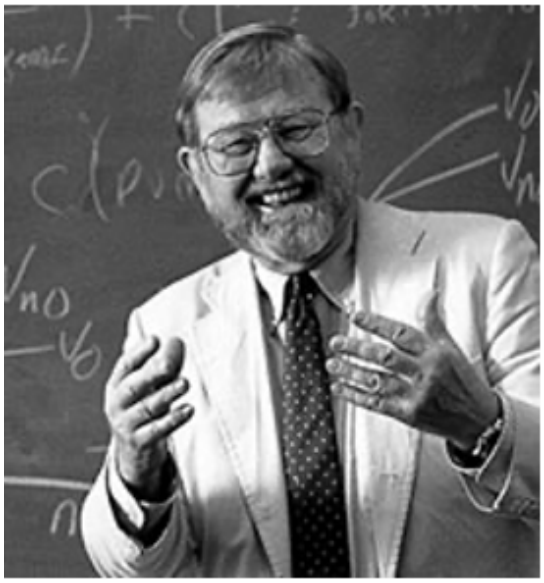


Figure 7.7: Political economist **Mancur Olson**, in his influential book *The Logic of Collective Action*, argued that small, economically concentrated groups often have major advantages over large, diffuse ones when it comes to organizing and influencing policy. (Image Credit: University of Maryland, University Libraries Archival Collection, Mancur Olson Papers, Fair Use)

Political economist **Mancur Olson**, in his influential book ***The Logic of Collective Action***, argued that **small, economically concentrated groups** often have major advantages over large, diffuse ones when it comes to organizing and influencing policy. Members of small groups, such as major oil producers, can more easily recognize their **shared interests**, **communicate** with one another, and apply **peer pressure** to contribute time, money, or effort toward the group's goals. Because each member stands to gain or lose significantly from policy outcomes, they are more likely to participate actively.

In contrast, **large groups**, like general **consumers** or **taxpayers**, tend to be more **difficult to organize**. Because the benefits of collective action are broadly shared, individuals have weaker incentives to participate actively. Consumers upset about rising gas prices, for example, are unlikely to organize with the intensity and cohesion of oil companies that stand to lose billions from regulatory shifts.

This dynamic helps explain why **business interests often dominate the lobbying world** while public interest groups struggle to mobilize resources and support at the same level.

The Role of Leaders and Policy Entrepreneurs

Leadership plays a crucial role in organizing and maintaining interest group membership. Charismatic or dedicated leaders, often called **policy entrepreneurs**, can mobilize latent members and transform loosely connected individuals into a cohesive political force.



Figure 7.8: **Cesar Chavez** played an integral role in the success of the United Farm Workers. (Image Credit: Joel Levine, via Wikimedia Commons, C BY 3.0)

A well-known example is **Cesar Chavez**, who helped organize **migratory farmworkers** into the United Farm Workers, turning a marginalized group into an influential political force. Like many historical figures, Chavez's legacy has been the subject of ongoing debate and reassessment, but his role in mobilizing collective action remains a clear illustration of how leadership can shape political participation.

Complications of Identity and Membership

Membership in some interest groups is shaped by **identity**, such as race, ethnicity, gender, or sexual orientation. However, affiliation is not always voluntary or uniform. Some individuals may reject the efforts or representation of groups associated with their identity, an effect sometimes called **latent membership** in identity groups. Despite this, benefits won by such groups often extend to non-members as well, further complicating the incentives to formally join.

Membership Activity and Influence

Within most groups, only a **small core of active members** participates regularly in lobbying, organizing, or fundraising. The majority of members may support the group financially or symbolically, with varying degrees of involvement.

The strength and influence of an interest group often depend on its ability to **mobilize members** for collective actions such as contacting lawmakers, participating in demonstrations, or voting according to group endorsements.

Understanding these diverse membership motivations and challenges is essential to grasping how interest groups maintain their vitality and influence within American politics.

Changing Membership Trends

Interest group membership in the United States has evolved significantly, shaped by social, economic, and political forces.



Figure 7.9: As union membership decreases, middle class income shrinks. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0, based on data from the California Federation of Labor Unions)

· **Decline in Labor Union Membership:** Labor unions peaked in the mid-20th century, when roughly 40% of American workers were union members. Today, union membership has fallen below 12%, with most members now in the public sector. Economic shifts, government policies, and corporate resistance contributed to this decline.

· **Growth of Public Interest and Ideological Groups:** Since the 1960s and 1970s, groups focused on civil rights, environmental protection, consumer advocacy, and government reform have grown. These groups often rely on activism and grassroots organizing rather than formal dues.

· **Professional and Business Associations: Professional groups**—such as those for doctors, lawyers, and educators—have maintained or grown membership by offering **career services and advocacy**. **Business** associations remain powerful due to their **financial resources**, even though individual membership levels vary.

· **Changing Patterns of Participation:** Digital communication and social media have transformed how groups recruit and mobilize members. While online activism or "**clicktivism**" allows easy participation, it may reduce sustained engagement. Some groups counter this by fostering personalized community connections.

· **Representation and Diversity Membership Motivations:** Increasingly, interest groups represent identity-based constituencies including racial and ethnic minorities, women, LGBTQ+ individuals, and younger generations. These groups often **combine cultural identity with political advocacy**.

In sum, membership in interest groups is dynamic and evolving. While some traditional groups have declined, others have adapted or emerged to keep interest representation a vibrant feature of American politics.

Interest Group Tactics and Strategies

Interest groups pursue influence through a wide range of **tactics**, adapting their strategies to the political context, their available resources, and the responsiveness of policymakers. These tactics fall along a spectrum from **direct engagement** with government officials to **mass mobilization** of the public. A critical common denominator across many of these strategies is **money**—often vast sums of it—which funds **lobbying** efforts, **campaign contributions**, **media outreach**, and **legal actions**.

Lobbying and Inside Strategies

Lobbying remains the most direct and traditional method interest groups use to influence policy. **Lobbyists** work to **persuade** lawmakers, executive officials, and bureaucrats to support policies favorable to their group's interests. These efforts involve a mix of personal meetings, providing **technical information**, **drafting legislative language**, and **offering testimony** at hearings.



Figure 7.10: **Lobbying** remains the most direct and traditional method interest groups use to influence policy. Lobbyists work to persuade lawmakers, executive officials, and bureaucrats to support policies favorable to their group's interests. (Image Credit: National Portrait Gallery, Public Domain)

Lobbying operates at all levels of government and can be carried out by **professional lobbyists**, **hired consultants** from lobbying firms, or **volunteer activists**. Groups with substantial resources often maintain offices in **Washington, D.C.**, staffed by experienced advocates who develop long-term relationships with key legislators, particularly those serving on relevant committees. These **inside strategies** depend heavily on **access**, **expertise**, and **trust**, and they are often backed by large financial investments.

Much of this activity is concentrated in Washington's **K Street Corridor**, where many of the nation's most powerful **lobbying firms** are headquartered. These firms range in size from boutique operations to massive **megafirms** offering full-service lobbying, public relations, policy research, and legal strategy. Larger firms typically employ specialists with close ties to both **Democratic and Republican** policymakers. During the **1993–94 health care reform debate** under the Clinton administration, a coalition of interest groups—including pharmaceutical companies, insurance providers, and medical associations—hired K Street firms to lobby aggressively against the plan. Their efforts, underpinned by tens of millions of dollars, were instrumental in blocking the proposed reforms before they could clear a single congressional committee. This episode remains a classic example of the formidable power of coordinated lobbying and well-funded opposition.

Grassroots and Outside Strategies

When direct access is limited or insufficient, interest groups often turn to **grassroots mobilization**, or **outside strategies**, to generate public pressure. Grassroots lobbying encourages citizens, especially constituents, to contact their representatives about specific policy issues. This can take the form of coordinated **letter-writing**, **phone campaigns**, **rallies**, **petitions**, and, in today's digital age, **social media engagement**.

A more manufactured version of this is **Astroturf lobbying**, where interest groups simulate grassroots engagement using pre-written scripts or automated systems to connect constituents directly to lawmakers.



Figure 7.11: The **1963 March on Washington** drew national attention to the issue of civil rights. (Image Source: Library of Congress, Public Domain)

Demonstrations, **advertising** campaigns, and high-profile **media events** also fall into the category of **outside strategies**, especially when groups aim to draw national attention to their cause. Examples include the **civil rights marches** of the 1960s, the **Tea Party protests** of the 2010s, and recent **climate action demonstrations**.

Litigation

Some interest groups pursue their goals through **litigation**. When legislative or executive routes are blocked, interest groups may turn to the courts to achieve policy objectives. This can involve filing **lawsuits**, challenging the **constitutionality** of laws, or submitting **amicus curiae** briefs in support of a particular legal position. Organizations like the **ACLU**, **NAACP**, and **Sierra Club** have long used litigation as a powerful tool to defend or expand rights and regulations, especially when they lack legislative allies.

Electioneering and Campaign Contributions

Interest groups also shape the **electoral environment** through **electioneering**. This includes **endorsing candidates**, **mobilizing voters**, and, critically, making **campaign contributions**. **Political Action Committees (PACs)** are vehicles that allow interest groups to **collect and distribute funds** to candidates who support their goals. Though PACs are legally limited in how much they can contribute directly to campaigns, they remain influential, especially when paired with **legislator scorecards** and **public endorsements** that signal a candidate's alignment with a group's goals. Candidates often tout endorsements and contributions from high-profile PACs, such as those affiliated with the National Association of Realtors or the U.S. Chamber of Commerce.



Figure 7.12: The flow of "**dark money**" in modern campaigns often moves from private donations through intermediary organizations—such as LLCs and Super PACs—before funding political advertisements, making the original sources of funding difficult for voters to trace. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

However, since the Supreme Court's 2010 **Citizens United v. FEC** decision, the landscape has shifted dramatically with the rise of **Super PACs** and other **"dark money"** organizations. These groups can spend **unlimited funds** to support or oppose candidates, as long as they do not coordinate directly with a campaign. They often operate with opaque financial structures, making it difficult to trace the source of their funding. These organizations sponsor **television ads**, **social media** campaigns, and other forms of outreach, often using **sensational** or **misleading** claims to sway public opinion. In many cases, Super PACs and dark money groups **outspend the candidates themselves**, shaping the electoral environment with **little transparency or accountability**.

Media and Public Relations Campaigns

Beyond elections, interest groups invest heavily in **media and public relations campaigns** to shape public opinion and build momentum around their issues. This can include television and radio advertising, social media outreach, press conferences, and strategically timed reports. These efforts aim to influence both the public and policymakers by **framing issues** in ways favorable to the interest group. The goal is often to change the political calculus by demonstrating broad support, or intense opposition, to a policy proposal.

Coalition Building and Peak Associations

Interest groups also engage in **coalition building** to amplify their influence. By partnering with organizations that share similar goals, they can pool resources, coordinate messages, and expand their political reach. These coalitions may be temporary, issue-specific alliances or long-term partnerships within **peak associations**, large umbrella organizations like the **AFL-CIO** or the **Business Roundtable** that represent entire sectors of interest groups.

Research and Policy Expertise

Finally, interest groups invest in **research and policy analysis** to lend credibility to their positions. By producing **white papers**, **economic forecasts**, or **impact studies**, groups provide legislators and the public with **data-driven arguments** that support their policy objectives. This expertise can be especially persuasive when lawmakers lack the time or resources to investigate complex issues on their own.

Strategic Integration of Tactics

In practice, successful interest groups rarely rely on a single tactic. Instead, they deploy a combination of strategies: **lobbying from the inside**, **mobilizing from the outside**, **funding campaigns**, **litigating in courts**, and **shaping public discourse**.

Money is the fuel that powers many of these strategies, and the growing influence of financial resources—particularly **unregulated contributions**—has raised concerns about the balance of power in the American political system. As long as interest groups remain integral to policymaking, the debate over their tactics and influence will continue.

Interest Groups and the Branches of Government

The Courts: Legal Advocacy and Strategic Litigation

While interest groups cannot lobby judges directly, the judiciary remains a powerful venue for policy change, particularly when legislative or executive avenues are blocked. Groups frequently:

· **File lawsuits** to challenge or uphold specific policies,

· **Support individual litigants** whose cases align with group goals,

· **Submit amicus curiae briefs** to shape judicial reasoning in cases where they are not direct parties.



Figure 7.13: Organizations like the **ACLU** operate legal branches or "defense funds" that specialize in **strategic litigation**. (Image Credit: Steven Pisano, 2016 NYC Pride Parade, Via Wikimedia Commons, CC BY 2.0)

Notably, organizations like the **ACLU**, **NAACP Legal Defense Fund**, and **Alliance Defending Freedom** operate legal branches or "defense funds" that specialize in strategic litigation. Landmark decisions like *Brown v. Board of Education* (1954) and *Roe v. Wade* (1973) exemplify how legal victories can shift public policy even when legislation is stalled.

Interest groups also work to **shape the composition of the judiciary**. Since the 1970s, many groups have actively supported or opposed judicial nominees, particularly to the Supreme Court, based on perceived ideological leanings. By helping shape who interprets the law, they seek to influence how it will be applied for decades to come.

The Executive: Appointments, Regulation, and Bureaucratic Access

Interest groups often direct their efforts toward the **presidency** and **federal agencies**, where many key policy decisions are made outside the spotlight of Congress. They may:

· **Lobby for the appointment of agency heads** sympathetic to their interests—or even drawn from their own ranks,

· **Collaborate with regulatory agencies**, especially in areas like environmental policy, labor standards, and public health,

· **Provide technical expertise and draft regulatory language** to help shape rulemaking processes.

Presidential appointments provide a crucial opportunity for interest groups to embed their perspectives within the executive branch. A former lobbyist for a defense contractor, for example, may be appointed to a senior role in the Department of Defense, streamlining access and reinforcing the group's policy preferences. These **revolving-door** relationships demonstrate the deep and often ongoing connections between government officials and organized interests.

Congress and Iron Triangles

Interest groups exert powerful influence through their interactions with **Congress**, which holds the authority to write **laws**, authorize **programs**, and allocate **funding**. Interest groups focus on members of key **committees** overseeing relevant legislation, using **lobbying**, **testimony**, **data provision**, and **constituent mobilization** to shape policy.

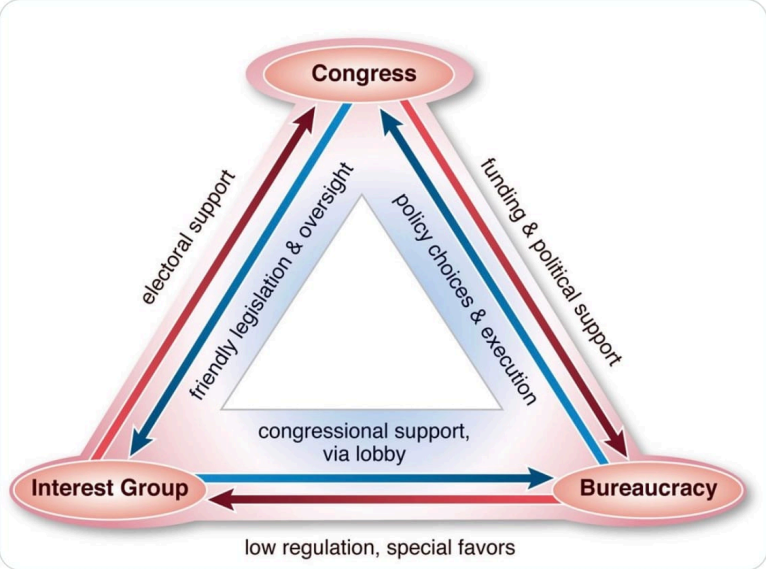


Figure 7.14: An **"iron triangle"** comprises the policy-making relationship among the congressional committees, the bureaucracy, and interest groups. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

These interactions often form stable, mutually beneficial alliances known as **iron triangles**, also called **subgovernments**, a concept traced back to Washington policymaking as early as the 1920s. An iron triangle consists of three components: **interest groups**, **congressional committees or subcommittees** (one from the House and one from the Senate), and **executive branch agencies** responsible for implementing policy.

Originally observed in **agricultural policy** areas, iron triangles have expanded across many federal policymaking domains. These triangles share three defining characteristics:

1. They focus on **narrow policy areas**, such as price supports for a specific agricultural product.

2. They operate with a degree of **semi-secrecy**, often conducting business away from the public eye.

3. They thrive when all three sides receive **mutual benefits** that incentivize maintaining the relationship.

Each leg of the triangle gains distinct advantages:

· **Interest groups** secure favorable **legislation** and supportive implementation from government agencies.

· **Congressional committees** receive valuable **electoral support**—including campaign contributions and endorsements—from interest groups, along with efficient **constituent services** provided by federal agencies.

· **Government agencies** gain **budgetary support** and political backing from Congress and interest groups alike.

This **reciprocal relationship** is sometimes described as **clientelism**, when pressure groups actively support a government agency that delivers programs benefiting those groups. Such clientelism leads interest groups to vigorously defend these programs from any threats. For example, veteran organizations like the **American Legion** and **Veterans of Foreign Wars**

have demonstrated formidable power in protecting benefits for veterans, deterring even congressional efforts to reduce these programs.

While iron triangles remain a foundational model for understanding interest group influence, modern policymaking also involves more complex **issue networks**—including **think tanks**, **journalists**, **activists**, and **policy entrepreneurs**—that contribute to shaping public policy.

Issue Networks

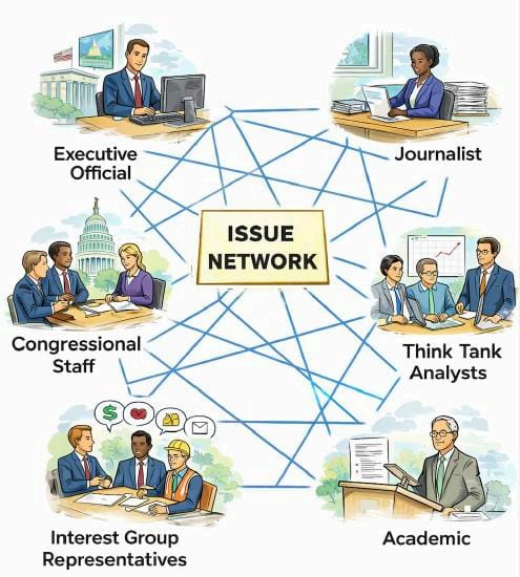


Figure 7.15: In modern policymaking, a broad community of actors—including congressional staff, executive officials, interest group representatives, academics, journalists, and think tank analysts—interact within interconnected policy communities. These **issue networks** exchange information, shape debate, and influence decisions across multiple institutions, illustrating the complex and collaborative nature of contemporary governance. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

While **iron triangles** describe tightly bound alliances between congressional committees, bureaucratic agencies, and interest groups, **issue networks, or policy communities** reflect a more fluid and expansive model of policymaking. These networks bring together a wide range of actors—including **congressional staff**, **executive officials**, **interest group representatives**, **academics**, **think tank analysts**, **journalists**, and **foundation experts**—who share an interest in a particular policy area.

Unlike the often secretive and stable relationships within iron triangles, **issue networks** are **larger**, more **inclusive**, and **less hierarchical**. Participants in these networks may not always agree, and their alliances can shift depending on the issue at hand. These networks are especially active in complex or rapidly evolving policy areas such as **climate change**, **cybersecurity**, **public health**, and **education reform**.

Professionals often build careers within these policy communities, developing both **subject-matter expertise** and deep **interpersonal networks**. A single individual might begin as a congressional staffer, transition to a position with an advocacy group, move into a federal agency, and later join a think tank or become a lobbyist. This circulation of personnel is known as the **revolving door**, and it contributes to the strength and continuity of issue networks. While this mobility facilitates knowledge transfer and policy continuity, it also raises concerns about **conflicts of interest** and **undue influence**.



Figure 7.16: The **U.S. Office of Government Ethics** (OGE) is an independent agency within the executive branch that establishes policies to prevent and resolve conflicts of interest among federal employees. It sets ethical standards, manages financial disclosure systems, provides training, and oversees ethics programs in over 130 agencies. (Image Credit: United States Government, Public Domain)

The **Ethics in Government Act** imposes limitations on this practice, restricting former legislators from lobbying their former colleagues for one year and barring former executive branch employees from contacting their agencies for two years. However, many find legal workarounds that allow them to stay influential without direct contact.

The concept of **policy networks**, often used interchangeably with **issue networks**, underscores the **interconnected**, **informal**, and **knowledge-based** nature of modern policymaking. In contrast to the predictability of iron triangles, issue networks reflect the **diverse**, **dynamic**, and often **contentious** reality of contemporary governance.

Pluralism vs. Elitism: Competing Views of Interest Group Power

The presence of thousands of interest groups actively lobbying American government raises a fundamental question about democratic representation: Does the system ensure that all voices are heard, or only the loudest and best-funded?

Pluralist theory presents an optimistic view. According to pluralists, a diverse array of **competing interest groups** allows for broad representation of the American public. In this model, no single group dominates; rather, **power is dispersed** among many competing interests that **check and balance** one another. Political scientist **Robert Dahl** famously argued that in a pluralist democracy, policymaking emerges from the competition among groups, each representing different segments of society. **Public officials act as brokers of compromise** rather than partisans of any single group.

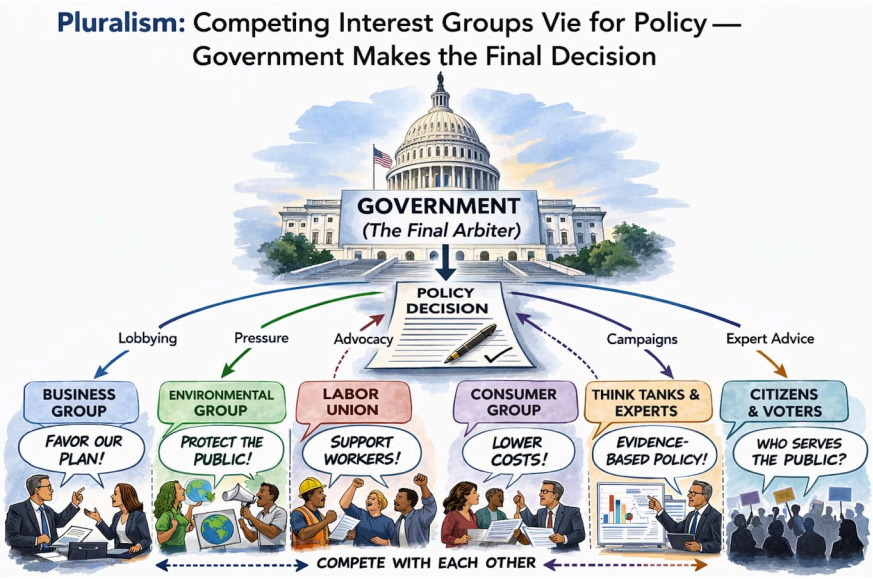


Figure 7.17: In a **pluralist system**, multiple **interest groups compete to shape public policy**. Government serves as the final arbiter, weighing competing demands, debating proposals, and ultimately enacting policy decisions through the formal legislative process. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Pluralism also draws strength from **overlapping group memberships**. Because many Americans belong to multiple organizations—such as unions, professional associations, or religious groups—their loyalties are spread out, encouraging broader representation and compromise. Pluralists argue that **intense competition** among rival groups forces policymakers to consider a wide range of views and ensures that public opinion is reflected somewhere in the system.

Additionally, pluralism holds that interest groups must be strategic about **venue shopping**, targeting the specific branch or level of government where they are most likely to succeed. For example, some groups pursue victories in **state legislatures** while others look to **federal courts**, especially when national political coalitions oppose their goals.

In sum, pluralists encourage citizens to **organize** and **participate**, arguing that the organized will always have more influence than the unorganized. The frequent need for coalition-building among groups often leads to **incrementalism**—slow, negotiated changes to existing policies that reflect **compromise rather than sweeping reform**.



Figure 7.18: This illustration symbolizes the **elitist critique** of American politics, suggesting that corporate wealth and financial resources can outweigh the voices of **ordinary citizens**. The tipped scale reflects concerns that access, money, and institutional advantages give corporations disproportionate influence in shaping public policy. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Elitist theory, by contrast, is far more skeptical. Elitists argue that a relatively **small number of powerful interest groups**—especially those backed by corporate or wealthy donors—wield disproportionate influence over government. This school of thought suggests that political power is concentrated in the hands of **business leaders**, **top government officials**, and **institutional elites** who operate largely behind the scenes, insulated from public accountability.

Critics point to the enormous **financial resources** of business groups, the **revolving door** between government service and lobbying firms, and the ability of **Super PACs** and **dark money** organizations to **shape elections** as evidence that political influence is not distributed evenly. While pluralists emphasize participation and competition, elitists focus on **structural advantages**: **wealth**, **access**, and **insider knowledge**.

The **Logic of Collective Action**, developed by economist **Mancur Olson** and discussed earlier in this chapter, lends support to elitist critiques by showing how **smaller**, **resource-rich** groups often **mobilize more effectively** than large, diffuse ones. For example, it is easier for a few major oil companies to coordinate their lobbying efforts than for millions of consumers to organize in response. Producers of goods and services often work to **maximize benefits** for themselves in narrow policy areas while avoiding conflicts with other powerful groups. This tendency toward **"live and let live"** politics allows elites to preserve the status quo without explicit collusion.

Elitist theorists also argue that **multinational corporations** have increased their **power over national governments**, using their global reach to escape regulation or taxation by playing countries against one another.

Unchecked, this behavior can lead to **policy gridlock**, where government actions serve only the specialized interests of uncompromising groups rather than the public good. **Theodore Lowi** and others have warned that such group dominance undermines comprehensive policymaking and leads to outcomes that favor narrow interests over the needs of society as a whole.



Figure 7.19: Political scientist **E. E. Schattschneider**, who famously observed that "the flaw in the pluralist heaven is that the heavenly chorus sings with a strong upper-class accent." (Image Credit: Public Domain)

Perhaps the elitist view is best summarized by political scientist **E. E. Schattschneider**, who famously observed that **"the flaw in the pluralist heaven is that the heavenly chorus sings with a strong upper-class accent."**

Today, many political scientists view American interest group politics as a **blend of both theories**. While **pluralism** may characterize some aspects of advocacy, particularly among public interest or grassroots groups, **elitist** dynamics remain evident in high-stakes policy areas dominated by money and insider access.

Open to Debate:
A Biased System or a Balanced Marketplace?

> *Is the American interest group system a dynamic marketplace of ideas, or is it skewed in favor of those with wealth, access, and organization?* ***Pluralists*** *argue that even small and marginalized groups can find allies and opportunities to shape policy in a system built on competition and compromise.* ***Elitists****, however, contend that the*

system is structurally biased, with a strong "upper-class accent," as E.E. Schattschneider famously put it, favoring corporations, professional associations, and well-funded lobbies over average citizens. ***Does the current interest group landscape promote democratic responsiveness—or entrench inequality?*** *Ultimately, the pluralist versus elitist debate invites students of American government to reflect on deeper questions:* ***Who truly governs? Whose voices are heard?*** *And what reforms, if any, are necessary to create a more equitable system of political influence? The answers to these questions remain* ***open to debate****.*

Summary and Conclusions

Interest groups are a defining feature of American politics. They connect citizens to government, represent a wide array of interests, and play an influential role in shaping **public policy**. Whether they are **business associations**, **labor unions**, **public interest organizations**, **ideological movements**, or **identity-based advocacy groups**, interest groups seek to influence government decisions across all three branches of government and at every level of policymaking.

While critics often decry the influence of "**special interests**," the reality is that nearly every segment of society is represented, some more effectively than others. Groups with greater **financial resources**, **organizational strength**, and **access to policymakers**—especially **corporate and trade associations**—tend to enjoy disproportionate influence. Through **lobbying**, **campaign contributions**, **litigation**, **grassroots mobilization**, **media campaigns**, and **coalition-building,** interest groups have developed sophisticated strategies to promote their policy agendas.

The rise of **iron triangles** and **issue networks** illustrates how deeply embedded interest groups have become in the policymaking process. These relationships can foster cooperation and expertise, but they may also lead to **clientelism**, **policy gridlock**, and a lack of broad accountability.

Moreover, **the role of money** in politics—through **Political Action Committees (PACs)**, **Super PACs**, and **dark money** organizations—has heightened concerns about **equity**, **transparency**, and **democratic responsiveness**. The increasing cost of campaigns gives interest groups more leverage over candidates and elected officials, particularly **incumbents** who rely heavily on outside funding to maintain office. This trend raises important questions about the balance between democratic participation and **elite influence**.

Scholars continue to debate whether the U.S. interest group system is best understood through a **pluralist** lens, characterized by **open competition and compromise**, or an **elitist** perspective that emphasizes **unequal access**, **concentrated power**, and a system that "sings with a strong **upper-class accent**."

Ultimately, interest groups are **both a strength and a challenge** for American democracy. They provide vital **representation**, **policy expertise**, and opportunities for **citizen engagement**. But they can also reinforce **inequality**, entrench **special interests**, and **distort policy** outcomes in favor of the few. As students of American government, it is crucial to understand both the benefits and the limitations of interest group politics, and to consider what reforms, if any, might help ensure a system that serves the broader public good.

Glossary

"Astroturf" Lobbying: The practice of interest groups employing automated computer systems to automatically connect citizens with government officials and give the false impression of a spontaneous and widespread "grassroots" public outcry about an issue.

Coalition Lobbying: Two or more interest groups pool their financial and contact resources to work together to attain a specific public policy goal.

Clientelism: When leaders of a government agency attract and retain the political support of one or more interest groups.

Free Rider Problem: When benefits won by one or more interest groups are awarded equally to non-group members.

Grassroots Lobbying: A strategy in which interest groups mobilize constituents to contact public officials directly in support of—or opposition to—specific policies. Because messages from **ordinary citizens** are often viewed as more authentic and politically consequential than communications from professional lobbyists, widespread constituent engagement can exert significant pressure on elected officials and influence policy outcomes.

Hired Guns: Public relations and/or law firms in Washington, D.C. hired by wealthy clients to help win passage or defeat legislation before Congress. These firms particularly specialize in making narrowly focused changes to the federal income tax code.

Incrementalism: The tendency of the American political system, particularly Congress, to make small changes to public policies and programs.

Latent Membership: People who benefit from interest group activities without being a member.

Logic of Collective Action: Argument put forward by Mancur Olson that small, economically concentrated groups often have major advantages over large, diffuse ones when it comes to organizing and influencing policy.

Peak Associations: The practice of major interest groups to band together to attain maximum power in the political system.

Policy Entrepreneurs: Interest group leaders promoting a policy issue or favored outcome to attract the support of the public and policy makers.

Policy Gridlock: A condition in which competing interest groups exert sufficient pressure to block one another's policy goals, resulting in governmental inaction. While individual groups may successfully protect their own preferred benefits, the cumulative effect can impede broader policymaking and produce outcomes that fail to address the needs of the larger public.

Policy Networks: Broad, issue-specific webs of interaction that form around major policy areas—such as education, health care, or environmental regulation—involving numerous interest groups, relevant federal agencies, congressional committees and subcommittees, policy experts, think-tank analysts, and media specialists. These networks facilitate ongoing information exchange, negotiation, and influence among actors who collectively shape the policymaking process.

Political Action Committees ("PACs"): Committees which collect and spend money to attempt to influence the outcome of political campaigns. Most interest groups will have a political action committee.

Potential Interest Group: A potential interest group is a group of people who share certain concerns or interests but who do not (yet) wish to try to influence public policy

Public Interest Resource Groups ("PIRGs"): Groups that attempt to "represent the unrepresented," such as consumers, when their interests conflict with highly organized and well financed groups, such as those representing producers.

Selected Internet Sites

Note: Virtually every interest group active in the American political system has one or more website. The quickest way to learn of it is to type the group's name as one word, followed by .org.

http://www.pirg.org/. This is the site of the Public Interest Research Group (PIRG) which has chapters on many college campuses across the nation.

www.alldc.org. This is the web site of the American League of Lobbyists, a group seeking to improve the ethical conduct of lobbyists.

http://www.aarp.org. This is the web site of the American Association of Retired Persons, a group many observers consider to be the most powerful interest group in the United States.

http://www.nam.org. This is the web site of the National Association of Manufacturers.

http://www.uschamber.org. This is the web site of the United States Chamber of Commerce, one of the nation's most influential business lobbying groups.

http://www.naacp.org. This is the web site of the National Association of the Advancement of Colored People, the nation's major civil rights activist group in the twentieth century.

http://www.now.org. This is the web site of the National Organization for Women, the nation's most influential interest group lobbying on winning equal rights for women.

http://www.ama-assn.org. This is the web site of the American Medical Association.

http://www.aflcio.org. This is the web site of the AFL-CIO, the nation's largest labor union.

http://www.fb.org. This is the web site of the Farm Bureau, the nation's most powerful agribusiness interest group.

http://commoncause.org. This organization fights for honest and accountable government, by pushing for campaign finance reform.

http:/www.citizen.org . This group is a consumer advocacy group which fights for fair government for all.

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Chapter 8: Coalition and Conflict- The Politics of Political Parties

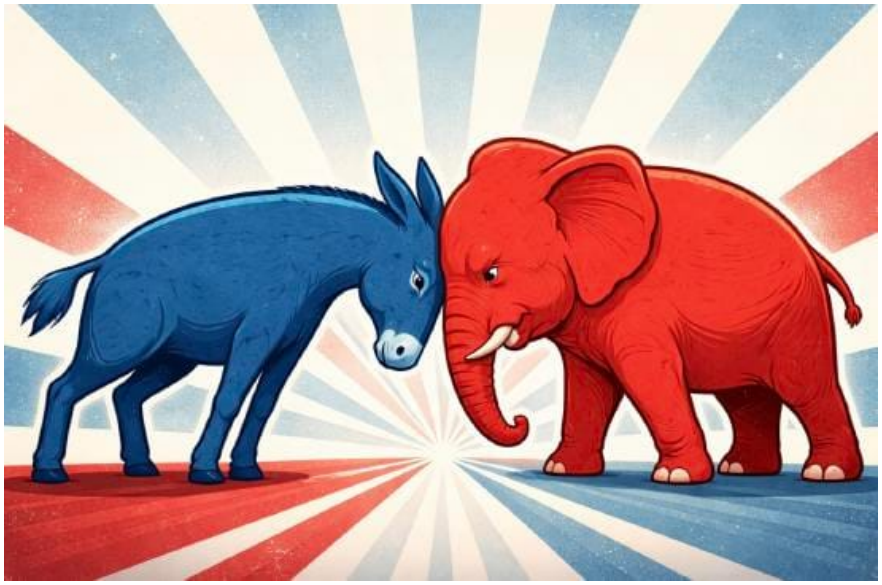


Figure 8.1: The Democratic donkey and Republican elephant facing off, symbolizing the enduring rivalry and polarization within the American **two-party system**. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Are political parties essential to a functioning democracy, or have they become outdated and expendable? This long-standing question continues to animate debate in political science. In his classic 1942 work *Party Government*, **E.E. Schattschneider** argued that "modern democracy is unthinkable save in terms of parties." Political parties, he claimed, are not just helpful, they are the creators of democracy itself. **Samuel Huntington** later agreed, asserting that parties are necessary to **organize political participation**, **aggregate interests**, and serve as a vital **link between citizens and government**.

While many observers in the late 20th century warned of the **decline of political parties**, recent elections suggest a different trend: parties have reasserted their influence. Today, **partisan polarization** is at historic highs, and most Americans vote strictly along party lines. **Party identification** has become one of the strongest predictors of how people vote, shaping their views not only of candidates but of major political issues. In **Congress**, party leaders exert more control over the legislative process than at any time in recent decades, and **election campaigns** are increasingly nationalized, focused less on local issues and more on the party's national agenda.

Yet even as parties grow more powerful, many Americans remain frustrated with them. Millions now register as **independents**, and public trust in both major parties remains low. This paradox—of growing party strength amid widespread public dissatisfaction—raises fundamental questions about the role of parties in a modern democracy.

This chapter explores those questions. It begins with a brief history of the development of **American political parties**, then examines their **core functions**, both traditional and modern. Next, it considers **how parties have evolved** in response to changes in media, campaign finance, and political behavior. The chapter also investigates the reasons behind **Americans' discontent with the party system** and explores proposals for reform. Finally, it turns to the role of **third parties**, examining their impact and limitations within the U.S. political system.

What Is a Political Party?

Political scientists commonly use two definitions to describe **political parties**. One broad definition is that a party is a group that seeks to **elect candidates to public office** by providing them with a **label**, a party identification, by which the electorate recognizes them. A more specific and widely cited definition comes from economist Anthony Downs, who described a political party as "**a team of men [and women] seeking to control the governing apparatus by gaining office in a duly constituted**

election."

While definitions may vary, two core characteristics are widely agreed upon:

1. Political parties aim to **win elections** and gain control of public offices.
2. Political parties serve as **cues or labels** that help voters make sense of the political landscape.

Functions of Political Parties

Political parties are often considered essential to a functioning democracy because they perform several key roles that help organize and stabilize political life. In the United States, parties still fulfill many of these roles, although some have weakened over time.



Figure 8.2: Political parties perform many key roles in a democracy that help organize and stabilize political life. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Simplifying Choices for Voters

Parties offer voters a **shortcut** by signaling a candidate's general **values** and **positions**. A voter might not know much about a specific candidate, but knowing their **party affiliation** can help them make a reasonably informed choice based on party **platforms** and past behavior. This is especially important in elections with **long ballots** and **little-known candidates**.

Recruiting and Nominating Candidates

One of the most important roles of political parties is to **recruit and nominate candidates** for public office. Through their involvement in primaries, conventions, and other institutional rules, parties play a central role in shaping who appears on the ballot.

Over time, this process has become more **democratized** and less reliant on party elites. While nominating systems and rules differ across states and offices, the **parties remain deeply intertwined with electoral procedures**.

For a detailed examination of how candidates are nominated, especially for the presidency, see the **Elections** chapter.

Campaign Support

Although parties once managed most aspects of campaigns, **modern candidates often build their own campaign teams and fundraising networks**, especially in higher-profile races. Still, parties provide valuable support such as **voter data**, **polling**, **campaign expertise**, and—critically—**fundraising** help.

Mobilizing Voters

Getting voters **registered** and to the **polls** remains a central party function. Recent data suggest parties are increasingly effective at **targeting likely supporters**, particularly among older, wealthier, and more educated voters. **Mobilization efforts** are especially visible during **presidential elections** and hotly contested races.

Formulating Policy and Platforms

Parties craft **platforms** to outline their positions and priorities. These platforms are approved at **national conventions** and offer a broad policy roadmap. Research shows that **winning parties implement much of what's in their platforms**, even though most voters don't read them.

Organizing Government

Once elected, party members work together to **control legislative bodies** and **executive agencies**. Parties provide **leadership structures**—from **Speaker of the House** to **committee chairs**—and help coordinate **legislative priorities**. Without parties, governing large and complex institutions like **Congress** would be chaotic.

Aggregating Interests

Parties bring together people with **shared concerns** to form broad **coalitions** capable of **winning elections** and **shaping policy**. In the U.S., however, this function is increasingly shared with **interest groups**, which often offer more targeted advocacy. Still, parties remain one of the main vehicles for converting **citizen interests** into **political power**.

Political Socialization

Parties play a role—though now a reduced one—in shaping **political beliefs**, especially through **campaign messaging** and **party identification**. In Europe, parties still actively engage citizens through **social events**, **media outlets**, and **party membership**. In the U.S., contact between parties and ordinary citizens is more limited and often **episodic**, focused mainly on **elections**.

Providing Political Information

Historically, American **parties** produced **newspapers** and other materials to inform their supporters. Today, they rely on **television**, **social media**, and **campaign ads** to share limited information. While some **media outlets** have **partisan leanings**, **parties themselves do not control major media platforms**, unlike their European counterparts.

The Three Components of a Political Party

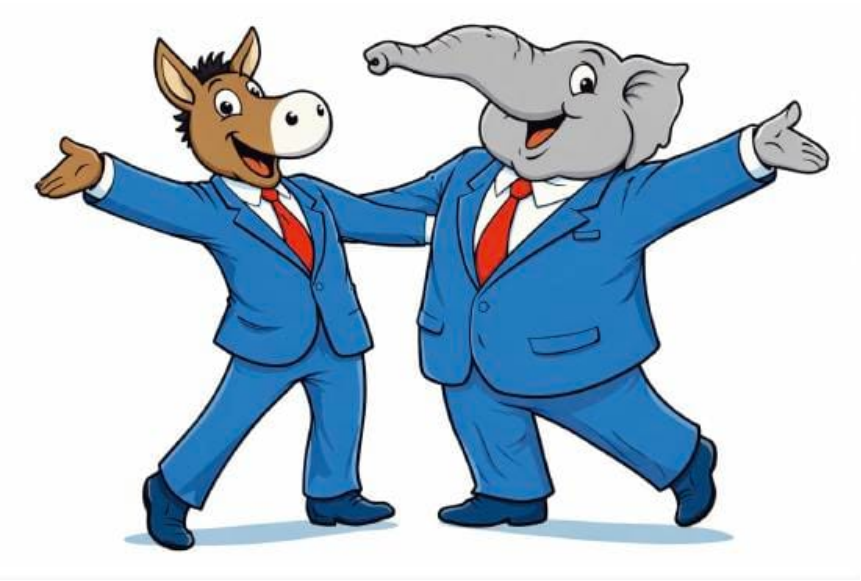


Figure 8.3: Represented by the Democratic donkey and Republican elephant, the **party in government** includes elected officials - from the president and members of Congress to governors and state legislators - who must work together to translate party principles into public policy and govern effectively. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Political scientist **V.O. Key**, in his influential work *Politics, Parties, and Pressure Groups*, argued that political parties should be viewed as **three distinct but interconnected components**:

1. **The Party in the Electorate** refers to the millions of Americans who identify with a political party. Unlike in many European democracies, U.S. **party identification** does not require formal membership or dues. Americans signal allegiance by **registering**, **voting consistently**, or **expressing a preference**. This identification is often formed through **political socialization**.

2.**The Party Organization** consists of the formal structure of the party at the **national, state, and local levels**. It includes **party committees**, **chairs**, **staff**, and **budgets**. These organizations are responsible for **recruiting candidates**, **organizing primaries and caucuses**, **supporting campaigns**, and managing **party strategy**.

3. **The Party in Government** encompasses **elected officials** who belong to a party and act on its behalf in office, including **presidents**, **members of Congress**, **governors**, **state legislators**, and others. Political scientists study this component by analyzing **partisan voting**, **leadership roles**, and **party unity**.

The Organization of U.S. Political Parties

Building on Key's second component, the **party organization**, the U.S. system is notably **decentralized**. There is **no single leader** who controls all levels of the party, not even the president. Instead, American political parties function as **loosely connected networks** across three main levels:



Figure 8.4: American political parties are organized in a hierarchical but highly **decentralized** system. Authority is divided among national, state, and local organizations - each with its own leadership, conventions, and committees - reflecting the federal structure of the United States and allowing parties to adapt to regional and local political needs. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

The National Party

Every four years, the **national party convention** nominates **presidential candidates**, adopts a **party platform**, and selects members of the **national committee**. While platforms are often symbolic, research shows the winning party implements about **75 percent** of its promises.

The **Democratic National Committee (DNC)** and **Republican National Committee (RNC)** manage party affairs between conventions. They coordinate **fundraising**, support candidates, shape **messaging**, and plan **presidential campaigns**. The **national chairperson**, often chosen by the nominee, acts as **spokesperson** and **strategist**.

The State Parties

Each major party has an organization in every **state and territory**, with its own **leadership** and **structure**. Led by a **state chair** and **state committee**, these parties **recruit candidates**, **raise funds**, and **mobilize voters**. However, they vary widely in strength and have **limited control** over local parties or elected officials.

The Local Parties

Local party organizations operate at the **county**, **city**, **ward**, and **precinct** levels. Once dominated by **political machines** like **Tammany Hall**, local parties today focus on **voter outreach**, **volunteer recruitment**, and **candidate development**. **Precinct captains** and grassroots volunteers manage **polling places** and **register voters**, serving as the **public's first point of contact** with the party.

Many political careers begin with **local party involvement**, underscoring its continued importance in **American democracy**.

The Evolution of the American Party System: From Founding Rivalries to Today

Parties and the Constitution

One of the most striking features of the **U.S. Constitution** is what it omits: political parties. Unlike many modern democratic constitutions, such as those of Germany or

Russia, the U.S. Constitution makes **no mention** of political parties. The **Founders**, wary of factionalism, feared that organized political groups would divide the nation and threaten the public good. In **Federalist No. 10**, **James Madison** warned of factions as a danger to democratic government.

George Washington echoed this sentiment in his 1796 **Farewell Address**, cautioning that political parties could inflame division, encourage partisanship, and undermine national unity. Despite these early warnings, political parties quickly became essential to the American political system.

The First Party System (1796–1824)



Figure 8.5: The rivalry between **Alexander Hamilton** and **Thomas Jefferson** gave rise to the nation's first political parties. Hamilton's **Federalists** favored a strong national government and commercial economy, while Jefferson's **Democratic-Republicans** championed states' rights and an agrarian vision of democracy, establishing enduring ideological divisions in American politics. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

The first American parties emerged from the rivalry between **Alexander Hamilton** and **Thomas Jefferson**. Hamilton's **Federalists** favored a strong national government, high tariffs, and alignment with Britain. Jefferson's **Democratic-Republicans** (or Jeffersonian Republicans) supported limited federal power, stronger state governments, and closer ties to France. These factions solidified by the mid-1790s into America's first two-party system.

Although **George Washington** avoided formal party affiliation, party competition took hold during the elections of 1796 and 1800. The Federalists quickly declined after **Thomas Jefferson** defeated **John Adams** in 1800, and by 1816, the Democratic-Republicans stood unchallenged, ushering in a short-lived one-party period known as the "**Era of Good Feelings**."

The Second Party System (1828–1860)

The election of **1824** fractured the Democratic-Republican Party. Although **Andrew Jackson** won the most electoral and popular votes, the presidency went to **John Quincy Adams** after a controversial decision in the House of Representatives. Jackson's supporters decried the "**corrupt bargain**" and formed the **Democratic Party**, advocating for states' rights and a more inclusive democratic process.

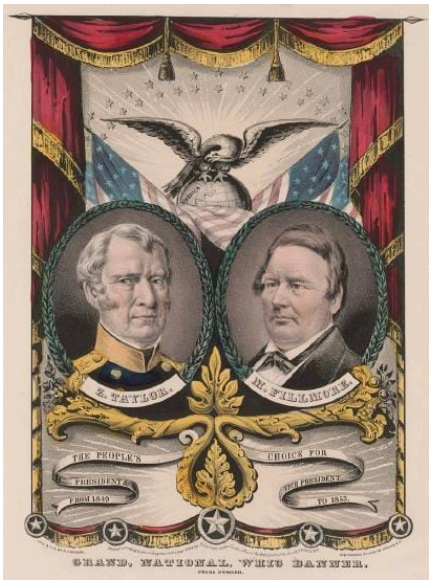


Figure 8.6: The election of 1824 fractured the Democratic-Republican Party. Andrew Jackson's supporters the Democratic Party, while Adams's allies formed the National Republican Party, which eventually gave way to the **Whigs**. (Image Credit: Early Whig party campaign poster, Library of Congress, via Wikimedia Commons, Public Domain)

Adams's allies formed the **National Republican Party**, which eventually gave way to the **Whigs**. The Democrats and Whigs dominated the Second Party System, but disagreements over **slavery** fractured the Whigs in the 1850s. Many anti-slavery Whigs joined the newly formed **Republican Party**, founded in 1854.

The Third Party System (1860–1932)

The election of **Abraham Lincoln** in 1860 marked the beginning of the Republican Party's dominance. After the Civil War, the **Republican Party** controlled national politics, particularly in the industrial North and Midwest, while the **Democrats** retained strength in the South.

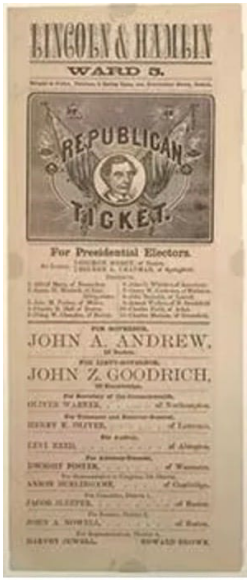


Figure 8.7: In 1860, voting looked very different from today. Men cast ballots by submitting a printed party ticket listing all of that party's candidates - from local offices to the presidency - rather than selecting individual names. On Election Day, officials often announced each vote aloud before placing it in the ballot box. Because voting was public rather than secret, the system was highly vulnerable to pressure and corruption; imagine an employer standing nearby to hear whether you supported his preferred candidate. (Image Credit: Library of Congress, Public Domain)

The **Gilded Age** and **Progressive Era** featured close national elections, but Republicans generally held the upper hand. A turning point came in **1896**, when Republicans built a coalition of urban workers and business interests, while Democrats, under **William Jennings Bryan**, focused on rural and agrarian concerns.

The Fourth Party System (1932–1964)

The **Great Depression** transformed American politics. **Franklin D. Roosevelt's** election in 1932 brought the **New Deal Coalition**, which united a diverse group of voters: **urban workers**, **Catholics**, **Jews**, **African Americans**, **southern whites**, **union members**, and **immigrants**.



Figure 8.8: The **Democratic coalition under Franklin D. Roosevelt** dominated national politics for decades. (Image Credit: National Archives/Franklin D. Roosevelt Presidential Library and Museum, Public Domain)

This coalition helped Democrats dominate national politics for decades. While Republicans occasionally won the presidency, Democrats controlled **Congress** for much of this era. The New Deal realigned American politics around questions of economic security, federal intervention, and social welfare.

The Fifth Party System (1968–Present)

The **New Deal Coalition** began to fracture in the 1960s over issues of **civil rights**, **cultural change**, and **Vietnam**. Southern whites, alienated by the Democratic Party's support for civil rights legislation, began shifting to the Republican Party, especially after **Barry Goldwater's** 1964 presidential campaign and **George Wallace's** third-party run in 1968.



Figure 8.9: Richard Nixon's 1968 election marked a pivotal moment in the transition to the **Fifth Party System.** (Image Credit: Richard Nixon Foundation, Public Domain)

By the **1980s**, the South had become a Republican stronghold. Meanwhile, **African Americans**, **Jews**, and most **Latinos** (especially those outside of South Florida) have remained key parts of the **Democratic coalition**. **Catholic** voters have become more evenly divided between the two major parties.

The Sixth Party System?

Political scientists remain divided over whether the current political era, culminating in the rise, presidency, and continued influence of **Donald Trump**, represents a distinct **Sixth Party System** or a further evolution of the **Fifth Party System** established during the New Deal and reshaped by the realignments of the 1960s. The Trump era has brought about several notable shifts: an increasingly **populist and nationalist Republican Party**, a sharp escalation in **partisan polarization**, and the consolidation of white working-class voters, rural constituencies, and evangelical Christians within the GOP coalition. At the same time, the **Democratic Party** has expanded its base among **racial minorities**, **young voters**, **college-educated suburbanites**, and **secular liberals**.



Figure 8.10: The Trump era has reshaped the Republican Party in a more populist and nationalist direction, intensified partisan polarization, and consolidated white working-class, rural, and evangelical voters within the GOP coalition. (Image Credit: Gage Skidmore, CC BY-SA 2.0)

Supporters of the “Sixth Party System” thesis argue that these changes represent a true realignment: a new, durable coalition structure, ideological sorting, and a transformed party identity, especially within the Republican Party under Trump’s leadership. Key indicators include the GOP’s embrace of **anti-elite**, **anti-immigration**, and **“America First”** policies; the realignment of **working-class voters** toward Republicans and **college-educated suburban voters** toward Democrats; and the nationalization of state and local elections along strict partisan lines.

Skeptics, however, view these developments as a continuation of long-term trends that began with the breakdown of the New Deal coalition in the 1960s. From this perspective, Trumpism represents an intensification, not a departure, from existing partisan evolution: a culmination of Southern realignment, cultural backlash politics, and the growing urban-rural divide.

Still, one of the most striking developments in the Trump era has been the **near-total consolidation of the Republican Party around Trump himself**. Once home to influential **moderate and establishment conservatives**, the GOP has increasingly marginalized dissenting voices. Many traditional Republicans have retired, been defeated in primaries, or shifted their rhetoric to align with Trump's populist-nationalist agenda. The party's platform in 2020 was essentially a formal endorsement of Trump’s leadership, rather than a set of policy proposals. This **personality-driven politics** and **lack of space for internal ideological diversity** are hallmarks of a party undergoing fundamental transformation, suggesting that we may indeed be witnessing the emergence of a **Sixth Party System**.

Party Identification and Realignment in the Contemporary Era

Over the past several decades, **party identification** in the United States has become increasingly **polarized**, but also more complex. While the number of Americans who **identify as independents** has grown, most of these self-described independents are **“leaners”**, voters who consistently support one party in elections. When leaners are included, party identification is roughly evenly split between Democrats and Republicans, with relatively few true independents remaining.



Figure 8.11: In recent decades, many white working-class voters have shifted from the Democratic New Deal coalition to the Republican Party, while Democrats have become more diverse and progressive, anchored by urban voters, racial and ethnic minorities, and younger generations. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Since the **1980s**, the Republican Party has gained strength among **white working-class voters**, many of whom were once part of the **New Deal coalition**. This trend accelerated with **Donald Trump's rise in 2016**, as he reshaped the GOP into a populist, nationalist party with strong appeal to non-college-educated whites, rural voters, and older Americans. The Republican coalition now emphasizes **cultural conservatism**, **immigration restriction**, **economic nationalism**, and a more **combative political style**.

Meanwhile, the **Democratic Party** has become more **diverse and progressive**, drawing strong support from **Black voters**, **Latino and Asian American communities**, **young voters**, and **college-educated women**. The **gender gap**, with women more likely to vote Democratic, especially those with college degrees, has widened in recent elections. Generational shifts have also played a major role: voters under 45, particularly **Millennials** and **Generation Z**, tend to favor the Democratic Party, citing

concerns about **climate change**, **racial justice**, **LGBTQ+ rights**, and **economic inequality**.

As the electorate becomes more diverse and younger generations become a larger share of voters, the long-term **demographic and ideological alignment** of the parties may continue to shift. Whether these trends solidify into a **new party system** or reflect an ongoing reconfiguration of the Fifth remains a central question in political science.

Polarization

In recent decades, the United States has experienced a sharp rise in **partisan polarization**, as the ideological gap between the **Democratic** and **Republican** parties has widened significantly. While there was once considerable **overlap** between the two parties—both ideologically and in terms of policy priorities—that overlap has largely disappeared. Today, Democrats and Republicans are more internally unified and more ideologically distinct than at any time in recent history.

Since the 1990s, **Democrats** have generally shifted toward **liberal and progressive** positions, particularly on issues like climate change, racial justice, gender equality, and healthcare. At the same time, **Republicans** have moved further to the **right**, embracing more **conservative** stances on immigration, taxation, gun rights, and the role of government. Political scientists note that while both parties have moved away from the ideological center, the **Republican shift** has been especially pronounced, contributing to **asymmetrical polarization**.

This divide has been intensified by a range of structural and cultural factors. The rise of **partisan media**, including cable news and social media, has created **echo chambers** where individuals are more likely to encounter views that reinforce their existing beliefs. **Gerrymandering**, the redrawing of congressional districts to favor one party, has also contributed by creating **"safe seats"** where politicians are more concerned with primary challenges from within their own party than with appealing to a broad electorate. In such districts, candidates often cater to the most ideologically extreme voters, reinforcing polarization.

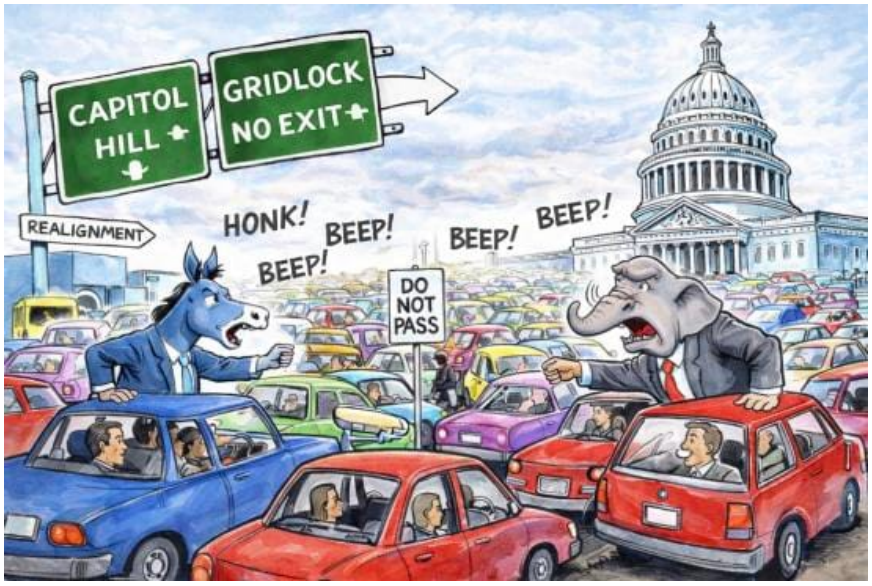


Figure 8.12: A traffic jam outside the U.S. Capitol symbolizes legislative stalemate, as Democrats and Republicans remain locked in confrontation, honking and pointing fingers while policymaking grinds to a halt. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

As party bases have become more ideologically rigid, it has become increasingly difficult for lawmakers to engage in **bipartisan cooperation**. Compromise is often viewed as betrayal, and political debates frequently give way to **partisan gridlock**. Polarization has also affected public attitudes: Americans now express significantly more **negative views of members of the opposing party**, a trend known as **affective polarization**. Many Americans not only disagree on policy but also distrust or even dislike members of the other party on a personal level.

These developments pose challenges for the health of American democracy, making it more **difficult** to **build consensus**, **solve complex problems**, and sustain **confidence in democratic institutions**.

The increasing polarization of members of Congress can be seen in the graph below.

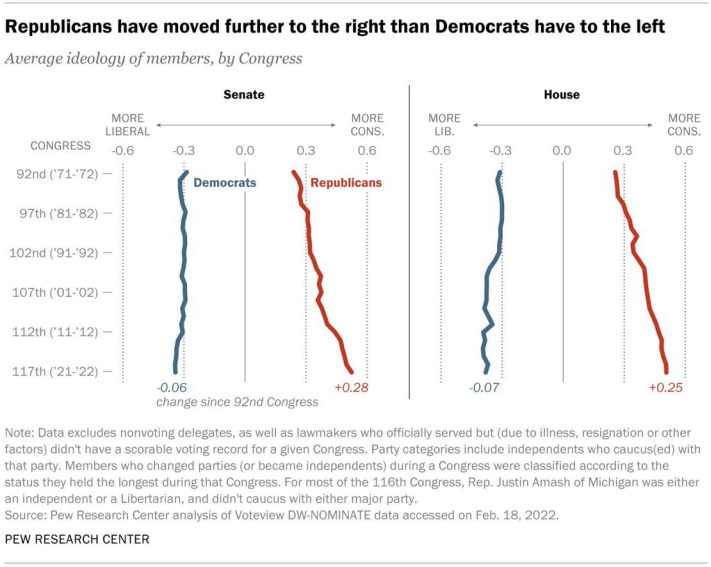


Figure 8.13: The polarization in today's Congress has roots that go back decades. (Image Credit: PEW Charitable Trust)

As a result of this increasing polarization, members of each party have increasingly negative views of those in the other party, something that will make it even more difficult to find common ground and bipartisan cooperation. This can be seen in the graph below.

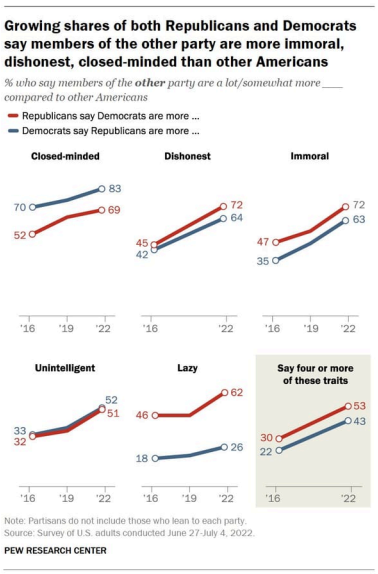


Figure 8.14: As partisan hostility grows, signs of frustration are growing with the Two-Party System; nearly half of younger adults say they 'wish there were more parties to choose from. (Image Credit: PEW Charitable Trust)

Why the U.S. Has a Two-Party System: Plurality Voting and Electoral Rules

One of the defining features of the American political system is the **persistence of two major political parties**, the Democrats and the Republicans. While third parties occasionally emerge, they rarely gain lasting traction. This is not simply due to voter preference, but largely a result of the **electoral system itself**.

The United States uses **plurality voting in single-member districts**, often called **"winner-take-all"** or **first-past-the-post**. In this system, each electoral district elects one representative, the candidate who receives the most votes, even if it's not a majority. This system strongly favors the two largest parties and penalizes smaller ones. For example, a third-party candidate who receives 20% of the vote in many districts gets **no representation** at all. As a result, voters are often reluctant to "waste" their vote on a candidate unlikely to win, reinforcing support for the major parties. This dynamic is captured by **Duverger's Law**, a political

theory that predicts two-party dominance in systems with single-member districts and plurality voting.

By contrast, most European democracies use some form of **proportional representation (PR)**. In PR systems, voters typically cast ballots for parties rather than individual candidates, and legislative seats are distributed based on the percentage of votes each party receives. If a party wins 20% of the vote, it gets roughly 20% of the seats. This **encourages the formation of multiple parties**, including smaller and more ideologically distinct ones, because even limited electoral support can lead to representation. PR systems result in **multi-party legislatures**, where coalition governments are common.

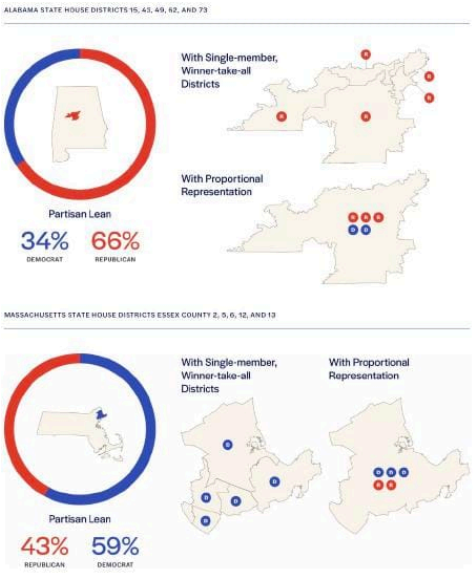


Figure 8.15: Multi-member districts with proportional representation give more voters a voice. (Image Credit: Protect Democracy, Fair Use)

In short, the structure of U.S. elections naturally limits the success of third parties, making a **two-party system virtually inevitable**. Meanwhile, proportional systems foster **greater ideological diversity and party competition**.

Third Parties in the United States

Although the American political system is dominated by two major parties, the Democrats and Republicans, third parties have long played a role in shaping political discourse and electoral outcomes. Because of the structural constraints of the U.S. electoral system—particularly **single-member districts** and **plurality ("winner-take-all") voting**—third parties face significant obstacles to winning office. Still, they matter.



Figure 8.16: Former President **Theodore Roosevelt** (Progressive "Bull Moose" Party, 1912), **Ross Perot** (Independent Reform candidate, 1992), and **Ralph Nader** (Green Party, 2000) exemplify how third-party candidates have shaped political debate and, at times, influenced electoral outcomes—even without winning the presidency. Although they rarely win national office, third parties have shaped American politics by raising neglected issues, influencing public debate, and at times altering electoral outcomes by drawing support away from the major parties. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Third parties serve several key functions. They often highlight **neglected issues**, give voice to **disaffected voters**, and **push the major parties to adopt new policies**. Even if they don't win, their ideas can reshape the political landscape. For example, the *Socialist Party* of the early 20th century advocated for labor protections and social welfare programs that were later embraced by the Democratic Party during the New Deal. In 1992, *Ross Perot's Reform Party* forced both parties to address deficit reduction and government accountability.

Third parties generally fall into three main categories:

· **Ideological Parties**, such as the *Libertarian Party* or *Green Party*, are rooted in a consistent set of political principles. They prioritize staying true to their values, even at the cost of electoral success.

· **Single-Issue Parties** focus on one major policy concern, such as the *Prohibition Party*, which centered around banning alcohol in the late 19th and early 20th centuries.

· **Splinter Parties** emerge when a faction within a major party breaks away, often led by a prominent individual. *Theodore Roosevelt's Bull Moose Party* (1912) and *George Wallace's American Independent Party* (1968) are classic examples.

Despite their limited electoral success, third parties can shape outcomes by drawing votes away from major candidates in close elections, sometimes acting as "**spoilers**." In 2000, for instance, *Green Party* candidate *Ralph Nader* drew nearly 100,000 votes in Florida, more than the margin of George W. Bush's victory over Al Gore in that state.

While the barriers to third-party success remain high, public dissatisfaction with the two-party system continues to grow. Movements like *No Labels* and periodic surges in support for independents suggest that the appetite for alternatives is real, even if the system still favors two dominant parties.

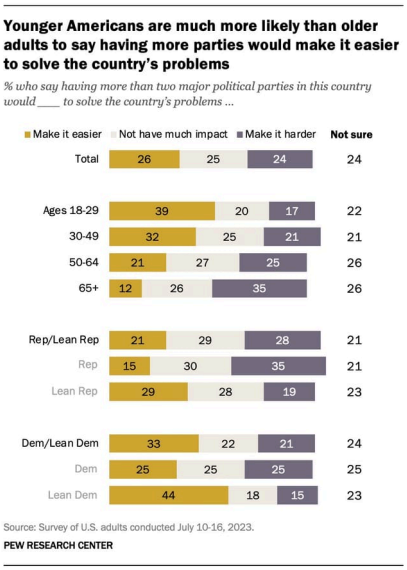


Figure 8.17: With a record share of Americans expressing unfavorable views of both major parties, 37% of Americans wish there were more political parties to choose from, according to a recent Pew Research Center survey. (Image Source: PEW Research Center)

How American Political Parties Differ from Those Abroad

American political parties differ significantly from their counterparts in most other democratic systems, particularly in Europe. These differences reflect both cultural attitudes and institutional structures that shape how parties function in the United States.

Broad Coalitions, Not Ideological Movements

Unlike many **European parties** that are organized around specific **ideological platforms**—such as socialism, environmentalism, or nationalism—**U.S. political parties** have historically operated as **big tents**, bringing together **diverse coalitions** of voters. This flexibility allows them to absorb popular issues raised by **third parties** and co-opt them into their **platforms**. While **ideological divisions** between **Democrats and Republicans** have grown more pronounced in recent decades, both parties still must appeal to a wide range of voters in order to win elections in a **two-party system**.

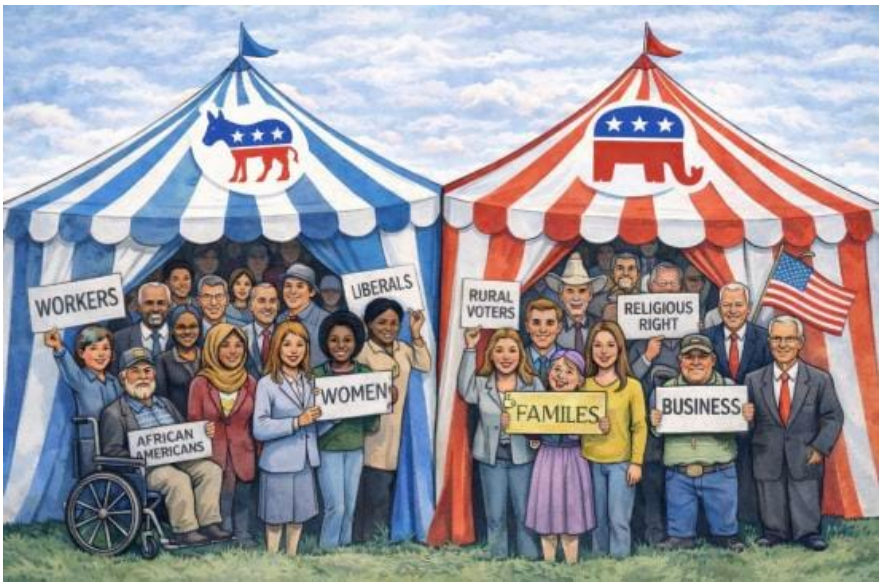


Figure 8.18: U.S. political parties have historically operated as "big tents," bringing together diverse coalitions of voters. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

For example, the **Democratic Party** includes progressives, moderates, and some conservatives, while the **Republican Party** includes fiscal conservatives, populists, libertarians, and social conservatives. Internal **factionalism** leads both parties to seek broadly acceptable, often moderate, policy positions, especially in general elections.

Decentralized and Fragmented Party Structure

American political parties are **highly decentralized**. While there are **national party committees** (the Democratic National Committee and Republican National Committee), most party activity is organized and regulated at the **state level**, with additional independence at the **local level**. This stands in contrast to **European parties**, which often have **centralized leadership** and national membership structures funded by dues.

The closest the United States comes to having a unified national party structure is during the **presidential nominating conventions**, which occur every four years. Even then, candidates often run independently from the party establishment, and elected officials are not bound by national party leadership.

Public Distrust and Weak Party Identification

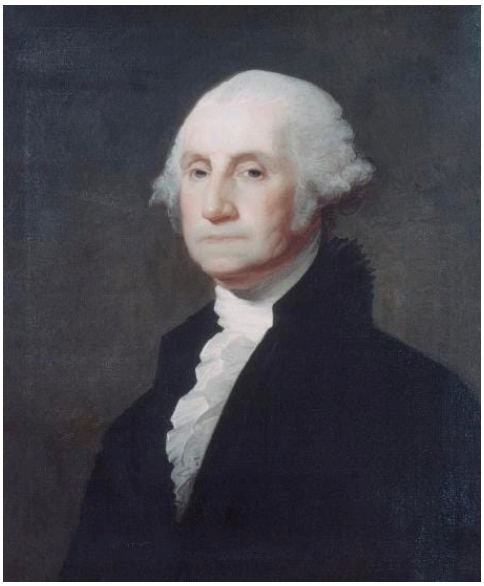


Figure 8.19: "Let me... warn you in the most solemn manner agains the baneful effects of the spirit of party." - George Washington (Image Credit: Gilbert Stuart, CC0 1.0 Public Domain)

American **political culture** has long been skeptical of political parties. Warnings from founding figures like **George Washington** and **James Madison** fostered a tradition of **distrust**, which persists today. According to Gallup polling, a majority of Americans express **dissatisfaction** with the **two major parties**, and many say a **third party** is needed. Despite this dissatisfaction, the **electoral system** continues to reinforce **two-party dominance**, and new parties struggle to gain traction.

Cadre vs. Mass Parties

Political scientists often distinguish between **cadre parties** and **mass parties**. American political parties are considered **cadre parties**: loosely organized, focused primarily on **winning elections**, and active mainly during **campaign seasons**. They lack large, dues-paying memberships and permanent organizational structures.

By contrast, **mass parties**, common in **parliamentary systems**, are centralized, full-time operations that prioritize **ideological purity** and often maintain strong **party discipline**. These parties are more willing to **lose elections** in order to stay true to their core values, whereas American parties typically prioritize **electoral success** over ideological consistency.



Figure 8.20: The Green Party is an example of a **mass party** that is willing to lose elections in order to stay true to their core values. (Image Credit: Bristol Green Party, CC BY 2.0)

Constitutional Design and Party Discipline

The **U.S. Constitution** contributes to the **weakness** of American political parties. The system of **separation of powers**, particularly the **independent election of the president**, means that parties cannot remove executives or easily enforce **party discipline**. In contrast, **parliamentary systems** link executive leadership to legislative majorities, making strong, centralized parties essential for governance.

This constitutional structure makes American parties **less cohesive**, with members of Congress often voting independently from party leadership. As a result, **party unity** in policymaking is more difficult to achieve, especially in closely **divided legislatures**.

Open to Debate:
Is Our Electoral System the Best Choice?

*Since its founding, the United States has used a **single-member district, winner-take-all** electoral system. In this system, only the candidate who receives the most votes in a district wins representation, while all others receive nothing—even if they earned a significant share of the vote. This structure makes it extremely difficult for **third or minor parties** to gain traction.*

*Critics argue that this system limits political choice and underrepresents millions of Americans whose views don't align with the two major parties. For example, **Ross Perot** won nearly **20 million votes** in the 1992 presidential election (about 19% of the popular vote) but received **zero Electoral College votes**. In contrast, under **proportional representation** (PR)—used widely in Europe—a party that wins 20% of the vote typically receives 20% of the seats in the legislature. Supporters of PR claim it encourages a **broader range of viewpoints**, **higher voter turnout**, and **less "wasted" voting**, where people can choose their preferred party without fear of helping the one they dislike most.*

*They also argue that **third parties can enrich democracy** by introducing new ideas and attracting disaffected or previously disengaged voters. **Ralph Nader** (Green Party, 2000) and **George Wallace** (American Independent Party, 1968) may have altered the outcomes of presidential elections, but they also gave voice to constituencies who felt ignored by the two-party system.*

*However, defenders of the current U.S. system argue that proportional representation can lead to **fragmented and unstable governments**, especially in diverse societies. During the postwar period in Italy (1946–1994), for instance, frequent coalition collapses made governance unpredictable. Critics of PR worry that it could empower **extreme or single-issue parties**, making it harder to build consensus. They argue that the current U.S. system—while imperfect—promotes **stability, moderation, and clarity**, and tends to **filter out fringe ideologies** that might otherwise gain legislative power.*

*So the question remains: Should the United States reform its electoral system to **give third parties a fairer shot**, or does our current system still serve us best by **promoting stability and moderation**? The answer remains **open to debate**.*

The Weakening of American Political Parties

Compared to many other democracies, American **political parties** are relatively **weak**. This decline dates back to the **Progressive Era** in the late 19th and early 20th centuries, when reformers sought to reduce the power of urban **political machines** and make government more accountable. Reforms such as the **direct primary**, **nonpartisan local elections**, and the decline of **patronage-based hiring** helped achieve those goals—but they also weakened the parties themselves.



Figure 8.21: This late nineteenth-century cartoon depicts a powerful urban party boss distributing favors and "special privileges" to grateful supporters. Political machines often combined patronage with informal social welfare, providing jobs, housing assistance, food, and help navigating city services to immigrants and the urban poor in exchange for votes and political loyalty. (Image Credit: Public Domain)

The **direct primary system**, in particular, shifted power from **party elites** to **voters**. While more democratic in theory, it allowed **party activists**, often more **ideologically extreme**, to dominate **low-turnout primaries**, contributing to **polarization** and the nomination of candidates who may struggle in **general elections**. These changes have made U.S. elections more **candidate-centered**, with individuals building their own **campaign teams**, raising **funds independently**, and owing little to **party leaders** once in office.

Another blow to party strength came from **civil service reforms**, finalized during the **Wilson administration**, which replaced **patronage-based hiring** with **merit-based civil service exams**. By stripping parties of the power to **reward supporters** with **government jobs**, these reforms weakened parties' ability to recruit **loyalists** and maintain **organizational strength**.



Figure 8.22: This 1887 political cartoon depicts President Grover Cleveland removing a dead tree labeled “Spoils System,” while George William Curtis watches. By replacing patronage-based hiring with merit-based civil service exams, reformers curtailed the ability of party leaders to reward loyal supporters with government jobs—weakening party machines and reducing their organizational strength. (Image Source: Art Institute of Chicago, Public Domain)

The advent of **mass media** further eroded the centrality of political parties. **Television** allowed candidates to bypass party organizations and communicate directly with the public. In more recent years, **social media** has amplified this trend, enabling candidates to build **personal brands** and mobilize supporters independently of traditional party apparatuses. This media shift has contributed to the rise of **personality-driven campaigns** and weakened **party control** over messaging.

Finally, rising levels of **education**—especially after World War II, with expanded **college access** through programs like the **GI Bill**—have contributed to weaker **party identification**. More **educated voters** tend to be more **politically engaged** but are also more likely to vote based on **issues** or **candidate qualities** rather than **party loyalty**. This has led to increased **ticket splitting** and a more **fluid electorate** that resists strong **partisan attachment**.

Together, these **structural** and **cultural changes** have diminished the influence of American political parties. Parties have less control over **nominations**, **elections**, and **elected officials**, while **interest groups**, **big donors**, and **media-driven campaigns** have gained greater prominence. Understanding these dynamics is essential to grasping the nature of U.S. electoral politics and the challenges of governance today.

A Resurgence in Party Salience?

Despite these long-term trends weakening political parties, recent political developments, especially the **2024 election and the return of Donald Trump to the**

presidency in 2025, have revived the **salience of party identity**. Trump's leadership has **heightened partisan polarization**, and both parties have become more **ideologically distinct** and **nationally unified**. This has contributed to increased **party-line voting in Congress**, more **partisan media consumption**, and deeper **partisan loyalty among voters**. While American parties remain structurally **weak** and **decentralized**, their **influence over public opinion, political identity, and electoral behavior** appears to be growing in this highly **polarized era**.

Populism and American Politics

Populism is a recurring feature of American politics that challenges both the **Democratic** and **Republican** parties. Leaders like **Senator Bernie Sanders** and **former President Donald Trump**, despite their ideological differences, both use **populist appeals**—claiming to represent “the people” against a distant or corrupt **elite**.

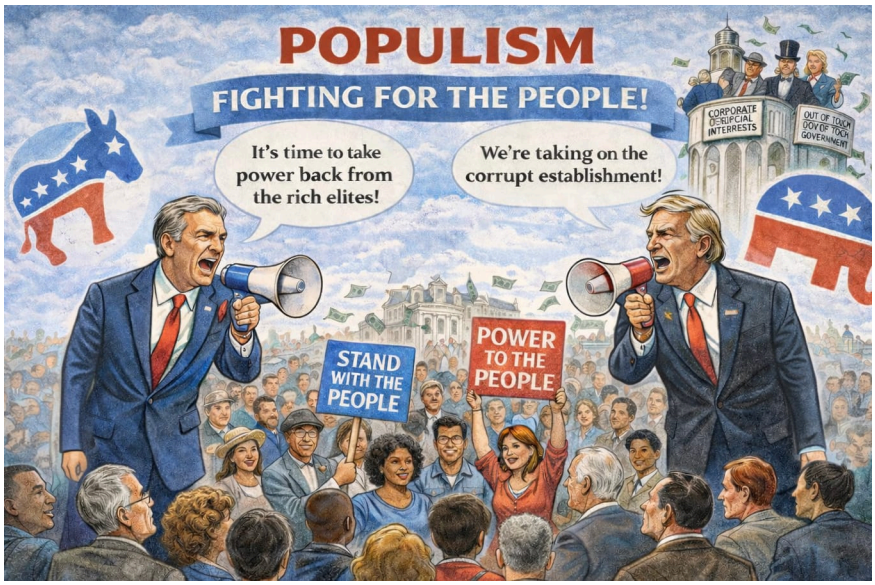


Figure 8.23: Populism is a recurring force in American politics, as leaders in both major parties claim to speak for "the people" against a distant or corrupt elite—using anti-establishment rhetoric to mobilize broad public support. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

At its core, **populism** is a political approach that frames society as divided between the **"good people"** and a **"corrupt elite."** Populists claim to speak for ordinary citizens who feel ignored or harmed by political and economic establishments. This style of politics emphasizes **grievances**, **fears**, and demands for **power to be returned to the people**. Populism can emerge on both the **left** and **right** sides of the political spectrum.

Historically, populism has appeared in diverse movements. After the **2008 financial crisis**, the left-wing **Occupy Wall Street** and the right-wing **Tea Party** movements both positioned themselves against "elites," though from very different perspectives. Populist leaders often question or reject established **democratic institutions**, promoting a simplified **"us versus them"** worldview that can sometimes challenge **democratic norms**.

Populism is not inherently **progressive** or **reactionary** but is flexible in its political expression. The American tradition of democracy itself, rooted in **"We the People"**, reflects a broad, inclusive idea of the people. However, populism tends to sharpen this into a strict **dichotomy**, separating the "pure people" from the "corrupt elite" in **economic**, **cultural**, or **political** terms.

Populism has deep roots in American history. **President Andrew Jackson** in the 1820s and 1830s cast himself as a champion of the common people against powerful banking interests like the **Second Bank of the United States**. After the **Civil War**, populist movements arose from **farmers** and **wage workers** who felt exploited by **capitalist elites** and **government policies**. Leaders like **Mary E. Lease** urged citizens to recognize the crisis caused by economic hardship, such as the **Panic of 1873**, and demand reforms.

The **Progressive Era** of the late 19th and early 20th centuries included populist elements focused on taking power back from corrupt **corporate** and **political elites**. In **California**, progressives targeted **railroad monopolies** and introduced reforms like the **initiative**, **referendum**, and **recall** expanding **direct democracy**. Figures like **Theodore Roosevelt** and his **Bull Moose Party** embodied this **progressive populism**.



Figure 8.24: The Progressive Era of the late 19th and early 20th centuries included populist elements focused on taking power back from corrupt corporate and political elites. Figures like Theodore Roosevelt and his Bull Moose Party embodied this progressive populism. (Image Credit: Steve Shook, CC BY 2.0)

Yet populism also has a darker side. In the early 20th century, populist rhetoric sometimes targeted **immigrants** and **minorities**, fueled by **racial** and **ethnic** fears. Charismatic figures like **Father Charles Coughlin** used **radio** to spread **antisemitic** and anti-elite messages, while Louisiana's **Huey Long** gained support with his **"Share Our Wealth"** program but also attacked established leaders in confrontational ways.

In contemporary politics, populism arises when significant portions of the population feel **left behind** or **cheated by the system**, while a small **elite** appears to dominate politics and the economy. Whether from the **left** or **right**, populist movements and leaders share a **confrontational view** of politics as a struggle between the **virtuous "people"** and the **corrupt "elite."** This dynamic continues to shape **American political debates** and **party competition** today.

Conclusion

Political parties are e**ssential institutions** in **American democracy**. They organize **political competition**, help **structure government**, and **connect citizens** to the **political process**. While the U.S. has always operated within a **two-party system**, the nature of **party competition** has evolved over time in response to **social**, **economic**, and **political change**.

From the **founding era** through multiple **party systems**, American political parties have adapted to changing **public demands**, **institutional reforms**, and **technological innovation**. Today's parties face new challenges: declining **party loyalty**, rising **polarization**, **candidate-centered campaigns**, and growing **populist movements** that sometimes operate outside traditional party structures.

Despite these shifts, parties continue to play a vital role. They help **voters** navigate complex **political choices**, recruit and support **candidates**, develop **policy agendas**, and **organize government** at every level. Understanding how parties work—how they have **changed**, how they influence **politics**, and how they reflect the **interests** and **divisions** of American society—is essential to understanding **U.S. government** and **democracy** itself.

Glossary

Cadre Party: A political party that is decentralized, part-time and its major purpose is to win office.

Closed primary: Primary in which only registered partisans are allowed to participate.

Direct Primary: Election held by a political party to determine the party's nominee for political office.

Duverger's Law: The theory that a single member district electoral system results in a two party system and proportional representation in a multi-party system.

Independent: A voter who does not identify with a political party.

Mass Party: A political party that is centralized, full-time and its major purpose is to represent a certain ideological viewpoint.

McGovern-Fraser Commission: Commission, which reformed the Democratic Party from 1969-1971. Its rules still impact the Democratic Party today.

Multi-party system: A political system in which more than two parties have a realistic chance of winning political offices.

National chairperson: Selected by the presidential nominee at the nominating convention, the chairperson is responsible for running the party between elections.

National committee: An institution determined at the national convention to represent and operate the party between elections.

National presidential nominating convention: The closest the United States has to a national party. It is held every four years, when all the state parties get together to select a presidential nominee and to write a platform for the party.

New Deal Coalition: Forged by FDR in the 1930's the New Deal Coalition consisted of the working class, Catholics, white Southerners, African–Americans, Jews and intellectuals. It dominated American politics until the 1960's.

Non-Partisan elections: Local elections in which candidates cannot run with a party label attached to them.

Open primary: Primary in which registered voters can determine on election day in which party's primary they want to vote.

Partisan: A voter who identifies with a political party.

Party as an organization: The local, state and national structure of a political party and its paid leaders.

Party identification: People connecting with a political party.

Party in government: Local, state and national elected or appointed officials who identify or belong to a political party.

Party in the electorate: Voters who identify with a political party.

Party Machine: A local political party organization that relies heavily on material incentives to support the party.

Party platform: A document, drawn up every four years at the national convention, which outlines a party's policies and principles.

Patronage: Rewarding party loyalists with jobs and contracts.

Political Party: A group of citizens who organize to contest elections, win public office and impact policy-making.

Political Power: The ability to make a person engage in a certain political act, he/she would not engage in based upon their own free will.

Political Socialization: The process of how people acquire their political values.

Progressive Movement: A 19th century white middle class movement designed to weaken political machines. The progressive movement gave the country the direct primary system to nominate candidates for office.

Proportional representation: An electoral system in which seats are allocated on the basis of the proportion of the vote a party receives.

Single member district electoral system: An electoral system in which the person who wins the most votes in a district is elected to office.

Third party: Any political party with the exceptions of the two major parties, the Democrats and the Republicans.

Ticket splitting: Instead of voting straight party line, where a voter casts all of his votes for one party, the voter divides his/her vote between the parties.

Two party system: A political system in which only two parties have a realistic chance of winning political office.

Selected Internet Sites

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www.rnc.org[S7] . The official website of the Republican National Committee.

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Chapter 9: Engagement and Exclusion- Elections and the Power of Participation

Every two years, Americans head to the polls, sometimes eagerly, sometimes reluctantly, to choose who will represent them in **local, state, and national government**. **Presidential elections** dominate headlines, but thousands of other contests are also decided, from **city councils** to the **U.S. Senate**. For many, **voting** is a way to express their values, respond to recent events, or simply choose "the lesser of two evils." But how do people really decide **whether to vote—and for whom**? And does that decision actually shape what happens in government?

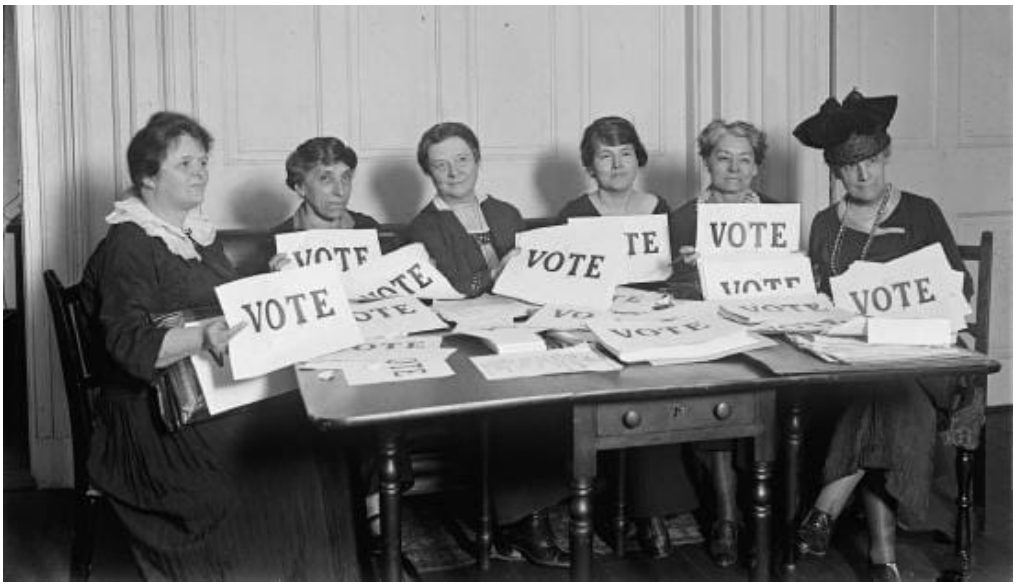


Figure 9.1: **Voting** is a powerful way for citizens to express their voices, influence public policy, and shape the direction of democracy. (Image Credit: National League of Women Voters, Library of Congress, Public Domain)

Political scientists once imagined the **rational voter**—someone who carefully weighs the issues, knows each candidate's positions, and makes informed choices accordingly. In this ideal scenario, voters elect representatives who reflect their views, reward them with **reelection** when they perform well, and remove them when they don't. But in reality, only about **1 in 5 American voters** fits this profile. Most are influenced by **party identification**, personal characteristics, **social networks**, or **emotional appeals**—and some don't participate at all.

So what motivates (or discourages) the other 80 percent? This chapter explores how Americans actually **participate in the political process**, and what factors influence their **turnout**, **engagement**, and **choices**. We begin with an examination of **political participation** and its **barriers**. Then, we turn to the structure and function of **elections**: how they reflect broader **political trends**, how candidates win **nominations**, and how the **Electoral College** shapes outcomes. In the second half, we look at **campaign strategies**, **media**, and **fundraising**, ending with an exploration of **campaign finance** and ongoing debates about **money in politics**.

By the end of this chapter, you'll better understand the **messy**, **fascinating**, and often **contradictory** ways in which Americans choose their leaders, and why **participation** matters.

Political Participation

Political participation includes all the ways that citizens seek to influence government decisions, from casting a vote to marching in the streets. While voting is the most common and visible form of participation, Americans engage in a wide variety of political activities, often at higher rates than many Europeans in non-voting categories.



Figure 9.2: **Conventional political participation** includes all the ways that citizens seek to influence government decisions, from casting a vote to expressing opinions, to running for office. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Participation in a democracy is more than a right; it's how citizens express opinions, demand change, and hold leaders accountable. Political scientists generally categorize participation into **conventional** and **unconventional** forms.

Conventional political participation includes familiar, legally sanctioned activities. These range from **voting**, **contacting elected officials**, and **working or donating to campaigns**, to **joining interest groups** or **attending town hall meetings**. It's the kind of participation most encouraged in a representative democracy.

Unconventional political participation, on the other hand, falls outside these formal channels. It can be either **legal** or **illegal**, depending on the method.

· **Legal unconventional participation** includes **protests, marches, picketing, sit-ins**, and **boycotts**, all protected by the **First Amendment's guarantees of free speech and assembly**. These methods have long been used in the U.S., from the civil rights movement to contemporary climate marches and women's marches.

· **Illegal unconventional participation** crosses legal boundaries. It can be **violent**, such as **riots, bombings, or political assassinations**, or **nonviolent**, such as **civil disobedience**, intentionally breaking a law to protest an injustice. **Civil disobedience** is most famously associated with figures like **Henry David Thoreau, Mahatma Gandhi**, and **Martin Luther King Jr.**, all of whom believed that unjust laws must be challenged through peaceful resistance.



Figure 9.3: **Civil disobedience is a form of unconventional political participation** in which individuals deliberately and peacefully break a law to protest what they view as injustice, using nonviolent resistance to draw public attention and inspire political change. (Image Credit: Jonathan McIntosh, CC BY 2.5)

The choice between conventional and unconventional participation often depends on whether individuals believe the political system will respond to them. **When formal channels are blocked or too slow**, people may turn to more disruptive methods. For example, many **anti-Vietnam War activists** began with conventional participation before some splintered off into groups like the **Weather Underground**, which adopted violent tactics. In contrast, **Martin Luther King Jr.** advocated nonviolent protest because Black Americans in the South were systematically **denied the right to vote** and access to government responsiveness. He understood that **civil disobedience** is most effective in democracies that care about public opinion, both domestic and international. As he predicted, such tactics were far less effective in authoritarian regimes, as seen in the brutal suppression of protesters in **Tiananmen Square in 1989**.

Despite the challenges, most Americans do participate in politics in some way. Studies show that only about **20 percent** of U.S. adults are completely inactive. Another **20 percent** are deeply engaged, participating at all levels of government, these citizens often align with the profile of the **rational voter**. The majority of Americans fall somewhere in between, with **voting** remaining the most common form of participation. In fact, about **20 percent** are **voting specialists**, people who participate solely by casting a ballot.

Understanding the range of political participation helps explain not only how Americans engage with democracy but also why different groups choose different methods to make their voices heard.

The American Voter

Voting behavior in the United States is shaped by a variety of demographic and socioeconomic factors. Who votes, and how they vote, is closely linked to **age, gender, education, income, and race**. These variables not only influence **turnout** but also affect **political preferences** and **party affiliation**.

Age



Figure 9.4: **Young voters** represent the future of American democracy. Although younger Americans are historically less likely to vote than older adults, their perspectives and participation remain vital to ensuring that public policy reflects the priorities of the next generation. (Image Credit: Wisconsin Department of Public Education, fair use)

Age is one of the strongest predictors of **voter turnout.** Younger Americans are much less likely to vote than older adults. In recent national elections, turnout among 18–24-year-olds hovered around **41% for men** and **47.7% for women**, while among voters aged 65–74, turnout reached **70.3% for men** and **62.9% for women**. Older voters often have more stable routines, stronger ties to their communities, and a greater sense of political efficacy, all factors associated with higher participation. Politically, **younger voters tend to lean more liberal**, particularly on issues like climate change, racial justice, and reproductive rights, and have increasingly favored **Democratic candidates** in recent years.

Gender

The **gender gap** has become a major focus of political analysis. Since the 1980s, **women have turned out to vote at higher rates than men**, and they tend to express more **liberal views**, especially on issues like **abortion rights**, **social welfare**, **gun control**, and the **use of military force**. As a result, women are **more likely to support Democratic candidates**, while men, particularly those without college degrees, have shifted toward the Republican Party.

Education

Educational attainment is a powerful predictor of voting. Turnout increases steadily with each level of education. Individuals with less than a 9th-grade education vote at a rate of just **23.4%**, while those with a **master's or doctoral degree** vote at a rate of **76.2%**. Higher education levels are also correlated with **greater political knowledge, civic engagement**, and belief in one's ability to influence politics.

Income

Closely linked to education, **income is another strong driver of turnout**. People earning less than **$10,000 per year** vote at a rate of **41.3%**, compared to **78.1%** for those earning more than **$150,000**. Lower-income voters often face structural obstacles—like inflexible work schedules, limited access to polling places, or lack of transportation—that can suppress turnout. In terms of ideology, **higher-income Americans are somewhat more conservative on economic issues**, though **highly educated affluent voters may lean liberal on social issues**.

Race and Ethnicity

Racial and ethnic background also play a significant role in voting patterns. Historically, **white voters** have turned out at

higher rates than nonwhite voters, but **Black voter turnout** has approached or equaled that of white voters in recent presidential elections, particularly when issues of racial justice or representation are prominent. **Hispanic and Asian American turnout remains lower**, though both groups represent **growing segments of the electorate** and have shown **increased engagement** in recent years. Politically, **nonwhite voters**—including **Black, Hispanic, and Asian American** voters—tend to support **Democratic candidates**, while **white voters**, especially those without college degrees, lean more **Republican**.



Figure 9.5: Voters of different racial and ethnic backgrounds reflect the evolving American electorate, helping to reshape party coalitions and electoral outcomes in the twenty-first century. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

The Evolution of the Franchise

The U.S. Constitution left the power to determine **voting qualifications** largely to the states. As a result, the **right to vote, or the franchise, was extremely limited** in the early republic. Most states initially restricted voting to **white, male property owners** or **taxpayers**. By the **1850s**, nearly all **white adult males** could vote, but **race and gender-based restrictions** remained in place well into the 20th century.

Expansion by Race and Civil Rights

After the **Civil War**, a series of constitutional amendments aimed to expand voting rights:

· The **13th Amendment (1865)** abolished slavery.

· The **14th Amendment (1868)** granted citizenship to all persons born or naturalized in the U.S.

· The **15th Amendment (1870)** prohibited voting discrimination based on **race, color, or previous condition of servitude**.

While these amendments promised political equality, **Southern states quickly undermined them** through a series of discriminatory practices aimed at **disenfranchising Black voters**:

· **Poll taxes** required payment to vote, disproportionately affecting poor voters of all races.

· **Grandfather clauses** allowed only those whose grandfathers had voted to register—effectively excluding most African Americans.

· **Literacy tests** were administered unfairly to disqualify Black voters, regardless of education level.



Figure 9.6: Editorial cartoon criticizing the usage of **literacy tests** for African Americans as a qualification to vote. Cartoon shows man "Mr. Solid South" writing on wall, "Eddikazhun Qualifukazhun. The Blak man orter be eddikated afore he kin vote with us Wites, signed Mr. Solid South." An African American looks on. (Image Credit: Public Domain)

These methods, combined with **intimidation and violence**, suppressed Black voter turnout for nearly a century.

It wasn't until the **Civil Rights Movement** that meaningful change occurred. The **24th Amendment (1964)** banned poll taxes in federal elections. A year later, the landmark **Voting Rights Act of 1965** outlawed literacy tests and grandfather clauses and authorized **federal oversight** of elections in states with histories of discrimination.

Expansion by Gender, Age, and Residency

Other barriers to voting fell in the 20th century:

· The **19th Amendment (1920)** granted **women the right to vote**, following decades of activism by the women's suffrage movement.

· The **23rd Amendment (1961)** allowed **residents of Washington, D.C.** to vote in presidential elections.

· The **26th Amendment (1971)** lowered the **voting age from 21 to 18**, in response to arguments that those old enough to be drafted for war should be allowed to vote.

The American Non-Voter

Despite widespread agreement that democracy depends on civic participation, voter turnout in the United States remains significantly lower than in many other democracies. Understanding **why so many Americans don't vote** reveals much about both the barriers to participation and the distinctive structure of the U.S. electoral system.

One starting point is the issue of **historical accuracy**. Voter turnout data before **1888** is often inflated due to widespread fraud. It wasn't until the introduction of the **Australian ballot**, which allowed for a **secret vote**, and the adoption of **registration requirements** that turnout became more credible. Political machines had previously handed out **pre-marked ballots** and allowed repeat voting. Since these reforms, voter fraud has become **extremely rare**, and modern allegations of widespread fraud are **unsupported by any credible evidence**.



Figure 9.7: **Why Don't More Americans Vote?** This illustration highlights several key barriers to participation: registration requirements that can prevent eligible citizens from casting ballots, election overload from frequent and complex contests, confusing ballots, weak class-based political mobilization that leaves some communities less engaged, and non-competitive races in areas dominated by a single party. Together, these factors help explain why voter turnout in the United States often lags behind that of other democracies. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Registration Barriers

In most democracies, the government automatically registers citizens to vote. In the U.S., however, **registration is largely an individual responsibility**, and deadlines often fall weeks before Election Day. Studies show this alone reduces turnout by about **nine percentage points**. The **Motor Voter Act of 1993** aimed to ease this burden by allowing registration when applying for a driver's license, but while millions registered, few followed through and actually voted. One notable exception is **North Dakota**, which has **no registration requirement**, and significantly higher turnout rates.

Election Overload

Americans are asked to vote **far more frequently** than citizens of other democracies. In addition to presidential and congressional elections, many states and localities hold **primaries, judicial elections, school board races**, and **ballot initiatives**, often several times a year. The **sheer volume of elections** can cause fatigue and make individual elections feel less significant.

Ballot Complexity

As a **federal system**, the U.S. puts more items on the ballot than most countries. Voters are expected to weigh in on a wide array of races and issues, which makes the process **time-consuming and confusing**. The **type of ballot** also matters. The **Indiana ballot**, which lists candidates by party, encourages **straight-ticket** voting and can increase turnout. The **Massachusetts ballot**, listing candidates by office, encourages **split-ticket** voting but requires greater familiarity with individual candidates.

Class and Ideology

Some scholars argue that the U.S. has **weak class-based political mobilization**. Unlike much of Europe, the U.S. has never had a strong **socialist or labor party**, and **union membership has declined sharply**. Without a powerful political movement advocating for working-class interests, both **working-class and middle-class voters** are less motivated to participate. In contrast, in many European democracies, organized labor and left-leaning parties spur turnout by presenting high-stakes ideological competition.

Newly Enfranchised Groups

Another factor is the gradual **expansion of the electorate**. When new groups gain the right to vote, turnout among those groups typically starts low and builds over time. For example, after the **19th Amendment** granted women the right to vote in 1920, turnout fell dramatically, partly because the electorate had suddenly doubled in size. It wasn't until the **1980s** that women began voting at rates equal to, and eventually higher than, men.

One-Party Dominance

Turnout tends to rise when elections are **competitive** and both parties have a chance of winning. In recent decades, however, many regions of the U.S. have become dominated by one party. The **Solid South**, once controlled by Democrats, has largely shifted to Republicans, while the **West Coast and Northeast** have become Democratic strongholds. In these areas, **minority-party voters often feel their vote doesn't matter**, and even majority-party voters may stay home, assuming their side will win easily.

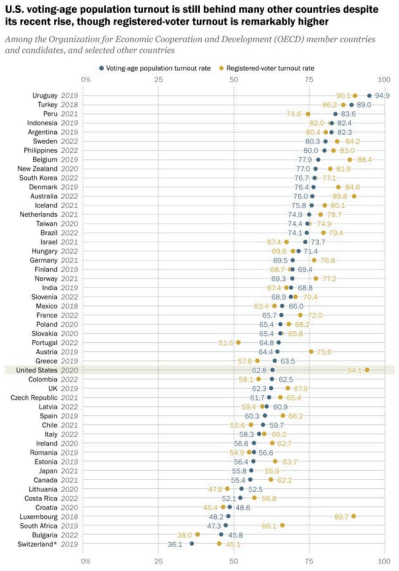


Figure 9.8: **Turnout** in U.S. has soared in recent elections but by some measures still trails that of many other countries. (Image Credit: PEW Research Center)

Open to Debate:
Are New Voting Laws Protecting Integrity or Restricting Access?

In recent years, many states have passed new laws altering how Americans vote. Supporters argue these laws promote ***election security*** *and restore public confidence in the democratic process. Critics contend that they erect unnecessary* ***barriers to the ballot****, disproportionately affecting* ***low-income voters****,* ***communities of color****,* ***young people****, and* ***those with disabilities****.*

Consider these developments:



Figure 9.9: Protesters rally against **voter suppression**, invoking the legacy of civil rights leaders and arguing that barriers to the ballot undermine democratic participation and equal representation. (Image Credit: Author Unknown, via Wikimedia Commons CC0)

· ***Strict Voter ID Laws*** *have been adopted or expanded in states like* ***North Carolina***, ***Georgia***, *and* ***Ohio***. *While advocates say such measures prevent fraud, opponents argue that fraud is rare and that obtaining government-issued IDs can be burdensome for some groups.*

· ***Voter Roll Purges***, *aimed at removing outdated or duplicate registrations, have been used in places like* ***Virginia*** *and* ***Ohio***. *However, civil rights groups warn that these purges often result in eligible voters being mistakenly removed, sometimes close to Election Day.*

· ***Limits on Ballot Drop Boxes*** *have been enacted in states such as* ***Georgia*** *and* ***Iowa***, *reducing access for voters in rural or heavily populated urban areas.*

· ***Restrictions on Voting Assistance*** *now criminalize certain types of help with absentee ballots in* ***Mississippi*** *and* ***Louisiana***, *posing challenges for elderly, disabled, and non-English-speaking voters.*

· ***Curtailment of Registration Drives*** *in states like* ***Florida*** *and* ***Tennessee*** *has led to sharp drops in new voter registrations, especially among marginalized communities.*

Critics *argue that such policies violate the democratic norm of* ***political equality***, *tilting participation in favor of wealthier and more established citizens. They warn of a creeping trend toward* ***"pay-to-vote"*** *politics, particularly where voter ID laws, court fee requirements, or registration barriers disproportionately affect already disenfranchised groups.*

Supporters *respond that* ***confidence*** *in the electoral process is essential to democracy and that common-sense regulations—like requiring identification or ensuring accurate voter rolls—help build trust without significantly depressing turnout.*

Are these laws legitimate efforts to enhance election security—or are they attempts to suppress voter turnout under the guise of reform? *The answer remains* ***open to debate***.

Determinants of the Vote

Political scientists have long debated what drives Americans' voting decisions. While no single theory explains all voting behavior, three major influences consistently shape how people vote: **party identification**, **candidate image**, and **issues**.

Party Identification

The most enduring predictor of vote choice is **party identification**—a long-term psychological attachment to one of the major parties. First highlighted in the influential 1960 book ***The American Voter*****,** this "**Michigan Model**" found that most Americans inherit their party ID through **political socialization**, especially from their parents. Although partisanship has weakened slightly over time, it remains the single best indicator of how most people will vote.

Candidate Image



Figure 9.10: Ronald Reagan's 1980 campaign demonstrated how a compelling **candidate image** can energize voters and boost turnout. Projecting optimism, confidence, and a clear sense of direction during a period of economic anxiety and international uncertainty, Reagan's personal appeal helped mobilize supporters who felt disillusioned with the status quo, illustrating the powerful role that candidate image plays in shaping participation and electoral engagement. (Image Credit: Ronald Reagan 1980 Presidential Campaign Button, CC BY-SA 4.0)

As political parties have weakened, **candidates themselves have become more central** to campaigns. Voters are often influenced by a candidate's **personality, communication style, background, and perceived authenticity**, sometimes more than their policy positions. This trend has helped elevate candidates like **Ronald Reagan**, **George W. Bush**, and **Donald Trump**, whose personal appeal drew support even from voters who disagreed with some of their issue stances.

Issues and Ideology

While many voters say they care about **issues**, relatively few engage in what's called **issue voting**, which requires knowing where candidates stand and caring enough about those differences to let them guide one's vote. For issue voting to matter, candidates must take clear positions, and voters must pay attention. When these conditions are met, issues can drive behavior, as seen with:

· **Evangelical voters**, who rallied around conservative Supreme Court nominees.

· **Economic voters**, who reward or punish incumbents based on perceived economic performance.

Scholars describe this as **retrospective voting**, judging candidates on past performance, or **prospective voting**, where voters evaluate future promises. While retrospective voting is more common, both assume at least some level of voter rationality.

Beyond One Theory

Several other models have tried to explain voting behavior:

· The **Columbia Model** emphasized **social group identity**, such as religion or union membership.

· Economist **Anthony Downs** argued that voters act in their **economic self-interest**, supporting candidates they believe will

improve their well-being.

· Political scientist **V.O. Key** proposed the **"echo chamber" theory**, suggesting that voters respond to the clarity and relevance of issues presented during a campaign.

Each of these models helps explain some aspect of American voting behavior. Taken together, they show that Americans vote based on a mix of **party loyalty**, **personal impressions**, **group identity**, **issue positions**, and **real-world conditions**.

Critical Realignments and Voter Behavior

Political scientists identify several **critical realignments** in U.S. history, periods when the composition of **party coalitions** shifts dramatically, reshaping **electoral politics**. These realignments often occur every few decades, triggered by major national issues like the rise of **Jeffersonian democracy** (1800), the emergence of **Jacksonian populism** (1828), the **sectional crisis over slavery** (1860), and the **New Deal coalition** during the **Great Depression** (1932).

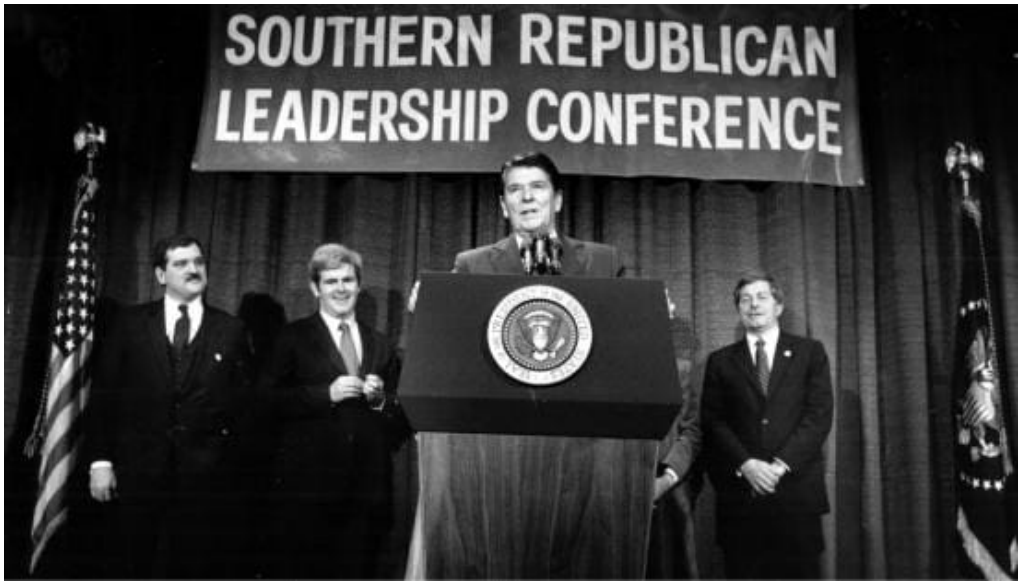


Figure 9.11: Ronald Reagan speaks at the Southern Republican Leadership Conference, symbolizing the **political realignment** that reshaped American party coalitions. Beginning in the 1960s, many white Southern voters who had long supported the Democratic Party shifted toward the Republicans, driven by conflicts over civil rights, cultural change, and federal authority. This realignment turned the South from a Democratic stronghold into a Republican base, fundamentally altering electoral maps, campaign strategies, and the balance of power in national politics. (Image Credit: The American Prospect, Fair Use)

These shifts change **who votes for which party** and often redefine **party identities**. For instance, the **Democratic South's realignment** to the **Republican Party** beginning in the **1960s** reshaped **electoral maps** and **party strategies**. Recent elections under **Donald Trump** have also been described as reflecting a potential **new realignment**, driven by changes in **working-class and suburban voter coalitions** and increasing **polarization**.

Understanding these **realignments** helps explain shifts in **election outcomes** and evolving **voter loyalties**.

Elections

Election Types and Processes

Elections are the cornerstone of **representative democracy**. In the United States, elections serve multiple functions: they **fill public offices**, **resolve political conflicts**, **provide accountability**, and give citizens a direct voice in shaping government. Although the **U.S. Constitution** outlines the framework for **federal elections**, most procedures are governed by **state law**, leading to considerable variation across the country. Understanding the types of elections and the processes by which candidates are nominated, and voters participate is essential to grasping the broader workings of the **American political system**.

Purposes of Elections

Elections serve both **procedural** and **substantive** purposes. Procedurally, they determine who will hold office at the local, state, and national levels. Substantively, they reflect **public opinion**, shape **policy outcomes**, and confer **legitimacy** on elected officials. Elections are also a mechanism of **political change**, allowing voters to retain or remove leaders and influence the direction of public policy. By providing a peaceful, institutionalized means of expressing dissatisfaction, elections help channel public frustration into constructive action, **reducing the likelihood of unrest or revolution** and reinforcing democratic stability.

Beyond choosing public officials, elections can also be used for **direct democracy** through **initiatives**, **referenda**, and **recalls**. These tools, primarily available at the state and local levels, allow voters to **propose**, **approve**, or **reject legislation** and **remove elected officials** from office before the end of their term.

Primary Elections

Before **general elections** determine who holds office, candidates must first win their party's **nomination**. In the United States, the nominating process has evolved from backroom deals and elite conventions to a system dominated by **primaries** and **caucuses**, where voters directly choose among competing candidates.

While the process varies by **party** and **office**, understanding how nominees are selected is essential to understanding the broader electoral system. The following sections explore the history of **presidential nominations**, the role of **primaries**, and the influence of **party rules and reforms**.

Ballot Access and Initiative Processes

Beyond nominating candidates, **ballot access rules** also shape **who can compete** in elections. These rules determine the conditions under which candidates or parties may appear on the ballot, and they **vary widely by state**. Common requirements include **filing fees**, **petition signature thresholds**, and **early deadlines**. **Third-party** and **independent candidates** often face significant **hurdles** meeting these criteria, limiting their ability to compete on equal footing with major-party candidates.

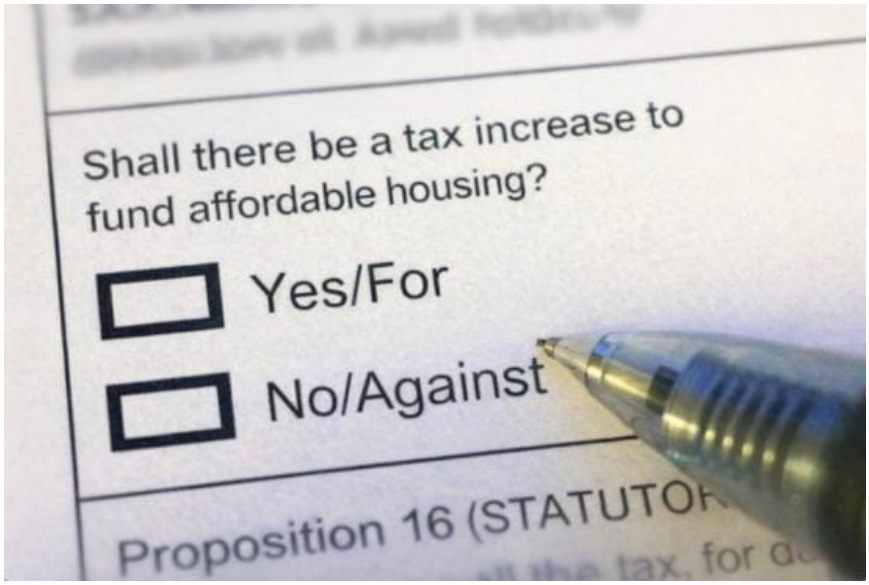


Figure 9.12: In many states, voters participate directly in lawmaking through **ballot initiatives and referendums**. By gathering enough petition signatures, citizens can place proposed laws or constitutional amendments on the ballot, allowing the public to vote "Yes" or "No" on policy questions without going through the legislature. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Some states also allow **direct democracy** through **ballot initiatives** and **referendums**. **Initiatives** permit citizens to propose new laws or constitutional amendments by gathering enough petition signatures to place a measure on the ballot. **Referendums** allow voters to approve or reject laws passed by the legislature. These processes empower voters to make policy directly, though they are also susceptible to influence by **well-funded interest groups**.

Redistricting and Election Administration

Other key aspects of the electoral process include **redistricting** and the **administration of elections**. Redistricting—the redrawing of congressional and legislative district boundaries every ten years—plays a critical role in determining electoral outcomes. While the goal is to reflect population shifts revealed by the U.S. Census, the process is often manipulated through **gerrymandering** to give an unfair advantage to one political party.

Partisan gerrymandering involves crafting districts that dilute the voting power of the opposing party's supporters, either by **"cracking"** them across several districts to prevent a majority or by **"packing"** them into a few districts to limit their influence elsewhere. This can lead to **uncompetitive elections**, **distorted representation**, and a widening gap between voters' preferences and legislative outcomes. In recent years, states like **Texas** and **North Carolina** have drawn national scrutiny for maps that heavily favor one party despite nearly even statewide support for both major parties. While the Supreme Court has ruled that federal courts cannot strike down maps solely for partisan gerrymandering, legal battles continue in state courts and legislatures.

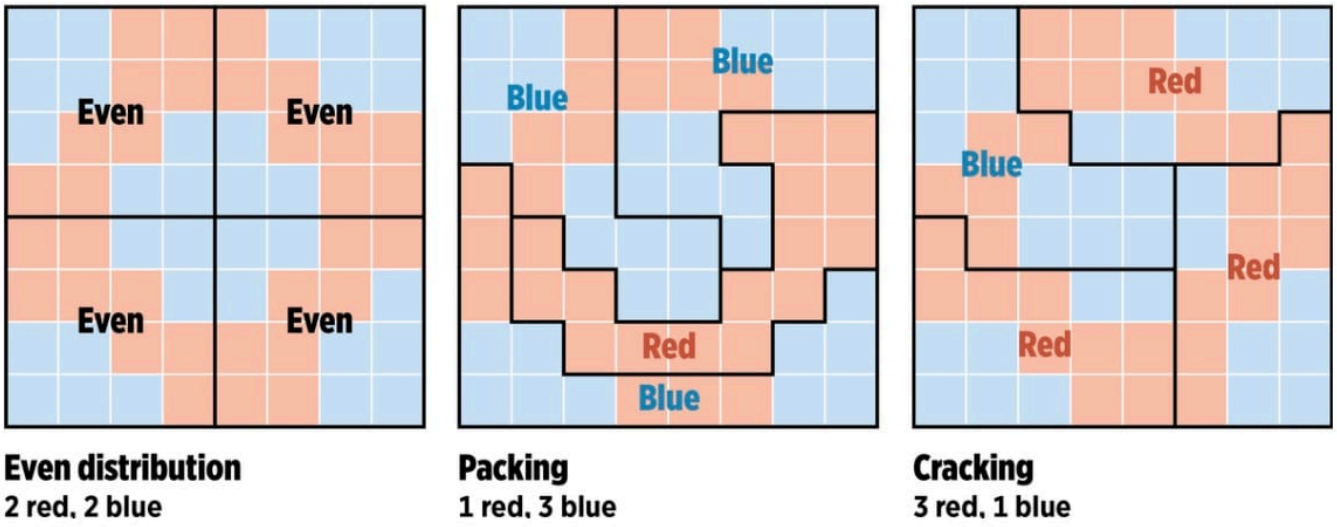


Figure 9.13: This illustration demonstrates two common **gerrymandering** strategies. "**Packing**" concentrates as many voters of one party as possible into a single district to limit their influence elsewhere, while "**cracking**" spreads those voters across multiple districts to dilute their voting power. Both tactics can distort representation without changing the overall distribution of voters. (Image Credit: Wikimedia Commons, CC BY-SA 4.0)

The growing use of advanced data modeling and voter analytics has made modern gerrymandering more precise and effective, prompting calls for reform, such as the use of **independent redistricting commissions** to draw fairer maps and restore trust in the democratic process.

Election administration encompasses **voter registration**, **ballot design**, **early voting**, **vote-by-mail procedures**, and the **certification of results**. These rules are largely determined by **state governments**, leading to variation in **voting access** and practices. Issues like **voter ID laws**, **drop box access**, and **election security** have become increasingly **politicized** in recent years.

Together, these election types and processes form the **infrastructure of American democracy**. They shape not only **who runs** and **who votes**, but also how **inclusive**, **competitive**, and **representative** elections can be.

Open to Debate:
Should Partisan Gerrymandering Be Restricted by Law?

> ***Redistricting*** *is essential to fair representation in a democracy, yet* ***partisan gerrymandering****—drawing district lines to benefit one political party—remains legal in many states.* ***Supporters*** *argue that redistricting has always been a* ***political process*** *and that parties in power have a right to shape maps within constitutional bounds. They also contend that voters can still hold parties accountable in future elections and that* ***independent commissions*** *may not always be truly neutral.*

Critics *argue that partisan gerrymandering undermines* ***democratic legitimacy*** *by allowing politicians to* ***choose their voters*** *instead of voters choosing their representatives. It can lead to* ***"safe" districts*** *where competition is minimal,* ***discourage voter turnout****, and distort the* ***balance of power*** *in legislatures for a decade or more.*

Should federal or state ***courts*** *intervene more aggressively to limit partisan gerrymandering? Should all states adopt* ***independent redistricting commissions****? Or is redistricting best left to the* ***political*** *process? The answers to these questions remain* ***open to debate****.*

From Primaries to the Presidency

Before candidates can face off in a general election for the presidency, they must first secure their party's nomination through a lengthy and competitive process. This begins with the **primary election season**, where candidates compete for delegates, party representatives who will vote at the **national nominating conventions**. The modern system emphasizes voter choice over party control, a significant shift from earlier decades when party leaders wielded greater influence over the selection of nominees.

The presidential nomination process begins in early states like **Iowa**, **New Hampshire**, **Nevada**, and **South Carolina**, which hold disproportionate influence due to their early placement on the calendar. These contests are followed by **Super Tuesday**, when a large number of states vote simultaneously. Candidates seek to build momentum with **early wins**, **media attention**, and **campaign donations**. As the field narrows, candidates who perform poorly often suspend their campaigns, and voters and party elites begin coalescing around a front-runner. This stage is sometimes called the **"invisible primary,"** during which endorsements and fundraising shape the field before any actual votes are cast.

The process of nominating presidential candidates in the United States has evolved significantly over time. In the early days of the republic, candidates were chosen through a system known as **"King Caucus"**, where members of Congress selected their party's nominees. This gave way in the 1830s to the **national convention system**, in which state and local party leaders held considerable power in selecting presidential nominees. For much of the 19th and early 20th centuries, conventions were dominated by **party elites**, and nominees were often chosen through deal-making behind closed doors.

That system began to shift with the introduction of **direct primaries**, in which **voters**, rather than party leaders, select their preferred candidates. This trend accelerated after the controversial **1968 Democratic National Convention**, where party leaders nominated **Vice President Hubert Humphrey** despite his not having competed in any primaries. The backlash led to reforms recommended by the **McGovern-Fraser Commission** (1969–1971), which expanded the role of primaries in the nominating process and aimed to make delegate selection more democratic and representative.

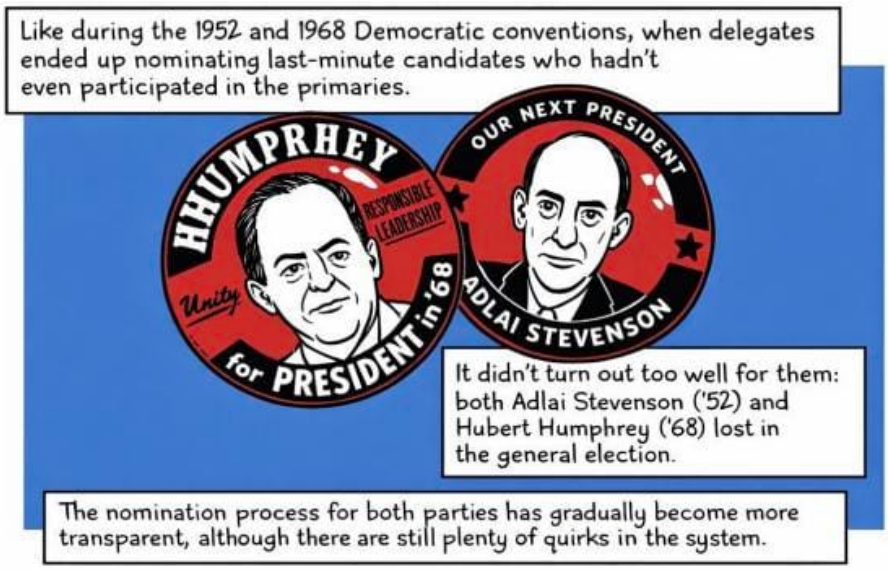


Figure 9.14: At the 1952 and 1968 Democratic conventions, party delegates nominated candidates who had not competed in the primaries—Adlai Stevenson and Hubert Humphrey—highlighting the powerful role of party insiders before reforms made the presidential nomination process more open and transparent. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

While the commission's recommendations applied only to the **Democratic Party**, they had a ripple effect on the **Republican**

Party, as many states amended their election laws to require primary elections for both major parties. Key reforms included:

· Increased use of **primaries** to select delegates.

· Requirements that delegate selections reflect the state's demographic diversity, including **gender and ethnic balance**.

· A shift toward **proportional representation** in awarding delegates, rather than winner-take-all rules.

Later reforms, such as those from the **Hunt Commission** in 1984, introduced **superdelegates**—unpledged Democratic officials and party leaders who are free to support any candidate at the national convention. These include members of **Congress**, **governors**, and members of the **Democratic National Committee (DNC)**. Superdelegates were meant to give experienced party leaders a greater voice in the nominating process, though their influence has been reduced in recent years due to concerns about fairness.

These reforms laid the foundation for the modern primary system, which now comes in several distinct forms, each with its own implications for voter participation and party influence.

Types of Primaries

States use different types of primaries to select nominees for public office, including the presidency. The main types include:

· **Closed Primary**: Only registered party members may vote in their party's primary. This system, used in most states, gives parties more control over their nomination process.

· **Open Primary**: Any registered voter may choose to vote in either party's primary, regardless of party affiliation. This system allows more participation but opens the door to **strategic voting**, where voters cross party lines to influence the opposing party's nominee.

· **Top-Two (Blanket) Primary**: Used in **California** and **Washington**, all candidates from all parties appear on the same primary ballot. Voters can select any candidate for each office, and the top two vote-getters, regardless of party, advance to the general election. This system can result in two candidates from the same party facing off in November.

· **Caucuses**: In addition to primaries, a handful of states still use **caucuses**, which are more time-intensive and deliberative gatherings of party members who discuss and vote on their preferred candidates. While caucuses allow for grassroots engagement, they tend to have lower turnout and favor more ideologically motivated participants.

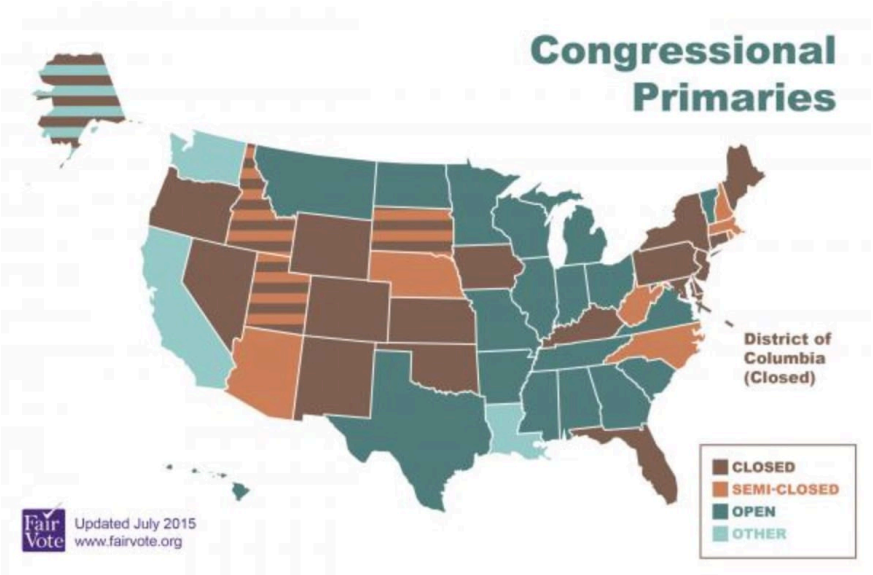


Figure 9.15: A map of which states use **closed, semi-closed, open, and "other" primaries**. (Image Credit: Fair Vote, CC0)

These different primary systems reflect broader tensions between promoting **voter choice** and preserving **party control**. As primaries have become the dominant method for selecting candidates, the power of traditional party elites has waned, while the

influence of **activist voters**, **interest groups**, and **media coverage** has grown significantly.

But do these different systems affect the kinds of candidates who get nominated? Political scientists have debated whether primary structure plays a role in the increasing polarization of American politics.

Do Primary Systems Affect Polarization?

Political scientists have long debated whether the **type of primary system** used by a state affects the **ideological polarization** of the candidates it produces, especially in Congress.

Studies show that **closed primaries**, where only registered party members can vote, tend to produce **more ideologically extreme nominees**. That's because primary voters in these systems are often **highly engaged partisans** who prefer candidates aligned with their party's base.

By contrast, **open primaries** and **top-two primaries** may encourage candidates to appeal to **independent voters or moderate partisans**, especially in competitive districts. However, the evidence is mixed. While some research suggests these systems can slightly reduce polarization, others find **only limited effects**, especially given the broader forces shaping today's partisan landscape, like gerrymandering, media ecosystems, and nationalized campaigns.

Still, the design of primary systems plays an important role in shaping candidate incentives and the choices voters face. As polarization continues to rise, debates over **primary reform**—including proposals for **ranked-choice voting**, **nonpartisan primaries**, and **jungle primaries**—are likely to remain part of the national conversation.

Open to Debate:
Which States Should Go First in Presidential Primaries?

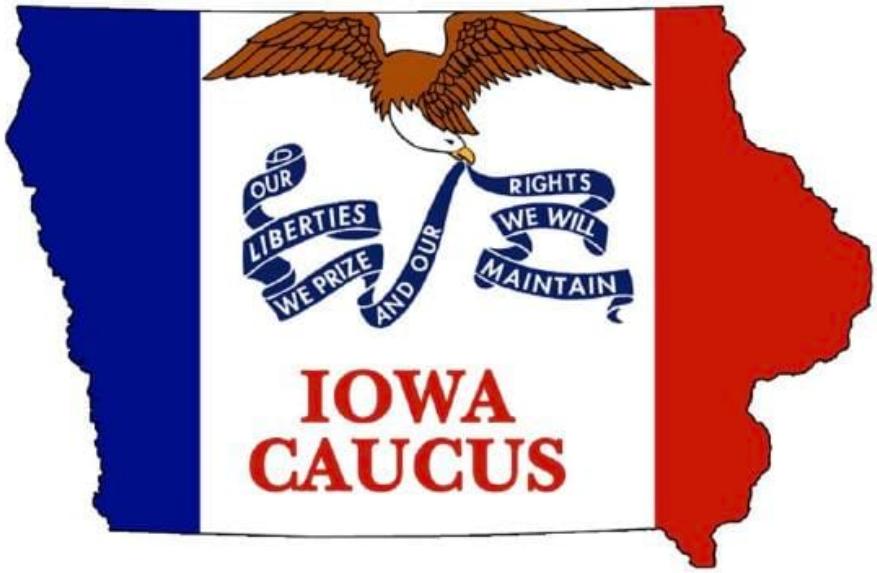


Figure 9.16: For decades, the **Iowa caucus** opened the presidential nomination season, giving this small, largely rural and overwhelmingly white state outsized influence. Its intimate, retail-style campaigning can boost lesser-known candidates, but critics question why it plays such a pivotal role in shaping a nationally diverse field. (Image Credit: Iowa Caucus Characters, via Wikimedia Commons, CC BY-SA 2.0)

> ***Iowa's caucus*** *and* ***New Hampshire's primary*** *have long opened the presidential nomination season, commanding disproportionate influence over national politics. Their small size and intimate campaign settings reward retail politics and allow lesser-known candidates to build momentum. Yet both states—largely rural and overwhelmingly white—are* ***not demographically representative*** *of the nation, prompting criticism about why they should wield such early influence in narrowing the candidate field.*
>
> *In response to such concerns, the* ***Democratic National Committee*** *significantly revised its primary calendar for the 2024 election.* ***South Carolina****, a more racially diverse state with a strong base of African American voters, was moved to the front of the line, followed by* ***Nevada****,* ***New Hampshire****,* ***Georgia****, and* ***Michigan****. However,* ***New Hampshire****, citing a state law requiring it to hold the nation's first primary, still held an early, non-sanctioned contest.*

*The **Republican Party**, by contrast, preserved the traditional order of **Iowa**, **New Hampshire**, **South Carolina**, and **Nevada**.*

*Many states have attempted to move their primaries earlier in the calendar, a process known as **front-loading**, to gain influence and media attention. Some, like **California**, with its enormous delegate count and diverse population, have successfully shifted earlier. Others, including numerous Southern states, created **Super Tuesday** by coordinating early primaries in hopes of amplifying regional clout. These moves seek to make the nomination process more **inclusive and representative** of the nation as a whole.*

*Still, front-loading brings trade-offs. Compressing the primary schedule leaves voters with **less time** to evaluate candidates and understand their policy positions. Campaigns must raise **enormous sums of money** early in the cycle, favoring wealthy candidates or those with early fundraising success. Presidential hopefuls now begin laying groundwork **two or more years** before the first votes are cast.*

*The deeper question remains: Should a handful of small or early-scheduled states decide which candidates get a viable shot at the nomination? Or should the system better reflect the **diversity and complexity of the American electorate**? The questions around balancing **tradition**, **fairness**, and **representation** remain **open to debate**.*

Recent elections illustrate how the primary process can reshape a party's identity. In 2016, **Donald Trump** overcame deep skepticism within the Republican establishment to win the nomination and ultimately the presidency. In 2020, **Joe Biden** rebounded from early losses to consolidate support after a decisive win in South Carolina, aided by **endorsements** from former rivals. These examples show that primary voters, and the strategic decisions of party elites, can dramatically influence not only who becomes the nominee, but also the future direction of the party itself.

Primary elections are only part of the nomination journey. Once a candidate has secured enough delegates, the process culminates in the **presidential nominating convention**, a formal event that still serves important symbolic and strategic functions.

The Presidential Nominating Convention

To win a **general election**, presidential candidates must appeal to a broad coalition of moderate and independent voters. However, to secure their party's **nomination**, they first must win over **primary voters** and **party activists**, who tend to be **more** ideologically extreme than the general electorate. Political science research consistently shows that Democratic primary voters are more **liberal** and Republican primary voters are more **conservative** than the national average.

This dynamic creates a strategic challenge: **"pivoting"** from ideological appeals during the primaries to more moderate messaging in the general election. The same applies to **delegates** at national nominating conventions, who are often long-time activists or **party insiders**. While they may personally favor more ideologically aligned candidates, they also recognize the electoral risks of nominating someone perceived as too extreme. As a result, both major parties tend to choose nominees who can balance ideological appeal with **electability**.

In modern American politics, **conventions** primarily serve as **formal ratifications** of a nominee who has already won enough **delegates** through the primary and caucus process. They also function as party **branding** events, highlighting the party's platform, energizing the base, and introducing **vice-presidential candidates**. While dramatic, **brokered conventions** are now rare, these gatherings still mark a pivotal moment in each election cycle.

From Smoke-Filled Rooms to Televised Spectacles

National **nominating conventions** have been part of American political life since 1832. Historically, they were suspense-filled events where the party's nominee was chosen by **party elites** in closed-door meetings. In some cases, it took many ballots before a winner emerged, and Americans followed the drama closely through newspapers and radio. Today, due to the dominance of **state primary elections**, the nominee is almost always known in advance. While the **roll call of states** still takes place, its outcome is largely symbolic. Modern conventions focus instead on crafting the **party platform**, introducing the **vice-presidential nominee**, and energizing voters through primetime speeches and media coverage.



Figure 9.17: Modern **national party conventions** have evolved into highly choreographed, televised events designed to showcase party unity, highlight key messages, and energize supporters ahead of the general election. (Image Credit: Lorie Shaull, via Wikimedia Commons CC BY 2.0)

The Electoral College

The **Electoral College** is a distinctive institution in American politics. Created by the Framers of the Constitution, it was designed to serve multiple purposes: to act as a check on **direct democracy**, to preserve the influence of **smaller states**, and to reflect the **federal structure** of government. While originally seen as a compromise, the Electoral College has faced growing criticism, especially following controversial elections in which the winner of the **popular vote** lost the presidency. In 2000, Republican **George W. Bush** became president despite losing the popular vote to Democrat **Al Gore**. A similar result occurred in 2016, when **Donald Trump** won the presidency with 304 electoral votes even though **Hillary Clinton** earned nearly 2.9 million more votes nationwide.

Under this system, Americans do not directly elect the president. Instead, they vote for a slate of **electors** who have pledged to support a specific candidate. Each state receives a number of electors equal to its **total congressional representation**, that is, the number of members it has in the House of Representatives plus its two U.S. Senators. Most states use a **winner-take-all** system, meaning that the candidate who wins the **popular vote in that state receives all of its electoral votes**, regardless of the margin of victory.

The number of electoral votes per state is adjusted every **ten years** following the national **census**, which leads to the reapportionment of congressional seats. After the general election in **November**, the electors meet in their respective state capitals in **December** to cast separate votes for **president and vice president**. These results are then sent to the U.S. Senate and formally counted in **January**, with the **sitting vice president** presiding over the joint session of Congress and announcing the official results. A majority of at least **270 out of 538** electoral votes is required to win the presidency.

If no candidate receives a majority of the Electoral College votes, the **House of Representatives** selects the president. In such a case, **each state delegation casts one vote**, regardless of its population size. This procedure has been used only **twice**—in **1800** and **1824**. The **Senate** simultaneously chooses the **vice president**, with each senator casting one vote.

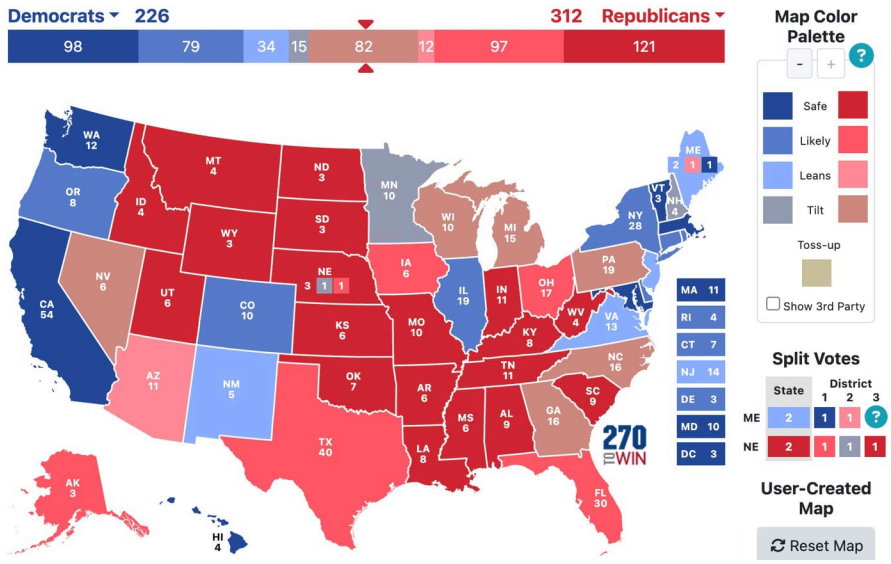


Figure 9.18: This map displays the number of Electoral College votes allocated to each state and indicates the degree to which states are considered safe, likely, leaning, or toss-up for either the Democratic or Republican presidential candidate. (Image Credit: 270 to Win, Fair Use)

Open to Debate:
Should the Electoral College Be Reformed or Abolished?

There has been growing interest among many Americans in replacing the Electoral College with a ***nationwide popular vote*** *for presidential elections. Advocates argue that a popular vote system would ensure that* ***each vote carries equal weight****, reinforcing the core democratic principle of political equality. Under the current winner-take-all system used in most states,* ***voters in swing states have outsized influence****, while those in reliably red or blue states often feel their votes don't matter.*

Supporters of reform also contend that a popular vote would ***encourage nationwide campaigning****, incentivizing candidates to engage with voters in all parts of the country, not just a handful of battleground states. One prominent proposal is the* ***National Popular Vote Interstate Compact (NPVIC)****, under which states pledge to award their electoral votes to the candidate who wins the national popular vote. The compact will only take effect once enough states have joined to reach 270 electoral votes—the number needed to win the presidency. As of 2025, states totaling* ***209 electoral votes*** *have joined the agreement.*

However, defenders of the Electoral College argue that it ***protects smaller and rural states*** *by ensuring they retain a meaningful voice in presidential elections. They caution that a direct popular vote could lead to* ***urban-centric campaigning****, with candidates focusing heavily on large population centers while neglecting less populous areas. They also warn that replacing the Electoral College would likely require a* ***constitutional amendment****, a difficult and politically complex process.*

Should the Electoral College be changed—or abolished? *The answer remains* ***open to debate****.*

Congressional Elections: Power Beyond the Presidency

While presidential races dominate national headlines, **congressional elections** are equally vital to the functioning of American democracy. Every two years, all **435 seats in the House of Representatives** are up for election, while **Senate** terms last six years, with approximately one-third of the Senate elected in each cycle. These elections determine not only who crafts legislation but also the **balance of power** in Washington, and they often shape or stall presidential agendas.

Midterm elections, held midway through a president's term, often serve as **referenda on presidential performance**, with the **president's party** historically losing seats. Despite drawing less media attention and **lower voter turnout**, these races can significantly shift control of **Congress** and impact national policy.



Figure 9.19: Midterm elections—contests that, though often drawing lower turnout than presidential races, can dramatically reshape control of Congress and influence the direction of national policy. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

In the House, **gerrymandering**—the manipulation of district boundaries—has led to many **noncompetitive races**, with outcomes often decided in party **primaries** rather than general elections. This dynamic encourages candidates to appeal to their party's **ideological base** rather than to centrist voters. **Senate** races, by contrast, are statewide and generally more competitive, attracting national **attention**, major **fundraising**, and seasoned **candidates**, especially in battleground states.

Congressional elections are also where new political leaders often emerge**.** Figures like **Barack Obama** and **Alexandria Ocasio-Cortez** rose to prominence through decisive Congressional victories. These contests not only shape legislation but also influence the **future direction** of both political parties.

Looking Ahead: Emerging Electoral Trends

As the United States moves into the future, political parties and institutions face new challenges shaped by **demographic**, **social**, and **economic** changes. One of the most significant shifts is **generational**. **Millennials** and **Generation Z** have surpassed **Baby Boomers** as the largest voting-age cohorts. These younger generations, shaped by different life experiences—including economic precarity, climate change, and the digital revolution—bring evolving priorities and expectations to the political arena.

The country is also becoming more **racially and ethnically diverse**, with states like California now classified as **majority-minority**. As the electorate diversifies, both major parties must consider how to build broad, inclusive coalitions that reflect these changes. Economic trends, such as rising **income inequality** and the expansion of a national **renter class**, may also influence voter preferences and party platforms.

These developments present distinct challenges. The **Republican Party**, which has benefited from the structure of the **Electoral College** in recent presidential contests, may need to broaden its appeal to win a majority of the popular vote. The **Democratic Party**, meanwhile, faces the challenge of expanding its reach beyond urban and coastal strongholds to connect with more voters in **rural** and **Midwestern states**.

Perhaps the most pressing issue facing American democracy is the deepening **political polarization** and the growing tendency to view politics as a binary struggle between opposing identities. This polarization can undermine trust in **democratic institutions** and reduce the willingness of citizens to see one another as legitimate participants in a shared political system.



Figure 9.20: Deepening political polarization in American democracy erodes trust in institutions and weakens citizens' willingness to view one another as legitimate participants in a shared political system. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

While the future of American elections cannot be predicted with certainty, understanding these emerging trends helps students recognize the dynamic nature of **democracy** and the importance of **civic engagement** in shaping what comes next.

Running for Political Office

The Birth of Modern Campaigning

Campaigning for federal office in the United States has evolved dramatically over the past two centuries. In the early 1800s, candidates focused primarily on **policy issues** and **party ideology**, targeting a relatively small, literate, and politically engaged electorate. This began to change in the election of **1840**, a pivotal moment that introduced **image-based campaigning** into American politics.

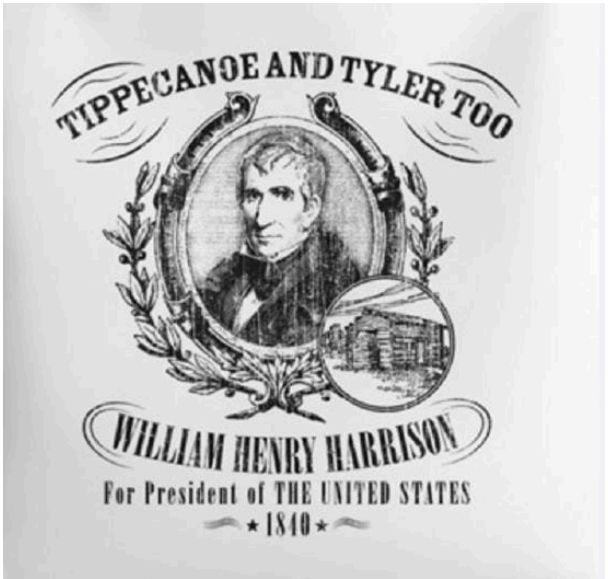


Figure 9.21: An 1840 campaign poster for William Henry Harrison highlights the famous slogan "Tippecanoe and Tyler Too," illustrating how the Whig candidate's campaign emphasized military heroism and frontier imagery over detailed policy positions—marking a turning point toward modern, image-driven electoral politics. (Image Credit: Public Domain)

Democratic President **Martin Van Buren** ran a traditional campaign, addressing substantive issues like tariffs and states' rights. His opponent, **Whig candidate William Henry Harrison**, faced a challenge: his party was deeply divided and unable to agree on a clear platform. Lacking policy consensus, Harrison's campaign pivoted to **personal image**. His advisers emphasized his **military heroism**, especially his role in the Battle of Tippecanoe, and portrayed him as a **man of the people**, supposedly born in a **log cabin**. In contrast, Van Buren was cast as an out-of-touch aristocrat, despite being the son of a small-town tavern owner. Ironically, Harrison was the one born into privilege, on a wealthy Virginia estate. The strategy proved effective: the catchy slogan **"Tippecanoe and Tyler Too"** (referencing his vice-presidential running mate, John Tyler) energized voters, and Harrison won the election in a landslide. Though much of the campaign was based on distortion or outright falsehoods, it ushered in a new style of electoral politics centered on **image over substance**.

A second defining moment in the transformation of political campaigns came more than a century later, during the **1960 presidential election**. On September 26, over 70 million Americans tuned in to watch the first-ever **televised presidential debate** between **Vice President Richard Nixon** and **Senator John F. Kennedy**. While radio listeners tended to think Nixon had won based on content, television viewers overwhelmingly believed Kennedy prevailed. Kennedy appeared **calm, confident, and photogenic**, while Nixon, recovering from illness and refusing makeup, looked **pale, sweaty, and visibly uncomfortable**.

The stark visual contrast marked a turning point. For the first time, **television appearance** proved just as important, if not more so, than political substance. The 1960 debate signaled the arrival of **mass media as a dominant force in campaigning**, where **charisma, style, and presentation** became central to electoral success.

Do Debates Matter?

Presidential **debates** have long played a central role in shaping **voter impressions** and **campaign momentum**. While some observers argue that debates rarely change minds in today's era of **political polarization**, history shows that these moments can leave lasting impressions, and even shift the outcome of an election.

Debates That Changed History



Figure 9.22: The 1960 Nixon–Kennedy debate marked the first televised presidential debate in U.S. history, demonstrating the growing power of television: while radio listeners judged the candidates on substance, television viewers were swayed by John F. Kennedy's poised appearance and Richard Nixon's less polished presentation—highlighting how image could shape electoral outcomes. (Image Credit: Library of Congress, Public Domain)

In **1960**, Senator **John F. Kennedy** and Vice President **Richard Nixon** participated in the **first televised presidential debate**. As noted above, those who listened on the **radio** often thought Nixon had won based on the content of his arguments. But **television viewers** overwhelmingly saw Kennedy as the winner, noting his calm, confident demeanor and strong visual presence. Kennedy's **telegenic advantage** helped tip a close race in his favor.

In **1980**, incumbent **Jimmy Carter** debated former California Governor **Ronald Reagan**. Reagan's reassuring tone and famous line, **"Are you better off than you were four years ago?"**, resonated with voters. In **1984**, Reagan again used **humor** to

address concerns about his **age**, saying, **"I am not going to exploit...my opponent's youth and inexperience."** The moment disarmed critics and charmed viewers.

In **1992**, President **George H.W. Bush** damaged his image when he looked at his **watch** during a town hall debate with **Bill Clinton**. In **2000**, **Al Gore's** attempt to crowd **George W. Bush's** space backfired, making Gore appear overly aggressive. These moments show that debates often hinge less on facts and more on **style**, **tone**, and **connection with viewers**.

Debates in the Digital Age: 2020 and 2024

In a **hyper-partisan environment** saturated by **social media**, some argue that debates no longer matter. Yet recent elections suggest otherwise. In the first **2020** debate, President **Donald Trump** aggressively interrupted and berated **Joe Biden**, appearing **combative** to many viewers. Biden promised a return to **"normalcy."** Trump's performance was widely panned and appeared to damage his support among **suburban voters**, a key demographic in his **2016** victory.

The **2024 debates** were equally consequential. In **June 2024**, President **Biden's halting performance** raised deep concerns about his **age** and ability to lead. Growing pressure led Biden to **withdraw from the race**, and **Vice President Kamala Harris** became the Democratic nominee.

In the **Harris-Trump debate**, Harris delivered a **confident, sharp performance** and was widely regarded as having **decisively won**. Yet despite this and a **post-debate bump**, Harris **lost the general election** to Trump. The outcome raised questions about the **limits of debates** in overcoming **entrenched polarization** and **partisan identity**.

Running a Political Campaign

In the modern era, running for high office, especially the presidency, requires assembling a **large, specialized campaign team**. A successful campaign must combine **strategic planning**, **media management**, **public engagement**, and **fundraising**, all guided by professionals with expertise in specific areas.



Figure 9.23: A successful political campaign must combine strategic planning, media management, public engagement, and fundraising, all guided by professionals with expertise in specific areas. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

The campaign manager serves as the operational leader of the campaign, responsible for overall strategy, staffing, budgeting, and tone. This person works closely with the candidate to decide key elements like messaging, advertising, and whether or not to run negative ads.

A variety of other specialists play important roles behind the scenes. For example, a **speechwriter** crafts the candidate's speeches, while a **speech coach** ensures those speeches are delivered with energy and clarity. Candidates also work with **makeup artists** and **image consultants** to ensure they look confident and camera-ready during debates and media appearances, something that became more prominent after the visual impact of the Kennedy-Nixon debates in 1960.

Field operations specialists manage **campaign travel**, schedule **public appearances**, and organize **crowd logistics**. These professionals ensure that supporters are present to create the impression of enthusiasm, even transporting people from other locations if necessary. They also oversee **volunteer training**, helping volunteers go **door-to-door**, make **phone calls**, and manage other essential ground-level tasks that connect the campaign to voters.

Opposition research is another central component of campaign strategy. Opposition researchers scrutinize every aspect of an opponent's **public record** and **personal background**. This practice was pioneered in the 1984 Reagan campaign and later perfected by Bill Clinton in 1992. Effective opposition research allows campaigns to catch **contradictions**, discredit the opponent's narrative, or prepare for potential attacks.

Because presidential candidates must speak knowledgeably about complex domestic and international issues, they rely on **policy advisers**, often drawn from **academia** or **think tanks**, for briefings and coaching. For instance, Condoleezza Rice began advising George W. Bush on foreign policy while he was still governor of Texas.

Professional fundraisers are indispensable to modern campaigns. These individuals organize **fundraising events**, write **solicitation letters**, and manage **donor databases**. With campaign costs often reaching **hundreds of millions of dollars**, especially in presidential races, the ability to raise **money** is as critical as the candidate's message.

Media consultants and **press secretaries** also play essential roles. Media consultants design, produce, and purchase **advertising content**, while press secretaries manage relationships with **journalists** and respond to media inquiries. A strong **media presence**, both earned and paid, is crucial for shaping public perception and controlling the narrative.

Perhaps the most important strategist on the team is the **pollster**, who provides data on voter preferences and opinions. The initial **benchmark poll**, a large, expensive survey, assesses where the candidate stands, which **issues** resonate with voters, and how the public perceives both the candidate and their opponent. This data informs messaging, scheduling, and fundraising.

Polls also identify the most persuadable groups of voters, or **swing voters**, and help campaigns focus resources accordingly. A rule of thumb in campaigning is to avoid spending too much on supporters who are already committed, or opponents who are out of reach, and instead target undecided voters.

Polls can even guide **image management**. For example, if voters view a candidate as too elitist, campaign ads might show them engaging in more relatable activities, like hunting or attending a local sporting event. Conversely, if voters see an opponent as dishonest or untrustworthy, this becomes fertile ground for attack ads.

In addition to benchmark polls, campaigns rely on **tracking polls**—frequent, small-sample surveys that monitor changes in voter sentiment over time. **Targeted polls** help identify key voter blocs, such as the so-called **"Reagan Democrats"** of the 1980s—blue-collar workers who typically voted Democratic but were swayed by Reagan's message. **Focus groups**, composed of a small group of voters, allow campaign staff to explore voter attitudes in greater depth than traditional surveys can capture.

Disrupting the Model: Donald Trump's 2016 Campaign



Figure 9.24: Donald Trump addresses the 2016 Republican National Convention, symbolizing a campaign that relied less on traditional advertising and ground operations and more on media spectacle, social media engagement, and personality-driven outreach to command national attention and reshape modern campaign strategy. (Image Credit: Nicolas Pinault, Voice of America, via Wikimedia Commons Public Domain)

Donald Trump's 2016 campaign represented a sharp departure from conventional campaign strategy. Rather than investing heavily in paid advertising, Trump used his **celebrity status** and **provocative rhetoric** to dominate media coverage. He mastered the use of **earned media**, free coverage from news outlets, which helped him reach voters without spending heavily on traditional ads.

Trump also embraced **social media**, particularly **Twitter**, to bypass traditional gatekeepers and communicate directly with supporters. His unfiltered and often controversial posts became a central part of his campaign's appeal.

While Hillary Clinton followed the traditional campaign model, employing data-driven voter targeting and maintaining a large field organization with over three times as many local offices as Trump, his campaign emphasized **rallies, spectacle, and personality-driven outreach**. Trump's events drew massive crowds and provided viral media moments, reinforcing his image as a political outsider challenging the establishment.

Trump's victory illustrated the **evolving** nature of political campaigns in the **digital age**. His success raised questions about whether **traditional campaign infrastructure**, **expertise**, and **fundraising strategies** remain as vital as they once were, or whether **media dominance** and **personal branding** now play a larger role in shaping electoral outcomes.

Advantages of Incumbency



Figure 9.25: Established officeholders typically enjoy stronger fundraising networks, greater name recognition among voters, and increased access to free media coverage—advantages that can make reelection significantly easier than mounting a first-time campaign. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Incumbents, those currently holding elected office, enjoy significant **advantages** over challengers and are reelected at exceptionally high rates. In the U.S. House of Representatives, **more than 90%** of incumbents who seek reelection win. While the Senate has slightly lower reelection rates due to its higher-profile races, incumbency still provides a strong edge.

One of the biggest advantages is **fundraising**. Incumbents can raise far more money than challengers, largely because many donors, especially from the business community, give to candidates they believe will win, regardless of party affiliation.

Supporting a likely loser not only wastes money, but risks alienating a winner. As a result, challengers typically must **outspend incumbents 3 to 1** just to remain competitive.

Incumbents also benefit from **greater name recognition** and **free media coverage**. While challengers must spend to build visibility, incumbents already have it, often enhanced by news coverage of their official activities. Even local events, such as town halls or infrastructure visits, may earn them press attention. Some incumbents go further, staging attention-grabbing events to attract media coverage, such as when former Senator **Ben Nighthorse Campbell** once **wrestled an alligator** to draw attention to his campaign.

There are also **built-in perks of the office**. For example, the president travels at no cost aboard **Air Force One**, while challengers must fund their own travel. Members of Congress can use the **franking privilege**, the ability to send official mail to constituents at taxpayer expense, to promote their work and visibility. These benefits allow incumbents to campaign more effectively while performing their official duties.

Because of these advantages, the most competitive elections today are not usually between incumbents and challengers but in **open-seat races**, where no incumbent is running due to retirement, resignation, or death. In short, incumbency provides a powerful head start, making it extremely difficult for challengers to break through.

Campaign Finance: Reform, Loopholes, and Legal Landmarks

The **regulation of money** in American political campaigns is a relatively modern development, emerging in earnest during the late 19th and early 20th centuries. Prior to that period, campaign finance was largely unregulated, allowing wealthy individuals and corporations to exert considerable influence over elections.



Figure 9.26: Money plays a powerful role in American politics and the ongoing debate over campaign finance, political donations, and the influence of wealth on electoral outcomes. (Image Credit: Peeradach Rattanakoses/ Shutterstock.com; money, 9george/ Shutterstock.com, CC0)

Early Reform Efforts

The **1896** presidential election first highlighted the growing concern over money in politics. Republican **William McKinley**'s campaign was heavily funded by major business interests, raising an unprecedented $3.5 million, vastly outspending his Democratic opponent, **William Jennings Bryan**, who raised only $50,000. Many observers believed the election had been effectively "bought" by big business.

This concern led President **Theodore Roosevelt**, a progressive Republican, to push for **reform** after assuming office in 1901. The result was the **Tillman Act of 1907**, the first federal law to prohibit **direct corporate contributions** to federal candidates. However, this law lacked enforcement mechanisms and did little to prevent indirect or secret contributions.

Modern Era of Reform: The Federal Election Campaign Act (FECA)

A more comprehensive effort came with the **Federal Election Campaign Act (FECA)**, originally passed in 1971 and significantly amended in 1974 in the wake of the Watergate scandal. FECA:

- Limited individual contributions to candidates.
- Required disclosure of campaign contributions and expenditures.
- Established the Federal Election Commission (FEC) to enforce campaign finance laws.
- Provided for public funding of presidential elections.

But in **Buckley v. Valeo (1976)**, the Supreme Court struck down key provisions of FECA, ruling that limits on a candidate's own personal spending violated the First Amendment's free speech protections. While contribution limits were upheld, the Court drew a sharp distinction between **contributions to candidates** (which could be limited) and **independent expenditures** (which could not). This decision laid the foundation for the modern system of campaign finance, where money is viewed as a form of **protected political speech**.

Soft Money and the Bipartisan Campaign Reform Act

As donors looked for ways around FECA's limitations, they began channeling funds into **political parties** rather than directly to candidates, a practice known as **soft money** contributions. These funds were supposedly used for "party-building activities," but in practice often supported specific candidates indirectly.

In response, Congress passed the **Bipartisan Campaign Reform Act (BCRA) of 2002**, also known as the **McCain-Feingold**

Act. BCRA:

- Banned unlimited soft money contributions to national party committees.
- Restricted "electioneering communications" by corporations and unions in the weeks before an election.

While BCRA temporarily reduced soft money, it also led to the rise of **independent political organizations** such as **527 groups**, named for the section of the IRS code that governs them. These groups could accept **unlimited contributions** as long as they did not coordinate directly with candidates or parties.

Citizens United and the Rise of Super PACs

The most consequential subsequent legal turning point came in **Citizens United v. FEC (2010)**. In a 5–4 decision, the Supreme Court ruled that corporate and union spending on independent political advertisements could not be restricted under the **First Amendment**. The Court held that **political speech** does not lose protection "simply because its source is a corporation."



Figure 9.27: The Supreme Court's *Citizens United v. FEC* (2010) decision, which expanded the role of money in politics by allowing corporations and unions to spend unlimited funds on independent political expenditures—reshaping campaign finance and intensifying debates over the influence of wealth in American elections. (Image Credit: DonkeyHotey, CC BY 2.0)

This ruling overturned decades of precedent and invalidated key provisions of BCRA, allowing corporations, unions, and other entities to spend **unlimited sums** to influence elections, provided the spending was not coordinated with candidates.

In the wake of *Citizens United*, new entities called **Super PACs** (officially known as independent expenditure-only committees) emerged. Unlike traditional PACs, Super PACs can raise and spend unlimited amounts of money from individuals, corporations, and unions to advocate for or against political candidates, as long as they do not coordinate directly with campaigns.

McCutcheon v. FEC and Aggregate Limits

In **McCutcheon v. FEC (2014)**, the Supreme Court **struck down aggregate limits** on how much an individual could contribute to all federal candidates, parties, and political committees combined. While *Buckley* had upheld such limits, the *McCutcheon* decision reasoned that aggregate caps were a violation of **free speech** and did little to prevent quid pro quo corruption. This further broadened the scope of permissible campaign contributions and expenditures by individuals.

Current Landscape: Loopholes, Disclosure, and Public Concern

Campaign finance in the United States today is governed by a complex **patchwork** of laws, regulations, and court rulings. While direct contributions to candidates remain limited and regulated, vast sums flow through Super PACs, 527 groups, and **501(c)(4)** "social welfare" organizations, some of which are **not required to disclose their donors**. This rise of so-called **"dark money"**

has raised concerns about **transparency** and **accountability** in the electoral process.

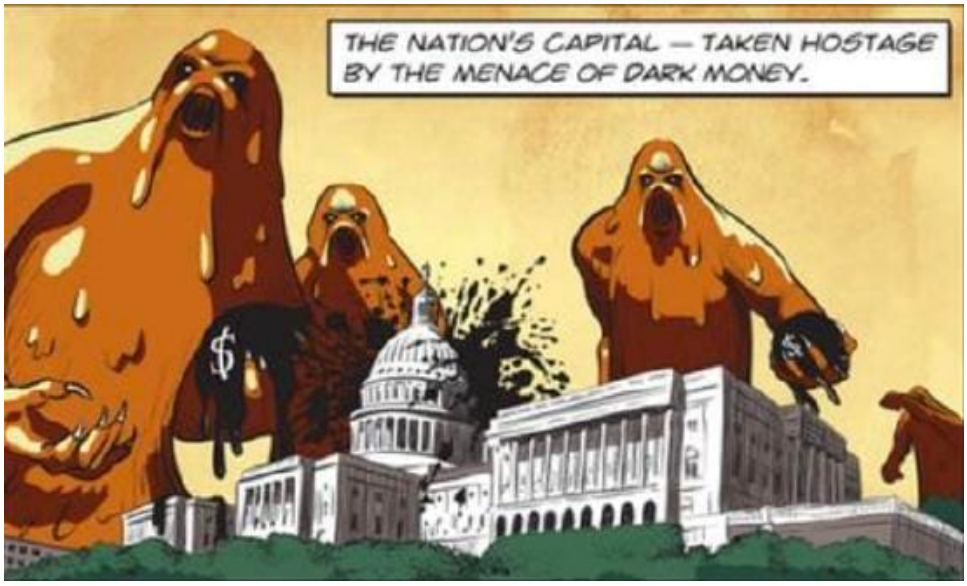


Figure 9.28: This comic book–style advertisement, displayed in a Washington Metro station in 2015, depicts "dark money" as monstrous forces overtaking the U.S. Capitol. Sponsored by advocacy groups including AVAAZ, the Corporate Reform Coalition, and Public Citizen, the campaign sought to pressure the SEC to increase transparency and curb undisclosed political spending. (Image Credit: AVAAZ, the Corporate Reform Coalition, and Public Citizen, Public Domain)

Federal elections have become increasingly **expensive**. Midterm election spending is now in the $10 billion range, far surpassing previous spending. Campaign costs include **advertising**, **staff**, **travel**, **digital outreach**, and **data analytics**, among others. Funding comes from **individual donors**, **PACs**, **party committees**, and **self-financing** by candidates. **Independent groups** now play an outsized role in shaping campaign narratives.

Critics argue that this **flood of money** undermines **democratic equality** by amplifying the voices of the **wealthy** and **special interest groups** while diminishing the influence of **ordinary voters**. Supporters counter that political spending is a form of **expression** and that restricting it would stifle **open debate** and **participation**.

As a result, **campaign finance** remains one of the most **contentious** issues in American democracy, with reformers calling for greater **transparency** and **public financing**, while others defend the current system on **constitutional grounds**.

Open to Debate:
Is Campaign Spending Free Speech—or a Threat to Democracy?

> *The **First Amendment** guarantees freedom of speech, and the **Supreme Court** has ruled, most notably in Citizens United v. FEC (2010), that **campaign spending** is a form of political expression. Supporters of this view argue that spending money on political causes or candidates is a way of participating in democracy. After all, candidates still need to **win the most votes**, not just raise the most money. Restricting how much individuals or groups can spend, they contend, would violate their **constitutional rights** and limit political participation.*
>
> *Critics counter that unlimited political spending, especially through **Super PACs** and **dark money** organizations, skews the democratic process in favor of the wealthy and **undermines political equality**. With **billions of dollars** now flowing into elections, they argue that candidates may become more responsive to major donors than to average constituents. This raises fundamental questions about **fairness**, **representation**, and whether all voices in the electorate truly carry equal weight.*
>
> *Should campaign donations continue to be treated as a form of free speech, protected from most government restrictions? Or should new rules be adopted to limit spending and increase **transparency**, in order to protect the ideal of **equal influence** in a representative democracy? The future of **campaign finance reform** remains **open to debate**.*

Beyond Campaign Finance: Personal Enrichment, Access, and the Limits of Reform

While **campaign finance laws** and **court rulings** have focused on regulating money in elections—through **contributions**, **disclosures**, and **spending caps**—emerging practices reveal new ways money can influence politics that fall entirely outside this system. Though not campaign finance in the traditional sense, these developments still raise urgent concerns about **transparency**, **corruption**, and **public trust**.

Bypassing Campaigns: When Political Influence Becomes Personal Profit

Campaign finance reform has historically centered on monitoring funds that flow into **candidate campaigns**, **party organizations**, and **independent expenditures**. However, a growing trend involves the direct **personal enrichment** of political figures through mechanisms unrelated to campaign activity, such as **business ventures**, **promotional schemes**, or **valuable gifts**.

Because these payments are not campaign contributions, they are not subject to campaign finance rules. There are **no contribution limits**, **disclosure requirements**, or **donor restrictions**, even if the money originates from foreign governments or wealthy individuals seeking access or influence. This effectively **sidesteps** the **regulatory framework** designed to ensure **democratic accountability**.

Legal vs. Illegal: Bribery and the Access Loophole

The Supreme Court has held that **explicit quid pro quo corruption**, a clear exchange of money or gifts for a specific official act, is **illegal** and can be prosecuted under federal bribery laws. However, the Court has also narrowed the definition of what counts as corruption.

In ***McDonnell v. United States* (2016),** the Court overturned the conviction of a former governor who had received significant personal benefits, ruling that arranging meetings or granting access did not qualify as an official act under federal bribery statutes. This decision clarified that **providing access**, rather than a promised action, is **not criminal—**regardless of the financial benefit involved**.**

This legal distinction has created what critics describe as a **gray area in political ethics,** where vast sums of money can change hands under the pretense of goodwill, personal support, or private business transactions rather than as a direct bribe.

Constitutional Concerns: The Foreign Emoluments Clause

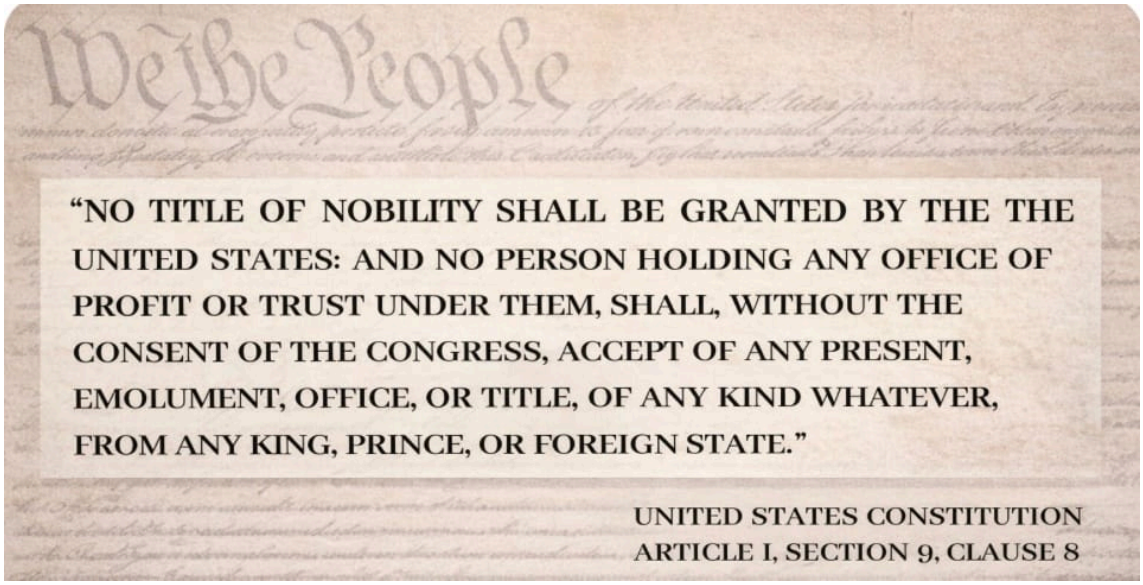


Figure 9.29: The Foreign Emoluments Clause (Article I, Section 9, Clause 8) of the U.S. Constitution prohibits federal officeholders, including the President, from accepting gifts, payments, or benefits from foreign states, kings, or princes without congressional consent. Designed to prevent foreign influence and corruption, it applies to any profit, service, or advantage. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

These developments also raise **constitutional questions**, particularly regarding the **Foreign Emoluments Clause** (Article I, Section 9), which prohibits any federal officeholder from accepting "any present, Emolument, Office, or Title" from a foreign state without congressional consent. The clause was designed to guard against **foreign influence** over U.S. officials.

Despite its clear intent, the Emoluments Clause has rarely been enforced. Courts have shown reluctance to intervene, especially when payments are indirect or when the recipient is not currently holding office. This leaves an open question about how well existing constitutional safeguards function in the modern political and economic landscape.

A Challenge to Accountability

The rise of direct personal enrichment outside of campaign structures represents a profound **challenge** to the goals of **campaign finance reform.** The current system, focused narrowly on elections and campaign contributions, is not equipped to regulate these new forms of influence and profit.

As money increasingly flows around, and not through, our regulatory institutions, the boundary between public service and personal gain becomes harder to draw. Addressing this gap may require redefining **ethical standards**, updating **legal frameworks**, and reexamining **constitutional protections** to ensure that public office remains a **public trust**.

Open to Debate:
Private Business or Political Influence?

*Since taking office in 2025, **President Trump** has continued to be involved, either directly or indirectly, in a range of **business ventures**, including cryptocurrency projects bearing his name, his network of branded resorts and golf clubs, and licensing deals that capitalize on his political brand. These activities raise a fundamental question in American democracy:*

*Are these legitimate private business ventures, or are they avenues for individuals, corporations, and foreign governments to **curry favor** with the President?*

*Supporters argue that, like any American citizen, a president retains the right to engage in **private business dealings**, especially if those activities are unrelated to official duties. They note that courts have been reluctant to place broad restrictions on a president's financial interests unless a clear **conflict of interest** or criminal conduct can be shown. From this perspective, participation in business, whether through resorts, media, or cryptocurrencies,*

represents lawful enterprise, not corruption.

*Critics, however, contend that such ventures blur the line between **public service and personal profit**. They point out that spending money at a president's business, buying products associated with the president's brand, or participating in ventures that funnel value to the president or his family can easily be perceived as attempts to buy **access**, **favor**, or **influence**. Unlike traditional **campaign contributions**, these financial interactions often lack transparency and fall outside the oversight of campaign finance laws or ethics rules.*

*Additionally, some constitutional scholars argue that these practices may violate the spirit, or even the letter, of the Constitution's **Emoluments Clauses**, which were designed to prevent federal officials from receiving personal financial benefits from foreign states or domestic actors seeking political advantage.*

*As American politics continues to evolve in an era of digital assets, global markets, and personality-driven campaigns, students of government must ask: Where should the line be drawn between a president's **private business interests** and their **public responsibilities**? Should new laws or constitutional amendments be considered to address this gap, or is the current system sufficient? This issue invites us to reconsider long-standing questions about **ethics**, **accountability**, and the meaning of **public service** in the modern presidency. The answer to these questions remains **open to debate**.*

Conclusion

Campaigns and **elections** reveal the underlying tensions and aspirations of the American political system. The rules governing how elections are conducted, from **ballot access** to the **Electoral College**, shape not only who gets elected, but how **candidates campaign** and which **issues** receive attention. Over time, the structure of American **elections** has evolved in response to **political**, **demographic**, and **technological** shifts, while still reflecting the foundational principles of **federalism**, **separation of powers**, and **indirect representation**. Reforms to **primary schedules**, **campaign finance laws**, and **voting procedures** continue to influence **electoral strategy** and **outcomes**. As **political parties**, **interest groups**, and **media** adapt to new realities, **elections** remain both a reflection of **public will** and a contest over how **power** is organized and exercised in American government. Understanding how **campaigns operate**, how **votes** are cast and counted, and how **institutions** mediate these processes is essential to grasping the dynamics of **governance** in the United States.

Glossary

Australian Ballot: introduced to the United States in 1888, the Australian ballot is a ballot cast in secret and counted by the government.

Benchmark Poll: large-scale poll with up to 5,000 people involved. It is used to discover issues and candidate images for a campaign.

Caucus: a meeting of party identifiers to select candidates for their party for office.

Census: the actual counting of the population of the United States. It occurs every ten years.

Critical Realignment: a core group of supporters of a political party switching to the opposition. In addition this switch causes the creation of a new majority party.

Dealignment: a core group of supporters leaving a political party and refusing to join another political party.

Direct Primary: election held by a political party to determine the party's nominee for political office.

Elector: a person chosen by the respective state parties who will cast a vote for president and vice-president in the Electoral College.

Electoral College: the electors picked by every state who will cast a ballot for president and vice-president.

Focus Group: small group undergoing intense questioning to discover more detailed information on issues and candidates.

Franking Privilege: the ability of Congressional representatives to send official mail to constituents at taxpayer expense.

Front-Loading: recent phenomenon of states moving their primary dates into the early part of primary season to have more influence in selecting the presidential nominee for the party.

Grandfather Clause: state law stating that a person could only vote if their grandfather had voted. Used by Southern states to prevent African-Americans from voting.

Incumbent: A sitting politician seeking reelection.

Independent Expenditures: expenditures by PAC's or other interest groups, which are not coordinated with a political candidate.

Independent: a voter who does not identify with a political party.

Indiana Ballot: the Indiana ballot lists all candidates on the ballot by party, encouraging party voting.

Literacy Test: a test to determine whether a person could read and write. Only if a person passed the test, was he able to vote.

Massachusetts Ballot: the Massachusetts ballot lists all candidates by office, encouraging ticket splitting.

Motor Voter Act: Congress passed the Motor Voter Act in 1993 to increase voter registration in the United States. It allows for citizens to register to vote while they apply for a driver's license.

Partisan: a voter who identifies with a political party.

Party identification: people connecting with a political party.

Party Machine: a local political party organization that relies heavily on material incentives to support the party.

Party platform: a document drawn up every four years at the national convention, which outlines a party's policies and principles.

Political participation: this term refers to all activities American citizens engage in when they attempt to influence governmental decision-making.

Political Socialization: the process of how people acquire their political values.

Poll Tax: a fee, which had to be paid in order to vote.

Pre-election Poll: poll taken before candidates enter a race. It shows a possible candidate whether he/she has a chance of winning office.

Proportional Primary: a primary in which delegates are allocated on the basis of the proportion of the vote a candidate receives.

Realignment: a core group of supporters of a political party switching to the opposition party.

Registration laws: unlike Europe, American states, with the exception of North Dakota, require that citizens register to vote before they can cast a ballot on election day. This depresses turnout by about 9 percent.

Roll Call of States: At the nominating convention, when the delegates in each state announce their choice for their party's nomination. Done in alphabetical order by state.

Soft Money: money given to political parties for party-building activities.

Super Tuesday: the Tuesday where most of the Southern states hold their presidential primaries.

Superdelegates: party officers who have the right to cast a ballot for the Democratic presidential nominee at the Democratic National Convention.

Target Poll: poll designed to discover possible swing voters.

Ticket splitting: instead of voting straight party line, where a voter casts all of his votes for one party, the voter divides his/her vote between the parties.

Tracking Polls: polls taken on daily basis to show candidates how the race is shaping up.

Winner Take All Primary: the candidate who wins a primary receives all the delegates.

Selected Internet Resources

www.electionstudies.org. THE ANES GUIDE TO PUBLIC OPINION AND ELECTORAL BEHAVIOR. Ann Arbor, MI: University of Michigan, Center for Political Studies [producer and distributor]

http://www.fec.gov. The official Website of the Federal Election Commission. It contains all the finance records for federal candidates and provides information current campaign finance laws.

http://www.vote-smart.org. This Website provides information on campaign finances as well as voting records for federal candidates.

http://www.opensecrets.org. This website presents in an easy to understand format a huge amount of data on money raised and spent all elections with an eye toward transparency.

http://www.electionstudies.org. This is the official Website of the National Election Studies group. It provides a plethora of information on voting, public opinion and political participation.

http://www.gallup.com. The official Website of the Gallup organization. It provides new and historical polls on all aspects of American life.

http://www.idea.int/about/. The International Institute for Democracy and Electoral Assistance (IDEA) provides information on elections, voting behavior and turnout throughout the democratic world.

http://www.census.gov/. The Census Bureau provides information on voter turnout and registration procedures.

http://www.pollingreport.com. This Website provides the most comprehensive and update polling information on national and state level races throughout the United States.

http://www.fairvote.org/. This is the official Website for the Center for Voting and Democracy. It has information on international electoral laws and voting systems.

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Chapter 10: Influence and Information- Media and Political Power

Why Media Matter in a Democracy

Introduction: The Power of Information

In a representative democracy, **informed citizens** are essential for the system to work effectively. The **media** serve as the primary means by which the public learns about **government actions**, **political debates**, candidates for office, and **public policy issues**. Without timely, accurate, and comprehensive information, voters cannot make educated choices or hold elected officials accountable.

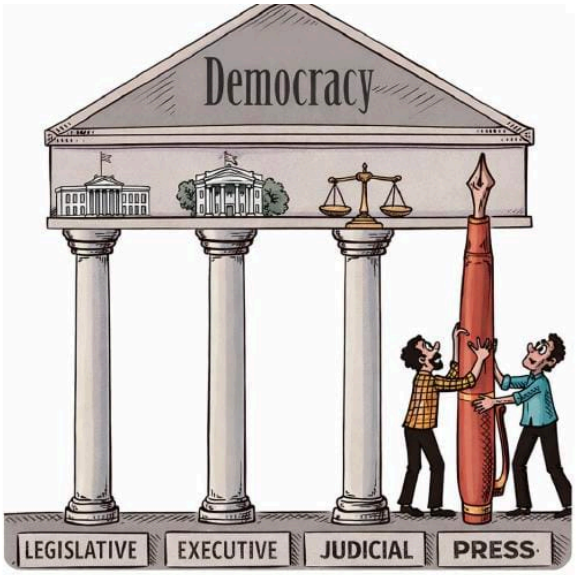


Figure 10.1: **The media is often called the "fourth branch of government"** (or "fourth estate") because it acts as an unofficial, essential check on the three constitutional branches—legislative, executive, and judicial—by informing the public and holding officials accountable. It shapes public opinion and ensures transparency in democratic. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

But who decides what gets covered, and what gets left out? How do people distinguish credible journalism from **misinformation** or **propaganda**? And in an age of **fragmented media ecosystems**, how do citizens stay informed? These questions go to the heart of how **democracy functions**. Often called the "**fourth branch of government**," alongside Congress, the presidency, and the courts, the media not only inform the public but also help ensure **transparency**, encourage **civic participation**, and support **public deliberation** on critical issues. They serve as a forum for **debate**, a **watchdog over power**, and a battleground for competing narratives, making their role in American democracy more vital, and more contested, than ever. By spotlighting government successes and failures, the media help check **abuses of power** and promote **democratic responsiveness**.

The First Amendment and Freedom of the Press

The importance of the media in democracy is enshrined in the **First Amendment** of the U.S. Constitution, which guarantees freedoms of speech and of the press. This constitutional protection ensures that the government cannot censor or unduly restrict the press. The framers of the Constitution understood that a free press is essential to an informed citizenry and a government accountable to the people.

Freedom of the press means that journalists and media organizations have the right to report on government actions, investigate wrongdoing, and publish diverse opinions without fear of government retaliation or censorship. However, this freedom is not absolute, laws against libel, invasion of privacy, and incitement to violence place limits on what the press can publish.

Nonetheless, the **principle of press freedom remains a cornerstone of American democracy**, empowering the media to play their critical roles.



Figure 10.2: **Freedom of the press** empowers citizens with the information needed for informed decision-making, serves as a marketplace for ideas, and protects against abuses of power. (Image Credit: U.S. Postage Stamp, via Wikimeidia commons, Public Domain)

Over time, the meaning of press freedom has expanded with advances in technology, from print newspapers to radio, television, and now digital media. Despite challenges such as media consolidation, political polarization, and misinformation, the First Amendment continues to protect the essential role of the media in ensuring an open and vibrant democratic society.

Defining the Media

The term **media** refers broadly to any means of communication. In this chapter, we are particularly concerned with **mass media**, that is, channels of communication that reach large audiences. These include books, magazines, newspapers, radio, television, film, recordings, and the Internet. While each of these can convey political information, our focus will be on the **news media**, particularly newspapers, radio, television, and digital platforms.

Over the last few decades, the way Americans receive, consume, and interact with news has changed dramatically. For the first time, most Americans now access news through **digital devices** rather than traditional print or television. This technological shift coincides with three broader trends in American politics: a decline in **trust** in traditional news institutions, the **democratization of media platforms**, and the increasing **fragmentation** of the news audience. In an age of **polarization**, many Americans now seek news sources that affirm their existing views. It is not that people are uniformly distrustful of journalists, but rather that they tend to distrust those journalists and outlets with whom they disagree.

Political bias in the media is not new. Publications such as *The National Review* and *Mother Jones*, which openly reflect **ideological perspectives**, have long influenced political discourse. But in recent years, these voices have been joined by a proliferation of **new**, often **partisan platforms** that contribute to, or emerge from, the broader **polarization** of American society.

The Evolution of American News Media



Figure 10.3: A signpost points in multiple directions—Internet, Television, Radio, Magazines, and Newspapers—illustrating the diverse and evolving channels through which Americans receive news and political information in the modern media landscape. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

The **American media landscape has evolved dramatically over time**, shaped by technological advances, political developments, and changing public expectations. Each new medium—from colonial newspapers to social media platforms—has transformed how Americans engage with politics, impacting both the speed and nature of information dissemination.

Historical Overview of American News Media

At the time of the **Revolutionary War**, about **40 weekly newspapers** circulated in the American colonies. These early papers, often financed by political factions, served as **tools for advocacy and partisan attack**. For example, even George Washington's wartime strategies were criticized in partisan publications. After independence, leaders like Alexander Hamilton and Thomas Jefferson supported rival newspapers to advance **Federalist and Anti-Federalist views**. Until the Lincoln administration, government printing contracts favored newspapers aligned with the party in power.

By the **1830s**, improvements in **printing technology**, **rising literacy**, and postal subsidies led to the rise of the **penny press**, cheap, mass-circulation papers financially independent of political parties. This "revolution in cheap print" **helped expand democracy by making political information widely accessible**, boosting voter turnout, and professionalizing journalism, even as sensationalism grew.

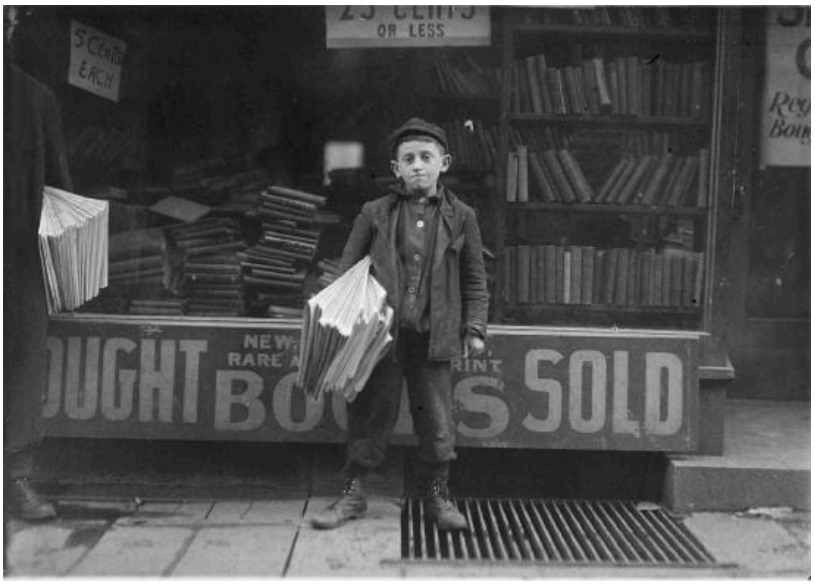


Figure 10.4: A young newsboy stands outside a shop selling newspapers during the era of the **penny press**, symbolizing the rise of inexpensive, mass-circulation newspapers that made political information accessible to ordinary Americans in the nineteenth century. (Image Credit: U.S. National Archives and Records Administration, via Wikimedia Commons, Public Domain)

The late 19th century saw intense competition among newspapers, culminating in the era of **yellow journalism**. Publishers like William Randolph Hearst and Joseph Pulitzer used lurid headlines and visuals to attract mass audiences. The early 20th century brought **muckraking journalism**, with writers like Upton Sinclair **exposing corruption** and influencing reform legislation, while telegraph and telephone technology further expanded news reach.

Broadcast media transformed politics in the **20th century**. **Radio**, exemplified by Franklin D. Roosevelt's Fireside Chats, personalized politics, while **television**, rising in the 1950s, brought political debates and events directly into American homes. The 1960 Kennedy-Nixon televised debate marked a turning point in visual media's political influence. Events such as the Vietnam War coverage, Watergate hearings, and C-SPAN broadcasts **deepened public engagement and affected trust in government**.

Newspaper circulation peaked in 1909, but **print readership declined gradually over the 20th century** as **radio** and later **television** became dominant media. By 1960, television reached **87% of American households**, transforming how people consumed news. Yet **major newspapers** like *The New York Times* and *The Washington Post* **continued to shape political discourse**, particularly among **policymakers** and **opinion leaders**.

The rise of **cable news** in the 1980s and 1990s, with CNN, Fox News, and MSNBC, introduced the **24-hour news cycle** and **intensified political polarization**. **Talk radio**, led by personalities like Rush Limbaugh, became a powerful conservative voice.

The **internet revolutionized** political communication from the 1990s onward. Blogs offered grassroots commentary, and digital tools **transformed campaigning**, with Barack Obama's 2008 campaign setting new records in online engagement. By the 2010s, **social media** platforms such as Facebook, Twitter, Instagram, and TikTok became **essential for campaigns and advocacy**. Politicians like Donald Trump used these platforms to **bypass traditional media gatekeepers** and shape the national conversation directly.

This **digital shift** also enabled rapid spread of **misinformation** and **polarized content**, contributing to an ongoing **information crisis**. Political efforts to reach digital-native audiences reflect the evolving nature of political communication.

The Rise of Digital News and Political Entertainment



Figure 10.5: The media landscape has shifted dramatically in the digital age: as television and print newspapers decline, Americans increasingly turn to news websites, mobile apps, and social media platforms for political information—blurring the line between journalism, commentary, and entertainment. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

The **digital revolution** has reshaped how Americans access political information. By 2020, digital platforms, including smartphones, computers, and tablets, had overtaken television as the most common source of news. Today, most Americans now rely on **news websites**, **apps**, or **social media** for political updates, while television and print newspapers continue their long decline.

These trends are especially pronounced among **younger Americans**. More than 90% of adults under 30 primarily consume news online and are significantly less likely to engage with traditional media. They favor on-demand, short-form content like **news summaries** or **video explainers**, often delivered through platforms such as **TikTok**, **YouTube**, or **Instagram**.

Presidential campaigns have adapted by investing in **digital advertising**, **influencer outreach**, and **micro-targeting**. In 2022, the Biden administration collaborated with TikTok creators to communicate major policy initiatives and counter **misinformation** about the COVID-19 vaccine. Candidates now regularly appear on **podcasts**, **comedy shows**, and **livestreams**, **bypassing traditional gatekeepers** to connect directly with voters.

Politics has also become more intertwined with **entertainment culture**. **Political comedians** and **influencers** use humor to critique and explain current events, and many public figures use satire or self-deprecation to appear more relatable. For many younger voters, online personalities now shape political attitudes more than traditional This shift toward **personalized**, **interactive**, and **fragmented media** raises both opportunities and challenges. Americans now have unprecedented access to political information, but they also face growing threats from **misinformation**, **declining trust**, and the erosion of a **shared public narrative**.

The Democratization of Media: Citizen Voices and Influencers

While digital media have changed how political information is delivered, they have also changed **who produces it**. The media landscape is no longer dominated solely by large news organizations and professional journalists. The rise of platforms like **YouTube**, **TikTok**, **podcasts**, and **Substack** has empowered ordinary citizens to become **content creators**, **opinion leaders**, and **political influencers**. This shift represents a profound **democratization of media**, allowing diverse voices to reach wide audiences without traditional gatekeepers.



Figure 10.6: We are in a new era of **citizen-driven media**, where podcasts, streaming platforms, and independent content creators allow individuals—not just traditional news organizations—to shape political conversation and reach mass audiences. (Image Credit: USC Annenberg School for Communication and Journalism, Fair Use)

These platforms enable users to bypass legacy newsrooms, sharing **commentary**, **analysis**, and **firsthand accounts** directly with the public. This has expanded the range of perspectives in the public sphere and created new opportunities for **grassroots activism** and **political engagement**. For example, TikTok creators have mobilized youth around **climate change** and **voting rights**, while **podcasters** have emerged as influential voices shaping public debates from outside traditional institutions.

However, this democratization also raises challenges. Many citizen creators operate outside the norms of professional journalism. Without formal **editorial oversight**, **misinformation** and **ideologically slanted content** can spread rapidly. Influencers often blur the line between **entertainment and advocacy**, and platform **algorithms** tend to reward **sensational or divisive content**, sometimes at the expense of **accuracy** or **fairness**.

Ultimately, the rise of **citizen media** underscores the evolving role of Americans, not just as consumers of news but as **active participants** in shaping political discourse. It highlights the urgent need for **media literacy** and **critical evaluation skills** to navigate today's complex information environment.

Open to Debate:
Media and Political Polarization

> *Modern media—especially social and partisan digital outlets—are often blamed for deepening America's political divide. Scholars point to **selective exposure**, the tendency to seek out information that confirms preexisting views, and the **hostile media effect**, where individuals perceive neutral reporting as biased against their side. These psychological patterns are amplified by algorithms that prioritize engagement over balance, steering users into **ideological echo chambers**.*
>
> *Some argue that today's media landscape encourages **tribal thinking**, **erodes trust**, and makes **civil disagreement** nearly impossible. Others contend that people have always held strong political identities and that the real problem lies not with the media, but with declining trust in democratic institutions more broadly.*
>
> *Can a democracy thrive when citizens live in **separate information bubbles**? Should media **platforms** be expected to promote viewpoint **diversity** or is that the **responsibility of individuals**? And what role should **government** or journalism itself play in bridging America's growing divide? The answers to these questions remain **open to debate**.*

Ownership and Regulation

Beyond an understanding of the evolution of the American media, it is essential to recognize who **controls the media** and how **government policies** shape the information Americans receive. The structure of **media ownership** and the **regulatory**

framework established by the government play a central role in shaping the **diversity**, **accessibility**, and **content** of news and entertainment.

Historically, the U.S. media landscape was characterized by a large number of **locally owned** newspapers, radio stations, and television channels serving diverse communities. However, over the past several decades, **media consolidation** has dramatically reduced the number of independent media outlets. Today, a handful of large **corporations** own the majority of television networks, radio stations, newspapers, and digital platforms. This concentration of ownership raises concerns about reduced **diversity of viewpoints**, potential conflicts of interest, and the influence of **corporate priorities** on news coverage.

Amid the trend toward corporate consolidation, **public media** outlets such as **National Public Radio (NPR)** and the **Public Broadcasting Service (PBS)** offer an important alternative. Funded through a mix of **government appropriations**, **foundation support**, and **listener donations**, public media are structured to serve the **public interest** rather than commercial profit. With a mission rooted in **education**, **cultural enrichment**, and **nonpartisan reporting**, they are widely regarded for upholding high **journalistic standards**. In an era of growing **misinformation** and **partisan echo chambers**, public media remain among the most **trusted sources** of news, particularly for audiences seeking in-depth analysis and **ethical reporting**.

The **Federal Communications Commission (FCC)**, established in 1934, is the primary federal agency responsible for regulating interstate and international communications by radio, television, wire, satellite, and cable. The FCC enforces rules designed to promote **competition**, **localism**, and **diversity** in broadcasting. Key regulations have included limits on the number of media outlets a single company can own in a market, requirements for **public service programming**, and the now-defunct **Fairness Doctrine**, which once required broadcasters to present contrasting viewpoints on controversial issues.



Figure 10.7: **The Federal Communications Commission** (FCC), established in 1934, is the primary federal agency responsible for regulating interstate and international communications by radio, television, wire, satellite, and cable. (Image Credit: FCC, via Wikimedia Commonsm Public Domain)

The FCC also regulates broadcast content through rules against **indecency** and **obscenity**, a power upheld by the **Supreme Court** in landmark cases. These rules remain controversial because of their vague standards and the balance they strike between **free speech** and community norms. Although such regulations apply only to **broadcast media** and not to cable or online platforms, debates over **content control** and **censorship** continue to this day.

In recent years, debates over **media regulation** have intensified. Some argue that **deregulation** has enabled excessive media consolidation, reducing the variety of voices and weakening **local journalism**. Others contend that in a **digital era**, traditional broadcast regulations are outdated and that online platforms, which operate globally and often outside U.S. jurisdiction, require new approaches to regulation, especially regarding **content moderation**, **misinformation**, and **privacy**.

The rise of **social media platforms** like **Facebook, X (formerly Twitter)**, and **YouTube** has dramatically reshaped how Americans **consume news** and **engage politically**. Unlike **traditional media outlets**, these platforms rely on **algorithms** that prioritize **engagement over accuracy** and operate without the **editorial oversight** typical of newspapers or broadcasters. As **private companies**, they are largely shielded from the kinds of **regulation** that govern traditional media, even though they play

a growing role in shaping **public discourse**.

This evolution presents complex **regulatory challenges**: How can policymakers protect **free speech** while also limiting the spread of **harmful misinformation** and preserving **democratic norms**? Understanding **who owns the media** and how **laws** and policies govern both **traditional** and **digital platforms** is essential to grasping the **political power** of modern media. As technology continues to evolve, so too will the debates over the **rules** that shape our **information ecosystem** and its impact on **American democracy**.

Open to Debate:
Misinformation and COVID-19

> *During the COVID-19 pandemic, concerns about **misinformation** related to vaccines, the virus's origins, and government responses sparked intense debate over whether social media platforms should ban or **deplatform** dissenting voices. To some, the spread of misinformation posed a serious **public health risk** by persuading or reinforcing beliefs that vaccines were unsafe. Others argued that such **censorship** was unconstitutional and undemocratic, limiting open discussion about public policies like social distancing and shutdowns.*
>
> *Later revelations showed that platforms like Facebook and Twitter, sometimes working with **government agencies**, actively suppressed commentators who challenged official narratives on combating the pandemic.*
>
> *Do you think social media platforms should **censor** or deplatform individuals? How is **misinformation** different from **disinformation**? What role, if any, should **government** play in regulating speech on social media? These questions remain **open to debate**.*

The Local News Crisis: A Threat to Civic Engagement

While national news outlets often dominate headlines, **local journalism has long been a cornerstone of American democracy**. Local reporters cover city council meetings, investigate school board decisions, track police conduct, and monitor the use of taxpayer funds. This "close-to-home" reporting not only keeps local officials **accountable** but also **informs citizens about the decisions that affect their daily lives**.



Figure 10.8: Local communities are being disproportionately impacted by the fall of local newspapers compared to bigger cities creating **news deserts**, deepening America's economic divide. (Image Credit: Axios, Fair Use)

Yet in recent decades, **local newsrooms have faced a dramatic decline**. Since 2005, more than **2,500 newspapers have closed** across the United States, and many surviving outlets have slashed staff or been acquired by hedge funds focused on cutting costs. Entire regions have become **"news deserts"—areas with little or no original local reporting.**

The consequences are serious. Research shows that in communities without strong local journalism:

· **Voter turnout drops**, especially in local elections.

· **Corruption and mismanagement** are more likely to go unchecked.

· Citizens are **less likely to contact representatives** or engage in civic activities.

· Political **polarization** may increase, as people rely more on **national partisan media** to make sense of local issues.

Without local **watchdogs**, power is exercised in the shadows. **Democratic responsiveness suffers when citizens are uninformed about what their local government is doing.** And while **social media** can sometimes help fill the gap, it rarely provides the sustained, **investigative**, and community-focused reporting that newspapers once did.

The **local news crisis is not just a media story, it's a democracy story.** As local news disappears, so does a critical layer of **public accountability**. Understanding this trend reveals the **media** not just as an industry, but as a **civic institution** essential to **participation**, **transparency**, and **trust** in government.

Some communities are responding with innovative models—such as **nonprofit newsrooms**, **university-supported journalism programs**, and **reader-supported digital outlets**—but these solutions are unevenly distributed and not always sustainable.

The Economics of Modern Journalism

The collapse of traditional **advertising revenue** has upended the financial foundation of journalism. For most of the 20th century, newspapers and broadcast outlets relied on **classified ads**, local business advertising, and national sponsors to fund operations. But with the rise of digital platforms—especially **Google** and **Facebook**—those ad dollars largely migrated to tech companies that aggregate, rather than produce, news.

In response, many media organizations shifted to a **click-based funding model**, chasing web traffic to sell digital ads. This strategy often favors **sensational**, emotional, or celebrity-driven content over **in-depth reporting**. "**Clickbait**" headlines and articles may generate revenue, but they rarely promote **civic understanding**. Even reputable outlets face pressure to produce stories that perform well online, sometimes at the expense of nuance or balance.

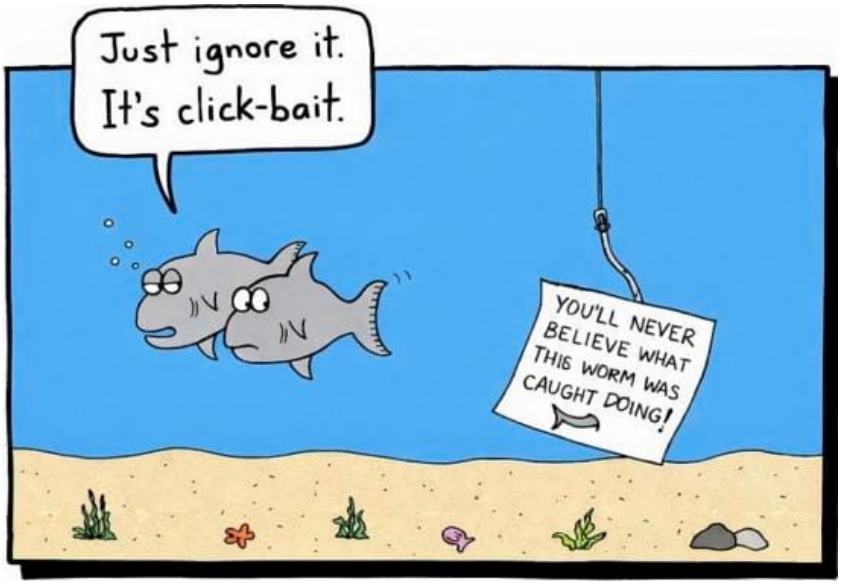


Figure 10.9: "**Clickbait**" media funding favors sensational, emotional, or celebrity-driven content over in-depth reporting. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

To compensate for dwindling ad revenue, many news organizations have turned to **paywalls** and **subscriptions**, creating a tiered system in which high-quality journalism is increasingly available only to those who can afford it. This raises concerns about **equity in access** to reliable information, especially as **misinformation** remains freely and widely available.

At the same time, new models are emerging. **Nonprofit journalism**—often funded by foundations, member donations, or universities—has grown in influence. Outlets like **ProPublica**, **The Texas Tribune**, and local nonprofit newsrooms prioritize

investigative reporting and **public-interest journalism** over profit margins. These models offer hope for preserving quality journalism, but they also face challenges in **sustainability** and **scale**.

Ultimately, understanding the economic pressures shaping modern journalism helps explain why some news stories go uncovered, why others dominate headlines, and why **trust in media** has eroded. As media consumers and future voters, students must recognize that journalism is not just a **civic institution**, it's also a **business**. And how that business is structured deeply affects what the public sees, hears, and knows.

Understanding the financial forces shaping journalism helps set the stage for examining how news is produced, framed, and delivered to the public.

Media Effects: How the News Shapes What—and How—We Think

In a complex and fast-moving information ecosystem, the media do more than report the news, they help shape how we understand it. Scholars have identified several key mechanisms through which the media influence public opinion and political outcomes: **agenda-setting**, **gatekeeping**, **framing**, and **priming**. These concepts explain how media narratives guide what people think about, how they interpret events, and which standards they use to evaluate leaders.

Agenda-setting refers to **the media's power to influence the importance the public assigns to specific issues**. When journalists devote sustained attention to a topic—such as inflation, immigration, or crime—it signals that these are problems deserving public concern. While the media cannot tell people what to think, they are remarkably effective at telling people **what to think about**.

Closely tied to agenda-setting is **gatekeeping**, the process by which editors, producers, and increasingly algorithms decide **which stories get attention and which are ignored**. In the past, print and broadcast limitations forced difficult choices about what was **"newsworthy."** Today, even with the near-infinite space of online platforms, **economic pressures** and **audience analytics** continue to shape these decisions. Many outlets prioritize timely, emotionally resonant, or **"clickable"** stories, often at the expense of deep **policy coverage**.

Two landmark examples, separated by more than 50 years, illustrate how media **agenda-setting** can shape **public opinion** and **political outcomes**. In 1968, following the Tet Offensive during the **Vietnam War**, U.S. **media coverage shifted dramatically**. Over a six-week period, **support for President Johnson's handling of the war dropped** from 40 to 26 percent. Major outlets like *Time*, *Newsweek*, CBS, and NBC pivoted from cautious support to open criticism. Johnson later cited a broadcast by CBS anchor **Walter Cronkite**, then considered "the most trusted man in America", as the moment he realized public support for his policies had crumbled.



Figure 10.10: **Walter Cronkite** of CBS interviewing Professor Mai of the University of Hue in Vietnam during the 1968 Tet Offensive. Later, in a widely viewed broadcast, CBS anchor Walter Cronkite concluded that the conflict appeared "mired in stalemate" and urged negotiations—remarks that elevated doubts about the war to the forefront of national debate. In the weeks that followed, support for President Lyndon Johnson's handling of the war dropped sharply, underscoring the **media's agenda-setting power** can influence public opinion and political priorities. (Image Credit: National Archives and Records Administration, via Wikimedia Commons, Public Domain)

In 2020, the death of **George Floyd** in police custody triggered massive public protests and **wall-to-wall media coverage**. Television networks, digital outlets, and social media platforms brought renewed attention to **systemic racism**, **police violence**, and **criminal justice reform**. **Public opinion shifted swiftly**, and policymakers at all levels began debating reform measures. Just as television helped turn the tide of support during Vietnam, digital-era media, especially video footage and viral content, amplified public outrage and made **police reform** a central issue in American political discourse.



Figure 10.11: Members of the press document a memorial and protest site following the death of George Floyd, illustrating the media's **agenda-setting** role: sustained coverage across television, online platforms, and social media elevated police violence and racial justice to national prominence and intensified public debate and policy discussions. (Image Credit: SidewalkMD, via Wikimedia Commons, CC BY-SA 4.0)

While **agenda-setting** influences what people think about, **framing** shapes how they think about it by highlighting certain aspects and omitting others.

The media also shape public understanding through **framing—selecting which facts, images, or themes to emphasize in a**

story. For instance, an article on immigration might frame the issue through national security, humanitarian concern, or economic impact, each evoking different emotional and political responses. Media scholar **Doris Graber** warns that excessive **focus on political strategy, rather than policy substance**, can reduce complex debates to superficial **"horse race" coverage**. The framing process is increasingly shaped by the need to capture and retain audience attention in a crowded media landscape.

To maintain audience interest, especially in today's fragmented media environment, outlets often turn to **soft news**, stories designed **more to entertain than to inform**. Political dramas, viral trends, and celebrity gaffes may crowd out substantive policy reporting. This phenomenon is amplified by **event-driven journalism**, in which spontaneous or staged events dominate coverage. Politicians exploit this dynamic by crafting **media events** to gain favorable attention, a tactic dating back to **FDR's fireside chats** and continuing with social media campaigns today.

Finally, **priming** refers to how media **emphasis on certain issues alters the criteria by which people judge public figures**. If the economy dominates headlines, voters are more likely to evaluate the president based on economic performance. Priming often reinforces agenda-setting and framing, creating a feedback loop that magnifies media influence.

Media effects, however, are not absolute. It is often difficult to draw direct causal links between media coverage and public support for specific policies. For example, although images of fire hoses and police dogs attacking civil rights demonstrators in the 1960s helped galvanize support for civil rights legislation, such dramatic examples are the exception. More commonly, the media's influence operates **subtly**, by shaping the **issues the public prioritizes**, the **emotional tone** of national discourse, and the **narratives** available to understand complex events.



Figure 10.12: Televised images of police using fire hoses against civil rights demonstrators in the 1960s became powerful symbols of injustice, illustrating how visual media can bring national attention to social movements and **prime** the public to evaluate government leaders and policies through the lens of civil rights and racial justice. (Image Credit: Ed Jones photographer, Alabama Department of Archives and History, Public Domain)

In an era when traditional journalists share the spotlight with influencers, AI-generated content, and algorithmic feeds, understanding **media effects** is more important than ever. While the platforms and personalities may change, the underlying power of the media to **shape perception** remains a defining force in democratic life.

Media and Elections

Elections are among the most visible and consequential arenas in which **media** shape political behavior. In the months leading up to an election, news coverage, advertising, and digital content saturate the public sphere, offering information, misinformation, and everything in between. For most Americans, the media are the primary means through which they learn about **candidates**, assess **party platforms**, and decide whether or not to participate in the political process.



Figure 10.13: A political candidate addresses a cluster of reporters and television cameras during a campaign stop, illustrating how **press coverage serves as a key intermediary between candidates and voters** and plays a central role in shaping electoral narratives. (Image Credit: Village Square, via Wikimedia Commons, CC BY 2.0)

One of the most criticized features of campaign coverage is **horserace journalism,** the tendency of reporters to focus on who is ahead, who is behind, and what strategies candidates are using to gain an advantage. This approach treats elections as sporting events rather than deliberative processes. Coverage of **polling data**, **campaign gaffes**, and **fundraising totals** often eclipses discussion of policy proposals or governing philosophies. Scholars argue that this dynamic can erode public trust and reduce political engagement by emphasizing spectacle over substance.

Televised debates provide a rare opportunity for candidates to engage directly with one another on major issues. But even here, **media framing** can shape public interpretation. Debate coverage frequently centers on who "**won**" or who had the most "memorable moments," rather than who offered the most thoughtful **policy** positions. **Sound bites** and **body language** often attract more attention than substance, and **viral clips** can dominate the news cycle regardless of context or accuracy.

Political advertising is another powerful force in modern campaigns. Candidates, parties, and outside groups spend **billions of dollars** on ads that aim to persuade, mobilize, or discredit. While some ads emphasize a candidate's achievements or vision, many rely on **emotional appeals**, especially **fear** or **anger**, to influence voter behavior. **Negative ads** have become a staple of American elections, often more memorable and influential than positive ones. Their effects are complex: while they can depress turnout among some voters, they may also reinforce existing **partisan loyalties**.



Figure 10.14: **Modern campaigns rely on social media** to mobilize supporters, shape narratives, and influence voter behavior in the digital age. (Image Credit: Protect Democracy, Fair Use)

In recent years, **social media platforms** have emerged as indispensable tools for campaign communication. Candidates use **Twitter**, **Instagram**, **Facebook**, **TikTok**, and **YouTube** to broadcast their messages directly to supporters, bypassing traditional media gatekeepers. These platforms allow for **real-time interaction**, **viral messaging**, and **targeted advertising**. At the same time, the lack of editorial oversight makes them fertile ground for **disinformation** and **conspiracy theories**. False or misleading content—whether spread by bots, trolls, or foreign actors—can distort public understanding and even undermine confidence in the **electoral process**.

Media coverage can also shape **who participates** in elections. Studies show that people who are more regularly exposed to campaign information, especially from **trusted sources**, are more likely to vote. However, disparities in access to **quality information** can reinforce existing inequalities. Voters in **battleground states** often receive more attention and better local coverage than those in safe districts. Additionally, younger and lower-income voters are more likely to rely on digital sources, where the quality and accuracy of information can vary widely.

Ultimately, the media's role in elections is **double-edged**. On one hand, journalism can inform the electorate, hold candidates accountable, and provide a platform for democratic debate. On the other, **commercial pressures**, **partisan biases**, and **technological disruption** can skew public understanding and deepen **polarization**. For voters, navigating this environment requires a **critical** eye, not just toward the candidates, but toward the media ecosystem that helps shape the stakes, stories, and outcomes of American democracy.

Journalist Safety and Press Freedom

In a healthy democracy, **a free and independent press acts as a watchdog**—holding power to account and informing the public. But around the world, and increasingly in the United States, **journalists face growing threats to their safety, independence, and press freedom**.

Internationally, journalists are often **intimidated, imprisoned, or even killed** for reporting on **corruption**, **human rights abuses**, or **organized crime**. In countries like Russia, Iran, and China, **press freedom** is tightly controlled, and independent reporting can lead to arrest or worse. The **Committee to Protect Journalists** (CPJ) and **Reporters Without Borders** track hundreds of such cases every year, offering a stark reminder that **freedom of the press is not guaranteed, it must be defended.**



Figure 10.15: Police detain a photojournalist while covering a public protest, highlighting the growing **risks faced by members of the press** in politically charged environments. (Image Credit: ACLU, Fair Use)

Even in the United States, where the **First Amendment** protects press freedom, **journalists have increasingly become targets of political hostility, physical violence, and legal pressure**. During nationwide protests in 2020, dozens of journalists were **arrested or assaulted**, sometimes by police. Others faced lawsuits or subpoenas demanding they reveal **confidential sources**. And in recent years, **political leaders have used hostile rhetoric—labeling reporters as "enemies of the people" or purveyors of "fake news"**, undermining **public trust** and encouraging harassment.

Most notably, President Trump (2025-) has escalated legal attacks on the press by filing multiple **lawsuits** against major news organizations—CBS, ABC, Paramount, the *Wall Street Journal*, and others—often over coverage he deems unfavorable. These lawsuits impose severe legal costs and can **chill critical reporting**, even when the claims lack legal merit.

These trends raise serious concerns about **press freedom and democratic accountability**. When journalists are threatened or silenced**, the public loses access to independent information,** and **powerful actors are less likely to be scrutinized**.

Some legal protections remain strong, such as **shield laws** in many states and landmark Supreme Court decisions like ***New York Times v. Sullivan* (1964)**, which set a high bar for **libel** claims against journalists. Yet the **climate of intimidation can be chilling**, especially for freelance reporters, student journalists, or those working for smaller outlets.

Protecting journalists is not just about protecting individual careers. It's about **preserving the flow of information that citizens need to govern themselves.** As students of government, understanding the risks faced by journalists, and the **constitutional principles** that protect them, is essential to understanding how **democracy** works in practice.

As independent journalism is challenged by **legal intimidation** and **restricted access**, a vacuum of **trustable and reliable information** emerges. In this environment, **conspiracy theories** can spread unchecked, often filling the space left by a silenced or delegitimized press.

Open to Debate:
Can the Government Limit Press Access Without Undermining Democracy?

> *In a widely publicized case, the **Associated Press (AP)** filed a **lawsuit** against the **Trump administration** after its reporters were excluded from key **White House events**—including **Oval Office briefings** and **Air Force One** trips. The exclusion reportedly followed the AP's refusal to adopt the administration's preferred term "Gulf of America" in place of the established name "Gulf of Mexico."*
>
> *Incidents like this raise challenging questions: **To what extent can the government regulate or limit press access without infringing on democratic principles?** Supporters of the administration's decision might argue that the **executive branch** has discretion over which journalists are granted access and that all administrations engage in **message control** to some degree.*

*However, **critics warn that restricting access based on editorial decisions**, especially over symbolic language, can set a dangerous precedent. They argue that such practices resemble **authoritarian-style efforts to control narratives**, **discourage dissent,** and ultimately **erode press freedom** and **public accountability**.*

*As media environments become increasingly **polarized**, the debate over the proper balance between **executive discretion** and **journalistic independence** remains critical. Should the government have the power to deny access to reporters based on **their editorial choices, or does that risk weakening the foundations of a free press?** The answer remains **open to debate**.*

Conspiracy Theories and the Media: Amplification and Consequences

Conspiracy theories, narratives that allege secret plots by powerful actors, have long existed in American political life, but **digital** and **social media** have given them new life and unprecedented reach. While earlier conspiracies were often confined to fringe publications or small communities, today's theories can spread rapidly across **social platforms**, online forums, and even mainstream outlets.

Algorithms used by platforms such as **YouTube**, **Facebook**, and **X** (formerly Twitter) prioritize content that generates **engagement**, often sensational, polarizing, or emotionally charged material. As a result, conspiracy-related content can be **amplified** far more than verified, fact-based reporting. This amplification was evident in the rise of the **QAnon movement**, whose vague but expansive claims about government corruption and secret cabals spread virally on social media. Similarly, conspiracy theories surrounding the **COVID-19 pandemic** and the **2020 election** gained wide traction, contributing to real-world consequences like **vaccine hesitancy**, **political violence**, and public **distrust** in democratic institutions.

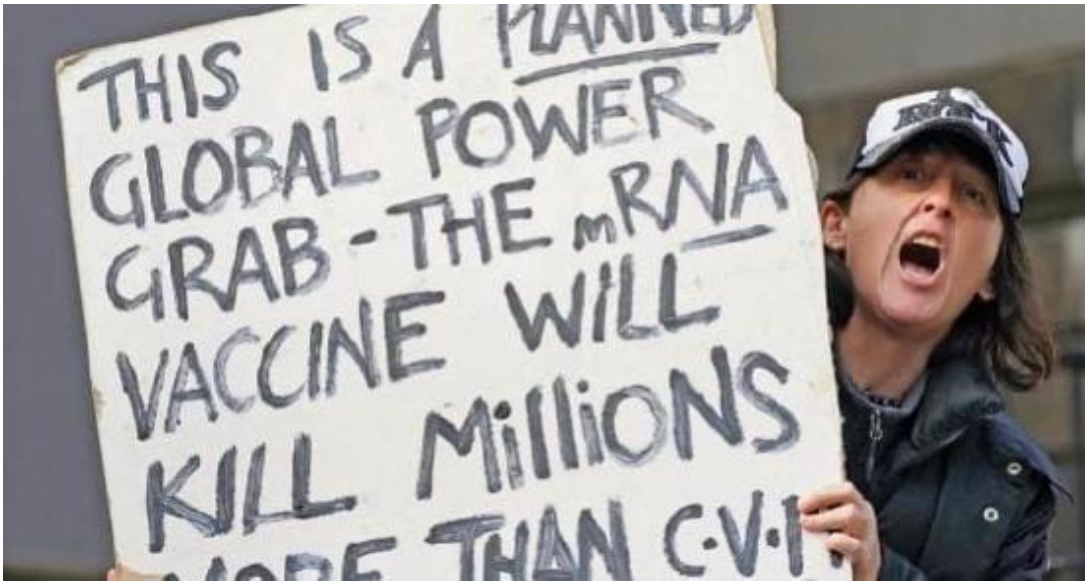


Figure 10.16: A protester displays a sign promoting a false claim about COVID-19 vaccines, illustrating how emotionally charged **misinformation** can spread widely online and shape public attitudes toward science, public health, and government policy. (Image Credit: American University, CC0)

These theories often flourish in media environments where **editorial oversight is weak** or absent, allowing users to bypass traditional **gatekeepers**. Influencers, online communities, and alternative news sites can generate and disseminate **misleading** or false information with little accountability. While some platforms have attempted to moderate harmful content, efforts to remove conspiracy theories are frequently criticized as **censorship**, sparking debates about **free speech**, **content moderation**, and **platform responsibility**.

The persistence and popularity of conspiracy narratives present a serious challenge to **democratic governance**. By promoting **distrust in government**, **delegitimizing elections**, or **scapegoating certain groups**, conspiracy theories can deepen **polarization** and erode **civic norms**. Understanding how media platforms foster or counteract these narratives is a critical part of modern **media literacy** and of defending democracy in an age of **disinformation**.

Media Coverage of Government

Although the press reports on and investigates all three branches of government, each branch actively tries to shape how it is portrayed. Presidents, members of Congress, and even the Supreme Court engage in **media management**—crafting messages, staging events, and controlling access—in an effort to build public support and influence perception.

Presidential coverage dominates news reporting about government. The major broadcast networks employ senior **White House correspondents**, and national newspapers like *The New York Times* and *The Washington Post* each assign multiple reporters to the **White House beat**. Everything the president does, from policy announcements to recreational activities, is considered **newsworthy**. Even the president's family often becomes the subject of media scrutiny.



Figure 10.17: **President Donald Trump** sits for a televised interview under studio lights, illustrating how **modern presidents operate within a constant media spotlight**, where speeches, interviews, and public appearances are carefully staged and widely broadcast to shape public perception. (Image Credit: Gage Skidmore, via Wikimedia Commons, CC BY-SA 2.0)

The debate over **media bias is especially intense** when it comes to coverage of the presidency. While some claim a liberal slant in the media, empirical studies have found **no consistent ideological bias** favoring either party. However, **coverage has grown increasingly adversarial** over time. This shift is partly due to past instances where presidents have misled the public, from the **Vietnam War** and **Watergate** to more recent controversies like the **Monica Lewinsky affair** and the false claims about **weapons of mass destruction** in Iraq. The result has been a rise in **journalistic skepticism**, especially toward the executive branch, leading to more negative coverage of government overall.

Some analysts argue that this skepticism has morphed into a broader **anti-government bias**, with roots in early 20th-century **muckraking** journalism that portrayed politics as a battle between corrupt elites and ordinary citizens. Though this era was followed by a period of **objective journalism**, events like Watergate and Vietnam undermined **public trust** and reinforced the notion that no politician could be fully trusted. Even before these scandals, populist candidates like George Wallace tapped into **anti-government sentiment**, a theme later echoed by President Ronald Reagan, who famously declared that **"government is not the solution to our problem; government is the problem."**

In response to this increasingly skeptical media environment, **presidents have developed sophisticated communications strategies**. The **White House communications office** manages a large staff of media professionals who coordinate press releases, arrange photo opportunities, and organize public events designed to showcase the president in a favorable light. Presidents also **leak information** to preferred journalists to shape the narrative before a story breaks. In the modern era, they bypass traditional media altogether by speaking directly to the public through **social media**, **town halls**, and **prime-time televised addresses**.

All presidents since **Woodrow Wilson** have given formal **press conferences**, though the frequency and nature of these interactions have varied. Wilson stopped holding press conferences once **World War I** began, while **Franklin D. Roosevelt** held an average of two per week during his twelve years in office. **John F. Kennedy** was the first president to hold a **live televised**

press conference in 1961 and was widely regarded as one of the most confident and charismatic performers before the press.



Figure 10.18: **President Franklin D. Roosevelt** addresses reporters from behind a bank of microphones, exemplifying how **early twentieth-century presidents used emerging mass media to communicate directly with the public** and shape national understanding of policy. (Image Credit: National Archives and Records Administration via Wikimedia, Public Domain)

In the decades that followed, presidents became more cautious about **unscripted exchanges**. Since **Nixon**, nearly every president has held **fewer formal press conferences** than his predecessor, often preferring controlled settings, **photo-ops**, or interviews with sympathetic media outlets. Many presidents have relied increasingly on **prepared statements** or taken questions only in **joint news conferences** with foreign leaders.

President Donald Trump (in both his first term, 2017–2021, and his second beginning in 2025) has broken from this trend in notable ways. In his second term, Trump has given the press more **frequent** and **informal access** than any of his predecessors. He often speaks to reporters during **impromptu sessions**, at rallies, while boarding or exiting vehicles, or through **social media livestreams**. While these interactions sometimes lack the structure of traditional press briefings, they keep his name and messages in the headlines, a strategy Trump appears to embrace deliberately. Critics argue that he uses these frequent appearances to **dominate the news cycle**, while supporters view his accessibility as a form of **transparency** and **directness**.

Meanwhile, the **congressional press corps** has grown smaller and more centralized, even as members of Congress have developed **sophisticated local media operations**. Experts **Roger H. Davidson** and **Walter S. Oleszek** note that televised coverage of Congress has shifted from **policy analysis** to stories of **conflict and scandal**. Congress remains difficult to cover: its size (**535 members**), **decentralized structure**, and complex **committee work** present challenges for journalists. Individual members rely on **press secretaries** and communications teams to produce local content, press releases, and video spots for hometown media. The House and Senate maintain **full-service media studios** that enable members to distribute content directly to constituents, often **bypassing national outlets** that might be more critical.

The **Supreme Court**, by contrast, remains the most **media-averse** of the three branches. **Cameras** are not allowed in the courtroom, and justices do not hold **press conferences**. Still, media coverage of the Court has increased—particularly in **high-stakes or controversial rulings**. The Court has taken small steps to support press access: it provides written summaries (called **"headnotes"**) on major decisions, publishes **opinions** and **oral argument calendars** online, and releases **audio recordings** at the end of each week. Although journalists covering the Court face challenges such as **legal complexity** and **tight deadlines**, especially at the end of a term, the availability of **digital documents** and **docket materials** has improved access over time.



Figure 10.19: Photographers capture an official portrait of the justices of the **U.S. Supreme Court**, illustrating one of the few moments when the press is granted visual access to the Court, which otherwise **conducts its proceedings largely outside the view of camera**s. (Image Credit: Franz Jantzen for the Supreme Court, Public Domain)

Media Bias and Public Trust

The media's role in American politics is both central and contested. A persistent concern among the public is **bias in news reporting**—the belief that journalists fail to provide fair or balanced coverage of competing perspectives. Surveys show that while **many journalists acknowledge** sometimes omitting opposing views, a large majority of Americans expect **nuanced, impartial reporting**. This disconnect has fueled a growing **skepticism toward the press**, with many citizens viewing reporters not as neutral truth-seekers, but as political actors in their own right.

This erosion of trust is further exacerbated by the **shift from traditional broadcast networks to cable and online news outlets**. As audiences fragmented, media organizations faced new market pressures. Many turned to **"infotainment"**, a blend of news and entertainment, to compete for attention. Political coverage often devolved into **"horserace journalism,"** emphasizing poll standings and campaign drama over policy substance. The close-knit nature of the campaign press corps fosters **groupthink**, limiting diversity of coverage and reinforcing narrow narratives.

This environment encourages what political scientist Larry Sabato termed a **"feeding frenzy,"** in which journalists swarm a scandal or controversy, often crowding out serious news. While some argue that media outlets simply reflect **what the public wants**, this market-driven model raises difficult questions about journalism's democratic responsibilities. Dramatic criminal trials, celebrity gossip, and partisan spectacle drive **ratings**, but often at the expense of **informed citizenship**.

The rise of **personality-driven media** has also blurred the line between reporting and commentary. In earlier decades, anchors like Edward R. Murrow and Walter Cronkite were seen as authoritative and nonpartisan. But the 24-hour news cycle ushered in commentators with loyal followings and clear ideological leanings. Today, cable news is declining, replaced by **podcasts, independent YouTube channels**, and **social media influencers**, many of whom bypass traditional journalistic norms.

Yet fundamental questions remain: What counts as "**news**"? Why do stories of **scandal and conflict** dominate while stories of cooperation or policy receive less attention? Why does journalism sometimes discourage, rather than encourage, political participation?



Figure 10.20: Journalists press a government official with pointed questions during a media scrum, illustrating the more **adversarial style of reporting** that emerged after the Watergate scandal, in which reporters increasingly challenged public officials in an effort to expose wrongdoing and hold those in power accountable. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Political scientist **Thomas E. Patterson** argues that post-Watergate journalism adopted an **adversarial stance**, challenging government more aggressively. While such skepticism can hold power to account, it has also contributed to **public cynicism**, **lower trust**, and **disengagement**. Patterson advocates for formats that allow for **more direct communication** between candidates and voters, reducing media gatekeeping. But do audiences seek that kind of coverage? Or will they continue to "**vote with their clicks**," rewarding entertainment over depth?

Open to Debate:
Liberal Bias in the News

*The question of whether the news media have a **liberal bias** continues to spark debate across the political spectrum. **Conservatives**, along with some nonpartisan scholars, have long argued that major newspapers—especially the so-called **elite press** such as The New York Times and The Washington Post—and traditional broadcast networks (ABC, NBC, CBS, PBS) often frame news stories through a **liberal lens**. They contend that because many journalists are based in **urban centers like New York and Washington, D.C.**, and often educated at **elite Northeastern universities**, their reporting may reflect cultural values and political assumptions that are out of step with **conservative, rural, or religious communities**, particularly in the American heartland.*

***Liberals**, in turn, argue that the real media bias leans **conservative**, pointing to the historically **pro-business orientation** of major corporate media owners, frequent **editorial endorsements of Republican candidates**, and the outsized influence of **right-wing talk radio**, which continues to dominate the AM airwaves. They also cite the powerful role of **Fox News**, **conservative online outlets**, and a growing number of **local right-leaning newspapers** that have emerged to fill the vacuum left by the closure of many independent local papers.*

*Empirical studies increasingly show a pattern of audience **self-selection**, with Americans gravitating toward news sources that **reinforce** their existing **political views**. As a result, conservatives and liberals increasingly rely on distinct sets of media outlets, a trend that contributes to **partisan information bubbles** even when those outlets differ widely in journalistic practices and standards. This phenomenon, sometimes referred to as the **echo chamber effect**, raises questions about whether media bias is primarily a product of journalistic slant or of audience behavior. Are viewers simply seeking confirmation of their views, or are those views being actively shaped and intensified by the news sources they consume?*

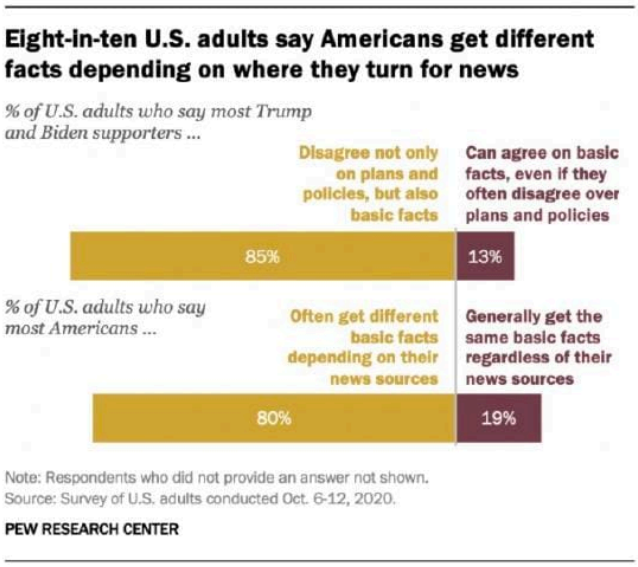


Figure 10.21: **U.S. adults believe that partisans cannot agree on basic facts**. In 2020, the vast majority of Americans (85%) said that Republican and Democratic voters cannot agree on basic facts about important issues facing the country. (Image Credit: PEW Research Center)

> *Consider the example of **Fox News during the Obama presidency**. Did its coverage actively move viewers to oppose President Obama's policies, or did it primarily attract individuals who already disapproved of him? The same question can be asked of **progressive-leaning media** coverage of conservative leaders like Donald **Trump**. In truth, the relationship may be **reciprocal**: people are drawn to outlets that reflect their beliefs, and those outlets in turn **reinforce and amplify** those beliefs.*
>
> *So, is the mainstream media biased toward the **left** or the **right**? The answer depends on how one defines bias, which media platforms are under discussion, and whether we are examining content, tone, ownership, or audience influence. In a fragmented and polarized media environment**, the question of media bias remains very much open to debate**.*

Technology and the Changing News Environment

New technologies have reshaped not only how Americans receive political information but also who participates in producing and shaping it. While digital platforms have opened new avenues for **citizen journalism** and **grassroots activism**, they have also undermined traditional **editorial oversight**, placing greater responsibility on individuals to assess the credibility of what they encounter online.



Figure 10.22: **Misinformation and "fake news"** can spread rapidly through social media networks, where viral posts, anonymous accounts, and algorithm-driven amplification make it difficult for users to distinguish credible information from deception. (Image Credit: University of Texas at Austin, Knight Center for Journalism in the Americas, Fair Use)

Social media has accelerated the spread of **misinformation**, particularly during elections, where fake news, viral memes, and politically motivated hoaxes have distorted public understanding. Emerging technologies such as **artificial intelligence** now make it possible to generate realistic but entirely fabricated video and audio, so-called **deepfakes**, raising serious concerns about truth and accountability.

Yet these same tools also enhance the ability to document and share information. **Smartphones** allow citizens to record events in real time; **drones** and **satellites** offer new journalistic perspectives; and public agencies increasingly use digital tools to stream meetings and engage with constituents. This shift toward a more **interactive and participatory media environment** holds promise for **responsive governance**, but only if citizens are equipped to navigate it.

In today's **fragmented, fast-paced** information environment, the need for **media literacy** is greater than ever. Citizens must learn to verify **facts**, recognize **bias**, and reflect on their own **assumptions**. A healthy **democracy** depends on it.

Media Literacy in a Digital Age

In a democracy, an **informed citizenry** is not optional, it is essential. The **media shape** what the public knows, what it thinks about, and even **how it thinks** about public affairs. From the earliest days of the American republic, **newspapers** fueled revolution and framed public debate. Over time, technological advances—from the **telegraph** and **radio** to **television** and **social media**—transformed how news is produced, distributed, and consumed.

Each new medium has expanded **access to information** and empowered a wider range of voices, but also introduced new challenges. In today's **digital media environment**, Americans are bombarded with information from countless sources. While citizens now enjoy unprecedented access to political content, they must also navigate a landscape filled with **misinformation**, **disinformation**, and **algorithmic manipulation**.

One of the most pressing concerns is the **credibility of sources**. **Social media platforms**, which dominate how many Americans receive news, prioritize **engagement over accuracy**. Content that provokes **outrage** or strong emotion is often amplified—regardless of whether it is true. This dynamic has helped fuel **public confusion** and **distrust**, particularly around controversial topics like elections, public health, and international conflict.

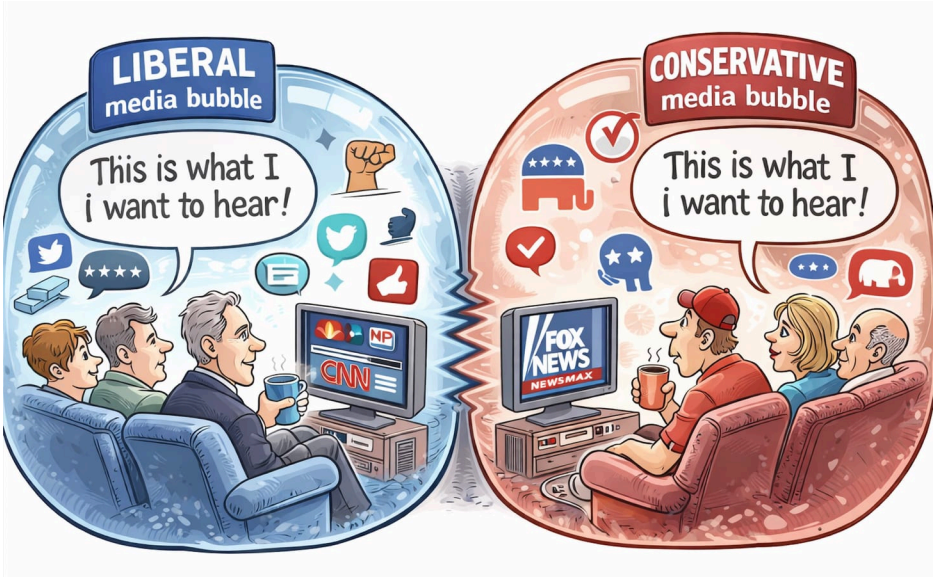


Figure 10.23: **Media echo chambers** allow individuals consume news from sources that reinforce their existing political views, limiting exposure to opposing perspectives and contributing to ideological polarization. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Moreover, the rise of **echo chambers** and **filter bubbles**, driven by algorithms that tailor content to users past behavior, means that many people are exposed primarily to information that **confirms their existing beliefs**. This reinforces **political polarization** and makes it increasingly difficult for citizens to engage in shared democratic discourse.

In some ways, this resembles the **highly partisan press** of the **early American republic**, when **newspapers** openly aligned with **political factions** and published **slanted** or **inflammatory content**. Today's digital **echo chambers** function similarly, not through formal **party affiliations**, but through the use of **algorithms** and **audience targeting** that prioritize **ideological consistency** over **balance**.

In response, educators and civic organizations have emphasized the importance of **media literacy**, the ability to critically evaluate the **content**, **purpose**, and **credibility** of information sources. Media literacy education encourages people to ask:

- Who **created** this message, and why?
- What **evidence** supports the claims being made?
- What **perspectives** are included, or excluded?
- How might my own **biases** influence how I interpret this content?

Programs from organizations such as **Common Sense Media** and the **News Literacy Project**, along with legislative efforts in several states, aim to promote responsible media consumption, especially among young people.

Media literacy is about more than spotting hoaxes. It involves understanding how **power, ownership, and technology** shape the flow of information—what gets seen, what is ignored, and how public opinion is influenced. In this sense, media literacy is not only a personal skill but also a **civic responsibility**.

As citizens, we are no longer passive recipients of the news. We must actively **navigate a fragmented and politicized information environment**. The burden of discernment falls on each of us: to **question** what we read, **verify** before we share, and seek out **diverse** perspectives. Understanding how media systems operate—who **owns** them, how content is **framed**, and how they affect **public opinion**—is fundamental to **responsible democratic participation**.

The **First Amendment** guarantees freedom of the press, but that freedom only has meaning if the public is prepared to use it wisely. The challenge is not only to reform media institutions or regulate platforms, but to **cultivate a generation of media-literate Americans**. In an age of information abundance, it is not access, but **judgment**, that will determine the future of **democracy**.

Conclusion: Can the Media Still Serve Democracy?

From **colonial newspapers** to **viral TikToks**, the American media have always reflected the technological possibilities and political tensions of their time. What has changed is not the importance of media in a democracy—but the **scale**, **speed**, and **complexity** of how information spreads. Today, the media are both more **democratized** and more **fragmented** than ever before.

The promise of media in a democracy is to **inform the public**, **hold power to account**, and **foster deliberation**. But this promise is not automatically fulfilled. When news organizations face financial pressure, when **entertainment is disguised as journalism**, or when **algorithms amplify outrage**, the media's democratic role is undermined.

As this chapter has shown, understanding the media means paying attention not only to **what stories are told**, but **who tells them**, **how they are told**, and **why they are told that way**. It means recognizing that media messages are **constructed**, that **ownership matters**, that **framing shapes perception**, and that even the **absence of coverage** can be politically meaningful.

In a **representative democracy** like the United States, no institution shapes **public opinion** more powerfully than the media. Yet as **gatekeepers**, **storytellers**, and **watchdogs**, media institutions also reflect the strengths and weaknesses of the broader political culture. To improve the media, we must not only demand **better journalism**, we must also become more **thoughtful consumers** and **creators of information** ourselves.

Ultimately, the media will serve democracy only to the extent that the **public is prepared to insist** that it does.

Glossary

Agenda-Setting: The process by which the mass media convey what issues are most important and should be acted upon by public officials.

Algorithms: Systems that analyze a user's search history, clicks, interactions, and preferences to determine what content they are most likely to be interested in.

Blog: Frequently updated internet sites that comment on various subjects, including politics.

Clickbait: Internet content whose main purpose is to attract attention and encourage visitors to click on a link to a particular web page.

Conspiracy theories: Narratives that allege secret plots by powerful actors.

Cross-Ownership: Companies that own a variety of communication sources, such as newspapers, television stations, and publishing houses.

Deregulation: Lessening or eliminating government control of certain industries.

Echo Chamber: An environment in which a person encounters only beliefs or opinions that coincide with their own, so that their existing views are reinforced and alternative ideas are not considered.

Equal Time Rule: FCC rule requiring broadcasters to make time available to all candidates for office it they sell time to any one candidate.

Event-Driven: News stories that are unpredictable; they are driven by the day's events.

Fairness Doctrine: Former FCC rule that required broadcasters to present both sides of controversial issues.

Federal Communications Commission: Independent federal agency that licenses radio and television stations and regulates communication by radio, television, telephone, telegraph, cable, and satellite. Referred to as the FCC.

Filter Bubble: a situation in which an internet user encounters only information and opinions that conform to and reinforce their own beliefs, caused by algorithms that personalize an individual's online experience.

Fireside Chats: President Franklin D. Roosevelt speaking to the nation on radio in the 1930s.

Framing: Refers to ways in which journalists single out some aspects of a story rather than others thus shaping what aspects of an issue become important to the public

Gatekeeping: Ways in which journalists decide which news stories will be published or broadcast.

Group Media: Means of communication, such as the Internet, that are used primarily by groups of people who have common interests.

Horserace Journalism: The tendency of reporters to focus on who is ahead, who is behind, and what strategies candidates are using to gain an advantage.

Hostile Media Effect: When individuals perceive neutral reporting as biased against their side.

Mass Media: Means of communication, such as radio, television, and newspapers, that reach large numbers of people.

Muckrakers: Journalists who dug up stories about government corruption early in the twentieth century.

New Technology: Ways in which mechanical or electronic inventions have changed the ways in which the print and electronic media do their work.

News Deserts: Areas with little or no original local reporting.

News Media: Means of communication that convey political information.

Penny Press: Cheap newspapers, costing as little as one penny, that were published near the middle of the nineteenth century.

Press Conferences: Formal opportunities for reporters to ask questions of public officials or of their representatives, such as the President's press secretary.

Priming: How media emphasis on certain issues alters the criteria by which people judge public figures.

Right of Rebuttal: FCC rule that broadcasters must provide time for responses by individuals who believe they have been treated unfairly by a radio or television report.

Selective Exposure: The tendency to seek out information that confirms preexisting views.

Soft News: Stories designed more to entertain than to inform.

Watchdog Journalism: A type of investigative reporting that seeks to expose wrongdoing, corruption, and abuses of power.

Yellow Journalism: Sensationalized news stories published near the turn of the twentieth century. Sometimes the stories were printed on yellow paper.

Selected Internet Sites

Virtually all daily and weekly newspapers are available online. You can get the *New York Times* at www.nytimes.com.

You can access all the major television networks at their websites, plus public television and radio at www.pbs.org.

The Pew Research Center for the People and the Press does top-quality surveys of the media on a regular basis. You can access them at www.people-press.org.

www.fair.org is the site for the watchdog group Fairness and Accuracy in Reporting, which monitors mainstream news programs.

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Chapter 11: Power and Gridlock- How Congress Works—and Why It Sometimes Doesn't

Of the three branches of the federal government, **Congress** is the one most directly connected to the people's will. Created first in **Article I of the Constitution**, it has long been called **"the first branch"**, not just because of its place in the text, but because the framers envisioned it as the most **representative**, **deliberative**, and **powerful** arm of the national government. Congress holds the **power of the purse**, the **authority to make laws**, and the **responsibility to check** both the executive and judicial branches. It is through Congress that diverse voices from every corner of the country come together to debate, negotiate, and shape the laws that govern the nation.



Figure 11.1: **The U.S. Capitol** is the home to the U.S. Congress. (Image Credit: Public Domain)

At times, the work of Congress may seem slow, contentious, or complicated. But this is by design: the framers built a system that values **deliberation over haste** and **broad consensus over narrow majorities**. As a result, Congress can be a place of both **conflict and compromise**, reflecting the diversity and dynamism of American society itself. To understand how this institution functions, and why it sometimes frustrates as much as it empowers, we must begin by examining its **constitutional foundations**, its **structure**, and its **unique role in American democracy**.

Before diving into the structure and operations of Congress, it helps to consider what Congress is actually **supposed to do**. Most Americans are familiar with its **lawmaking** function, but Congress also plays vital roles in **representing the people**, **overseeing the executive branch**, and **providing constituent services**. These four key functions—**lawmaking**, **representation**, **oversight**, and **constituent service**—frame much of what happens on Capitol Hill and shape how members of Congress prioritize their time, build relationships, and serve the public.

A quick note on terminology: The term **"Congress"** refers to the **entire national legislature**, including both the **House of Representatives** and the **Senate**. When referring to one chamber, we use **"House"** or **"Senate"** (capitalized). To describe both chambers collectively, the phrase **"houses of Congress"** (lowercase "h") is appropriate. Be careful not to use "Congress" when you only mean the House, **Congress always includes both chambers.**

Congress and the Challenge of Representation

In any representative democracy, the **legislature** serves a dual purpose: it is both the voice of the people and the engine of lawmaking. In the United States, that responsibility falls to **Congress**, the only branch of the federal government directly elected by the people from the very beginning. The framers of the Constitution deliberately placed Congress in **Article I**, giving it not only the first position but also the most detailed list of powers. Their intent was clear: a strong national legislature would serve as the

core of the republic, ensuring that laws were created not by monarchs or executive decree, but through **debate**, **deliberation**, and **compromise** among elected representatives.

In theory, Congress should be the **most responsive** branch of government. Members of the **House of Representatives** face reelection every **two years**, compelling them to stay attuned to their constituents' needs. **Senators**, with six-year terms, are expected to take a longer view and serve as a stabilizing force. Together, the two chambers were designed to balance popular will and institutional restraint—**representation** and **deliberation** in tandem.

Yet the very features that make Congress democratic also make it contentious and, at times, unpopular. Legislators are supposed to represent diverse local interests, but in doing so they often clash with one another, slow the legislative process, or appear paralyzed by **partisan conflict**. Moreover, the open and public nature of congressional debate exposes the **messiness of policymaking**, what some scholars call "the sausage-making" of democracy. While **presidents** often benefit from the visibility of a **singular voice** and decisive action, Congress appears **fragmented**, **slow**, and **conflict-ridden** by comparison.

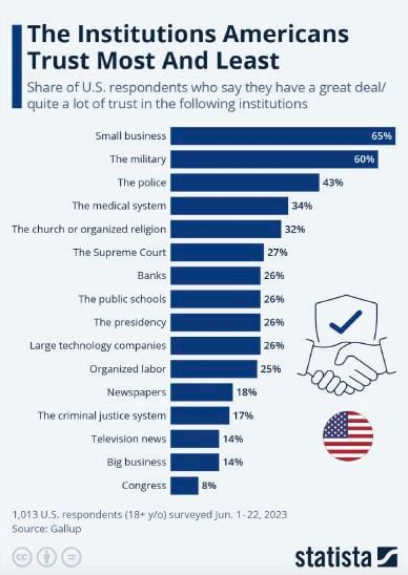


Figure 11.2: Congress consistently ranks as one of **least popular U.S. Institutions**. (Image Credit: Gallup, CC0)

This tension between Congress's **constitutional role** and its **public image** is one of the enduring puzzles of American government. Surveys regularly show that Americans hold **low levels of trust** in Congress as an institution, yet at the same time, they tend to **approve of their individual representatives**, especially those who focus on **constituent service** and bring resources back to their districts. This paradox reflects the complex nature of representation in a large and diverse nation, and it underscores the challenge Congress faces in meeting both national demands and local expectations.

Understanding Congress, then, requires more than following the process of how a bill becomes a law. It requires grasping how a fragmented, often unpopular institution still manages to wield enormous **power** in shaping the direction of the country. As we explore Congress's structure, powers, and behavior, we must keep in mind this central question: Can an institution designed for **deliberation** and **compromise** still function effectively in an era of **polarization** and political **mistrust?**

The Historical Development of Congress

The roots of Congress lie in the **Constitutional Convention of 1787**, where delegates from the thirteen original states debated how best to structure the new national government. One of the most difficult challenges they faced was balancing the interests of **large and small states**. Larger states wanted representation based on population, while smaller states feared being dominated in a purely majoritarian system. The resulting compromise, known as the **Great Compromise** or **Connecticut Compromise**, created a **bicameral legislature**: a **House of Representatives** with representation based on population, and a **Senate** in which each state would have two equal votes. This arrangement helped secure agreement among the states but also gave smaller states **disproportionate influence** in the Senate, an issue that continues to shape debates over fairness and representation today.

This arrangement was more than a political bargain, it reflected the framers' commitment to both **popular sovereignty** and **federalism**. The House was designed to represent the **people**, with members elected directly and frequently. The Senate,

originally chosen by state legislatures (until the **Seventeenth Amendment** in **1913**), was intended to represent the **states** and serve as a **check** on rapid changes in public opinion. Together, the two chambers formed an institutional balance between national and state interests, and between the passions of the moment and the need for long-term stability.

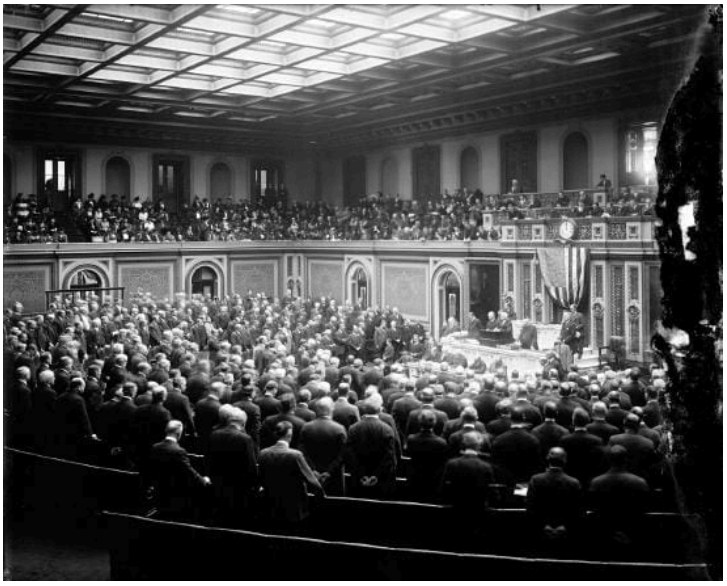


Figure 11.3: Clerk South Trimble calls the House of Representatives to order in March 1933, at the outset of Franklin D. Roosevelt's presidency and **the New Deal era, a moment when Congress worked closely with an expanding executive branch** to address the economic crisis of the Great Depression. (Image Credit: Harris & Ewing, photographer via Wikimedia Commons, Public Domain)

Over time, the **role and power of Congress** have **evolved** in response to changing political, social, and economic conditions. In the **nineteenth century**, Congress was often the dominant branch of government, especially during periods of weak executive leadership. But in the **twentieth century**, the **presidency grew in prominence**, particularly during times of crisis such as the **Great Depression** and **World War II**, when **Franklin D. Roosevelt** and his **New Deal coalition** expanded the reach of the federal government. During this period, Congress supported sweeping legislation, but it also ceded some policymaking initiative to the executive branch.

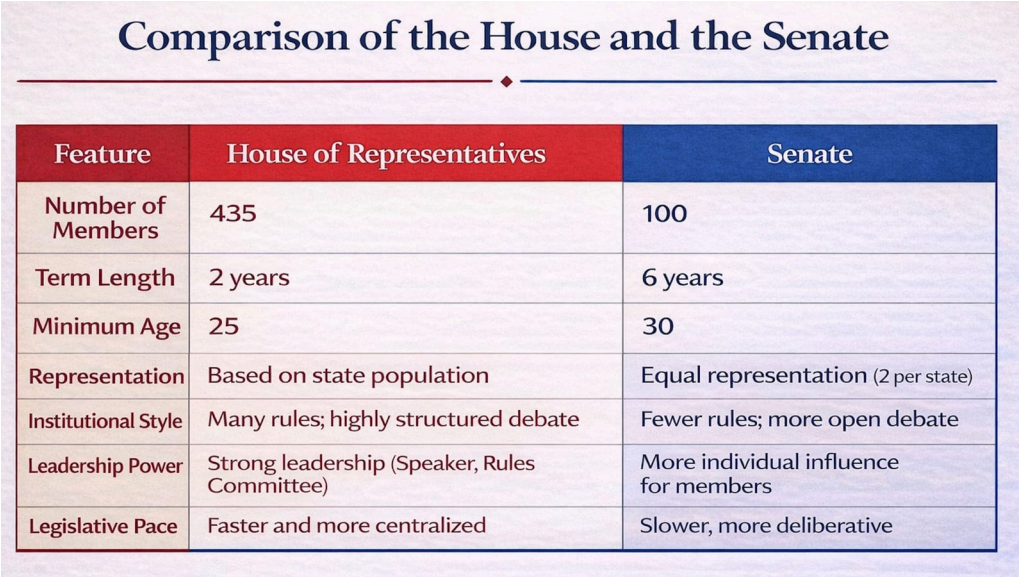
Congress reasserted itself at various points in modern history. In the **1960s**, it played a key role in passing landmark legislation such as the **Civil Rights Act of 1964** and the **Voting Rights Act of 1965**, expanding civil liberties and federal protections for marginalized communities. In the **1970s**, after the **Watergate scandal**, Congress strengthened its oversight role with reforms such as the **War Powers Resolution** and the creation of permanent **budget committees**. In the **1994 midterm elections**, Republicans gained control of both chambers for the first time in 40 years, launching the **"Contract with America"** and emphasizing fiscal restraint, welfare reform, and institutional accountability.

In recent years, observers have noted a continued **shift in power toward the executive branch**, particularly under the **Trump administration (2025–)**. While the Constitution grants Congress the primary authority to make laws, appropriate funds, and oversee the executive, many scholars argue that modern presidents have expanded their influence through **executive orders**, **emergency declarations**, and **control over federal agencies**. Under the current administration, Congress has often been reluctant to assert its constitutional prerogatives, especially on issues such as **foreign policy**, **trade**, **immigration enforcement**, and the **use of executive power to bypass regulatory or budgetary constraints**. This trend reflects both **partisan polarization**, which discourages oversight of presidents from the same party, and a broader institutional pattern in which Congress has ceded authority in times of national urgency or political gridlock. Whether this shift is temporary or marks a lasting **transformation** of **separation of powers** remains one of the most important questions in contemporary American government.

Each of these moments reflects a broader pattern: **Congress** adapts to the needs and pressures of its time. Whether expanding its **legislative** reach, checking **executive authority**, or reshaping its own **internal rules**, Congress has remained a flexible yet foundational **institution**. Understanding how its **structure** came to be, and how it has **changed**, helps us better appreciate the **challenges** and **possibilities** it faces today.

The Structure of Congress

As mentioned above, one of the most distinctive features of the United States Congress is its **bicameral** design, meaning it has two separate chambers: the **House of Representatives** and the **Senate**. This arrangement reflects the framers' goal of balancing the interests of both the population and the states within the federal system. While both chambers share many legislative responsibilities, they differ in size, terms of office, qualifications, and internal organization.



Comparison of the House and the Senate

Feature	House of Representatives	Senate
Number of Members	435	100
Term Length	2 years	6 years
Minimum Age	25	30
Representation	Based on state population	Equal representation (2 per state)
Institutional Style	Many rules; highly structured debate	Fewer rules; more open debate
Leadership Power	Strong leadership (Speaker, Rules Committee)	More individual influence for members
Legislative Pace	Faster and more centralized	Slower, more deliberative

Figure 11.4: **The House of Representatives and the Senate differ in size, term length, rules, and institutional culture**. The House is larger and more structured, reflecting population-based representation, while the Senate is smaller, more deliberative, and gives equal representation to each state. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

The **House of Representatives** is larger and designed to be the more directly representative body. It currently has **435 members**, with each representative serving a **two-year term**. House members must be at least **25 years old**, have been a U.S. citizen for **seven years**, and live in the state they represent. The number of representatives per state is determined by **population**, with districts redrawn every ten years following the **census**. Because of the short terms and population-based representation, the House tends to be more responsive to shifts in public opinion.

In contrast, the **Senate** is smaller, with **100 members**, two from each state regardless of size. Senators serve **six-year terms**, with elections staggered so that approximately one-third of the Senate is up for election every two years. Senators must be at least **30 years old**, have been a U.S. citizen for **nine years**, and reside in the state they represent. The Senate's structure reflects its role as a more deliberative body, designed to provide **stability** and represent **state interests** equally.

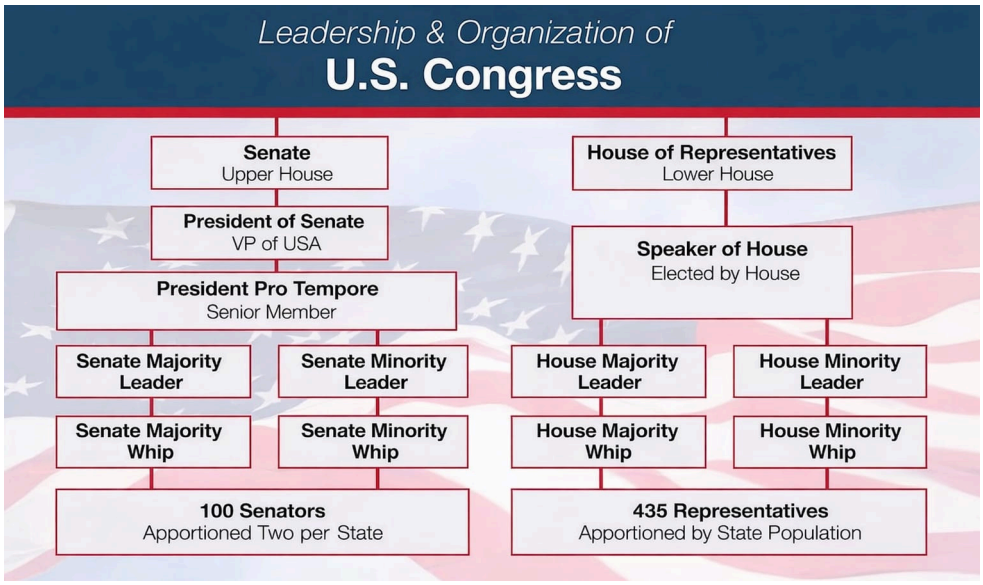


Figure 11.5: The leadership structures of the **House of Representatives** and the **Senate** reflect both chambers' organizational differences. The **Speaker of the House** leads the House and is elected by its members, while the Senate is formally presided over by the **Vice President of the United States**, with the **President Pro Tempore** serving as the chamber's senior member. In both chambers, **majority and minority leaders and whips** help organize party strategy, manage legislation, and coordinate votes among members. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Leadership in each chamber plays a crucial role in managing legislative business. The **Speaker of the House** is the most powerful figure in the House of Representatives, responsible for setting the **agenda**, presiding over **debates**, and representing the **majority party**. The Speaker is elected by all House members but is almost always the nominee of the majority party. The House also has a leadership team including the **Majority Leader**, **Minority Leader**, and **party whips**, who assist in managing legislative priorities and party discipline.

The Senate's leadership structure is different. Unlike the House, the Senate does not have a Speaker. Instead, the **Vice President of the United States** serves as the **President of the Senate** and may cast tie-breaking votes. However, day-to-day control of the Senate lies with the **Senate Majority Leader**, who schedules the legislative calendar and negotiates with the minority party. Like the House, the Senate also has a **Minority Leader** and **party whips** who work to coordinate votes, though Senate leaders must navigate a tradition of greater individualism among senators.

Political parties organize Congress's work by forming separate **party caucuses** in each chamber. Each party's caucus meets to elect leaders, set strategy, and determine committee assignments. Because the House and Senate operate independently, the Democratic and Republican caucuses in each chamber function as distinct groups with their own rules and priorities.

Together, the bicameral structure, leadership hierarchy, and party organization form the backbone of Congress's **institutional framework**. Understanding these elements is essential to grasping how Congress operates, how power is distributed internally, and how legislation moves from idea to law.

Open to Debate: Is the Senate Fair?

*One of the most debated features of the U.S. Congress is the **equal representation of states in the Senate**, regardless of population. This structure was the result of the **Great Compromise of 1787**, which gave every state two senators to secure agreement among large and small states.*

But what are the consequences today?

*Consider this: **Wyoming** has a population of around **580,000** people and gets two senators. **California**, with nearly **40 million** residents, also gets two senators. That means a Wyoming resident has roughly **70 times more representation in the Senate** than a Californian. Similar disparities exist between other large and small states, from Texas and North Dakota to Florida and Vermont.*

*This **representation gap** raises important questions about fairness in a democratic system. Supporters argue that*

*equal representation protects small states and ensures regional diversity. Critics counter that it violates the principle of **"one person, one vote"** and gives a minority of Americans disproportionate power over national policy.*

What do you think?

· Does the structure of the Senate still serve its original purpose in today's America?

· Should democratic fairness be based on states or on people?

· Can a system that gives rural states more power than urban ones still be called representative?

*The answers to these questions remain **open to debate**.*

Getting and Staying on Capitol Hill: Congressional Elections

The founders designed a **bicameral legislature** where members of each of the two chambers served different constituents for different terms of office. **Senators** represent entire states for **six-year terms** while **Representatives** serve **two-year terms** for districts of roughly 710,000 persons. Congressional elections are held each even-numbered year, with all of the House of Representatives seats on the ballot and one third of the Senate seats up for reelection.

Every two years, a new **Congress** is convened and **numbered sequentially**, starting with the **1st Congress** in 1789. Each Congress lasts two years and is divided into two **sessions**, typically one per calendar year. For example, the **118th Congress** met from January 2023 to January 2025. This numbering helps identify the legislative period during which bills are introduced, committees meet, and laws are passed.

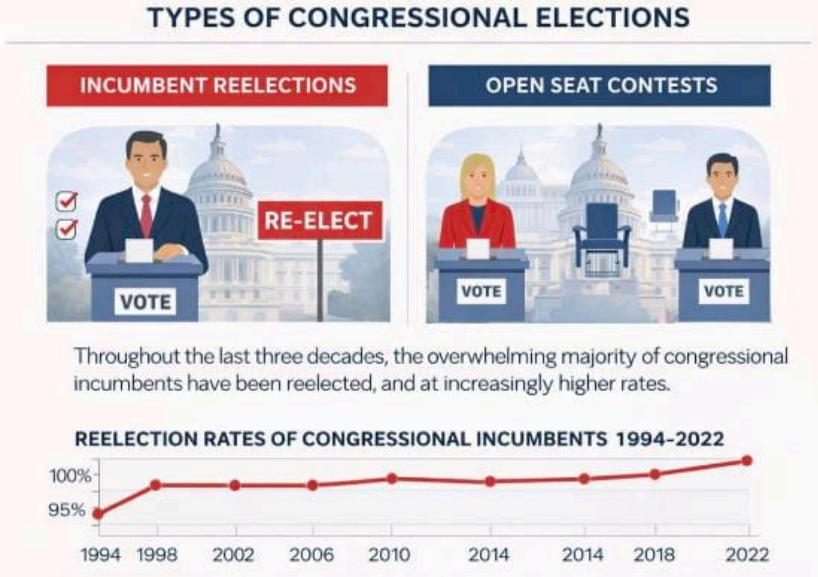


Figure 11.6: Congressional elections generally fall into two categories: **incumbent reelection races**, in which current officeholders run to keep their seats, and **open seat contests**, where no incumbent is in the race. Historically, incumbents—especially in the House of Representatives—have enjoyed a strong **reelection advantage**, with the vast majority successfully winning additional terms in office. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Congressional elections essentially are of two types: those where an **incumbent** is running for reelection and **open seat** contests lacking an incumbent in the race. Throughout the last three decades of American politics the overwhelming majority of congressional incumbents have been reelected, and at increasingly higher rates. In an average election more than **90 percent**, and often as high as **98 percent**, of Representatives seeking reelection have been successful. Normally Senators have not enjoyed as high a reelection rate, an average of **84%**, in part because these offices attract more recognizable and well-funded challengers. However, in the 2022 elections, all 28 incumbent senators who ran for reelection won.

Incumbency Advantage. These startling totals lead immediately to an important question: Why do congressional incumbents, particularly those in the House, do so well electorally? At least five factors have combined to establish an incumbency advantage for the average member of Congress.

Name Recognition. Throughout their terms, Representatives and Senators work hard to build **name recognition** among constituents. They issue **press releases**, maintain active **social media** accounts, appear at public events (like ribbon cuttings), and participate in the informal Capitol Hill **"Tuesday Through Thursday Club,"** scheduling most legislative business midweek so they can spend long weekends meeting with constituents, media, and local officials in their districts.

Money. Upon arriving on Capitol Hill, freshmen members of Congress immediately begin a continuous career-long quest to raise money for their next **reelection campaign**. Their daily contact with **interest group representatives** provides them with numerous opportunities to raise increasingly large sums. Typically, incumbents will be able to spend **two to ten times** the amount of funds available to challengers. An effective reelection strategy often includes anonymously leaking the size of their campaign **war chest** to local journalists as a deterrent to would-be challengers. However, challengers of incumbent Senators are much more likely than House challengers to raise competitive levels of funding.

Gerrymandering. The practice of drawing district boundaries for **partisan gain**—**gerrymandering**—frequently occurs to help assure House incumbents of reelection. **Reapportionment** of House seats among the states and the **redistricting** of House seats within states take place after each national **census**. House incumbents often have enough support within their state governments to secure districts with favorable **party balances**.

Constituency Service. All members of Congress devote significant time and staff resources to **casework**, helping constituents navigate problems with **federal agencies**, such as delayed **Social Security** or **veterans' benefits**. They also assist **local governments** in applying for federal **grants** or navigating regulations, often earning local goodwill that translates into electoral support.

Pork Barrel. A nineteenth-century grocery term used to describe federal spending targeted to a member's home district or state, **"pork barrel" legislation** often includes public works projects like **roads**, **bridges**, or **military installations**. These projects not only deliver tangible benefits but also favorable publicity, especially when the member's name appears on the signage.

In sum, the congressional **incumbency advantage** has remained strong enough to discourage many credible challengers, particularly in House races. Senate challengers, though, tend to have better success attracting **funds** and **name recognition**, making those races somewhat more competitive.

The Committee System: Where the Work Gets Done

While Congress is the most visible legislative body in the U.S. government, the bulk of its work doesn't happen on the floor of the House or Senate, it happens in **committees**. Given the sheer volume and complexity of legislation, Congress could not function without breaking its work into smaller, more manageable units. Committees allow members to develop **expertise**, divide labor, and exercise meaningful **oversight** of the executive branch. Committees have existed since the first Congress in the eighteenth century and remain at the heart of the legislative process.

Most legislation begins in a **standing committee**, which is a permanent committee organized by subject area, such as **Agriculture**, **Armed Services**, or **Ways and Means**. These committees hold **hearings**, **draft bills**, and make the first decisions about whether proposed legislation will move forward. If a bill does not pass out of committee, it is effectively dead. Currently there are **20 standing committees** in the House and **16 in the Senate**, each with **multiple subcommittees** that handle more specialized policy areas.



Figure 11.7: This chart illustrates the major types of **congressional committees** in the United States Congress, including the **standing committees of the House and Senate**, as well as **select, special, and joint committees**. Committees play a central role in the legislative process by reviewing bills, conducting investigations, holding hearings, and shaping public policy before legislation reaches the full chamber for debate and voting (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

In addition to standing committees, Congress also makes use of **select**, **joint**, and **conference** committees. **Select committees** are temporary panels created to investigate a specific issue, often in response to a crisis or scandal. **Joint committees**, composed of members from both chambers, handle tasks that require coordination but don't necessarily involve legislation, such as managing the **Library of Congress**. **Conference committees** are temporary, joint bodies that reconcile differences between House and Senate versions of a bill. No legislation can become law until both chambers pass identical versions, making these committees crucial to final negotiations.

Each committee is led by a **chair**, typically a senior member of the majority party. Committee chairs wield significant **power**, including the ability to set the **agenda**, schedule **hearings**, and often determine whether a bill will receive serious consideration. The minority party's top committee member is known as the **ranking member**. In the House, the **Rules Committee**—which controls how and when bills reach the floor—is particularly powerful and closely tied to the **Speaker**'s leadership team.

Committee assignments are highly **strategic** and reflect both a member's **interests** and the needs of their **constituents**. Members often develop **expertise** in specific **policy areas**, usually related to their committee work, personal background, or district needs, allowing Congress to **divide its labor** and make more **informed decisions**. For example, a Representative from a rural district might seek a seat on the **Agriculture Committee**, while a Senator from New York might pursue **Finance** or **Foreign Relations**. Assignments are determined by **party leadership**, which uses them as a tool to **reward loyalty** or build **influence**. The **majority party** in each chamber holds **more seats** on every committee and selects all **chairs**, allowing it to control the **legislative agenda** even when overall margins are narrow.

Members often pursue committee seats for one or more reasons: to shape **public policy**, to assist with **reelection** by serving local interests, or to **gain influence** among colleagues. Some committees, such as **Appropriations** or **Ways and Means**, are particularly sought after because they provide access to federal funding or **campaign donors**.

In short, understanding the **committee system** is essential to understanding how Congress functions. Most bills live and die in committee, and the members who master this process often become the most **effective legislators** in the institution.

Behind every committee and member of Congress is a large network of **staff and support agencies** that help the legislative process run. **Personal staff** assist members with policy research, communication, and constituent services, while **committee staff** specialize in the technical and legal details of legislation. Congress also relies on **nonpartisan staff agencies**, including the **Congressional Research Service (CRS)**, the **Government Accountability Office (GAO)**, and the **Congressional Budget Office (CBO)**, which provide expertise, analysis, and oversight. In addition, members often join **caucuses**—informal groups organized around shared interests, such as the **Congressional Black Caucus** or **Cannabis Caucus**—to build coalitions and shape policy. While less visible than floor debates, these people and organizations are essential to making Congress work.

How a Bill Becomes a Law: The Legislative Process

The founders designed Congress as the nation's chief **policy-making branch**, with **lawmaking** at its core. Bills may be introduced first in either chamber, or both simultaneously, except for **revenue bills**, which must originate in the **House** of Representatives.

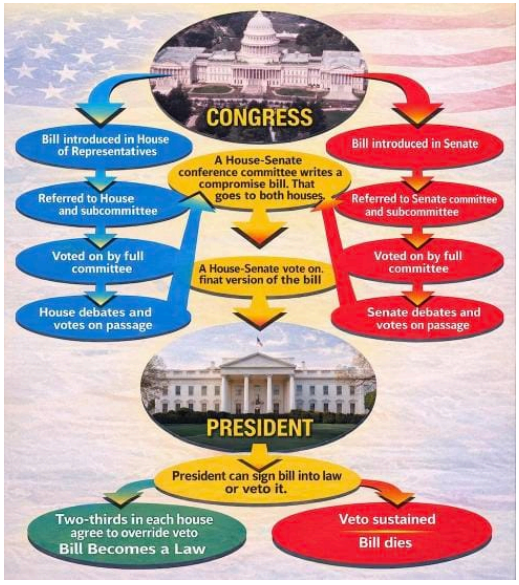


Figure 11.8: In a typical year, more than 5,000 bills are introduced to Congress. But only about 150 of them become law. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

In the **House**, bills are assigned by the **House Parliamentarian** and **Speaker** to relevant **standing committees**. Committees often delegate work to smaller **subcommittees**, where many bills quietly die. Subcommittees hold **public hearings**, conduct **research**, and conduct detailed **mark-up sessions**, debating the bill's wording line by line. Bills that pass subcommittees proceed to the full committee for further markup and a final vote. Unwritten norms like **reciprocity**, "you support my bill, I'll support yours", often play a role in building **coalitions** and passing legislation, especially when members seek benefits for their home districts. If approved, the bill moves to the powerful **Rules Committee**, which sets the terms for debate and amendment on the House floor.

The **Senate's** process is less structured. Bills are assigned to committees and subcommittees but typically bypass detailed markups at the subcommittee level due to senators' heavy workloads. Senate committees conduct their own markups before sending the bill to the floor, where debate rules are much more flexible. Senators enjoy the tradition of **unlimited debate**, allowing for tactics like the **filibuster**—delaying or blocking a vote by speaking at length or using procedural maneuvers. Ending a filibuster requires **cloture**, needing a three-fifths (60 senators) vote to cut off debate. Senators may also place anonymous **holds** on bills to block consideration or use numerous amendments, including unrelated ones, to influence legislation.

When the House and Senate pass different versions of a bill, a **conference committee**, composed of members from both chambers, meets to negotiate a compromise. This joint panel works much like international negotiators, balancing demands and "splitting the difference" on contentious provisions. Both chambers must then approve the conference report before the bill proceeds.

Finally, the bill goes to the **president**, who may **sign** it into law or **veto** it. The president has 10 days to return the bill with objections; if Congress is in session, they can attempt to override the veto with a two-thirds vote in both chambers. If Congress adjourns during this period, the president may exercise a **pocket veto**, effectively killing the bill without a formal veto. Historically, fewer than 3% of presidential vetoes have been overridden, making the veto a powerful tool that shapes legislative strategy and compromise.

This intricate process reflects the framers' desire to balance **deliberation**, **representation**, and **checks and balances**—making lawmaking both challenging and collaborative.

The Decline of Regular Order

Congress once followed a well-established process for debating and passing legislation, often referred to as **regular order**. This

included holding committee hearings, amending bills on the floor, and allowing time for deliberation. In recent years, however, this process has broken down. Major legislation is now frequently passed through **omnibus bills**, large, complex packages that combine multiple spending priorities or policies into a single up-or-down vote, often negotiated behind closed doors by party leadership.

This change has made it harder for individual members to shape legislation, reduced transparency, and limited public input. Critics argue that the erosion of regular order has **weakened democratic accountability** and **discouraged bipartisan lawmaking**.

Representation and Congressional Behavior

Members of Congress are elected to represent the people, but what exactly does that mean? Political theorists have long debated how elected officials should act on behalf of their constituents. One classic framework describes three **models of representation**. The **delegate model** holds that representatives should reflect the direct wishes of their constituents, like messengers carrying instructions from the people to the Capitol. In contrast, the **trustee model** suggests that lawmakers are entrusted to use their own judgment and expertise to act in the public's best interest, even if it conflicts with popular opinion. The **politico model** blends the two, with members switching between roles depending on the issue, the level of public interest, or political circumstances.

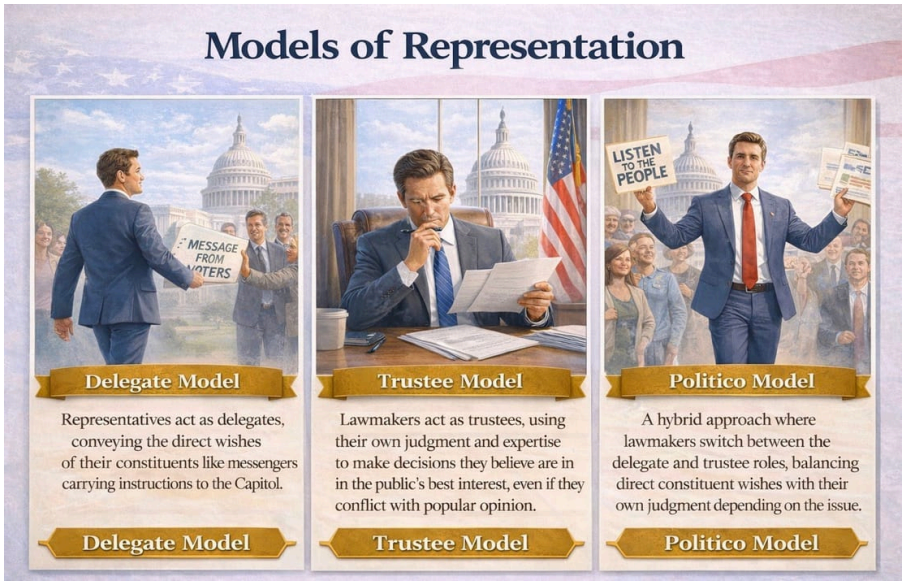


Figure 11.9: This illustration presents three classic **models of political representation** used by members of Congress. In the **delegate model**, representatives act as messengers carrying the direct wishes of their constituents. In the **trustee model**, lawmakers rely on their own judgment and expertise to make decisions they believe serve the public interest. The **politico model**blends the two approaches, with representatives shifting between delegate and trustee roles depending on the issue and political circumstances. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

These models are part of what scholars call **attitudinal representation**, which focuses on how members behave and vote. Many members lean toward the trustee model in most situations but shift to the delegate role when facing a **competitive district**, **strong constituent pressure**, or a **local political culture** that demands close adherence to public opinion. Ironically, the more **secure** a member's seat is, the **less pressure** they may feel to act as a delegate, even as constituents continue to assume that their representative is voting in line with their views.

Attitudinal representation is distinct from **descriptive representation** (also called **literal representation**), which refers to the degree to which Congress reflects the broader population. While Congress is becoming more diverse, its members are still disproportionately **male**, **white**, **older**, and drawn from **elite professions** like law, business, or banking. Historically underrepresented groups—such as women, racial minorities, and blue-collar workers—have made greater inroads in the House than in the Senate, partly due to the **smaller constituencies** and **lower campaign costs** of House races.

One of the most tangible ways members connect with constituents is through **casework**, or **constituency service**—helping individuals with problems involving federal agencies. This non-legislative work can enhance name recognition and trust, especially

for those seeking re-election.

Political scientist Richard Fenno explored how members manage their **"home style"**, or the way they present themselves to constituents. He observed that legislators mentally divide their district into **concentric circles**: the outer ring includes all constituents; the next includes supporters; then primary voters; and at the center, close political allies. By cultivating personal trust and explaining their Capitol Hill actions in relatable terms, members strengthen their electoral security. This "home style" is distinct from their **"Washington style"**, which emphasizes policy work, committee service, and coalition-building in Congress.

In sum, representation in Congress is not just about passing laws—it's about balancing roles, building relationships, and maintaining legitimacy with the people back home.

Open to Debate:
Should Representatives Be Delegates or Trustees?

*This question has challenged elected officials since the 18th century, when British Parliamentarian **Edmund Burke** first drew a sharp distinction between the roles of a **delegate**, who acts according to constituents' wishes, and a **trustee**, who uses personal judgment to decide what is best. In what's now called the **Burkean dichotomy**, Burke defended the trustee model, claiming that representatives owe their constituents not blind obedience, but their best independent judgment.*

In practice, many members of Congress alternate between these models, depending on the issue, political climate, or pressure from their constituents. Some issues elicit strong public input; others require quieter, more deliberative decision-making.

***Imagine you are a newly elected member of Congress** from a district that strongly opposes a piece of legislation you believe is in the long-term national interest, such as an environmental regulation or a foreign aid package.*

· Would you vote with your constituents or follow your own judgment? Why?

· What are the potential risks and benefits of each approach—for your constituents, your re-election prospects, and the country?

· Under what conditions, if any, do you think it is acceptable for an elected official to go against the majority opinion of their district?

*In a representative democracy like the United States, is it more **democratic** to follow the **will of the people**, even when they might be **misinformed** or **narrowly focused**? Or is it better to rely on **expertise**, **long-term thinking**, or **moral reasoning**, even if that risks **backlash** from voters? The answers to these questions remain **open to debate**.*

Congressional Powers and Responsibilities

Enumerated and Implied Powers

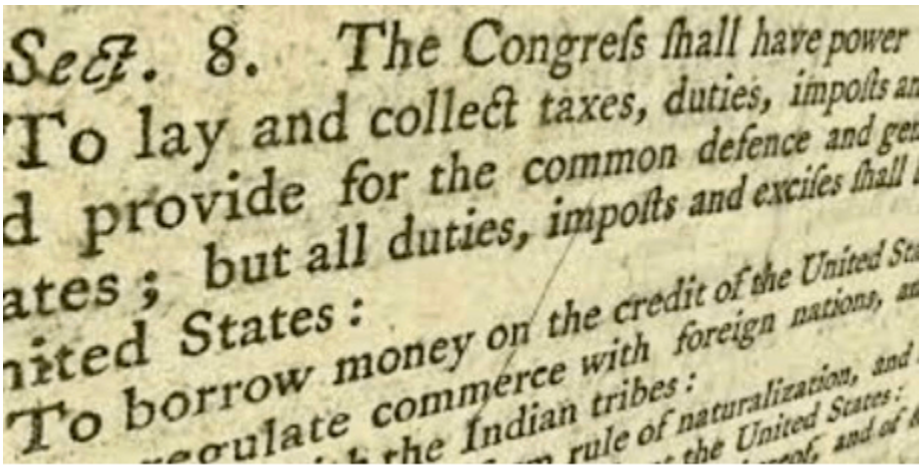


Figure 11.10: **Article I, Section 8** contains an extensive list of **enumerated powers**, those explicitly granted to Congress, including the power to levy and collect taxes, borrow and coin money, regulate interstate and foreign commerce, establish rules for naturalization, create lower federal courts, declare war, and raise and support the military. (Image Credit: Library of Congress, Public Domain)

The **Framers** of the Constitution, deeply influenced by their experiences under British rule and by their admiration for colonial legislatures, deliberately made **Congress the most thoroughly detailed branch in the Constitution**. Article I, Section 8 contains an extensive list of **enumerated powers**, those explicitly granted to Congress, including the power to levy and collect taxes, borrow and coin money, regulate interstate and foreign commerce, establish rules for naturalization, create lower federal courts, declare war, and raise and support the military.

Importantly, each chamber of Congress holds distinct powers. **Revenue bills must originate in the House**, reflecting its closer relationship to the people. Meanwhile, the **Senate wields "advice and consent" powers**, granting it exclusive authority to confirm **presidential appointments** to executive and judicial positions and to **ratify treaties** negotiated by the president.

In addition to these enumerated powers, Congress possesses **implied powers** derived from the **Necessary and Proper Clause**, sometimes called the **"elastic clause."** This provision empowers Congress to make all laws "necessary and proper" to carry out its enumerated powers. The clause has served as the legal foundation for congressional actions far beyond what the Framers may have envisioned, allowing the legislature to adapt its responsibilities to new and unforeseen challenges over time.

The Power of the Purse, Oversight, and Impeachment

Among Congress's most powerful tools is the **power of the purse**—the ability to allocate federal funds. No money can be spent by the government without congressional approval, which gives Congress immense influence over public policy. This spending authority also underpins **congressional oversight**, a vital mechanism by which Congress monitors the implementation of laws and the functioning of the federal bureaucracy.

Oversight can take many forms, from holding **hearings** and requesting agency **reports** to launching formal **investigations**. It is often conducted through congressional committees, especially during the appropriations process when agencies must justify their use of taxpayer funds. However, **oversight is not always enthusiastically pursued.** It can be tedious, politically unrewarding, and complex, and some members may avoid it in favor of more visible or electorally advantageous activities.

Unfortunately, **oversight** efforts are sometimes **driven more by political motives than by genuine accountability**, especially when targeted at the executive branch. While this type of oversight may generate headlines, it can distract from more substantive and bipartisan governance.

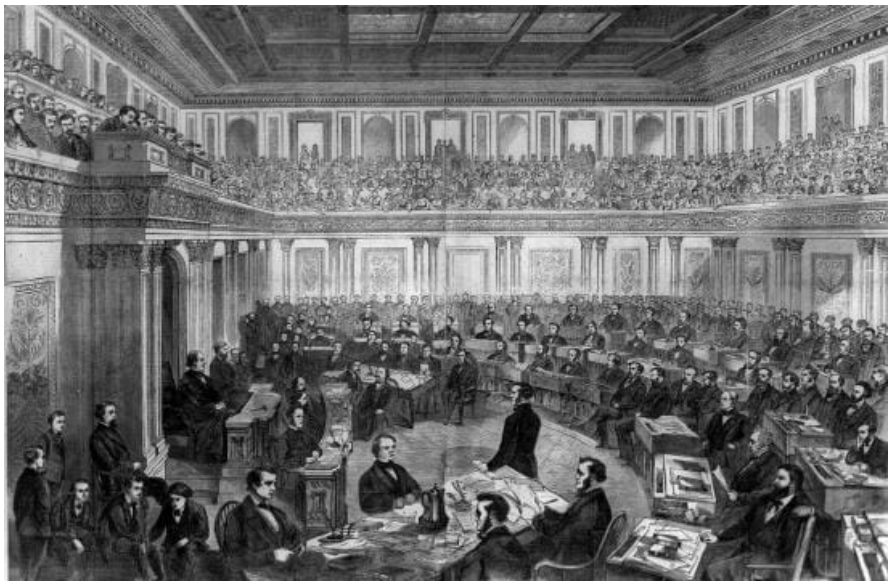


Figure 11.11: **The Senate as a Court of Impeachment** for the Trial of President Andrew Johnson. (Image Credit: Harper's Weekly, April 11, 1868, Library of Congress, Public Domain)

Congress also has the solemn responsibility of holding government officials accountable through the **impeachment process**. The **House of Representatives has the sole power to impeach,** which is akin to indicting a public official for "high crimes and misdemeanors", a deliberately vague constitutional phrase. If impeached, the accused faces a **trial in the Senate**, which acts as judge and jury. A **two-thirds majority** is required in the Senate to convict and remove the official from office.

While several officials, including federal judges and three U.S. presidents (Andrew Johnson, Bill Clinton, and Donald Trump—who was impeached twice), have been impeached by the House, **none have been convicted by the Senate and removed from office**. Nonetheless, the process serves as a critical **check** on abuse of power and underscores the principle that no one, not even the president, is above the law.

Foreign Policy and War Powers

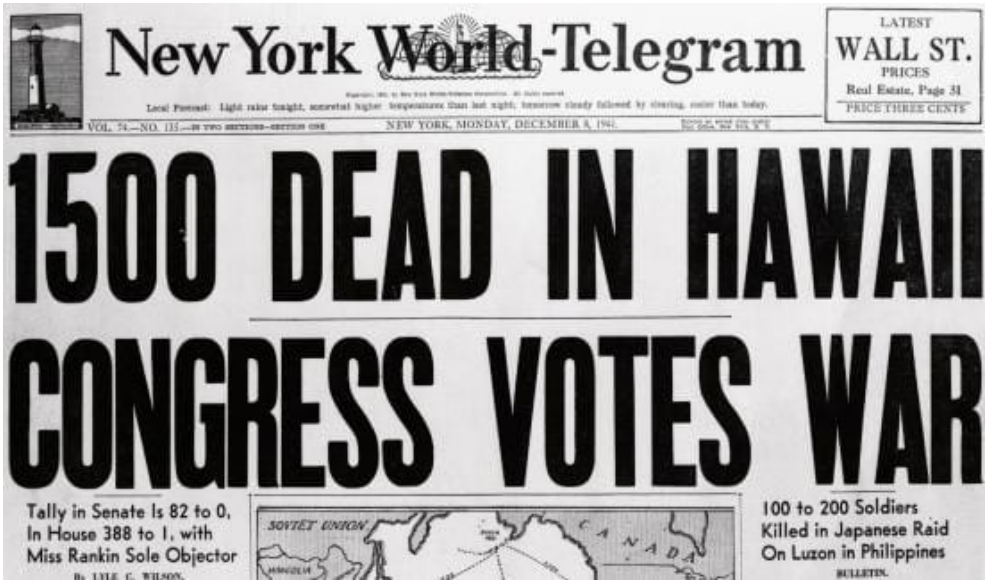


Figure 11.12: Although the president serves as commander in chief of the armed forces, **Congress alone holds the power to declare war**. (Image Credit: Library of Congress, Public Domain)

Although the president serves as commander in chief of the armed forces, **Congress alone holds the power to declare war**. In practice, however, this power has been increasingly contested as presidents have often deployed military forces without formal declarations of war. This **tension** between **executive war-making authority and legislative control** has spurred ongoing

debates over the constitutional limits of presidential power in foreign affairs.

Congress also plays a key role in shaping **foreign policy** through its budgetary powers, its oversight of foreign aid and military commitments, and the Senate's ability to ratify treaties. These responsibilities, along with the war powers debate, reflect the ongoing struggle to maintain a proper **balance of power between the branches** in matters of national security and international relations.

Open to Debate:
Can the Executive Branch Refuse to Spend Money Congress Has appropriated?

*The U.S. Constitution gives Congress exclusive authority over federal spending—a power often referred to as the **power of the purse** (Article I, Section 9). However, this authority has come under scrutiny during President Trump's second term (2025–).*

*Some argue that congressional spending bills authorize a **ceiling**, not a **floor**—implying that the executive has discretion to withhold funds even after Congress has appropriated them. But this interpretation directly contradicts decades of **legal and constitutional precedent**, which treats appropriations as **binding mandates**, not suggestions. Under **Article II, Section 3** of the Constitution, the president is required to "**take Care that the Laws be faithfully executed**," meaning that they must carry out spending laws passed by Congress. **Withholding funds**, critics argue, amounts to a **de facto veto** and undermines **Congress's constitutional power of the purse**.*

*At the same time, the administration has taken a more formal approach by **pushing rescissions through Congress**, often using simple-majority votes in the Republican-controlled House and Senate to roll back parts of carefully negotiated bipartisan spending deals, even those that originally required 60 votes to pass in the Senate. Critics say this tactic **erodes the durability of bipartisan compromise** and sets a precedent where complex deals can be undone by partisan majorities after the fact.*

This evolving power struggle raises key questions:

*· Can a president effectively **veto congressional spending** without using a formal veto?*

*· What happens to **checks and balances** when Congress struggles to enforce its will?*

*· Does this signal a **permanent shift** in the balance of power between the branches?*

*As this dispute unfolds, it provides a vivid example of how constitutional powers are not only written but also **interpreted, contested, and reshaped** by political actors in real time. The answers to these questions remain **open to debate**.*

Investigations and Hearings

Congressional **hearings and investigations** are tools for **oversight**, **lawmaking**, and **public education**. Committees frequently summon witnesses—government officials, private citizens, and experts—to testify under oath on matters ranging from agency misconduct to private sector malfeasance. These proceedings can uncover wrongdoing, shape new legislation, or serve political goals.



Figure 11.13: Members of Congress question witnesses during the **1973 Senate Watergate hearings**, one of the most consequential congressional investigations in U.S. history. Televised nationwide, the hearings revealed abuses of power within the Nixon administration and demonstrated how **congressional oversight** can expose wrongdoing, inform the public, and shape the nation's political agenda. (Image Credit: Daniel R. Smith photographer, CC BY-SA 3.0)

Some of the most dramatic and influential moments in congressional history have taken place during such hearings, from the Watergate investigations to the January 6th Committee. While **investigative powers are not explicitly granted by the Constitution**, the Supreme Court has affirmed that they are a legitimate extension of Congress's legislative function.

Congressional Norms: Traditions that Grease the Gears

Although Congress is governed by formal rules, much of its day-to-day functioning depends on informal traditions known as **congressional norms**. These unwritten expectations—such as **working hard**, showing **courtesy** in debate, **respect** for others' areas of expertise, and engaging in mutual **cooperation**—have historically helped legislators build relationships, navigate conflict, and pass legislation. Despite the public's often low regard for Congress, most members **work long hours** juggling committee hearings, floor votes, constituent services, and fundraising obligations. The longstanding norm of **courtesy**, where members debate issues, not personalities, has **eroded** in recent decades, reflecting the broader trend toward **partisan polarization**. While some norms, like specialization and reciprocity, still shape legislative behavior, others, such as **apprenticeship**, have weakened amid rising partisanship and the pressures of modern campaigning. As Congress evolves, so too do the informal behaviors that influence whether the institution functions smoothly or gets stuck in gridlock.

Checks and Balances

The principle of **checks and balances**, discussed in greater detail in Chapter Two, is central to understanding how Congress operates within the broader constitutional system. The framers of the Constitution deliberately divided governmental power among the legislative, executive, and judicial branches, giving each branch certain tools to limit the authority of the others. Through mechanisms such as approving presidential appointments, overriding vetoes, controlling federal spending, and conducting oversight of the executive branch, Congress plays a crucial role in maintaining this balance of power. At the same time, Congress itself is subject to checks from the president and the courts, reflecting the founders' goal of preventing any single institution from becoming too powerful.

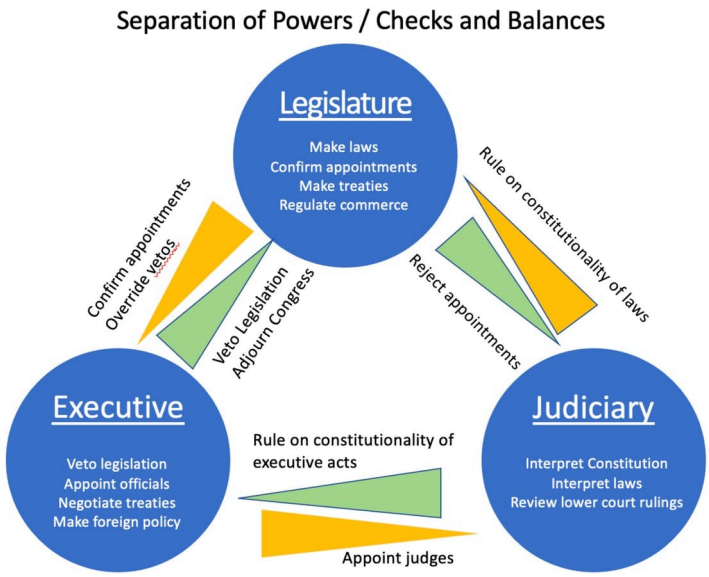


Figure 11.14: The Constitution establishes a system of **separation of powers and checks and balances** among the legislative, executive, and judicial branches. Each branch performs its primary function—making laws, enforcing them, or interpreting them—while also possessing powers that limit the authority of the others, helping prevent any single branch from becoming too dominant. (Image Credit: AboutPolitics via Wikimedia Commons, CC0 1.0)

Open to Debate:
Is the Separation of Powers Still the Best Way to Govern?

*The United States was founded on a **Madisonian model** of separated powers and checks and balances. Congress makes laws, the president executes them, and the courts interpret them. This structure was designed to **prevent tyranny** by ensuring that no single branch could dominate the others. But in practice, it can also result in **gridlock**, especially when different parties control different branches.*

*Many scholars—including **Theodore Lowi, James MacGregor Burns, and James Sundquist**—have criticized this system as outdated and **inefficient**. They argue that it makes **accountability murky**, allows leaders to **blame each other for inaction**, and makes it harder to respond quickly to national challenges. Reformers often point to **parliamentary systems** (like in the UK), where the executive and legislative branches are fused, and voters can clearly hold the ruling party responsible for government performance.*

This debate raises some important questions:

· Is the separation of powers model still worth preserving in today's political environment?

· Would Americans be better served by a system that makes elected leaders more directly accountable to voters?

*· How should we weigh the tradeoffs between **efficiency and accountability** versus **deliberation and restraint**?*

*Would you rather be able to hold one party or coalition **clearly responsible** for governing outcomes, even if that means giving up some checks and balances? Or do you believe the **slow, deliberate process of divided government** better protects democracy—even if it means enduring stalemates and partisan conflict? The answers to these questions remain **open to debate**.*

Congress in the Modern Era

The structure and responsibilities of Congress have remained largely the same since the Constitution was written, but how Congress functions has changed dramatically, especially in recent decades. Shifts in **partisanship**, **media**, and **institutional norms** have **reshaped** how Congress operates, and many observers have questioned whether it can still effectively meet the needs of a diverse, fast-changing nation.

Polarization and Partisanship

Perhaps the most defining feature of modern congressional politics is **partisan polarization**. Members of Congress are now more ideologically sorted than at any time in recent history. Republicans and Democrats not only disagree on policy but increasingly view the other side as a threat to the country's future. The result has been increased **gridlock**, fewer bipartisan coalitions, and a greater tendency to legislate through confrontation rather than compromise.

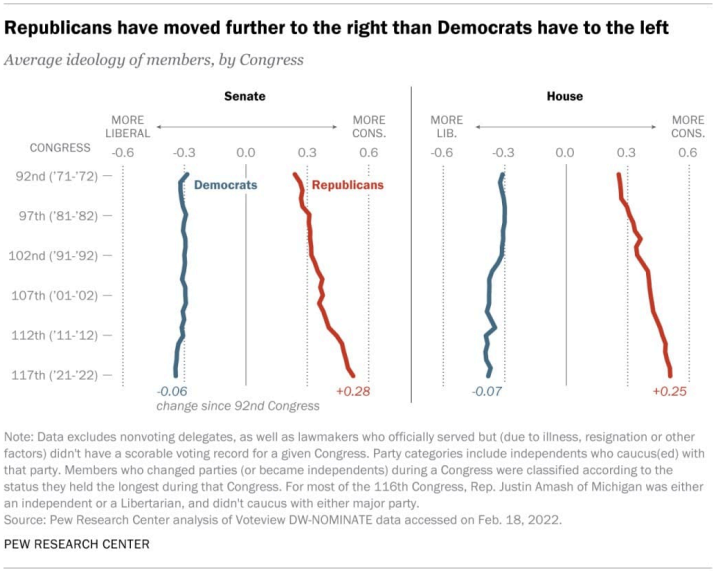


Figure 11.15: It's become commonplace among observers of U.S. politics to decry partisan **polarization in Congress**. Indeed, a Pew Research Center analysis finds that, on average, Democrats and Republicans are farther apart ideologically today than at any time in the past 50 years, although Republicans have moved further to the right than Democrats have moved to the left. (Image Credit: PEW Research Center)

Partisanship also affects congressional behavior. Members often prioritize loyalty to their party or alignment with their most active base voters over cooperation with colleagues across the aisle. Leadership in both chambers has become more centralized, and rank-and-file members are often **discouraged from crossing party lines**, even on issues with broad public support.

Open to Debate:
Polarization and Gridlock in Congress

*Throughout much of the late 20th and early 21st centuries, American voters have often **split their ballots**—electing **president**s from one party and **Congress** controlled by another. This political division intensifies the system of **checks and balances** but frequently produces **gridlock**: a legislative standstill where partisan rivalry slows or blocks government action. Like a traffic jam, gridlock causes frustration for members of Congress, presidents, and citizens alike, undermining confidence in government effectiveness.*

*Since President Trump's second term beginning in 2025, political **polarization** has intensified, with party divisions hardening and cooperation between Democrats and Republicans becoming increasingly rare. The **ideological divide** has grown not only in voting behavior but also in public sentiment: **mutual distrust** between partisans has become a defining feature of American politics.*

*Some argue that this sharp **partisanship** reflects a healthy expression of distinct **political visions** and **voter preferences**, holding leaders **accountable** and sharpening **policy debates**.*

*Others believe that extreme **polarization** threatens the very functioning of **Congress** and **democracy** itself, leading to constant **stalemates**, erosion of **norms**, and public **cynicism**.*

What do you think?

*· Is **polarization** a natural and even beneficial feature of a **vibrant democracy**, or has it become a **dangerous obstacle** to effective governance?*

· *Can Congress overcome **gridlock** without sacrificing meaningful **debate?***

· *How might increased polarization affect citizens' **trust** and engagement with government?*

*The answers to these questions remain **open to debate**.*

Media, Technology, and Transparency



Figure 11.16: Technicians monitor multiple live feeds in the **C-SPAN control room**, where congressional hearings, debates, and floor proceedings are broadcast to audiences across the country. By televising the work of Congress, networks such as C-SPAN have **expanded public access to the legislative process** and increased the transparency of government. (Image Credit: C-SPAN via Wikimedia Commons, CC BY-SA 2.0)

Advances in media and technology have brought new levels of **transparency** to Congress, but also new pressures. Hearings, debates, and floor votes are now streamed live, allowing constituents to observe their representatives in real time. **Social media** platforms have given members new ways to communicate directly with voters, but they've also incentivized grandstanding and soundbite politics.

Some members prioritize **building personal brands** over crafting legislation, using platforms like Twitter, YouTube, or TikTok to gain followers or provoke controversy. The result can be more attention-seeking behavior and less substantive collaboration.

Institutional Reform Efforts

With public approval of Congress often at historic lows, many Americans have called for **institutional reforms** to improve accountability and efficiency. Proposals include **term limits** for members of Congress, intended to reduce careerism and increase responsiveness, and **filibuster reform**, aimed at making the Senate less prone to obstruction. Others have proposed **campaign finance reform**, changes to how districts are drawn (to reduce **gerrymandering**), or restoring **earmarks** to incentivize dealmaking.

Supporters of reform argue that structural change is necessary to restore **public trust** and make Congress more functional. Critics caution that some reforms may have unintended consequences or undermine the deliberative nature of the legislative process. Whether reform efforts will gain momentum, or produce lasting change, remains to be seen.

Struggles for Power: Congress, the President, and the Courts

The relationship between **Congress** and the **President** is one of the most important and visible political dynamics in the American system. While the **Founders** designed a system of **separation of powers** and **checks and balances**, by the early twenty-first century, political scientist Richard Neustadt described it as a "**sharing of powers** by separate institutions." Despite this cooperation, the relationship often remains contentious—aptly described by **Benjamin Franklin** as "an **invitation to**

struggle."



Figure 11.17: President **Franklin D. Roosevelt** delivers his annual address to a joint session of Congress on January 6, 1941, outlining the nation's priorities at the start of a pivotal year in world history. Presidential addresses to Congress, including the modern **State of the Union**, are key opportunities for presidents to present policy goals and attempt to shape the legislative agenda. (Image Credit: Library of Congress, Public Domain)

Presidents, especially since **Franklin Roosevelt**, have sought to **dominate Congress's legislative agenda** to achieve their policy goals. They use tools like the **State of the Union address**, **budget proposals**, and special **joint sessions** to influence Capitol Hill. However, Congress was deliberately designed to be **institutionally biased toward preserving the status quo**, making it difficult—but not impossible—for presidents to enact their agendas. This structural friction often leads to presidential frustration when Congress reshapes or even blocks key initiatives.

Members of Congress frequently enjoy **electoral insulation** from presidential pressures. Unlike presidents who face nationwide elections, Representatives and Senators are elected by smaller constituencies and often win by larger margins. Members often "run ahead" of or "behind" a president in their districts, and polling tends to show higher constituent approval for their own legislators than for the president. This **independence** allows members, especially from opposing parties, to resist presidential influence and even use opposition as a political advantage, particularly if they chair powerful committees.

Congress also exerts significant control over the **federal bureaucracy**, which implements public policy. Through its power to **organize agencies**, set **budgets**, and **oversee** programs, Congress can influence how laws are executed. Bureaucracies respond by cultivating strong relationships with key congressional committees and **interest groups** to protect their missions and resources. This relationship forms **"cozy triangles"** (or **iron triangles**) consisting of **Interest groups**, **congressional committees**, and **bureaucratic agencies** that work closely to promote mutual interests.

The courts also play a vital role in shaping the **balance of power** within the federal government, particularly in their relationship with **Congress**. Through **judicial review**, the **Supreme Court** can **uphold or strike down legislation**, influencing how far **congressional authority** extends under the **Constitution**. At times, Congress has pushed back against judicial decisions by **rewriting laws**, **threatening jurisdictional limits**—that is, limiting the types of cases courts can hear—or using **confirmation battles** to shape the **ideological direction** of the federal judiciary. While less visible than congressional–presidential clashes, these **institutional tensions** have major implications for **public policy** and **constitutional interpretation**.

Outside Influences: Interest Groups and the Media

Interest groups benefit from Congress's **committee system**, which often aligns with their policy priorities. Members of Congress often seek committee assignments that serve their constituents' economic or political interests, fostering a **pro–interest group bias**. Interest groups influence legislation through **lobbying**, **campaigning**, and **contributions**, often shaping detailed policy areas, such as the federal **tax code**, in ways largely unnoticed by the broader public.



Figure 11.18: Beyond Congress's formal powers, members must also **manage their public image through the news media**. How they present themselves in interviews and press conferences can influence public perception and affect their political success. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Beyond Congress's formal powers, members must also manage their public image through the **news media**. Local media outlets serve as vital conduits to constituents, helping representatives build name recognition and highlight accomplishments. Positive coverage in hometown newspapers and local TV often matters more for reelection than national media attention. National media, including major newspapers and networks, focus more on **Senate leaders**, **controversies**, and **emotional issues**, often shaping public perceptions of Congress at large.

The rise of **social and online media** has further intensified the visibility pressures discussed earlier. While these platforms allow members to communicate legislative priorities and respond quickly to constituents, they also reinforce the trend toward branding and performative politics. In today's media landscape, **representatives must balance substance with style**—crafting messages that resonate with both traditional news outlets and algorithm-driven feeds.

Conclusion: Can Congress Still Represent the People?

The U.S. Congress was designed to be the **most representative** branch of the federal government—directly elected, responsive to public needs, and grounded in the diverse communities that make up the nation. Yet today, many Americans question whether Congress still fulfills that promise.

Some of this skepticism stems from the **tension between local and national responsibilities**. Members of Congress must serve the specific interests of their **districts or states**, while also making decisions for the broader **public good**. These goals often align, but when they conflict, whose voice should prevail?

Congress is also a **complex**, often **messy**, and even **confusing** institution. Capitol Hill functions as a kind of political maze, home to thousands of staff members and more than a hundred **committees and subcommittees**. Power is **fragmented**, especially in the **Senate**, where norms of individualism and procedural independence can make collective action difficult. This fragmentation is not a flaw but a feature: the **founders deliberately designed Congress to be slow-moving**, with a natural tendency to produce **incremental change** rather than sweeping revolution.

Because of these structural characteristics, **other countries have rarely imitated** the American model. Most new democracies have opted for **parliamentary systems**, such as the **Westminster model** in Great Britain, where power is more centralized, and **accountability** between legislative and executive branches is more direct.

Adding to the challenge is the steady erosion of **public trust** in Congress. Americans regularly express frustration with **partisanship**, **gridlock**, and the influence of **moneyed interests** and **lobbyists**. Approval ratings hover near historic lows, raising serious questions about its **institutional legitimacy**.

Still, the system is not without hope. Efforts to increase **transparency**, reform **legislative procedures**, and hold elected officials more **accountable** continue to emerge. From **campaign finance reform** to strengthening Congress's **oversight role**, reformers argue that Congress can adapt to better reflect the people it serves.

Ultimately, the future of Congress—as a body that **represents**, **deliberates**, and **legislates**—depends not only on those who hold office, but on the continued engagement of the **American public**. A representative democracy requires more than institutions; it requires informed citizens, willing to participate, demand accountability, and imagine what a more responsive Congress might look like.

Glossary

Advice and Consent Powers: The power of the Senate to confirm presidential appointments to executive and judicial positions and to ratify treaties.

Attitudinal Representation, Representation focusing on how members behave and vote.

Bicameral: This is a legislature composed of two chambers, or houses.

Casework: This is where members of Congress and their staffs come to the aid of constituents. Members do this to build good will to help assure winning reelection.

Caucus: This is a meeting of all a party's members in either the House or Senate.

Committee Staff: These people work for a congressional committee or one of its subcommittees to provide either clerical or professional help to members of Congress.

Conference Committees: These are composed of delegations from the House and Senate meeting to eliminate differences between each chamber's version of the same bill. The full House and Senate each must vote to accept the committee's compromised version of the bill.

Courtesy Norm: Norm whereby members debate issues, not personalities.

Delegates: Members adopting a delegate perspective of representation will vote on Capitol Hill in accord with what they think are their constituents' preferences, regardless of the views of the legislator.

Enumerated Powers: The powers explicitly granted to Congress in Art. 1 Sect. 8 of the U.S. Constitution.

Filibuster: This is where a Senator will try to prevent a bill from coming to a floor vote by "talking a bill to death" through monopolizing floor action and preventing the chamber from conducting any other business. Filibusters can only be broken by winning a cloture vote by attracting a minimum of 60 votes to end debate.

Gerrymandering: This is the practice of drawing district boundaries to gain a partisan advantage.

Gridlock: A situation in which it is difficult or impossible to pass legislation due to partisan divisions and disagreements.

Home Style: Legislators develop a style of presenting themselves to their constituents which is both natural and comfortable for the member while also acceptable to voting constituents.

House Rules Committee: Termed the "traffic cop of the House," this standing committee must pass most legislation onto the chamber floor by assigning a rule governing debate time length and terms in which amendments may be proposed. It is one of the most powerful panels in the House.

Implied Powers: Congressional powers implied by the Necessary and Proper Clause in Article 1. Sect 8 of the U.S. Constitution.

Incumbent: Person running for reelection.

Member Norms: These are accepted patterns of behavior which govern, either formally or informally, the behavior of members of Congress. They help members conduct business.

Necessary and Proper Clause: Sometimes called the **"elastic clause."** This provision empowers Congress to make all laws "necessary and proper" to carry out its enumerated powers.

Oversight: The power of Congress to monitor the implementation of laws and the functioning of the federal bureaucracy.

Partisan Polarization: the growing ideological divide between political parties, in which individuals increasingly align with extreme positions rather than moderate viewpoints.

Personal Staff: This is the staff assigned to help legislators carry out their duties. Members tend to divide their staff equally between working on Capitol Hill and back home with constituents. Efficient personal staff help members win reelection.

Pork Barrel: A nineteenth-century grocery term used to describe federal spending targeted to a member's home district or state.

Power of the Purse: The power of the Congress to allocate federal funds. No money can be spent by the government without congressional approval, which gives Congress immense influence over public policy.

Reciprocity: One of the most important member norms, this can be seen when members defer to the turf of a committee or subcommittee, respect the expertise of a peer, or exchange a vote support with a colleague.

Representation Gap: Because each state has two senators, regardless of population size, residents of small states have significantly more voting power in the Senate than residents of large states.

Staff Agency: These are Capitol Hill congressional agencies which provide legislators with technical assistance.

Standing Committees: These are committees which remain in operation from one congress to the next and have jurisdiction for developing legislation and providing oversight in a fairly narrow policy area.

Trustee: Members adopting a trustee perspective of representation believe that they are obligated primarily to give their best personal judgment to their constituents, regardless of the views of the folks back home.

"Tuesday Through Thursday Club": This is where legislators schedule major floor votes and committee/subcommittee work for the middle three days of the week. This allows members to return home to visit their constituents the remaining four days of the week.

Whips: These are elected party positions where members work for the minority or majority leader to explain party positions to legislators while providing feedback to the party hierarchy about the views of individuals.

Selected Internet Sites

http://thomas.loc.gov. The Library of Congress website which is named after Thomas Jefferson.

http://www.house.gov/. The official web page of the U. S. House of Representatives.

http://www.senate.gov/. The official web page of the U. S. Senate.

http://www.c-span.org. The official web page of the cable channel monitoring congressional activities.

http://www.hillnews.com. The free web site of the Hill News, a newspaper covering daily congressional activities.

https://www.pewresearch.org. The Pew Research Center is a nonpartisan fact tank that informs the public about the issues, attitudes and trends shaping the world.

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Chapter 12: Authority and Accountability- The Presidency and the Bureaucracy

The American Presidency: Power, Prestige, and Perception

The American **presidency** is one of the most **powerful** and recognizable institutions in the world. Every decision made in the Oval Office can ripple across the globe, affecting markets, military alliances, and millions of lives. At home, the president commands a unique cultural presence: most Americans can name the current president long before they learn the name of their mayor, governor, or even members of Congress.



Figure 12.1: The presidency we know today is vastly different from the one envisioned by the framers of the Constitution. **Originally conceived as a modest executive with limited powers**, the office has grown into a central force in American political life, shaped by war, economic crises, and the demands of modern governance. (Image Credit: Library of Congress, Public Domain)

But the presidency we know today is vastly different from the one envisioned by the **framers** of the Constitution. Originally conceived as a **modest executive** with **limited powers**, the office has grown into a central force in American political life, shaped by **war**, **economic crises,** and the demands of **modern governance**. Understanding the American presidency means examining not just the **legal framework** that created it, but also the **traditions**, **expectations**, and **historical moments** that have expanded its reach.

The Constitutional and Legal Foundations of Presidential Power

The legal foundation of the presidency is found in **Article II** of the U.S. Constitution. Yet even during the Constitutional Convention of 1787, delegates struggled to define the boundaries of executive power. Seeking to **balance** effective executive **authority** against the **dangers of concentrated power**, they produced a document that reflects **compromise** and cautious experimentation.

Under **Article II**, the president is both the nation's **chief of state**, its symbolic representative, and **chief executive**, responsible for enforcing federal law. The Constitution grants a set of **expressed powers**, including commanding the military, granting pardons, negotiating treaties (with Senate approval), and vetoing legislation.

Beyond these formal powers, presidents wield **delegated powers** granted by Congress and often claim **inherent powers**, those implied but not explicitly stated in the Constitution. These have allowed presidents to respond to emergencies, assert executive privilege, and shape policy through interpretation and action. The **balance of power** between the presidency and other branches continues to evolve, shaped by law, precedent, and political necessity.

The Evolution of the American Presidency



Figure 12.2: As the first president of the United States, **Washington established essential precedents for the executive branch**, including the cabinet system and the tradition of a two-term limit, that shaped the American presidency. (Image Credit: Gilbert Stuart's Lansdowne portrait of George Washington, hanging in the White House, via Wikimedia Commons, Public Domain)

The office of the president has undergone significant transformation throughout American history. Presidents from **George Washington** through **Herbert Hoover** are often referred to as "**traditional presidents,"** a period when **Congress** was the dominant branch of the federal government and the primary source of **policy leadership**. These early presidents generally exercised **limited executive power**, with the public and media looking to Congress as the main driver of national policy.

A dramatic shift occurred with the election of **Franklin D. Roosevelt** in 1932. FDR's response to the **Great Depression** and **World War II** ushered in the era of the "**modern presidency**." This period marked a fundamental redefinition of presidential leadership, as Roosevelt centralized **policy-making authority** within the **executive branch**. He expanded the scope of presidential responsibility in **economic management**, **domestic policy**, and **national security**. During and after his presidency, the media, Congress, the public, and foreign governments increasingly turned to the White House as the central source of political direction and innovation.

By the time of **Richard Nixon's** presidency, some scholars identified the emergence of a new phase, often called the "**post-modern presidency**." In this model, presidents could no longer rely solely on centralized authority but instead needed to navigate an increasingly **fragmented political landscape**. Success required building **coalitions** among **political parties**, **interest groups**, **bureaucratic agencies**, and even **international actors**. This model reflects a more interdependent and complex presidency, where negotiation and persuasion are central to governing effectively.

Recent presidents have responded to this dynamic in different ways. While some have embraced coalition-building strategies, others have sought to reassert more **centralized executive authority**. Notably, **President Donald Trump** frequently challenged the interdependent nature of modern governance by asserting a more **unilateral** and centralized approach to presidential power, often invoking the ***unitary executive theory***, which holds that all **executive authority** is constitutionally vested **in the president alone**. This approach often involves efforts to bypass **institutional checks** and expand unilateral action, highlighting ongoing debates about the **limits** and **legitimacy** of presidential power in a **constitutional democracy**.

A Presidential "Job Description:" Functions of the President

The president commonly wears many "hats" in office. Each of these **duties** competes for its share of the president's limited time, and together they make up the overall image outsiders have of the president.

Chief Executive

The Constitution directs the president to **"take care that the laws be faithfully executed."** As the **chief executive** of the

federal government, the president is responsible for ensuring that policies and programs enacted and funded by Congress are properly implemented. This role includes overseeing the vast federal bureaucracy and directing the work of nearly **three million civilian employees** who carry out the day-to-day operations of the executive branch.

Chief of State

As **chief of state**, the president serves as the **ceremonial head** of government and the **symbolic representative** of the American people. In this role, the president performs duties that express the unity and values of the nation, such as addressing the public in times of national tragedy, offering holiday messages, and welcoming foreign dignitaries. The U.S. presidency is unique in that it combines the functions of **chief executive**—responsible for the day-to-day administration of the government—with those of chief of state. In many other countries, such as the United Kingdom, these roles are separated between a political leader (e.g., prime minister) and a ceremonial figurehead (e.g., monarch).

Given the **visibility** of the presidency, even the most routine or personal actions by a president and their family can attract significant **media attention**. For example, President Franklin D. Roosevelt's dog, Fala, and President Bill Clinton's pets, Socks the cat and Buddy the dog, became widely known to the public and received thousands of letters. President Jimmy Carter's decision to enroll his daughter, Amy, in a local public school and her construction of a treehouse on the White House lawn were widely covered by the press. In more recent years, the Obamas' date nights were frequently featured in the media, while First Lady Melania Trump's decision to initially remain in New York during President Donald Trump's early tenure drew national attention. These examples underscore the president's unique status as a public figure who embodies both **political authority** and **cultural significance**. As one journalist noted, "The President of the United States receives more press coverage than any other person in the country."



Figure 12.3: **President Franklin D. Roosevelt** rides with his beloved Scottish terrier, **Fala**, who became one of the most famous presidential pets in American history. Fala frequently accompanied Roosevelt on trips and public appearances and even received thousands of letters from admirers, illustrating how **the personal lives of presidents—and even their pets—can become part of the nation's political culture and media landscape.** (Image Credit: Executive Office of the President of the United States, via Wikimedia Commons, Public Domain)

Foreign Policy Leader

The Constitution, along with historical precedent, establishes the president as the nation's primary leader in **foreign affairs**. As **commander in chief** and **chief diplomat**, the president is authorized to receive foreign ambassadors, a function that includes the power to **recognize**, or withhold recognition from, foreign governments. The president also has the authority to **negotiate treaties** with other nations, although these agreements must be **ratified** by a two-thirds vote of the **U.S. Senate**.

In addition to formal treaty-making, presidents frequently engage in diplomacy through **summit meetings** with other world leaders, where they discuss issues ranging from trade to security. Presidents also make use of **executive agreements**—international agreements that do not require Senate approval—to advance foreign policy objectives more quickly or flexibly.



Figure 12.4: President **Ronald Reagan** and Soviet leader **Mikhail Gorbachev** sign the **Intermediate-Range Nuclear Forces (INF) Treaty** in 1987, eliminating an entire class of nuclear missiles during the Cold War. High-level diplomatic meetings such as this illustrate the president's central role in conducting foreign policy and negotiating international agreements on behalf of the United States. (Image Credit: White House Photographic Collection via Wikimedia Commons, Public Domain)

Modern presidents are expected to take the lead in **shaping U.S. foreign policy**. They work closely with the **Department of State**, the **National Security Council**, the **Department of Defense**, and **intelligence agencies** to coordinate responses to international events, negotiate alliances, and manage conflicts.

When traveling abroad, presidents typically combine their roles as **chief of state** and **foreign policy leader**, representing the United States both symbolically and diplomatically. These trips often involve elaborate planning and coordination with foreign governments and include an entourage of **policy advisers**, **diplomats**, **security personnel**, and **media representatives**. The visibility and influence of the presidency on the global stage underscore the significant role the office plays in shaping the nation's relationships with the rest of the world.

Commander-In-Chief

The president stands at the top of the nation's military chain of command. The Constitution clearly designates the president as **commander in chief** of the armed forces—a role that reflects the foundational American principle of **civilian control of the military**. Even when the nation has elected military heroes like George Washington, Ulysses S. Grant, or Dwight D. Eisenhower, each resigned their military commission before campaigning for and serving as president, emphasizing their transition from soldier to **civilian leader**.

As commander in chief, the president holds broad authority to **direct military operations**, often **without** a formal **declaration of war** from Congress. Although the Constitution assigns Congress the exclusive power to declare war, presidents have frequently committed U.S. forces to combat on their own authority. Since World War II, the last conflict officially declared by Congress, American troops have fought in Korea, Vietnam, the Persian Gulf, Afghanistan, Iraq, and elsewhere, all without formal war declarations. This pattern is not new. As early as 1801, President Thomas Jefferson deployed naval forces to confront piracy along the Barbary Coast, setting a precedent for presidential military action.

Beyond commanding forces in combat, the president also oversees the **organization and management of the military**. **President Harry Truman** used this authority to **desegregate the armed forces** by executive order, establish the **Department of Defense** by merging the War and Navy Departments, and create the **U.S. Air Force** as a separate service branch. Modern presidents continue to exert this influence by appointing, promoting, and, if necessary, removing members of the **Joint Chiefs of Staff**—the top military leadership of each branch. Across all services, military personnel recognize the president as their **ultimate commander**.



Figure 12.5: President **Harry S. Truman** reviews military officers alongside senior commanders during the early Cold War era. As **commander in chief**, the president exercises broad authority over the organization and leadership of the armed forces, including appointing top military officials and directing the structure of the nation's defense institutions. (Image Credit: Truman Library via Wikimedia Commons, Public Domain)

Economic Manager

The nation's **economic well-being** is a central area of **presidential responsibility**, and often a decisive factor in shaping **public opinion** and **political power**. A president's political strength is closely tied to the performance of the economy. Historically, robust economic growth has boosted a president's chances of reelection and increased their influence over Congress and national policy. Presidents and their advisors closely track key indicators such as **unemployment**, **inflation**, and **gross domestic product (GDP)** growth. Poor economic conditions played a major role in the reelection defeats of Presidents Herbert Hoover, Jimmy Carter, and George H. W. Bush.

Despite being held accountable by the public for economic performance, presidents have **limited direct control** over many of its key drivers. One major constraint is **monetary policy**, which is controlled not by the president but by the **independent Federal Reserve System**. The Federal Reserve Board, led by a chair appointed to a fixed term, sets the **prime interest rate**, which affects borrowing costs across the economy. High interest rates can slow economic activity and reduce inflation, while low rates may stimulate growth but risk higher inflation.

Presidents also **share control over fiscal policy—taxation** and **government spending**—with Congress. While the president proposes an **annual budget** outlining the administration's priorities, it is **Congress** that holds the "**power of the purse**." While the president can negotiate and use the **veto**, the final budget typically reflects a **compromise** between presidential priorities and congressional leadership.

The President and Congress: A Crucial Political Relationship

The president's relationship with **Congress** is arguably the most important political dynamic in the American governmental system. Since the presidency of **Franklin D. Roosevelt**, presidents have recognized that success depends on working with Congress. Most major **presidential accomplishments—including legislation,** treaties**,** appointments**, and budget** decisions—require **congressional approval**. Without Congress, even the most ambitious presidential agenda cannot become reality.

Presidents have used a variety of strategies to gain **congressional support** for their initiatives. **Harry Truman**, for example, often sought to "go over the heads" of lawmakers by appealing directly to the **American public** in hopes of generating pressure on Congress. **Lyndon B. Johnson**, on the other hand, was renowned for his personal **persuasion** skills, using intense one-on-one meetings to convince members of Congress to back his proposals. Many presidents have also engaged in **political bargaining** behind closed doors, offering favors or support in exchange for votes. Despite these efforts, presidents who attempt to bring

about major changes often find themselves **frustrated by Congress**, an institution intentionally designed to move slowly and favor **incremental change** over sweeping reform.

Tension between the branches stems from differing **perspectives** and **political incentives**. Presidents represent the **national interest**, while members of Congress represent **states** or **districts**. Legislators—especially in **safe districts** or strong partisan states—may feel little pressure to support presidential initiatives. **Committee chairs** or leaders from the **opposing party** may actively resist the president's agenda when it benefits their constituents or political standing.

Presidents also influence Congress through major **agenda-setting** tools. The annual **State of the Union** address outlines policy goals and spending priorities. Presidents shape the **federal budget**, use **public appeals** to build support, and rely on a **legislative liaison** staff to lobby lawmakers and track developments.



Figure 12.6: President **Barack Obama** delivers a **State of the Union address** before a joint session of Congress. Such nationally televised speeches allow presidents to outline their policy priorities, propose legislation, and rally public and congressional support for their governing agenda. (Image Credit: Official White House Photo by Pete Souza via Wikimedia Commons, Public Domain)

In addition to public appeals and agenda-setting, presidents use formal constitutional and legal tools to influence Congress. One of the most powerful of these is the **veto**, which allows the president to reject legislation passed by Congress. Overriding a veto requires a **two-thirds vote** in both the House and Senate, a high threshold that is rarely met, historically, **fewer than three percent** of all vetoes have been overridden. Presidents often use the threat of a veto to shape legislation during its development, pushing lawmakers to remove or alter provisions the president opposes. Faced with this pressure, many members of Congress choose to accept a **compromise**, often described as "half a loaf", rather than risk losing the entire bill to a veto.

Presidents also use the power of **patronage** to build support among legislators. By helping secure federal appointments—such as judgeships or agency positions—for allies or constituents of supportive lawmakers, presidents can reward cooperation and build loyalty. Finally, presidents can resort to **personal persuasion**, sometimes called "**jawboning**." This involves direct, often private, appeals to individual lawmakers. President **Lyndon Johnson** was especially famous for his forceful, face-to-face lobbying style, while Presidents **Ronald Reagan** and **Bill Clinton** were skilled at negotiating deals tailored to individual members' needs or district interests.

Political Party Leader

In capturing the **White House**, presidents become both the symbolic and practical leader of their national **political party**. While presidents may take an active role in party **fundraising** and **campaign efforts**, especially when seeking reelection, they often give relatively low priority to managing the broader **party organization**. This is partly because political parties in the United States are **decentralized**, with state and local party organizations operating independently within the federal system. As a result, the president has limited authority over those party operations. Furthermore, when a president's approval **ratings are low**, candidates from the same party, particularly in competitive districts, may choose to **distance** themselves from the president.

The Institutionalized Presidency

Contemporary presidents organize their administrations based on a tradition established during **Franklin D. Roosevelt's** presidency. Roosevelt significantly expanded the scope of presidential activities and the size of the administration, setting a precedent that far exceeded the levels of his predecessors. By the late 1930s, following recommendations from the **Brownlow Committee**, a panel of public administration experts, Roosevelt expanded the executive branch to tackle the dual challenges of the Great Depression and World War II. He increased the size of the president's staff from just a few people to nearly 60 during the war. This staff group became known as the **Executive Office of the President (EOP)**. As of early 2025, the Executive Office of the President consists of about 1,800 staff members, spread across various offices and agencies that support the president's work. These include the **White House Office**, the **National Security Council (NSC)**, the **Office of Management and Budget (OMB)**, and the **Council of Economic Advisers (CEA)**.



Figure 12.7: The **Executive Office of the President (EOP)** consists of a network of advisory councils and policy offices that help the president manage the federal government and coordinate national policy. Created in 1939 and expanded over time, the EOP includes organizations such as the **Office of Management and Budget**, the **National Security Council**, and the **Council of Economic Advisers**, which provide expertise on economic, domestic, and national security issues. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

The White House Staff

The **White House staff** consists of approximately 500 individuals who primarily work from offices within or near the iconic **West Wing** of the White House. The staff is made up of close supporters, many of whom have worked for the president long before they assumed office. These staff members are typically extremely **loyal** to the president, sharing his political ideology, policy goals, and vision for the country. They are also well-versed in the president's personality, leadership style, and priorities. All members of the White House staff are **appointed by the president** and serve at the pleasure of the president, meaning they can be dismissed at any time. They do not hold formal, independent authority but serve to assist the president in implementing his agenda.

Key positions in the White House staff often include the **Chief of Staff**, who oversees day-to-day operations and serves as a critical advisor to the president. Other important roles include **speechwriters**, **appointments secretaries**, **attorneys**, **press secretaries**, **media advisors**, and **public relations officers**. A presidential **advance team** is also essential, responsible for planning and preparing for presidential trips and public events.

In addition to these specialized roles, presidents typically have a range of personal **political** and **policy advisors** who provide counsel on both short-term issues and long-term strategies. These advisors often work closely with the president to shape the administration's policies and decisions, ensuring that the president's objectives are met effectively. The White House staff plays an indispensable role in supporting the president and managing the complex demands of the office.

Presidential Policy and Advisory Support

In addition to the White House staff, presidents rely on several key offices and councils to provide expert policy advice and administrative support. These entities play a critical role in shaping presidential decisions and implementing national policy. Below are several of the most important and visible members of a president's advisory team:

The National Security Council (NSC)



Figure 12.8: **White House officials meet in the Situation Room during a national security briefing.** The National Security Council brings together the president's top civilian and military advisors to coordinate U.S. foreign policy, defense strategy, and responses to international crises. (Image Credit: National Archive, via Wikimedia Commons, CC BY-SA 4.0)

Established in 1947, the **National Security Council** (NSC) advises the president on matters of **national security** and **foreign policy**. The NSC is staffed by around 60 individuals and is headed by the president's **National Security Advisor**. In some administrations, the NSC has even **eclipsed the State and Defense Departments** in shaping foreign policy, primarily because presidents often prefer to keep strategic decisions **centralized** within the White House. Regular members of the NSC include the **Vice President**, the **Secretaries of State, Defense, and Energy**, and other key **national security officials**.

The Office of Management and Budget (OMB)

Originating in 1921 as the **Bureau of the Budget** within the Treasury Department, the office was moved into the Executive Office of the President by Franklin D. Roosevelt and renamed the **Office of Management and Budget (OMB)** by President Nixon in 1970. The OMB assists the president in developing the **annual federal budget** and oversees the **implementation of budgetary policy** across federal agencies. While the office is led by **political appointees**, the majority of its 500+ staffers are **career professionals** with deep expertise in **budgeting, economics, and public administration**.

The Council of Economic Advisers (CEA)

Created in 1946, the **Council of Economic Advisers** (CEA) is a **three-member panel**, including a chair, that provides the president with analysis and advice on both domestic and global economic policy. The CEA plays a key role in **forecasting economic trends**, **evaluating policy impacts**, and helping the president **communicate economic priorities** to the public, businesses, and media.

The Office of the United States Trade Representative (USTR)

Formed in 1980 during the Carter administration, the **Office of the U.S. Trade Representative** is responsible for **developing and coordinating international trade policy** and **negotiating with foreign governments**. Headed by the U.S. Trade Representative, a cabinet-level official, the USTR has grown in importance as **globalization** and **international trade** have

become central components of **U.S. economic strategy**.

Flexibility in Presidential Advisory Structures

Presidents tailor their reliance on these **advisory bodies** based on their individual leadership style, political ideology, and the challenges facing their administration. Some may **elevate** certain offices to play a more prominent role, while others may **de-emphasize** or **reorganize** parts of their advisory structure. Additionally, presidents occasionally create **new offices** or **task forces** to address emerging policy areas, such as cybersecurity, climate change, or public health crises.

Organization of the Presidency

The modern presidency has been shaped by at least three distinctive models for organizing and managing the executive office. These models, **competitive**, **hierarchical**, and **collegial**, have each been introduced by presidents based on their own leadership styles, policy goals, and professional backgrounds. While each model presents unique strengths and weaknesses, none is inherently better or worse than the others. Instead, the effectiveness of each depends on how well it aligns with the president's needs and the context of their administration.

The Competitive Model

The **competitive model** is most closely associated with President **Franklin D. Roosevelt** (FDR). Confronted with the unprecedented challenges of the Great Depression and World War II, FDR deliberately encouraged **competition** among his advisors. He often assigned **overlapping responsibilities** to individuals or groups and encouraged them to develop **rival proposals**. This method fostered **creativity**, as advisors were incentivized to perform at their best while identifying weaknesses in their competitors' plans.



Figure 12.9: **President Franklin D. Roosevelt signs legislation in the White House while surrounded by advisors and officials.** Roosevelt's leadership style often encouraged competition among aides and policy experts, inviting multiple proposals and perspectives before making a final decision. This **competitive advisory system** helped generate innovative policy ideas during the crises of the Great Depression and World War II. (Image Credit: FDR Library, via Wikimedia Commons, Public Domain)

By positioning himself at the center of the **information flow**, FDR remained one of the **best-informed** presidents in U.S. history. However, the constant stream of information and hands-on management style took a toll on his health. Roosevelt's **intense workload** contributed to his physical decline, and he died in office shortly after beginning his fourth term.

While the competitive model can generate **innovative ideas** and **policy options**, it also risks creating **internal conflict** and **inefficiency**. The infighting among advisors, if not well managed, can distract from effective governance.

The Hierarchical Model

In contrast, the **hierarchical model** was introduced by **President Dwight D. Eisenhower**, who brought a **military-style approach** to managing the White House. A former five-star general and Supreme Allied Commander during World War II, Eisenhower favored a clear **chain of command**, formal decision-making procedures, and **delegated authority**. His **Chief of Staff**, Sherman Adams, oversaw daily operations and served as a key **gatekeeper** to the president.



Figure 12.10: **President Dwight D. Eisenhower**, a former five-star general, applied a military-style chain of command to the White House. His **hierarchical management model** emphasized clear lines of authority, formal procedures, and strong staff coordination, with the chief of staff serving as a central gatekeeper to organize the flow of information and decisions reaching the president. (Image Credit: Unnamed photographer for US Army, via Wikimedia Commons, Public Domain)

This model emphasizes **efficiency** and **structure**, making it well-suited for presidents who value **order** and administrative **discipline**. It also reduces the president's exposure to routine issues, conserving their **time** and **energy** for major decisions. Notably, **Ronald Reagan**, another president known for a hierarchical leadership style, benefited from the model's **efficiency** during his two terms.

However, the hierarchical approach can distance presidents from the inner workings of their own administration. Political scientist **Fred Greenstein** noted that Eisenhower adopted a **"hidden-hand" leadership style**—behind the scenes, he remained deeply engaged and regularly consulted with officials across his administration to stay **informed**. In contrast, Reagan was less involved in daily operations, which at times led to a lack of **oversight** and **coordination**.

The Collegial Model

The **collegial model** is most closely associated with **President John F. Kennedy**. In this approach, the president gathers teams of advisors and encourages **open, collaborative dialogue** when developing policy. Rather than emphasizing hierarchy or rivalry, Kennedy promoted **cooperation** and **consensus-building**. The most famous example of this method was the formation of the **Executive Committee (ExCom)** during the **Cuban Missile Crisis** in October 1962, where a team of experts worked together to navigate one of the most dangerous confrontations of the Cold War.



Figure 12.11: **President John F. Kennedy** meets with advisors in the White House Cabinet Room. Kennedy favored a **collegial decision-making style** that encouraged open discussion and collaboration among advisors—an approach exemplified by the Executive Committee (ExCom) during the Cuban Missile Crisis, when a team of officials worked together to evaluate policy options during a critical Cold War confrontation. (Image Credit: Cecil Stoughton, White House, via Wikimedia Commons, Public Domain)

When properly managed, the collegial model can lead to well-informed and balanced decisions, as it **integrates multiple perspectives** and fosters mutual respect among advisors. However, it is also vulnerable to **groupthink**—a psychological phenomenon in which a desire for harmony or conformity within a group can suppress dissenting views and blind decision-makers to alternative solutions.

The Personalist Model



Figure 12.12: **Donald Trump** speaks at a rally, emphasizing his direct and highly **personal approach to political leadership**. During his presidency, Trump often relied on informal networks, public communication, and shifting advisory relationships rather than traditional White House policy processes, reflecting a management style that blended competition among aides with a strong emphasis on personal authority. (Image Credit: Gage Skidmore, via Wikimedia Commons, CC BY-SA 2.0)

President **Donald Trump** demonstrated a style of presidential management that blends elements of the **competitive** and **hierarchical** models, while also breaking from traditional structures entirely. Like Franklin Roosevelt, Trump often fostered **rivalry** among advisors and departments, encouraging direct access to him and frequently shifting responsibility among aides. However, unlike FDR's structured use of competition to stimulate innovation, Trump's approach has often resulted in high

turnover, **conflicting messages**, and **policy reversals**. Scholars have described his style as **"personalist"** or **"disruptive"**, relying heavily on his instincts, inner circle of loyalists, and informal networks over formal policy processes. Trump has often **bypassed traditional channels**, such as his chief of staff or established policy offices, in favor of **direct engagement** through social media, public rallies, or one-on-one negotiations. While this approach has energized his political base and allowed for **rapid decision-making**, it has also raised concerns about **consistency**, **coordination**, and the **institutional norms** of presidential leadership.

The Vice Presidency

John Adams, the nation's first vice president, famously described the role as **"the most insignificant office ever conceived."** Despite this characterization, the **vice presidency** plays a constitutionally significant and politically strategic role in the American system of government. The U.S. Constitution assigns the vice president two formal duties: to **preside over the Senate** (casting **tie-breaking votes** when necessary) and to **assume the presidency** in the event of a vacancy or incapacitation. In fact, **nine vice presidents** have taken office mid-term, making the role a direct pathway to the **presidency**.

For much of American history, vice presidents served largely at the discretion of the president, with little influence on **policy** or **administration**. Until the mid-20th century, vice presidents were often excluded from major decision-making processes and were not even permitted to attend **cabinet meetings**. They had no formal office space in the **White House** until the late 1970s under President Jimmy Carter. During this era, vice presidents primarily carried out **ceremonial duties**, attended funerals, and traveled on behalf of the president. The limited nature of the role led some scholars—such as historian **Arthur Schlesinger Jr.** in the 1970s—to question whether the vice presidency should continue to exist.

Political scientist **Paul Light** credited President Jimmy Carter with creating the "**modern vice presidency**," transforming the role from a marginal position into a meaningful and influential office. Carter broke with tradition by giving Vice President **Walter Mondale** an office in the **West Wing**, involving him fully in the **Executive Office of the President**, and including him in cabinet meetings, policy discussions, and strategic briefings. Carter regularly sought Mondale's advice, establishing a new model for vice-presidential participation.



Figure 12.13: **President Jimmy Carter** consults with **Vice President Walter Mondale** in the White House. **Carter helped transform the vice presidency** into a more influential role by integrating Mondale into the West Wing, including him in cabinet meetings and policy discussions, and regularly seeking his advice on major decisions—an approach that helped establish the modern vice presidency. (Image Credit: National Archives and Records Administration, Public Domain)

Some of Mondale's successors exercised even greater influence. **Al Gore** under President Bill Clinton and **Dick Cheney** under President George W. Bush played central roles in their administrations—Gore in **technology**, **environmental policy**, and **government reform**, and Cheney in **national security** and **foreign policy**, especially after **September 11**. These cases demonstrated the potential power of the vice presidency.

Still, it is important to note that this expanded role is not guaranteed. Because the Constitution grants only **limited formal**

responsibilities to the vice president, the influence of the office continues to depend largely on the **relationship** between the president and vice president. Future presidents may choose to elevate the role or return to earlier models in which vice presidents were more **symbolic** than strategic.

Presidential Powers

In addition to the powers granted by the Constitution, the president also exercises powers **delegated by Congress**, **inherited from tradition**, or **assumed through executive action**. Presidents have often claimed or been granted broad authority to respond to **national emergencies**. The most extensive use of presidential power occurred during the administration of **Abraham Lincoln**. With nearly half the states seceding shortly after he took office, Lincoln acted decisively to preserve the Union.

During what some scholars have called a **"constitutional dictatorship,"** he **suspended habeas corpus, imprisoned pro-secession editors**, **blockaded** Southern ports, **deployed troops, instituted a draft**, **paid soldiers in scrip**, and **declared martial law**.

With the advent of the twentieth century came the concept of "**total war**," in which entire societies, not just militaries, were mobilized for conflict. In these wars, civilian casualties often outnumbered military deaths, and governments greatly expanded their domestic powers. **During World War I**, Congress granted President **Woodrow Wilson** broad authority to direct the war effort at home. Although the war concluded before many of those powers were fully exercised, the precedent of enhanced presidential authority during wartime would shape future responses to national crises.

These precedents were revived during **World War II** when Congress granted President Franklin D. Roosevelt sweeping domestic powers. These included the authority to restrict civilian **travel**, control **industrial production** related to the war effort, **ration** scarce goods such as gasoline and rubber, and regulate **prices and wages**. One striking example of wartime mobilization was the suspension of civilian automobile manufacturing as U.S. auto factories were repurposed to produce tanks, planes, and other military equipment.



Figure 12.14: **World War II saw a dramatic expansion of presidential authority** during national emergencies. Under powers granted by Congress, President Franklin D. Roosevelt directed the rationing of scarce goods, oversaw the conversion of civilian industries to wartime production, and authorized the internment of more than 110,000 Japanese Americans through Executive Order 9066—actions that reflected the sweeping influence the presidency can exercise during periods of crisis and helped establish precedents for future wartime leadership. (Image Credit: Left: Office of Price Administration, via Wikimedia Commons, Public Domain; Center: U.S. Air Force, via Wikimedia Commons, Public Domain; Right: Library of Congress, Public Domain)

Perhaps the most controversial exercise of presidential wartime power was **Executive Order 9066**, issued by Roosevelt in 1942, which authorized the forced relocation and **internment** of over 110,000 **Japanese Americans**, most of whom were U.S. citizens. This action was driven by wartime fear and racial prejudice following the attack on Pearl Harbor. Notably, similar measures were not taken against Americans of German or Italian descent, despite those nations also being enemy powers. The internment of Japanese Americans is now widely recognized as a grave violation of **civil liberties**, and in **1988**, Congress issued a formal

apology and granted **reparations** through the **Civil Liberties Act**.

The broad use of executive power in the world wars set a precedent for later expansions during national crises. This was especially evident after **September 11, 2001**. In the name of **national security**, President **George W. Bush** invoked sweeping powers through the **USA PATRIOT Act**, expanded surveillance, and authorized military force in Afghanistan and Iraq without formal declarations of war. His administration also opened **Guantánamo Bay** and approved **"enhanced interrogation techniques,"** sparking intense constitutional debate. The post-9/11 era illustrated how the historical expansion of **executive authority** continues to shape government power and civil liberties in the twenty-first century.

Executive Powers: Orders and Agreements

In addition to their more dramatic emergency powers, presidents possess extensive day-to-day administrative powers that allow them to manage the federal government. One of the most important tools at their disposal is the **executive order**, a directive issued by the president that manages operations of the executive branch. Executive orders carry the force of law, provided they are based on existing statutory or constitutional authority. For example, President Harry Truman issued Executive Order 9981 in 1948 to racially desegregate the U.S. armed forces.



Figure 12.15: On day one of his second term, **President Trump signed a series of executive orders**, including withdrawing the U.S. from the Paris climate agreement and making male and female the only genders the U.S. government recognizes. (Image Credit: @VP, via Wikimedia Commons, Public Domain)

Another important presidential tool is the **executive agreement**, which allows the president to negotiate binding international agreements without the need for **Senate ratification**. While not formally treaties, executive agreements often carry the same practical weight and are generally honored by future administrations unless explicitly revoked.

The use of executive orders has increased as **political polarization** has made it more difficult to pass legislation through Congress. President Barack Obama used executive orders and other unilateral actions to address key policy areas such as immigration (e.g., Deferred Action for Childhood Arrivals or DACA), climate change, and gun control. He famously stated that he would act "with or without Congress" on certain pressing issues. His successors, including Presidents Donald Trump and Joe Biden, also relied heavily on executive orders to advance their agendas, often reversing each other's policies through this mechanism. For instance, President Trump issued executive orders to curtail immigration and environmental regulations, while President Biden used executive orders to reverse many of those same policies and rejoin international agreements such as the Paris Climate Accord.

Although executive orders and agreements are typically limited to the duration of a president's term, many remain in effect through successive administrations unless formally rescinded. Their increased use reflects a broader shift toward **presidential unilateralism** in the face of congressional gridlock, raising important questions about the balance of power in the U.S. constitutional system.

Executive Privilege

Presidents wield significant control over the flow of information from the executive branch to Congress, the news media, and the public. They also oversee classified information maintained by executive agencies and enjoy the constitutional protection of **executive privilege**. This privilege allows presidents to withhold information that could jeopardize **national security** and has also been invoked to protect the confidentiality of internal deliberations and advice provided to the president. In practice, presidents have used this authority to both conceal and selectively release information, sometimes for legitimate national security reasons, but often to serve personal political or policy objectives.

Executive Powers in Budgeting and Emergency Response

Presidents wield significant influence over the federal budget, though their powers are more limited than they might prefer. Working with the **Office of Management and Budget (OMB)**, the president develops a proposed federal budget for the upcoming fiscal year, which begins on **October 1**. This proposal, typically submitted in **early February**, outlines the administration's spending and revenue priorities. Throughout the year, the president and executive officials advocate for these recommendations, but the **power of the purse** ultimately rests with **Congress**, and the final budget represents a compromise between the branches.



Figure 12.16: Located within the Executive Office of the President, **the OMB assists the president in preparing the annual federal budget, evaluating agency programs, and coordinating the administration's fiscal and regulatory priorities** before proposals are submitted to Congress. (Image Credit: U.S. Executive Office of the President, via Wikimedia Commons, Public Domain)

Presidents also possess certain financial tools, including access to **contingency funds** used for federal responses to natural disasters. Another historically important tool is **impoundment**—the withholding or delaying of funds appropriated by Congress. Although the Constitution does not explicitly grant this authority, early examples date to **Thomas Jefferson**. The practice became controversial during the **Nixon administration**, when Nixon used impoundment to block programs he opposed. Courts ruled against this approach, and Congress responded with the **Budget and Impoundment Control Act of 1974**, which sharply limited presidential impoundment and reaffirmed congressional authority over federal spending.

In **2025**, the **Trump administration** sought to reduce the federal role in disaster response and increase executive control over spending. Proposals included scaling back **FEMA's** responsibilities and shifting disaster relief to states, raising concerns about the federal government's ability to handle major emergencies. At the same time, the administration issued an **OMB directive** temporarily pausing the distribution of certain federal funds to align spending with executive priorities. Although essential programs were exempted, the pause disrupted federal operations and drew criticism for potentially violating the **Impoundment Control Act of 1974**. These actions underscore ongoing debates over the scope of presidential power in managing emergencies and the federal budget.

Executive Powers of Patronage

Finally, presidents possess broad **powers of patronage**, allowing them to shape the executive and judicial branches through **appointments**. Upon taking office, a new president may nominate approximately **3,000** individuals, primarily to senior positions within the executive branch, subject to **Senate confirmation**. These appointments include **cabinet** and **sub-cabinet officials**, **ambassadors**, members of **regulatory and advisory boards**, **U.S. attorneys**, **federal judges**, and **Supreme Court justices**. Through this authority, presidents can reward political allies, solidify support within their party, or sideline rivals.



Figure 12.17: The presidential power of **patronage**, often described as the “spoils system,” allows presidents to reward loyal supporters with appointments to public office. The power to nominate officials can be used to build political alliances and strengthen party influence within the federal government. (Image Credit: Library of Congress, via Wikimedia Commons, Public Domain)

Presidential patronage also extends beyond formal personnel appointments. In addition to nominating individuals to key positions, presidents can advocate for **public works projects**—such as roads, bridges, or veterans' hospitals—that benefit key constituencies or regions represented by allies in Congress. While not patronage in the narrow legal sense, these actions serve a similar political function by rewarding support and building coalitions. Additionally, the symbolic power of the presidency can be used to elevate individuals politically or publicly. Invitations to fly on **Air Force One**, photo opportunities in the **Oval Office**, or appearances during presidential visits can serve as informal endorsements and powerful public **rewards** for loyalty or support.

Unitary Executive Theory

The presidencies of **Donald J. Trump** offer a powerful case study in the evolving theory of presidential power in the United States. Trump's approach consistently reflected an expansive view of executive authority, often rooted in the ***unitary executive theory***, which argues that the president has broad control over the executive branch and that executive power is concentrated in a single individual.

During his first term, Trump frequently challenged established norms by asserting sweeping authority over **federal agencies**, **resisting congressional oversight**, and relying heavily on **executive orders** and **emergency declarations**. He claimed that **Article II** of the Constitution gave him "the right to do whatever I want as president," signaling his belief in a strong, centralized executive role. These actions sparked widespread legal and political debate about the limits of presidential power.



Figure 12.18: **Article II of the U.S. Constitution establishes the powers and responsibilities of the presidency**. Debates over the meaning and limits of these constitutional powers have intensified in recent years, particularly as presidents have asserted broad authority over executive agencies, national emergencies, and the use of executive orders. (Image Credit: U.S. Constitution, via Wikimedia Commons, Public Domain)

In his second presidency, Trump doubled down on this interpretation. He took steps to **centralize power** further within the White House, removed officials seen as disloyal, and made it clear that he views the presidency as a mandate to bypass what he called the "**deep state**" or "unelected bureaucracy." His administration took more aggressive stances on issues such as **immigration enforcement**, federal control over **education** policy, and restrictions on dissent within the executive branch. Critics argue that these actions erode **institutional checks** and violate democratic norms, while supporters see them as efforts to restore presidential authority and dismantle entrenched opposition within the government.

The Trump presidencies illustrate how the theory of presidential power is not only a legal and constitutional issue, but also a political and cultural one. His leadership has reignited debates about the balance between **executive independence** and **accountability**, testing the resilience of the U.S. **system of checks and balances** and raising enduring questions about how much power a president should have in a **constitutional democracy**.

Formal and Informal Checks on Presidential Power

Although the president holds significant authority, the Constitution and the broader political system impose both **formal** and **informal checks** that limit executive power.

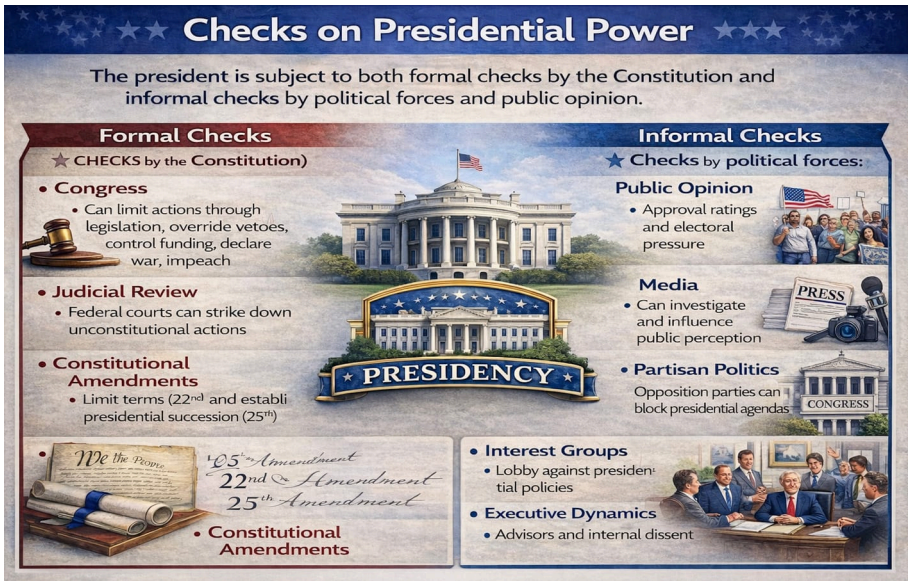


Figure 12.19: Although the president is the most visible figure in the executive branch, presidential authority is constrained by both **formal constitutional checks**—such as Congress, the courts, and constitutional amendments—and **informal political forces**, including public opinion, the media, partisan competition, interest groups, and internal executive branch dynamics. Together, these forces help maintain the system of **checks and balances** that limits executive power in the American political system. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Legislative Checks

Congress possesses several tools to restrain the president. It can pass legislation that directs or limits presidential actions and can override a presidential veto with a two-thirds vote in both chambers. Congress also controls federal spending through its **power of the purse**, which can restrict presidential initiatives. In extreme circumstances, the House of Representatives may **impeach** a president, with the Senate conducting the trial. Congress also retains the constitutional authority to **declare war**, placing an important limit on presidential military action.

Judicial Checks

The **judicial branch** can limit presidential power through **judicial review**, declaring executive actions unconstitutional when they violate the Constitution or federal law. During a presidential impeachment trial in the Senate, the **Chief Justice of the United States** presides to ensure the proceeding is conducted fairly.

Constitutional Limits

The Constitution itself imposes structural limits on presidential authority. The **22nd Amendment** restricts presidents to two terms in office, preventing long-term concentration of executive power. The **25th Amendment** establishes procedures for replacing a president or vice president in cases of death, resignation, removal, or incapacity.

Informal Checks

Not all constraints on presidential power are written into law. **Public opinion** can shape presidential decisions, as leaders often adjust policies in response to approval ratings or electoral pressures. The **media** also plays an important watchdog role by investigating executive actions and informing the public. Additionally, **partisan politics** in Congress can limit a president's agenda when the opposing party controls one or both chambers. **Interest groups and nonprofit organizations**may mobilize public opposition to presidential policies, while **internal executive branch dynamics**—including advice, dissent, and bureaucratic resistance—can also influence or restrain presidential decision-making.

The Power to Persuade: Richard Neustadt's View of Presidential Leadership

Understanding presidential power requires more than listing the **formal** and **informal** authorities granted by the Constitution or tradition. In 1960, political scientist **Richard Neustadt** published *Presidential Power*, a groundbreaking book that reshaped how scholars and practitioners alike understood the presidency.

Neustadt argued that presidential power is not confined to the legal or constitutional tools of the office. In fact, he believed that relying solely on those tools reduces the president to a **bureaucratic** figure, merely directing the flow of documents and decisions within the federal system.

According to Neustadt, the true source of presidential power lies in the ability to **persuade**. Drawing on his experience in President Truman's administration, Neustadt recalled **Truman** saying that much of his job involved convincing others that it was in their own interest to do what he wanted. The president cannot simply command **Congress**, the **courts**, **interest groups**, or foreign leaders; he must influence them.



Figure 12.20: **President Harry S. Truman** meets with officials in the White House illustrating the **bargaining and persuasion** that political scientist Richard Neustadt identified as the **core of presidential power**; rather than simply issuing commands, presidents must negotiate, build relationships, and convince other political actors to support their goals. (Image Credit: National Archives and Records Administration, via Wikimedia Commons, Public Domain)

This persuasion, Neustadt explained, operates through **political bargaining**, much like labor negotiations, where mutual benefit must be found. Though the president may not always have the final say, the office carries immense **prestige** and institutional advantages. A wise president chooses political battles carefully and leverages those advantages strategically.

Perhaps the most challenging part of a president's job is managing the sprawling **federal bureaucracy**. While constitutionally the chief executive, the president often finds it difficult to control a system composed of numerous agencies with their own priorities and loyalties. For many modern presidents, this aspect of the job proves to be one of the most complex and least satisfying, yet it remains central to effective governance.

Open to Debate:
How much power should presidents have?

> *The framers wrestled intensely with this question throughout the **Constitutional Convention**. Some, like **Alexander Hamilton**, favored granting the president broad authority. Others, including **James Madison**, insisted on strong checks to prevent executive overreach. That debate has persisted throughout American history.*
>
> *One perspective holds that the **president** is best positioned to rally public opinion and break through the inertia of the status quo. **Congress**, in this view, is too slow, fragmented, and procedural to respond effectively to national challenges.*

*The opposing perspective sees **Congress** as the superior governing institution—deliberative by design and better suited to making incremental, carefully considered changes. Advocates of this view argue that concentrating too much power in the **presidency** risks abuse and undermines democratic accountability.*

*So which is the better approach—**a strong president** or **a strong Congress**? The answer, as ever, remains **open to debate**.*

The Federal Bureaucracy

Often referred to as "**the fourth branch of government**," the **federal bureaucracy** consists of the armed services and a civilian workforce of approximately three million people, roughly the same number as at the end of World War II, despite the U.S. population having nearly doubled since then. Historically, the **size and scope** of the federal bureaucracy have expanded in response to **national crises**. For example, following the **Civil War**, the federal government added thousands of employees and new departments to implement **Reconstruction** policies. This trend continued during the **Great Depression** with the **New Deal**, during the **Civil Rights era** with the creation of enforcement agencies, and more recently in response to terrorism, particularly after the **September 11, 2001 attacks**, with the establishment of the **Department of Homeland Security** and related initiatives.



Figure 12.21: Officials from the **U.S. Department of Homeland Security** meet to coordinate federal policy and operations. Created in 2002 after the September 11 attacks, the department illustrates how **the federal bureaucracy expands in response to national crises**, adding new agencies and personnel to address emerging security challenges. (Image Credit: United States Department of Homeland Security, via Wikimedia Commons, Public Domain)

At its core, the federal bureaucracy is the **administrative arm of the executive branch**, responsible for implementing federal laws, managing public programs, and enforcing regulations that shape policy outcomes and impact everyday life. It plays a vital role in **regulating**, **inspecting**, **protecting**, and **delivering services** across a wide range of areas. The bureaucracy is responsible for tasks such as inspecting food and meat, ensuring the safety of prescription drugs, maintaining clean air and water standards, overseeing highways, airports, and ports, managing border control, and administering programs like **Social Security** and **Medicare**. It also enforces laws related to **minimum wage**, **overtime pay**, **union rights**, and **civil rights** protections for groups including African Americans, women, and people with disabilities. While Congress passes laws and the president signs them, those laws only take effect when the bureaucracy puts them into action. In this way, the federal bureaucracy is what **transforms policy decisions into real-world outcomes**; it is how government works in practice.

Max Weber Defines a Bureaucracy

The most influential definition of bureaucracy was developed by **Max Weber**, a prominent German sociologist and political economist who lived from the late 19th to early 20th century. Often regarded as one of the founders of modern social science, Weber sought to understand why people obey authority and how complex organizations function. In his **comparative study** of major civilizations, across both Western and Eastern societies, he found a striking commonality: the emergence of **structured**,

rule-based bureaucracies in all advanced civilizations. This observation led Weber to formulate the concept of the ***ideal type* bureaucracy**: an analytical model characterized by a clear **hierarchy**, a **division of labor**, a set of **formal rules** and procedures, **merit-based advancement**, and **impersonality** in decision-making. While no real-world bureaucracy perfectly matches this ideal, Weber's model remains a foundational framework for understanding how modern administrative systems operate.



Figure 12.22: **Max Weber** (1864–1920), a German sociologist and political economist, developed the foundational theory of modern bureaucracy. Weber's concept of the **"ideal type" bureaucracy**—defined by hierarchy, specialization, formal rules, merit-based advancement, and impersonal decision-making—continues to shape how scholars understand the organization and operation of modern governments and large institutions. (Image Credit: Public Domain via Wikimedia Commons)

According to Weber, bureaucracies are defined by their **hierarchical structure**, with a clear **chain of command** organized in levels of authority. This hierarchy resembles a pyramid, with leadership at the top directing decisions downward, and communication or feedback flowing upward. Weber viewed hierarchy as the **defining feature**, or hallmark, of bureaucracy, noting its presence not only in government institutions like the **military**, but also in other structured organizations such as **universities**.

A second feature of bureaucracies is **specialization and division of labor**. Each individual has **clearly defined responsibilities**, allowing workers to develop **expertise** in their tasks. Hospitals, universities, and large corporations exemplify this model.

Bureaucracies are also **goal-oriented**, meaning that their structures, rules, and authority systems are designed to achieve **specific objectives**. These goals determine how resources are allocated and how decisions are made.

Another hallmark of bureaucratic behavior is **impersonality**. Bureaucrats are expected to treat all clients or citizens impartially and according to established rules and procedures. Decisions are based on **objective criteria**, such as merit, rather than personal relationships or favoritism. To support this, bureaucracies maintain **accurate written records** to ensure **consistency**, **fairness**, and **accountability** in decision-making.

Weber also emphasized the importance of **formal written communication**, the **paperwork** often associated with bureaucracy. Though sometimes criticized, such documentation ensures that decisions are **clear**, **consistent**, and **preserved** over time. Examples include university catalogs outlining degree requirements or student handbooks detailing conduct policies.

Additionally, bureaucracies tend to **reward seniority and merit**. Employees who demonstrate long-term commitment or exceptional performance are typically recognized through promotions or other benefits. This incentivizes both loyalty and high-quality work.

Finally, Weber observed that **organizational size** matters. A bureaucracy must be large enough to require formal structure and systems to manage its operations effectively. American political economist **Anthony Downs** offered a guideline: an organization qualifies as a bureaucracy when its leader no longer personally knows more than half of its members.

Key Laws and Evolving Presidential Approaches to the Federal Bureaucracy

Three major laws shape the structure and functioning of the federal bureaucratic workforce:



Figure 12.23: **Major civil service reforms helped professionalize the federal bureaucracy** and limit political influence in government employment. The **Pendleton Act (1883)** introduced merit-based hiring through competitive examinations, the **Hatch Act (1939)** restricted the political activities of federal employees, and the **Civil Service Reform Act (1978)** modernized personnel management while strengthening protections for career civil servants. Together, these laws established the foundation of today's professional, nonpartisan federal workforce. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

The Pendleton Act (1883)

Passed in response to widespread concerns about patronage and corruption, the Pendleton Act established the modern **civil service** system. It required that most federal employees be hired and promoted based on professional **merit** rather than political loyalty. The law created a three-member **Civil Service Commission** to oversee this merit-based system and protect employees from politically motivated dismissals. Hiring was based in part on **competitive exams**, and once hired, employees who passed a probationary period were promoted according to merit-based evaluations.

The Hatch Act (1939)

Designed to prevent political federal workers from using their position to influence election outcomes, the Hatch Act restricts certain **political activities** by federal employees. While it allows federal workers to vote, contribute to campaigns, and express personal political opinions, it originally prohibited them from running for public office or actively campaigning. A **1993 amendment** relaxed some of these restrictions, allowing federal employees to participate in political campaigns and hold positions in political organizations, as long as they do so outside of work and not in an official capacity.

The Civil Service Reform Act (1978)

This law reorganized the federal personnel system by replacing the Civil Service Commission with two new agencies: the **Office of Personnel Management (OPM)** and the **Merit Systems Protection Board (MSPB)**. The OPM oversees hiring and human resources functions, while the MSPB serves as a quasi-judicial agency that hears appeals and ensures **merit principles** are upheld. The reform aimed to increase **efficiency**, **accountability**, and **protection** from political influence.

Open to Debate:
Presidential Control of the Federal Workforce

Recent presidential administrations have taken very different approaches to managing the federal bureaucracy, highlighting an ongoing debate about the president's authority over the federal workforce.

During the first Trump administration (2017–2021), President Donald Trump frequently criticized what he called the "deep state," arguing that unelected bureaucrats sometimes resisted the policies of elected leaders. His administration sought to reduce the size of the federal workforce, streamline regulations, and increase presidential control over policy-making officials. In 2020, Trump issued an executive order creating a new job classification known as ***Schedule F****, which would have allowed thousands of federal employees involved in policy work to be reclassified and more easily removed from their positions.*



Figure 12.24: Critics of the federal bureaucracy sometimes refer to a supposed "**deep state**," the idea that **unelected career officials within government agencies exercise hidden influence over policy**. While widely debated and controversial, the term reflects broader tensions between elected leaders and the permanent civil service over authority, accountability, and the role of administrative expertise in democratic governance. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

The Biden administration (2021–2025) took a different approach. President Joe Biden revoked the Schedule F order shortly after taking office and emphasized restoring civil service protections, merit-based hiring, and the independence of career officials. His administration argued that a politically neutral civil service helps ensure professional expertise and continuity in government.

Beginning in 2025, President Trump again pursued reforms aimed at expanding presidential authority over parts of the federal workforce, including reinstating and revising the Schedule F policy—renamed ***Schedule Policy/Career****—to allow greater flexibility in removing certain policy-related positions.*

Supporters of such reforms argue that presidents should have greater authority to ensure that the bureaucracy carries out the policies of elected leaders. Critics contend that weakening civil service protections could undermine the merit-based, politically neutral system designed to prevent partisan control of government administration.

To what extent should presidents have the authority to hire and fire career civil servants? How should the United States balance executive control with the need for a professional, nonpartisan civil service? ***The issue remains open to debate.***

Organization of the Federal Bureaucracy

Although the basic building block of the federal government is the bureaucracy, the government is best known for its **major cabinet departments**, the primary units responsible for administering government policies.

Cabinet Departments

Although not mandated by the Constitution, every U.S. president has established a **Cabinet** composed of the heads of the major executive departments. These Cabinet members serve as the president's closest advisors, providing guidance on issues related to their respective areas of responsibility. As of today, there are **15 executive departments**:



Figure 12.25: The president's **Cabinet** consists of the heads of 15 executive departments who advise the president and oversee major areas of federal policy and administration, ranging from national defense and foreign affairs to education, transportation, and public health. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Regulatory Agencies

In addition to the executive departments, the U.S. government has established several **regulatory agencies** to oversee and regulate specific sectors of the **economy**. These agencies are tasked with protecting **public interests**, including consumers, workers, the environment, and honest businesses, from harmful or unethical practices by corporations. Typically, each agency focuses on regulating a particular industry or aspect of the economy.

Regulatory agencies are often led by policy-making **boards or commissions**, with members nominated by the president for **fixed terms**. While these agencies are designed to operate **independently**, their leaders are frequently criticized for having close ties to the industries they regulate. Critics argue that members may come from the ranks of the regulated industries or develop relationships that make them more sympathetic to **corporate interests** rather than the **public good**.

Some of the most prominent regulatory agencies include:



Figure 12.26: **The Federal Reserve**, often called “the Fed,” serves as the nation’s central bank. Through tools such as setting interest rates, regulating banks, and managing the money supply, the Fed works to promote stable prices, maximum employment, and overall financial stability in the American economy. (Image Credit: The Federal Reserve, Public Domain)

- **The Federal Reserve Board (FED)**: The central bank of the United States, responsible for managing the nation's **monetary policy**, including regulating **interest rates** and ensuring **financial stability**.
- **The Federal Trade Commission (FTC)**: Oversees business practices, including advertising, product labeling, and preventing **unfair competition**, to protect **consumers** and promote fair market conditions.
- **The National Labor Relations Board (NLRB)**: Handles **labor-management disputes** and protects workers' rights to **organize** and engage in **collective bargaining**.
- **The Federal Communications Commission (FCC)**: Regulates the nation’s radio, television, and other **communication industries**, ensuring that the **public interest** is served in the broadcasting sector.

These agencies play a critical role in maintaining a **fair**, **efficient**, and **transparent economy** by enforcing rules and ensuring that businesses operate within the bounds of the law.

Government Corporations

Some government agencies operate similarly to private corporations. Known as **government corporations**, these entities are designed to provide services on a **pay-as-you-go** basis, charging for their services and often competing with private businesses. Unlike traditional government agencies that rely on taxpayer funding, government corporations generate their own **revenue** through fees or sales of services. They are intended to be **self-sustaining** while still serving a **public purpose**.

Prominent examples of government corporations include:



Figure 12.27: **The United States Postal Service is one of the most prominent government corporations**. Operating largely through the revenue it generates from postage and related services, the USPS delivers mail to every address in the nation while competing with private carriers in areas such as package delivery. (Image Credit: USPS, Public Domain)

- **The United States Postal Service (USPS)**: Provides mail delivery services across the nation and competes with private courier companies.
- **The Federal Deposit Insurance Corporation (FDIC)**: Insures **bank deposits** to protect consumers in case of bank failures, ensuring the **stability** of the **financial system**.
- **The Corporation for Public Broadcasting (CPB)**: Supports public broadcasting stations, providing funding for programs that serve **educational** and **informational** purposes.

These government corporations allow the government to provide **essential services** while operating in a more **market-driven** environment, balancing public service goals with **financial sustainability**.

Independent Executive Agencies

In addition to the cabinet departments, there are several **independent executive agencies** that operate separately from the larger departments of the executive branch. These agencies tend to be smaller and focus on more **specialized** areas of public policy, regulation, or service. Unlike cabinet departments, they tend to have narrower mandates and typically exercise a greater degree of **autonomy** in their day-to-day operations.

Some of the most prominent independent executive agencies include:

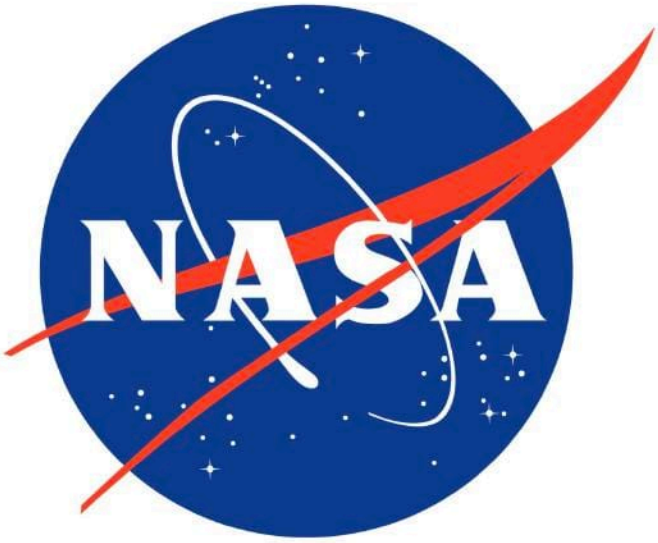


Figure 12.28: **The National Aeronautics and Space Administration (NASA) is an independent executive agency** responsible for the United States' civilian space program. Established in 1958 during the early years of the Space Race, NASA conducts space exploration, scientific research, and technological development, including satellite operations, planetary missions, and human spaceflight. (Image Credit: NASA, Public Domain)

- **The National Aeronautics and Space Administration (NASA)**: Responsible for the nation's civilian space exploration, research, and development.
- **The Central Intelligence Agency (CIA)**: Handles intelligence gathering and national security analysis, focusing on foreign threats and espionage.
- **The Environmental Protection Agency (EPA)**: Works to protect the environment by regulating pollution and enforcing environmental laws.
- **The Small Business Administration (SBA)**: Provides support to small businesses through loans, grants, and other resources to foster entrepreneurship.

These agencies serve vital functions within the federal government, often focusing on **specific issues or industries**, and typically operate with a higher degree of **independence** from presidential control.

Exerting Bureaucratic Power

The U.S. Constitution grants **Congress** the authority to create **laws** and **policies**, which are then delegated to the **federal bureaucracy** for implementation. Once policies are passed, bureaucracies exert power in at least three key ways: **implementing policies**, **regulating**, and **adjudicating**.

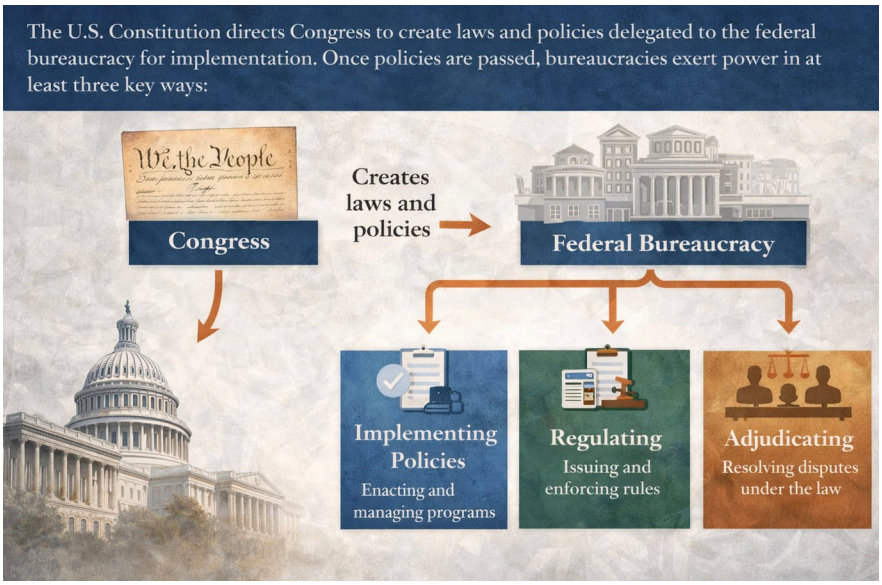


Figure 12.29: Congress writes laws and establishes public policy, but **much of the responsibility for carrying out those laws falls to the federal bureaucracy**. Agencies exercise significant authority by **implementing programs**, **issuing and enforcing regulations**, and **adjudicating disputes** that arise under federal law. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Implementing Policies

Federal agencies and bureaus play a central role in **implementing policies** by interpreting and translating laws into actionable procedures. Agencies assign tasks, allocate **funds**, and assign **personnel** and **facilities** to carry out responsibilities. In some cases, agencies reorganize or modify **missions** to meet new objectives.

Regulatory Policy Making

Bureaucracies create **regulatory policies** by writing formal **rules** under the **Administrative Procedure Act (1946)**. Agencies publish rules in the **Federal Register**. The process involves:

1. **Announcement**: Agencies publicly announce a proposed rule.
2. **Public Participation**: Agencies hold hearings where **interest groups** and the public can comment on the proposal.
3. **Impact Analysis**: Agencies research the **economic** and **environmental impacts** of the proposed rule.
4. **Final Review and Publication**: After considering all comments and impacts, agencies finalize the rule and publish it in the **Federal Register**. The rule now carries the **force of law**.

Bureaucratic Adjudication Powers

In addition to implementing and regulating policies, federal agencies also **interpret** and **enforce regulations** on a case-by-case basis. This process resembles court proceedings. **Administrative law judges (ALJs)** hear cases, with agency attorneys prosecuting and defense attorneys privately hired. Agencies such as the **National Labor Relations Board (NLRB)** have **internal appellate systems**, after which cases may be appealed to **federal courts**. Penalties or corrective actions may be imposed for noncompliance.

Common Misconceptions about Bureaucracy

Popular misconceptions about the **federal bureaucracy** abound. Many Americans think that most **federal workers** are employed by **social welfare agencies**, are concentrated in **Washington, D.C.,** and that the federal bureaucracy **grows larger** eachyear. Perhaps the most pervasive misconception is that bureaucracy only exists in government.

In reality, less than **5%** of federal workers are employed by social welfare agencies. The majority work in the **Departments of Defense, Veterans Affairs, Homeland Security**, and the **Postal Service**. Nearly **90%** of federal workers are stationed outside

Washington, D.C., at **regional centers** that administer **federal programs** locally.

Federal agencies also deploy employees based on **function**. For example, the Department of Agriculture assigns agents to rural counties, while the Securities and Exchange Commission is near **Wall Street**. Port and harbor officials are distributed along the nation's coasts to manage maritime activities.

The size of the federal bureaucracy has remained **relatively stable**. After World War II, in 1945, there were about **3 million civilian federal employees** serving a population of roughly **145 million**. As of early 2025, the U.S. federal government still employs approximately **3 million civilian workers**, including about **600,000** in the U.S. Postal Service, but it now services a population of over **340 million**. In comparison, **state and local** government **bureaucracies** have seen much greater growth, with their workforce now more than **five times** the size of the federal workforce.

Finally, America is a nation of bureaucrats, but most Americans work in private-sector bureaucracies, not for the federal government. Corporations, businesses, universities, hospitals, and even churches are all examples of bureaucracies, subject to the same **organizational strengths** and **challenges** as government bureaucracies.

Summary and Conclusion:
The Presidency and the Federal Bureaucracy

The **President of the United States** serves as both the nation's **chief executive** and its most visible **public leader**. Although the office is vested with significant **constitutional** and **political powers**—including the ability to **enforce laws**, **command the military**, **negotiate treaties**, and **influence legislation**—these powers are often insufficient given the scope of the **modern presidency**. Presidents must respond to **domestic** and **international crises**, navigate **complex political environments**, and manage **sprawling executive institutions**. Even the most capable presidents often find the **demands of the office** overwhelming and the pace of meaningful change slower than expected.

Supporting the president in carrying out **federal law** and **policy** is the vast **federal bureaucracy**. While sometimes criticized for **inefficiency**, the bureaucracy is essential to the **daily functioning of government**. It administers a wide range of **services** and **regulations** affecting nearly every aspect of American life. from **Social Security** and **national defense** to **public health** and **environmental protection**. The **federal workforce**, composed of millions of **civilian employees** across **departments**, **independent agencies**, **regulatory commissions**, and **government corporations**, implements increasingly **technical** and **specialized policies**.

Despite its importance, the federal bureaucracy faces **significant challenges**. **Public misunderstanding**, **political pressures**, **shifting priorities**, and **budget cuts** have made it more difficult to **recruit and retain talent**, **modernize operations**, and fulfill **mandates** effectively. Yet, in partnership with the **presidency**, the bureaucracy remains a cornerstone of **American governance**, translating **legislative goals** into tangible **programs** that serve the **American people**.

Glossary

Budget and Impoundment Control Act of 1974: This law centralized the congressional process for developing the annual federal budget and provided each chamber with valuable staff and committee support with which to do the job.

Chief of State: One of the "hats" worn by presidents, this role involves the president serving as the ceremonial head of government as well as the leader of the executive branch. This is in contrast to other nations, such as Great Britain, in which the Queen is the chief of state and the Prime Minister is the chief executive.

Collegial Model: One of the three most common approaches to organizing and operating the presidency, this approach involves the president assigning expert advisors to teams devoted to developing a solution to a pressing problem.

Executive Agreements: A power tool of presidents which enables them to negotiate and implement agreements with heads of foreign nations without having to submit the proposal to the Senate for ratification.

Executive Orders: This is the power of the president to issue orders to be implemented by agencies of the executive branch of the federal government. Although the orders can be issued without congressional approval, they can be rescinded by an act of Congress.

Executive Privilege: Allows presidents to withhold information that could jeopardize national security or to protect the confidentiality of internal deliberations and advice provided to the president.

Government Corporations: These are government agencies which operate on a pay-as-you-go basis by charging for services they provide.

Hierarchy: Identified as the "hallmark" of all bureaucracies, this involves a ranking of roles and a system of status where leaders send direction and control down the chain of command and are advised by a "feedback" loop of information which flows upward from the bottom ranks.

Ideal Bureaucracy: an analytical model characterized by a clear hierarchy, a division of labor, a set of formal rules and procedures, merit-based advancement, and impersonality in decision-making.

Inherent Powers: These are presidential powers which are said to be inherent to holding the office rather than being explicitly stated in the Constitution.

Modern Presidency: This has been used to describe the legacy of the expanded powers, public expectations, and institutional offices created primarily, but not exclusively, during Franklin Roosevelt's presidency.

National Security Council (NSC): A key part of the president's personal bureaucracy, the NSC and its large staff of professionals, provides national security information and advice to the president.

Neustadt, Richard: He maintains that the true nature of presidential power is a president's ability to persuade other political leaders to do what the president would like to do. Neustadt's influential concept was summed up by his assertion that at heart, the "president's power is his power to persuade."

Office of Management and Budget (OMB): A critical part of the president's personal bureaucracy, the OMB staff provides technical support for developing the details of a president's proposal for the federal budget.

Traditional Presidency: This is the presidency from George Washington through Herbert Hoover, where the position had little staff and government policy making tended to be dominated by Congress or state and local governments.

Unitary Executive Theory: The idea that the U.S. Constitution gives the president full control over the entire executive branch, including the authority to direct or remove executive officials without interference from Congress.

Selected Internet Sites

http://www.whitehouse.gov. The home page of the White House features information on the current president and vice president and often focuses on an event or issue of importance to the president.

http://www.ipl.org/div/potus/. This site features profiles of presidents, cabinet officers, and important events during each administration. "POTUS" is the long-standing abbreviation for The President of the United States used by White House and Secret Service staff as shorthand for the President.

http://sunsite.unc.edu/lia/president. This site features links to each of the presidential libraries and information about each president.

http://www.whitehouse.gov/government/cabinet.html. This site lists the cabinet secretaries and provides links to each cabinet-level department.

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Chapter 13: Interpretation and Influence- The Judiciary

"Scarcely any political question arises in the United States that is not resolved, sooner or later, into a judicial question."
- Alexis de Tocqueville, Democracy in America, 1840



Figure 13.1: **The Supreme Court** is an institution that is **unaccountable** to voters yet **has the final word on our most important and controversial issues**. (Image Credit: Joe Ravi, via Wikimedia Commons, CC BY-SA 3.0)

Imagine a group of **nine unelected officials overturning a law** passed by Congress and signed by the President—yet **their word is final**. No tanks, no police, no protests. Just obedience**.** This is the strange and remarkable power of the U.S. Supreme Court. It doesn't command an army or control a budget. It relies entirely on the public's acceptance of its **legitimacy**.

Justice Stephen Breyer once recounted a moment that captured this mystery. During a visit to the U.S. Supreme Court, the Chief Justice of Ghana asked him: *"Why does the American public do what the Supreme Court says?"*

Today, that question is more urgent than ever. As Americans grow increasingly **divided** over the role of the **courts**—on issues from **abortion** to **voting rights** to **presidential power**—many no longer see the **judiciary** as an **impartial arbiter**. Some view it as just another **political institution**. And yet, the courts continue to shape American life in profound and lasting ways.

How did this branch of government come to wield such **influence**? Why do its **rulings** matter, and will the **public** continue to **accept** them? These are some of the questions this chapter will explore.

Ironically, part of what makes American democracy **resilient** is its incorporation of **undemocratic features**, chief among them, the **federal judiciary**. The **Supreme Court**, as the **highest court** in the land, wields **immense power**. Its **decisions** are **final and binding**, often affecting the most **personal aspects** of individual lives. In recent decades, the Court has ruled on issues including abortion access, marriage equality, consensual sexual conduct, mandatory pledges of allegiance, capital punishment, religious freedoms, and even the right to physician-assisted death.

What sets the **federal judiciary** apart is its ability to **overturn the will of the majority**, as expressed through **elected legislatures**. This gives the courts **extraordinary power**, yet they operate largely **independently of the public**. Justices are **not elected**, and there is no direct way for citizens to influence or even observe the decision-making process of the Supreme Court. In a **democracy**, how can such **sweeping authority** be exercised in **secrecy** and **without direct accountability**?

This **paradox** is not a flaw but a feature. The **judiciary** was designed to function as a **counter-majoritarian institution**, serving as a **check** on the excesses of **popular rule**. The **Constitution**, grounded in the principle of **popular sovereignty**, aims to **protect** the **rights** of individuals, even when those rights are **unpopular**. The **Framers** sought to **prevent** any person or institution from consolidating too much **power**. Yet, notably, the **Constitution** does not explicitly assign the power of **constitutional**

interpretation to any one branch of government.

How, then, did the **Supreme Court** come to assume the role of **constitutional guardian**? The answer involves a fascinating episode in U.S. history—one that will be explored in the next section.

Judicial Review

In order to understand how the Supreme Court works today we must, once again, go back to the founding of our political system. G**eorge Washington**, the first president of the United States, was also arguably the most popular president in the history of the United States. This popular mandate allowed Washington to govern with very little opposition but tensions within his administration soon gave rise to competing **political factions**. These divisions hardened after he left office.

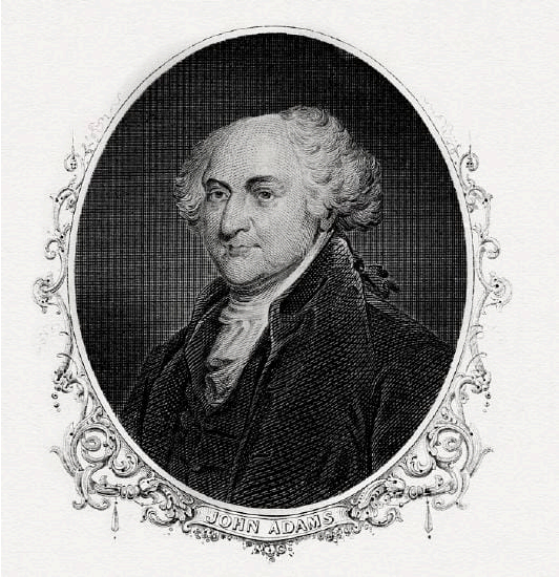


Figure 13.2: **John Adams** (1735-1826), second President of the United States, helped set the stage for ***Marbury v. Madison*** (1803) through his "midnight appointments," including the last-minute judicial commissions that **led Chief Justice John Marshall to establish the principle of judicial review**. (Image Credit: Bureau of Engraving and Printing, via Wikimedia Commons, Public Domain)

John Adams, Washington's successor and the second president, led the **Federalist** faction. The Federalists represented commercial and urban interests and favored a **strong central government**. They believed that the new nation's economic and diplomatic potential could be best realized through a unified national authority. In opposition were the **Democratic-Republicans**, led by **Thomas Jefferson**. This faction championed small farmers and artisans and felt that the interests of these groups could best be represented by **state governments** which were "closer" to the people.

During Adams's presidency, the U.S. entered an undeclared naval conflict with France, known as the **Quasi-War**, which deepened partisan divisions. Citing national security concerns, the Federalist-controlled government passed the **Alien and Sedition Acts**, which, among other provisions, made it illegal to criticize the federal government. These laws clearly conflicted with the **First Amendment** and became a major political liability for Adams and the Federalists in the **election of 1800**. While Democratic-Republican newspapers were largely silenced under the Sedition Act, the party successfully portrayed the Federalists as enemies of **civil liberties**.

At the time, electors cast two undifferentiated votes for president, with the runner-up becoming vice president. In the **1800 election**, this system backfired: **Jefferson** and his running mate, **Aaron Burr**, each received 73 electoral votes, while **Adams** received 65. Because no candidate had a majority, the election was decided in the **House of Representatives**. After 36 ballots, Jefferson was selected as president, with Burr as vice president. This deadlock prompted the ratification of the **12th Amendment** in 1804, which required electors to cast **separate votes** for president and vice president.

Although the 1800 election marked one of the first **peaceful transfers of power** between rival political factions, it was not without controversy. In the final weeks of his presidency, Adams sought to preserve Federalist influence by appointing allies to the **federal judiciary**, the only branch still under Federalist control. Among these appointments was **John Marshall**, Adams's Secretary of State, whom he named **Chief Justice** of the Supreme Court. Another was **William Marbury**, appointed Justice of

the Peace for the District of Columbia. However, not all commissions were delivered before Jefferson took office. When the new administration refused to issue Marbury's commission, he sued, asking the Supreme Court to compel Jefferson's new Secretary of State, **James Madison**, to deliver it. This type of court order is called a **writ of mandamus**.

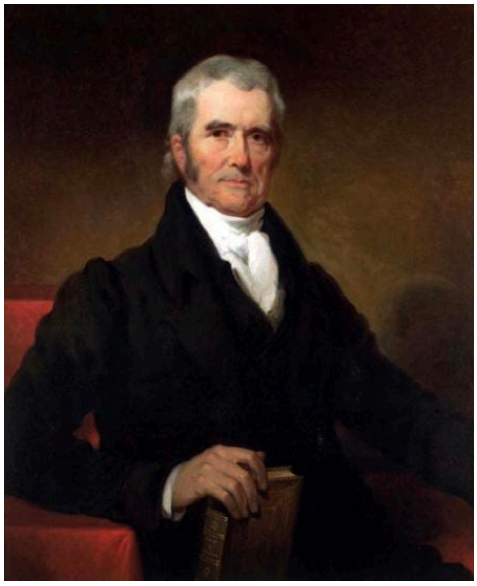


Figure 13.3: **Chief Justice John Marshall (1801–1835).** Appointed by President John Adams, Marshall authored the landmark decision in ***Marbury v. Madison*** (1803), establishing the principle of **judicial review** and cementing the Supreme Court's role as a coequal branch of government. (Image Credit: Library of Virginia, via Wikimedia Commons, Public Domain)

The resulting case, **Marbury v. Madison (1803)**, placed the Court in a delicate position. If the Court sided with Marbury and issued the writ, Jefferson would likely ignore it, making the judiciary appear weak. But if the Court sided with Jefferson, it could appear subservient to the executive, undermining its independence. In a masterful decision, **Chief Justice Marshall** ruled that while Marbury had a right to his commission, the Court could not enforce it. Why? Because the law that granted the Court the power to issue writs of mandamus, the **Judiciary Act of 1789**, was found to exceed the constitutional limits of judicial authority under **Article III**. Therefore, the law was declared **unconstitutional**.

In one stroke, Marshall avoided a political showdown while establishing the principle of **judicial review**—the power of the Supreme Court to strike down laws or actions that conflict with the **Constitution**. Though Jefferson won the immediate dispute (Marbury never got his commission), he lost the larger battle. The decision dramatically expanded the Court's role in American government and aligned with the **Federalist** vision of a **strong, independent judiciary**.

Judicial review remains one of the most important powers of the **Supreme Court**. It enables the Court to **interpret the Constitution** and determine the validity of acts by **Congress** and the **president**. Because the Constitution, as discussed in earlier chapters, is often vague or broadly worded, the Court's interpretations can have wide-reaching effects. With **Marbury v. Madison**, the Supreme Court cemented its role as a **coequal branch** of government, capable of **checking** both the **legislative** and **executive** branches and **safeguarding constitutional principles**.

The Rise of Judicial Power and the Role of Judicial Review

Even though the **Constitution** does not explicitly mention **judicial review**, many of the **Framers** likely expected that the **Supreme Court** would serve as a **guardian of the Constitution**, shielding it from the shifting winds of **public opinion**. **Federal judges** take an oath to uphold the Constitution and are presumed to have the legal training and independence necessary to carry out that responsibility. Still, not everyone trusted the new federal judiciary. Many **Anti-Federalists** feared the courts would become an **unelected**, **unaccountable branch** with too much influence. **Alexander Hamilton**, writing in ***Federalist No. 78***, sought to calm these concerns by declaring that the judiciary would be "the **least dangerous** to the political rights of the Constitution." Without control over the **military** or the **budget**, Hamilton argued, the Court lacked the power to threaten the authority of the other branches.

However, with the landmark ruling in ***Marbury v. Madison*** **(1803)**, the Supreme Court under **Chief Justice John Marshall** asserted the power of **judicial review**, the authority to declare laws **unconstitutional**. In doing so, the Court claimed a powerful

role in the American system of **checks and balances**, confirming some of the Anti-Federalists' fears about an empowered **judiciary**.

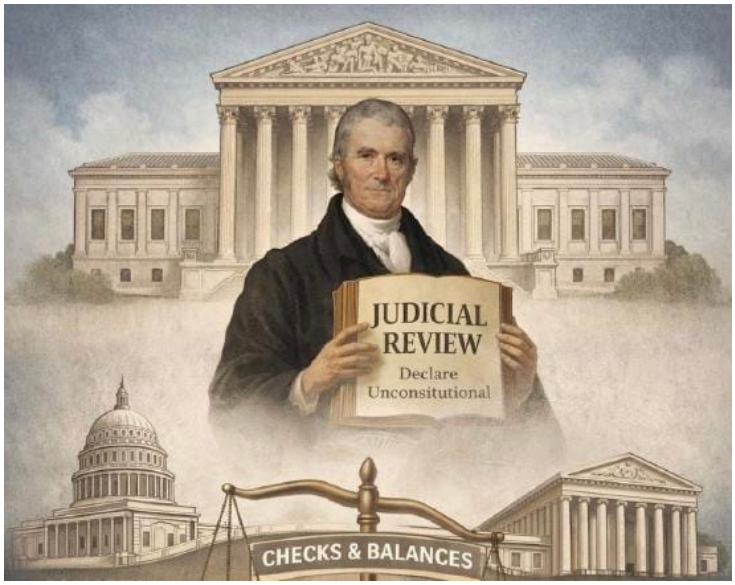


Figure 13.4: In *Marbury v. Madison* (1803), Chief Justice **John Marshall** established the principle of **judicial review**, empowering the **Supreme Court** to declare laws unconstitutional and solidifying the judiciary's role within the system of **checks and balances,** a development that confirmed some **Anti-Federalist** fears about a powerful national court. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Despite those early concerns, **judicial review** is a **cornerstone** of **American constitutional democracy**. A functioning democracy requires that political power be constrained by a higher law—the **Constitution**. Without an independent body to enforce these constraints, there would be little to prevent elected officials from violating constitutional principles, as exemplified by the controversial **Alien and Sedition Acts** passed during the **Adams administration**.

As Marshall famously explained in the *Marbury* decision:

> *"The Constitution is either a superior, paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts… If the former part of the alternative be true, then a legislative act contrary to the Constitution is not law."*

Judicial review allows the Court to **strike down laws** or **executive actions** that conflict with the Constitution, even if those actions have **majority support**. This means the judiciary often stands apart from **public opinion**, precisely because its primary duty is to uphold **constitutional principles**, including those that protect **minority rights**. **Federal judges** are **not elected** and are insulated from political pressure to ensure they can protect fundamental liberties, especially those enshrined in the **Bill of Rights**. The courts help ensure that all political debates and decisions occur within the **constitutional framework**.

Following *Marbury*, the **Marshall Court** continued to issue decisions that strengthened the authority of the **national government** over the **states**. Because these decisions generally aligned with the interests of federal leaders, there was relatively little conflict between the Court and the other branches of government during this period. The Court also played a central role in protecting **property rights** and promoting **national economic development**.

Two additional **landmark rulings** from the Marshall Court further cemented **federal supremacy**:

- In ***McCulloch v. Maryland* (1819)**, the Court invalidated a Maryland law that taxed the federally chartered **Bank of the United States**. Marshall's opinion affirmed that the federal government had **implied powers** under the **"necessary and proper" clause** of **Article I, Section 8**. This interpretation gave Congress flexibility to take actions not explicitly listed in the Constitution, so long as they served legitimate constitutional ends.
- In ***Gibbons v. Ogden* (1824)**, the Court expanded federal authority again by interpreting the **"interstate commerce" clause** of **Article I, Section 8** to mean that only the **federal government**—not the states—could regulate **interstate trade**. This decision reinforced national control over the growing U.S. economy.

Through these rulings, the **Marshall Court** shaped the **judiciary** into a **coequal branch** of government, while laying the foundation for a **strong, centralized national government**. The principle of **judicial review** remains one of the most powerful and controversial tools in American constitutional law.

The Taney Court and the Dred Scott Decision

After John Marshall's death in 1835, President **Andrew Jackson** appointed **Roger B. Taney** as **Chief Justice** of the Supreme Court. While the **Taney Court** generally continued to support **capitalist development**, Taney departed from Marshall's strong nationalist approach and was more sympathetic to the principle of **states' rights**. This shift reflected the growing **sectional tensions** of the era, particularly over the issue of **slavery**.

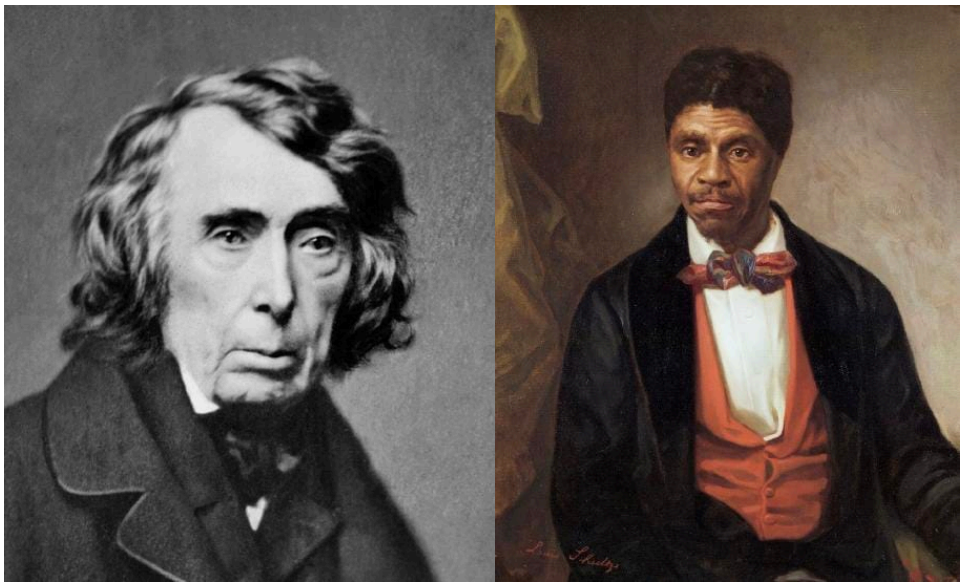


Figure 13.5: **Chief Justice Roger B. Taney and Dred Scott.** In *Dred Scott v. Sandford* (1857), the Supreme Court, led by Chief Justice Taney, ruled that African Americans were not citizens and that Congress lacked authority to restrict slavery in the territories. The decision denied Scott's claim to freedom and intensified sectional tensions, becoming one of the most controversial rulings in Supreme Court history. (Image Credit: Left: Roger B. Taney, Library of Congress, via Wikimedia Commons, Public Domain; Right: Dred Scott, Missouri History Museum, via Wikimedia Commons, Public Domain)

The most infamous decision of the Taney Court, and one of the most consequential in American history, was ***Dred Scott v. Sandford* (1857)**. Dred Scott was an enslaved man who had been taken by his enslaver into the free state of Illinois and the free territory of Wisconsin. Scott sued for his **freedom**, arguing that because he had lived in free territory, he should be considered legally free.

At the time, the country was deeply divided over **slavery**, and the political climate was growing increasingly volatile. **Southern leaders** were increasingly hostile toward any federal actions perceived as limiting the **expansion of slavery**. Against this backdrop, Chief Justice **Taney** issued a sweeping opinion that aimed to resolve the national debate, but instead exacerbated it.

Writing for the majority, Taney ruled that **African Americans**, whether enslaved or free, could not be considered **citizens of the United States** and therefore had **no legal standing** to bring a case in federal court. He wrote that Black people were "beings of an inferior order" who **"had no rights which the white man was bound to respect"**, a statement that shocked and outraged many Americans then and continues to be recognized as one of the most openly **racist** assertions in **Supreme Court history**.

Taney's ruling went even further. He declared the **Missouri Compromise**—Congress's attempt to maintain a balance between free and slave states—**unconstitutional**, arguing that **Congress** lacked the authority to prohibit **slavery in U.S. territories**. This effectively opened all western territories to slavery, nullifying decades of legislative compromise.

Taney had hoped the decision would settle the slavery issue and reduce sectional tensions. Instead, it had the opposite effect. The **South** was emboldened, while the **North** was outraged. **Abolitionists** and many in the **Republican Party**, including **Abraham Lincoln**, denounced the decision as morally and constitutionally indefensible. Rather than calming the national conflict, ***Dred Scott*** inflamed it, further **polarizing** the country and accelerating the march toward the **Civil War**.

The ***Dred Scott*** decision dealt a severe blow to the **legitimacy of the Supreme Court**, undermining the institution's credibility and reinforcing fears that it had become an instrument of **pro-slavery interests**. It remains one of the most widely **condemned decisions** in American constitutional history and is often cited as a cautionary tale about the dangers of **judicial overreach** and **moral failure**.

Judicial Activism and Restraint

As **Alexis de Tocqueville** observed in *Democracy in America*, "Scarcely any political question arises in the United States that is not resolved, sooner or later, into a judicial question." This insight is especially relevant when courts are asked to decide some of the most controversial and complex political issues—whether involving the rights of **criminal defendants**, the balance between **individual liberty** and **government power**, or the protection of **minority rights** against majority will.

When confronting such issues, the courts face an enduring question: Should judges actively use their power of **judicial review** to resolve contentious political matters that elected officials are either unable or unwilling to address? Or should they limit their role, deferring to the decisions of the **legislative** and **executive branches** unless a law clearly violates the **Constitution**?

These contrasting approaches are known as **judicial activism** and **judicial restraint**.

Judicial Activism

Judicial activism is the belief that courts should play an **assertive role** in enforcing **constitutional principles**, particularly when other branches of government fail to act. Advocates argue that the judiciary must serve as a **check on majoritarian politics**, especially in cases where legislation may infringe upon **individual rights** or fail to protect **politically marginalized groups**. Judges, in this view, should not hesitate to **strike down laws** or policies that violate constitutional values—even if doing so means creating **new legal doctrines** or extending existing ones.

For example, **elected officials** may **avoid taking strong positions** on **controversial topics** such as abortion, voting rights, or criminal justice reform due to **political risk** or gridlock. In these situations, the **judiciary** may become the only institution capable of delivering clarity and justice consistent with **constitutional ideals**.

One of the most prominent examples of judicial activism was the **Warren Court** (1953–1969), led by Chief Justice Earl Warren. This Court issued landmark decisions that reshaped American life, including ***Brown v. Board of Education* (1954)**, which declared racial **segregation** in public schools unconstitutional; ***Miranda v. Arizona* (1966)**, which established rights for **criminal defendants**; and ***Griswold v. Connecticut* (1965)**, which expanded the right to **privacy**—paving the way for later rulings such as *Roe v. Wade* (1973).

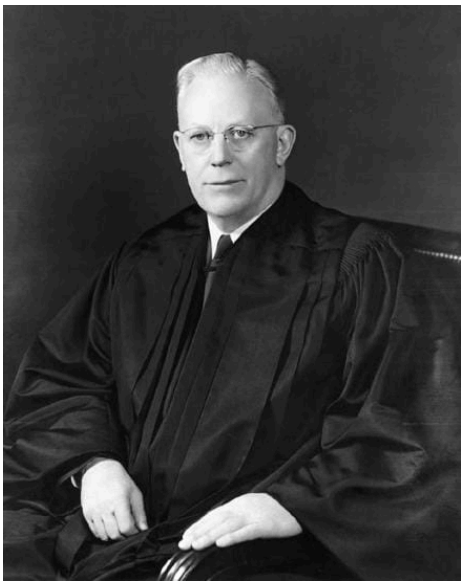


Figure 13.6: **Chief Justice Earl Warren (1953–1969).** Under Warren's leadership, the Supreme Court **issued landmark rulings that expanded civil rights and civil liberties**, including *Brown v. Board of Education* (1954), *Miranda v. Arizona* (1966), and *Griswold v. Connecticut* (1965), reshaping the constitutional landscape of modern America. (Image Credit: Harris & Ewing photography firm, via Wikimedia Commons, Public Domain)

Because of this legacy, **judicial activism** is often associated with liberal rulings. However, activism is not inherently tied to one political ideology. A court is considered activist not based on whether its decisions are liberal or conservative, but based on its willingness to **overturn laws** or **overrule precedents** and reshape **public policy**.

The **Rehnquist Court** (1986–2005), for instance, engaged in **conservative judicial activism** by limiting the power of **Congress** through its interpretation of the **Commerce Clause** and by expanding the idea of **state sovereign immunity**, shielding states from certain federal lawsuits. These rulings reflected a broader conservative vision of **federalism** and constitutional limits on national authority.

Implementation and Limitations

Though the judiciary can issue powerful rulings, it **lacks** direct **enforcement power** and must rely on the **executive** and **legislative** branches for implementation. History provides examples of both cooperation and resistance. When the Supreme Court ruled in ***Brown v. Board of Education*** that school segregation was unconstitutional, resistance in Southern states slowed compliance. It took **President Dwight D. Eisenhower's intervention**, sending federal troops to enforce integration at Little Rock High School in 1957, to uphold the Court's decision.

At other times, political leaders have openly resisted judicial authority. **President Andrew Jackson**, reportedly responding to a Supreme Court decision he disagreed with, is said to have remarked, "John Marshall has made his decision; now let him enforce it." Such episodes underscore the judiciary's dependence on the other branches and the **limits of judicial power**.

Judicial Restraint

In contrast to judicial activism, **judicial restraint** holds that courts should avoid making policy and instead limit themselves to interpreting the law **narrowly** and **deferring** to the decisions of the **legislative** and **executive branches**. According to this philosophy, because Congress and the President are **elected** by the people, they are best suited to reflect the **popular will**. The judiciary, which is unelected and enjoys lifetime tenure, should therefore be cautious in overturning democratically enacted laws.

Proponents of judicial restraint argue that judges should avoid **"legislating from the bench"** and should not substitute their preferences for those of elected officials or trained policy experts. The courts, in this view, should only strike down laws that **clearly violate the Constitution**.

However, critics argue that too much restraint can enable **injustice**. They contend that deference to elected officials often means deferring to the **interests of powerful** or well-organized groups who can dominate the political process. These critics point out

that **minorities**, the **poor**, and politically **unpopular groups** often **lack the influence** necessary to protect their rights through **legislation**. **Judicial restraint**, then, can lead to the **neglect of constitutional principles** and leave vulnerable groups without meaningful recourse.



Figure 13.7: **March on Washington for Jobs and Freedom, 1963.** Civil rights activists gather in Washington, D.C., demanding equal protection, voting rights, and an end to racial discrimination. For many reformers, moments like this illustrated why **courts sometimes intervene to protect minority rights when the political process fails to do so**. (Image Credit: Marion S. Trikosko, via Wikimedia Commons, Public Domain)

One of the primary advantages of **judicial independence**—life tenure and insulation from public opinion—is precisely to **empower judges** to defend **constitutional rights** even when doing so is **unpopular**. In this way, the judiciary serves as a **guardian of the Constitution** and the **rule of law**, ensuring that justice is not merely subject to the shifting winds of political opinion.

Open to Debate:
Original Intent vs. Living Constitution

*By what standard should judges determine what is and is not constitutional? Should they interpret the **Constitution** through the lens of **contemporary social values**, or should they attempt to understand it as the **Framers** would have in the eighteenth century? This debate lies at the heart of American **constitutional interpretation** and remains open to debate.*

*One approach is known as the **doctrine of original intent**. According to this philosophy, judges should strive to interpret the Constitution based on the intentions of its **Framers**. Advocates of original intent argue that the best way to preserve constitutional government is to adhere as closely as possible to the meanings and values held by those who drafted the document. To discern these intentions, judges might consult historical records such as debates from the **Constitutional Convention**, the **Federalist Papers**, or the personal writings of the **Founders**. In this view, the judiciary should not invent new meanings for constitutional provisions, as doing so undermines the **rule of law** and turns judges into **unelected policymakers**.*



Figure 13.8: **The Constitutional Convention of 1787.** Debates among the Framers over the design of the new government produced the Constitution that judges continue to interpret today. Supporters of **original intent** argue that courts should look to the Founders' debates and writings to understand the document's meaning, while advocates of a **living Constitution** contend that its broad principles must evolve as society changes. (Image Credit: Junius Brutus Stearns, painter, via Wikimedia Commons, Public Domain)

> *By contrast, Critics of original intent argue that this approach is both **impractical and potentially regressive**. They point out that many modern constitutional issues—such as digital privacy, reproductive rights, or campaign finance—could not have been anticipated by eighteenth-century thinkers. Furthermore, they argue that the Framers deliberately wrote the Constitution in **broad, flexible language** so that it could adapt to unforeseen changes in society and technology. According to this perspective, the Constitution is a **living document**, and it is the role of judges to interpret its principles in light of evolving **social norms** and contemporary understandings of **justice** and **equality**.*
>
> *The debate is not just about legal theory; it reflects differing views on the **role of the judiciary** in shaping **public policy**. Supporters of original intent often warn that straying from the Framers' design risks eroding the limits on **government power** and allowing judges to impose their personal views under the guise of interpretation. On the other hand, critics argue that clinging rigidly to original meanings can freeze **constitutional rights** in the past and prevent the law from responding to the needs of an increasingly **diverse** and **complex** society.*
>
> *Ultimately, this debate over constitutional interpretation invites a deeper question: Should the Constitution be understood as a **fixed framework** rooted in the past, or as a **living guide** that evolves with the nation? The answer remains **open to debate**.*

Objectivity and Partisanship

While the **judicial nomination process** is increasingly shaped by **partisan politics**, justices are expected to act as **impartial arbiters** of the law once confirmed. Although Supreme Court Justices strive for neutrality, their **experiences** and **beliefs** inevitably influence how they interpret the Constitution. Justice **Felix Frankfurter**, a prominent mid-20th century jurist, once reflected on this reality:

> *"The meaning of 'due process' and the content of terms like 'liberty' are not revealed by the Constitution. It is the Justices who make the meaning. They read into the neutral language of the Constitution their own economic and social views... Let us face the fact that five Justices of the Supreme Court are the molders of policy rather than the impersonal vehicles of revealed truth."*

This perspective highlights a fundamental tension: judges must apply **abstract constitutional principles** to real-world disputes, and their worldviews inevitably shape interpretation.

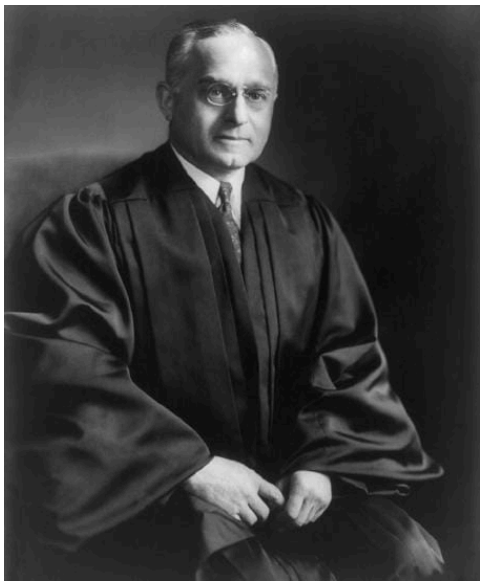


Figure 13.9: **Justice Felix Frankfurter (1939–1962).** A prominent legal scholar and Supreme Court justice, Frankfurter acknowledged that **constitutional interpretation is shaped by the perspectives of those who apply it**, highlighting the enduring tension between judicial objectivity and the influence of personal beliefs in constitutional decision-making. (Image Credit: Harris & Ewing, via Wikimedia Commons, Public Domain)

Nevertheless, the aspiration toward **objectivity** is central to judicial **legitimacy**. Unlike members of Congress or the President, federal judges are not elected. Their authority does not come from popular support but from **legal expertise**, the principle of **judicial independence**, and the expectation of consistent application of the law. **Lifetime appointments** are designed to **insulate** judges from political pressure.

Courtroom procedures reinforce this ideal. Judicial proceedings are highly **formalized**, and judges preside from elevated benches wearing robes—symbolic gestures intended to set them apart from the parties before them and underscore their **neutrality**. Even though lawyers seeking judicial appointments may initially engage in politics to gain the attention of a nominating authority, once appointed, judges are expected to leave **partisan politics** behind.

In recent years, some observers have debated whether greater **demographic diversity** on the Court affects judicial decision-making. While justices strive for impartiality, their backgrounds can bring different **perspectives** to complex constitutional questions. As of this writing, the Supreme Court includes justices of varied **racial**, **ethnic**, and **religious** backgrounds. Such diversity may broaden the range of perspectives informing legal reasoning.



Figure 13.10: **The Supreme Court** as composed March 2026. The nine justices of the nation's highest court bring **diverse professional experiences and personal backgrounds** to their work, reflecting ongoing discussions about how demographic diversity and life experience may shape perspectives in constitutional interpretation. (Image Credit: Fred Schilling, Collection of the Supreme Court of the United States, via Wikimedia Commons, Public Domain)

Ultimately, while no justice is completely free from personal influence, the structure and culture of the judiciary are designed to prioritize **fairness**, **consistency**, and fidelity to the **Constitution**. The Court's **legitimacy** depends not on the absence of beliefs, but on the commitment to rise above them in service of the law.

Open to Debate:
***Bush v. Gore* (2000)**

*The appearance of **judicial neutrality** in the Supreme Court was seriously questioned following its controversial intervention in the **2000 presidential election**. In **Bush v. Gore (2000)**, the Court ruled **5–4** to halt Florida's manual recount of ballots, arguing that varying standards across counties violated the **Equal Protection Clause** of the Fourteenth Amendment.*

The decision was widely criticized in the legal community. Many believed the justices in the majority had abandoned core principles such

*as **judicial restraint**, **federalism**, and **respect for precedent** in order to settle a political dispute. Critics noted that the Court chose not to address deeper equal protection issues, such as unequal voting technology across counties and the wrongful purging of tens of thousands of eligible voters from Florida's voting rolls due to flawed felony lists, disproportionately impacting African American voters who tended to vote Democratic.*

*The narrow 5–4 decision, with the Court's most conservative justices in the majority, further raised concerns about **partisanship**. While the justices may have been motivated by a desire to resolve a national crisis and ensure electoral stability, the ruling gave the appearance of political bias and damaged the Court's reputation for **impartiality**.*

*This case raises lasting questions: Can the Court remain above **politics**? What role should it play in **deciding elections**? Did the ruling uphold the **rule of law**—or undermine it? The answers remain **open to debate**.*

Structure of the Federal Judicial System

The U.S. Constitution establishes only one court by name: the **Supreme Court**. **Article III, Section 1** declares, "The judicial power of the United States shall be vested in one Supreme Court, and in such **inferior courts** as the **Congress** may from time to time ordain and establish." This deliberate vagueness reflects the political **compromise** necessary to ratify the Constitution. **Federalists** advocated for a strong **national judiciary**, while **Anti-Federalists** feared a powerful centralized court system that might infringe on **state authority**. To strike a balance, the Framers left the details of the judicial system to Congress.

Congress first addressed the structure of the judiciary through the **Judiciary Act of 1789**, which created a **three-tiered federal court system** that still exists today. At the base are the **U.S. District Courts**, which serve as the federal trial courts. Above them are the **U.S. Courts of Appeals**, which review decisions from the district courts. At the top sits the **U.S. Supreme Court**, the highest court in the nation. While most federal cases move through this hierarchical structure, the federal judiciary also includes several **specialized courts** that handle particular categories of cases defined by federal law.



Figure 13.11: The federal judiciary operates through a three-tiered system established by the **Judiciary Act of 1789**. Most cases begin in the **U.S. District Courts**, may be appealed to the **U.S. Courts of Appeals**, and in limited circumstances may reach the **U.S. Supreme Court**, the nation's highest court. The arrows illustrate how a case can move upward through the federal court system as parties appeal decisions to higher courts. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

In addition to the federal courts, each **state** maintains its own system of trial and appellate courts. Together, these state and federal courts form the United States' ***dual court system***, where both systems operate **independently** but often have **overlapping jurisdiction**.

District Courts

There are currently **94 U.S. District Courts**, with at least one in every state, as well as in U.S. territories such as Puerto Rico, the U.S. Virgin Islands, Guam, and the Northern Mariana Islands. District courts are the primary **trial courts** of the federal judiciary and are the only federal courts where **juries** hear testimony and render verdicts. These courts have ***original jurisdiction***, meaning they are the first to hear a case.

Federal district courts typically handle cases involving:

· The **U.S. government** as a party;

· Issues arising under the U.S. **Constitution**, **federal laws**, or **treaties**;

· Civil **disputes** between **citizens of different states** where the amount in controversy exceeds $75,000; and

· Other specific matters as defined by **federal law**.

Most federal cases begin and end in district courts, although their decisions can be appealed to the **U.S. Courts of Appeals**.

Special Courts

In addition to the district courts, the federal judiciary includes several **specialized courts** that focus on particular types of cases, such as claims against the federal government, international trade disputes, military justice, tax matters, bankruptcy, intelligence surveillance, and veterans' benefits. These courts have **limited jurisdiction**, meaning they can hear only specific types of cases

as defined by federal law.



Figure 13.12: In addition to the main trial and appellate courts, the federal judiciary includes a number of **specialized courts** that focus on particular areas of law—such as claims against the federal government, international trade disputes, military justice, tax matters, bankruptcy, foreign intelligence surveillance, and appeals involving veterans' benefits. These courts handle highly specific cases requiring technical legal expertise. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Courts of Appeals

The **U.S. Courts of Appeals** serve as the intermediate level of the federal judiciary. Their primary role is to **review** decisions from the district courts and **correct errors of law or procedure**. There are **thirteen circuit courts**, each covering a specific geographic area or *circuit*.

Appellate courts do **not** hold trials in the traditional sense. There are **no juries**, hear **no new evidence** and take **no witness testimony**. Instead, a panel of **three judges** review the **record** of the lower court's proceedings and considers written arguments, known as ***briefs***, submitted by the parties. In most cases, attorneys also present brief **oral arguments**. Occasionally, particularly significant or controversial cases may be heard ***en banc***, meaning by all the judges of the circuit.

The Supreme Court

At the top of the federal judicial system is the **U.S. Supreme Court**. While the Court does have ***original jurisdiction*** in rare cases—such as those involving **foreign diplomats** or disputes between **states**—its primary function is to act as the **final appellate court**.

The Supreme Court hears appeals from both **federal courts of appeals** and, when a **federal question** is involved, from **state supreme courts**. Like other appellate courts, the Supreme Court reviews written **briefs** and the **record** of lower court proceedings. It also receives ***amicus curiae*** **(**"friends of the court") briefs from third parties offering additional perspectives.

The Appeals Process

Despite cinematic promises to sue someone "all the way to the Supreme Court," there is **no automatic right to appeal** in the United States. In the U.S. legal system, appeals are granted at the **discretion of appellate courts**.

The formal appeal process begins when the losing party in a case files a petition for a **writ of certiorari** (Latin for "to be informed of") with an appellate court. If the appellate judges believe there may have been a **legal or procedural error** in the lower court's decision, they may issue the **"cert writ"** and request the case record for review. If the petition is denied, the lower court's ruling stands. Most appeals are first heard by one of the **U.S. Courts of Appeals**. From there, a case may be appealed to the **Supreme Court**, but only if it involves a **substantial federal question**. The Supreme Court may also review decisions from **state courts**,

but again, only when a **federal issue** is at stake, such as an alleged violation of the **U.S. Constitution**.

The Supreme Court receives thousands of **certiorari petitions** (or "cert petitions") each year but agrees to hear only about **70 to 80 cases**. The Court's decision to hear a case is entirely **discretionary**. It typically grants certiorari when a case presents a significant **constitutional issue**, involves a matter of **national importance**, or is needed to resolve **conflicting decisions** from lower federal or state courts. This selective process is guided by the **"rule of four"**—the Court agrees to hear a case if at least four of the nine Justices vote in favor.

One important player in this process is the **Solicitor General**, the federal government's top lawyer before the Supreme Court. The Solicitor General can urge the Court to hear cases that are especially important to federal interests. Historically, the Supreme Court has agreed to review the majority of cases recommended by the Solicitor General.

Given the high volume of petitions, much of the initial screening is done by **Supreme Court law clerks**—elite recent graduates of top law schools who assist the Justices with legal research and case review. Each Justice is generally allowed to hire four law clerks for each term, and serving in this role is considered one of the most prestigious positions in the legal field.

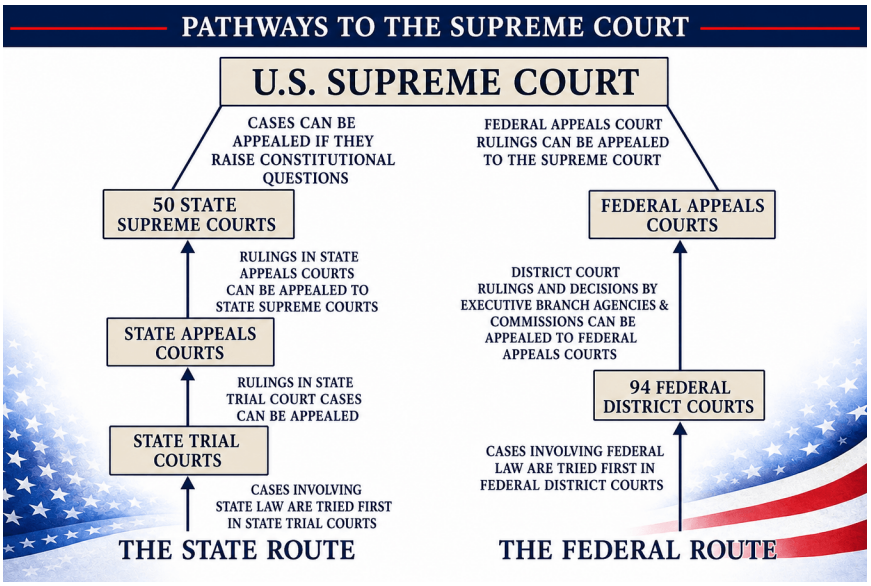


Figure 13.13: Cases can reach the U.S. Supreme Court through either the **state court system** or the **federal court system**. Most cases begin in **trial courts**—state trial courts for disputes involving state law or **U.S. District Courts** for cases involving federal law—then move through **intermediate appellate courts** before potentially reaching the Supreme Court. The Court generally agrees to hear cases only when they raise significant **constitutional questions** or **involve important issues of federal law**. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Criteria for Hearing a Case

Over time, the federal courts have developed criteria to determine whether a case is eligible to be heard:

1. **Actual Controversy** – Courts only decide **real**, not hypothetical, disputes. There must be two genuine adversarial parties. Courts do not issue **advisory opinions** or rule on laws that haven't been applied.
2. **Standing** – The parties involved must have a direct, personal stake in the outcome. This means they must show that they have suffered or are likely to suffer a specific **injury**. In the 1960s and 1970s, the Supreme Court expanded the concept of standing to allow **public interest groups** to bring lawsuits against government agencies. For example, under the National Environmental Policy Act, environmental organizations may sue federal agencies whose actions negatively affect the environment.
3. **Class Action Suits** – In some cases, individuals may sue on behalf of a larger group (a "class") with shared legal concerns. Class action lawsuits are often used when the harm is widespread but relatively small for each individual, such as in cases involving **corporate misconduct** or **consumer rights**.
4. **Mootness** – If the issue at the heart of a case has already been resolved or is no longer relevant, the case is considered **moot** and will not be heard. However, the Court may still consider a case if the issue is **"capable of repetition yet evading review."** For instance, in ***Roe v. Wade* (1973)**, the Court agreed to hear the case even though the pregnancy in question had already ended, recognizing that pregnancies are short-lived but the legal issue at stake was likely to recur.

Supreme Court Decision-Making and Judicial Opinions

During **oral arguments** before the **U.S. Supreme Court**, attorneys for each side have just **30 minutes** to present their case. The **Justices** frequently interrupt with pointed and challenging **questions**, testing the legal reasoning and implications of each argument. These sessions are not designed to introduce new evidence but to **clarify** the legal issues and help the Justices evaluate the case's broader constitutional or statutory significance.



Figure 13.14: During **oral arguments**, attorneys present their legal arguments before the nine justices, who frequently interrupt with questions to probe the constitutional and legal implications of the case. These exchanges help the Court clarify key issues before reaching a decision. (Image Credit: William Hennessy for SCOTUSblog, Public Domain)

After oral arguments conclude, the Justices meet in a **private conference** to discuss the case and cast their initial votes. These sessions begin with a traditional handshake among the Justices, symbolizing collegiality despite potential disagreements. The **Chief Justice** leads the discussion, offering their view of the case, followed by each Justice speaking in order of **seniority**. The most junior Justice takes notes and serves as the conference's informal clerk and doorkeeper.

Although the Justices are experts in **constitutional law**, disagreement is common. particularly in cases contentious enough to reach the Supreme Court. When a majority of the Justices agree both on the outcome and the reasoning, a ***majority opinion*** is written to explain the Court's ruling. If the Chief Justice is in the majority, they either write the opinion themselves or assign the task to another Justice in the majority. If the Chief Justice is not in the majority, the most senior Justice in the majority assigns the opinion.

Once a **draft opinion** is circulated, Justices who agree with it add their names. However, opinions are often **revised** multiple times in response to feedback or to build **consensus** among the Justices. Even after the initial vote, a Justice may change their mind, joining or leaving the majority as the final version of the opinion takes shape.

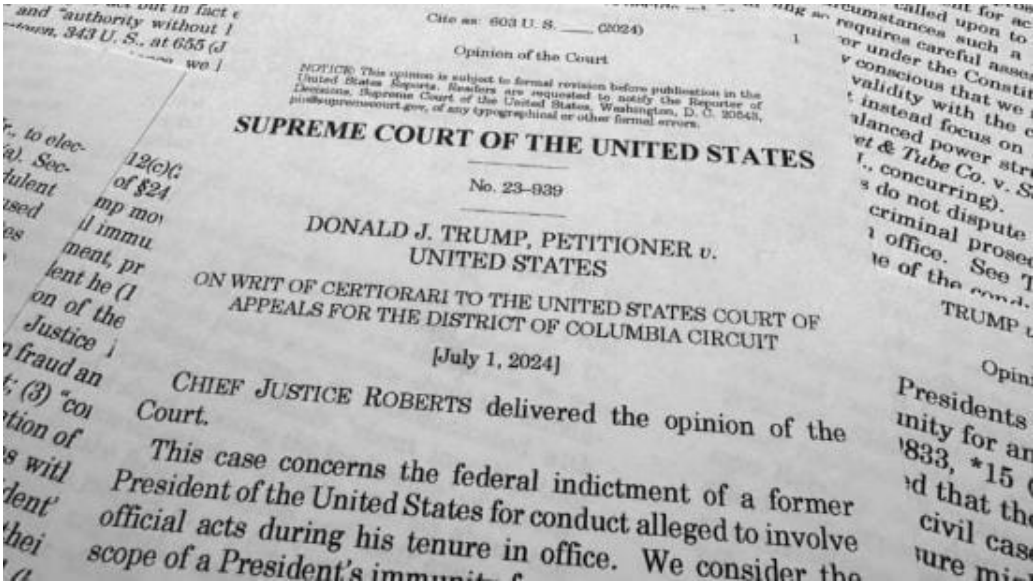
Sometimes, a Justice agrees with the outcome of the case but not with the reasoning in the majority opinion. In such instances, they may write a ***concurring opinion*** to express their unique rationale or to highlight legal issues not emphasized in the majority view.

Conversely, Justices who disagree with the majority ruling may write ***dissenting opinions***, outlining their objections to both the outcome and the reasoning of the majority. While dissents do not carry legal force, they can **influence future cases** and sometimes form the basis for overturning precedent in later decisions.

In some cases, the Court issues a ***plurality opinion***, where a majority agrees on the outcome of the case but not on a single rationale. In such situations, the decision resolves the case at hand but does **not** set a binding **precedent**.

When the Court is in full agreement on both the outcome and its reasoning, it issues a ***unanimous opinion***. These are often signed by all participating Justices, but in rare cases the Court may issue an unsigned, collective decision known as a ***per curiam* opinion**—literally, "by the Court."

Regardless of the type of opinion, Supreme Court rulings are **final**. As Justice **Robert H. Jackson** famously remarked, "We are not final because we are infallible, but we are infallible only because we are final."


Cite as: 603 U. S. ____ (2024)

Opinion of the Court

NOTICE: This opinion is subject to formal revision before publication in the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, pio@supremecourt.gov, of any typographical or other formal errors.

SUPREME COURT OF THE UNITED STATES

No. 23–939

DONALD J. TRUMP, PETITIONER *v.*
UNITED STATES

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

[July 1, 2024]

CHIEF JUSTICE ROBERTS delivered the opinion of the Court.

This case concerns the federal indictment of a former President of the United States for conduct alleged to involve official acts during his tenure in office. We consider the

Figure 13.15: The Court's decisions are explained through written opinions that outline the legal reasoning behind a ruling. A **majority opinion**, such as the one shown here, establishes the Court's official interpretation of the law and sets a **binding precedent** for lower courts to follow. (Image Credit: Supreme Court of the United States, Public Domain)

The Role of Precedent and Stare Decisis

Supreme Court decisions not only resolve individual disputes but also set legal ***precedents*** that guide future cases. Under the principle of ***stare decisis***—Latin for "to stand by things decided"—lower courts are generally expected to follow precedents established by higher courts within their jurisdiction.

This doctrine, borrowed from **English common law**, promotes consistency and predictability in legal decision-making. However, because no two cases are exactly alike, applying precedent is not always straightforward. Courts must interpret whether the facts of a new case are sufficiently similar to warrant the same legal outcome.

Even when a case does not formally establish precedent, Supreme Court decisions often cast a long shadow, influencing how laws are interpreted and applied by lower courts, legislatures, and government agencies across the country. The authority of a precedent may also depend on factors such as the strength of the Court's majority, the clarity of its reasoning, and the public and professional respect for the Justices who authored the decision.

In this way, the Supreme Court not only interprets the law, it **shapes the legal landscape** for generations to come.

The Size of the Supreme Court and the Court-Packing Debate

The **U.S. Constitution** does not specify the number of Supreme Court Justices. **Congress** has changed the size of the Court over time, ranging from five to ten Justices in the 19th century. Since **1869**, the Court has consisted of **nine** Justices.

The most famous challenge to that number occurred in the 1930s. After the Supreme Court struck down several of President **Franklin D. Roosevelt's New Deal** programs intended to combat the **Great Depression**, FDR proposed adding more Justices to the Court. His plan, widely seen as an attempt to shift the Court's **ideological balance**, was strongly opposed, even by some in his own party, and ultimately failed. However, soon after, the Court began upholding key New Deal legislation, a shift sometimes described as **"the switch in time that saved nine."**



Figure 13.16: In response to Supreme Court decisions striking down key New Deal programs, Roosevelt proposed expanding the number of justices on the Court—a plan critics labeled "**court packing**." Although the proposal ultimately failed, the controversy highlighted tensions between the presidency and the judiciary and was followed by a shift in the Court's willingness to uphold New Deal legislation. (Image Credit: Harris & Ewing Collection, Library of Congress, via Wikimedia Commons, Public Domain)

Debates over court expansion resurfaced during the **2020 election**, after the appointment of Justice Amy Coney Barrett shifted the Court in a more conservative direction. Some Democrats proposed adding seats to restore ideological balance. President **Biden** declined to endorse such proposals and instead formed a commission to study possible reforms. Retiring Justice **Stephen Breyer** warned that expanding the Court for political reasons could damage its **legitimacy** as an independent branch of government.

Critics argue that "**court packing**" risks transforming the Supreme Court into a **partisan** tool of whichever party controls Congress and the presidency, undermining public trust in its role as a **neutral interpreter of the law**.

The Judicial Nomination Process

Federal judges, including **Supreme Court Justices**, are **nominated by the President** and **confirmed by the Senate**. The process begins with the President submitting a nominee to the **Senate Judiciary Committee**, which holds hearings to assess the nominee's qualifications. If approved by the committee, the nomination moves to the **full Senate** for a vote. A tradition known as ***senatorial courtesy*** gives significant influence to senators from the President's party in the state where a judicial vacancy occurs, especially for lower courts.

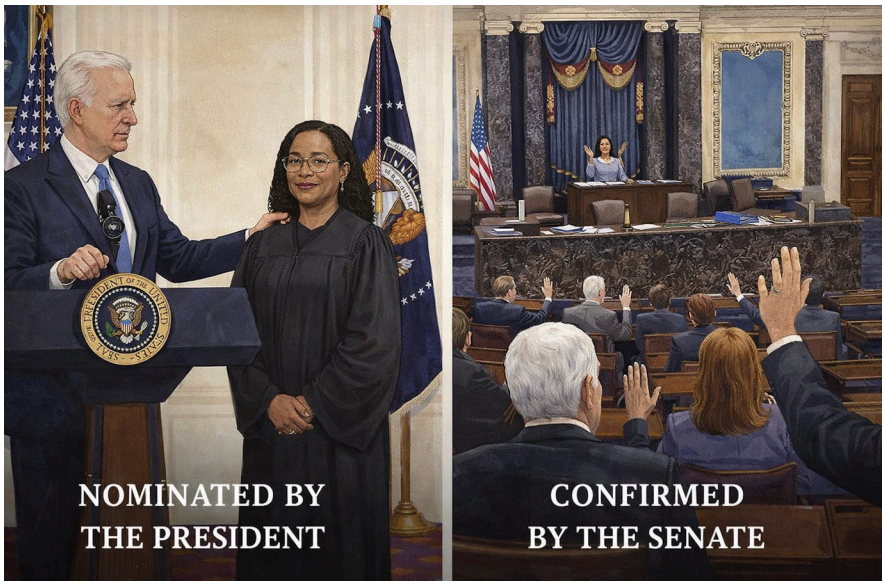


Figure 13.17: Federal judges, including Supreme Court justices, are **nominated by the president** and must be **confirmed by the Senate**. This shared responsibility reflects the Constitution's system of **checks and balances**, requiring cooperation between the executive and legislative branches in shaping the federal judiciary. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Because federal judges serve **lifetime appointments**, "during good behavior," according to the Constitution, their influence can extend well beyond the President's term. Presidents often choose nominees who align with their **legal and political philosophies**, hoping to shape the judiciary for decades. However, judges sometimes surprise the presidents who appoint them. **Justice Harry Blackmun**, for example, appointed by President Nixon as a conservative, later authored the majority opinion in ***Roe v. Wade***. Likewise, Justice Earl Warren, appointed by President Eisenhower, led a liberal transformation of the Court during the civil rights era.

Historically, judicial nominations focused on **qualifications** and **legal experience**. But since the mid-20th century, the process, especially for Supreme Court nominees, has become increasingly **political**. Contentious issues such as abortion, civil rights, and executive power have raised the stakes, as any one appointment can shift the **ideological balance** of the Court.

A turning point in this politicization was President **Reagan's** 1987 nomination of **Robert Bork**. Despite his strong legal credentials, Bork's **originalist philosophy** and controversial views led to a well-organized campaign against his confirmation, and the Senate ultimately **rejected** him. Reagan's next nominee, Douglas Ginsburg, withdrew after reports surfaced that he had used marijuana in the past. Anthony Kennedy was eventually confirmed with broad support.

Partisan tensions increased further in the 1990s and 2000s. Under President Clinton, Senate Republicans **stalled** or refused to act on many judicial nominees. In response, Democrats later used the **filibuster** to block several of President George W. Bush's nominees. These tactics resulted in significant delays and vacancies in the federal courts.

The controversy deepened in 2016 when President **Obama** nominated **Merrick Garland** to replace Justice Antonin Scalia. Senate Republicans, citing the upcoming election, **refused to hold hearings or a vote**, breaking with modern precedent. After Donald **Trump** won the presidency, he nominated **Neil Gorsuch**, who was confirmed by a Republican majority. Trump's subsequent nominees, Brett Kavanaugh and Amy Coney Barrett, further solidified a **conservative majority** on the Court.

In 2022, President **Biden** appointed **Ketanji Brown Jackson** to replace Justice Stephen Breyer. Her confirmation was historic, she became the first Black woman to serve on the Supreme Court, but also reflected ongoing **partisan divides**, passing 53–47 largely along party lines.

Why the Process Has Become More Partisan

Several developments in recent decades have contributed to the growing polarization of the judicial confirmation process.



Figure 13.18: **The process of confirming federal judges has become increasingly contentious** as ideological divisions between political parties deepen, Supreme Court decisions attract greater public attention, and media coverage and interest group activism mobilize supporters and critics. Legislative gridlock and limited public understanding of the judicial role have further contributed to viewing judicial nominations as major political battles over the direction of national policy. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Several factors have fueled the growing polarization of the judicial confirmation process:

- **Increasing ideological divisions between political parties**
- **Greater public attention to Supreme Court decisions** on controversial issues such as abortion, gun rights, and health care
- **Legislative gridlock**, which has made the courts a more prominent venue for policymaking
- **Media coverage and interest group activism**, which mobilize public opinion and lobbying efforts
- **Limited civic understanding of the judiciary**, leading some Americans to view judges as political actors rather than neutral interpreters of the law.

As Justice **Antonin Scalia** once warned, relying on courts to settle policy disputes risks turning the judiciary into a **"junior varsity Congress."** The framers intended judges to **interpret the Constitution**, not to **legislate from the bench**. Yet in today's hyper-partisan environment, every nomination is increasingly seen as a battle over the **future direction of national policy**.

Open to Debate:
***Dobbs v. Jackson Women's Health Organization* (2022)**

*In June 2022, the Supreme Court issued one of its most consequential rulings in decades with **Dobbs v. Jackson Women's Health Organization**, overturning both Roe v. Wade (1973) and Planned Parenthood v. Casey (1992). In a 5-4 decision, the Court ruled that the Constitution does **not guarantee a right to abortion** and returned the authority to regulate abortion to the **states** and their elected officials. For conservatives, this marked a long-awaited victory for the **pro-life movement**. For liberals, it represented a significant setback for **reproductive** rights and **women's health**.*



Figure 13.19: The Supreme Court's ruling in ***Dobbs v. Jackson Women's Health Organization*** *(2022)* overturned *Roe v. Wade* and returned authority over abortion regulation to the states. The decision intensified national debate, with supporters celebrating the ruling and critics warning of new restrictions on reproductive rights. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

The Dobbs decision illustrates a dramatic shift in the Court's approach to ***constitutional interpretation****. In Roe, the Court had declared abortion a constitutional right grounded in the* ***right to privacy****, an idea not explicitly stated in the Constitution but inferred from several amendments. At the time,* ***public opinion*** *was relatively* ***supportive*** *of the ruling; a Gallup poll showed nearly two-thirds of Americans believed the decision should be left to a woman and her doctor. This alignment with public sentiment may have softened initial backlash but ultimately fueled decades of political division.*

For decades, Roe remained a ***flashpoint*** *in American politics. The* ***religious right****, gaining influence in the 1970s and 1980s, made overturning Roe a central mission, while the political left worked to preserve and expand abortion rights. Critics have argued that Roe represented an example of* ***judicial activism****—resolving a*

contentious issue through the courts instead of the legislative process. In doing so, the Court may have inadvertently ***politicized*** *itself and intensified the struggle over* ***judicial nominations****.*

In 1992, the Court revisited the issue in ***Planned Parenthood v. Casey****. While it upheld the core holding of Roe, the decision emphasized the importance of preserving the Court's* ***legitimacy*** *rather than relying solely on constitutional text. As the majority warned:*

"A decision to overrule *Roe*'s essential holding under the existing circumstances would address error, if error there was, at the cost of both profound and unnecessary damage to the Court's legitimacy, and to the Nation's commitment to the rule of law."

The Dobbs majority, however, rejected that logic. Rather than weighing ***public opinion*** *or concerns about* ***legitimacy****, the Court focused on what it saw as correcting a* ***constitutional overreach****. The ruling did not ban abortion nationwide but left it to the* ***states****, some of which have since enacted strict* ***abortion bans*** *while others have* ***expanded protections****.*

The Dobbs decision raises enduring questions about ***judicial power****,* ***democracy****, and* ***constitutional interpretation****:*

1. ***Should the Supreme Court consider*** *public opinion* ***when interpreting the Constitution, or remain entirely insulated from popular sentiment? What are the risks and benefits of each approach?***

2. ***Has the*** *judicial branch* ***become too influential in shaping major*** *public policies* ***that might be better left to*** *elected lawmakers****? What does this suggest about the*** *balance of power* ***in the federal government?***

3. ***Why do most Americans comply with Supreme Court rulings, even when they disagree with them? What role does*** *legitimacy* ***play in the power of the Court?***

What do you think? The answers remain ***open to debate****.*

Conclusion: The Paradox of Judicial Power

The American judiciary is often called the **"least dangerous branch,"** but that label belies its immense influence. With the power to **strike down laws** and shape the **boundaries of government action**, the courts, especially the **U.S. Supreme Court**, play a vital and sometimes controversial role in American political life.

From the foundational rulings of the **Marshall Court** in ***Marbury v. Madison*** and ***McCulloch v. Maryland***, to the divisive decision in ***Dred Scott v. Sandford*** under the **Taney Court**, and later the **rights-expanding jurisprudence** of the **Warren Court**, the judiciary has left an indelible mark on the nation's constitutional landscape. At times, it has been an **agent of change**, protecting the **rights of minorities** and stepping in when the political branches have failed to act. At other times, it has **reflected, or even reinforced, the dominant power structures of its era**.

The courts' power is derived not from enforcement mechanisms or political clout, but from **legitimacy**—the belief that judicial rulings are grounded in the Constitution and worthy of compliance. That legitimacy is under pressure today, as **public confidence erodes** and Americans increasingly view judges as **political actors** rather than neutral arbiters.

These tensions bring us to enduring debates: Should judges adhere strictly to the **"original intent"** of the Framers, or should they interpret the Constitution as a **living document** that adapts to modern realities? Should courts practice **judicial restraint**, deferring to the will of the elected branches, or **judicial activism**, stepping in when those branches fail to uphold constitutional principles?

Even as these questions persist, one fact remains: the judiciary plays a **crucial role** in maintaining the balance of power and protecting the rights enshrined in the Constitution. In a system defined by **checks and balances**, the courts are both a **counterweight to majoritarian rule** and a **guardian of the rule of law**.

Understanding how the judiciary works—its structure, philosophies, limitations, and strengths—is essential to understanding American government itself. After all, as **Alexis de Tocqueville** observed nearly two centuries ago, **"Scarcely any political question arises in the United States that is not resolved, sooner or later, into a judicial question."** That observation is just as relevant today as it was in 1840.

Glossary

Alien and Sedition Acts: An act passed by the Adams administration which made it illegal for the press to criticize the government.

Appellate Courts: Otherwise known as Circuit Courts, these are federal courts that hear cases which have been appealed from the district courts.

Counter-Majoritarian: The idea that the Court should strike down popularly approved legislation if that legislation violates some part of the Constitution.

District Courts: Federal trial courts that hear cases in which the federal government is a party, on suits brought under federal law, on civil suits between citizens of different states, and on other federal questions.

***Dred Scott v. Sanford*:** The case in which Chief Justice Richard Taney ruled that the Missouri Compromise outlawing slavery was unconstitutional and that Blacks had no rights and could never be citizens.

Judicial Activism: The belief that courts should play an assertive role in enforcing constitutional principles, particularly when other branches of government fail to act.

Judicial Restraint: The philosophy that courts should avoid making policy and instead limit themselves to interpreting the law narrowly and deferring to the decisions of the legislative and executive branches.

Judicial Review: The power of Judicial Review allows the Court to declare acts of Congress and the President null and void if they exceed the power of the Constitution.

Jurisdiction: The authority to hear cases.

***Marbury v. Madison*:** The case in which Chief Justice John Marshall adopted the power of judicial review for the Supreme Court.

***McCulloch v. Maryland*:** A case in which the Court invalidated a Maryland law that taxed the federally chartered Bank of the United States. Marshall's opinion affirmed that the federal government had implied powers under the "necessary and proper" clause of Article I, Section 8.

Original Intent: According to this philosophy, judges should strive to interpret the Constitution based on the intentions of its Framers.

Rule of Four: The practice of the Supreme Court to hear a case if at least four of the nine Justices vote in favor.

Stare Decisis: Latin for "to stand by things decided", this is the idea that lower courts are generally expected to follow **precedents** established by higher courts within their jurisdiction.

Supreme Court: The final appellate court of the United States.

Selected Internet Sites

http://memory.loc.gov/ammem/mtjhtml/mtjhome.html. The Thomas Jefferson papers at the Library of Congress.

http://www.fed-soc.org/. The Federalist Society offers a conservative perspective on Supreme Court cases and other legal issues.

http://www.fjc.gov/. The Federal Judicial Center is the education and research center for the federal courts.

http://jurist.org/. The University of Pittsburgh School of Law maintains a web site with a lot of information on the Supreme Court and Constitutional law.

http://www.law.com. This site is designed to serve legal professionals but contains a lot of interesting information.

...http://www.rominger.com/supreme.htm. Rominger Legal provides links to various levels of the federal and state court systems.

http://www.uscourts.gov/. The web site of the Federal Court System.

http://www.whitehouse.gov/history/presidents/. The White House web site which has links to all previous presidents including Adams and Jefferson.

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Chapter 14: Interests and Influence- U.S. Foreign Policy

What Is Foreign Policy?

When people think about government, they usually focus on **domestic policy**—issues like education, taxes, healthcare, or civil rights. But the United States is also a **global power**, with military bases in dozens of countries, a seat on the United Nations Security Council, and major influence over international trade, security, and diplomacy. **Foreign policy** is a country's strategy for engaging with other nations to protect its **national interests**, uphold its core **values**, and advance **goals** such as **security, stability, and economic prosperity**. It includes everything from **treaty negotiations** and **diplomatic relations** to **military interventions**, **economic sanctions**, **intelligence gathering**, and **foreign aid**.



Figure 14.1: The official goals of **U.S. foreign policy**, as stated by the U.S. Department of State, are to: "*Build and sustain a more democratic, secure, and prosperous world for the benefit of the American people and the international community.*" (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Why Does It Matter?

Foreign policy affects **national security**, the **global economy**, **human rights**, the **environment**, and even the **prices** we pay for goods at home. Decisions made in Washington, D.C. can ripple around the world—and vice versa. The official goals of U.S. foreign policy, as stated by the U.S. Department of State, are to: "*Build and sustain a more democratic, secure, and prosperous world for the benefit of the American people and the international community.*"

Competing Philosophies in U.S. Foreign Policy: Idealism vs. Realism

When studying American foreign policy, two dominant philosophical schools emerge: **Idealism** and **Realism**. While U.S. foreign policy typically reflects a mix of both, there are periods when one school becomes dominant, making the nation's international actions more predictable. Understanding these two frameworks helps explain the goals, strategies, and contradictions of U.S. foreign policy over time.



Figure 14.2: Foreign policy debates often reflect a tension between **idealism**, which emphasizes diplomacy, human rights, and international cooperation, and **realism**, which prioritizes national interests, military strength, and strategic power in an uncertain global system. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Idealism: A Response to World War I

Idealism gained prominence after World War I, as a response to the unprecedented destruction and casualties caused by modern warfare. New weapons such as machine guns, poison gas, tanks, and trench warfare shocked political leaders and civilians alike. Among those deeply affected was President **Woodrow Wilson** (1913–1921), a political scientist who became the leading advocate of idealism in U.S. foreign policy.



Figure 14.3: **President Woodrow Wilson** (1913–1921), a political scientist who became the leading **advocate of idealism** in U.S. foreign policy. (Image Credit: Woodrow Wilson Presidential Library Archives, via Wikimedia Commons, CC0)

Key Principles of Idealism:

· **Outlawing War through Collective Security**: Idealists sought to prevent future wars by establishing international organizations to enforce peace. The **League of Nations**, strongly promoted by Wilson, aimed to treat an attack on one member as an attack on all, thereby deterring aggression. Though the League was established, the U.S. Senate refused to ratify the treaty, and the United States never joined. After World War II, the **United Nations** replaced the League, preserving the principle of collective security.

· **Peaceful Conflict Resolution**: Idealists believe that disputes between nations should be resolved through **diplomacy**, **international law**, and **institutions** rather than warfare.

· **Faith in Human Nature**: Idealism assumes that people are **inherently good** and **peaceful**. The rise of authoritarian regimes is seen as a key source of conflict, which can be mitigated by **spreading democracy** and **supporting human rights**.

· **Harmony of Interests**: Idealists argue that nations can achieve shared prosperity through **cooperation**. **Economic development**, **trade**, and **mutual aid** benefit all participants and reduce the likelihood of conflict.

· **Economic Justice and Equality**: Promoting global economic well-being is seen as essential to peace. **Reducing poverty** and **inequality** around the world contributes to international stability.

· **International Morality**: Idealists emphasize **moral responsibility** in foreign policy. Certain actions—such as **genocide**, the use of **chemical** or **biological weapons**, or **assassinations**—are **unacceptable**, even if they serve national interests.

Idealism shaped U.S. foreign policy during the 1920s. However, by the 1930s, the **League of Nations** failed to respond **effectively** to acts of aggression by Italy (in Ethiopia), Japan (in Manchuria), and Germany (in the Rhineland). These failures discredited idealism and paved the way for a more pragmatic and security-focused approach: **Realism**.

Realism: A Response to Fascist Aggression

Realism emerged in the 1930s and rose to dominance during and after World War II. It was a direct reaction to the expansionist ambitions of fascist regimes in Europe and Asia. Realists advocate a more cynical and **power-centered view** of international relations, grounded in historical experience and **strategic necessity**.

Key Principles of Realism:

· **Idealism Is Utopian**: Realists view idealists as naïve. They argue that foreign policy must be based on the world as it is, not as we wish it to be.

· **Anarchy in the International System**: Realists believe that, in the absence of a true global government, the international system is anarchic. No authority exists to reliably enforce international law. As a result, states must rely on their own **power** for survival.

· **Power and Conflict Are Central**: Realists argue that all states seek power to protect their national interests. This competition inevitably leads to conflict.

· **States Are the Primary Actors**: International organizations, while useful, are considered weak. Realists believe that sovereign nation-states, not supranational bodies, drive global politics.

· **The Use of Force Is Legitimate**: Military power is seen as a necessary tool to ensure national security. Moral considerations are often subordinate to strategic goals. From the realist perspective, the highest moral imperative is preserving the state itself.

A Modern Mix: Idealism and Realism in Practice

While **Realism** dominated early Cold War foreign policy, **Idealism** returned to prominence in the 1960s and 1970s, particularly with President **Jimmy Carter**, who emphasized **human rights** and international cooperation. However, events such as the **Soviet invasion of Afghanistan** led to a shift back toward realism, largely driven by Carter's National Security Advisor, **Zbigniew Brzezinski**.



Figure 14.4: President **Jimmy Carter** greets Egyptian President **Anwar Sadat** at the White House during a period when Carter sought to advance **human rights**, **diplomacy**, and **international cooperation** in U.S. foreign policy—an approach reflecting the resurgence of **idealist principles** in the 1970s. (Image Credit: Library of Congress, via Wikimedia Commons, Public Domain)

In practice, most modern U.S. presidents incorporate elements of both schools:

· **George H. W. Bush** championed international cooperation during the Gulf War (1991), a realist action conducted through a UN coalition.

· **George W. Bush** justified the Iraq War (2003) partly through realist concerns about weapons of mass destruction, but also invoked idealist rhetoric about spreading democracy.

· **Barack Obama** emphasized diplomacy and multilateralism (idealism) while also authorizing targeted military strikes (realism).

· **Joe Biden** has followed a realist approach in some cases, such as the withdrawal from Afghanistan, while maintaining idealist support for Ukraine's democracy and sovereignty.

The ongoing tension between **Idealism** and **Realism** reflects deeper questions about how the United States sees its role in the world. Should the U.S. act as a **moral leader** promoting democracy and human rights, or as a **pragmatic power** pursuing its own security and interests? Most administrations navigate this **balance**, adjusting to global circumstances and domestic pressures. Understanding these two schools of thought provides a valuable lens through which to interpret the history and future of U.S. foreign policy.

Tools of Foreign Policy: Hard Power, Soft Power, and Diplomacy

Whether a U.S. administration leans more toward **idealism** or **realism**, it must choose the tools and strategies it uses to achieve foreign policy goals. These tools fall into three main categories: **hard power**, **soft power**, and **diplomacy**. Each plays a critical role in how the United States engages with the world.

Hard Power

Hard power refers to the use of **coercive force** to influence the behavior of other countries. This includes the use, or threat, of **military force**, as well as **economic pressure** such as sanctions or trade restrictions.



Figure 14.5: **Hard power** relies on **military strength** and **economic pressure**—such as the threat of force, sanctions, or trade restrictions—to compel other nations to change their behavior in pursuit of national interests. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Examples of hard power include:

· The **invasion of Iraq in 2003**, justified by the perceived threat of weapons of mass destruction.

· **Economic sanctions** on countries like **North Korea**, **Iran**, or **Russia**, aimed at changing their behavior by cutting off trade and financial access.

· **Military interventions**, **drone strikes**, and displays of **force** through naval or air power.

Hard power is often associated with **realism**, as it focuses on **national interests**, **deterrence**, and **survival** in a competitive international system.

Soft Power

Coined by political scientist **Joseph Nye,** soft power refers to a country's ability to influence **others through attraction rather than coercion.** It relies on the strength of a nation's culture**,** values**,** political ideals**, and** global image**.**



Figure 14.6: **Soft power** refers to a nation's ability to influence others through **attraction and persuasion** rather than coercion. Cultural influence, humanitarian aid, education, and the promotion of democratic values can encourage other countries to align with a nation's leadership without the use of force. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

The U.S. projects soft power through:

· **Cultural exports** like music, movies, sports, and higher education (e.g., international students attending U.S. universities).

· **Development aid and humanitarian assistance**, such as disaster relief or public health programs.

· A commitment to **democracy, rule of law, and human rights**, which can inspire other nations to align with U.S. leadership.

Soft power is often linked to **idealism**, as it reflects a belief in shared values and global cooperation.

Diplomacy

Diplomacy is the **practice of negotiation, communication, and dialogue** between nations. It can include formal relationships (such as embassies and treaties) or informal channels (such as back-channel talks and summit meetings).



Figure 14.7: **Diplomacy relies on negotiation, dialogue, and cooperation** between nations, allowing countries to resolve disputes, build partnerships, and advance shared interests without resorting to military force. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Successful diplomacy may involve:

· **Treaty negotiations**, like arms reduction agreements or climate accords.

· **Alliances**, such as NATO, where diplomatic coordination supports mutual defense.

· **Mediation of conflicts**, as when U.S. diplomats help broker peace deals or ceasefires between rival groups.

Diplomacy often involves both **hard** and **soft** power. For instance, a nation might use the **threat of sanctions** (hard power) while offering **economic aid or trade benefits** (soft power) to achieve a diplomatic goal.

In the real world, the United States rarely relies on just one tool. A **mix of hard power, soft power, and diplomacy** is typically used to advance U.S. interests abroad. For example, during the **Cold War**, the U.S. combined military alliances (hard power), propaganda and cultural exchange (soft power), and diplomatic negotiations with both allies and adversaries. Today, in confronting global challenges like **terrorism, climate change, great-power competition,** and **pandemics,** effective foreign policy requires skillfully balancing all three tools.

Who Makes U.S. Foreign Policy?

Unlike countries such as France, where the constitution gives the executive branch clear control over foreign policy, the U.S. Constitution is **vague**. It gives certain powers to the President, others to Congress, and leaves many questions unanswered. This vagueness reflects the Constitution's broader system of separation of powers and **checks and balances**. As a result, foreign policy in the United States is often messy, contested, and shared among the three branches of government. Political scientist **Edwin S. Corwin** once described this arrangement as: "***An invitation to struggle*** *for the privilege of directing American foreign policy*." That struggle—between the **President**, **Congress**, and sometimes even the **Courts**—is most visible when the United States uses military force abroad.

The War Powers Debate: Who Can Make War?

The **Constitution names the** President **as "Commander in Chief"** of the military, but it gives Congress **the power to declare war**, raise and **fund** the armed forces, and **regulate foreign commerce**. This creates a fundamental **tension**: **Who has the final say over military action**?

Historically, **Congress** has **declared war only five times**, most notably during World War I and World War II. In contrast, **presidents** have ordered **over 200 military operations** without formal declarations of war.

To limit this trend, Congress passed **the War Powers Act** of 1973, also known as the War Powers Resolution, in the wake of the Vietnam War and Watergate scandal. The law was meant to reassert **Congressional authority** in foreign military engagements. President **Richard Nixon vetoed the War Powers Act**, arguing it infringed on executive authority, but **Congress overrode his veto**, reflecting widespread concern over unchecked presidential war powers. The law requires:

· The **President to notify Congress within 48 hours** of deploying U.S. forces into hostilities.

· A **60-day limit** on such deployments without Congressional approval, followed by a 30-day withdrawal period if authorization is not granted.

Every president since Nixon has questioned the constitutionality of the law—and many have ignored it in practice.



Figure 14.8: President **Richard Nixon** gestures toward a map of **Cambodia and Vietnam** during the Vietnam War, a conflict that heightened concerns about **presidential war powers** and ultimately led Congress to pass the **War Powers Resolution of 1973** to reassert its authority over U.S. military engagements. (Image Credit: National Archives and Records Administration, via Wikimedia Commons, Public Domain)

Presidential Challenges to the War Powers Act

Presidents from both parties have tested or sidestepped the War Powers Act. Here are three of the most illustrative examples:

· **Ronald Reagan and the Invasion of Grenada (1983)**

Reagan ordered U.S. troops to invade the Caribbean island of Grenada to remove a Marxist regime, without consulting Congress. The mission was militarily successful and popular with the public, and Congress ultimately declined to challenge him—even though the move clearly bypassed the War Powers Act.



Figure 14.9: A U.S. Marine Corps CH-53D Sea Stallion helicopter prepares to lift a captured Soviet-made ZU-23 anti-aircraft weapon during Operation Urgent Fury, the 1983 U.S. invasion of **Grenada** ordered by President **Ronald Reagan**, ann action undertaken without prior congressional authorization, raising questions about compliance with the **War Powers Resolution**. (Image Credit: Sgt. M. J. Creen, USAF, Department of Defense, via Wikimedia Commons, Public Domain)

· **Barack Obama and Airstrikes in Libya (2011)**

Obama launched a NATO-backed military intervention in Libya without Congressional approval, arguing that the limited air campaign didn't amount to "hostilities" under the War Powers Act. This controversial interpretation reignited debate over presidential war powers and the effectiveness of the law.

· **Donald Trump and the Strike on Soleimani (2020)**

President Trump ordered the targeted killing of Iranian General Qasem Soleimani in Iraq without prior Congressional authorization. The strike escalated tensions with Iran and led Congress to pass a resolution aimed at limiting further military action. However, Trump vetoed it.

These examples show how presidents have expanded their role in military decision-making, even when doing so challenges Congressional authority and **raises constitutional questions**.

The 21st Century: A Continuing Struggle

Even as presidents push the boundaries of military power, Congress occasionally reasserts itself. For example:

· After **9/11**, Congress passed the **2001 Authorization for Use of Military Force (AUMF)**, granting the President **broad authority** to **combat terrorism**. That resolution became the legal basis for military action in **Afghanistan, Iraq,** and beyond.

· More recently, debates in Congress have focused on **repealing or replacing outdated AUMFs** to prevent overreach and restore balance.

Yet the struggle between the branches of government continues, shaped by emerging global threats, shifting political priorities, and evolving public opinion. The U.S. foreign policy process reflects core themes of American government: the **separation of powers**, a system of **checks and balances**, and the ongoing **tension** between **executive authority** and **legislative oversight**. As the United States navigates complex challenges—from terrorism and cyberwarfare to climate change and great-power competition—these dynamics remain central to the conduct of American foreign policy. Foreign policy is not just about international relations. It's about constitutional interpretation**,** political power**, and the role of** democratic accountability **in a complex and interconnected world.**

Open to Debate:
Who Controls the Military—Congress or the President?

*The U.S. military is the largest federal agency, with over **1.3 million active-duty personnel**, over 800,000 reservists, and hundreds of thousands of civilian employees. Its size and reach raise important constitutional questions: **Who ultimately controls the military—the President or Congress?***

*During the 20th century, especially the **Cold War**, presidential authority over military and foreign policy expanded significantly. Because nuclear threats demanded rapid decision-making, presidents increasingly acted without waiting for Congress to formally declare war. Under **Article II**, the president, as **Commander in Chief**, directs military operations.*

*Congress, however, retains powerful constitutional tools. **Article I** gives it authority to **declare war**, **fund and regulate the armed forces**, and determine how the military is organized. In response to presidential overreach during Vietnam, Congress passed the **War Powers Act of 1973**, requiring presidents to notify Congress within 48 hours of deploying troops and to obtain approval for extended operations. Yet every president since Nixon has questioned the law's constitutionality, and its limits are rarely enforced.*

Two recent examples illustrate the ongoing tension:

*· **2019 – Syria:** President Trump ordered a rapid U.S. withdrawal, arguing the mission against ISIS was complete. Congressional leaders in both parties objected, citing the risk to Kurdish allies and regional stability. Trump ultimately kept a smaller force in place, responding to political pressure, but not legal compulsion.*

*· **2021 – Afghanistan:** President Biden withdrew all U.S. forces without a congressional vote, ending America's longest war. Many lawmakers criticized both the decision and the chaotic execution, but congressional pushback came only after the fact.*



Figure 14.10: Afghan civilians crowd around a U.S. Air Force transport plane at Kabul's airport during the chaotic evacuation in August 2021, following President Joe Biden's decision to **withdraw all U.S. forces from Afghanistan** and end America's longest war—a move that **intensified debate in Washington over presidential authority and Congress's role in decisions about war and military deployments**. (Image Credit: Guilherme Mateus Monteiro, via Wikimedia Commons, CC BY-SA 4.0)

As global threats, from cyberattacks to great-power rivalry, become more complex and less defined than traditional wars, the balance of power between Congress and the president grows even more consequential.

***Who should have the final say over military deployment: the branch that represents the people or the one capable of acting swiftly in crisis?** The answer remains **open to debate**.*

Treaties, Executive Orders, and Ambassadors

The Constitution clearly states that the president "shall have Power, by and with the **Advice and Consent of the Senate**, to make **Treaties**, provided two-thirds of the Senators present concur" (**Article II, Section 2**). This means that while the president

negotiates treaties, they do not take effect unless ratified by a **two-thirds Senate majority**.


Section 1 "All the News That's Fit to Print." The New York Times. THE WEATHER Rain, clearing, colder Sunday; Monday, fair; fresh northwest winds. Section 1
VOL. LXVIII...NO. 22,240. NEW YORK, SUNDAY, DECEMBER 15, 1918.—96 PAGES. In Eight Parts. FIVE CENTS
PARIS GIVES WILSON WELCOME OF UNEXAMPLED WARMTH;
HE DECLARES FOR EXEMPLARY PUNISHMENT OF WAR-MAKERS;
SEES ENDURING PEACE ONLY IN A LEAGUE OF NATIONS

Figure 14.11: Newspaper headlines from 1918 highlight President Woodrow Wilson's call for a **League of Nations** to preserve peace after World War I. Despite Wilson's efforts, the U.S. Senate ultimately refused to ratify the treaty, demonstrating Congress's constitutional power to block major international commitments negotiated by the president. (Image Credit: *The New York Times* (U.S. newspaper, 1918), via Wikimedia Commons, Public Domain)

A famous example of this constitutional check occurred after **World War I**, when President **Woodrow Wilson** proposed joining the **League of Nations**, the centerpiece of his **Fourteen Points**. The **Senate rejected** U.S. membership, illustrating a deep divide between the executive and legislative branches over major foreign commitments. The episode remains a powerful example of how **treaty-making power** is shared—and often contested.

Over time, presidents have increasingly used **executive agreements** to bypass the Senate's treaty-approval requirement. These agreements—made directly between the president and foreign leaders—carry the weight of international commitments but do **not** require Senate ratification. Unlike treaties, however, they are **not binding on future presidents**, who may renegotiate or withdraw from them. The **Paris Climate Accord** and the **Iran nuclear agreement** are prominent examples.

Another key area where foreign policy powers are shared is the appointment of **U.S. ambassadors**. The president **nominates** ambassadors, but they must be **confirmed by a Senate majority**. This process reflects the Constitution's system of **checks and balances**, ensuring that America's diplomatic representatives align with national interests and priorities.

Foreign Policy Structures

Today, the **executive branch** dominates the foreign policy process, though several agencies contribute to the formation and execution of U.S. policy abroad. These institutions work in tandem to manage **diplomacy**, **defense**, **intelligence**, and **national security**.



Figure 14.12: Foreign policy in the United States is shaped by several key executive branch institutions—including the **State Department**, **Department of Defense**, **National Security Council**, and **Central Intelligence Agency**—which coordinate diplomacy, defense, intelligence, and national security to implement U.S. policy abroad. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Department of State

The **Department of State** is the lead agency for **diplomacy**. It manages relations with nearly 200 countries and numerous international organizations, including the **United Nations**. With approximately 69,000 employees, the State Department oversees **embassies** and **consulates** worldwide, negotiates **treaties**, and provides support to American citizens and businesses abroad. The **Secretary of State**, the president's top diplomat, is one of the most important foreign policy advisors.

Department of Defense (DoD)/Department of War

Established in 1947 by the **National Security Act**, the **Department of Defense/Department of War** consolidated the **Army**, **Navy**, and the newly created **Air Force** under a single **civilian-led department**. The **Secretary of Defense** oversees military operations and reports directly to the president. Beneath the Secretary are the secretaries of the military branches, and above them are the top military advisors: the **Joint Chiefs of Staff (JCS)**, which include the heads of the Army, Navy, Air Force, Marines, and, more recently, the Space Force. The president appoints a **Chair of the JCS**, confirmed by the Senate, who serves as the principal military advisor.

In September 2025, President Donald J. Trump signed an **executive order** authorizing the use of the historic name **"United States Department of War"** and the title **"Secretary of War"** as secondary designations for the Department of Defense and its head. The statutory name remains **Department of Defense**, however, and a full legal renaming would require an **act of Congress**.

National Security Council (NSC)

Also created in 1947, the **National Security Council** advises the president on matters related to **national security** and **foreign policy**. Its core members include the president, vice president, **Secretaries of State and Defense**, the **Chair of the Joint Chiefs of Staff**, and the **Director of National Intelligence**. The NSC is led by the **National Security Advisor**, a key figure who helps coordinate military, diplomatic, and intelligence efforts and who often acts as a gatekeeper for information reaching the president.

Central Intelligence Agency (CIA)

The **CIA**, also created by the **National Security Act of 1947**, is responsible for collecting and analyzing **intelligence** from abroad and reporting it to the president and senior policymakers. The agency also carries out **covert operations**, such as supporting or undermining foreign governments, depending on U.S. strategic interests. Notable historical examples include the CIA's involvement in the 1953 overthrow of Iran's Prime Minister Mohammad Mossadegh, the 1954 coup in Guatemala, and covert activities in Chile in the early 1970s. The CIA also counters **foreign intelligence threats** against the United States.

The U.S. Intelligence Community

While the **CIA** is the most visible intelligence agency, it is just one of **18 organizations in the U.S. Intelligence Community (IC)**. Other major members include:

· **National Security Agency (NSA)** – Specializes in signals intelligence, including codebreaking, cybersecurity, and electronic surveillance.
· **Defense Intelligence Agency (DIA)** – Provides military intelligence to the Department of Defense and supports U.S. military operations worldwide.
· **Federal Bureau of Investigation (FBI)** – Conducts domestic intelligence and counterintelligence operations within the United States.
· **Department of Energy (DOE)** – Through its intelligence office, assesses nuclear threats, weapons development, and global energy security.
· **Department of the Treasury** – Monitors terrorist financing, economic sanctions, and international financial threats.
· **Drug Enforcement Administration (DEA)** – Collects intelligence on international drug trafficking networks and transnational criminal organizations.
· **Military Intelligence Branches** – Each military service (Army, Navy, Air Force, and Marine Corps) maintains its own intelligence organizations to support military planning and operations.

Together, these entities form a vast and complex network of **diplomatic**, **military**, and **intelligence** institutions that shape

American foreign policy and protect national interests at home and abroad.

A Brief History of American Foreign Policy

Phase I: Isolationism (1789–1898)

The history of American foreign policy can be divided into several distinct phases. In its early years, the United States largely embraced **isolationism**—a policy of avoiding entanglement in foreign alliances and conflicts, especially in Europe. This approach was rooted in both practical concerns and ideological beliefs.

President **George Washington** articulated this principle in his ***Farewell Address*** of 1796, warning against becoming involved in the **"entangling alliances"** of European powers. Washington believed the young nation was too politically and militarily fragile to survive the rivalries of global empires. Instead, he urged a focus on building strength at home.

This principle shaped U.S. foreign policy throughout the 19th century. The **Monroe Doctrine**, issued by President **James Monroe** in 1823, extended the idea of isolationism into a broader hemispheric policy. The doctrine declared that the United States would not interfere in **European affairs** and expected European nations to refrain from colonizing or interfering in the **Western Hemisphere**. Though the U.S. lacked the power to fully enforce this doctrine at the time, it became a **cornerstone** of American foreign policy for decades.



Figure 14.13: A political cartoon illustrates the **Monroe Doctrine (1823)**, with Uncle Sam **warning European powers to stay out of the Western Hemisphere**. The doctrine declared that further European colonization or interference in the Americas would be viewed as a hostile act against the United States. (Image Credit: Library of Congress, via Wikimedia Commons, Public Domain)

While the U.S. avoided European conflicts, it expanded aggressively across the **North American continent**. Key moments of territorial growth included:

· The **Louisiana Purchase** (1803) under President **Thomas Jefferson**

· The acquisition of **Florida** from Spain under President **James Monroe**

· The **annexation of Texas** (1845) and victory in the **Mexican-American War** (1846–1848), which resulted in the U.S. acquiring a vast territory including present-day California, Arizona, and New Mexico

· The peaceful resolution of territorial disputes with Britain in the **Pacific Northwest**

· The **purchase of Alaska** from Russia in 1867

· The **annexation of Hawaii** in 1898

Phase II: Emergence as a Global Power (1898–1945)

Phase II of American foreign policy began in **1898** with the **Spanish-American War**, which marked a decisive shift away from isolationism. Motivated by expansionist ambitions and public outrage over Spanish atrocities in **Cuba**, President **William McKinley** led the U.S. into war. The swift victory resulted in the **Treaty of Paris**, through which the United States acquired its first overseas territories: the **Philippines**, **Guam**, and **Puerto Rico**, as well as **control over Cuba**. These acquisitions signaled the birth of an American **colonial empire** and the country's arrival as a **global power**.

President **Theodore Roosevelt** expanded this influence with the **Roosevelt Corollary (1904)** to the Monroe Doctrine, asserting the U.S. right to intervene in **Latin America** during periods of instability. Known as **"gunboat diplomacy,"** this policy justified numerous interventions and cemented U.S. dominance in the Western Hemisphere.



Figure 14.14: A political cartoon depicts President Theodore Roosevelt enforcing the **Roosevelt Corollary (1904)** to the **Monroe Doctrine**, using American naval power to warn European nations against interfering in Latin America—a policy often described as **"gunboat diplomacy."** (Image Credit: Louis Dalrymple, Harvard University, via Wikimedia Commons, Public Domain)

The high point of this era came in **1917**, when the U.S. entered **World War I**. The **Selective Service Act** enabled mass enlistment and President **Woodrow Wilson** framed the war as a fight to **"make the world safe for democracy."** Yet after the war, the U.S. rejected Wilson's **League of Nations** and returned to **isolationism** during the 1920s and 1930s.

This stance ended abruptly with **World War II**. After the attack on **Pearl Harbor (1941)**, the U.S. entered the war, played a decisive role in defeating the **Axis powers**, and emerged as a **global superpower**.

The end of WWII marked a final break with isolationism as the U.S. helped build a new **international order** centered on the **United Nations**, **International Monetary Fund (IMF)**, and **World Bank**. This era of sustained global engagement ushered in a new phase: **internationalism**.

Open to Debate:
Do we still need the United Nations?

> *The **United Nations (UN)**, established in **1945** with strong leadership from the United States, was designed to promote **international peace**, **security**, and **cooperation** through the principle of **collective security**. It succeeded the **League of Nations**, which failed in part due to U.S. non-participation.*

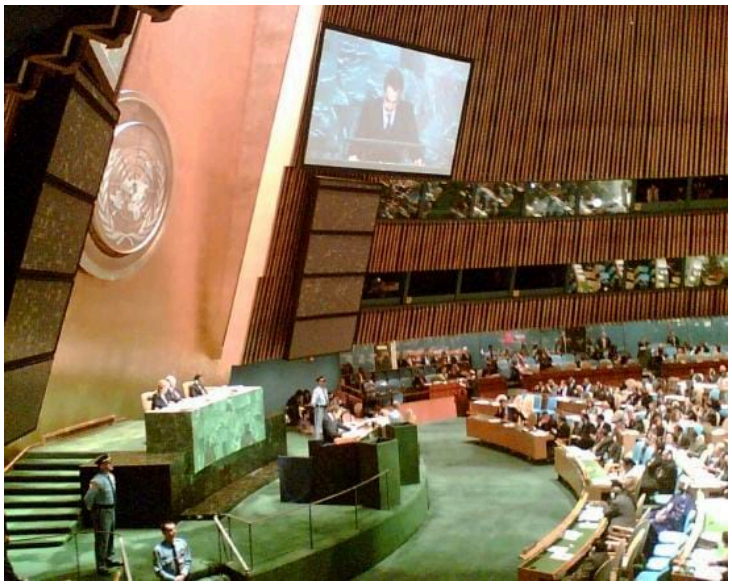


Figure 14.15: Delegates gather in the **United Nations** General Assembly Hall in New York, where representatives from nearly every nation meet to debate global issues and promote **international cooperation** through the system of **collective security** established after World War II. (Image Credit: azugaldia, via Wikimedia Commons, CC BY 2.0)

*Over time, the UN has grown to include nearly **200 member states**, reflecting a far more diverse and **multipolar world**. The **United States** remains the largest financial contributor, covering more than **22%** of the organization's regular budget. Critics to argue that the institution is **slow**, **inefficient**, and sometimes **biased against U.S. interests**. The General Assembly, where each country has one vote, is frequently cited as a forum for **anti-Western** or **anti-Israel** rhetoric.*

*Supporters, however, point to the UN's ongoing relevance in addressing **global challenges** that no single nation can solve alone. **UN peacekeeping missions** have stabilized conflict zones in the **Middle East**, **sub-Saharan Africa**, and the **Balkans**. Its specialized agencies have played critical roles in promoting **human rights**, coordinating **humanitarian aid**, responding to **global health crises** (such as HIV/AIDS and COVID-19), and setting international standards for everything from **aviation** to **climate change**.*

*U.S. presidents have differed in their approach to the UN. President **Donald Trump**, during his first term (2017–2021), expressed strong skepticism toward the organization, accusing it of inefficiency and unfairness to the United States. His administration **cut funding** to certain UN programs, withdrew from UN-related agreements such as the **Paris Climate Accord** and the **World Health Organization (WHO)**, and emphasized an **"America First"** approach. In his second term, Trump continued to question the value of U.S. engagement in multilateral institutions like the UN, arguing that they often constrain **American sovereignty** and benefit adversaries.*

*As global power dynamics shift and transnational threats like **pandemics**, **terrorism**, and **climate change** grow more urgent, the question remains: Is the **UN** still essential for international cooperation, or is it an outdated institution in need of serious **reform**? The answer remains **open to debate**.*

Phase III: Cold War Internationalism (1945–1991)

Phase III of American foreign policy began at the conclusion of **World War II (1945)**, when the United States emerged as the **dominant global power**. With unmatched industrial strength and a brief **nuclear monopoly**, the U.S. helped construct a new world order grounded in **democratic governance**, **liberal capitalism**, and **collective security**. It helped establish the **United Nations**, **International Monetary Fund (IMF)**, and **World Bank**. A former ally, the **Soviet Union** under **Joseph Stalin**, quickly became a rival by imposing **communist regimes** across **Eastern Europe**, sparking the **Cold War**.



Figure 14.16: Allied leaders **Joseph Stalin** of the Soviet Union, **Franklin D. Roosevelt** of the United States, and **Winston Churchill** of Great Britain meet at the Yalta Conference in 1945. Although united in defeating Nazi Germany, deep ideological differences between the United States and the Soviet Union soon led to tensions that helped spark the **Cold War**. (Image Credit: Dennis Charles Oulds, Royal Navy official photographer, via Wikimedia Commons, Public Domain)

In response, the United States adopted the **Truman Doctrine (1947)**, pledging support for nations resisting communism, and launched the **Marshall Plan**, providing billions to rebuild Western Europe. During the **Berlin Blockade (1948–1949)**, the U.S. organized the **Berlin Airlift**, demonstrating its commitment to Europe.

These initiatives formed the basis of **containment**, a strategy to prevent communist expansion through military alliances, economic aid, and political pressure. Its most important institutional expression was **NATO (1949)**, a **collective security** alliance declaring that an attack on one member was an attack on all.

The Cold War was defined by the threat of **nuclear war**. Both superpowers amassed vast arsenals, giving rise to **Mutually Assured Destruction (MAD)**—the doctrine that a full-scale nuclear exchange would destroy both sides. The danger of miscalculation or rapid escalation produced constant anxiety, most dramatically during the **Cuban Missile Crisis (1962)**.

Although direct U.S.–Soviet conflict was avoided, Cold War tensions erupted in numerous **proxy wars**. The first major example was the **Korean War (1950–1953)**, in which U.S. and UN forces defended **South Korea** from a Soviet- and Chinese-backed invasion.

The most divisive proxy conflict was the **Vietnam War (1955–1975)**. Driven by the **domino theory**, the U.S. escalated from limited support to a massive military commitment. Despite heavy involvement and over 50,000 American deaths, the U.S. withdrew in 1973, and **Vietnam** was unified under communist rule in 1975, marking a major setback for containment.



Figure 14.17: **Cold War–era propaganda** urged Americans to oppose the global spread of communism. Such imagery **reflected the intense ideological struggle between the United States and the Soviet Union** and helped justify U.S. involvement in conflicts like the Korean and Vietnam Wars as part of the broader strategy of containment. (Image Credit: National Archives and Records Administration, via Wikimedia Commons, Public Domain)

Other Cold War flashpoints included:

· The **Cuban Missile Crisis (1962)**, in which the U.S. and USSR came to the brink of nuclear war over Soviet missile installations in Cuba, ending in a tense but peaceful resolution.

· The **Berlin Wall (1961–1989)**, built by East Germany to stop the flow of refugees into the West, became the most powerful symbol of communist oppression. Its fall marked the beginning of the end for Soviet dominance in Eastern Europe.

· The **Soviet invasion of Afghanistan (1979–1989)**, aimed at preserving a communist regime, became the USSR's "Vietnam," draining resources and morale while empowering U.S.-backed **mujahideen** fighters.

Throughout the Cold War, American foreign policy alternated between aggressive **anti-communist** rhetoric and pragmatic **realism**, sometimes supporting authoritarian regimes if they opposed communism.

The final chapter of the Cold War came with the rise of **Mikhail Gorbachev** in the mid-1980s. His reforms—**glasnost** (openness) and **perestroika** (economic restructuring)—were aimed at saving the Soviet system but instead accelerated its collapse. Gorbachev withdrew from Afghanistan, reduced support for Eastern European regimes, and allowed democratic movements to flourish. In 1991, the **Soviet Union dissolved** into fifteen independent republics, ending the Cold War and leaving the United States as the **world's sole superpower**.

After 1991, when the Cold War ended, both countries reduced their nuclear arsenals. However, since the 2010s, tensions have risen again. Russian President **Vladimir Putin** has pursued an aggressive foreign policy, including the **annexation of Crimea in 2014** and the **full-scale invasion of Ukraine in 2022**, raising concerns about a return to Cold War-style rivalries and the future role of the U.S. in maintaining global security.

Although the Cold War formally ended in 1991 with the collapse of the Soviet Union, its legacy continues to shape global politics. One of the most consequential post-Cold War developments has been **NATO expansion** into Easter Europe. In the decades following the Cold War, former Soviet satellite states—including **Poland**, **Hungary**, and the **Czech Republic (1999)**, followed by the **Baltic states** of Latvia, Estonia, and Lithuania (2004)—joined the alliance. Russia viewed this expansion as a threat, contributing to clashes over **Ukraine**.

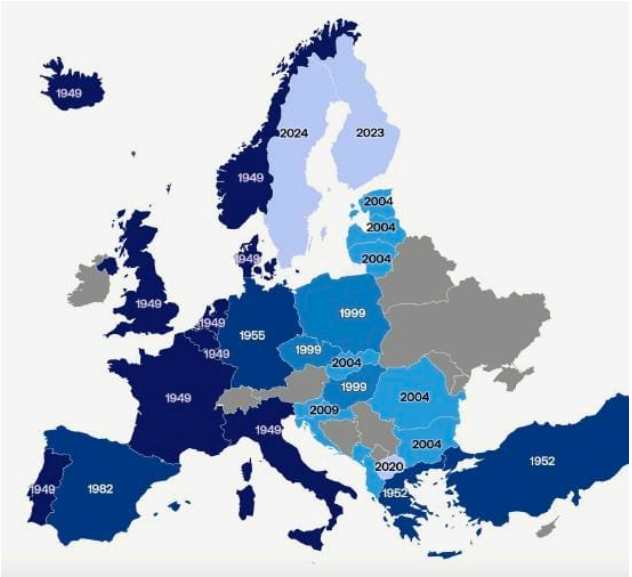


Figure 14.18: **A map of NATO member states** shows the alliance's gradual expansion across Europe since its founding in 1949. Following the Cold War, several former Soviet-aligned countries joined NATO, extending the alliance eastward and reshaping the security landscape of Europe. (Image Credit: SkylarWeston, via Wikimedia Commons, CC BY-SA 4.0)

The **war in Ukraine**, the largest European conflict since World War II, revived Cold War-style tensions and reaffirmed NATO's importance. Western nations imposed **economic sanctions** on Russia and supplied **military aid** to Ukraine. **Finland and Sweden**, long neutral, joined **NATO (2023)**, reshaping Northern Europe's strategic environment. These developments underscore how **Cold War alliances and rivalries** continue to shape **21st-century U.S. foreign policy**.

Open to Debate:
Should the United States Support Ukraine with Military and Financial Assistance?

*In **2014**, **Russian President Vladimir Putin** annexed the **Crimean Peninsula**, a strategically important region in the **Black Sea** that had been part of **Ukraine** since its independence following the collapse of the **Soviet Union**. Crimea's history is complex: it was once controlled by the **Crimean Khanate** before becoming part of the **Russian Empire** in the eighteenth century. When Ukraine became an independent nation in **1991**, Crimea remained within its borders.*

*In **February 2022**, amid growing Ukrainian ties with **Western countries** and **NATO**, Russia launched a **full-scale invasion of Ukraine**. In response, the **United States** and its allies committed extensive **military and economic support**to Ukraine's defense.*

*Supporters argue that assisting Ukraine is necessary to uphold **state sovereignty**, defend **democratic norms**, and deter attempts to redraw **international borders by force**. Critics warn that continued involvement risks escalating tensions with **Russia** and drawing the **United States** deeper into a costly foreign conflict.*

*Should the **United States** continue providing **military and financial support** to Ukraine, or should it pursue a more limited role focused on **diplomacy** and negotiation? The answer remains **open to debate**.*

Phase IV: The Post-Cold War Era and Terrorism

With the **Cold War's end in 1991**, the United States emerged as the world's sole superpower, shaping a new global order based on **democracy**, **free markets**, and **international cooperation**. The 1990s were marked by optimism as many former authoritarian states transitioned to democracy and the U.S. promoted liberal values worldwide.

However, the collapse of the Soviet Union also brought new challenges. **NATO expansion** into **Eastern European** countries, raising tensions with **Russia**. The U.S. faced difficult questions about engaging rising powers like **China** and balancing military power with humanitarian goals, including limited interventions in **Somalia** and the **Balkans**.

One major new threat was **terrorism**, especially from **Al Qaeda**, which carried out the **September 11, 2001 attacks**. These events

led the U.S. to launch wars in **Afghanistan** and **Iraq** and adopt the "**Bush Doctrine**," emphasizing **preemptive action** against terrorist threats. Although the initial focus was on defeating **Al Qaeda** and the **Taliban** in Afghanistan, these conflicts evolved into long and costly **nation-building** efforts with mixed results.



Figure 14.19: Smoke rises from the **World Trade Center** towers in New York City during the terrorist attacks of **September 11, 2001**. The attacks by the extremist group Al Qaeda transformed U.S. foreign policy, **leading to the War on Terror** and military interventions in Afghanistan and Iraq. (Image Credit: National Park Service, Public Domain)

Under President **Obama**, U.S. forces withdrew from **Iraq** and largely ended combat operations in **Afghanistan**, while continuing **counterterrorism** efforts with a lighter footprint. New challenges arose with the rise of **ISIS**, but over time, the threat from terrorism has diminished relative to earlier decades. Today, terrorism remains a concern but is no longer the central focus of U.S. foreign policy, which increasingly prioritizes **strategic competition with China and Russia**.

A New Phase in American Foreign Policy

It is often difficult to pinpoint when one era ends and another begins, but American foreign policy stands at a historic **crossroads**. The post-Cold War era of **U.S. unipolar dominance** is fading. In its place, a more complex and **multipolar world** has emerged, marked by renewed **great-power competition**, rising **authoritarian regimes**, and increasing **global instability**.



Figure 14.20: A shifting global landscape: as U.S. dominance gives way to a more **multipolar world**, multiple powers shape international outcomes, reflecting growing competition and uncertainty in 21st-century foreign policy. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

The **liberal internationalist** belief that global **economic interdependence** would naturally produce **peace** and **democracy** has not fully materialized. Instead, major authoritarian powers such as **Russia** and **China** have become more assertive. China has expanded its military presence in the **South China Sea**, increased pressure on **Taiwan**, and used economic leverage to bolster its global influence. **Russia** has pursued an aggressive foreign policy as well, including a prolonged military campaign in **Ukraine** that has challenged European security and undermined international norms. These developments illustrate the broader shift toward renewed great-power competition in the 21st century.

The United States has historically balanced **support for allies** with **strategic restraint**, intervening abroad to promote **democracy**, protect **human rights**, or safeguard **national security**. At the same time, policymakers must weigh the **costs** of military engagements, the risks of **overextension**, and the **limits** of U.S. influence; debates that shape decisions about **Ukraine**, the **Middle East**, and other regional crises.

U.S. foreign policy varies across **administrations**, depending on their approach to **alliances**, **diplomacy**, and the use of **military** and **economic power**. Some prioritize **collective security**, while others favor **transactional diplomacy**, strategic **disengagement**, or a narrower focus on **national self-interest**. Regardless of approach, the U.S. continues to provide substantial **military and economic aid**, engage in diplomacy, and respond to **humanitarian crises**.

This contrast between strategic approaches reflects a central tension in American foreign policy: balancing **global leadership** with **domestic priorities**, navigating **great-power competition**, and determining the extent of U.S. involvement in **regional conflicts**. As global tensions rise, policymakers must decide whether the United States will continue to lead the **liberal international order** or assume a more limited role—shaping both America's global standing and the future of **international stability**.

Open to Debate:
How Should the United States Balance Strategic Alliances and Humanitarian Concerns in the Middle East?

> *The **conflict between Israel and the Palestinian territories** presents a complex challenge for **U.S. foreign policy**. Historically, the **United States** has been a strong **ally of Israel**, providing substantial **military aid** and diplomatic support. Supporters argue that maintaining this alliance is essential for American **strategic interests in the Middle East**, helping safeguard a democratic partner in a volatile region and addressing shared security concerns.*
>
> *At the same time, critics highlight the **humanitarian challenges faced by Palestinians** in places such as **Gaza** and the **West Bank**, where conflict, blockades, and economic hardship have contributed to difficult living conditions. They argue that **U.S. policy** should place greater emphasis on **humanitarian assistance** and **human rights**, and efforts to promote a just and lasting peace.*

***U.S. policymakers** must therefore balance multiple considerations, including **strategic alliances**, **humanitarian concerns**, and **regional stability**. Should the **United States** prioritize its partnership with **Israel**, place greater emphasis on the **rights and needs of Palestinians**, or pursue a **balanced approach** that seeks to address both security and humanitarian concerns?*

*The answers remain **open to debate**, reflecting the enduring **moral dilemmas of American foreign policy in the Middle East**.*

Military Spending

Military spending has been a controversial issue in American politics since the nation's founding. While some view a strong military as essential to national security and global leadership, others worry about the **opportunity costs**—often framed as the debate between "**guns versus butter**," or **defense spending** versus domestic needs like **education**, **healthcare**, and **infrastructure**. Critics have also long warned of the **influence of the defense industry**. In his 1961 farewell address, President Dwight D. Eisenhower cautioned: "*In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the **military-industrial complex**." His warning remains relevant today, as questions persist about* defense contractors' influence on policymaking and government priorities.

How Much Does the U.S. Spend on Defense?

The United States continues to **spend more** on its **military** than any other country in the world. In fiscal year 2024, the **Department of Defense** had a budget of approximately **$850 billion**, with additional funds allocated to **national security-related programs** in other departments, bringing total defense-related spending to around **$900 billion**. As of 2023, the U.S. military budget exceeded the **combined** defense spending of the next eight highest-spending countries, including **China**, **Russia**, **India**, and several **NATO allies.**

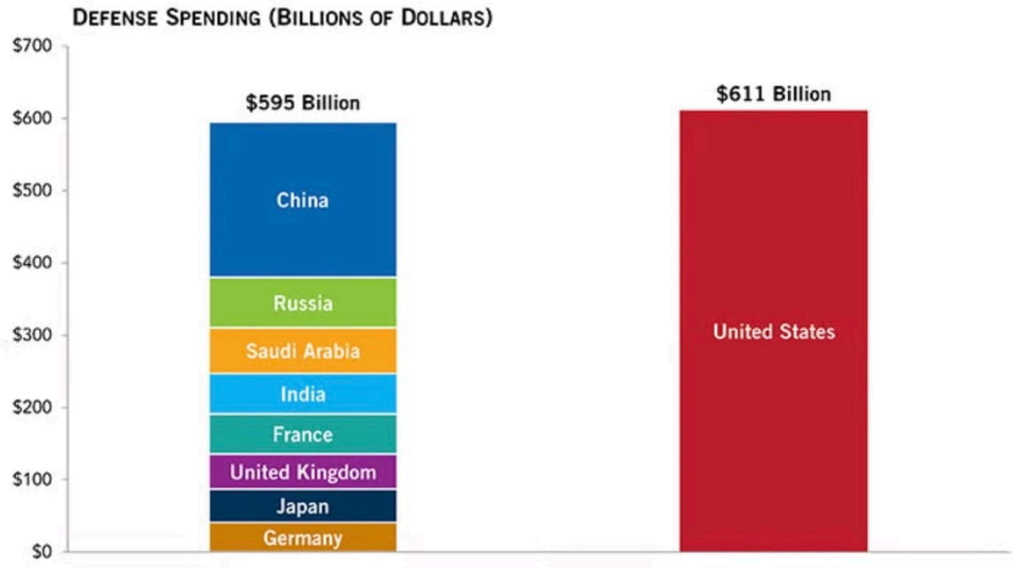


Figure 14.21: **The United States spends more on defense** than the next eight countries combined. (Image Credit: Peter G. Peterson Foundation, CC0)

However, when viewed as a percentage of **Gross Domestic Product (GDP)**, the current level of defense spending is not historically unprecedented. In 2024, U.S. **military spending** accounted for about **3.1% of GDP**, down from **Cold War-era peaks**, such as **9.4% of GDP in 1968** during the Vietnam War. Over the past 50 years, the average has hovered around **4.1%**, meaning today's spending is actually below that historical average.

Why Does the U.S. Spend So Much on Defense?

Maintaining a modern, technologically advanced **military** is inherently **expensive**. Costs include **research and development**, procurement of **advanced weapons systems** (like aircraft carriers, stealth bombers, and missile defense systems), **intelligence**

operations, **training**, **military salaries and benefits**, and support for **military families and veterans**.

Spending levels also reflect **America's global role**. Unlike most other countries, the United States maintains **military bases** and deployments around the world, supporting long-standing **alliances** like **NATO** and responding to **global threats**, including **terrorism**, **regional conflicts**, **cyberattacks**, and rising **geopolitical competition**.

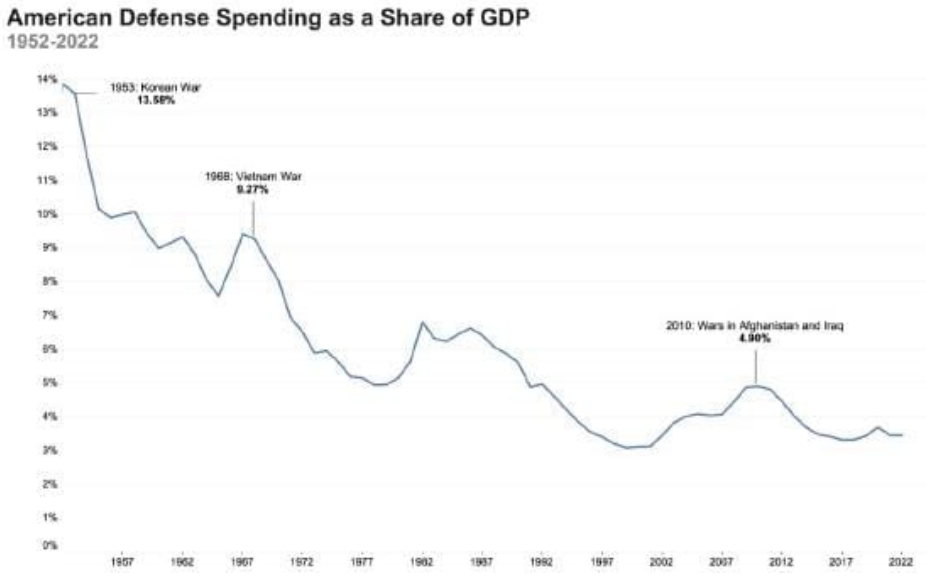


Figure 14.22: U.S. Military spending peaked during major conflicts such as the Korean War and the Vietnam War, then declined after the Cold War before rising again during the wars in Afghanistan and Iraq. The chart illustrates how **defense spending has fluctuated over time in response to global conflicts, strategic priorities, and changes in the international security environment**. (Image Credit: SIPRI, CC0)

Notably, some NATO allies still fall short of the alliance's goal that members spend at least **2% of GDP** on defense. Meanwhile, **peer competitors** like **China** and **Russia** have been increasing their **military investments**, often focusing on **regional dominance** rather than global reach.

Beyond **deterrence** and **defense**, the U.S. military also provides **global public goods**—such as **patrolling sea lanes**, ensuring **freedom of navigation**, and responding to **humanitarian crises** and **natural disasters**. These responsibilities help protect **international trade**, promote **stability**, and uphold **international norms and values**.

As the **United States** navigates a more complex and contested international environment, the debate over **military spending** remains central to its **foreign policy**, and to broader questions about **America's role in the world**.

Foreign Aid

Foreign aid is a significant and often hotly debated aspect of American foreign policy. Some view it as a **moral responsibility**—helping alleviate **poverty** and suffering in less developed nations—while others see it as a **strategic tool** that advances U.S. interests by building **alliances**, fostering **global stability**, and promoting **American influence** abroad. In practice, foreign aid serves both **humanitarian** and **strategic** purposes.



Figure 14.23: **U.S. foreign aid** programs often provide humanitarian assistance such as food, medical supplies, and disaster relief to populations affected by conflict, poverty, and natural disasters around the world. (Image Credit: PEW Research)

During the **Cold War**, foreign aid was a key instrument in **containing communism**. For example, during the 1980s under **President Ronald Reagan**, the United States provided up to **$27 billion** annually in aid to various countries, often in exchange for **political and military alignment** with the U.S. against the Soviet Union.

With the collapse of the Soviet Union in 1991, the strategic need for Cold War-era foreign aid diminished. During the **Clinton administration**, foreign aid was scaled back significantly as attention shifted toward **domestic priorities** and **global markets**. However, the **terrorist attacks** of September 11, 2001, revived the **strategic importance of aid**. President George W. Bush significantly increased aid, particularly to countries deemed important to the "War on Terror."

From **2000 to 2008**, nearly half of all U.S. foreign aid went to **Iraq** and **Afghanistan**, as part of both military operations and efforts to rebuild and stabilize those nations. While some policymakers argued that **terrorism is driven more by ideology and political factors than by poverty**, many experts emphasized the roles of **weak governance**, **poor education systems**, and **economic desperation** in creating conditions that extremists exploit.

Interestingly, **U.S. foreign aid** has not consistently correlated with favorable voting patterns toward the United States in international bodies such as the **United Nations**. One major exception is **Israel**, which has been a top recipient of American aid for decades and is a close **political and military ally**.

Under Presidents **Obama** and **Trump**, foreign aid continued to reflect many of the same priorities as under President Bush, with **Afghanistan**, **Iraq**, and **Israel** remaining key recipients. However, as U.S. involvement in Iraq and Afghanistan wound down, attention shifted toward **new global challenges**.

One of the most significant recent examples of U.S. foreign aid has been assistance to **Ukraine** following Russia's invasion in 2022. The United States provided large amounts of military, economic, and humanitarian aid, arguing that support for Ukraine helped defend national sovereignty, deter aggression, and uphold international norms. The conflict demonstrated how foreign aid can serve both humanitarian purposes and broader strategic goals, much as it did during the **Cold War**.

At the same time, aid to Ukraine became a point of political contention within the United States. Supporters argued that assisting allies **strengthens global stability and American influence**, while critics questioned the **long-term costs** and whether U.S. involvement should be more limited. These debates illustrate how foreign aid serves as both a reflection of **American values** and an instrument of **strategic interest**, though the debate over its role is far from settled.

Key Foreign Aid Takeaways

Foreign aid continues to serve a **dual purpose** in U.S. foreign policy:

· **Humanitarian**: Addressing poverty, disaster relief, global health (such as AIDS and COVID-19), and education.

· **Strategic**: Promoting political stability, preventing terrorism, countering rivals, and supporting allies.

Though it often represents less than **1% of the federal budget**, foreign aid remains a powerful tool in **shaping the global environment** in ways that align with **American interests** and **values**.

Open to Debate:
Should the United States contribute more in foreign aid?

*The United States is often viewed as the world's most generous donor of **foreign aid**. In raw dollars, this is true. In 2023, the U.S. provided approximately $34.73 billion in foreign aid, more than any other country. **Germany** followed with **$25.01 billion**, while the **United Kingdom** (**$18.10 billion**), **Japan** (**$11.46 billion**), and **France** (**$11.33 billion**) followed among the top contributors.*

*However, when measured as a **percentage of Gross National Income (GNI)**, a common international benchmark, the picture changes dramatically. U.S. foreign aid amounts to just **0.16% of GNI**, far below the **0.40% average** among advanced industrialized nations. By comparison, **Denmark (0.81%), Norway**, and the **Netherlands** all contribute significantly more relative to the size of their economies.*

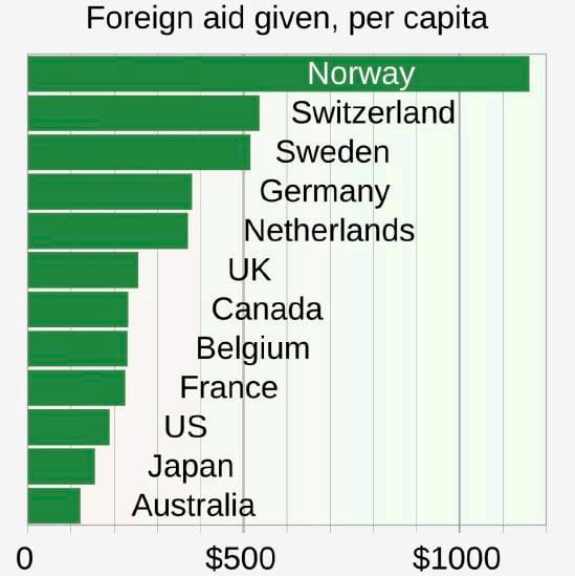


Figure 14.24: While the United States provides the largest total amount of **foreign aid** in absolute dollars, **several European countries—including Norway, Switzerland, and Sweden—contribute significantly more on a per-person basis**, highlighting how aid levels can appear quite different when measured relative to population. (Image Credit: Our World in Data (2024), CC BY-SA 4.0)

*Foreign aid also makes up a very small share of the overall U.S. **federal budget**—just **0.44%**, despite widespread public misperceptions that it represents a much larger portion of government spending.*

So, should the United States increase its foreign aid contributions?

***Supporters** argue that foreign aid is a powerful tool for promoting **global development**, reducing **poverty**, strengthening **democratic institutions**, and preventing the conditions that can lead to **terrorism** or **mass migration**. They also contend that a more stable and prosperous world ultimately serves **U.S. interests**.*

Critics**, on the other hand, question the **effectiveness** of foreign aid and argue that it can lead to **dependency**, **corruption**, or **mismanagement**. They also point out that many U.S. aid recipients do not consistently support American positions in the **United Nations** with **74% voting against the U.S. on key resolutions in recent years.

*Ultimately, the debate touches on deeper questions about **America's role in the world**: Is it a **moral obligation** for a wealthy nation to help others? Or should foreign aid be tied more directly to **strategic interests** and **measurable outcomes**? The answer remains **open to debate**.*

Conclusion: Navigating an Uncertain World

U.S. foreign policy has always been shaped by a balance between **ideals and interests**, between **engagement and restraint**. As the United States faces a rapidly changing global landscape—with rising powers like **China** and **Russia** challenging American influence, ongoing conflicts such as those in **Ukraine** and the **Middle East**, and evolving debates about **military spending** and **foreign aid**—the choices made by policymakers have profound consequences both at home and abroad.

The era of unchallenged **U.S. dominance** is giving way to a more complex and **multipolar world**, requiring new strategies that can adapt to **shifting alliances**, **emerging threats**, and persistent **humanitarian challenges**. Whether the United States continues to lead through **global cooperation** or chooses a more cautious, **inward-focused** path will shape not only its own future but also the stability and values of the **international community**.

Understanding the complexities of **foreign policy**—the competing priorities, the ethical dilemmas, and the real-world impacts—is essential for **informed citizenship**. As future leaders and engaged citizens, grappling with these challenges and debating the best path forward remains critical to shaping a **safer, more just world**.

Glossary

Al Qaeda: Meaning the base; terrorist organization headed by Osama Bin Laden, with the objective of spreading Muslim Fundamentalism, expelling the United States from the Middle East, and destroying the state of Israel.

Arms Control: The term arms control refers to the setting of limits on the amount and types of weapons a country can possess.

Bush Doctrine: Developed in 2002 as a result of the terrorist attacks of September 11, 2001. The doctrine states that United States from now on will engage in pre-emptive strikes against enemies, before they can harm the American public.

Cold War: The economic, political and ideological battle between the United States and the Soviet Union lasting from 1946 until 1991.

Collective Security: The concept of collective security refers to the collective punishment of aggression. In other words, it states that all the member states of an organization will punish an attack on a member state. Theoretically an attack on a member will lead to a full-scale war against all the other members, deterring aggression.

Containment: U.S. policy attempt to prevent the spread of communism by encircling the Soviet Union with pro-American alliances such as NATO.

Détente: French for easing of tensions. The term is used to describe the relationship between the United States and the Soviet Union from the early 1970's to the late 1970's.

Disarmament: The term disarmament refers to the actual destruction of weapons on hand.

Executive Agreements: Executive agreements are agreements with foreign countries, which do not require Senatorial consent. They are only binding for the president who signed them and future president can either abide by them or ignore them.

Foreign Policy: All actions, diplomatic, economic and military, taken by a nation state towards other nations.

Idealism: A philosophical school that believes that peace can be achieved in international politics if all countries cooperate and conduct a moral foreign policy.

International Monetary Fund (IMF): An international organization established after World War II. Member countries can borrow from the IMF in times of financial crisis.

Internationalism: A policy of active involvement in another country's affairs or world affairs.

Isolationism: A policy of non-involvement in world affairs.

Marshall Plan: Announced by Secretary of State George C. Marshall in 1947. The plan provided billions in economic aid to European countries to rebuild their economies.

Monroe Doctrine: Announced to Congress in 1823, the Doctrine advances American non-interference in European affairs. In turn the European powers are asked to stay out of the Western Hemisphere (the Americas).

Mutually Assured Destruction (MAD): Nuclear policy assuming that both superpowers, the United States and the Soviet Union, are capable of destroying each other, making going to war irrational.

North Atlantic Treaty Organization (NATO): Created in 1949 to prevent Soviet expansion into Europe. NATO is based on the concept of collective security where each member has to defend other members if attacked.

Realism: A philosophical school that believes that each country will pursue a foreign policy designed to serve its own power interest.

Roosevelt Corollary: Announced in 1904 by President Theodore Roosevelt, the Roosevelt corollary is an addition to the Monroe Doctrine of 1823. It states that the United States has the right to interfere in Latin American countries, if a Latin American country engages in chronic political and economic wrongdoing. This doctrine became the foundation for frequent United States intervention in Latin America in the early 20th century.

Taliban: Meaning "Students"; religious government running Afghanistan from 1996 until 2001. Established an oppressive Islamic regime and harbored Al Qaeda until the United States destroyed the government after the September 11, 2001 attacks on the United States.

Terrorism: The term was coined during the "Reign of Terror" during the French revolution and refers to the deliberate use of violence against civilians.

Truman Doctrine: U.S. policy developed in 1947, which pledges military and economic aid to countries fighting communist uprisings.

United Nations: An international organization founded in 1945, with the obligation to prevent or even outlaw war. The United Nations uses the concept of collective security to prevent aggression. The concept worked well in 1950 against North Korea, after it invaded South Korea, and 1991 against Iraq, after it attacked and annexed Kuwait.

Weapons of Mass Destruction: Biological, Chemical, and Nuclear weapons that can cause mass civilian casualties.

Selected Internet Sites

http://www.state.gov: This is the officially Website for the State Department. Not only does it provide a slew of historical and current information about State Department activities and American foreign policy, but the site also provides information on employment within the State Department.

http://www.defenselink.mil/: The official Website of the Department of Defense. It provides information on military issues and issues of national security, such as the ongoing war on terrorism.

https://www.cia.gov/library/publicat...orld-factbook/: This Website will take you to the CIA World Factbook, one of the most comprehensive collections of political, economic, and social data on every country in the world. Updated frequently, the World Factbook is one of the best resources to use on the Internet.

http://www.nato.int/: This is the Official Website of the North Atlantic Treaty Organization (NATO). NATO is the most successful of the all the international alliances the United States established and is continuing to expand, by admitting Eastern European countries today.

http://www.cfr.org: This is the official Website of the Council on Foreign Relations. The Council is the most respected and most influential private American organization in the foreign policy area. The Website provides the student with much information on almost every major foreign policy issue of the day.

http://www.un.org/: This is the official Website of the United Nations. The Website provides information on the structure of the United Nations, its functions and day-to-day operations. In addition major issues of the day in front of the Security Council and the General Assembly are being discussed.

http://www.worldbank.org: This is the official Website of the World Bank. It contains a plethora of information on the economic

development of countries around the globe.

http://www.isn.ethz.ch/Digital-Libra...ail//?id=49510: This is the website of the Center for Defense Information, a non-partisan think tank analyzing issues such as the arms race, nuclear proliferation and the arms trade.

http://www.heritage.org/: This is the official Website of the Heritage Foundation, a conservative private think tank. The Foundation discusses many issues ranging from foreign aid to the U.S. voting record in the United Nations.

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Chapter 15: Growth and Equity- Economic and Social Policy

Economic Policy

Americans expect a lot from their government when it comes to the **economy**. Whether it's **creating jobs, lowering inflation**, **stabilizing markets**, or **reducing poverty**, there is a growing belief that **public policy** should not just respond to economic problems but actively shape economic outcomes. Behind this expectation lies a powerful assumption: that **government action** can, and should, deliver a **rising standard of living** for all. Politicians know this well. In times of economic hardship or prosperity, voters tend to reward or punish elected officials based on how they feel about their finances, making **economic performance** one of the most powerful forces in American politics.



Figure 15.1: Economic concerns often drive political participation. Americans expect a great deal from their government when it comes to the economy—creating jobs, controlling inflation, stabilizing markets, and reducing poverty. The famous campaign phrase "It's the economy, stupid" reflects the powerful role economic conditions play in shaping public opinion and election outcomes in American politics. (Image Credit: dalelanham, CC BY 2.0)

The connection between economic performance and political success is well established. Voters often "**vote with their pocketbooks**," rewarding incumbents during times of prosperity and punishing them during periods of economic hardship. For example, although President George H. W. Bush enjoyed a 92% approval rating after the 1991 Gulf War, he lost the 1992 election to Bill Clinton, whose campaign famously emphasized, "**It's the economy, stupid**." In 2008, Barack Obama's election was fueled by the financial crisis that defined the final year of George W. Bush's presidency. In both 2016 and 2024, Donald Trump capitalized on **economic frustration** in regions hit hard by **deindustrialization** and **globalization**, promising to restore lost manufacturing jobs and revive struggling communities.

By 2024, many of the same frustrations that shaped earlier elections remained unresolved, and in some cases had intensified. **Stagnant wages**, rising **housing** and **healthcare costs**, and widespread **economic insecurity** led many Americans to question the long-term effects of **trade liberalization**, **automation**, and decades of policy choices that prioritized **global markets** over domestic stability. These shifts contributed to the decline of **American manufacturing** and the erosion of the **middle class**. Against this backdrop of economic anxiety and perceived government neglect, Trump returned to office, once again promising **deregulation**, **protectionist trade policies**, and **national economic revival**. His message resonated with voters who felt left behind by both political parties and who viewed his leadership as a corrective to decades of economic neglect.



Figure 15.2: Political decisions shape economic outcomes through taxation, spending, and regulation, while economic conditions influence elections, public opinion, and government policy. Together, they form an interdependent system at the heart of American democracy. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

The belief that government should play a leading role in managing the economy is a relatively **modern development**. Prior to the 20th century, few expected the federal government to influence economic outcomes. That changed during the **Great Depression** of the 1930s, when widespread suffering and **unemployment** led Americans to demand more active **federal intervention**. Since then, debates over the role of government in the economy have become central to **American political life**, with no signs of abating.

Economic policy—government efforts to foster conditions for **economic growth** and **stability**—remains a subject of ongoing, and often contentious, debate. Some advocate for a **laissez-faire** approach, arguing that **free markets** function best with minimal government interference. This **classical liberal** view emphasizes limited roles for the state: protecting **property rights**, enforcing **contracts**, and maintaining **public order**. In practice, however, few business leaders support a completely hands-off approach. Most acknowledge that government is necessary to create the **legal**, **institutional**, and **infrastructural** foundation that markets require to function efficiently.

At a minimum, markets depend on reliable **contract enforcement**, protection against **fraud**, and transparent **accounting** and **reporting standards**. These ensure **stability**, reduce **risk**, and promote the **confidence** that drives investment and innovation. Most economists also agree that the federal government plays an essential role in **macroeconomic management**: using **monetary policy**, **fiscal policy, and regulatory oversight** to stabilize the economy, especially during times of **recession** or **inflation**..

Debates over **social policy**—government programs that support individuals unable to fully participate in the economy—are often even more **ideologically charged**. Advocates of limited government argue that **free-market capitalism**, by rewarding **innovation** and **efficiency**, ultimately benefits everyone. They point to the historical success of **market economies** in raising living standards worldwide. But critics counter that markets alone cannot guarantee **fairness** or meet essential human needs. They argue that vital goods and services—such as **education**, **housing**, **food**, and **healthcare**—should not be left entirely to market forces. Without public intervention, they warn, **economic inequality** can grow unchecked, threatening both **individual opportunity** and **social cohesion**.



Figure 15.3: People wait in a breadline during the Great Depression beneath a billboard celebrating America's prosperity. The image highlights the enduring debate over whether free markets alone can ensure economic security or whether government intervention is necessary to meet basic human needs. (Image Credit: Margaret Bourke-White, via Wikimedia Commons, Public Domain)

At its core, the debate over economic and social policy is a debate over values: **efficiency versus equity**, **freedom versus security**, **individual responsibility versus collective responsibility**. How the United States balances these competing principles will continue to shape its political future, and the everyday lives of its citizens.

Open to Debate:
Balancing Markets and Values:
The Ongoing Debate Over Government's Role in the Economy

*While **free-market mechanisms** work well for allocating many consumer goods—such as chewing gum, smartphones, or televisions—their effectiveness becomes more controversial when applied to **essential services** like **education**, **healthcare**, or **housing**. Should access to these foundational goods be determined solely by the ability to pay? Or should society ensure **equal access** for all, regardless of income? Alternatively, should allocation be based on **individual need**?*

*Take **healthcare**, for example. The market often functions efficiently in delivering medications for common conditions because there is a large, profitable consumer base. But what happens when the illness is rare, and the treatment is expensive to develop? In such cases, pharmaceutical companies may choose not to invest in research or production, since the return on investment is limited. Should the allocation of medical treatment be guided solely by **profitability**? Or should other values—such as **equity**, **compassion**, or the guarantee of **basic human needs**—play a role?*



Figure 15.4: Medical research can produce life-saving treatments, but developing new drugs is costly and often driven by market incentives. This raises a fundamental policy question: should access to healthcare depend primarily on profitability, or should public policy help ensure that essential treatments are available to all? (Image Credit: National Cancer Institute, via Wikimedia Commons, Public Domain)

> *This raises a broader and enduring question: Should the **government intervene** to ensure access to essential goods and services that the market may not provide equitably or comprehensively? If so, what are the **trade-offs**? Government intervention typically requires **public funding**, which means taxpayers are compelled to support policies they may or may not personally endorse. Some argue that this reduces **individual economic freedom**, as people lose the ability to decide how to spend their own income.*
>
> *Balancing **efficiency**, **fairness**, and **freedom** is at the heart of public policy debates in a democratic society. If we prioritize values like **equity** and **universal access**, we may have to accept limits on **market freedom** and personal choice. On the other hand, a strict commitment to **market-based allocation** can leave vulnerable populations without the resources they need to thrive or even survive.*
>
> *There are no easy answers. These questions—about the role of **markets**, the scope of **government**, and the meaning of **fairness**—remain central to the American political conversation. What do you think? The answer remains **open to debate**.*

The Interdependence of Economic and Social Policy

The academic discipline we now call **economics** was once known as **political economy**, a term that more accurately reflected the deep interconnections between economic activity and political decision-making. Over time, especially with the rise of modern statistical methods, economics evolved into a field that emphasized **quantitative analysis**. Many economists began to view their work as **value-neutral**, positioning themselves as technical experts who objectively analyze data.

Yet this separation is itself a **value judgment**. Choosing to prioritize quantifiable metrics—such as **GDP**, **inflation**, or **labor productivity**—over less tangible but equally important factors like **happiness**, or **social cohesion** reflects a particular worldview. In practice, **economic policy cannot be meaningfully separated from social policy**. The decisions made about taxes, spending, and regulation inevitably affect the structure of society, who benefits, who bears the cost, and who is left behind.

A **strong economy** can reduce the need for certain **social services**, as lower unemployment and higher wages lessen reliance on public assistance. But in any **capitalist economy**, not everyone succeeds equally. Sound economic policy aims to expand both the number of people who **prosper** and the extent of that prosperity. Poorly designed policies can increase **inequality**, cause **recession**, and deepen **hardship**.



Figure 15.5: Economic and social policy are deeply interconnected. Decisions made by government—through taxation, spending, and regulation—shape economic outcomes, which in turn influence social well-being and opportunity. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

The relationship between economic and social policy is more nuanced than simply promoting growth. Economic decisions can shape society broadly or disproportionately benefit specific groups, and they influence how people engage as **citizens**. **Political participation** often rises in times of economic optimism, while prolonged hardship can fuel apathy, alienation, or unrest.

Social policy, in turn, affects economic performance. Some argue that expansive **welfare programs** reduce incentives to work and burden the economy. Others contend that providing access to healthcare, education, childcare, and housing strengthens the ability to contribute productively to the economy as both workers and consumers.

This debate often returns to competing ideas of **freedom**. One view, rooted in **classical liberalism**, emphasizes **negative freedom**—freedom from government interference. Another view, known as **positive freedom—**having the resources and opportunities to participate fully in society. Taxing some to fund public services may limit their economic freedom, but it can expand the freedom of others to fully participate in economic and civic life.

Ultimately, **economic and social policy** are **inseparable**. Each decision in one realm shapes outcomes in the other, influencing not only material well-being but also the health of American democracy.

Macroeconomic Policy

Macroeconomic policy refers to the government's efforts to influence the overall performance of the economy—either by encouraging growth or slowing things down when the economy is overheating. These efforts are typically carried out through two major tools: **fiscal policy** and **monetary policy**.

Fiscal policy involves changes in **government spending** and **taxation** and is controlled by **Congress** and the **President**. By adjusting spending levels or altering tax rates, the government can stimulate or slow economic activity.

Monetary policy, on the other hand, deals with managing the nation's **money supply** and **interest rates**. This responsibility lies with the **Federal Reserve System** (the **Fed**), which operates independently of direct political control. The Fed can influence the economy by raising or lowering interest rates and regulating the amount of money circulating in the financial system.

Together, **fiscal** and **monetary** policies form the foundation of how the U.S. government manages the **macroeconomy**.

Keynesian Economics

The idea that government could play a direct and powerful role in managing the economy was formalized by **John Maynard Keynes** (1883–1946), a British economist whose work fundamentally reshaped modern economic thinking. Keynes argued that

economic recessions, periods of declining economic activity, and **depressions**, prolonged and severe downturns, are often the result of insufficient **aggregate demand** for goods and services. When consumers reduce spending, businesses respond by cutting back production, laying off workers, and reducing wages, creating a downward economic spiral.

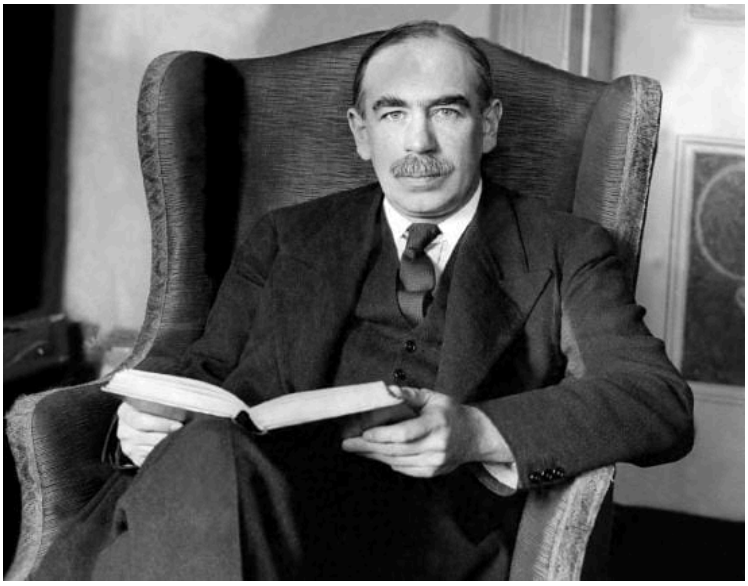


Figure 15.6: British economist John Maynard Keynes (1883–1946) argued that government spending could stimulate demand during economic downturns, helping to reduce unemployment and stabilize the economy, a theory that became highly influential during the Great Depression. (Image Credit: Unknown author, via Wikimedia Commons, Public Domain)

Keynes believed the way out of this spiral was to increase **aggregate demand**, the total amount of spending in the economy. While consumer and business spending are important, he argued that **government spending** could also serve as a powerful economic engine. During downturns, the government could increase spending, even if this required running a **budget deficit**, to stimulate demand, create jobs, and restore confidence.

Importantly, Keynes also suggested that governments could **cool an overheated economy** during periods of rapid growth and inflation by **raising taxes** or **cutting spending**. This would slow demand, helping to stabilize prices and prevent economic bubbles.

This approach, known as **Keynesian economics**, became especially influential during and after the Great Depression **of the 1930s**, when massive public spending, particularly during **World War II**, was credited with helping to restore economic stability and growth.

Keynesian principles have continued to guide U.S. economic policy into the 21st century. Presidents from both political parties—George W. Bush, Barack Obama, Donald Trump, and Joe Biden—used **Keynesian-inspired strategies** during times of economic crisis. For example, in response to the **Great Recession (2007–2010)**, the federal government authorized large-scale spending packages aimed at stimulating economic activity, supporting struggling industries, and putting money into the hands of consumers and businesses to encourage spending and job creation. **Keynesian ideas** were also central to the federal response to the **COVID-19 pandemic**: between 2020 and 2021, Congress approved several trillion dollars in **emergency spending**—including direct payments to households, expanded unemployment benefits, and substantial aid to businesses and state and local governments—to sustain demand and blunt the economic impact of the shutdowns.

Modern Monetary Theory (MMT)

Modern Monetary Theory (MMT) is a controversial economic approach that challenges traditional views on **government spending** and **budget deficits**. It argues that governments that issue their own currency, like the United States, cannot "run out of money" in the way households or businesses can. According to MMT, the primary limit on government spending is **inflation**, not debt or deficits.



Figure 15.7: The United States issues its own currency through institutions such as the Treasury and the Federal Reserve. Modern Monetary Theory argues that governments with sovereign control over their currency cannot “run out of money,” though excessive spending may lead to inflation. (Image Credit: Bureau of Engraving and Printing, Public Domain)

Proponents claim this perspective allows for more ambitious **public spending**—on healthcare, education, or infrastructure—without the need to match it with immediate tax increases. Critics, however, warn that this could lead to **runaway inflation**, **currency devaluation**, and **fiscal instability**.

While MMT shares some features with **Keynesian economics**, such as the use of government spending to manage economic downturns, it breaks from mainstream thinking by downplaying the importance of **balanced budgets**, even during economic booms. Most **mainstream economists** remain skeptical, viewing MMT as largely untested and potentially risky.

Supply Side Economics

Supply-side economics presents a contrasting approach to **Keynesian fiscal policy**. While Keynesianism focuses on stimulating **demand** by increasing **government spending**, supply-side economics emphasizes stimulating economic growth by improving the **supply of goods and services**—primarily by **reducing taxation and regulation** on businesses and individuals.

The central claim of supply-side theory is that **high taxes discourage productivity**. If individuals and businesses are taxed too heavily, they may have less incentive to **work**, **invest**, or **expand.** Therefore, **reducing tax rates**, especially for **wealthy individuals** and **large corporations**, is believed to free up capital for **investment**, **innovation**, and **job creation**. The theory holds that the resulting growth will eventually **"trickle down"** to the broader population in the form of higher employment, better wages, and increased consumer spending.

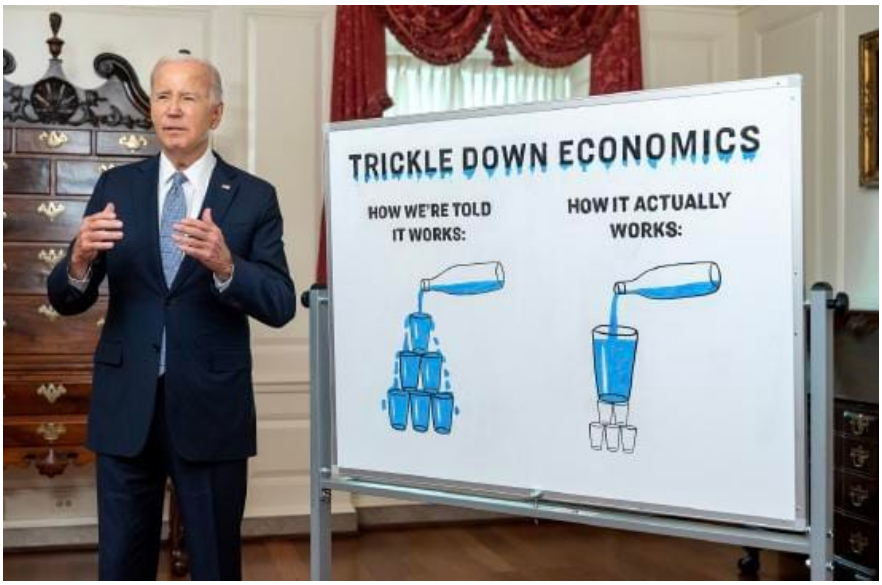


Figure 15.8: Supply-side economic theory holds that tax cuts and deregulation stimulate investment and growth. Critics contend that the benefits often concentrate at the top rather than spreading broadly across the economy. (Image Credit: The White House, via Wikimedia Commons, Public Domain)

Supply-side economics gained prominence during the presidency of **Ronald Reagan** in the 1980s. Reagan's administration argued that **tax cuts** would stimulate the economy more effectively than increased government spending. This perspective drove major tax reductions and a broader push for **deregulation**.

A key concept supporting supply-side theory is the **Laffer Curve**, named after economist **Arthur Laffer**. According to this model, there is an **optimal tax rate** that maximizes government revenue. At very **low tax rates**, revenue is limited; at very **high tax rates**, revenue falls because economic activity slows. The "**sweet spot**" lies in between, where tax rates are low enough to **encourage growth** but high enough to **fund government functions**.

Laffer famously illustrated this idea on a **napkin** during a 1970s meeting in Washington, D.C., giving the model both its name and a bit of economic lore.

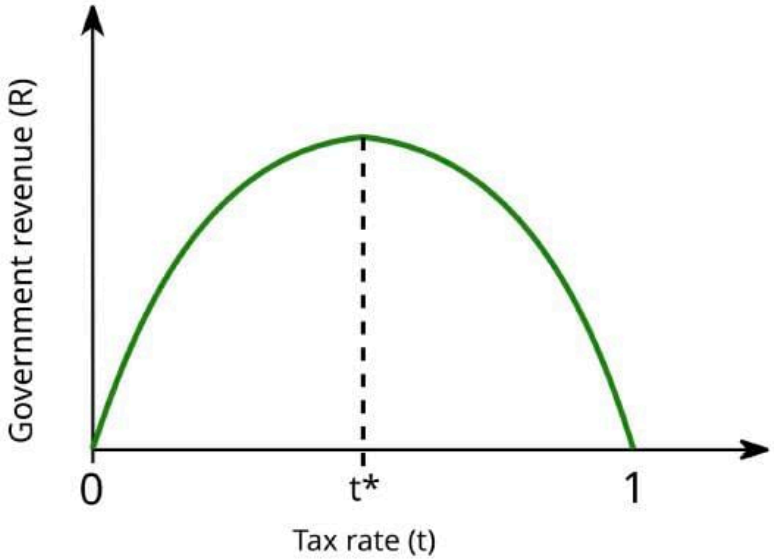


Figure 15.9: The Laffer Curve. T* represents that optimal tax rate where the maximum amount of taxes can be collected and people continue to work hard. (Image Credit: Bastianowa, via Wikimedia Commons, CC BY-SA 2.5)

Critics of supply-side economics argue that its benefits often **fail to reach middle- and lower-income Americans**, and that tax cuts for the wealthy contribute to **budget deficits** and rising **income inequality**. In practice, critics say, the promised trickle-

down rarely materializes, especially when tax savings are used for **stock buybacks** rather than **job creation**.

Despite the debate, **supply-side thinking** remains influential among many **conservative** and **Republican** policymakers. The **Tax Cuts and Jobs Act of 2017**, and the **One Big Beautiful Bill of 2025**, both signed by **President Trump**, reflect these principles by significantly reducing the **corporate tax rate** and **individual income tax rates**, particularly for high earners.

As with **Keynesianism** and **Modern Monetary Theory**, supply-side economics is both an **economic theory** and a **political philosophy**, one that prioritizes **private sector-led growth** and **limited government intervention**. Its effectiveness continues to be **hotly debated** in both economic and political circles.

The Tax Policy Debate

President **Ronald Reagan**'s economic program, commonly called **"Reaganomics"**, reflected a major conservative shift in federal policy. Emphasizing **tax cuts**, **reduced regulation**, and increased **military spending**, Reagan aimed to shrink the role of **government** in domestic affairs while asserting U.S. strength abroad.

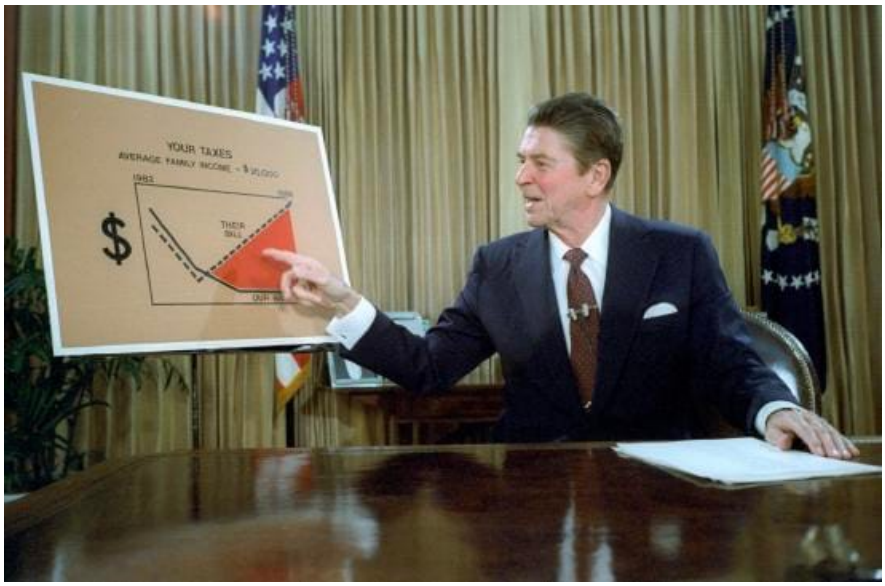


Figure 15.10: President Ronald Reagan outlines his administration's economic policies. Reaganomics centered on tax reductions and deregulation, sparking ongoing debates about economic growth, inequality, and the role of government. (Image Credit: White House Photographic Collection, via Wikimedia Commons, Public Domain)

Reagan signed major **tax reductions** early in his presidency and oversaw a surge in **defense spending**. However, efforts to cut **social programs** faced public and congressional resistance. As a result, **federal spending increased**, and so did the **national debt**. Supporters argued that **lower taxes** and less regulation would spur **investment** and **economic growth**. Critics countered that the benefits flowed disproportionately to the **wealthy**, contributing to **rising deficits** and **income inequality**.

Reagan's legacy endures in debates over **tax policy**, the **size of government**, and how best to promote **economic prosperity**, a central tension in U.S. economic and social policymaking.

Taxation remains one of the most contested areas of **public policy**. As mentioned above, since the Reagan era, many presidents, especially **conservatives**, have embraced **supply-side** tax cuts, particularly for **corporations** and **high-income earners**, as a strategy to stimulate growth. This approach gained renewed prominence under **Presidents George W. Bush** and **Donald Trump**. Supporters argue that reducing taxes promotes **job creation**, **investment**, and **individual freedom**. Critics respond that such policies disproportionately benefit the wealthy and contribute to growing **federal deficits**.

In contrast, other leaders have focused **tax policy** on supporting **low- and middle-income families**. President **Obama** expanded **tax credits** for working families, and **President Biden** temporarily increased the **Child Tax Credit**, which helped reduce **child poverty**. Supporters contend that these efforts promote **economic fairness** and stimulate growth by boosting **consumer demand**. Detractors warn of **fiscal strain** and potential **dependency**.

Beneath these policies lies a deeper philosophical tension between **personal freedom** and **public responsibility**. **Tax cuts** increase individual control over income, but they reduce the **shared resources** needed for **public goods**—such as **education**, **infrastructure**, **public safety**, and **clean water**—that support a functioning economy. A thriving society depends on both **private initiative** and **effective public investment**.

Many economists, including **Arthur Laffer**, argue that tax cuts are popular because people want to **keep more of their earnings**. However, taxes that are **too low** may leave government unable to fund the **institutions** essential for **economic growth** and **social stability**.

Like the balance between **freedom** and **order**, the debate over taxation and public investment reflects a broader question of **values**: What do we owe each other in a **democratic society**? The enduring debate over **tax policy** speaks to our competing visions of **fairness**, **government's role**, and how to build a more **prosperous** and **equitable future**.

Open to Debate:
Trump's "One Big Beautiful Bill" – Boom or Burden?

*In 2025, **Congress** passed and **President Donald Trump** signed a sweeping **tax and spending package** often referred to as the One Big Beautiful Bill. The law extends many provisions of the **2017 Tax Cuts and Jobs Act** while introducing new tax breaks, including deductions for **tips and overtime income**, an expanded **Child Tax Credit**, and additional deductions for some seniors. It also increases spending on **national defense** and **immigration enforcement** while reducing funding for programs such as **Medicaid**, **SNAP**, and certain **clean-energy initiatives**.*

*Supporters argue that these measures will stimulate **economic growth**, reward work, and increase **take-home pay** for many households. The **Council of Economic Advisers (CEA)** projected significant gains in household income under optimistic economic growth assumptions. Independent analyses from organizations such as the **Tax Foundation** and the **Penn Wharton Budget Model**, however, estimate more modest gains for most households.*

*Critics warn that the legislation will significantly increase the **national debt**, adding **several trillion dollars** to federal deficits over the next decade according to some estimates, and could worsen **income inequality** by disproportionately benefiting higher-income households. The **Congressional Budget Office (CBO)** has also projected that **millions of Americans** could lose **health coverage** as a result of changes to **Medicaid** and related programs, raising concerns about the future of the **social safety net**.*

*Supporters view the bill as a **pro-growth reform** that rewards work and investment while reducing government spending on certain programs. Critics argue that it shifts resources toward **wealthier Americans** and weakens support for **low- and middle-income households**.*

*Is this bold economic strategy the key to **renewed prosperity**, or a risky expansion of **deficits** and **inequality**? Should **tax cuts** be prioritized to stimulate economic growth even if they reduce funding for social programs? The answers remain **open to debate**.*

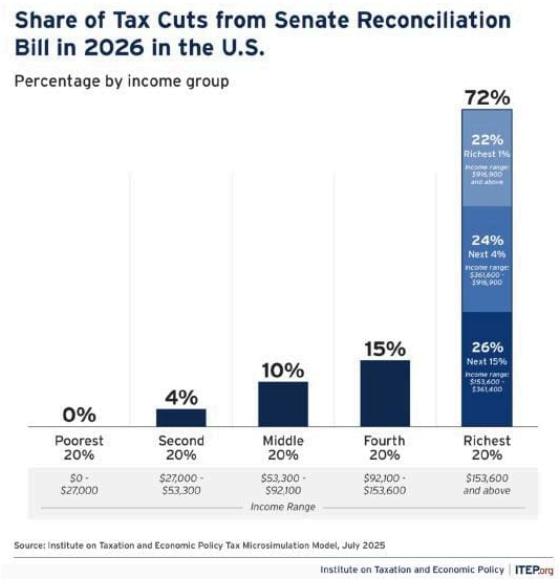


Figure 15.11: Estimated distribution of tax cuts under the Senate reconciliation of President Trump's "One Big Beautiful Bill". Critics argue that a large share of the benefits would flow to higher-income households, while supporters contend that tax reductions at the top stimulate investment and economic growth. (Image Credit: Institute on Taxation and Economic Policy, Fair Use)

The National Budget and the Growing Debt

Each year, the **U.S. government** collects **revenue**, mostly from **income** and **payroll taxes**, and spends money on a wide range of **programs and services**. When **spending exceeds revenue**, the government runs a **budget deficit**, which it finances by **borrowing**, primarily through the sale of **U.S. Treasury securities** to individuals, banks, investment funds, and foreign governments. These securities are considered safe because they are backed by the **full faith and credit** of the U.S. government. Over time, **deficits accumulate into the national debt**—the total amount the federal government owes.

High and **persistent deficits** pose long-term risks. Large-scale government borrowing can absorb capital that might otherwise be used for **private investment**, potentially raising **interest rates** and slowing **economic growth**. The challenge is compounded by the fact that **interest payments on the debt** consume a growing share of the federal budget, leaving less room for other priorities.

A Historical Perspective on the Debt

For much of its early history, the U.S. government carried little **long-term debt**. That changed with the **Great Depression** of the 1930s, when **Keynesian economic theory** encouraged the use of **government spending** to stimulate demand and combat unemployment. **Federal debt more than doubled** during the 1930s, and then ballooned again during **World War II**, rising to $258 billion.

In the decades after the war, the debt grew slowly **relative to the size of the economy**, despite major expenditures on the **Vietnam War**, the **space race**, and **Cold War defense**. However, during the **Reagan administration** in the 1980s, a combination of **tax cuts** and **increased military spending** caused the debt to grow dramatically. The **Clinton administration** in the 1990s reversed this trend, prioritizing **deficit reduction** and even achieving **budget surpluses** by the end of the decade.

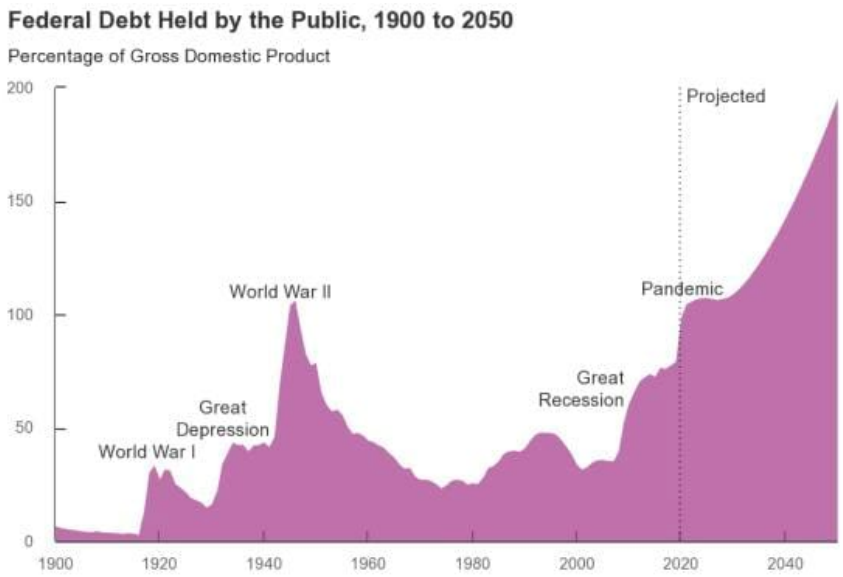


Figure 15.12: **Federal debt as a percentage of U.S. GDP, 1900–2050.** Major historical events—including the **Great Depression, World War II, the Great Recession, and the COVID-19 pandemic**—have led to sharp increases in government borrowing. Future projections suggest the debt may continue rising as policymakers balance economic stimulus, tax policy, and fiscal responsibility. (Image Credit: Congressional Budget Office, via Wikimedia Commons, Public Domain)

In the 21st century, **national debt** has grown under both Democratic and Republican administrations, often as a result of major **spending** programs and **tax cuts**. Presidents have used **fiscal policy** to respond to **major economic downturns and national emergencies** and to pursue long-term goals like infrastructure and tax reform. While supporters argue that such policies can stimulate the economy and address urgent needs, critics often raise concerns about increasing **deficits** and long-term debt. By 2026, the total **national debt** surpassed the size of the entire U.S. economy, intensifying concerns about long-term **fiscal sustainability**. These debates reflect a fundamental political tension: how to balance **public investment** and economic stimulus with **fiscal responsibility**.

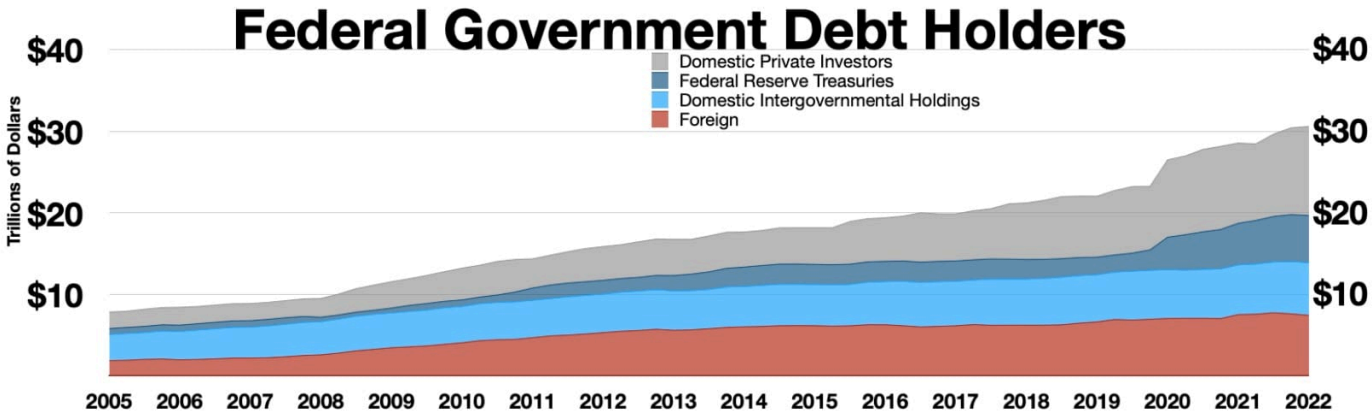


Figure 15.13: Federal debt is owned by a mix of **domestic private investors, government trust funds, the Federal Reserve, and foreign governments**, illustrating how government borrowing is financed through both domestic and global financial markets. (Image Credit: Wikideas1, via Wikimedia Commons, CC0 1.0)

The Political Challenge

At the heart of the budget problem is a **political dilemma**. Americans consistently express support for **low taxes** and **limited government**, yet also demand **robust public services**, such as **Social Security**, **Medicare**, **defense**, **education**, and **infrastructure**. Politicians are often reluctant to propose **tax increases** or **spending cuts**, especially when doing so could hurt their **electoral prospects**. As a result, **deficits persist**.

Whether following **Keynesian**, **supply-side**, or **modern monetary theory**, most economists agree that America cannot sustain **ever-rising debt** indefinitely. The **aging population**, particularly the retirement of the **baby boom generation**, will increase

the cost of **mandatory programs** like **Social Security** and **Medicare**. Unless major **reforms** are enacted—such as **increasing taxes**, **raising the retirement age**, or **trimming benefits**—**mandatory spending** is projected to exceed total **federal revenue** sometime between **2030 and 2040**.

Ultimately, the burden of today's borrowing will fall on **younger generations**, including many of the students reading this textbook. Without changes, future Americans may face **higher taxes**, **reduced benefits**, or **slower economic growth** as they work to pay off the **debts of the past**.

Understanding the U.S. Tax System

Taxes are the **lifeblood of government**. They fund everything from **national defense** and **public education** to **roads**, **clean water**, and **social safety net programs** like **Medicare** and **Social Security**. But how a government chooses to raise revenue—and **who pays**—reveals a great deal about its **values and priorities**.

Types of Taxes

The U.S. tax system relies on several major sources of revenue:

· **Income Taxes**: These are taxes on earnings from **work (wages)** and **investments (capital gains)**. The **federal income tax** is **progressive**, meaning **higher-income individuals pay a larger percentage** of their income in taxes. The justification is that wealthier people can afford to contribute more, while lower-income households need more of their income to cover basic necessities.



Figure 15.14: The **federal income tax** is **progressive**, meaning tax rates increase as income rises. This structure is intended to place a larger share of the tax burden on those with greater ability to pay. (Image Credit: stevepb, via Wikimedia Commons, CC0 1.0)

· **Payroll Taxes**: Collected through the **Federal Insurance Contributions Act (FICA)**, these taxes fund **Social Security** and **Medicare**. Unlike income taxes, **payroll taxes are regressive** because they take a **larger share of income** from low- and middle-income workers. For many working-class people, payroll taxes are their **biggest tax burden**.

· **Sales Taxes**: Charged on goods and services by **states and cities**, **sales taxes** are also **regressive**. **Lower-income families** spend more of their income on taxable necessities, making the impact of these taxes greater for them.

· **Corporate Taxes**: In theory, **corporations pay a percentage of their profits** in taxes. However, due to **deductions**, **exemptions**, and **"loopholes"**, many corporations pay far less than the official rate. As a result, the **share of total tax revenue paid by corporations** has **declined significantly** over the last several decades.

· **Estate Taxes**: This tax applies to the **transfer of large estates at death**. While critics argue this is a **"double tax"** on previously earned money, supporters say it promotes **economic fairness** by **limiting the transfer of unearned wealth** and

preserving equality of opportunity. The **estate tax** now applies only to **very large estates**, with the **exemption rising** from $13.61 million in 2024 to $13.99 million in 2025, and thus impacts **fewer than 1% of estates**.

Equity and Influence in the Tax System

Because **taxes** touch nearly every American, they are deeply **political**. Debates about **tax policy** often reflect broader **ideological divisions** over **fairness**, **individual responsibility**, and the **role of government**. Some argue that **lower taxes** give people more **freedom** and **stimulate economic growth**. Others contend that without adequate **revenue**, the government cannot provide the **public goods and services** that make prosperity possible.

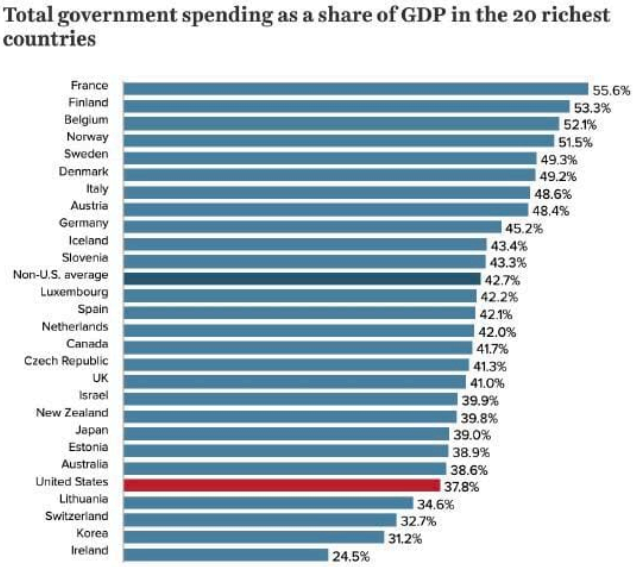


Figure 15.15: While the United States collects substantial tax revenue, overall government spending relative to the size of the economy remains lower than in many other wealthy nations, reflecting ongoing debates about taxation, public services, and the appropriate role of government in economic life. (Image Credit: OECD, via Wikimedia Commons, CC0)

Over time, well-organized **interest groups** have played a significant role in shaping tax policy to their advantage. Industries such as **agriculture**, **energy**, **insurance**, and **tech** often **lobby** for **tax breaks** that benefit their sectors. These breaks, sometimes called **"tax expenditures,"** reduce public revenue and often shift the **burden** onto individuals. Because the **benefits are concentrated** and the **costs are spread out**, it's easier for organized groups to influence the system than for the average taxpayer to fight back.

Open to Debate:
Corporate Welfare

> *Are corporate tax breaks necessary for a strong economy, or do they unfairly benefit the powerful at the expense of the public?*

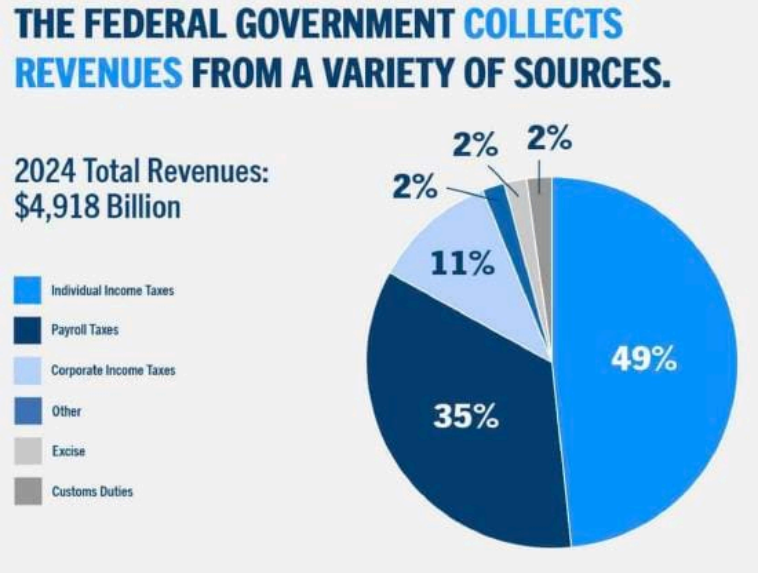


Figure 15.16: **Sources of federal revenue in the United States.** Individual income taxes and payroll taxes provide the largest share of federal revenue, while corporate income taxes account for a smaller portion—fueling debate over whether corporate tax breaks stimulate economic growth or shift the tax burden onto other taxpayers. (Image Credit: Peter G. Peterson Foundation, Fair Use)

> *Supporters of **corporate tax subsidies** argue they help protect **American jobs**, encourage **innovation**, and keep key industries **competitive** in the global economy. Some tax breaks are designed to promote investment in areas such as **renewable energy**, **advanced manufacturing**, or **underserved communities**. Proponents claim that without such incentives, U.S. businesses might **relocate overseas** or **fail altogether**, resulting in **job losses** and **economic decline**.*
>
> ***Critics**, however, argue that **corporate subsidies** often fail to deliver on their promises. In many cases, companies receiving the largest tax breaks have still **laid off workers**, **outsourced jobs**, or posted **record profits.** Opponents also argue that these tax expenditures **distort the free market** by shielding favored industries from competition and encouraging **inefficiency**.*
>
> *Perhaps most troubling to critics is how these subsidies are granted. They contend that corporate tax breaks are less about sound economic policy and more about **political influence**, secured through **campaign contributions** and intensive **lobbying**, resulting in **private interests** gaining special access to **public resources**.*
>
> *Estimates vary, but the federal government forgoes **over $150 billion annually** in corporate tax expenditures. That's money that must be made up by other taxpayers or not spent on **public goods** like **education**, **infrastructure**, or **healthcare**.*
>
> ***So, are corporate tax breaks a smart investment in economic stability, or an example of crony capitalism?** The answer remains **open to debate**.*

Monetary Policy

In addition to taxing and spending, the government helps regulate the economy by influencing the **supply of money**, primarily through the **Federal Reserve**, the **central bank** of the United States. Like any other good, money is subject to the laws of **supply and demand**. When money is scarce, it becomes more valuable, and its "price", the **interest rate**, goes up. When money is abundant, **interest rates** fall, making **borrowing** cheaper.

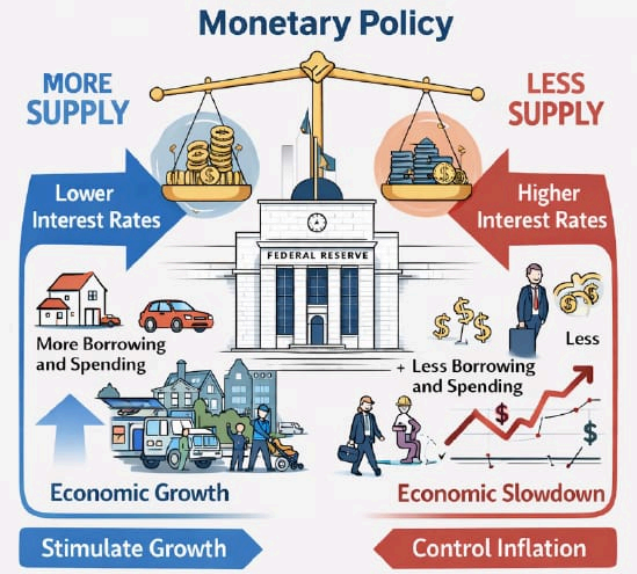


Figure 15.17: **Monetary policy and interest rates.** By adjusting interest rates and the supply of money, the **Federal Reserve** influences borrowing, spending, and investment—stimulating economic growth when rates are low and slowing inflation when rates rise. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Interest rates matter because they affect **consumer** and **business behavior**. When rates are low, individuals are more likely to take out loans for **homes**, **cars**, or other major purchases, and **businesses** are more likely to borrow to **invest** in growth. This increased borrowing and **spending** can **stimulate economic activity** and create **jobs**.

Conversely, when **interest rates rise**, **borrowing** becomes more expensive. As consumers and businesses cut back on spending, **economic activity slows**. This can help reduce **inflation**, a general rise in prices, by **decreasing demand**.

Through these **interest rate adjustments**, the **Federal Reserve** attempts to balance two key goals: promoting **economic growth** and keeping **inflation** in check.

Federal Reserve

The **Federal Reserve System**, or "**the Fed**," is the **central bank** of the United States and plays a key role in regulating the economy through **monetary policy**, the management of the **money supply** and **interest rates**. It was created in **1913** after the **Panic of 1907**, when widespread **bank failures** revealed the need for a central reserve to **stabilize the banking system**.

The Fed is composed of **twelve regional banks** and overseen by a **seven-member Board of Governors**, appointed by the **President** and confirmed by the **Senate**. Governors serve staggered **14-year terms** to **insulate them from political pressure**. The **Chair of the Federal Reserve** serves a renewable **four-year term** and is often called the **second most powerful person** in the country due to the Fed's influence over the **U.S. and global economy**.



Figure 15.18: Created in 1913 to stabilize the banking system after repeated financial crises, the Federal Reserve has evolved into the nation's central bank, using monetary policy—especially interest rates and control of the money supply—to influence economic growth, employment, and inflation. (Image Credit: Harris & Ewing, Federal Reserve, via Wikimedia Commons, Public Domain)

Although originally created as a **backup bank**, the Fed's **primary role today** is to **control inflation**, **encourage employment**, and **stabilize financial markets**—goals often in tension. Its most important policymaking body is the **Federal Open Market Committee (FOMC)**, which includes the seven governors and five rotating presidents of the regional banks. The **FOMC** makes decisions that influence the **availability and cost of money** in the economy.

Tools of the Federal Reserve

The **Federal Reserve** has several powerful tools to influence **economic activity**:

1. **Discount Rate**: This is the **interest rate** the Fed charges **commercial banks** for short-term loans. **Lowering** the discount rate makes borrowing cheaper, **increasing the money supply** and **stimulating the economy**. **Raising** it has the opposite effect.

2. **Reserve Requirement**: This is the **percentage of deposits** banks must keep on hand and not loan out. **Lowering** the reserve requirement **increases available credit** and stimulates economic activity; **raising** it **restricts lending** and slows the economy.

3. **Open Market Operations**: The most frequently used tool, this involves the Fed **buying or selling U.S. Treasury securities**. **Buying bonds** injects money into the economy, encouraging growth; **selling bonds** pulls money out, **reducing inflationary pressure**.

Independence and Accountability

The **Federal Reserve (the Fed)** operates **independently** of the **executive and legislative branches** to prevent **short-term political manipulation** of the economy, such as **lowering interest rates** before an election to boost growth. However, this independence also raises questions about **accountability**. The Fed's decisions can have profound effects on **jobs**, **inflation**, and **wealth distribution**. For example, **tightening the money supply** to combat inflation may **slow job growth** and **hurt borrowers**, while **benefiting investors and lenders**.



Figure 15.19: The Federal Reserve operates independently from elected branches to avoid short-term political pressure, yet its decisions about interest rates and the money supply can have far-reaching effects on employment, inflation, and wealth distribution across the economy. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Although often framed as **neutral** or "technical," the Fed's policies reflect **value-laden tradeoffs** between competing economic priorities. As such, while the Fed's **independence** protects it from political interference, it also limits **democratic oversight** of decisions that affect all Americans.

Monetarism

While **Keynesianism** dominated U.S. economic thinking for much of the 20th century, it was eventually challenged by a different approach, **monetarism**, which shifted the focus from government spending to controlling the **money supply**.

Monetarism is an economic theory emphasizing that managing the **money supply** is the primary way to influence the economy. Its core idea is simple: **inflation** results when too much money chases too few goods. If the money supply grows faster than the economy's productive capacity, prices rise; if it grows too slowly, economic growth can stall. Monetarists advocate allowing the **money supply to expand steadily**, roughly in line with economic growth, to maintain **price stability** and encourage long-term growth without heavy government intervention.

The theory gained popularity in the mid-20th century, largely due to economist **Milton Friedman**, who criticized Keynesian reliance on government spending. Monetarism's influence surged during the **1970s** when the U.S. faced "**stagflation**"—simultaneous high inflation and unemployment that Keynesian models struggled to explain.



Figure 15.20: **President Ronald Reagan awards economist Milton Friedman the Presidential Medal of Freedom in 1988.** Friedman's influential advocacy of **monetarism**—the idea that controlling the growth of the money supply is key to managing inflation and economic stability—shaped economic debates in the late twentieth century and influenced U.S. policy discussions during the era of stagflation. (Image Credit: White House Photographic Collection, via Wikimedia Commons, Public Domain)

In response, President **Jimmy Carter** appointed **Paul Volcker** as Chair of the Federal Reserve in 1979. Volcker prioritized fighting inflation by sharply tightening the money supply, pushing **interest rates above 20%**. This triggered a deep **recession** and **unemployment** peaked at **10.8%** in late 1982, but inflation was brought under control.

Monetarist ideas resurfaced in the **2020s** amid rising inflation following massive **federal spending** during the COVID-19 pandemic, supply chain disruptions, and surging demand. The Federal Reserve responded by **raising interest rates** beginning in early 2022, making borrowing more expensive to cool demand and **reduce inflation**. These policies slowed economic activity and helped bring inflation down from its peak, though risks of recession persisted.

Today, while central banks no longer strictly target money supply growth as early monetarism recommended, the theory's emphasis on **interest rate adjustments** to manage inflation remains central to monetary policy. Monetarism may no longer dominate, but its influence is clear in how **economic stability** is pursued in modern times.

Inequality

Despite recurring economic challenges—like **inflation**, **recessions**, and **global shocks**—the United States remains one of the world's **wealthiest nations**. Consumer goods, adjusted for inflation, are generally more **affordable** than in past generations, and many Americans enjoy historically high levels of **material comfort**. However, this **prosperity** is not shared equally.

Rising Wealth Concentration

Over the last several decades, the gap between the **wealthiest Americans** and everyone else has **widened significantly**. From 1989 to 2019, total U.S. household **wealth** grew from $38 trillion to $115 trillion. But most of that wealth went to the **top 10%**, who now hold roughly **70%** of the nation's total. The **top 1%** alone own more than **one-third** of all wealth.

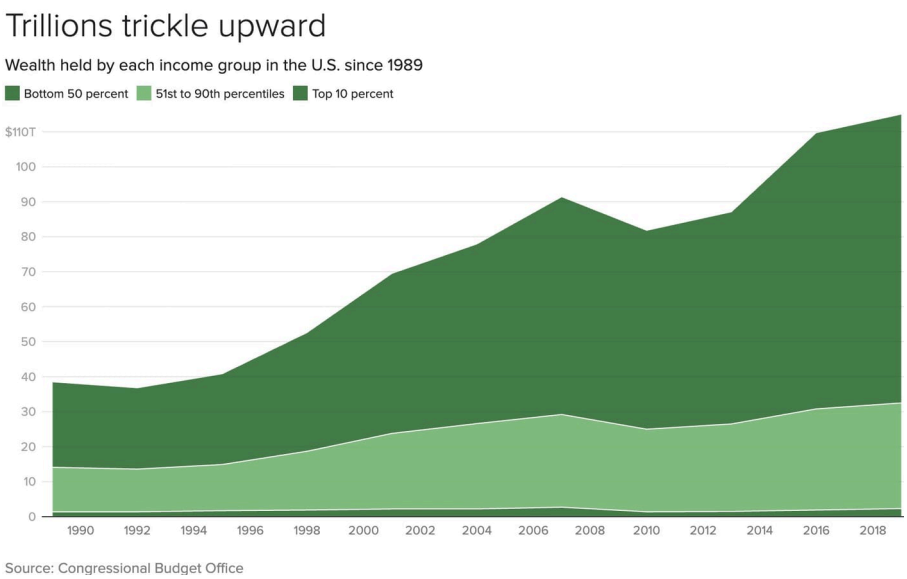


Figure 15.21: Wealth concentration in the United States has increased sharply since the late twentieth century. While total household wealth has grown dramatically, most of that growth has gone to the top 10 percent of households, while the bottom half of Americans have seen only modest gains. (Image Credit: Congressional Budget Office, Public Domain)

One visible symbol of this disparity is **CEO compensation**. In 2020, CEOs earned **351 times** more than the average worker. In 1965, that ratio was just **21 to 1**. This dramatic increase in **income inequality** has led many to argue that the U.S. is entering a new "**Gilded Age,**" where wealth is concentrated in the hands of a few while millions face **economic insecurity**.

Inequality and Democracy

Political scientists and economists alike worry that **extreme inequality** undermines **democracy**. A strong **middle class** is considered vital to **democratic stability** acting as a political buffer between the **wealthy elite** and the **poor**. When **wealth** is heavily concentrated at the top and working people face persistent anxiety over **jobs**, **housing**, and **healthcare**, **trust in democratic institutions** often erodes.

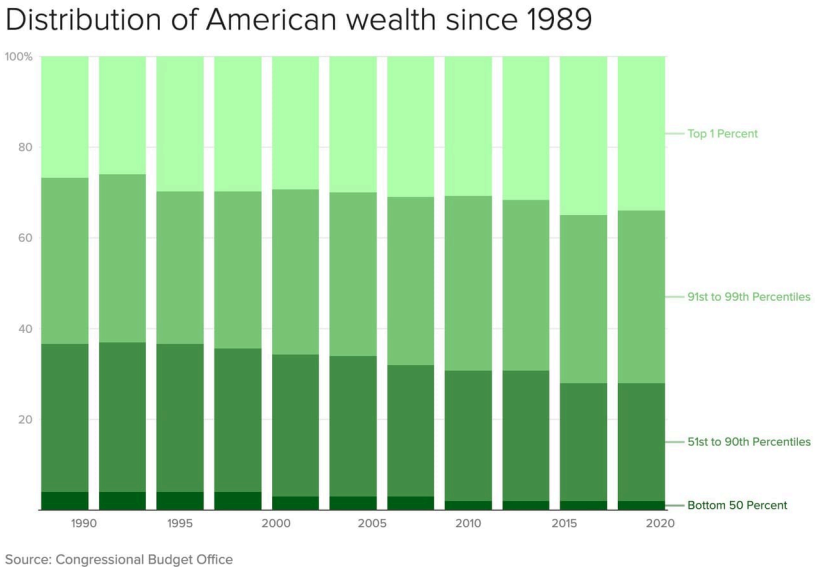


Figure 15.22: Since 1989, a growing share of American wealth has been concentrated among the highest earners, while the bottom half of households hold only a small fraction—trends that raise concerns about the long-term health of the middle class and democratic stability. (Image Credit: Congressional Budget Office, Public Domain)

Recent decades have brought **rapid economic change due to automation, outsourcing**, **global trade**, and **technological**

disruption. Many Americans now contend with **precarious employment**, **stagnant wages**, and **rising living costs**, especially for essentials like **housing** and **healthcare**. This has made **upward mobility** harder to achieve, particularly for **younger generations** burdened by **student debt** and shut out of **unaffordable housing markets** in many cities.

Market Incentives and Corporate Accountability

Capitalism depends on **competition** and **innovation**, but it also encourages **self-interest** and a focus on **short-term profits**. Without appropriate **oversight**, these forces can lead to **corporate misconduct** and **economic instability**. When executives are rewarded for boosting **stock prices** quickly—often through **layoffs**, **outsourcing**, or **stock buybacks**—there's little incentive to invest in **workers** or **communities**.

In the early 2000s, companies like **Enron** used **accounting tricks** to appear profitable, ultimately **collapsing** and costing thousands of **jobs** and **pensions**. Similar dynamics played a role in the **2008 financial crisis**. **Banks** issued **risky home loans**, packaged them into complex **financial products**, and **misrepresented their value**, actions that helped trigger the **Great Recession**. While average Americans suffered **job losses**, **foreclosures**, and **financial ruin**, many **executives in finance** reaped massive **bonuses**.

New Drivers of Inequality

Today, **inequality** is shaped not just by **wages** or **wealth**, but also by **geography**, **technology**, and **climate**:

· **Housing**: Home prices and rents have soared in many cities, putting **stable housing** out of reach for millions, especially **younger** and **lower-income Americans**.

· **Tech and automation**: High-paying jobs increasingly require **advanced technical skills**. Meanwhile, **automation** and **artificial intelligence** threaten to displace **lower-skilled jobs**, contributing to **job insecurity**.

· **Climate change**: The effects of **climate disasters**—like floods, wildfires, and extreme heat—are hitting **low-income** and **marginalized communities communities** hardest. **Recovery** is often slower in areas with fewer **resources**.

While the **U.S. economy** continues to grow overall, the **benefits are not evenly distributed**. Rising inequality raises fundamental questions about **fairness**, **opportunity**, and the **long-term health of American democracy**. A **market economy** requires effective **checks and balances** to ensure that its rewards do not bypass the many in favor of the few.

Poverty

Poverty in the United States remains a persistent issue despite overall **economic growth**. The **poverty rate** fell to **11.6% in 2021**, down from **14.5% in 2013**, but over **37 million Americans** still lived below the **poverty line**, defined in 2021 as an annual income of less than **$26,500** for a **family of four**. While this threshold is often debated, it provides a basis for understanding **trends over time** and comparing poverty across nations.

Competing Explanations

Understanding poverty requires more than describing its prevalence; it involves explaining **why** it exists. Explanations range from **systemic issues**—such as **inadequate education**, **lack of access to healthcare**, **job scarcity**, and **discrimination**—to arguments focused on **personal responsibility** and **individual behavior**. These differing explanations lead to sharply contrasting **policy responses**. If poverty stems from systemic barriers, solutions may include increased investment in **education**, **job training**, and the **social safety net**. If, instead, it is seen as the result of personal failings or **overly generous benefits**, policies may focus on **welfare reform** and **work incentives**.



Figure 15.23: A passerby gives assistance to a man asking for help on a city sidewalk, illustrating the visible realities of poverty and the broader debate over whether economic hardship is primarily the result of structural barriers or individual circumstances. (Image Credit: Ed Yourdon, via Wikimedia Commons, CC BY-SA 2.0)

Public debate often frames the poor in **moralistic terms**: the "**deserving**" poor who work hard but can't get ahead, and the "**undeserving**" poor blamed for their circumstances. However, this binary overlooks the **complexity of poverty**, which often results from a range of factors including **economic shifts**, **illness**, **mental health struggles**, and **family trauma**.

Working Poor and Structural Challenges

A large share of those in poverty are the **working poor**, people with jobs that do not pay enough to lift them above the poverty line. **Economic inequality**, an emphasis on **personal responsibility**, and **limited government support** compound their struggles. Although many Americans believe **hard work leads to success**, **rising costs** and **stagnant wages** challenge this ideal.

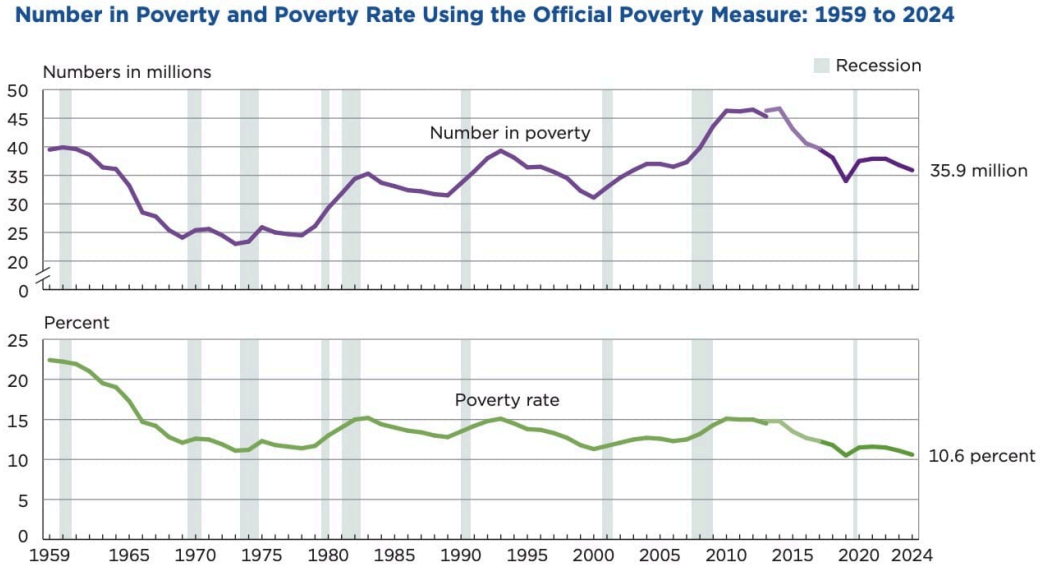


Figure 15.24: Despite fluctuations over time, tens of millions of Americans remain below the poverty line, with poverty rates often rising during economic recessions and declining during periods of growth. (Image Credit: United States Census Bureau, Public Domain)

Feminization of Poverty

Women are increasingly represented among the **poor**, a trend known as the **feminization of poverty**. Contributing factors include the **gender pay gap** (women earn about **82 cents** for every dollar earned by men), **occupational segregation**, higher rates of **part-time work**, and the growing number of **female-headed households**. **Divorce**, **single parenthood**, and **caregiving responsibilities** further disadvantage women economically. The **COVID-19 pandemic** intensified this trend, as many women left the **workforce** to care for children during **school closures**, leading to long-term effects on earnings, career advancement, and retirement security.

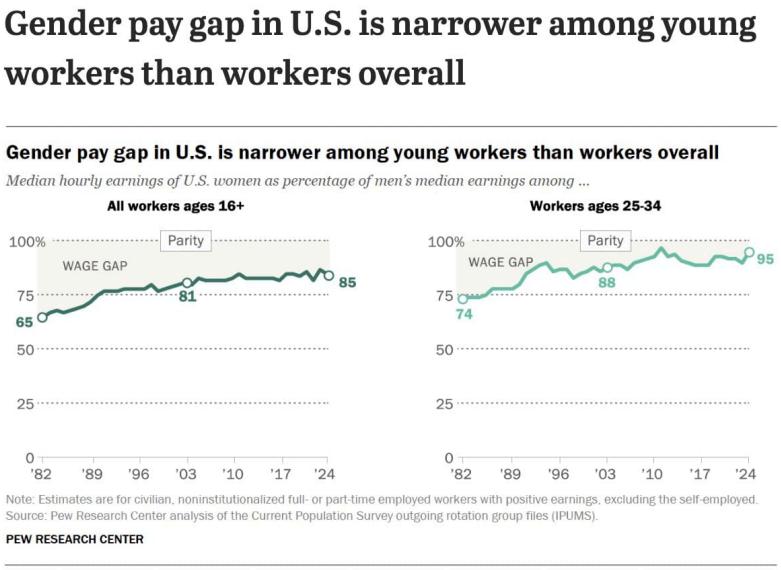


Figure 15.25: Women's earnings have moved closer to men's over time, but a persistent gender pay gap remains. Overall, women earn about 85 percent of men's median hourly wages, while younger workers (ages 25–34) are closer to parity—earning roughly 95 percent—suggesting gradual progress but continued inequality in the labor market. (Image Credit: PEW Research Center)

The Unhoused

Homelessness in the United States has increased in recent years, affecting both **rural** and **urban communities**. Federal estimates suggest that **hundreds of thousands of Americans experience homelessness** on any given night, with recent counts approaching **three-quarters of a million people nationwide**. Many of those experiencing homelessness are **employed** but still cannot afford **stable housing**. Contributing factors include **mental illness**, **addiction**, **job loss**, and a severe **shortage of affordable housing**.



Figure 15.26: Federal "Point-in-Time" counts conducted by the U.S. Department of Housing and Urban Development estimate that hundreds of thousands of Americans experience homelessness on a given night, with both sheltered and unsheltered populations increasing. Homeless encampments have become increasingly visible in many American communities as the number of people experiencing homelessness has risen in recent years. Rising housing costs, limited affordable housing, and gaps in mental health and addiction services contribute to the complexity of the crisis and the ongoing debate over effective policy solutions. (Image Credit: Left: U.S. Department of Housing and Urban Development, Public Domain; Right: Graywalls, via Wikimedia Commons, CC BY-SA 4.0)

California, which accounts for the **largest share of the nation's unhoused population**, illustrates the complexity of the crisis. Despite spending **billions of dollars** in recent years on programs aimed at expanding **shelter** and **housing**, homelessness in many communities has continued to rise. **High housing costs**, **construction costs**, and inadequate support systems for **mental health** and **addiction treatment** make progress difficult. In some cities, new **housing units** have been added, yet homelessness has still increased as **housing costs outpace supply**.

The persistence of **poverty** and **homelessness** underscores the difficulty of crafting effective **public policy**. Before solutions can be implemented, society must first agree on the **causes**. Whether one emphasizes **systemic inequities** or **individual responsibility** will shape the direction of **political debate**, and ultimately, **government policy**.

Government Assistance and Social Welfare

Before the Great Depression, the **federal government** played almost no role in managing the national economy or providing a **social safety net**. That changed dramatically with the **Social Security Act of 1935**, passed in response to widespread economic hardship. It introduced key programs to address poverty caused by **unemployment**, **disability**, and **old age**:

· **Unemployment Insurance**, funded by employers and workers, provides temporary wage replacement for those laid off.

· **Supplemental Security Income (SSI)** supports the aged, blind, or disabled with little or no income.

· **Social Security (Old-Age and Survivors Insurance)** offers retirement income, funded through payroll taxes from workers and employers.

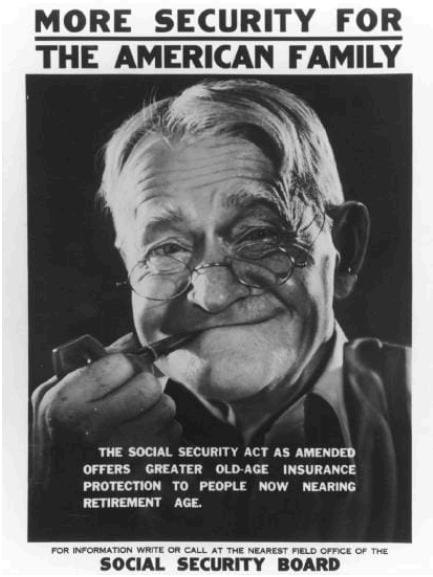


Figure 15.27: Established in 1935, Social Security created a national system of retirement and disability benefits funded through payroll taxes, forming the foundation of the modern American social safety net. (Image Credit: National Archives, Franklin D. Roosevelt Presidential Library and Museum, Public Domain)

In **1965**, **Medicare** (health coverage for seniors) and **Medicaid** (health coverage for low-income individuals) were added, significantly expanding the **social safety net**.

These programs involve **income transfers**, often framed as the government "taking from the rich to give to the poor." However, the **largest income transfers** are not from rich to poor, but from **workers to retirees**, **Social Security** accounts for the majority of federal transfer spending. In contrast, only about **14% of transfer payments** go to the poor, and **cash assistance** makes up just over **1% of federal benefit programs**.

Welfare and Public Perception

The term **welfare** generally refers to **means-tested programs** (i.e., eligibility based on income), such as **food assistance (SNAP)**, **public housing**, and **cash aid**. These programs differ from Social Security in that they are designed specifically for those in **economic need**. Historically, they were **entitlements**, meaning anyone who qualified had a legal right to assistance.

Beginning in the **1960s**, **public opinion** turned against welfare programs. Critics argued that welfare **discouraged work**, promoted **dependency**, and was susceptible to **fraud**. These views were often inflamed by **racial and gender stereotypes** and **political rhetoric**. While some concerns were grounded in fact, such as difficulty transitioning recipients into stable employment, others were exaggerated and reflected broader anxieties about **government overreach** and **shifting social norms**.

Welfare Reform: From AFDC to TANF

In **1996**, under **President Clinton**, Congress passed the **Personal Responsibility and Work Opportunity Reconciliation Act**, overhauling the U.S. **welfare system**. It replaced **Aid to Families with Dependent Children (AFDC)** with **Temporary Assistance for Needy Families (TANF)**. Key changes included:

· A **two-year limit** on continuous assistance and a **five-year lifetime cap**.

· **Block grants** to states, giving them **flexibility** to design programs with local control.

· Requirements that at least **50% of recipients** move into the **workforce** within six years.

· **Restrictions** on aid to **teenage mothers** not living with a parent, and to **immigrants** during their first five years in the U.S.

· States could also **deny increased benefits** to women who had additional children while on welfare.



Figure 15.28: President Bill Clinton signs the Personal Responsibility and Work Opportunity Reconciliation Act in 1996, a landmark law that replaced Aid to Families with Dependent Children (AFDC) with Temporary Assistance for Needy Families (TANF) and significantly reshaped the U.S. welfare system. (Image Credit: Public Papers of the Presidents of the United States, Public Domain)

Though states appreciated the **autonomy**, many faced challenges implementing **work-based welfare programs**. Barriers included lack of **affordable childcare**, **transportation**, **job training**, and **jobs that paid a living wage**. A more persistent issue involved individuals with **severe barriers to employment**, including **mental illness** and **addiction**.

Welfare in the 21st Century

The Great Recession (2007–2010) reignited debate over the role of government assistance. The Obama administration's 2009 **stimulus package** expanded welfare spending, increased **unemployment benefits**, and helped states meet **rising demand** for aid.

During the first Trump administration, the focus returned to **work requirements**, and the number of welfare recipients declined, though this was likely driven more by strong economic growth than major policy changes.

The **COVID-19 pandemic** prompted an unprecedented shift. Under the **CARES Act** (2020) and subsequent relief bills, the federal government distributed over $5 trillion in **economic aid**, including **direct payments**, expanded **unemployment benefits**, and **child tax credits**.

Despite these measures, the U.S. still spends significantly **less** on **social welfare** per capita than most advanced industrial nations, especially in areas like **healthcare**, **childcare**, and **family support**.

Social Security



Figure 15.29: Funded through payroll taxes paid by workers and employers, Social Security provides monthly benefits to retirees, people with disabilities, and the surviving family members of deceased workers. (Image Credit: Openclipart, Public Domain)

The **Social Security Act of 1935** created what is now one of the most popular government programs in the United States. **Social Security** provides monthly income to **retirees**, the **disabled**, and **survivors** of deceased workers, funded by **payroll taxes** collected from current workers and employers.

Challenges Facing Social Security

The program faces long-term challenges due to **demographic changes** and **increased life expectancy**:

· The **baby boomer** generation is retiring, shrinking the ratio of **workers to beneficiaries**. In 1945, there were 42 workers per retiree; today it's about **3:1** and is projected to fall to **2:1** by 2035.

· Retirees now live **much longer**, often collecting benefits for **20 years or more**.

· By **2021**, Social Security began paying out more than it collects. Without reform, the **trust fund** is projected to be **depleted by 2033**, after which it could pay only **75–80%** of scheduled benefits.

The Political Dilemma

Fixing the shortfall involves difficult trade-offs:

· Raising the **payroll tax rate** or lifting the **income cap** (about $168,600 in 2025);

· Raising the **retirement age** (already increasing to **67** for those born after 1959);

· **Means-testing** benefits or reducing payments to wealthier retirees.

Because of its broad popularity, Social Security is often called the **"third rail"** of American politics—touch it, and your career may not survive.

Privatization Debate

In the 1990s and early 2000s, some conservatives proposed **privatizing Social Security** by letting individuals invest their payroll taxes in the **stock market**. Supporters said this could generate higher returns; critics argued it would threaten the program's core promise of **guaranteed retirement income**. The idea lost momentum after the **Great Recession**, but some still advocate

for partial privatization.

Medicare, Medicaid, and Health Care Reform

Medicare and **Medicaid** were both established in **1965** as amendments to the **Social Security Act**. **Medicare** provides health insurance for people aged 65 and older, as well as for certain younger individuals with disabilities. **Medicaid** is a joint **federal-state** program that offers health coverage to **low-income** individuals and families. While some early supporters of Medicare saw it as a path toward **universal coverage**, public skepticism of government-run health care has limited its expansion.

The Affordable Care Act (ACA)



Figure 15.30: Supporters of the Affordable Care Act rally in Washington, D.C., highlighting the political debate surrounding health care reform. Since its passage in 2010, the ACA has expanded insurance coverage and consumer protections, while remaining a central point of contention in American politics. (Image Credit: Ted Eytan, via Wikimedia Commons, CC BY-SA 2.0)

By the early 2000s, **health care costs** and growing numbers of uninsured Americans created intense pressure for reform. In response, the **Affordable Care Act (ACA)** was passed in **2010** with the goal of expanding coverage, improving affordability, and increasing consumer protections. Key provisions included:

· Prohibiting denial of coverage for **pre-existing conditions**.

· Allowing young adults to remain on a parent's health plan until age **26**.

· Requiring most individuals to have **health insurance**.

· Expanding **Medicaid** eligibility in participating states.

· Creating **health insurance marketplaces** with **subsidies** for low- and middle-income Americans.

· Offering **tax credits** to small businesses that offered health coverage.

While often referred to as "**Obamacare**," the ACA focused more on reforming **insurance markets** than the delivery of care. It reduced the number of uninsured Americans but remained politically divisive. Several attempts to repeal the ACA have failed, and most of its core provisions remain in effect.

Ongoing Challenges in U.S. Health Care Policy

Despite reforms such as the **Affordable Care Act**, the United States continues to face significant **health care challenges**. The country spends more **per capita** on health care than any other advanced economy, yet many Americans struggle to afford **premiums**, **deductibles**, and **prescription drugs**. **Rural communities** often face **hospital closures** and shortages of **medical providers**, while millions of Americans remain **uninsured** or **underinsured**.

Debate over how to address these problems remains **politically contentious**. Some policymakers advocate expanding government programs such as **Medicare** and **Medicaid** to increase **coverage** and reduce **costs**. Others argue for reducing **federal spending** and increasing **market competition** to control **health care prices**.

Recent legislation has reflected these competing priorities. For example, proposals debated in the **mid-2020s** included major reductions in **federal health spending**, new **work requirements** for some **Medicaid recipients**, and stricter **eligibility verification**. Supporters argue such policies promote **fiscal responsibility** and encourage **employment**, while critics warn they could reduce **coverage** and strain **rural hospitals**.

These ongoing debates illustrate the difficulty of balancing three major goals of **health care policy**: **expanding access**, **controlling costs**, and maintaining **political consensus**.

The Future of U.S. Health Policy

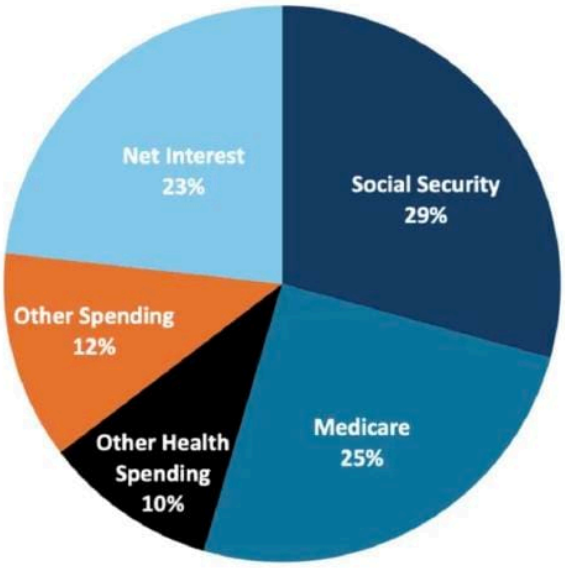


Figure 15.31: Interest payments, Social Security, and federal health programs account for the large majority of projected growth in federal spending. (Image Credit: Congressional Budget Office, Public Domain)

Medicare and **Medicaid** now consume a growing share of the federal budget, raising questions about long-term sustainability. As the population ages and health care costs rise, the future of these programs will depend on political will and public support for balancing costs with access and quality of care.

Recent policy proposals have reflected a shift toward **limiting federal spending on health programs and tightening eligibility requirements**. Supporters argue such reforms strengthen **work incentives** and help control rising costs. Critics warn they may **reduce access to care**, disproportionately affect **vulnerable populations**, and deepen existing **health inequalities**.

At its core, the debate reflects a fundamental question in U.S. **social policy**: What does society owe its members, and what role should the **government** play in ensuring the health of its people?

Open to Debate:
Health Care Reform

> *What do you think? Is providing all Americans with **health care** a **moral imperative** or an unwarranted **intrusion** of the federal government into the **free market**? The United States is the only **industrialized nation** without **universal health care coverage**. Is the United States failing its citizens by not adopting a **single-payer** government run plan such as those found in Europe? Should individuals retain the **freedom to choose** whether or not to purchase **health insurance** even if that leaves millions uninsured or underinsured? The answers to these questions remain **open to debate**.*

Regulation

One of government's core responsibilities, as discussed in Chapter One, is solving **collective action problems**—encouraging individuals or organizations to accept short-term costs for long-term societal benefits. **Regulation** is a key tool used to achieve this. Through regulation, the government can require industries to meet **standards**, avoid harmful practices, and act in the **public interest**, even when doing so may impose costs on businesses.



Figure 15.32: Government regulation requires industries to follow standards designed to protect public health, safety, and the environment, even when compliance may impose additional costs on businesses. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

Government regulation is implemented by a range of institutions, including **cabinet departments** (e.g., the Department of Labor), **independent regulatory agencies** (e.g., the Federal Trade Commission), **independent executive agencies** (e.g., the Environmental Protection Agency), and some **government corporations** (e.g., the Federal Deposit Insurance Corporation).

Major types of regulation include:

· **Economic Regulations**: Promote **fair competition** and prevent **monopolies** or fraud. For example, the **Securities and Exchange Commission (SEC)** enforces rules for corporate financial reporting and securities trading.

· **Labor and Workplace Safety Regulations**: Include **minimum wage** laws, restrictions on **child labor**, and rules enforced by the **Occupational Safety and Health Administration (OSHA)**.

· **Consumer Protection Regulations**: Ensure safety and honest marketing. The **Food and Drug Administration (FDA)** regulates food and drug safety; the **National Highway Traffic Safety Administration (NHTSA)** oversees vehicle safety.

· **Environmental Regulations**: Enforced by the **Environmental Protection Agency (EPA)**, these laws limit **pollution** and protect **natural resources** like air, water, and land.

Although regulations often enjoy public support, they remain **politically controversial**. Critics argue they impose **economic burdens** on businesses, while supporters emphasize their role in safeguarding **health, safety, and fairness**. The **benefits** are typically **diffuse**—spread across society—while **costs** are **concentrated** on regulated industries, giving those industries strong incentives to lobby against regulation.

Another concern is **regulatory capture**—when regulatory agencies become too closely aligned with the industries they oversee. This can happen through the so-called **"revolving door"** between government and the private sector.



Figure 15.33: **Regulatory capture** occurs when **agencies** responsible for overseeing **industries** become too closely aligned with the interests of those they regulate. The **"revolving door"** between **government** and **private industry** can reinforce these connections, raising concerns about whether **regulations** serve the **public interest** or the industries being regulated. (Image Credit: Joseph Braunwarth via OpenAI, CC BY-NC-SA 4.0)

In response to these concerns, the U.S. has gone through periods of **deregulation**, especially since the 1970s. For example, deregulating the **airline** and **telecommunications** industries helped promote **competition** and lower prices. But some efforts, like the **Savings and Loan deregulation** in the 1980s, resulted in costly failures, taxpayers paid over **$100 billion** to clean up the collapse.

More recently, regulation has shifted toward **market-based approaches**. A key example is **cap-and-trade** systems for pollution control. Companies are given or buy a limited number of **emissions permits**. Firms that reduce pollution can sell excess permits, creating incentives to cut emissions efficiently over time.

Regulation remains a **vital yet contested** feature of U.S. policymaking. Policymakers must continually weigh how to **protect the public interest** while maintaining **economic flexibility and innovation**.

Conclusion: The Politics of Economic and Social Policy

Economic and social policy are fundamentally about how a society **allocates resources** and expresses its **values**. In the United States, these decisions are shaped by enduring tensions: between **market efficiency** and **social equity**, and between **individual freedom** and **collective responsibility**.

Macroeconomic tools, such as **fiscal policy** and **monetary policy**, aim to promote **stability** and **growth**, but their effects are deeply tied to questions of **fairness**, **opportunity**, and **public well-being**.

The challenge for policymakers is not just **technical**, but also **moral** and **political**: how to design systems that are both **economically sound** and **socially just**. As the nation grapples with **inequality**, **rising debt**, **demographic change**, and **global uncertainty**, these choices grow more urgent.

Ultimately, the strength of a **democracy** depends on its ability to align **economic outcomes** with **shared public values**, ensuring that prosperity is both **broadly sustained** and **widely shared**.

Glossary

Budget Deficit: How much more money the government spends than it takes in for a given year.

Budget surplus: How much more money the government takes in than it spends for a given year.

Corporate Welfare: Any government spending program that provides unique benefits or advantages to specific companies or industries.

Entitlement: Benefits that cannot be denied to anyone who qualifies.

Economic policy: Government policy intended to foster conditions in which the economy can operate efficiently.

Federal Reserve: The Fed is the **central bank** of the United States and plays a key role in regulating the economy through **monetary policy,** the management of the **money supply** and **interest rates.**

Fiscal Policy: Adjusting government's taxing and spending decisions in order to affect the economy.

Inflation: A general rise in prices which has the effect of decreasing the overall purchasing power of consumers.

Keynesian Economics: Named after John Maynard Keynes, this economic theory argues that government intervention through fiscal and monetary policy is crucial to stabilize economies, especially during downturns, by managing aggregate demand, boosting spending, and reducing unemployment via public works and stimulus.

Laffer Curve: A theoretical graph which depicts the optimal tax rate beyond which increased government taxation has a negative effect on the economy by thwarting individual and corporate spending.

Laissez-Faire: Economic policy in which the government takes a "hands off" approach and interferes with the economy either not at all or only in severely limited situations.

Macroeconomic Policy: Government policies designed to regulate the economy.

Means Testing: Limiting eligibility for benefits to individuals who meet certain requirements such as a limited income or disability.

Medicaid: A joint federal-state program that offers health coverage to low-income individuals and families.

Medicare: Provides health insurance for people aged 65 and older, as well as for certain younger individuals with disabilities.

Modern Monetary Theory (MMT): A macroeconomic theory that says that countries that control their own currencies, like the U.S., are not constrained by revenues when it comes to government spending.

Monetary Policy: Adjusting the flow of the money supply in order to affect the economy.

National debt: The total of all the accumulated budget deficits.

Social Policy: Government efforts to assist those who are unable to compete equally in the economy.

Social Security: Provides monthly income to **retirees**, the **disabled,** and **survivors** of deceased workers, funded by **payroll taxes** collected from current workers and employers.

Welfare: Public assistance programs available to the poor and disabled.

Selected Internet Sites

http://www.brillig.com/debt_clock/. This is the U.S. national debt clock which continually updates the current level of U.S. debt and provides other information and news about the debt.

http://www.sanders.senate.gov. Senator Sanders has numerous articles on his website about income inequality and the current state of the U.S.

http://www.cato.org/index.html. The Cato Institute is a libertarian think tank advocating "individual liberty, limited government, free markets, and peace."

http://www.cbpp.org/. The Center on Budget and Policy Priorities is a non-profit policy organization that examines the impact of

fiscal and public policy on poor and moderate income groups.

http://www.commoncause.org/. Common Cause is a watchdog group that pledges to “hold power accountable.”

http://tcf.org/. The Century Foundation provides alternative ways of looking at social policy issues.

http://www.treasurydirect.gov/govt/govt.htm. This contains information on the national debt and its history.

http://www.taxpayer.net/. Taxpayers for Common Sense is a non-partisan budget watchdog group.

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