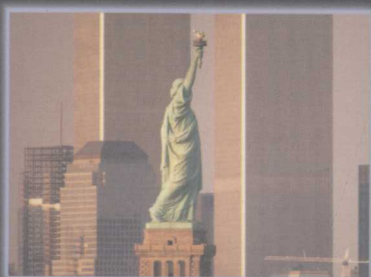


American Government In a Changed World

THE EFFECTS OF SEPTEMBER 11, 2001



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He wishes to thank Joshua Scott of the Center for Politics for his research and editorial assistance for the essay herein.

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AMERICAN GOVERNMENT IN A CHANGED WORLD

While America Slept

Paul E. Peterman

AMERICAN GOVERNMENT IN A CHANGED WORLD

HEADLINE

Separation of powers makes efficient government difficult. Although the checks and balances protect individual liberties, it makes it less likely that government will respond to emerging problems, such as the terrorist threat. During the 1990s, the threat was ignored, despite strong evidence of rising terrorist activity. However, when crisis occurs, as on 9/11, then government can respond strongly and decisively. In the surprise of many, the U.S. response to the attack has been vigorous and decisive—at least in the short run. However, it is not clear whether such a response can be continued over the long run.

As ratified in 1789, the Constitution established a less than fully effective national government. Though a major improvement on the Articles of Confederation, the nation's first—and very weak—founding document, the Constitution could only go so far toward the creation of a strong central government. Election considerations were paramount even to this day. The Constitution had to win approval of elected delegates to state ratifying conventions. A major shift in power from state governments to a powerful, effective national government simply would not have won their approval.

At the constitutional convention in Philadelphia, George Washington and James Madison had proposed the adoption of the Virginia Plan, which would have produced a more potent national government than the one eventually agreed upon. The Virginia Plan called for a single-house Congress (not the Senate and House we now have). This single-chamber

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While America Slept

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HEADNOTE

Separation of powers makes effective government difficult. Although the checks and balances protects individual liberties, it makes it less likely that government will respond to emerging problems, such as the terrorist threat. During the 1990s, the threat was ignored, despite strong evidence of rising terrorist activity. However, when crises occur, as on 9/11/01, then government can respond strongly and decisively. To the surprise of many, the U. S. response to the attack has been vigorous and decisive—at least in the short run. However, it is not clear whether such a response can be continued over the long run.

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At the constitutional convention in Philadelphia, George Washington and James Madison had proposed the adoption of the Virginia Plan, which would have produced a more potent national government than the one eventually agreed upon. The Virginia Plan called for a single-house Congress (not the Senate and House we now have). This single-chamber

Congress would have had a general legislative power of broad scope (rather than the specific, delegated powers the House and Senate were eventually given). According to the Virginia Plan, Congress would have picked the president, forming a unified government not unlike the one in Britain today. (Instead, the elected college forged by compromise at the convention still creaks and groans whenever elections are close). Alexander Hamilton, an energetic advocate of a strong national government, wanted the President picked for life. But the convention delegates rejected such nonsense, well aware that voters would never elect delegates who would accept a ruler resembling a king.

As a result, the United States has a constitution that divides power between national and state governments and separates power at the national level among a wide array of institutions. The Senate balances the House of Representatives; the President, with his veto power, checks both; the states have their own autonomous sphere of power; and the courts act independently of the other branches.

POLITICS AND GOVERNANCE AS USUAL

With all these checks and balances, most of the time it's hard to get things done. Only if a super-majority of political interests can be pulled together and a broad array of groups be satisfied can legislation be passed. Red tape ties up the implementation of laws that finally make it through the legislative maze. Law suits often cause further delays. When power is divided between Republicans in one branch, Democrats in another, the chances for delay and confusion are all the greater. The problems have been accentuated in recent years by the rise of the permanent campaign, the need for politicians to consider the next election almost as soon as the preceding one has taken place.

The Good News

Americans like it this way. Because power is so divided, a piece of the action is available to everyone. Even tiny interest groups have a chance of influencing policy. In 2001, Vermont dairy farmers kept competitors at

bay, because their Senator, Jim Jeffords, held the balance of power in the U. S. Senate. Shortly after he left the Republican party and cast the deciding vote that gave Democrats control over the Senate, he blocked legislation opening eastern markets to dairy farmers from other parts of the country. Because the antiquated dairy restrictions were left in place, moms had to pay more for their baby's milk but dairy producers rejoiced. Also, in 2001, those who wanted a virtual medical campus in West Virginia got the federal government to help pay for it, because their Senator, Robert Byrd, chair of the powerful Senate Appropriations Committee, insisted on funding it as part of the homeland defense bill.

Nor is it just special interest groups and pork-minded constituents who benefit from the give and take encouraged by the country's constitutional design. There are real benefits to splitting of power into many small pieces. For one thing, small racial and ethnic minorities can get representation and respect, because they have enough voting power to influence local politicians. One of the most telling instances occurred in Providence, Rhode Island on the day al-Qaeda terrorists attacked the World Trade Center and the Pentagon. A young man from India, now a U. S. permanent resident, was traveling from Boston to Washington, D. C. He wore the conventional long Sikh beard and carried, quietly hidden away, an ornamental knife, according to the customs of his religious tradition. With the Boston airport shut down, the man took an Amtrak train home, only to be encountered by Providence police as the train passed through that city. Though Sikhs do not share the religious tradition or beliefs of the terrorists who attacked on 9/11—indeed, the hostility between the two groups provoked bitter violence in northern India in February 2002—the police regarded this man, with his long beard and dark complexion, as a potential terrorist. When an intensive search revealed the ornamental knife, he was arrested for carrying a concealed weapon. Prosecutors filed criminal charges, determined to enforce the letter, if not the spirit, of the law.

Quickly, the Sikh communities of Boston and Providence were mobilized, the media took notice, and calls were made to the mayor of Providence. The case was ludicrous on its face, even if neither police nor prosecutor

could figure this out. In order to get the case dismissed, it took the intervention of an elected mayor, well aware of the political consequences of alienating a small, but aroused Sikh community. Separation of powers, federalism, and local autonomy had created a political system where even a fairly small minority could make its political weight felt.

The Problems

But if Americans cherish such openness and responsiveness in their government, they nonetheless often become annoyed at the inefficiency, ineffectiveness, delay and red tape that seem so much a part of the American system of separated institutions. Most troubling of more recent examples of governmental ineffectiveness was the government's failure to anticipate the 9/11 terrorist attacks. Over the course of almost a decade, the United States ignored numerous signals that terrorists were planning some sort of an attack. Just as Adolph Hitler, both by his speeches and his rapid mobilization of German military might, gave throughout the 1930s direct warning of the threat he posed to European peace and security, so the expressed goals and growing capacities of al-Qaeda and its Taliban allies were visible to all those willing to pay attention. While a college undergraduate, John F. Kennedy wrote a senior honors thesis, "While England Slept." Later published as a book, the thesis described England's head-in-the-sand response to the threat Hitler posed. Today, students have the opportunity to write a similar senior honors thesis about the 1990s, this time entitled "While America Slept".

It will require careful research by this collegiate scholar to unpack the whole story. But some of the most telling points are already clear. In February, 1993, more than eight years before 9/11, terrorists bombed the World Trade Center, killing six people and wounding over a thousand, making it clear to government authorities that this marvelous complex, including some of the world's tallest buildings, was seen by terrorist groups as the nerve center of the western economic order. In August 1998, al-Qaeda bombs destroyed the U. S. embassies in Kenya and Tanzania. Even more worrisome, al-Qaeda wreaked serious havoc on a U. S. naval intelligence vessel, the U.S.S. Cole, while it was in a Yemen