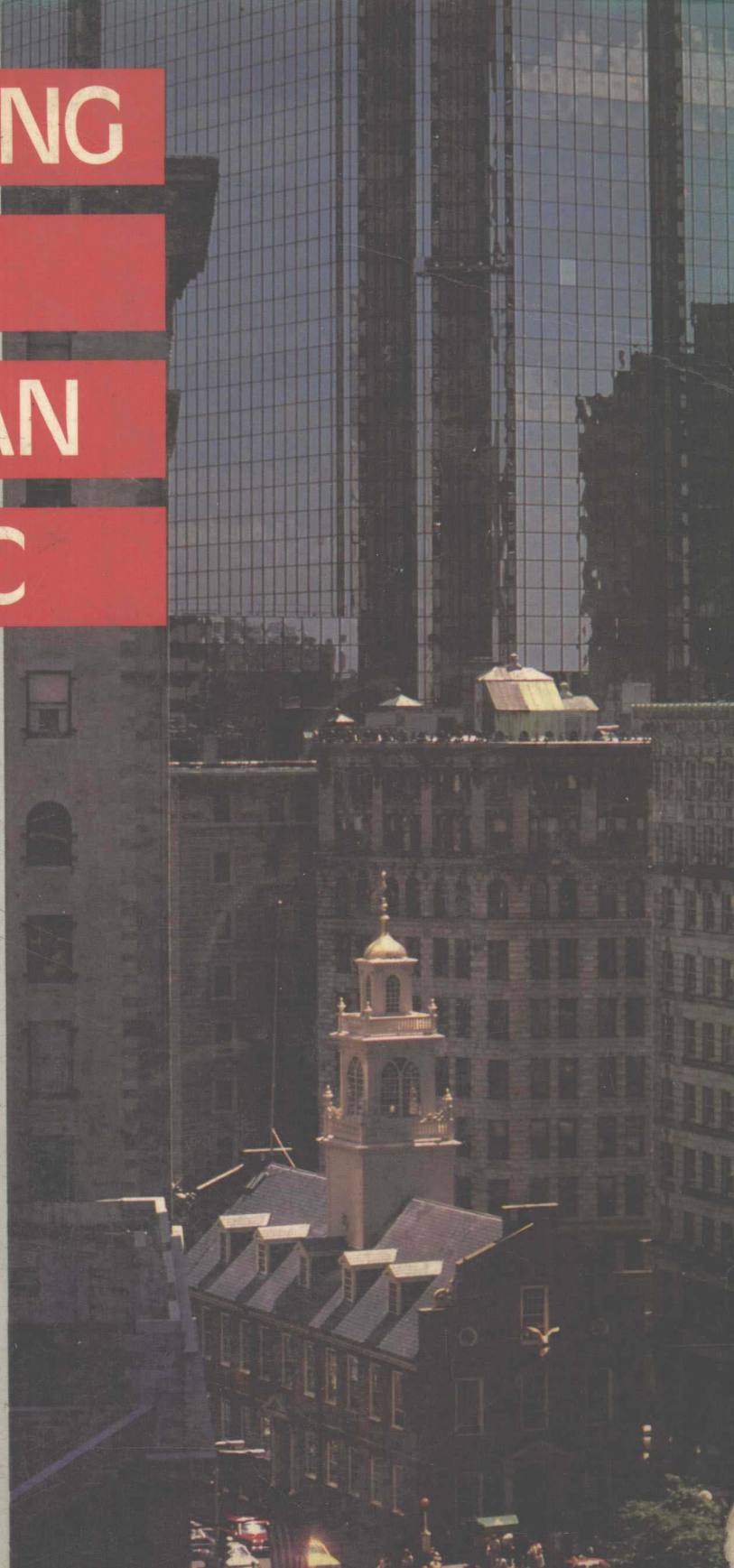


SECOND EDITION

# GOVERNING THE AMERICAN REPUBLIC

ECONOMICS,  
LAW, AND  
POLICIES

ALAN  
**STONE**  
&  
RICHARD P.  
**BARKE**



**GOVERNING  
THE AMERICAN  
REPUBLIC**  
Economics,  
Law, and  
Policies

Second Edition

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# PREFACE

It is difficult to escape a narrow perspective when we try to make sense of very recent events. The decade of the 1980s seems to have been a time of many far-reaching changes in American politics, governmental institutions, and public policies. The American people and their leaders faced new and pressing social problems such as AIDS and the homeless, altered global relationships, and the paradox of apparent economic stability in a time of international economic difficulties. To make sense of new trends and new phenomena, it is tempting to find radical shifts in the American political system—to search for answers in the unique personalities of presidents and other public officials, in new technologies that are reshaping America's society and economy, or in the accidents of history.

A genuine understanding of recent political changes cannot rely entirely on our current perceptions, however. Some things do not change, and others change very little; unless we learn about the most constant factors shaping government and politics, we will be unable to distinguish the interesting aberration from the fundamental change.

## The Approach of This Book

When we teach the introductory American government and politics course, we find it useful to present certain basic concepts. These concepts—goals, justice, cost, organization, incentives and constraints, benefits, and allocation—are introduced in Chapter 1 of this text. In other chapters (particularly 2, 3, 4, and 14), we probe the many meanings of the term *rights*. Concepts such as these are offered to help students make sense of the institutions, traditions, and policies of American government. But, as we try to make clear, they do not provide ultimate answers; rather, they help us to frame issues in sharper focus.

Although students vary in ability, energy, and interest, they are more likely to become interested in government when they can relate it to their own lives and practical concerns. Students have car accidents, rent rooms, buy goods and services, apply for admission to schools, and engage in a vast number of other activities that involve substantial government intervention. Accordingly, we have



included a good deal of material on law (a topic almost entirely ignored by most American Government texts), economics, and social policy (including civil rights). In addition to three chapters (4, 13, and 14) devoted wholly or largely to these topics, much material on them has been included in other chapters.

Our approach derives from a combined total of almost thirty years of teaching American Government courses at a variety of schools to many types of students. It is not an approach that may be labeled leftist, rightist, or centrist. Indeed, we ourselves differ sharply on many issues. We ask instructors and students to set their beliefs and preconceptions aside as they read this book; many of the questions we raise do not have simple or certain answers.

*Governing the American Republic* is not a book about “democracy.” That idea, in the sense of majority preference, certainly plays an important role in our system, but the structure devised by America’s constitutional Framers and carried forward by others is far more complex than is “democracy.” Nor is this a book about “government” or “politics” alone. The institutions, processes, and policies of government in practice cannot be divorced from the social and economic arenas within which government must operate. The American Founders’ conceptions of republicanism were largely devoted to defining the proper relationships between government and the other spheres of our lives. Thus, the idea of “governing” implies an active, creative process, whereby public officials continuously redefine the boundaries and interactions between public and private spheres of action.

## The Structure and Content of This Book

In keeping with our approach, Part I of *Governing the American Republic* begins by drawing connections between government and the broader aspects of American society. In Chapter 1, we offer first a short overview of the American people and their material lives. In the second half of the chapter, we provide students with the aforementioned set of concepts and organizing principles that will be used in subsequent chapters to help evaluate policies, proposals, and institutions.

The Constitution plays a crucial role in the daily lives of Americans, and it provides the basic rules for government and politics. Accordingly, it is important to examine it not only as it relates to government today but also in the context of the intellectual stream of which it was a part. The study of the Constitution in Chapter 2 examines the impact of Enlightenment thinkers such as Locke, Montesquieu, Newton, and Smith in order to show what the Founders attempted to achieve. We then investigate how the Founders’ views shaped the details of the governmental system they devised. Chapter 3 illuminates the mechanisms of federalism—a vital and visible part of the constitutional system that embodies many of the Founders’ assumptions about political powers and rights.

Many Americans participate directly in their system of government through the legal system—for example, by receiving a speeding ticket or signing a lease. In Chapter 4, we examine the functions, categories, and sources of law. These topics are usually either not considered at all in American Government texts or

treated perfunctorily. We also link American law with our evolving conceptions of civil liberties and civil rights.

In Part II, we focus on the linkages between citizens and government. Chapter 5 discusses the various ways in which Americans participate in the political system as individuals: developing and expressing their political opinions, and acting on those opinions to protect their rights, extend their benefits, or limit the costs that can be imposed upon them. In Chapter 6, we extend our examination of the diverse and complex American participatory structure by discussing the formation, behavior, and effectiveness of interest groups. Chapter 7 traces the history of the American party system, spells out the functions of political parties, and considers the implications of the fragmented American two-party system. We ask students to evaluate the merits and faults of the American party system rather than to accept it simply as the sole inevitable one. In Chapter 8, we examine elections and campaigns: their purposes, their operation, and their effects. Students are challenged to consider one of the most common criticisms of modern American politics: that money and the mass media are undermining the integrity of the electoral process.

Using a unique focus, Part III covers the institutions of American government. The Founders consciously designed these institutions according to their expectations that structures would dictate institutional behavior regardless of who occupied the leadership posts. As Madison observed in *The Federalist*, no. 10, "Enlightened statesmen will not always be at the helm." Accordingly, in each of these chapters we look first at the powers of the relevant institutional structure. Concepts discussed in earlier chapters, such as incentives, costs, and organization, are used to help the student understand the ways that institutions function. Examples, such as events and personalities, do not stand alone, but provide students with a sense of how processes work.

In Chapter 9, we examine the powers, structures, and behavior of Congress. Our focus is on the constraints and incentives that shape congressional behavior, and at the end of the chapter we use this approach to make the congressional budget process more comprehensible. A similar approach is used in Chapter 10: we examine the president's powers and limitations, and we investigate the general forces that prevent presidents from increasing their powers. In addition, we ask how presidents organize their efforts to control the bureaucracy, work with Congress, and shape public opinion through the mass media. Chapter 11 covers the courts in a way that is unusual among American Government textbooks. We describe in concrete detail the system of justice and the process of the law, but instead of focusing almost exclusively on the rarified atmosphere of the Supreme Court, our treatment covers processes from the lowest courts to the highest. The differences between civil and criminal process are clarified. In Chapter 12, we apply our approach to the bureaucracy. The logic of bureaucracy is explained, along with popular myths and truths about its flaws. We include a full discussion of the policy process and illustrate it with an example to which all students can relate: product packaging and labeling regulations.

The final three chapters, which comprise Part IV, cover policies: economic,

social, foreign, and defense. We emphasize historical context and basic concepts so that students can understand the reasons for the shape of current policies and the debates about them and thus better evaluate those policies. For example, our discussion of economic policy begins with the historical and conceptual roots of the American version of capitalism. Similarly, we believe that students are not equipped to evaluate social welfare policies unless they recognize the connections and trade-offs between abstract rights and actual programs. Or again, can one understand current controversies about Central American policy without learning about the origins of the cold war and the theories to which it gave rise?

We have endeavored to state fairly the various perspectives on important controversies and to supply as many pertinent facts as space allows. Students will not find answers to all their questions about American politics, government, and policies. But they should be able to ask informed questions about the meaning of a presidential election, a Supreme Court ruling, or a proposed change in public policy.

### **Special Features of the Text**

Whenever a key term or concept appears in the text, its definition appears in the margin. In addition, there is a comprehensive glossary at the back of the book.

Each chapter opens with an outline of its contents, contains an annotated bibliography, and concludes with a review section that enables students to test their understanding of what they have read. These review sections, which include approximately thirty questions each, eliminate the need for a separate, expensive study guide. Answers to the questions are given after the glossary.

A combined Instructor's Manual (by Stephen Wainscott of Clemson University) and Test-Item File containing about fifteen hundred questions (by Ryan Barilleaux of Miami University of Ohio) is available to adopters.

### **Changes in This Edition**

Those familiar with the first edition of *Governing the American Republic* will find that its virtues have been preserved and that numerous additions have strengthened it. We hope, too, that its flaws have been ameliorated. While this second edition offers information about recent events, it is not merely an attempt to be current. Instead, many important developments that have occurred since the publication of the first edition have been integrated into the existing treatments. For instance, the Iran-Contra affair is discussed in Chapter 10 as an example of our government's 200-year-old difficulties in trying to establish the boundaries between congressional and executive powers.

In addition, this second edition significantly expands a number of subjects. The federalism chapter is entirely new. It acknowledges the phenomenal resurgence of the states during the 1980s. In addition, the chapter recognizes the general principles of federalism that suggest federal-state relations have no stable equilibrium, evolving instead in response to such factors as public values

## PREFACE

and international economic challenges. Chapter 4, "Law, Civil Liberties, and Civil Rights," a reorganization of earlier materials, now includes a more extensive discussion of discrimination in education and the workplace. Largely because of the curiosity of our students, we have increased our coverage of public opinion, ideology, and opinion surveys; collective participation and interest group behavior has also been expanded and placed in a separate chapter.

Other significant changes include coverage of the 1988 election, greater analysis of the roles of PACs and other political money in American elections, and a more detailed discussion of the impact of the media both on elections and on the president's guidance of government. While retaining the emphasis on law, this edition eliminates excessive details on some legal topics. All of the policy chapters have been updated, with numerous additions to the discussions of larger themes suggested by the concepts introduced in Chapter 1. The sequence of the institutional chapters has been altered to follow that of the Constitution. Finally, the number of terms defined in the page margins has been increased, and as mentioned, there is now a unique review section at the end of each chapter.

We hope that students and faculty will find the second edition of *Governing the American Republic* to be informative, useful, and thought-provoking, and we invite comments and suggestions from readers. Please send remarks to us in care of:

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*Alan Stone*  
*Richard P. Barke*



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# CONTENTS

Preface     vii

## **PART I** --- **America: Present and Past**     1

### **1 An Introduction to the American System**     2

<b>Who Americans Are</b>	5
<b>What Americans Have</b>	8
<b>Law, Economics, Policies, and Institutions</b>	11
<b>Basic Concepts</b>	12
Goals	12
Justice	12
Cost	13
Organization	14
Incentives and Constraints	16
Benefit	17
Allocation	18
<b>Conclusion</b>	20
Notes	20
Bibliography	20
Chapter Review	21

### **2 Nationbuilding: Constitution and Commerce**     23

<b>The Roots of the Constitution</b>	25
The Enlightenment	25
Liberty and Rights	27
<i>Feature 2-1: James Madison on Property and Liberty</i>	29
<b>Separation of Powers</b>	29
<b>Mixed Government, Interests, and Commerce</b>	33
<b>The Federalist No. 10 Principle</b>	35
<i>Feature 2-2: Excerpts from The Federalist, No. 10, by James Madison</i>	34

*Feature 2–3: 1789 Salaries of Public Officials in the State of Franklin* 38

<b>The Road to the Constitution</b>	<b>39</b>
<b>The Constitutional Convention</b>	<b>40</b>
Limited Government	43
Federalism	44
Popular Representation	45
<b>The Powers of American Government</b>	<b>46</b>
Legislative Power	46
Executive Power	48
Judicial Power	52
<b>The Constitution in Perspective</b>	<b>54</b>
Notes	54
Bibliography	55
Chapter Review	56

### 3 The Labyrinth of Federalism 58

<b>What Is Federalism?</b>	<b>59</b>
The Politics of Federalism	60
<b>The Struggle over Federalism</b>	<b>62</b>
<b>The Inevitable Clash</b>	<b>63</b>
John Marshall's Great Decisions	63
<b>The Expansion of Federal Power</b>	<b>65</b>
New Deal Cases	66
<b>Federalism and Civil Rights</b>	<b>68</b>
1964 Civil Rights Act	69
<b>What Is Left of Federalism?</b>	<b>70</b>
General Principles	71
Fiscal Federalism	73
<i>Feature 3–1: Highway Speed Limits</i>	<b>75</b>
A New Federalism?	76
<i>Feature 3–2: The Reagan Administration's New Federalism</i>	<b>76</b>
<b>The Labyrinth of Federalism</b>	<b>77</b>
Notes	78
Bibliography	78
Chapter Review	79

### 4 Law, Civil Liberties, and Civil Rights 81

<b>What Is Law?</b>	<b>82</b>
The Functions of Law	83
<i>Feature 4–1: The Ways of the Law Are Sometimes Mysterious</i>	<b>85</b>
The Elements of Law	86
<b>An Overview of American Law</b>	<b>89</b>
<b>Sources and Categories of Law</b>	<b>91</b>
Common Law	92
<i>Feature 4–2: Where Do Cases Come From?</i>	<b>92</b>

Statutory Law	94
Administrative Law	95
Constitutional Law	98
<b>Civil Liberties</b>	<b>101</b>
The Nineteenth-Century View	102
The Modern View	102
Freedom of Speech, Press, and Association	103
<i>Feature 4-3: Freedom of Speech</i>	103
Religion	107
<b>Civil Rights</b>	<b>108</b>
Discrimination in the Schools	109
Discrimination in Employment	112
Notes	114
Bibliography	115
<i>Chapter Review</i>	116

## PART II

### Linkages: The People and the Government 119

#### 5 Public Opinion and Individual Participation 120

<b>Public Opinion</b>	<b>123</b>
Political Culture	123
<i>Feature 5-1: What Problems Does the Public Think Important?</i>	124
Knowledge and Ignorance	127
Ideology	128
<i>Feature 5-2: What Americans Believe</i>	129
Political Socialization	129
Public Opinion Polling	130
Does Public Opinion Make a Difference?	132
<b>Individual Participation in America</b>	<b>133</b>
Voting	134
Other Forms of Individual Participation	137
Effects of Individual Participation	140
Notes	142
Bibliography	143
<i>Chapter Review</i>	144

#### 6 Collective Action and Interest Groups 146

<b>Participation in Groups</b>	<b>148</b>
Why Do Groups Form?	150
Why Do Some Potential Groups Not Form?	154
<b>Types of Interest Groups</b>	<b>157</b>
Individual Businesses	157
Business Associations	158

<i>Feature 6-1: A Divided Business Interest: Firms and Groups for and against the 1986 Tax Reform Bill</i>		159
Labor Unions		159
Public Interest Groups		161
Single-Issue Groups		162
Governments as Interest Groups		164
<b>Techniques and Effectiveness of Interest-Group Politics</b>		<b>165</b>
Direct Communication with Government Officials		165
Lobbying through Constituents		166
Lobbying through Elections and Public Opinion		168
<b>Regulation of Interest Groups</b>		<b>169</b>
<b>Interest Groups in American Politics</b>		<b>170</b>
Notes	171	Bibliography 172
Chapter Review		173

## 7 Political Parties 175

<b>The Ideal Functions of Political Parties</b>		176
<b>The Evolution of the Two-Party System</b>		179
<b>The Two-Party System and the Fate of Minor Parties</b>		<b>185</b>
Beliefs and Attitudes		186
Institutional Factors		186
The Effects of the Two-Party System		188
<i>Feature 7-1: Is There a Difference between the Democratic and Republican Parties?</i>		188
<b>The Federal Structure of American Parties</b>		<b>189</b>
State and Local Parties		190
National Parties		191
Congressional Parties		192
Presidential Parties		195
<b>Party Personnel</b>		<b>196</b>
Party Identifiers		196
Party Activists		198
<b>Party Politics in America</b>		<b>200</b>
Notes	200	Bibliography 201
Chapter Review		202

## 8 Elections 204

<b>The Idea of Elections</b>		205
<b>Elections under the Constitution</b>		<b>206</b>
Terms of Office		206
Qualifications of Candidates		207
<i>Feature 8-1: Progress for Black Elected Officials, 1970-1987</i>		213
Number of Elected Officials		208
Unit of Representation		209

Composition of Electoral Units	210
Suffrage	212
The Electoral College	215
<b>American Electoral Institutions</b>	<b>216</b>
Caucuses and Primaries	217
<i>Feature 8-2: Major Events in the Texas Democratic Party's 1988 Campaign</i>	218
Delegates and Conventions	220
The General Election Campaign	222
<i>Feature 8-3: The 1988 Elections</i>	225
<b>Money and Media: Distortions in American Elections?</b>	<b>226</b>
Democracy for the Wealthy?	226
Mass Media in American Elections	232
<b>Conclusion</b>	<b>237</b>
Notes	238
Bibliography	238
Chapter Review	240

## PART III

### Institutions: Power and Structure 243

#### 9 Congress and the Legislative Function 244

The Origins of the Legislature	245
The Constitutional Powers of Congress	246
Enumerated Powers	247
Implied Powers	251
Enabling Powers	252
Concurrent Powers	252
The Tasks of Congress	252
<i>Feature 9-1: A Day in the Life of the House of Representatives</i>	253
Legislative Tasks	254
Oversight Tasks	256
Representation Tasks	257
Congressional Incentives	259
<i>Feature 9-2: Congress's Less Serious Work</i>	260
The Management of the Congressional Process	261
Executive-Branch Leadership	262
Leadership within a Congress	263
Organizations within Congress	264
How a Bill Becomes a Law	266
The Committee System	266
<i>Feature 9-3: Today in Congress (June 15, 1988)</i>	273
Floor Action	274

<b>The Congressional Budget Process</b>	<b>278</b>
The Budget Committees	280
The Congressional Budget Office	281
The Congressional Budget Timetable	281
The Gramm-Rudman-Hollings Act of 1985	283
<b>The Role of Congress</b>	<b>285</b>
Notes	285
Bibliography	286
Chapter Review	287

## 10 The President and the Executive Function 289

<b>The Functions of the Presidency</b>	<b>292</b>
<b>Executive Power</b>	<b>293</b>
Power over Internal Affairs	294
Power over External Affairs	297
<b>The Organization of the Presidency</b>	<b>301</b>
The White House Office	302
<i>Feature 10-1: The Size of the White House Bureaucracy</i>	<b>303</b>
The Executive Office of the Presidency	304
The Vice Presidency	307
The Cabinet	307
<b>Presidential Policymaking</b>	<b>309</b>
The President and Congress	309
The President, the Public, and the Media	315
The President and the Courts	319
The President and the Bureaucracy	321
Notes	323
Bibliography	324
Chapter Review	325

## 11 The Courts and the Judicial Function 327

<b>The Constitutional Role of the Courts</b>	<b>329</b>
<b>Federalism and the Courts</b>	<b>321</b>
<b>American Court Systems</b>	<b>332</b>
<b>Jurisdiction</b>	<b>333</b>
<b>What Courts Do</b>	<b>335</b>
<b>The Civil Case</b>	<b>337</b>
<i>Feature 11-1: The Biggest Case in History</i>	<b>337</b>
The Jury	338
The Trial	338
Criminal Law and Due Process	340
What Is Due Process?	340
The Investigation	342
From Arrest to Trial	344
The Trial and Sentencing	347
<b>Appeal</b>	<b>348</b>
Notes	351
Bibliography	351
Chapter Review	352



<b>12</b>	<b>Bureaucracy and the Policy Process</b>	<b>354</b>
	<b>The Federal Bureaucracy</b>	<b>357</b>
	What Is a Bureaucracy?	357
	Myths about Bureaucracies	359
	<i>Feature 12-1: An Example of a Federal Regulation</i>	360
	Organization of the Federal Bureaucracy	364
	Controls on the Bureaucracy	370
	<b>The Policy Process</b>	<b>373</b>
	What Is a Public Policy?	374
	The Stages of the Public Process: A Case Study	374
	<b>Bureaucracy and Policy: No Simple Answers</b>	<b>381</b>
	Notes	381
	Bibliography	383
	Chapter Review	384

## **PART IV**

### **Policies: Means and Ends**

<b>13</b>	<b>Economic Policy</b>	<b>388</b>
	<b>Capitalism and Private Law</b>	<b>391</b>
	Contract	391
	Property	392
	Business Organization	393
	<b>The Tools and Techniques of Economic Policy</b>	<b>395</b>
	Subsidy Policy	396
	Public Enterprise	400
	Regulation	404
	<i>Feature 13-1: The Internationalization of Regulation</i>	412
	<b>Macroeconomic Policy</b>	<b>413</b>
	What Is Macroeconomics?	413
	The Goals of Macroeconomic Policy	414
	Fiscal Policy	415
	Monetary Policy	419
	Supply-Side Policy	425
	<i>Feature 13-2: Typical Key Economic Indicators</i>	425
	Future Economic Policy	429
	<i>Feature 13-3: American Mediocrity</i>	430
	Notes	431
	Bibliography	432
	Chapter Review	433
<b>14</b>	<b>Social Policy</b>	<b>435</b>
	<b>What Is Social Policy?</b>	<b>436</b>
	Choosing a Course of Action	437
	The Guiding Principles of Social Policy	438

<b>The Provision of Opportunities and Choices</b>	<b>441</b>
Protection from Discrimination	442
Discrimination in Education	442
<i>Feature 14-1: W. E. B. Du Bois: The Evolution of the Race Problem (1909)</i>	443
The Rights of Workers	444
<b>The Provision of Resources</b>	<b>447</b>
Cash Benefits	448
In-Kind Benefits	451
<i>Feature 14-2: Measuring Poverty</i>	452
<i>Feature 14-3: The Problem of Unemployment</i>	457
Taxation	458
<b>The Provision of Social Services</b>	<b>461</b>
Education	462
Manpower Training	463
Cities	464
Assessing Social Benefits Programs	466
<b>Social Regulation</b>	<b>467</b>
Injunctions	468
Standards	470
Requirements	474
<b>Conclusion</b>	<b>475</b>
Notes	476
Bibliography	476
Chapter Review	478

## **15 Foreign and Defense Policies 480**

<b>What Is Different about Foreign and Defense Policies?</b>	<b>482</b>
The Cold War	484
Containment	486
<i>Feature 15-1: The Truman Doctrine: President Truman's Speech to Congress (1947)</i>	488
The Domino Theory	488
Containment Today	490
<b>American Diplomacy</b>	<b>491</b>
The United Nations	491
Bilateral Assistance	493
Bilateral and Multilateral Diplomacy	494
<i>Feature 15-2: Hidden Diplomacy</i>	494
<b>American Military Policy</b>	<b>495</b>
The Cost of Defense	495
<i>Feature 15-3: The Rising Cost of Weapons</i>	496
Nuclear Strategy	496
NATO and Conventional Warfare	500
Guerilla and Low-Level Warfare	501
Arms Control	504

<b>Foreign Economic Policy</b>		<b>507</b>
The Pre-World War II Background		507
Bretton Woods and the World's New Economic Order		509
American Policy and Strains in the World Economic Order		511
<b>Conflict, Cooperation, and Contradiction</b>		<b>513</b>
Notes	514	Bibliography 514
<i>Chapter Review</i>		<i>515</i>
<b>Appendix A</b>	<b>The Declaration of Independence</b>	<b>518</b>
<b>Appendix B</b>	<b>The Constitution of the United States of America</b>	<b>520</b>
<b>Appendix C</b>	<b>Presidential Elections, 1788–1988</b>	<b>530</b>
<b>Glossary</b>	<b>535</b>	
<b>Answers to Chapter Review Questions</b>		<b>543</b>
<b>Index</b>	<b>545</b>	