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FIFTH EDITION

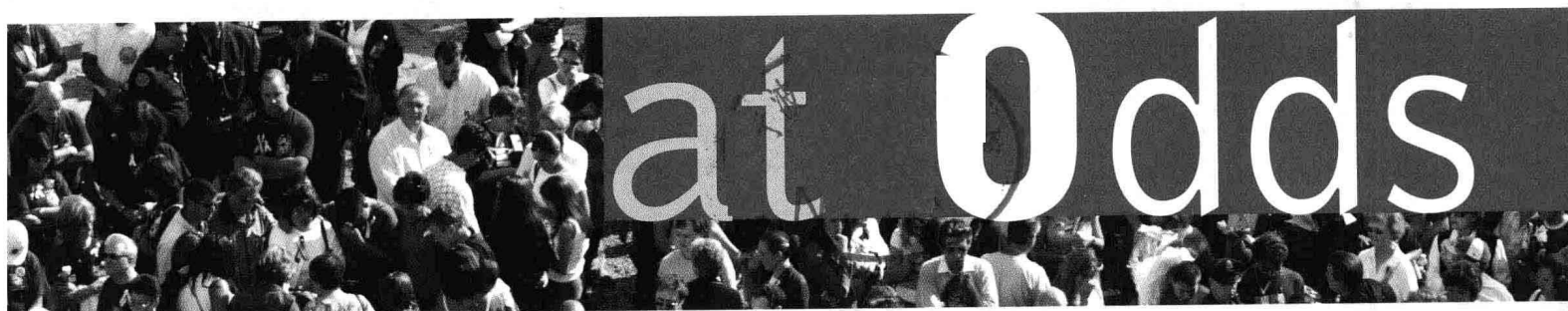
America

at Odds

EDWARD SIDLOW    BETH HENSCHEN

# 5

FIFTH EDITION



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It does not take long for a student of American government to get the message: Americans are at odds over numerous political issues. The 2004 elections, for example, were bitterly partisan and contributed to an increasingly polarized political landscape in America. In 2005, Americans were deeply divided over Social Security reform. President George W. Bush's proposal to establish private investment accounts with a portion of Social Security withholdings met with significant opposition. The war on terrorism that began on September 11, 2001, also created new challenges for American democracy, as you will read throughout this text.

Political conflict and divergence of opinion have always characterized our political traditions and way of governing. Nonetheless, our democracy continues to endure. Indeed, the U.S. Constitution has been the model for most of the world's new democracies in the 1990s and early 2000s.

*America at Odds: An Introduction to American Government*, Fifth Edition, looks at government and politics in this country as a series of conflicts that have led to compromises. Along the way, your students will sometimes encounter a bit of irreverence—none of us should take ourselves so seriously all of the time!

This text was written with today's generation of students in mind. As such, it does the following:

- Forthrightly presents different perspectives on key issues being debated today, including how to ensure our nation's security against terrorism while protecting our civil liberties.
- Helps your students test their beliefs and assumptions.
- Assists your students in forming enlightened political values and opinions.
- Uses a thematic as well as an analytical approach, with emphasis on the various challenges that face our enduring democracy.
- Fully explains the major problems facing the American political system today.
- Integrates the global connections that exist between American politics and those of the rest of the world.
- Captures the excitement of cyberspace with respect to its effect on American politics and makes available numerous Web resources, ranging from a book-specific Web site to links to relevant Web sites that deal with questions raised in this text.

## Politics in a Cyber Age

Cyberspace affects not only our home lives and the way we do business but also American politics. *America at Odds*, Fifth Edition, fully integrates the world of cyberspace into the study of American politics.

Throughout this text, your students are exposed to the numerous political issues that have arisen because of the rapid changes in communications technology. For example, Chapter 1 explores the question of how data-mining technology is being used in the war on terrorism. Chapter 4 examines the issues of privacy rights raised by new medical microchip technology.



## Politics on the Web

The amount of information available to students of American government on the Web is almost without limits. Where do they start? And where do they go? We solve this thorny problem by providing, at the end of each chapter, an entire section entitled *Politics on the Web*. There your students can discover the best Web sites for each chapter's subject matter. Many of those Web sites offer additional hot links.

## The *America at Odds*, Fifth Edition, Web Site

In addition to the *Politics on the Web* section, there is an *America at Odds* companion Web site at:

<http://www.americaatodds.com>

Here you and your students will find a wealth of information developed specifically for *America at Odds*. The Web site offers numerous helpful resources, including the following:

- Chapter-by-chapter tutorial quizzes that allow students to test their knowledge.
- Hyperlinks to relevant Web sites for each chapter—including URLs that update materials in the text.
- Internet activities that relate to each chapter's material.
- Glossaries, audio flash cards, and crossword puzzles.
- Additional exercises related to the book's features, including *Comparative Politics* questions, *Perception versus Reality* "Critical Thinking" questions, and *Why Does It Matter?* activities.
- A link to the Wadsworth American Government Resource Center at <http://politicalscience.wadsworth.com/amgov> for additional resources.

## American Politics Now™ for Improved Study Techniques

This resource enhances the functionality of the book's companion Web site by providing a complete package of diagnostic quizzes and integrated media elements—including an *e-Book*—and an *Instructor Gradebook*. After students take a *Pre-Test* covering the chapter they have just read, American Politics Now™ calculates the results and generates a *Customized Study Plan*. The plan outlines those topics that require review and guides the student through the following media activities:

- Simulations in which the student role-plays as state senator, adviser to the president, and others to encourage critical thinking and decision-making skills.
- Video Case Studies that feature contemporary policy issues and conclude with provocative questions that encourage decision making.
- MicroCase® Exercises that present issues in American government and direct students to pertinent data—helping them consider and interpret data.
- Interactive Timelines, complete with photos and narrative.
- *Post-Tests* that follow up on students' progress and help assess final mastery of the material.

## Internet Activities

To make sure that your students not only master the Web but at the same time improve their understanding of American politics, we have a specially designed booklet that you can order for them. It is called *American Government Internet Activities*, Third Edition. Each exercise relates to topics that are covered in the text. The exercise takes your students on a navigation path and then asks them to complete various exercises related to the data that they discover.

## The Modern Text—Features That Teach

Any American government text must present the basics of the American political process and its institutions. Any *modern* American government text, however, must go further: it must

excite and draw the student into the subject materials. That is exactly what we do in *America at Odds*, Fifth Edition. Among other things, the Fifth Edition of *America at Odds* deals with current issues and events that are familiar to students. For example, in virtually every chapter there is a reference to, or discussion of, some aspect of the 2004 campaigns, elections, or election results.

Additionally, we present many of today's controversial political issues in special features. Each of these features is referred to within the text itself so that the student understands the connection between the feature and the topic being discussed. We describe below the various types of features that we have included in *America at Odds*, Fifth Edition.

- ***America at Odds***—This chapter-opening feature examines a major controversy over which the public is divided and has strong views. Each of these features concludes with a section entitled *Where Do You Stand?* These sections, which consist of two questions, invite the student to form or express his or her own opinions on the arguments presented in the feature.

Students can explore the issue further by accessing the Web site links provided in the *Explore This Issue Online* section. These links were chosen either to represent the opposing viewpoints posed in the feature or to provide a resource for further research.

Some of the titles of these chapter-opening *America at Odds* features are as follows:

- Is There Too Much Religion in American Politics? (Chapter 1).
- Should Same-Sex Couples Be Allowed to Marry? (Chapter 5).
- Do Colleges Shun Conservative Views? (Chapter 7).
- Supreme Court Appointees: Does Partisan Ideology Matter? (Chapter 14).
- ***In-Chapter America at Odds***—The theme of controversy continues in shorter features that are integrated within the text of every chapter. Each in-chapter *America at Odds* briefly introduces students in a concise yet thought-provoking manner to an issue that divides Americans. These features will keep your students thinking and questioning their own political attitudes and values. Some titles of these features include:
  - Has America Gone Too Far in “Exporting Liberty”? (Chapter 1).
  - Should States Be Allowed to Import Prescription Drugs? (Chapter 3).
  - Should Third-Party Candidates Debate? (Chapter 7).
  - A National Vote-by-Mail System (Chapter 8).
  - Redistricting for Competitive Elections (Chapter 11).
- ***The Politics of National Security***—These features are designed to focus on the political implications of the effort to defend the nation against terrorist attacks. In the Fifth Edition, the scope of these features has broadened to include national security issues relating to foreign policy and American military engagements abroad. At the end of each of these features is a thought-provoking question that challenges students to consider whether we are safer as a result of a particular national security measure. Some of the titles of these features are as follows:
  - Can the States Afford to Defend the Homeland? (Chapter 3).
  - The Military-Industrial Complex (Chapter 6).
  - What Is the Media's Role in Wartime? (Chapter 10).
  - Judicial Checks on a Wartime President (Chapter 14).
- ***Why Does It Matter?***—This feature gives a number of specific examples showing how the topic under study affects the student's everyday life. Each feature carries a subtitle including the chapter topic. For example, in Chapter 11 the feature's title is *Why Does It Matter? Congress and Your Everyday Life*. At the end of each feature is a section entitled *Taking Action*. These sections illustrate how ordinary Americans have made their voices heard on issues of importance to them.
- ***Perception versus Reality***—Perhaps nowhere in our media-generated view of the world are there more misconceptions than in the area of American government and politics. This feature tries to help your students understand the difference between the public's general perception of a particular political event or issue and the reality of the situation.

The perception is often gleaned from responses to public opinion surveys. The reality usually is presented in the form of objective data that show that the world is not quite what the public often thinks it is. At the end of each of these features is a section entitled *What's Your Opinion?*, which encourages the student to think about why there is such a disparity between the perception and the reality. Some of the titles of these features are as follows:

- Churches, Politics, and the IRS (Chapter 4).
  - Red versus Blue America (Chapter 7).
  - Voting with One's Wallet (Chapter 8).
  - Is Our Public Debt a Problem? (Chapter 11).
- **Comparative Politics**—One of the best ways to understand the American political system is by comparing it with other political systems. Students need to know that in much of the world, the political process is different. By understanding this, they can better understand and appreciate what goes on in this country, both in Washington, D.C., and in state capitals. Nearly every chapter has one of these features. At the end of each of these features, the student is asked to further examine some aspect of the topic under discussion in a question “For Critical Analysis.” Some examples of the *Comparative Politics* features are as follows:
- Democracy in the Middle East (Chapter 2).
  - France and Religious Dress in Schools (Chapter 4).
  - The German Greens (Chapter 7).
  - The “Orange Revolution” in Ukraine (Chapter 9).
  - When the State Controls the Media (Chapter 10).
- **Chapter Objectives**—Every chapter-opening page includes a list of five learning objectives that let students know what concepts will be covered in the chapter.

## Chapter-Ending Issues and Pedagogy

Every chapter ends with the following sections:

- **Key Terms.** This is a list of the terms that were boldfaced and defined within the chapter. Each term in the list is followed by the page number on which it first appeared and was defined.
- **Chapter Summary.** This point-by-point feature summarizes every important topic covered in the chapter.
- **Selected Readings.** Several books of recent scholarship, as well as some classic texts, are listed at the end of each chapter, along with annotations describing each book.
- **Politics on the Web.** As explained earlier, this section gives selected Web sites that students can access for more information.
- **Online Resources for This Chapter.** This section directs students to the text's Web site, where they can find links to additional related topics covered in the chapter.

## The Supplements

Both instructors and students today expect, and indeed require, a variety of accompanying supplements to teach and learn about American government. *America at Odds*, Fifth Edition, takes the lead in providing the most comprehensive and user-friendly supplements package on the market today. These supplements include those listed below.

### For Instructors

- Multimedia Manager with Instructor Resources CD-ROM, including, Instructor's Manual and Test Bank in Microsoft Word and ExamView computerized testing, written by Beth Henschen.

- An online Resource Center for political science at  
<http://politicalscience.wadsworth.com/amgov>
- A special, book-specific Web site for *America at Odds*, Fifth Edition, which can be accessed through the Resource Center or at  
<http://www.americaatodds.com>
- PowerPoint Lecture Outlines, with projectable digital images of charts, graphs, and tables.
- Video clips, the Resource Integration Guide, and Video Case Studies Instructor's Manual.
- WebTutor™, available on WebCT and Blackboard—A Web-based teaching and learning tool that allows you to provide virtual office hours, post your syllabi, set up threaded discussions, track student progress with the quizzing material, and more.
- *CNN Today: American Government videos and DVD*.
- A video library, including new selections.
- JoinIn™ on Turning Point Response Systems CD-ROM.
- TextChoice digital library for customized readers.
- InfoTrac® College Edition with InfoMarks.®
- Lecture Launchers—Video Case Studies in American Government—A set of twelve video case studies, produced by Baker/Losco Multimedia in 2002, that is available to qualified adopters in both video and DVD formats. A free *Instructor's Manual* provides brief summaries of each video, a set of key terms, three to five activities for each video, and suggestions on how best to use this exciting collection.

## Printed Materials for Students

- *Study Guide*, written by Beth Henschen.
- *Readings in American Government*, Fourth Edition, edited by Mack C. Shelley, Erica Markley, and Steffen W. Schmidt, all of Iowa State University.
- *An Introduction to Critical Thinking and Writing in American Politics*.
- *American Government Internet Activities*, Third Edition.
- *Handbook of Selected Legislation and Other Documents*, Third Edition.
- *Handbook of Selected Court Cases*, Third Edition.
- *College Survival Guide*.
- *Thinking Globally, Acting Locally*.
- *Election 2004: An American Government Supplement*, by John Clark and Brian Schaffin.
- *The Quest for the 2004 Nomination and Beyond*, by Stephen Wayne.
- *Regime Change: Origins, Execution, and Aftermath*, by David Kinsella.
- *The California Governor Recall Election*, by David G. Lawrence.
- *9-11: The Giant Awakens*, by Jeremy Mayer.
- *American Government: Readings and Responses*, by Monica Bauer.
- *Critical Thinking and American Government*, Second Edition, by Kent M. Brudney, John H. Carver, and Mark E. Weber.

## Multimedia Supplements for Students

- A special online Resource Center for American government at  
<http://politicalscience.wadsworth.com/amgov>
- A special, book-specific Web site for *America at Odds*, Fifth Edition, which can be accessed through the Resource Center or at  
<http://www.americaatodds.com>
- Opposing Viewpoints Resource Center.
- InfoTrac® College Edition, Student Guide for Political Science.
- Current Perspectives: Readings from InfoTrac® College Edition.
- American Government Internet Activities, Third Edition.



- HITS on the Web: Political Science 2004.
- *American Government: Using MicroCase® ExplorIt*, Ninth Edition—The Ninth Edition of this popular ancillary for American government courses includes computer-based assignments, a student version of MicroCase's ExplorIt software, and current real data sets. Each assignment is packed with dozens of issues that are guaranteed to grab student interest.
- WebTutor™ on WebCT and Blackboard, a Web-based teaching and learning tool.

## What's New in the Fifth Edition?

We thought that those of you who have used the Fourth Edition of *America at Odds* would like to know what changes have been made for the Fifth Edition. Generally, all of the text, tables, figures, and features in this book have been rewritten or updated as necessary to reflect the most recent developments in American government and politics. The Fifth Edition incorporates the results of the most recent presidential and congressional elections throughout the text as they relate to chapter topics. This edition also presents an up-to-date discussion of the war on terrorism and the second Gulf War. Other key changes and additions for the Fifth Edition include those described below.

### Significant Changes to the Chapters

As already indicated, each chapter in *America at Odds*, Fifth Edition, has been updated and revised in order to reflect the most current developments in American politics and government. When appropriate, new features have been added, and references to new laws and court decisions have been included. Throughout the text, we have incorporated references to the 2004 elections as appropriate. Here we list some other significant changes made to selected chapters.

- Chapter 1 (America in the Twenty-First Century)—The discussion of American political culture and ideology has been enhanced. A discussion of the British legacy, including the social contract theory of John Locke, has been moved to this chapter from Chapter 2.
- Chapter 2 (The Constitution)—This chapter has been revised to give greater clarity to the section discussing the events leading up to the Declaration of Independence. More attention has been given to the strengths and weaknesses of the Articles of Confederation.
- Chapter 4 (Civil Liberties)—New subsections on procedural and substantive due process have been added, along with an updated discussion of the right to privacy. A section about hate speech on campus has also been incorporated into the chapter.
- Chapter 5 (Civil Rights)—The section covering affirmative action has been largely rewritten and now includes a discussion of the 2003 Supreme Court decisions regarding admissions policies at the University of Michigan. The discussion of the political participation of Hispanics has been updated, and new data concerning wage discrimination is offered.
- Chapter 6 (Interest Groups)—This chapter now includes subsections on government interest groups and single-issue interest groups. A discussion of issue ads and partisan “527” groups has been added.
- Chapter 8 (Public Opinion and Voting)—The sections on polling were thoroughly revised, reflecting the failures of the exit polls during the 2004 presidential elections. There is an expanded discussion of educational attainment as a factor in voting behavior, along with an analysis of the narrower gender gap in the 2004 elections.
- Chapter 10 (Politics and the Media)—This chapter has been revised to place more emphasis on the rise of Internet media, such as blogs, and the increasing importance of Internet campaign fund-raising. A section on public-relations spending as political advertisement has been added.
- Chapter 11 (Congress)—A new section covering the representative function of Congress has been added, including different theories of the representative function. The redistricting controversy in Texas is discussed, as well as Tom DeLay's involvement in the controversy.
- Chapter 12 (The Presidency)—The discussion of executive privilege has been updated to reflect the recent developments with the 9/11 Commission. The section on presidential pardons has been expanded, and a discussion of the role of the First Lady has been included.

- Chapter 13 (The Bureaucracy)—This chapter now includes the national intelligence reforms passed by Congress at the recommendation of the 9/11 Commission. A new section on issue networks was added.
- Chapter 14 (The Judiciary)—The section on federal judicial appointments has been thoroughly revised and now includes a discussion of the appointment tactics utilized by the Bush administration and 109th Congress. Recent criticism of the federal courts also receives significant attention.
- Chapter 16 (Foreign Policy)—Recent developments in Iraq, North Korea, and China are reflected in significant updates to the chapter. A new subsection on Iran's efforts to become a nuclear power has been added.
- Chapter 17 (State and Local Politics)—The sections relating to state budgets and public education have been revised and enhanced. Also, California's governor recall election of 2003 is discussed.

## Acknowledgments

A number of political scientists reviewed the previous editions of *America at Odds*. We remain indebted to the following scholars for their thoughtful suggestions on how to create a text that best suits the needs of today's students and faculty:

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If you or your students have ideas or suggestions, you can write us directly or send us information through Wadsworth Publishing Company.

E.I.S.  
B.M.H.

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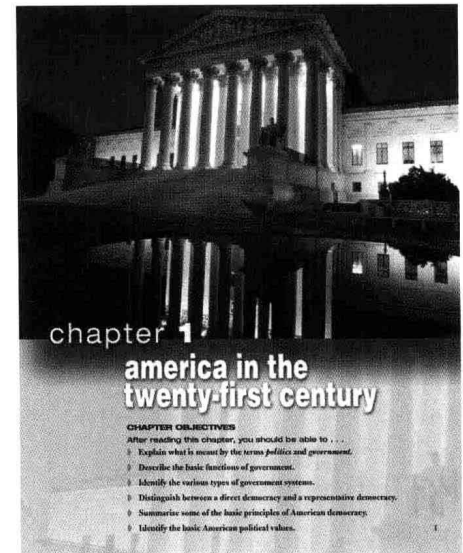
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## chapter 2

### the constitution

#### CHAPTER OBJECTIVES

- After reading this chapter, you should be able to . . .
1. Describe some of the influences on the American political tradition in the colonial years.
  2. Indicate why and how Americans achieved independence from Great Britain.
  3. List some of the major compromises made by the delegates at the Constitutional Convention.
  4. Discuss the Federalist and Anti-Federalist positions with respect to ratifying the Constitution.
  5. Summarize the process by which the Constitution can be amended.

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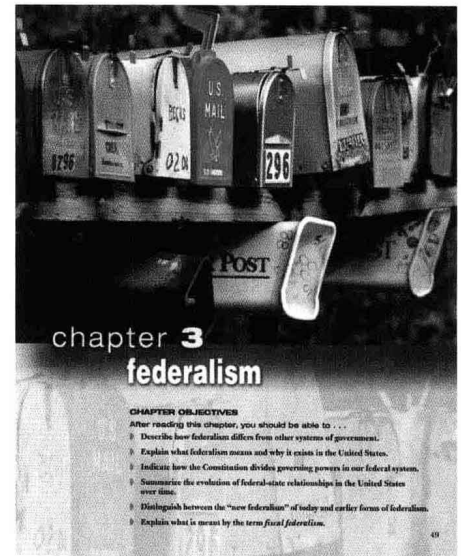
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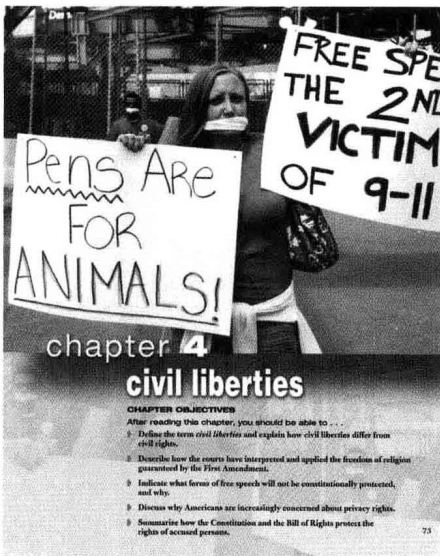
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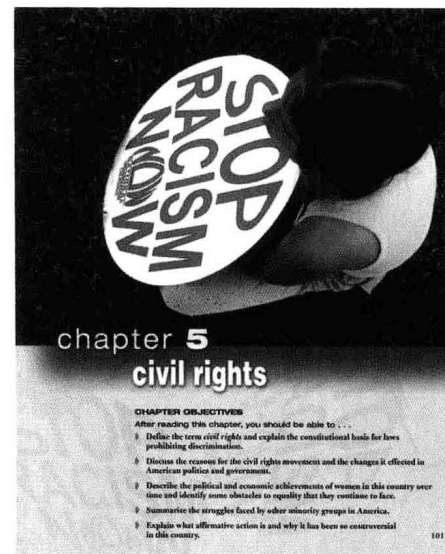
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