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GOVERNMENT BY THE PEOPLE



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GOVERNMENT BY THE PEOPLE

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PREFACE

Many people couldn't care less about politics and try to avoid it. But politics is all around us and affects almost every aspect of our lives. *Politics* is the process by which people live together, make decisions about how to meet their basic needs, solve common problems, organize for safety and security, even realize the "good life." Briefly put, politics is who gets what, when, and how? It is also the process of organizing, harnessing, and constraining public power. This involves both reconciling competing demands for governmental action and reconciling competing conceptions of the "good society" or "the public interest." *Government* seeks to resolve conflicts in a way that enhances a nation's values and purposes.

Your authors are political scientists. In the broadest sense *political science* is the study of politics and government. Political scientists study and try to understand how government structures get shaped and how government policies are made and enforced. What are the fundamental rules of the game? How are these rules changed? How do we think and behave politically? Who votes? Who has influence or "clout"? How does all this shape the final outcome—the policies that take money from us, give some back, shape our daily lives?

The challenge of political science, and the challenge in this book, is to explain why things political came to be and why they work as they do. Political ideas are powerful; they shape the way we see the world, and they shape our expectations and dreams. They also shape how we judge the political system's impact on our lives.

As political scientists we are interested in all aspects of American politics. We believe democracy flourishes when citizens enjoy basic freedoms, have a voice in how they are governed, and understand the workings of their government. We believe knowledge about American government is vitally important. *Knowledge* is knowing and understanding what is important—not just memorizing dates, details, and facts. But the road to knowledge must involve learning facts and gaining information. You will find plenty of information and description in the chapters that follow. We also provide interpretation and our own comments about what is important. In addition to teaching and conducting research, all three of us have worked in politics and government—including holding local office, running for Congress, lobbying, working in the White House, advising candidates, working in political parties and much more. However, you should form your own judgments and develop your own conclusions. Challenge what you read.

Nearly every aspect of the American political system is affected by and interconnected with other elements making up the whole system. Our book necessarily treats one aspect at a time. We take up and explore the Constitution in one chapter, elections in another, the media in another, Congress in yet another. In the real world these processes or institutions are not so neatly separated. They are constantly shaped by and interlocked with one another. Keep in mind, then, that we are discussing a highly dynamic system—not a static or unidimensional one.

Political scientists ultimately want to formulate theories about the why and the how and the “so what” of political life. Aristotle called the enterprise the “queen of sciences.” He classified countries according to their political structures, making predictions about how varying structures would lead to different behavior. Machiavelli, another political theorist, examined political systems and forecast how rulers could best govern and how people would react to different styles of leadership. St. Thomas Aquinas, John Locke, Thomas Hobbes, and America’s own James Madison were also political theorists and political philosophers. Two hundred years ago, in the summer of 1787 at Philadelphia, the persons who drafted the Constitution acted as political theoreticians as they attempted to mold theories into practical political institutions.

In the 1980s we continue to study and learn about the patterns of politics. Description yields understanding; understanding yields or can lead to explanation; explanation can lead to prediction; and predictions that work lead to theory. We continually search for the predictable—to discover, describe, and verify the basic “laws” of politics and governance. While political science in some ways is an ancient discipline, it is also in many ways a very young social science: Rigorous efforts to learn enough to allow us to explain and predict really began only in the past generation. Join us as we attempt to push the study of governance toward greater clarity and rigor.

New editions of this book require an infusion of fresh ideas and suggestions about the most recent research. We have asked several scholars for assistance and although they bear no responsibility for our interpretation they have all helped make this a better book. We thank Professor Diane L. Fowlkes who made major contributions to the redrafting, as well as the analysis, of Part Three chapters; and Timothy L. Wilkinson for research assistance and important revision suggestions in this edition. We thank Bruce Adams, Kathleen Murphy Beatty, Michael B. Binford, Curtis Cook, Tania Cronin, Randall Hubbard, David Kozak, Robert D. Loevy, David O’Brien, Austin Ranney, John Shockley, Carl Stenberg, and Marcia Whicker for especially helpful reviews and critiques of certain chapters. We also thank the scores of professors and students who have sent us their criticisms, ideas, and advice. We are in debt too, to Ann B. Armstrong for her excellent proofreading.

Talented professionals at Prentice-Hall helped enormously, especially our outstanding production editor, Joyce Turner; our political science editor, Stan Wakefield; our copy editor, Lois Goldrich; and Audrey Marshall, Marianne DiDomenico, Mary Helen Fitzgerald, Anita Duncan, Suzanne Behnke, and Colette Conboy, who have helped in countless ways.

We call to your attention the excellent *Guide to Government by the People* by Raymond L. Lee and Dorothy A. Palmer, designed to give students an opportunity to participate more directly in the learning process. These authors have also prepared a valuable new edition of *Approaches to Teaching Government By the People*, available from Prentice-Hall to all teachers using this

book. A new and much improved and expanded text manual and package for professors has been prepared by Professor Marcia L. Whicker of the University of South Carolina. A package of educational microcomputer learning programs has been specially prepared to accompany this new edition of *Government By The People*. These have been invented and designed by Professor Robert D. Loevy of Colorado College for both faculty and student use. We are pleased to be the first American government text, and one of the first texts in the country to provide this new and innovative learning feature; we believe it will be an important additional way for students to learn and think through for themselves many of the central features of the political system.

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P. S. Please point out any errors. Send us comments, suggestions, and alternative interpretations for future printings and editions. Address your letters to any one of us or all of us: c/o Political Science Editor, Prentice Hall, Inc., Englewood Cliffs, NJ. 07632

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THE MAKING OF A REPUBLIC - 1787

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Late in 1786 messengers rode into George Washington's plantation at Mt. Vernon with alarming news. Some farmers in western Massachusetts, crushed by debts and taxes, were rebelling against foreclosures, forcing judges out of their courtrooms, and turning debtors out of their jails. Washington was appalled. Ten years before, he had been leading Americans in a patriots' war against British redcoats. Now Americans were fighting Americans!

"What, gracious God, is man!" Washington exclaimed, that he should be so perfidious. "It is but the other day, that we were shedding our blood to obtain the Constitution of our choice." If government cannot check these disorders, he wrote to his friend James Madison, "what security has a man for life, liberty, or property?" It was obvious that without a stronger constitution, "thirteen Sovereignities pulling against each other, and all tugging at the federal head will soon bring ruin on the whole."

Not all Americans reacted as Washington did to the farmers' uprising, which came to be known as Shays's Rebellion. Some sided with the rebels.⁶ When Abigail Adams, wife of American minister John Adams in London, sent the news to Thomas Jefferson, minister in Paris, the Virginian replied: "I like a little rebellion now and then." Later Jefferson added, "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure."

At the time most informed Americans probably agreed much more with Washington than with Jefferson. They knew that their struggling little republic was surrounded by the big and hungry powers of Europe—Spain to the South, in Florida; the French to the West, in the Mississippi Valley; and the British to the North, in Canada. These Americans remembered that in 1776 the Dec-

laration of Independence had proclaimed the unalienable rights of life, liberty, and the pursuit of happiness. But how, they asked, could these rights be protected in a small nation vulnerable to attack from outside, divided into thirteen independent states, and wracked by internal disorder?

Shays's Rebellion petered out after the farmers attacked an arsenal, and were cut down by cannon fire. It was not much of a rebellion, but it sent a stab of fear into the established leadership. It also acted as a catalyst, precipitating the decision to call a convention to meet in Philadelphia in the summer of 1787. Its purpose: to build a stronger national government that would truly be able to protect "life, liberty, and property."

WHAT KIND OF CONSTITUTION?

CREATING THE REPUBLIC

April, 1775	American Revolution begins at Lexington and Concord (Mass.)
June, 1775	George Washington assumes command of Continental forces
July, 1776	Declaration of Independence approved
Nov., 1777	Articles of Confederation, adopted by Continental Congress
March, 1781	Articles of Confederation, ratified by the states
Oct., 1782	British defeated at Yorktown
Mid-1783	Peace negotiations begin in Paris
Late 1783	British forces leave; General Washington retires
April, 1784	Congress ratifies Peace Treaty with British
Late 1786	Shays's Rebellion in western Massachusetts
May, 1787	Constitutional Convention begins in Philadelphia
Sept., 1787	Constitution for United States, adopted by Convention

Remember the Fourth of July, 1976? (Perhaps you were in your early teens.) This was the 200th anniversary of the signing of the Declaration of Independence—the decisive political act in our struggle to gain independence from Great Britain. It was the 200th birthday of that great tribute (penned by Adams and Jefferson, among others) to "life, liberty and the pursuit of happiness." Who can forget the wonderful pageantry in 1976—the old sailing ships in the harbor, the parades of carriages and stagecoaches, the bursting fireworks in the "best Fourth of July ever."

Soon we will be celebrating another 200th birthday: that of the Constitution of the United States. This occasion may call for hard thought rather than fireworks. For the great charter of 1787 is a "living constitution," that centrally influences "who gets what, when and how" in American society today; hence, it is still a subject of controversy. Then too, the Constitution—and our whole constitutional system—is a most complex affair, and we ought to understand what we celebrate. It might also be helpful for younger persons today, who will typically live until the mid-twenty-first century, to evaluate how a great instrument of government invented for the eighteenth century can meet the enormous pressures and crises we can expect to arise in the future.

This and virtually all the following chapters, will deal with key aspects of these problems, for a constitutional system embraces the whole range of laws, institutions, politics, and procedures that make up our political universe today. But two elements of the Constitution of 1787 are so crucial, they need to be highlighted at the very start: the *division* of powers between the national and state governments, and the *separation* of powers among the legislative, executive, and judicial branches.

By *division of powers* we mean federalism. Virtually all nations divide power between the central government and regional governments. What is unique about federalism is that power is not granted by the central government to the states, and hence cannot be withdrawn from them. Rather, a constitution divides the powers—delegating some to the national government and reserving others to the states. This arrangement seems to work most of the time, but will it hold up during the twenty-first century under intense pressures to centralize authority in the national government?

By *separation of powers* we mean more than allocating legislative powers to the Congress, executive powers to the president, and judicial powers to the Supreme Court and other federal courts. We also mean that each branch has constitutional and political *independence*, and thus there are *checks and balances* that allow the various branches to ~~delay or block~~ the actions of the other branches. This was the supreme creation of the framers in 1787. While the

Creating the Republic. *cont.*

June, 1788	Constitution for United States, ratified by nine states
Early 1789	First federal/national elections
March, 1789	United States Congress meets for the first time—New York
April, 1789	George Washington inaugurated as first president
Sept., 1789	John Jay becomes first chief justice of Supreme Court
Sept., 1789	Congress proposes Bill of Rights
Dec., 1791	Bill of Rights (first 10 Amendments) ratified and becomes part of the U. S. Constitution

Note: It took about 15 years for us to win Independence, form an interim government that tried to govern, fashion a "more perfect union" and actually get a three-branched government functioning.

concept was not new, the framers built the idea into a system of government so ingeniously that it has become a lasting and central part of our system. But again the question arises—Can a governmental system so divided and muscle-bound cope with the challenges that lie ahead?

Most other democracies operate on a principle quite different from checks and balances—that of majority rule, through a parliamentary system. Typically, if one party or a coalition of parties wins a majority of seats in parliament, that majority wins control of the government. This has been true, for example, of the (conservative) Thatcher government in Britain and the (socialist) Mitterand government in France. The victorious party, the majority party in the parliament, the cabinet, and the prime minister are fused together for joint decision and action, though of course there are many variations in practice.

Contrast the American system. It was carefully designed to delay or block majority action, for the framers, while they wanted energetic and competent government, did not want the "masses"—people like those led by Daniel Shays—to take control of the government. Thus, they fixed it so that it would not be enough for a majority "faction" to win control of the House of Representatives. Rather, such a faction must in a series of elections win control of the Senate and of the presidency—and perhaps ultimately of the Supreme Court. Further, countless antimajoritarian devices have been built into the system—for example, the right to filibuster bills to death in the Senate.

Is this the "government of the people, by the people, and for the people" that Lincoln celebrated in his Gettysburg address? Some critics contend that our constitutional system is fundamentally undemocratic, antimajoritarian, and antipopular. They argue further it was intentionally set up that way—that the framers were elitists who deliberately designed a system to protect their

Under the leadership of Daniel Shays, a group of farmers forcibly restrained the Massachusetts courts from foreclosing their mortgages. The uprising was known as Shays's Rebellion. *Culver.*

