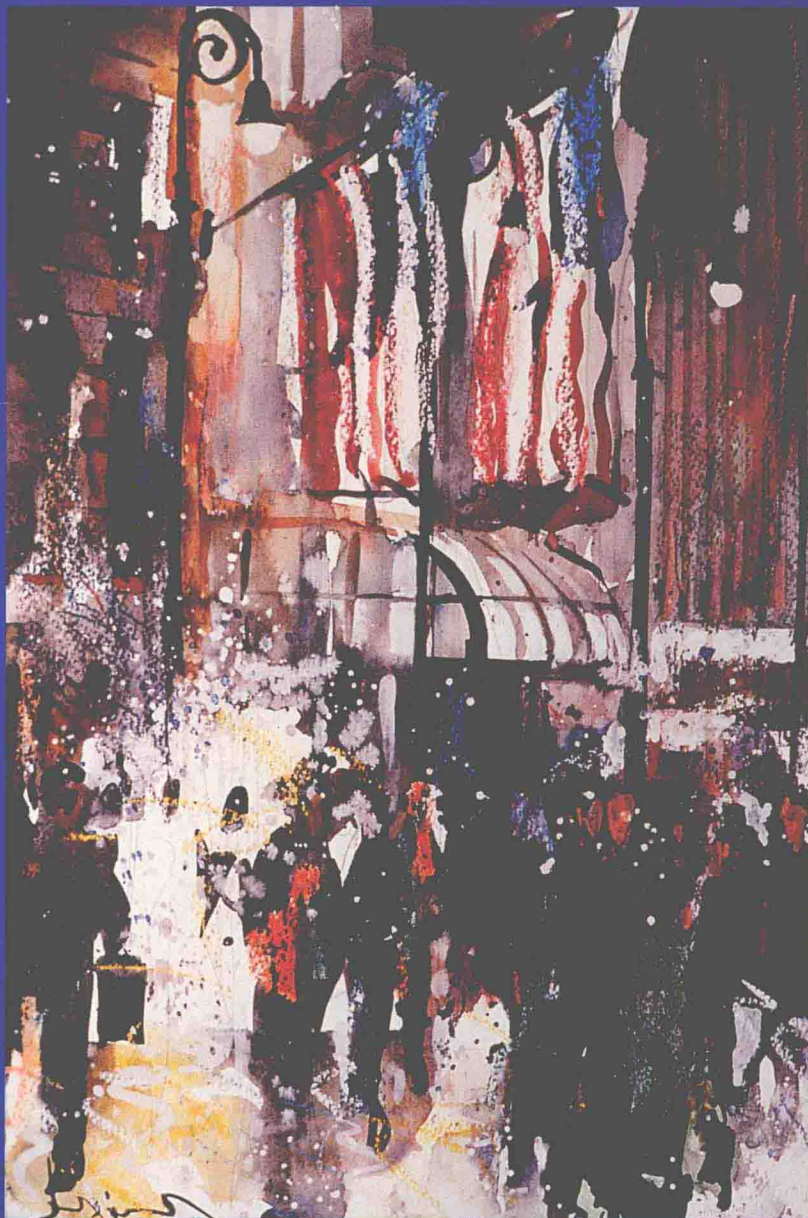


AMERICAN GOVERNMENT

Readings and Cases



Karen O'Connor

AMERICAN GOVERNMENT



READINGS AND CASES

SECOND EDITION

Karen O'Connor
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PREFACE



In my twenty-five years of teaching a variety of courses—National Politics, Constitutional Law, Women and Politics, and Interest Groups Politics to name just a few—I have found that students simply like the study of Politics better when they see its real-life applications. I also have concluded that most students do not have the “context” for studying current issues within a political science framework. Thus, the second edition of this reader, like the first edition, provides that historical foundation by tracing our roots of government. The discussion of each topic begins with a reading from *The Federalist Papers*. These entries are then followed by many classic readings in political science.

These readings are included to allow instructors to explain the roots of our government and what political scientists or other commentators have said about that process. But other, more lively readings are also contained, as are more excerpts from U.S. Supreme Court cases, than are contained in other texts. Constitutional cases, which allow students to see how the system has responded (or failed to respond) to the needs of an individual, society, or even the national interest, are often a great way to get students interested in other—what they often see as more “boring”—aspects of politics. Because we live in a changing America, both demographically and politically, special attention is made throughout this reader to include readings about race, ethnicity, class, gender, and sexual orientation.

American Government: Readings and Cases, Second Edition, is divided into four parts that correspond with most American government courses and therefore can be used as a companion reader with most any textbook on the market: (I) The Roots of Government and the American Political Landscape; (II) The Institutions of Government; (III) Political Behavior and the Political Processes of Government; and, (IV) Public Policy. Each part consists of several chapters that also correspond with traditional American government text chapters. Part Two, for example, contains chapters on The Congress (Chapter 7), The Presidency (Chapter 8), The Bureaucracy (Chapter 9), and The Judiciary (Chapter 10). The opening text in each part discusses what is to come and offers questions to guide the reader. The learning objectives of each part are stressed in these openers. Each part and chapter concludes with questions designed to facilitate class discussion and to encourage critical thinking about the readings and the American political system more generally. It is hoped that these will not only enliven class discussion but engender more student interest in politics and political science.

Each chapter contains articles, cases, or commentaries on more current issues in American politics. Nearly every chapter includes one or more constitutional law cases.

As with any work, this could not have been completed without the help of many individuals. Laura van Assendelft of Mary Baldwin College helped in the preparation of the first edition of this volume. Sarah Brewer provided invaluable help as readings were added

and discarded for this edition. Tiffany Elliott helped with the proofing and caught many of my errors. At Longman, Eric Stano was critical in pushing me to get this done and on schedule. But, with his indomitable spirit, he made it fun.

I am also indebted to several individuals in the profession who took the time to read and comment on this manuscript in various stages of its preparation. In particular, I would like to thank:

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★ PART ONE ★

THE ROOTS OF GOVERNMENT AND THE AMERICAN POLITICAL LANDSCAPE

The roots of the American political system are as old as those of the giant redwoods in California. The American political system didn't miraculously spring into being; it is the product of many forces, ideas, individuals, and circumstances. Throughout the six chapters in Part One, the important role of individuals and their ideas in the shaping of the United States of today are discussed. From the basic notions elegantly articulated in the Declaration of Independence by the brilliant Thomas Jefferson to a variety of landmark Supreme Court cases involving ordinary men and women (who proved not to be so ordinary), individuals with the strength of character to forge a new nation, fashion an inventive federal system, or challenge the Supreme Court to interpret the U.S. Constitution and the Bill of Rights have all contributed in significant ways to the United States of America you live in today.

What were the forces and ideas that provided the impetus for colonists to break with Great Britain? Once a break was made and the Revolutionary War fought, how did those ideas affect the drafting and ratification of the U.S. Constitution, the basic framework created to govern the new nation? What rights were left out of the original document that forced the quick addition of the Bill of Rights? And how have those rights been interpreted over time? Keep these questions in mind as you read the chapters and readings in Part One.

"The Roots of the American Political System" are the focus of Chapter 1. The question of what kinds of rights one must give up to any government to allow it to maintain order has plagued political philosophers for centuries. Why do we need government? How do individuals' perceptions of men and women in their natural state (without formal governmental structures) affect the kinds of governments they create? And how did those notions affect the colonists' decision to break with Great Britain and to enumerate their reasons for declaring their independence? These are questions you should ask as you read this short chapter.

"The American Political Landscape" is the topic discussed in Chapter 2. The nation largely was founded by men and women of western European origin: most were white and

Protestant. Over time, however, America came to be a great melting pot providing opportunities to all. But not all of her citizens made it into the pot, as the readings in this section highlight. What impact have waves of immigration had on the American spirit and its citizens' perceptions of democracy? What impact will increasing racial and ethnic tensions have on the American political system? How have these changes influenced public opinion and how will they affect public policy across a range of issues discussed throughout this volume?

"The Constitution, the Fight for Its Ratification, and the Constitutional Amendment Process" are considered in Chapter 3. As James Madison argued in *Federalist No. 47*, the Founders always were concerned with notions of power, questions that permeate many chapters throughout this book. Madison believed that a nation could not be strong unless it had a strong national government. Yet the system of checks and balances constructed in the Constitution was carefully designed to make sure that no one branch of government had too much power. But what is meant by "too much power"? As times have changed and circumstances have produced "new" interpretations of the Constitution, lawmakers, judges, and scholars have argued over what was the actual intent of the Framers. Sometimes, however, even the Constitution has proved not to be sufficiently elastic to accommodate itself to new situations. Then, the option often has been to amend the Constitution, a process also discussed in this chapter.

"The American Federal System" and its ramifications are the focus of Chapter 4. In all likelihood, even the far-sighted drafters of the Constitution did not envision a national government whose powers would continue to grow faster than its population. Over the years, the federal courts have been key players in the national government's extension of its activities into areas originally within the domain of the states. The resultant tensions between the states and the national government and how those tensions affect the citizenry are central elements of this chapter. The increasing tendency of the Supreme Court to rule actions of Congress beyond the scope of its authority under the Constitution is also highlighted.

"Civil Liberties" are discussed in Chapter 5. Although many Federalists argued against a Bill of Rights, many Americans strongly supported the notion that the national government be limited in its ability to interfere with the civil liberties of its citizens. Over the years, the U.S. Supreme Court has played a major role in how the civil liberties guarantees contained in the Bill of Rights are applied both to the states and the national government. The Supreme Court and lawmakers have tried to balance, for example, the rights of individuals to practice their religion or to speak or act out in protest against the rights of others and society at large. New issues are arising as quickly as e-commerce has grown, as the readings in Chapter 5 also make clear.

"Civil Rights," the rights of African-Americans, women, and homosexuals, are the subjects of Chapter 6. Originally, slaves were counted for the purpose of representation as only three-fifths of a white person. Today, questions continue to rage about how far the government should go to remedy the pervasive forms of discrimination that African-Americans suffered. Other groups, too, clamor for rights. In a society where "equal protection of the law" is guaranteed to all citizens, what is equality?

By the time you finish reading the chapters in Part One, you should understand some of the philosophical underpinnings of the founding of the United States and how those ideas were reflected in the Declaration of Independence, the Constitution, and the Bill of Rights. Just as important, you should understand how the role of government has evolved and how the various liberties and rights contained in the Constitution have been interpreted and applied.

CHAPTER 1



THE ROOTS OF THE AMERICAN POLITICAL SYSTEM

You have undoubtedly learned of the role that the thoughts of political philosophers such as Aristotle and Montesquieu played in the founding of the new nation. Ideas about what kinds of governments should be created, however, are predicated on a common belief that governments are necessary. Families, for example, are usually not organized into formal governmental structures. But once societies reach a certain size, some forms of government are generally created. In the excerpts that follow from John Locke and Thomas Hobbes, try to understand that, while they saw governments as a necessity, their perspectives on the nature of man and, therefore, on the nature of government, were quite different.

Think about the various national governments in the world today. Some are monarchies; some are socialist states. Others are based on communist or even totalitarian models. At the heart of many of these forms of government are basic assumptions about the nature of people and how people act in certain situations. As you read Readings 1 and 2 by Locke and Hobbes, respectively, ask yourself with which author you agree. Try not to be put off by the old English of Hobbes's *Leviathan*. Remember, it was these words that many colonists read. It was these thoughts that influenced the Framers as they drafted a new Constitution and a new federal form of government. As you read both pieces, think about what forms of government logically flow from Locke and Hobbes's respective philosophies.

After you think about Locke and Hobbes, read Reading 3, The Declaration of Independence. Of course, most Americans have heard of the Declaration of Independence. But how many actually read it from start to finish? If you have read it, when was the last time you thought about it? July 4th, American Independence Day, commemorates the official reading of the Declaration from the steps of Independence Hall in Philadelphia. It is this document—and its contents—that are celebrated every year as it continues to ground Americans' basic notions of government.