

# Government by the People

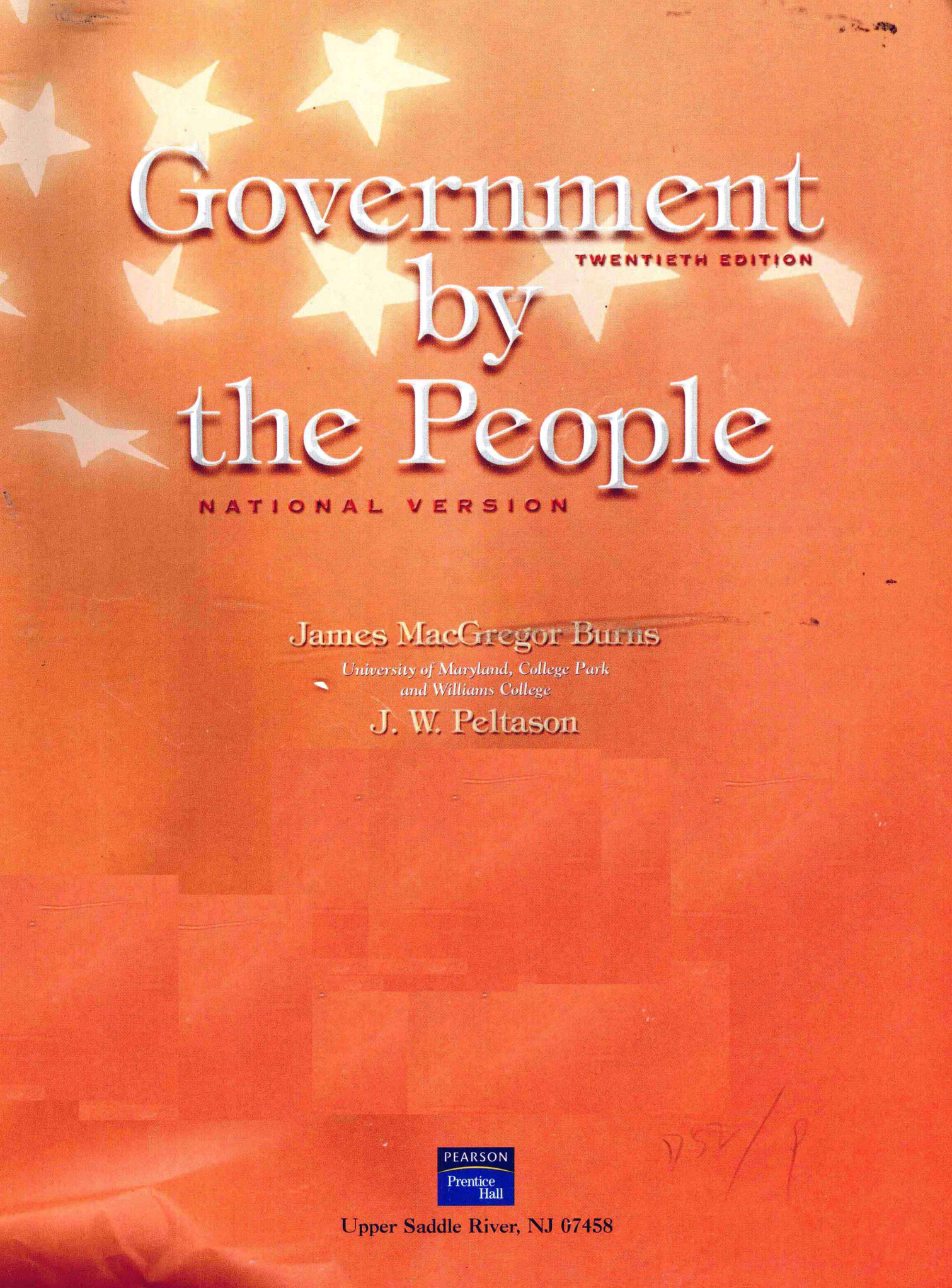
NATIONAL VERSION



TWENTIETH EDITION

BURNS PELTASON CRONIN MAGLEBY O'BRIEN LIGHT





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TWENTIETH EDITION

NATIONAL VERSION

James MacGregor Burns

*University of Maryland, College Park  
and Williams College*

J. W. Peltason



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# A MESSAGE FROM THE AUTHORS

Events of the past few years have underscored the importance of government and politics in people's lives. The terrorist attacks on the World Trade Center and Pentagon reminded all Americans that we live in a dangerous world. Citizens expect their national, state, and local governments to provide security, a theme President Bush repeatedly emphasized in his 2002 campaign appearances. The tragic events of September 11, 2001 also raised many questions about how our governments perform: How do we capture and punish those who planned and paid for these attacks? How could our intelligence services—the FBI, CIA, and others—have failed to detect an attack of this magnitude? How do we secure the homeland from future attacks? At the same time that we are asking these hard questions, we are affirming the enlarged role of governments at all levels in defending our country against those who encourage terrorism, in reorganizing our governments, especially our national government, to more effectively secure our homeland and to rebuild New York City and the Pentagon. We also ask a lot of our government. For example, what balance should we strike between protecting liberty and providing security?

The economic state of affairs is another topic that illustrates the importance of government at all levels. Many states have been forced to cut budgets and consider tax increases and at the national level, the Federal Reserve Board has been active in adjusting interest rates. How governments respond to these economic challenges provides another opportunity to learn about government and politics.

In terms of elected office and party preferences, our nation is evenly divided, with a slight edge to the Republicans at the national level. But as we were reminded in 2000, the Electoral College, and not the popular vote, decides who is president. And in the case of the 2000 presidential election, it was the Supreme Court's decision in Florida, one of many 5-to-4 decisions by the court in recent years, that effectively decided the election. Bush put talk of the disputed 2000 election aside with his tireless and successful campaigning for Republicans in 2002. Will Bush and the Republicans use this as a springboard to party dominance or will Democrats find a way to regain their legislative majorities and reclaim the White House?

Constitutional democracy—the kind we have in the United States—is exceedingly hard to achieve, equally hard

to sustain, and often hard to understand without rigorous study. Our political history has been an evolution toward an enlarged role for citizens and voters. Citizens have more rights and political opportunities in 2003 and 2004 than they had in 1800 or 1900. The framers of our Constitution warned that we must be vigilant in safeguarding our rights, liberties, and political institutions. But to do this, we must first understand these institutions and the forces that have shaped them.

Many U.S. citizens take for granted civil liberties, civil rights, free and fair elections, the peaceful transfer of power, and economic freedom and prosperity. Yet many people live in places where these freedoms are nonexistent. This is a time of testing for new democracies as well as old ones. Contempt for government and politics is being expressed in the United States and abroad, yet politics and partisan competition are the lifeblood that enables free societies to achieve the ideal of government by the people.

The world we live in remains highly volatile. Although our defense policy changed with the collapse of communism and the emergence of a less powerful Russia, the world has not suddenly become a safer place in which to live. Terrorism, as evidenced by attacks not only in New York and Washington but around the world, has become the most pressing national security threat. How should we respond to terrorism? To what extent do we pursue those countries that may be producing weapons of mass destruction, such as Iraq? Should the war on terrorism be waged by the United States alone? Or should we work through the United Nations?

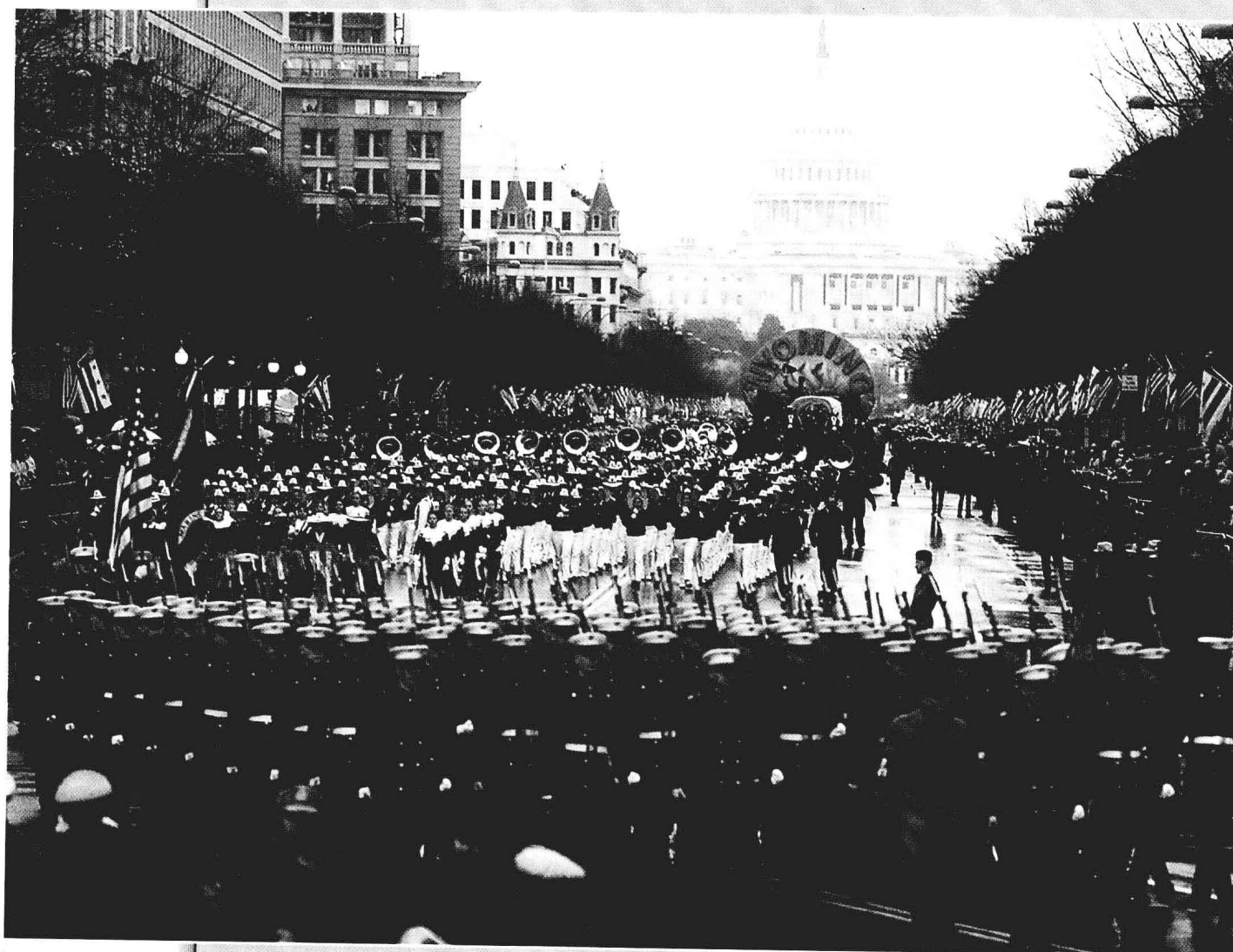
Although we constantly turn to government and to our elected officials with problems and requests, we are critical of their shortcomings. A recurrent theme of this book is the absolute need for politics and politicians, despite the widespread tendency to criticize nearly everything political. The reality is that our political system should not be taken for granted, even as we seek ways in which it can be improved.

We want you to come away from reading this book with a richer understanding of American politics, government, and the job of politicians, and we hope you will participate actively in making this constitutional democracy more vital and responsive to the urgent problems of the twenty-first century.

# 1

## CHAPTER

# CONSTITUTIONAL DEMOCRACY



## Reviewers

The writing of this book has profited from the informed, professional, and often sharp, critical suggestions of our colleagues around the country. This and previous editions have been considerably improved as a result of reviews by the following individuals, for which we thank them all.

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## Acknowledgments

Writing this book requires teamwork—first, among the authors, who read and rewrite each other's first drafts, then with our research assistants, who track down loose ends and give us the perspective of students, and with the editors and other professionals at Prentice Hall. Important to each revision are the detailed reviews by teachers and researchers, who provide concrete suggestions on how to improve the book. We are grateful to all who helped with this edition.

Research assistants for the current edition of *Government by the People* are: Elizabeth Esty, Andrew Jenson, Jeffrey R. Makin, Peter Stone, and Analisa Underdown at Brigham Young University; Elizabeth Schiller at the University of California, Irvine; and Joey Bristol at Whitman College. Donna Jones and JoAnn Collins at Whitman College provided secretarial assistance. Sherra Merchant at the Brookings Institution was also of assistance. We thank the Honorable David Sills, Presiding Justice of the California Court of Appeals, Fourth District, Division Three, for his most helpful comments.

Books for major college courses like this feature state of the art teaching tools and electronic ancillaries. We thank the professionals who produced the various supplements and media.

We gratefully acknowledge the enthusiasm and commitment of Political Science editor Heather Shelstad. Our production editor, Rob DeGeorge, kept us on schedule and orchestrated the production of this edition. Our thanks, too, to Brian Prybella and Jessica Drew, who assisted Heather Shelstad in the numerous tasks involved in publishing a book of this scope. Others at Prentice Hall we wish to thank for their continued support are Yolanda de Rooy, Charlyce Jones Owen, and Nancy Roberts.

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We also want to thank you, the professors and students who use our book and who send us letters with suggestions for improving *Government by the People*. We welcome your notes, phone calls, and e-mail. Please write us in care of the Political Science Editor at Prentice Hall, 1 Lake Street, Upper Saddle River, New Jersey 07458, or contact us directly:

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# A MESSAGE FROM THE PUBLISHER

**A**lways one step ahead . . .

At Prentice Hall, we are extremely proud to continue to publish the book that always remains one step ahead by anticipating your needs as an educator and your students' needs as learners. In fact, *Government by the People* has set the standard that others strive to meet. And *Government by the People* continues to innovate in response to changes in our democratic environment and changes in how the government course is taught by introducing instructors and students to a cohesive presentation interwoven with interesting sidebars, political cartoons, and photos—all the while staying focused on the very document that serves as the foundation of our government: The Constitution. With this edition of *Government by the People*, we continue this proud legacy.

Esteemed authorship has always been a hallmark of this text. Our authorship is the reason *Government by the People* remains a bestseller. Every author on this text is among the most well known scholars in his respective field. As a result, *Government by the People* is considered the most authoritative text on the market. With this edition, we are extremely proud to continue this heritage by welcoming Paul C. Light as the newest member of our renowned author team.

## New to this Edition:

- **New Co-Author** Paul C. Light is currently the Paulette Goddard Professor of Public Service at New York University's Wagner School of Public Service and Douglas Dillon Senior Fellow at the Brookings Institution. His diverse academic and professional experience, including having written fifteen books on government, public service, and public policy, make him the ideal new author for *Government by the People*. Paul contributed to the revision of several chapters in this edition, including chapters that deal with congress, the presidency, and the policy chapters.
- **Late-Breaking, Up-to-Date Content** Many chapters have undergone significant revision in this edition. The authors have paid particular attention to the material in Parts III and V (Policy-Making Institutions and The Politics of National Policy) as a result of dramatic events that have affected this material over the course of the past two years.

Chapters on Constitutional Democracy, Campaigns and Elections, Congress, The Presidency, Congress and the President, The Judiciary, Bureaucracy, Making Economic and Regulatory Policy, Making Social Policy, and Making Foreign and Defense Policy have been substantially rewritten. As a result, there is a very timely discussion of topics such as the passage of campaign finance reform and its effects, the Enron debacle and its fallout, the success of welfare reform, an analysis of why crime is increasing throughout the United States, and the war on terrorism as well as a possible war in Iraq. Every chapter's tone and coverage were assessed in view of the changing circumstances in our national life as a result of the events of September 11, 2001. Finally, owing to the unique connections these authors have to inside analyses, the new edition features extensive evaluation of the impact of the historic midterm elections of 2002.

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PoliSim 2.0 features several improvements over version 1.0. Most notably, there are six new simulations, for a total of 17, including a Running for Congress simulation



and The Civil Rights Timeline. (For a complete list, these simulations are incorporated into the Table of Contents for your convenience.) A new user interface featuring a Results Reporter has been added to track progress and outcomes of each simulation for easy grading. For your added convenience, PoliSim is integrated into the end-of-chapter material in *Government by the People*.

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- **Improved Companion Website™** ([www.prenhall.com/burns](http://www.prenhall.com/burns)) Students can now take full advantage of the World Wide Web to enrich the study of American government through the *Government by the People* Website. Created by Jimmie McGee, South Plains College, the site features interactive practice tests, chapter objectives and overviews, additional graphs and charts, and over 150 primary source documents that are referenced in the text. Interactive Web exercises guide students to do research with a series of questions and links. Students can also tap into information regarding the midterm elections of 2002, writing in political science, career opportunities, and internship information. Students and instructors will benefit from material providing the latest news from highly regarded media outlets. Finally, a special feature allows instructors to create their syllabus customized to *Government by the People* and post it conveniently online.

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## Enduring Features of the Text

Among the many attributes of *Government by the People* are the features that have come to support the balanced presentation of topics within the text. Each of these features has been appropriately revised to reflect those issues that are most significant within our political environment today.

- **NEW: In Comparative Perspective.** This new boxed feature uses data, maps, and figures to show students how the United States compares to other nations throughout the world with regard to a variety of topics, including: The British and American Systems: A Study in Contrasts, and Registration and Voting in the World's Democracies.
- **NEW: People in Politics.** This new boxed feature provides students with short profiles of influential political figures, some of historical importance as well as some contemporary figures. Many focus on the positive contributions of America's public servants, including: Justice Thurgood Marshall, Hillary Clinton, and James Lee Witt.
- **NEW: PoliSim.** Now featured within the end-of-chapter material, this feature introduces students to the PoliSim that correlates to that respective chapter, revealing how the chapter material relates to the simulation that the students are about to perform.
- **People Debate.** These box features have been completely revised to offer additional introductory material in which the authors provide a framework for the discussion. In addition, each debate now concludes with a set of critical thinking questions and a list of Websites where the students can do further research. People Debate boxes give students a chance to participate in a pro/con debate in the text, online, and through essays and links on the *Companion Website™*. Topics include: Liberty Versus Security, Interpreting the Constitution, and Dissent in War.
- **You Decide/Thinking It Through.** Now streamlined, this feature has even greater presence in each chapter. It has been revised to include even broader discussion on current topics. This participatory question-and-answer feature is designed to strengthen students' critical



thinking skills as well as introduce interesting and challenging issues and ideas about American politics, including: Should Presidents Be Limited to Two Terms in Office? and How Should the United States Government Deal with Undocumented Aliens?

- ***We the People.*** This feature has been revised to address even more specifically the diverse nature of the American political system. These unique boxes are designed to reflect the concerns and experiences of ethnic and minority groups in American politics. Some of the topics include: Where We Learn the American Political Culture, Religion and Politics, Portrait of the Electorate, and Women Governors.

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- **Study Guide** Includes chapter outlines, study notes, a glossary, and practice tests designed to reinforce information in the text and help students develop a greater understanding of American government and politics.
- **Supplementary Books and Readings for American Government** Each of the following books features specialized topical coverage allowing you to tailor your American government course to suit the needs of your region or your particular teaching style. Featuring contemporary issues or timely readings, any of the following books is available at a significant discount when bundled with *Government by the People*. Please visit our Online Catalog at [www.prenhall.com/burns](http://www.prenhall.com/burns) for additional details.

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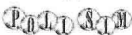
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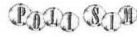
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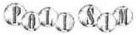
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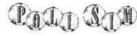
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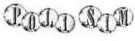
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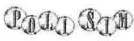
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## CHAPTER OUTLINE

T

HE OLDEST CONSTITUTIONAL DEMOCRACY  
IN THE WORLD, THE UNITED STATES OF  
AMERICA, HAS SURVIVED FOR MORE THAN TWO

centuries, yet it is still an experiment, still a work in progress. We think of it as an enduring, strong government, but in a real sense, our constitutional political system is built on a fragile foundation. The U.S. Constitution and Bill of Rights survive not because the parchment they were written on is still with us but because each generation of Americans respects, renews, and works at understanding the principles and values found in these precious documents. Different generations have faced different challenges in preserving, protecting, and defending our way of government. Some have faced depressions, others world wars; most recently, Americans have confronted foreign attacks on domestic soil.

The challenge to our government and our people posed by the events of September 11, 2001, will never be forgotten by this generation of Americans. Whether we learned of the terrorist attacks through television images or radio or Internet reports, we won't forget where we were when we first heard the news. Rarely in our history has the United States been directly attacked; most of our military actions have been on foreign soil. Yet on September 11, 2001, terrorists used hijacked commercial airliners as lethal missiles to destroy the World Trade Center in New York City and substantially damage the Pentagon in Washington, D.C. The impact of the attack was extraordinary. The death toll approached 3,000,<sup>1</sup> and the International Monetary Fund has estimated that the attacks could cost the U.S. economy more than \$25 billion.<sup>2</sup> Repairing the Pentagon in Washington, D.C., and rebuilding the demolished areas of New York City will cost billions of dollars as well.<sup>3</sup>

In a fundamental way, the events of September 11, 2001, have forced people to rethink the meaning of citizenship, the successes and failures of government, the role of political leadership, and the need for strong defense and homeland security. Time will tell how enduring the impact of the terrorist attacks is on the American public, but in the

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- The Constitutional Roots of the American Experiment
- The Constitutional Convention of 1787
- To Adopt or Not to Adopt?