

Marc Landy • Sidney M. Milkis

American Government

BALANCING DEMOCRACY AND RIGHTS



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Marc Landy

BOSTON COLLEGE

Sidney M. Milkis

UNIVERSITY OF VIRGINIA



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AMERICAN GOVERNMENT: BALANCING DEMOCRACY AND RIGHTS

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We dedicate this book to our teachers at Oberlin,
Muhlenberg, Harvard, and the University of
Pennsylvania who kindled and sustained our interest in
American politics and government and instilled in us the
desire to pass their wisdom on to a new generation.

About the Authors

Marc Landy is Professor of Political Science at Boston College and Faculty Chair of the Irish Institute. He has a B.A. from Oberlin College and a Ph.D. in Government from Harvard University. He is coauthor with Sidney Milkis of *Presidential Greatness* (2000) and an author of *The Environmental Protection Agency from Nixon to Clinton: Asking the Wrong Questions* (1994). He is an editor of *Seeking the Center: Politics and Policymaking at the New Century* (2001) and *The New Politics of Public Policy* (1995). In addition to teaching undergraduate and graduate students, he regularly teaches public officials from Ireland and Northern Ireland about American politics through a series of executive programs run by the Irish Institute. He also teaches summer courses at the Monteverde Institute in Costa Rica. His recent articles include "The Bush Presidency after 9/11: Shifting the Kaleidoscope" in the inaugural issue of the e-journal *Forum*; "Local Government and Environmental Policy" in *Dilemmas of Scale in American Federal Democracy*, ed. Martha Derthick (1999); and "The Politics of Risk Reform," coauthored with Kyle Dell, in *Duke Environmental Law and Policy Forum* (fall 1999). During the 2000 presidential campaign, his op-ed articles appeared in the *Boston Globe* and *New York Newsday*, and he appeared on a wide variety of radio and television news programs.

Sidney M. Milkis is the James Hart Professor of Politics and the Codirector of the American Political Development Program at the Miller Center of Public Affairs at the University of Virginia. He has a B.A. from Muhlenberg College and a Ph.D. in Political Science from the University of Pennsylvania. His books include *The President and the Parties: The Transformation of the American Party System since the New Deal* (1993); *Political Parties and Constitutional Government: Remaking American Democracy* (1999); *Presidential Greatness* (2000), coauthored with Marc Landy; and *The American Presidency: Origins and Developments, 1776–2002* (2003), 4th edition, coauthored with Michael Nelson. He is the coeditor, with Jerome Mileur, of three volumes on twentieth-century political reform: *Progressivism and the New Democracy* (1999); *The New Deal and the Triumph of Liberalism* (2002); *The Great Society and the Rights Revolution* (forthcoming). His articles on American government and political history have appeared in *Political Science Quarterly*, *Studies in American Political Development*, *Journal of Policy History*, and several edited volumes. In addition to teaching graduate and undergraduate students, he regularly gives public lectures on American politics and participates in programs that teach political history to school superintendents and high school teachers.

Preface

THE STORY OF THE BOOK: THE AMERICAN POLITICAL DEVELOPMENT APPROACH

This book grew out of a friendship that developed from a deep intellectual affinity. We met in 1984 when we were put on the same panel at the American Political Science Association meeting. We found that we were both preoccupied by the New Deal. Sid was trying to understand how it gave rise to the modern administrative state. Marc was trying to figure out how Franklin Roosevelt both embraced the labor movement and staved off the transformation of the Democratic party into a British-style Labour party. Soon after, Sid came to Brandeis University, where Marc had become a fellow of the Gordon Public Policy Center. We had adjoining offices at the Center and were able to continue our conversations over lunch and coffee and at the Center's seminars. We discovered that our common interests were not limited to Franklin Roosevelt and the New Deal; we had both come to believe that the study of political science had been severed from its historical roots and that our job was to graft the study of contemporary politics back on to those roots. Both of us were already doing this in our American politics teaching with very good results. We saw that students developed a much keener and firmer grasp of current matters when they became aware of the intellectual and institutional connections that the contemporary issues and events had with the past. Sid applied this approach to his book *The President and Parties* and to the textbook he coauthored with Michael Nelson, *The American Presidency: Origins and Development*. Marc applied the approach to essays about the labor movement's impact on the development of American politics. Together, we drew on the American political development framework in our investigations for our book *Presidential Greatness*. In the meantime, our devotion to connecting past and present came to appear less eccentric; many other scholars also began to find greater meaning and interest in bringing history to bear on the study of American politics. American political development (APD) has now established itself as one of the most active and intellectually vibrant movements within political science.

This book reflects our understanding of what the APD approach means and how it can best be deployed to educate students about the fundamentals of American politics and governments. It is premised on the principle

that the structure and dynamics of contemporary politics and government can best be made intelligible by an examination of their origins and the transformations they have undergone. We greatly admire the work of historians, but this book is about political science, not history. Despite its extensive discussions of the past, its central objective is to explain and clarify the political present.

This book provides the full array of information about contemporary American government and politics that students need to know, but it does so in a developmental context that makes that information more comprehensible and meaningful. For example, we do not simply discuss public opinion in terms of the current, and therefore transitory, state of opinion on various issues of the day. We examine how the very idea of public opinion came into being in reaction to the Federalist efforts to limit political participation and how this concept was understood and used by Lincoln and subsequently transformed by the Progressives. Thus, students do not merely learn about current public opinions, which may well have shifted by the time they read this book; they also learn about the efforts to restrict and expand the role of public opinion that have affected the political institutions and dynamics with which they live. Likewise, the discussion of the media's role in politics is informed by an understanding of how that role has evolved, beginning with the creation of a party press in the 1790s. The discussion also includes Theodore Roosevelt's use of the newly created mass circulation national newspapers to popularize his messages to Congress, Franklin Roosevelt's mastery of radio in his fireside chats, and John F. Kennedy's ingenious use of television to expand the audience for his news conferences—to appeal over the heads of journalists and speak directly to the tuned-in public.

BALANCING LIBERTY AND DEMOCRACY

Like the hangman's noose, writing a textbook concentrates the mind. It forces one to focus on the essentials. What do students absolutely need to know, and what is the fundamental set of questions that an introductory text must address? As we contemplated the complex interrelationships between ideas, institutions, and political forces that constitute APD, we decided to organize our presentation of these diverse matters around the theme of the central task of American government: balancing liberalism and democracy. Each chapter traces the political development of some specific aspect of American political life in terms of the interplay between *liberalism*, which champions individual liberty and natural rights over community, and *democracy*, which stresses the importance of self-governing political communities that shape the moral character of individuals and provide for the common

good. We give equal weight to both the compatibilities and the tensions between these two powerful political principles. We make clear that liberalism supports democracy through its commitment to equal opportunity, and that democracy rests on liberal principles that ensure the liberty of each citizen to actively participate in civic life. But we also stress liberalism's tendency to elevate rights above duties and individual liberty above majoritarianism, and we acknowledge that democracy values obligation to the community more than individual autonomy and the well-being of the whole above the rights of the individual.

As we make clear repeatedly throughout the book, this relationship between liberty and democracy is not the only important dynamic in American politics. We do not shy away from discussing those powerful forces that are neither liberal nor democratic, most notably racial, religious, and sexual bigotry. But we maintain that the core principles and institutions that shape American political culture work against beliefs and practices that are both illiberal and antidemocratic. As Abraham Lincoln and Martin Luther King showed, the Declaration of Independence and the Constitution appeal to the American sense of justice. This is not to say that these charters of freedom triumph automatically over prejudice and oppression. In fact, the authors of both the Declaration and Constitution sought to sidestep, rather than condemn, the institution of slavery. Like any ideals worth preserving, the principles of liberty and democracy cannot prevail without militant champions and jarring struggles. A major aim of this book is to depict the words and deeds of those champions and the epochal character of those struggles.

NARRATIVE STYLE

A great advantage of the APD approach is that it lends itself to a narrative style that is livelier than the topical style of most textbooks. Politics is not just storytelling, but it is largely about arguments and conflicts that are inherently vivid and dramatic. We try to capture the drama of political life without sacrificing analytic rigor. The essence of drama is choice. The narrative approach highlights the crucial choices that have shaped America's politics. For example, our chapter on the Constitution pays careful attention not only to the arguments of the Federalists, who championed the Constitution, but also those of the Anti-Federalists who opposed it. We do so to show just how rich the array of alternatives were for the design of American political institutions and how the particular choices made by the Constitution's Framers were therefore fraught with great consequences. The critical episodes discussed in chapter 4—Jefferson's revolution of 1800, the Jacksonian period, the Civil War, and the New Deal—focus on the stakes involved and the powerful arguments offered by the contending parties.

RELIGION AND LOCALISM

Framing the book in terms of the tension between liberalism and democracy is particularly helpful for illuminating the political importance of two key features of American political life that contemporary political science too often neglects: religion and localism. For example, chapter 2 describes how the Puritans conceived of America as a country with a special mission, a “city on a hill” whose utopianism and democratic zeal was at odds with the view of America as a secular nation dedicated to individual rights. Chapter 6 describes the religious roots of the Populist attack on *laissez faire* as symbolized by William Jennings Bryan’s evocation of the “Cross of Gold.” Chapter 12 discusses the religious sources of abolitionism and the impact of the social gospel movement on Progressivism.

The book shows how the centrality of local self-rule to the idea of American democracy, rooted in the relationship between size and democracy, has created greater resistance to the centralization of power in the United States than in other nations that have representative governments. Chapter 4 discusses the Jeffersonian and Jacksonian eras in terms of their intertwined commitments to localism and democracy. Chapter 5 explains that because the Constitution does not fully clarify the dividing line between state and federal power, disputes over what the government *ought* to do frequently turn into disputes over *where* the decision should be made, with decisive implications for both the protection of individual rights and the exercise of majority rule.

OUTLINE OF THE BOOK

We adhere to a conventional table of contents that devotes a separate chapter to each of the most important topics that a basic textbook needs to cover. The three chapters of part 1, “Formative Experiences,” provide the general intellectual framework of the book with regard to political culture, development, and institutional design. The two chapters of part 2, “Pivotal Relationships,” look at two of the most important consequences of the liberal doctrine of limited government—federalism and the free economy. The four chapters of part 3, “Governing Institutions,” examine the three branches of national government and the bureaucracy as well. The two chapters of part 4, “Political Forces,” focus on the most important political phenomena that exist outside the formal governing structures and on how these forces shape political debate and governmental decision making. These forces include political parties, social movements, interest groups, and the media. Chapter 1 clarifies the key concepts that the book employs, most especially liberty and democracy; it explains why these two profound principles are often in tension, and it acquaints the students with the APD

approach. Chapter 13 reviews the central aspects of the American constitutional order to highlight its enduring strengths and grave weaknesses. It ends by returning to the question that Benjamin Franklin asked more than two hundred years ago: can a republic such as ours endure?

The book offers separate chapters on immensely important and interesting subjects that are rarely treated comprehensively in other textbooks. To provide a theoretical framework, a set of reference points, and a common analytic vocabulary for later chapters, chapter 4 focuses on the major points of transition that have occurred since the constitutional founding. It argues that the Jeffersonian revolution of 1800, the Jacksonian democracy, the Civil War, and the New Deal are truly refoundings that engaged citizens in debate and conflict about the meaning of the Declaration and Constitution and required citizens to reexamine key questions about the relationship between liberty and democracy.

We devote an entire chapter to political economy (chapter 6). If war is too important to leave to the generals, then an understanding and appreciation of the interaction between economics and politics is certainly too important to leave to the economists. As the name implies, this chapter highlights the political forces that have shaped the institutional and legal framework in which economic activity takes place. It aims to show students how all the critical aspects of economic life are affected by the tensions between liberty and democracy. In the other chapters, students are made aware that what they are learning in their history courses complements their political science understanding, and vice versa. Chapter 6 shows them how the study of economics and of political science inform one another as well.

This book contains no separate chapters about civil rights, civil liberties, or public policy because these subjects are so integral to American politics that we wanted them to permeate the entire book. In addition to extensive discussions of all three topics in the chapter narratives, every chapter devotes one box each to a contemporary civil rights, civil liberties, and public policy issue. Additional boxes, labeled “Nuts and Bolts,” enable us to provide the full range of necessary factual information about the operations of contemporary politics and government without disturbing the chapter narrative or simply tacking on all this vital information at the chapter’s end. Sprinkled throughout the book are “Enduring Issues” boxes that help students to understand the continuing relevance of key historical debates and conflicts by providing contemporary examples of these same issues and conflicts.

Each chapter begins with an opening time line. Following the time line, a short vignette depicts a dramatic political moment, a lively political conflict, or a vivid symbolic action. Some vignettes are very prosaic. For example, the bureaucracy chapter (chapter 10) begins with a story of a young driver who gets a parking ticket. Some stories are memorable. The political culture chapter (chapter 2) opens with a description of Martin Luther

King's "I Have a Dream" speech. Some are dramatic. The chapter on Congress (chapter 7) starts by relating Senator James Jeffords's decision to leave the Republican party in May 2001, thereby handing control of the Senate to the Democrats. In all chapters, these vignettes are designed both to capture the student's attention and to link the topic of the chapter and the pervading theme of the book.

In each chapter, the vignette is followed by a brief statement of the major arguments and themes of the chapter and an outline of the narrative to follow. The narrative elucidates those arguments and themes developmentally, extending through the present to account for contemporary developments and emerging trends. The conclusion of each chapter reconsiders the themes presented in the beginning in the light of the information and ideas presented in the narrative and the boxes.

HOW TO USE THIS BOOK

The organization of each chapter suggests a way to use this book as a teaching tool. For example, the vignette itself can serve as a basis for class discussion, or the instructor can ask students to come up with their own concrete examples of how issues of liberty and democracy are provoked by the ideas, institutions, or political forces that form the subject matter content of the chapter. Likewise, the boxes can be used as topics for research assignments and for further class discussions that are enriched by the added knowledge the students have acquired on their own. Because the organization of each chapter is essentially the same, the instructor can encourage the students to compare similar stages of historical development across different chapters, which helps to integrate students' understanding of how various political forces and institutions are developing simultaneously. The time lines provided at the beginning of each chapter facilitate such comparisons.

The strong thematic stance of this book invites challenge and dissent in a way that a less consistent and insistent approach does not. The suggested readings at the end of each chapter include writings that challenge the book's point of view and can therefore be used to encourage a lively debate about how central liberalism and democracy really are and what alternative ways of thinking about APD might be more persuasive.

SUPPLEMENTS

This text is accompanied by several supplementary materials. Please contact your local McGraw-Hill representative or McGraw-Hill Customer Service (800-338-3987) for details concerning policies, prices, and availability, as some restrictions may apply.

For Students and Instructors

- OnLine Learning Center with PowerWeb

Visit our website at www.mhhe.com/landymilkis.

This website contains separate instructor and student areas. The instructor area contains an instructor's manual and PowerPoint presentations by chapter, while the student area hosts a wealth of study materials such as "Nuts and Bolts" exercises, additional Internet resources, concept lists, practice quizzes, essay questions, and thinking exercises.

The book site will also contain fourteen simulations, including a book-specific addition on the historical importance of political economy. Participation tools that deal with constitutional foundations, institutions, political behavior, interest groups, and policy are also available to students. These tools were created to encourage students to become more involved in politics, to demonstrate how they can make a difference, and to give them advice on how to get started.

• Political Science Supersite

For additional simulations, web links, games, puzzles, and more, visit the Political Science Supersite at www.mhhe.com/socscience/polisci.

• PowerWeb for American Government

Now built into the *American Government: Balancing Democracy and Rights* OnLine Learning Center, this product offers daily news updates, weekly course updates, interactive activities, the best articles from the popular press, quizzes, instructor's manuals, student study material, and more.

FOR STUDENTS

• PARTICIPATION: Citizenship CDROM

This is an interactive participation tool that enables students to investigate the meaning of citizenship as political scientists. By examining how past and present (and future) primary sources converge to affect our lives politically, this CDROM prompts students to ask questions, research, and formulate arguments, supporting their own thesis with evidence and conclusion. Questions such as "Are all citizens created equal?" and "Does citizenship suffer under security threat?" are met with more than 120 documentary, photo, cartoon, and sound sources that are as old as the Naturalization Act of 1790 and Chinese Exclusion Act of 1882, and as recent as Patriot II, still being debated in Congress.

- Study Guide
0-07-238321-6

Each chapter includes the following: A time line that highlights the chapter's key concepts, an essay-style chapter summary, chapter boxes, a list of major concepts, and a list of additional reading material.

FOR INSTRUCTORS

- Instructor's Resource CD-ROM
0-07-253185-1

Tailored to the table of contents of the text, this CD integrates instructor resources available in the instructor's manual with multimedia components such as PowerPoint presentations and an interactive computerized test bank. The instructor's manual consists of learning objectives, chapter summary, lecture notes in an outline format, alternative lecture topics, chapter boxes, figures, tables, suggestions for course projects, and an pedagogically annotated resource list with websites, readings, and videos.

- McGraw-Hill American Government Video Library

This series of ten-minute video lecture-launchers was produced for McGraw-Hill by Ralph Baker and Joseph Losco of Ball State University.

Video #1: Devolution within American Federalism: Welfare Reform
0-07-303414-2

Video #2: Public Opinion and Participation: American Students Speak
0-07-229517-1

Video #3: Media and Politics in Presidential Campaigns
0-07-234442-3

Video #4: Women in Politics
0-07-242097-9

Video #5: Civil Liberties on the Internet
0-07-244205-0

Video #6: Affirmative Action and College Enrollment
0-07-244207-7

Video #7: The 2000 Campaign
0-07-250175-8

- PageOut

At www.mhhe.com/pageout instructors can create their own course websites. PageOut requires no prior knowledge of HTML; instructors can simply plug the course information into a template and click on one of sixteen designs. The process provides instructors with a professionally designed website.

- PRIMIS Online

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FOR THE STUDENT: A GUIDED TOUR OF AMERICAN GOVERNMENT: BALANCING DEMOCRACY AND RIGHTS

Time Line.

Each chapter begins with an illustrated time line of the key events related to material covered in the chapter.

Opening Vignette.

A story about a compelling political event or hypothetical situation introduces the chapter's main themes.

CHAPTER TWO

Political Culture: Foundation of the American Republic

THE ORIGINS OF "WE THE PEOPLE"

1607 Virginia Colony is founded

1620 First slave ship lands in Virginia

1620 Pilgrims land at Plymouth Rock

1630 Puritans, led by Governor John Winthrop, settle Massachusetts Bay

1636 Roger Williams banished from Massachusetts Bay Colony

1644 Roger Williams obtains charter to establish the Colony of Rhode Island

AMERICA'S CREED: THE DECLARATION OF INDEPENDENCE

1690 John Locke's *Two Treatises on Civil Government* is published

1763 Townsend Duties are imposed

1776 Thomas Paine's *Common Sense* is published

1776 Continental Congress proclaims the Declaration of Independence

TOWARD THE CONSTITUTION

1781 Articles of Confederation are ratified

1783 Treaty is signed with Great Britain that ends the Revolutionary War

1786 Virginia Statute of Religious Liberty is passed

1786 Shay's Rebellion takes place

FROM DEMOCRACY TO REPUBLICAN GOVERNMENT

1787 Volume 1 of John Adams's *A Defense of the Constitution of Government of the United States* is published

1787 Constitutional Convention in Philadelphia is convened

1787 Continental Congress enacts Ordinance of 1787

1789 John Carroll is named the first American Roman Catholic bishop

On August 28, 1963, approximately 250,000 people marched on Washington to protest discrimination against African Americans and to celebrate the rise of the civil rights movement. Race relations in the South were dominated by **Jim Crow** laws and customs of the nineteenth century, which imposed racial segregation in virtually all aspects of life.

In the early 1960s, when civil rights demonstrations broke out throughout the South to protest racial segregation, local police brutally repressed efforts to break down what the distinguished African American sociologist W. E. B. Du Bois had called the "color line." On April 12, 1963, a particularly ugly confrontation took place in Birmingham, Alabama, and one of the civil rights movement's most important leaders, Martin Luther King Jr., was jailed. President John F. Kennedy had been reluctant to take up the issue of civil rights, arguing that it was up to local officials to enforce the law. After Birmingham, however, Kennedy gave his support to a comprehensive civil rights bill that made racial discrimination in hotels, restaurants, and other public accommodations illegal and that gave the attorney general the power to bring suits on behalf of individuals to speed up lagging school desegregation. The measure also authorized agencies of the federal government to withhold federal funds from racially discriminatory state programs.

When this bill ran into stubborn opposition in Congress, civil rights leaders organized the largest single protest demonstration in American history. King's speech at the Lincoln Memorial was its climax. Late in the afternoon, the summer heat still sweltering, King appeared at the microphone. The crowd, restlessly awaiting King's appearance, broke into thunderous applause and chanted his name. King began by praising Lincoln's Emancipation Proclamation, "a great beacon of hope to millions of Negro slaves who had been seared in the flames of withering injustice." But,

One hundred years later, we must face the tragic fact that the Negro is still not free. One hundred years later, the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination. One hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. One hundred years later, the Negro is still languishing in the corners of American society

Main Points.

Following the opening vignette is a paragraph that states the chapter's main ideas and outlines what the chapter will cover.

Major Concepts.

Key concepts and terms are identified in the narrative by **bold type**. Each concept or term is listed at the end of the chapter and defined in an alphabetical glossary at the end of the book.

Box 4 CIVIL RIGHTS

Civil Rights for the Disabled

In 1990 Congress passed the Americans with Disabilities Act in order to protect the civil rights of the disabled. Since then, the Supreme Court has been actively engaged in determining both the nature and the limits of such rights. This question is particularly thorny with regard to the right of equal employment opportunity. It is very difficult to draw a line between the legitimate demands of a disabled worker for some special assistance and the legitimate need of an employer not to have to make very expensive adjustments in the workplace to accommodate a disabled worker. These issues were joined in *Chevron U.S.A. Inc. v. Mario Echazabel*, decided by the Supreme Court in June 2002.

Mario Echazabel had been working for an independent contractor at a Chevron oil refinery. In 1994 Chevron offered to hire him if he could pass its physical examination. But the exam revealed that he had a liver abnormality caused by hepatitis C. Chevron refused to hire Echazabel and insisted that the contractor reassign him so that he would not be exposed to potentially harmful toxic air pollutants at the refinery. Echazabel sued, claiming that Chevron violated the Americans with Disabilities Act by refusing to hire him. He claimed that he was entitled to take the risk to his health posed by the pollutants if he so chose. However, Chevron pointed out that the Occupational Safety and Health Act required it to provide every worker with a safe workplace. Chevron could not fulfill this provision for Echazabel without a massive renovation of the refinery, and even then, the level of pollution might still leave him at risk. The Court agreed that Echazabel's right to equal opportunity did not extend to forcing an employer to hire him if by doing so it placed him at greater risk than other workers or incurred massive costs in renovating the workplace to make him safer.

“Civil Rights” Boxes.

Each chapter contains a box that highlights an important civil rights topic.

Box 2 ENDURING ISSUES

The Media and Public Opinion

The media's impact on public opinion has two different but related aspects. The first is informational. It is largely up to the news media to determine what is “news” and therefore what information will be available to the public and on which the public can form opinions. The second relates to opinions that media commentators urge the public to adopt. News coverage is both a bottom-up and a top-down process. Cities all over the country have local newspapers and correspondents for the major news services who uncover locally generated stories with wider significance that are then picked up by the national news media. From the top, the most influential national newspapers, especially the *New York Times*, *Washington Post*, and *Wall Street Journal*, make use of their large and expert news staffs to generate stories that then set the agenda for the coverage of other newspapers and, even more significantly, for the national network and cable news programs. Of course, the electronic media have news staffs of their own, but they still depend on the national newspapers to take the lead in deciding what stories are most worth covering.

Media opinion comes in a variety of forms. It is available on the editorial pages of national, regional, and local newspapers and in the pages of such influential magazines as the *New Republic* and the *Weekly Standard*. Beginning in the 1970s, as FM came to dominate radio music, AM stations found that they could generate large audiences by providing opinionated talk shows, particularly if they used hosts—such as Rush Limbaugh—who had vivid and often extreme opinions and if they encouraged listeners to phone in and talk back. In the 1980s and 1990s, the advent of cable television brought this talk show format to television. Cable stations such as FOX News and CNN are increasingly dominated by personalities like Larry King and Bill O'Reilly who banter opinions back and forth with their on-air guests and with callers from across the nation.

“Enduring Issues” Boxes.

Most chapters have boxes that discuss issues in American politics that have been important throughout history and continue to be relevant today.

Box 1 CIVIL LIBERTIES

Party Primaries and the Right to Vote

The qualifications necessary to vote in primary elections vary state by state. In some states, only registered Democrats vote in the Democratic primary, Republicans in the Republican primary. This system is called a closed primary. Other states allow Independents to vote in whichever primary they wish; this system is greatly affected by the rise in the number of Independent voters (see figure 11-1). Still other states allow any voter to vote in any primary. This system is called an open primary. In an open primary, Democrats may help choose the Republican candidate, and vice versa. Regardless of which system a state uses, profound questions about voting rights are raised. Consider a state in which elections are consistently won by a particular party and in which that party's primary excludes Independents and members of the other party from voting. Because the general election is practically meaningless, those voters who cannot vote in the dominant party's primary are effectively disenfranchised. But if nonparty members are allowed to

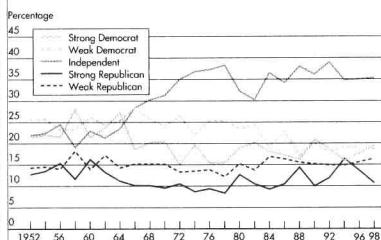


FIGURE 11-1 DECLINE IN PARTY IDENTIFICATION, 1952-1998
The decline in party identification has coincided with the rise of independent voters.

Source: National Election Studies data as reported in Harold W. Stanley and Richard G. Niemi, *Vital Statistics on American Politics, 1999-2000* (Washington, D.C.: Congressional Quarterly Press, 2000), 112.

“Civil Liberties” Boxes.

Each chapter contains a box that discusses a critical issue related to civil liberties.

Box 2: CONTEMPORARY PUBLIC POLICY

Taxing the Internet

To encourage the growth of e-commerce, Congress prohibits states from imposing sales taxes on Internet purchases. As these sales grow in size, many state governors as well as retailers who operate primarily through store sales and catalogs are questioning the wisdom of the Internet exemption. States amass much of their revenue from sales taxes, which apply to both store and catalog purchases. State governments fear that the exemption will undermine the ability of states to raise necessary revenue and will give an unfair competitive advantage to one form of retailing at the expense of other, more traditional forms. Of course the latter problem could be resolved through *laissez faire* means by abolishing retail sales taxes altogether, but this solution would only worsen the revenue-raising problems that states already face.

“Contemporary Public Policy” Boxes.

Each chapter contains a box that focuses on a key recent matter of public policy.