

A large American flag is the central focus, waving from the top left towards the right. The background is a dense, slightly blurred crowd of people, many of whom are also holding smaller American flags. The overall tone is patriotic and celebratory.

GOVERNMENT BY THE PEOPLE

Burns ■ Peltason ■ Cronin ■ Magleby

National Version

15th Edition

GOVERNMENT BY THE PEOPLE

James MacGregor Burns
Williams College

J. W. Peltason
University of California

Thomas E. Cronin
Colorado College

David B. Magleby
Brigham Young University



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Acquisitions editor: Julia G. Berrisford
Editorial/production supervision: Serena Hoffman
Development supervision: Susanna Lesan
Development editor: Linda Muterspaugh
Copy editor: Ann Hofstra Grogg
Design director: Florence Dara Silverman
Design supervision: Anne T. Bonanno
Interior and cover design: Lydia Gershey
Page layout: Natasha Sylvester
Photo editor: Lorinda Morris-Nantz
Photo researcher: Joelle Burrows
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A MESSAGE FROM THE AUTHORS

The 1990s have become a testing time for new democracies as well as old ones. Contempt for government and politics is expressed all around us in the United States and all around the globe. Yet politics and partisan competition are the lifeblood by which free people can achieve the ideals of a government by and for the people.

Constitutional democracy—the kind of government we have in the United States—is exceedingly hard to win, equally hard to sustain, and often hard to understand without rigorous study. The form of constitutional democracy that has emerged in the United States requires continual participation by caring, tolerant, and informed citizens.

Even in the twentieth century, constitutional democracy has been the exception to the rule. In the past, most people lived under autocratic or tyrannical regimes in which a small group imposed their will on everyone else. Even now, in the 1990s, less than one-third of the nation-states around the globe exist as viable, healthy democracies.

The framers of our Constitution warned that we must be vigilant in safeguarding our rights, liberties, and political institutions. But to do this, we first have to understand these institutions and the political forces that have shaped the United States' political and constitutional systems.

We have written this fifteenth edition of *Government By The People* during and immediately after the 1992 presidential and congressional elections. This has been a time of questioning, a time of voter anguish, a time of the Ross Perot campaign and of calls for term limits and change. Our political institutions and practices are under constant debate. This text will help you understand both the political system and the debates about how it might be revitalized.

We want you to come away from reading this book with a richer understanding of American politics and government, and we hope that in the years to come many of you will help make our constitutional de-

mocracy more vital and more responsive to the urgent problems of the 1990s and the twenty-first century.

Acknowledgments

We wish to acknowledge the help we have received from our colleagues, reviewers, research assistants, and support staff who have helped each of us in the preparation of the fifteenth edition.

Thus we thank Pat Dennis at the University of California, Irvine, for her creative, ever cheerful, and superb editorial assistance. We are also indebted to Mary Barbeau, Professor Lois Lovelace Duke, Professor Patricia Hunt Perry, the Williams College faculty secretarial office, and the staff at the Jepson School of Leadership Studies at the University of Richmond. At Colorado College, we especially thank John A. Calhoun and Paul G. Pfeifer for their research assistance; Ann B. Armstrong and Deb Robison for their excellent proofreading skills; and Jane Stark, Pat Colander, and Catherine Rivers for splendid secretarial support. At Brigham Young University, we thank Lisa Miller and Denise Ingols for their word-processing assistance, and give particular thanks to research assistants Amy Christensen, Camie Christiansen, Hal Gregory, Paul Hansen, Karl Huish, Jon Mott, Rebecca Noah, David Passey, Kristen Pruett, and Jared Stone.

Our very special thanks go to our production editor, Serena Hoffman, who once again brilliantly guided us in the rewriting of this book. We also thank our Prentice Hall friends Ed Stanford, Will Ethridge, Charlyce Jones Owen, and Karen Horton for their unfailing encouragement. Our new editor, Julia Berrisford, has provided valued energy and direction during the later stages of this venture, and we are grateful to her. We are in debt as well to Susanna Lesan and Linda Muterspaugh for assistance in significantly improving the readability of this greatly revised edition. We must also thank the many other skilled professionals at Prentice Hall who assisted in the publication of the fifteenth edition: Ann Hofstra Grogg, our excellent

copy editor; Anne T. Bonanno, Florence Dara Silverman, Lydia Gershey, and Natasha Sylvester for their superb design and layout; Lorinda Morris-Nantz and Joelle Burrows, photo researchers; Sharon Chambliss, supplements editor; Maria DiVencenzo, marketing manager; Kelly Behr, prepress buyer; Marianne Gloriande, manufacturing buyer; and Linda Spillane, scheduler.

James MacGregor Burns
Williams College
Williamstown, MA 01267

J. W. Peltason
University of California
300 Lakeside Drive
Oakland, CA 94612

Thomas E. Cronin
Colorado College
Colorado Springs, CO 80903

David B. Magleby
Brigham Young University
Provo, UT 84602

Finally, we thank the dozens of students and professors who sent us letters with suggestions for improving *Government By The People*. We welcome your notes or calls concerning any errors or ways we can further improve the book. Please write us in care of the Political Science Editor at Prentice Hall, Englewood Cliffs, New Jersey 07632, or to us directly.

Reviewers

Each edition of this book profits from the informed, professional, and often sharp critical suggestions of our colleagues around the country. This fifteenth edition has been considerably improved as a result of the thoughtful reviews by the following individuals, for which we thank them all:

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A MESSAGE FROM THE PUBLISHER

The gratifying success *Government By The People* has enjoyed over the years results from a distinguished authorship team, who always write a superb book with a distinctive combination of features. Treating each new edition as a fresh challenge—and, in many ways, a virtually new book—the authors strive to capture American government and politics as the dynamic ventures they are.

In this edition, James MacGregor Burns, J. W. Peltason, and Tom Cronin are joined by a new coauthor, David B. Magleby of Brigham Young University. Nationally recognized for his expertise on direct democracy, voting behavior, and campaign finance, a former Congressional Fellow and an award-winning teacher, David has provided new perspectives and has contributed markedly to the research and writing of this fifteenth edition.

Distinguishing features of *Government By The People*, Fifteenth Edition are:

Comprehensive and Balanced Presentation

Instructors have always been able to rely on the complete coverage and the balanced presentation that addresses differing sides of issues that is a distinguishing feature of *Government By The People*. Known for its superior coverage of constitutional principles, political processes, and central political institutions, this latest edition offers changes in content that include:

- A thematic examination of constitutional democracy—its ideals, its conditions, and the American struggle to realize its possibilities and potential. The American political experiment is frequently assessed in a comparative light.
- An entirely new chapter, called "The American Political Landscape," examines social and economic diversity in American society and some of the political consequences of living in an increasingly multicultural nation. This chapter provides the

framework of the social fabric of our nation, which needs to be put in context before students can fully appreciate the role that public opinion, interest group politics, and voting behavior play in America.

- Innovative treatment of political ideology and culture, political participation and voting turnout, voting behavior, and campaign financing.
- A much revised treatment of the changing character of U.S. foreign and defense policies and our greater involvement with the United Nations and other multinational peacekeeping organizations.
- Full integration of the results of the 1992 elections, including such topics as voter turnout and other forms of participation by various groups, how this election will affect party balance in Congress and the makeup of the Supreme Court, and the implications of state and local results.
- Complete incorporation of 1990 census data. Once a decade we get a thorough examination of the American polity. These data are integrated where appropriate throughout the book.
- Fully updated and integrated analysis of recent Supreme Court cases. The changing makeup of the court, as well as recent events that affect it, are also thoroughly covered.
- Expanded coverage of state and local politics in the *National, State, and Local Version*, including an entirely new chapter on parties and elections in the states that examines constitutional democracy at this level.

A Broad Range of Illustrative Examples

The examples in *Government By The People* are drawn from a wide range of current and historical sources. While fully reflecting current political events, examples are also included from earlier eras to provide the important historical context within which current events can be better understood. Complete lists of suggested readings and detailed footnotes at the end of each chapter highlight sources of lasting and recent importance.

Accessible and Engaging Features for the Student

Written with the student in mind by experienced scholars and teachers, the text has always been admired for its elegant, yet engaging narrative style. To assist accessibility, key terms appear on first use in the text in bold-faced type, followed by a precise definition. These terms are also listed in the full Glossary at the end of the book.

Of particular appeal to students will be the wealth of boxed material:

You Decide! This feature encourages critical thinking skills. A question is presented for students to think about on one page; on the facing page, there is a discussion of possible answers (although, as in real life, not all questions have definitive answers).

A Closer Look These new boxes combine text, tables, photos, and cartoons on issues of high student appeal. Like a good lecture, they provide a pause in the narrative where appropriate, to allow the pursuit of a particular topic beyond the scope of the material at hand. Examples are "Amending the Constitution," "Religion and Politics," "Values and the Media," and "The Bureaucrats: Paper Shufflers or Empire Builders?"

We the People Also new to this edition, these boxes are designed to reflect the concerns and experiences of minorities with the American government, including court cases, constitutional amendments, and representational changes. Examples are "Women's History," "African Americans in American Wars," and "Missing Persons."

These features, plus excellent charts and tables on key points, additional facts of interest, humorous asides, and thought-provoking political cartoons interspersed in the margins throughout the book all help make *Government By The People* a favorite of students.

Supplements Available for the Instructor

The text is the core of a complete learning package that includes a wide range of proven, as well as new, instructional aids. The supplements have been completely revised, not only to incorporate material new to the fifteenth edition, but also to ensure the highest quality and accuracy possible.

Annotated Instructor's Edition Designed to expand and complement the student text, the AIE is a special version of the student text that provides additional resources at your fingertips. Annotations in the margin supply supplementary lecture material, insider information, extra credit projects, and interesting historical and current applications. The annotations were prepared by James V. Calvi of West Texas State University.

Instructor's Resource Manual Provides the following resources for each chapter of the text: chapter summary, review of major concepts, lecture suggestions and topic outlines, suggestions for classroom discussions, Political Science Today study assignments, and additional resource materials. The Instructor's Resource Manual was prepared by Michael F. Digby and Larry Elowitz of Georgia College.

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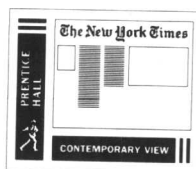
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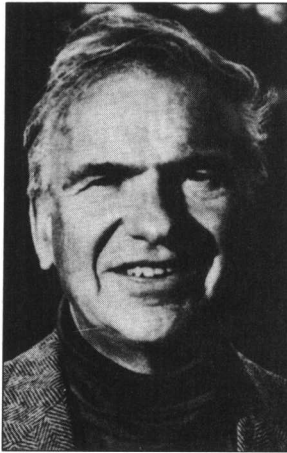


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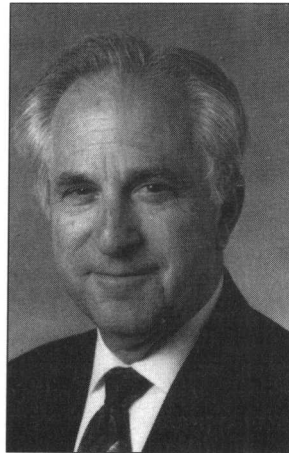
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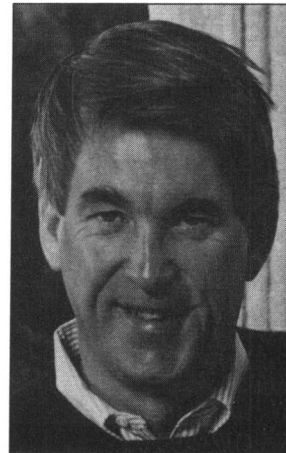
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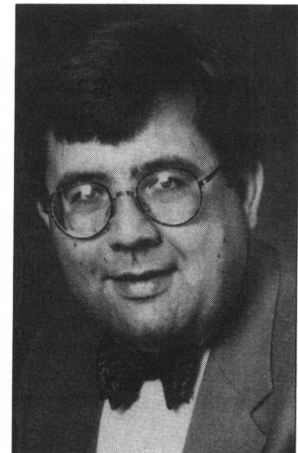
James MacGregor Burns, a lifelong resident of Massachusetts, is Woodrow Wilson Professor Emeritus of Government at Williams College and Senior Scholar at the Jepson School of Leadership Studies at the University of Richmond. He has written several books, including *The Power to Lead* (1984); *The Vineyard of Liberty* (1982); *Leadership* (1979); *The Deadlock of Democracy: Four-Party Politics in America* (1963); *Roosevelt: The Lion and the Fox* (1956); and *Roosevelt: The Soldier of Freedom* (1970). His most recent book is *A People's Charter: The Pursuit of Rights in America* (1991) with Stewart Burns. Active in professional and civic life, Burns is a past president of the American Political Science Association. His major love is writing, for which he has won numerous prizes, including the Pulitzer Prize.



J. W. Peltason is a leading scholar on courts, judicial process, and public law. Educated at the University of Missouri and Princeton University, he is President of the University of California and Professor of Political Science at the University of California, Irvine. As Chancellor Emeritus of the University of Illinois and past president of the American Council on Education, Peltason has represented higher education before Congress and state legislatures. His writings include *Federal Courts in the Political Process* (1955); *Fifty-Eight Lonely Men: Southern Federal Judges and School Desegregation* (1961); and *Understanding the Constitution* (1991). Among his awards are the James Madison Medal from Princeton University (1982) and the American Political Science Association's Charles E. Merriam Award (1983).



Thomas E. Cronin is a leading student of the American presidency, national leadership, and policy-making processes. He is the McHugh Professor of American Institutions and Leadership at Colorado College, where in 1991 he also served as Acting President. Cronin earned his doctorate at Stanford University and served as a White House Fellow and White House staff aide. Cronin is a recipient of the American Political Science Association's Charles E. Merriam Award (1986). His writings include *The State of the Presidency* (1980); *U.S. v. Crime-in-the-Streets* (1981); *Direct Democracy: The Politics of Initiative, Referendum, and Recall* (1989); and *Colorado Politics and Government* (1993). Cronin is president of the Western Political Science Association and appears often as a political analyst on major television discussion programs.



David B. Magleby, nationally recognized for his expertise on direct democracy, voting behavior, and campaign finance, is Professor of Political Science and department chair at Brigham Young University. He received his doctorate from the University of California, Berkeley, and has taught at the University of California, Santa Cruz, and the University of Virginia. He has received numerous teaching awards, including commendation from the Carnegie Endowment for the Advancement and Support of Education. His writings include *Direct Legislation* (1984); *The Money Chase: Congressional Campaign Finance Reform* (1990); and *The Myth of the Independent Voter* (1992). He is currently president-elect of Pi Sigma Alpha, the national political science honor society.

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Constitutional Democracy

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CHAPTER OUTLINE

Defining Democracy

*Democracy as a System of
Interacting Values Democracy as
a System of Interrelated Political
Processes Democracy as a System
of Interdependent Political
Structures*

Making Democratic Principles a Reality

*Conditions Conducive to
Constitutional Democracy The
American Example*

America's Constitutional Roots

*The Rise of Revolutionary Fervor
Toward Unity and Order*

The Philadelphia Convention, 1787

*The Delegates Consensus
Conflict and Compromise*

To Adopt or Not to Adopt?

*Federalists versus Antifederalists
The Politics of Ratification*

Into the Twenty-First Century

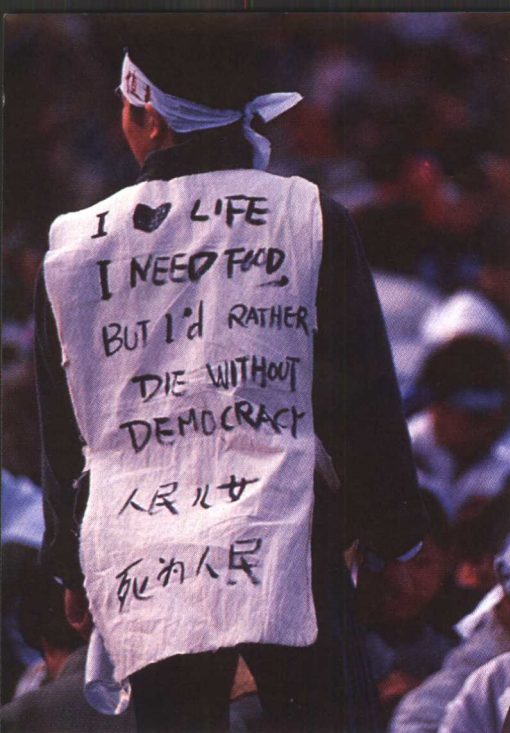
When President Bill Clinton, in his campaign, promised that he would end the recession and lead the country to sustained economic recovery, he was also promising that he would make our constitutional democracy work again. When both Democratic and Republican leaders promised, after the election, that they would form a working partnership with the president, they were also promising that they would overcome the "gridlock" between the White House and Capitol Hill that Ross Perot had railed against in his campaign.

But can the new leadership in the mid-1990s overcome such "gridlock"? Yes, our system is a democracy, and the people demand action. But our Constitution has built in powerful checks and balances that block or delay action—endless "veto traps" throughout the system that can produce outcomes that are "too little and too late." And the fate of struggling democracies around the world reminds us of the pitfalls facing constitutional democracies. One is inaction, deadlock, gridlock. Another is popular impatience and anger, leading, perhaps, to dictatorship by a "man on a white horse."

Throughout Eastern Europe and what was once the Soviet Union, people who, until recently, could not openly criticize the government have replaced totalitarian regimes with freely elected and democratic governments. Vaclav Havel, former president of Czechoslovakia, had been a playwright, essayist, and political prisoner.¹ The Solidarity Union in Poland was transformed from a workers' protest movement into a governing party, and its leader, Lech Walesa, became the democratically elected president in a landslide victory. And in 1989 cheering Germans celebrated the destruction of the Berlin Wall, and democracy sprang up in Eastern Germany.

Nowhere was the drive for democracy more tragic than in Communist China. "For the progress of democracy and the prosperity of our motherland . . . I swear I am going to defend Tianamen Square and the Republic with my youthful life," declared Chinese students and their allies in May 1989. "I would rather be beheaded or shed blood for the defense of the People's Square. We are going to fight with our lives until the last one of us dies." A few days later, hundreds of students sacrificed their lives for their dreams of government by the people in the so-called People's Republic of China.

After decades of communism, people in many nations have made it clear they want not only political freedoms but also economic opportunities and choices. They have grown disillusioned with totalitarian governments and economic systems in which public officials rather than the marketplace decide not only who shall speak and what they shall say but what shall be produced and how it shall be distributed. Whether democracy will survive and grow in the nations now clamoring for it, however, remains to be seen. There is no guaran-



The ideal of liberty still inspires people today, as it did in the 1989 demonstrations in China that were so brutally repressed.



"The Athenians are here, Sire, with an offer to back us with ships, money, arms, and men—and, of course, their usual lectures about democracy."

Drawing by Ed Fisher, © 1983 The New Yorker Magazine, Inc.

tee, as the students in China found out, that just because people want freedom they will have it.

More than two hundred years ago, in the 1770s and 1780s, thousands of Americans took the same risks, and many died for their dreams. In the American case, the dream of a democratic republic materialized gradually. It has been a long evolutionary struggle, and no one would boast, even now, that the political system of the United States is fully formed or perfect. Yet the United States is a showcase of constitutional democracy—flaws as well as notable achievements. Chinese students, Eastern European dissidents, and Russian reformers have all pointed to the American Revolution and the American experiment with democracy as models. Thomas Jefferson's Declaration of Independence, written as an argument to justify the American Revolution against King George III, expresses the hopes and dreams of contemporary democratic revolutionaries as well. American democracy, what we will call *constitutional democracy*, with its protection of rights and liberties, is a remarkable accomplishment.

In this chapter, we begin our exploration of this American experiment by taking a closer look at the meaning of democracy and the historical events that created the constitutional democracy of the United States. **Constitutional democracy*** as used here refers to a government that regularly enforces recognized limits on those who govern and allows the voice of the people to be regularly heard through free and fair elections. **Constitutionalism** refers to how power is granted, dispersed, and limited.

Defining Democracy

The word "democracy" is nowhere to be found in the Declaration of Independence or in the U.S. Constitution, nor was it a term used by the founders of the Republic. Democracy is hard to define. It is both a very old term and a new one. It was used in a loose sense to refer to various undesired things: "the masses," mobs, lack of standards, and a system that encourages **demagogues** (leaders who gain power by appealing to the emotions and prejudices of the rabble).

Because we are using the term *democracy* in its political sense, we will be more precise. The distinguishing feature of democracy is that government derives its authority from its citizens. In fact, the word comes from two Greek words: *demos* (the people) and *kratos* (authority or power). Thus **democracy** means government by the people, not government by one person (the monarch, the dictator, the priest) or government by the few (an oligarchy or aristocracy).

For a few decades, ancient Athens and a few other Greek cities had a **direct democracy** in which citizens came together to discuss and pass the laws and select the rulers by lot. These Greek city-states did not last, and most turned to mob rule and then resorted to dictators. When the word "democracy" came into English usage in the seventeenth century, it denoted this kind of direct democracy and was a term of derision, a negative word, usually used to refer to mob rule.

James Madison, writing in *The Federalist*, No. 10, reflected the view of many of the framers of the U.S. Constitution when he wrote "such democra-

* Words that appear in boldfaced type throughout the text are defined in the Glossary at the end of the book.

cies [as the Greek and Roman] . . . have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives, as they have been violent in their deaths."² Democracy has taken on a positive meaning only in the last one hundred years.

These days it is no longer possible, even if desirable, to assemble the citizens of any but the smallest towns to make the laws or to select the officials directly from among the citizenry. Rather, we have invented a *system of representation*. Democracy today means **representative democracy** or, in Plato's term, a **republic** in which those who have governmental authority *get and retain* authority directly or indirectly as the result of winning free elections in which all adult citizens are allowed to participate.

The framers preferred to use the term "republic" to avoid any confusion between direct democracy, which they disliked, and representative democracy, which they liked and thought secured all the advantages of a direct democracy while curing its weaknesses. Today, and in this book, *democracy* and *republic* are often used as interchangeable terms.

Like most political concepts, democracy encompasses many ideas and has many meanings. Democracy is a way of life, a form of government, a way of governing, a type of nation, a state of mind, and a variety of processes. We can divide these many meanings into three broad categories: democracy as a *system of interacting values*, a *system of interrelated political processes*, and a *system of interdependent political structures* (see Figure 1-1).

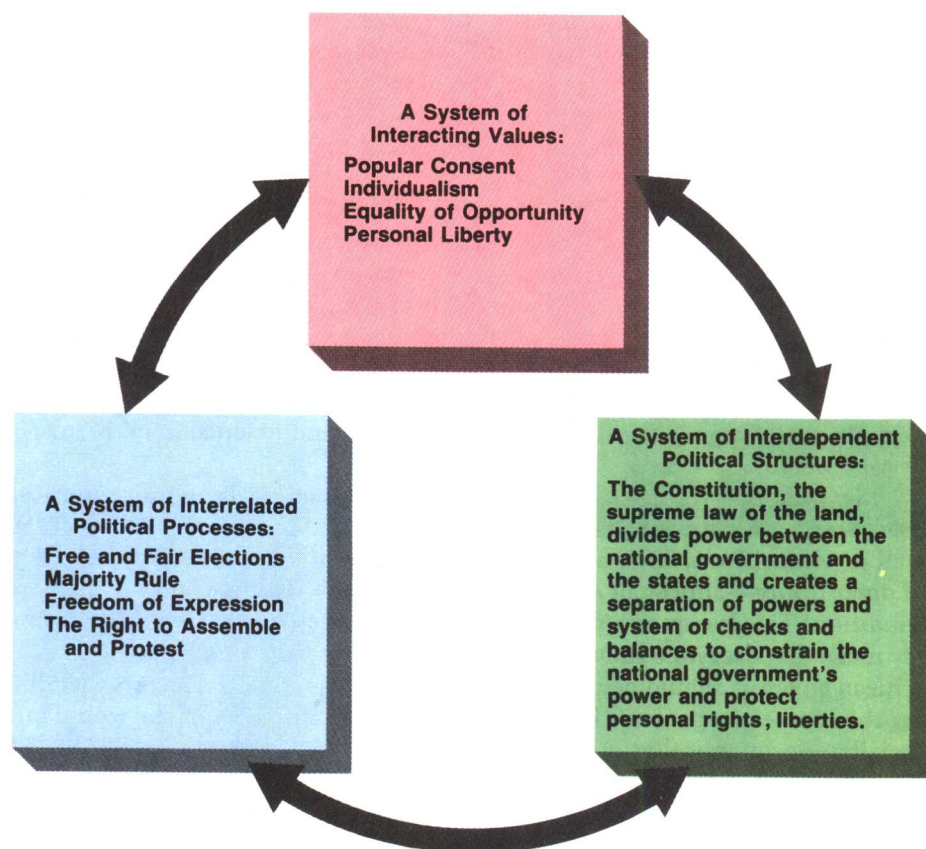


FIGURE 1-1 Contributing Elements of Constitutional Democracy