



American Government

POLITICS AND PUBLIC POLICY



G. CALVIN MACKENZIE

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G. CALVIN MACKENZIE

Colby College

**RANDOM
HOUSE**



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RANDOM HOUSE SERIES IN POLITICAL SCIENCE

Stephen J. Wayne
George Washington University
General Editor

PREFACE

Three imaginary readers were my target audience as I wrote this book. Two of them were composites of students I have taught in my own introductory American government courses over the past decade. The other was a teacher of such courses searching for ways to compel the interest and stimulate the imagination of those students.

The first student was the beginning political science major. He or she would be initially introduced to the study of political science in the course in which this book is used. To provide for the special needs of that student, I have sought throughout the book to highlight the central ideas, the critical areas of disharmony, and the principal methods of modern political analysis. Wherever it seemed feasible to do so, I have tried to expand the perspective of the narrative to explain how the American system is different from or similar to other political systems, to treat problems of American democracy in the larger context of persistent difficulties of democratic self-government, and to demonstrate the limits of the methods of political science for understanding complex examples of political behavior.

The second student in my target audience was an undergraduate who would not become a political science major nor enroll in any political science courses other than the one in which this book was used. That is the student whose orientations are not very political but who thought it prudent to learn a little about his or her government. To meet the special needs of that student, I have sought to point out the many ways in which political actions and policy choices directly affect the lives of individual American citizens. The proliferation of interest groups, the decentralization of power in Congress, and the expanding role of the courts in policy making, for example, are all phenomena that interest political scientists because of the light they shed on the dynamics of power in the American political system. To professional students of politics, they are interesting in their own right as forms of political behavior. But they should also be interesting to students who have only a rudimentary knowledge of, and perhaps only a passing interest in, the study of politics. They are developments of practical importance that affect the relationship between the American people and their government, and throughout this book I have tried to indicate how recent changes in the operations of the American political system bear directly on the shape of public policy and on the quality of representation and responsiveness. For those students who believe politics is distant and mysterious and peripheral to their own lives, I have tried to convince them otherwise.

My third target reader is a teacher of introductory American government courses. I have tried to design this as a useful and flexible text, one that will meet teachers' needs in preparing and presenting their courses. It covers, in some depth, most of the topics normally included in an introductory course. It has more chapters than most texts of its size to permit greater ease in making reading assignments. Each chapter begins with a statement of fundamental issues and a brief outline of its approach; each concludes with a summary of the chapter's important points and a list of selected readings. Graphics and boxed inserts have been included where useful to clarify and illustrate points made in the narrative.

The writing style is designed to resemble a conversation between the author and the student reader.

In shaping the substance of this book, I have tried to serve all three of my target readers by defining a set of themes and tracing them through from chapter to chapter. The overarching theme is a simple but reliable assumption: democratic self-government is a complex and difficult enterprise. The reasons for that emerge throughout the analyses of political processes, government institutions, and public policy.

I have also tried to emphasize two other approaches to the study of American government. One is a heavier emphasis than normal on public policy. There are four separate chapters on substantive areas of public policy. But they are not set apart at the end of the book or divorced from the study of institutions and processes. Instead I have tried to weave them into the text, using each to illustrate a policy area in which one of the major institutions has played an especially significant role. In the other chapters as well, I have focused heavily on the relationship between structure and process, on the one hand, and policy outcomes, on the other. That seems appropriate to me, since it is policy and not process that most often affects the lives of American citizens. The test of how well a government works should be not simply its speed in making decisions or the symmetry of its organization charts, but rather its ability to produce policies that are effective, responsive, and equitable. That approach—treating good public policy as the purpose of, and the measure of, government—is a central unifying thread in this book.

In addition, the substance of the book is oriented to another theme: persistent attention to the complex set of changes that have recently begun to alter the traditional ways in which Americans make political and policy choices. These include the withering of political parties, the multiplication and increasing sophistication of special interest groups, the disaggregation and fragmentation of authority in the Congress, the growth in the burden of expectation placed on the presidency, the intervention of the federal judiciary in many domains of public policy, and the significant change in the federal agenda brought about by the worldwide scarcity of critical resources like energy, food, water, land, and clean air. Each of these developments is identified and described in this book, and I have attempted in many places to assess their cumulative impact on the organization and process of American politics and on the policy-making capacity of the American system.

My principal objective as a teacher is to inspire and prepare students to draw their own conclusions about political phenomena. I have tried to use that approach in writing this book. Instead of offering readers my own conclusive assessments, I have tried to provide them with a sense of the interesting questions and with enough evidence to begin to draw assessments of their own. That is the core of good instruction, and that is the purpose I have sought to serve in writing this book.

ACKNOWLEDGMENTS

The idea for this book emerged from a lunch I shared with Professor Stephen J. Wayne of George Washington University and Bertrand W. Lummus of Random

House. Suggesting this project was only the start of their involvement, for over the ensuing three years they continued to provide encouragement and ideas aplenty. I am deeply indebted to them, both for getting me into this and for helping along the way. Laurel Miller and the talented crew at Random House produced this book with great concern for its contents and appearance. I deeply appreciate the high quality of their work.

How best to introduce students to the complexities of American government and public policy? I have struggled with that question for more than a decade and a half as a teacher of introductory American government courses. My answers to it have been guided in no small part by the creative interaction I have enjoyed with my colleagues in teaching American politics at Colby College: Professors L. Sandy Maisel and Albert A. Mavrinac. Both are experienced political practitioners and dedicated teachers. I have never failed to benefit from my association with them. They will surely recognize in these pages the products of many of our joint inquiries and our little talks after class.

During the preparation of this book, I came to rely heavily on the assistance and advice of Michael A. Heel, a Colby student from Northeast Harbor, Maine. Michael combed the manuscript from beginning to end, checking and double-checking every fact and interpretation. Through diligent and aggressive research, he caught and corrected many potential misstatements and faulty recollections. But more than that, he kept me in touch with the needs and aptitudes of the likely readers of this book, identifying those topics that needed more elaboration and marking for deletion those I had overworked. His partnership in the preparation of this book was as valuable to me as it was enjoyable. Rarely has an author been blessed with a research assistant of such talent or good humor.

This is my first high technology book. My transition from typist to word processor was eased significantly by the generous and friendly assistance I received from Phoebe McGuire, John Nichols, and Tom Nichols. My thanks for their patience in answering the plague of questions that befell them after they sold me a personal computer.

I would also like to thank the reviewers of the manuscript for their insightful comments: Roger Brown, Iowa State University; George C. Edwards II, Texas A&M University; Virginia Joyner; Henry C. Kenski, University of Arizona; Francis P. Kessler, Missouri Western State College; Paul Light, National Academy of Public Administration; Candice Nelson; J. L. Polinard, Pan American University; and Martin Sutton, Bucks County Community College.

Because this is a book designed for use in the classroom, it is dedicated to three master teachers in whose own classrooms my interest in teaching was inspired. I have thought of them often in trying to fulfill my responsibilities as a teacher. And I thought of them often in writing this book. My obligation to each of them is so large, that a book dedication can be but small service on the debt I owe.

G. CALVIN MACKENZIE

Teaching/Learning Aids

American Government: Politics and Public Policy is accompanied by an Instructor's Manual and Test Bank for instructors' use. A Study Guide is also available for students; copies may be ordered through your bookstore.

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CHAPTER 1

INTRODUCTION

PUBLIC POLICY, GOVERNMENT,
AND POLITICS

Public Policy
Government
Politics

THE APPROACH OF THIS BOOK:
AN INVITATION TO ANALYSIS

Evaluating Public Policies
Evaluating Democratic Procedures

THE SPECIAL PROBLEMS OF
GOVERNING THE UNITED STATES



Think of the things that haven't happened to you today. You did not get food poisoning when you ate your bacon and eggs for breakfast this morning. Your coffeepot did not give you an electric shock. When you blew your hair dry, no asbestos fibers were blown out at you with the forced air (asbestos has been shown to cause cancer in humans). When you stepped outside, the air you breathed was not contaminated with dangerous pollutants. The building in which you work or study did not catch fire, and even if it had, the fire probably would not have spread quickly enough to endanger your life. You were not infected by harmful bacteria, nor did you contract polio at the public swimming pool where you took your noontime dip. The microwave oven in which your dinner was prepared did not endanger your health by emitting intolerable levels of radiation.

Was it good fortune that allowed you to get through the day safely? Not really. In each of the cases cited above, your safety resulted largely from government policies. Your breakfast food was inspected by the U.S. Department of Agriculture before it could be sold. The safety of your coffeepot, your hairdryer, and your microwave oven were all certified after testing by government agencies assigned the responsibility for ensuring the safety of consumer products. The quality of the air you breathed was determined in part by the federal Clean Air Act and a variety of other federal, state, and local regulations. The building in which you worked or studied and the pool in which you swam were constructed to satisfy



Federal government responsibilities vary widely. Included among them are controlling the air traffic at major airports. (Steiner/Sygma)

codes established by local health and safety agencies. The danger of contracting polio—a disease that in 1952 contributed to the deaths of almost 59,000 Americans—has been minimized almost to zero in the United States by the discovery of a vaccine developed through medical research supported by the federal government and distributed through government-sponsored inoculation programs.

When you begin to think about the things that government does—and our examples here have just scratched the surface—there can be little doubting its direct relevance to each of our lives. Many of us think of ourselves as apolitical or, at best, as only peripherally interested in politics and government. Because most of us never hold political office, because most in fact never participate in politics beyond the simple act of voting, we have a tendency to think of government as some distant enterprise that only occasionally affects the course of our lives.

That is a misperception. Rather than being just an occasional interloper, government is a constant part of our lives: protecting us (national security, health and safety regulation), threatening us (nuclear weapons testing), enriching us (public works projects, veterans' benefits), taking our hard-earned money (taxes, license fees, fines), encouraging us to act in certain ways (highway speed limits, tax deductions for charitable contributions), and discouraging us from acting in other ways (baggage inspections at airports, fines for hazardous waste dumping). Often, without our even being conscious of it, our actions are direct responses to incentives that government has created. In the dance of life, government is the phantom partner—rarely perceived, but nearly always there.

PUBLIC POLICY, GOVERNMENT, AND POLITICS

Public Policy

Government's impact on our lives comes primarily through the public policies it creates. While we may have little day-to-day sense of what goes on in Washington or at the state capital or even at city hall, we are well aware of what we pay in taxes, whether we have a job, whether we can get a government-subsidized loan to pay for our education, or if our local river is too dirty for swimming. All of these conditions are directly affected by public policy.

Public policy, a term that appears in the title of this book, will be a focus of our interest throughout. In the simplest sense, public policy is whatever governments do or don't do. The federal government imposes and collects taxes on personal incomes. Hence the personal income tax is a public policy. The federal government does not ban the private ownership of handguns. Hence the freedom to own a handgun is public policy in the United States.

Public policy cannot always be equated with the law. The law may say one thing, public policy may be quite another. The law may say, for instance, that in the town of Mountainview no private enterprise with more than five employees may open for business on Sunday. That is a classic "blue law." But closer inspection

of the reality of life in Mountainview may indicate that the law is not enforced by the local police, that businesses with more than five employees are routinely open on Sunday. Having observed this, we would have to say that public policy in Mountainview is that businesses with more than five employees may open on Sunday, even though the law says they may not.

Even closer inspection might reveal that the police occasionally enforce the law in a selective way by forcing the Sunday closure of businesses that are in arrears in the payment of their local property taxes. In that case, we would have to say that public policy in Mountainview is that any business can open on Sunday as long as it has kept up with its property tax payments.

Two things are especially noteworthy in this example. One is the large discrepancy that often exists between the law on the one hand and public policy on the other. The law is a guide to public policy, a statement of what lawmakers hope policy will be; but it is not *necessarily* public policy. Also worth noting here is the significant role played by the implementers—in this case the police—in determining the actual shape of public policy. Implementers rarely participate directly in making laws, but they often have a very large role in shaping policy by the way they interpret, administer, and enforce those laws. Not uncommonly, their role in policy making is equal in effect to that of the official lawmakers.

There are, of course, many kinds of policy that do not fall into the category of public policy. A college may have certain policies determining the eligibility of its students to participate in intercollegiate athletics. A corporation may have formal policies for determining the amount of annual vacation to which its employees are entitled. A church may have policies that bar females from high-level positions in its hierarchy. None of these is a public policy because they are not determined or carried out by public institutions. They are private policies—college policies, corporation policies, church policies—but not public policies. Our concern in this book is with public policies, with what governments do or don't do.

Our central objective, however, is not simply to learn something about substantive public policies, although that subject is treated here as well. Our goal is, in a larger sense, to enhance our understanding of how policy is made and how it can be changed. To do that, we must focus on two other topics: government and politics. In daily public discourse these two terms are often lumped together as if they were interchangeable—but they are not.

Government

The term *government* refers to those formal institutions and processes in which authoritative public decisions are made. In terms of structure, government in most countries is composed of legislative, executive, and judicial institutions. In terms of process, government is made up of those decision-making and administrative activities through which the authority of its institutions is exercised. At the national level in the United States, the Senate, the Supreme Court, the president, the Department of State, and the Occupational Safety and Health Administration are examples of government institutions. Lawmaking, the ratification of treaties, presidential vetoes of legislative bills, and Department of Agriculture inspections of meat-processing plants are examples of the formal exercise of government authority.

Politics

Politics encompasses a wide range of activities aimed at affecting government decisions. Influence over those decisions is the goal of all political activity. Politics includes participation in the electoral process to help ensure the election of preferred candidates. It also includes the formation and management of political parties and special interest groups, organizations whose principal purpose is to influence the selection of public officeholders and the shape of public policy. Politics also encompasses relationships among public officials themselves in which they try to bring their authority or influence to bear on one another. Politics takes place throughout the formal institutions and processes of government: in elections, in legislatures, in bureaucracies, even in courts. Politics is the lifeblood of government and one of the principal ingredients in public policy making. It is indispensable, as we shall see, to the self-government of a diverse people.

There are, then, three points of focus in our analysis of the American political system:

- *Government*: The formal institutions and authoritative processes in which public decisions are made.
- *Public policy*: The substance of those public decisions as implemented; what the government actually does or doesn't do.
- *Politics*: The efforts of individuals and organized groups to control or influence the government in order to affect the substance of public policy.

THE SPECIAL PROBLEMS OF GOVERNING THE UNITED STATES

At the core of this book is one prevailing assumption: that democratic government is a very difficult enterprise. At any period in history, a quick survey of world governments would have indicated that genuine democracies were a scarce breed. Even today, in the countries with populations exceeding one million, less than 20 percent have truly democratic governments. Only a few of those countries have been democratic for most of the twentieth century. Democracy is a fragile flower.

Consider just the fundamental problems in establishing and maintaining a national democracy in the United States. One, of course, is geographical vastness and diversity. The United States' 3.6 million square miles are spread over mountains and plains, rainforest and desert. It is a nation of distinct regions, regions often defined by their indigenous geographical conditions and physical resources: the coal mines of the mountains of Appalachia, the fisheries of the Gulf Coast, the rich topsoil of the Midwest, and the dense forests of the Pacific Northwest. Each of these regions has a distinct historical tradition rooted in its geographical uniqueness.

Geographical diversity is compounded by cultural diversity. The 230 million people who reside in the United States compose one of the most heterogeneous mixes of people ever gathered in a single country. After centuries of immigration—a process that continues even now—the American people include significant rep-

resentations of almost every race, religion, and ethnic background in the world. As it is a nation of regions, so is the United States a nation of subcultures, of people profoundly loyal to their own ethnic and religious heritage. The intensity of community feelings is as strong among Chicanos in East Los Angeles, among Hasidic Jews in Brooklyn, among the Amish of Pennsylvania, or among the Franco-Americans of northern New England as it is in ethnic communities in any other country in the world. And yet, it is from this rich diversity of subcultures that a sense of nationhood and a process of democratic self-government has had to be forged. The fragmenting forces that had to be overcome are strong and enduring. To hold them together for national purpose has never been a simple matter—nor is it now.

American political history represents a persistent effort to create a united whole of distinctive and often disagreeing parts. Primitive settlements became communities, communities became colonies, colonies became states, and then states became a nation. None of these transitions was easy. Governmental complexity has always been a characteristic of American life. The federal system today is composed of governments at the local, state, and national level—more than 38,000 of them. Their functions overlap and interact; they compete with each other for resources, and for power. They help each other out, but they also get in each other's way. The actions of state and local governments in pursuit of their own welfare have complicated all the more the struggle to maintain a national democratic government in the United States.

Today a new set of problems has emerged to challenge the wits of American political institutions: the growing worldwide scarcity of critical resources. This is a new problem for the United States, where an abundance of resources has long been the norm, and where that abundance has contributed significantly to the success of American efforts to sustain a national democracy. As the historian David Potter explains: "Democracy is clearly most appropriate for countries which enjoy an economic surplus and least appropriate for countries where there is an economic insufficiency. In short, economic abundance is conducive to political democracy."¹

Because the abundance of natural resources has permitted rapid economic growth for much of its history, American society has been able to meet the ever-increasing demands of an expanding population. Economic and political conflict were mitigated because the pool of national wealth was growing. Smith could attain a higher standard of living without diminishing the standard of living of Jones. Instead of fighting with each other for a larger share of a finite pool of resources, both could improve their lot simultaneously by drawing on the apparently endless bounty of America's natural wealth. Democracy could prosper because government was not solely an arena for combat among economic interests competing for limited resources.

But the salad days are over. After two centuries in which land, food, water, and energy were abundant and cheap, demands for all these commodities now threaten to exceed their supply. Whether America will soon, or ever, run out of any of these resources is a subject of endless debate among the statisticians and prognosticators. But there is no doubt that they are no longer cheap, and never will be again. Conflict for control of these resources is on the rise; every expectation is that it will continue to grow in the next century. The public agenda is beginning