Principles and Practice of

# AMERICAN POLITICS

CLASSIC AND
CONTEMPORARY
READINGS



Samuel Kernell & Steven S. Smith, editors

# Principles and Practice of AMERICAN POLITICS

CLASSIC AND CONTEMPORARY READINGS

edited by
Samuel Kernell
Steven S. Smith



A Division of Congressional Quarterly Inc. Washington, D.C.

CQ Press
A Division of Congressional Quarterly Inc. 1414 22nd St. N.W.
Washington, DC 20037
(202) 822-1475; (800) 638-1710
www.cqpress.com

© 2000 Congressional Quarterly Inc.

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopy, recording, or any information storage and retrieval system, without permission in writing from the publisher.

Printed in the United States of America

04 03 02 01 00 5 4 3 2

Cover: Drafting of the Declaration of Independence (top left), copy of engraving by Alonzo Chappel, National Archives and Records Administrations. Photo of Tom Daschle and Trent Lott (top right) by Douglas Graham, CQ. Photo of Barbara Boxer (lower left) by R. Michael Jenkins, CQ. The Declaration of Independence (lower right), copy of painting by John Trumbull, National Archives and Records Administration. Background photo by Scott J. Ferrell, CQ.

LIBRARY OF CONGRESS CATALOGING-IN-PUBLICATION DATA

Principles and practice of American Politics / edited by Samuel Kernell, Steven S. Smith.

p. cm.

Includes bibliographical references.

ISBN 1-56802-577-7 ISBN 1-56802-576-9 (pbk.)

- 1. United States—Politics and government. 2. Political culture—United States.
- I. Kernell, Samuel, date. II. Smith, Steven S., date.

JK21.P76 2000 320.973—dc21

# Principles and Practice of AMERICAN POLITICS

#### PREFACE

ASSEMBLING THIS SET of readings for students of American politics has been a pleasure and a challenge. The pleasure has come in discovering so many articles that illuminate an important aspect of American politics. The challenge has come in finding far more than can be contained in a single volume. Consequently, despite its heft, *Principles and Practice* represents a small sampling of the literature.

The selection of articles has been guided by our common perspective on politics. Most of the readings concern the strategies of the major players in modern American politics—citizens, public officials, candidates for office, voters, parties, organized interests, and the media. The behavior of political actors is motivated by their own interests, though it is governed by the Constitution, the law, and institutional and organizational rules and is influenced by the strategies of others. Each chapter's readings introduce the interests, rules, and strategic context of political action in a major forum of national politics.

We have chosen the readings to serve two audiences. Many instructors will employ *Principles and Practice* as a supplement to an introductory American politics textbook. For others, this book may constitute the core reading material for the course. For the former, we looked to readings that will animate the institutional processes described in the text. For the latter, we have sought readings that do not assume more than an elementary knowledge of America's government and politics.

Some of the selections are classics that all instructors will recognize; others address contemporary political developments or proposals for reform and may be unfamiliar. Each article adds emphasis and depth to textbook coverage and illustrates an important theme; most introduce an important writer on American politics. We hope students' understanding of American politics is enriched by them all.

We have taken care to include as much of each original source as possible. In the interest of making them appropriate for use in the classroom, we have edited some of the pieces. Ellipses indicate where material has been excised, and brackets enclose editorial interpolations. Other changes are explained in the source note for the reading.

We wish to thank the editorial staff of CQ Press for its expertise, energy, and patience in helping us bring this project to completion. Brenda Carter and James Headley provided essential encouragement and guidance throughout the effort. Tom Roche provided superb editorial assistance, and Martha Hawley-Bertsch demonstrated persistence in gaining permission to reprint the selections. Several friends and colleagues have been helpful to us as well. Sarah Binder, Louis Fisher, Alan Houston, and John Zaller offered helpful suggestions that are reflected in the contents. Alan Abramowitz of Emory University, Scott Adler of the University of Colorado, Eric Lawrence of the University of California, Riverside, and several anonymous reviewers provided very helpful comments on our original outline.

Samuel Kernell Steven S. Smith

#### CONTENTS

#### Preface xiii

#### Chapter 1. Designing Institutions 1

### 1-1 MANCUR OLSON JR. from The Logic of Collective Action 2 In an excerpt from his classic work of 1965, Mancur Olson explains why groups often have difficulty achieving their collective goals, even when agreement among their

members is widespread.

## 1-2 KENNETH A. SHEPSLE and MARK S. BONCHEK from Analyzing Politics 15

Kenneth Shepsle and Mark Bonchek present possible remedies to various collective action problems.

#### 1-3 BETH DICKEY Everything Must Go! 26

Beth Dickey illustrates the government's efforts to translate a principle into practice by privatizing various functions and agencies of NASA.

#### 1-4 GARRETT HARDIN The Tragedy of the Commons 31

In another classic work, Garrett Hardin uses the idea of the "tragedy of the commons" to explain why public goods are so often misused.

## 1-5 JOHN McQuaid Quotas Might Save both Fish and Fishers 45

In an article from a Pulitzer winning series, John McQuaid portrays a real-life manifestation of the tragedy of the commons—the overuse of ocean fisheries—and describes the efforts of federal and state governments to remedy the problem.

## 1-6 ROBERT D. PUTNAM The Prosperous Community: Social Capital and Public Life 49

Robert Putnam stresses the importance of mutual trust in solving collective action problems.

#### Chapter 2. The Constitutional Framework 59

## 2-1 James Madison Explains the Constitution to Thomas Jefferson 60

In a letter to Jefferson, Madison relates the most important conflicts and decisions at the Constitutional Convention.

## 2-2 WILLIAM RIKER Trading Votes at the Constitutional Convention 72

William Riker's story of regional economic conflict at the Constitutional Convention illustrates how self-interested politics, as well as political theory, played a role in the framing of the Constitution.

#### Chapter 3. Federalism 84

## 3-1 SAMUEL BEER The Rediscovery of American Federalism 85

Samuel Beer examines the tension between the concept of federalism and the notion that Americans have constituted themselves into a single, national community.

## 3-2 James M. Buchanan Federalism as an Ideal Political Order and an Objective for Constitutional Reform 110

Nobel laureate economist James M. Buchanan makes a case for federalism based on a "market" model of governments.

#### 3-3 JONATHAN WALTERS Beyond the Welfare Clock 120

Walters evaluates the impact of devolution in the area of welfare policy.

### 3-4 JOHN J. MOUNTJOY The Federalization of Criminal Laws 128

John Mountjoy, providing a contrast to the case of welfare policy, explores the growth of laws federalizing crimes formerly considered to lie within the jurisdiction of the states and local communities.

#### Chapter 4. Civil Rights 134

## 4-1 Laura Stoker Understanding Whites' Resistance to Affirmative Action 135

Laura Stoker reports the results of a survey experiment testing whether white voters who favor ending affirmative action policies are motivated by ideas of fairness or by racism.

#### 4-2 MEGAN TWOHEY Desegregation Is Dead 153

Megan Twohey examines the countervailing social forces that appear to be reestablishing segregated schooling in many communities.

## 4-3 CAROLINE E. BROWN High Court Upholds Minority Districts 165

Caroline Brown reports on a recent Supreme Court ruling upholding the rights of states to create minority-majority congressional districts.

#### Chapter 5. Civil Liberties 167

#### 5-1 JOSEPH F. KOBYLKA The Mysterious Case of Establishment Clause Litigation: How Organized Litigants Foiled Legal Change 168

Joseph Kobylka investigates why the Supreme Court's religious establishment policy has not been responsive to its political environment.

## 5-2 GERALD N. ROSENBERG The Real World of Constitutional Rights: The Supreme Court and the Implementation of the Abortion Decisions 201

Gerald Rosenberg examines the political and legal environment surrounding abortion policy, still a source of conflict thirty years after Roe v. Wade.

## 5-3 RICHARD A. EPSTEIN Privacy, Please: Thinking about a Troublesome Concept 235

Richard Epstein argues against the extension of privacy rights by the courts on the grounds that those seeking the potentially restricted information often have a legitimate need to access it.

#### Chapter 6. Congress 244

## 6-1 RICHARD F. FENNO JR. The Senate in Bicameral Perspective 245

Richard Fenno introduces the differences between the House and the Senate that originate in the Constitution and explores the implications of these differences for governing and campaigning.

## 6-2 DAVID R. MAYHEW from Congress: The Electoral Connection 272

In an excerpt from his classic work, David Mayhew argues that legislators' efforts to gain reelection produce predictable behavior while in office.

## 6-3 BARBARA SINCLAIR Party Leaders and the New Legislative Process 282

Barbara Sinclair details recent changes in congressional policy making and provides a glimpse of how party leaders have adapted to the new policy-making environment.

#### 6-4 FRED R. HARRIS Toward More Accountable Members 302

Former senator Fred Harris argues against imposing term limits on members of Congress.

#### Chapter 7. The Presidency 334

#### 7-1 RICHARD E. NEUSTADT from Presidential Power 335

Richard Neustadt shows that successful presidential leadership depends on the ability to persuade.

#### 7-2 SAMUEL KERNELL from Going Public 359

Samuel Kernell observes that modern presidents, in their efforts to persuade other politicians to adopt their policy preferences, often "go public," a set of activities borrowed from presidential election campaigns.

## 7-3 GERALD F. SEIB and JOHN HARWOOD What Seemed Like a Good Idea Haunts the GOP Establishment 378

Gerald Seib and John Harwood describe how supporters of Texas governor George W. Bush's presidential bid adjusted the primary calendar and rules—in hopes of gaining an advantage for their candidate—and inadvertently created an opening for Sen. John McCain, nearly costing Bush the nomination.

#### Chapter 8. The Bureaucracy 385

## 8-1 JAMES Q. WILSON from Bureaucracy: What Government Agencies Do and Why They Do It 386

James Wilson shows the causes and consequences of discretion and arbitrariness, and of rules and inefficiencies, in modern bureaucracies.

## 8-2 Terry M. Moe The Politics of Bureaucratic Structure 412

Terry Moe argues that the federal bureaucracy is not structured on the basis of a theory of public administration but instead is the product of politics.

#### 8-3 PAUL C. LIGHT from The True Size of Government 429

Paul Light shows that government-contracted, private sector jobs have replaced many traditional government positions and explains the political forces behind the creation of the "shadow government."

#### Chapter 9. The Judiciary

454

## 9-1 Lee Epstein and Jack Knight from The Choices Justices Make 455

In a case study of the internal politics of the Supreme Court, Lee Epstein and Jack Knight explain how the strategic actions of justices influence their decisions.

#### 9-2 LAWRENCE BAUM from The Supreme Court 469

Lawrence Baum argues that Supreme Court justices often account for the likely response of other political institutions as they craft their decisions, in order to improve the chance that their prescriptions will be implemented.

## 9-3 STUART TAYLOR JR. Why It's Getting Harder to Appoint Judges 498

After examining partisan battles over judicial appointments, Stuart Taylor concludes that the presidency and Congress have reached new heights of political intransigence.

#### Chapter 10. Public Opinion 502

## 10-1 HERBERT ASHER Analyzing and Interpreting Polls 503 Herbert Asher explains the common ways that polls are misinterpreted and misused.

#### 10-2 Kristi Andersen Gender and Public Opinion 535

Kristi Anderson reviews the recent history of gender differences in political opinion and behavior and describes how women's groups exploited early polling results.

## 10-3 LYN RAGSDALE Disconnected Politics: Public Opinion and Presidents 556

Lyn Ragsdale evaluates the implications of her finding that, as the influence of polls has grown, presidents have found public opinion both more important and less manageable.

## 10-4 JAMES A. STIMSON, MICHAEL B. MACKUEN, and ROBERT S. ERIKSON Dynamic Representation 578

This important and creative study measures the correlation between public preferences and government behavior.

#### 10-5 JEAN BETHKE ELSHTAIN Poll Positions: Leaders' Over-Dependence on Public Opinion 595

Jean Bethke Elshtain analyzes the question of whether leaders are too responsive to public opinion polls.

#### Chapter 11. Voting, Campaigns, and Elections 598

#### 11-1 SAMUEL L. POPKIN from The Reasoning Voter 599

Samuel Popkin argues that, in a world of imperfect and incomplete information, voters rely on shortcuts to make decisions. His depiction of the decision-making processes of voters helps to explain the character of campaigns and other features of American politics.

#### 11-2 James A. Barnes Rules of the Game 607

James Barnes outlines the causes and consequences of the "frontloading" of presidential primaries.

## 11-3 MARTIN P. WATTENBERG Should Election Day Be a Holiday? 616

In scrutinizing a proposal to make election day a holiday, Martin Wattenberg provides a useful introduction to the problem of low voter turnout.

#### Chapter 12. Political Parties 623

#### 12-1 JOHN H. ALDRICH from Why Parties? 624

John Aldrich describes the political problems that parties solve for candidates and voters.

## 12-2 PAUL S. HERRNSON National Party Organizations at the Century's End. 638

Paul Herrnson explains how American political parties have adapted to the new world of candidate-centered campaigns.

## 12-3 EVERETT CARLL LADD Of Political Parties Great and Small 671

Everett Carll Ladd challenges the conventional wisdom that modern political parties have become too weak.

#### Chapter 13. Interest Groups 684

## 13-1 E. E. SCHATTSCHNEIDER The Scope and Bias of the Pressure System 685

In a still-relevant piece from the 1960s, E. E. Schattschneider argues that moneyed interests dominated midcentury politics by controlling the agenda and influencing policymakers.

#### 13-2 JOHN R. WRIGHT The Evolution of Interest Groups 695

John Wright surveys the development of interest groups in America, emphasizing the conflicting forces of collective action problems and societal disturbances.

## 13-3 ALLAN J. CIGLER and BURDETT A. LOOMIS From Big Bird to Bill Gates: Organized Interests and the Emergence of Hyperpolitics 704

Allan Cigler and Burdett Loomis explore the implications of the explosive growth of interest groups and of fundamental changes in interest group organization.

#### 13-4 ELIZABETH DREW The Money Culture 718

Elizabeth Drew argues that the influence of money has had a corrosive effect on American government and politics.

#### Chapter 14. The News Media 741

## 14-1 MICHAEL SCHUDSON Is Journalism Hopelessly Cynical? 742

Michael Schudson explains how market forces and recent changes in journalism's character have contributed to a possibly irreversible trend toward ever-increasing cynicism.

## 14-2 DOUG UNDERWOOD Market Research and the Audience for Political News 752

Doug Underwood analyzes the decrease in political news reporting available to the American public, exploring both supply and demand side factors.

## 14-3 JOHN HERBERS and JAMES McCartney Beaten: Washington Bureaus Have Largely Abandoned Agencies 774

John Herbers and James McCartney describe the decline of the institution of beat reporting as Washington bureaus move to softer, topical reporting.

#### 14-4 JAMES B. KELLEHER Low Score 783

James Kelleher recounts an instance in which the beat system failed to alert the public to important changes in federal education policy.

1

#### Designing Institutions

Politics is an ever-present social activity. It occurs whenever individuals seek to reach agreement on a course of common action despite their disagreement over the goals. Politics arises whenever people who have different, even opposing, interests accept that they must cooperate if their interest is to be served. Politics, so defined, occurs within the smallest, most intimate associations—as within families and among friends—as well as at city hall or in Washington, D.C. Successful politics almost always depends on bargaining and compromise as each side tries to get as much of what it wants from the agreement, whether friends are trying to decide on a restaurant or Congress and the president are wrangling over the budget. The essays in this book attest to the bargaining and compromise that occur in Washington, at least whenever politicians succeed in creating national policy.

By virtue of their size and complexity, national communities recurrently encounter special problems in conducting political business. This is especially true when citizens participate in politics through voting and other activities. Every aspect of a political choice presents a challenge: combining and ranking preferences, bargaining and compromising to reach agreement, and implementing agreements. Each is based on recognizing the discrepancy between what we desire as individuals and what is required of us as members of a collectivity. In this chapter we introduce American politics by taking inventory of some of the problems that we face when we try to act collectively. The commonly occurring collective action problems are known to economists and political scientists by some rather colorful names: free riding, the tragedy of the commons, externalities, and the prisoner's dilemma. Each of these problems will be explored in the following selections.

#### 1 - 1

#### from The Logic of Collective Action

#### Mancur Olson Jr.

With the publication of The Logic of Collective Action in 1965, Mancur Olson introduced the fundamental dilemma of collective action to all who study politics. When members of a group agree to work together to achieve a collective goal, each member as an individual faces powerful disincentives, Olson showed, that can frustrate the efforts of the group as a whole. For example, when each can foresee that his or her relatively small contribution to a collective enterprise will not affect its overall success, many will fail to contribute—a phenomenon known as free riding—and leave to everyone else the burden of supplying the collective good. As a consequence, collective enterprises based on cooperation, and supported by the entire collectivity, nevertheless often fail.

It is often taken for granted, at least where economic objectives are involved, that groups of individuals with common interests usually attempt to further those common interests. Groups of individuals with common interests are expected to act on behalf of their common interests much as single individuals are often expected to act on behalf of their personal interests. This opinion about group behavior is frequently found not only in popular discussions but also in scholarly writings. Many economists of diverse methodological and ideological traditions have implicitly or explicitly accepted it. This view has, for example, been important in many theories of labor unions, in Marxian theories of class action, in concepts of "countervailing power," and in various discussions of economic institutions. It has, in addition, occupied a prominent place in political science, at least in the United States, where the study of pressure groups has been dominated by a celebrated "group theory" based on the idea that groups will act when necessary to further their common or group goals. Finally, it has played a significant role in many well-known sociological studies.

Reprinted by permission of the publisher from The Logic of Collective Action: Public Goods and the Theory of Groups by Mancur Olson, Cambridge, Mass.: Harvard University Press, Copyright © 1971 by the President and Fellows of Harvard College.

The view that groups act to serve their interests presumably is based upon the assumption that the individuals in groups act out of self-interest. If the individuals in a group altruistically disregarded their personal welfare, it would not be very likely that collectively they would seek some selfish common or group objective. Such altruism is, however, considered exceptional, and self-interested behavior is usually thought to be the rule, at least when economic issues are at stake; no one is surprised when individual businessmen seek higher profits, when individual workers seek higher wages, or when individual consumers seek lower prices. The idea that groups tend to act in support of their group interests is supposed to follow logically from this widely accepted premise of rational, self-interested behavior. In other words, if the members of some group have a common interest or objective, and if they would all be better off if that objective were achieved, it has been thought to follow logically that the individuals in that group would, if they were rational and self-interested, act to achieve that objective.

But it is not in fact true that the idea that groups will act in their self-interest follows logically from the premise of rational and self-interested behavior. It does not follow, because all of the individuals in a group would gain if they achieved their group objective, that they would act to achieve that objective, even if they were all rational and self-interested. Indeed, unless the number of individuals in a group is quite small, or unless there is coercion or some other special device to make individuals act in their common interest, rational, self-interested individuals will not act to achieve their common or group interests. In other words, even if all of the individuals in a large group are rational and self-interested, and would gain if, as a group, they acted to achieve their common interest or objective, they will still not voluntarily act to achieve that common or group interest. The notion that groups of individuals will act to achieve their common or group interests, far from being a logical implication of the assumption that the individuals in a group will rationally further their individual interests, is in fact inconsistent with that assumption. . . .

#### A Theory of Groups and Organizations

The Purpose of Organization

Since most (though by no means all) of the action taken by or on behalf of groups of individuals is taken through organizations, it will be helpful to

consider organizations in a general or theoretical way. The logical place to begin any systematic study of organizations is with their purpose. But there are all types and shapes and sizes of organizations, even of economic organizations, and there is then some question whether there is any single purpose that would be characteristic of organizations generally. One purpose that is nonetheless characteristic of most organizations, and surely of practically all organizations with an important economic aspect, is the furtherance of the interests of their members. That would seem obvious, at least from the economist's perspective. To be sure, some organizations may out of ignorance fail to further their members' interests, and others may be enticed into serving only the ends of the leadership. But organizations often perish if they do nothing to further the interests of their members, and this factor must severely limit the number of organizations that fail to serve their members.

The idea that organizations or associations exist to further the interests of their members is hardly novel, nor peculiar to economics; it goes back at least to Aristotle, who wrote, "Men journey together with a view to particular advantage, and by way of providing some particular thing needed for the purposes of life, and similarly the political association seems to have come together originally, and to continue in existence, for the sake of the *general* advantages it brings." More recently Professor Leon Festinger, a social psychologist, pointed out that "the attraction of group membership is not so much in sheer belonging, but rather in attaining something by means of this membership." The late Harold Laski, a political scientist, took it for granted that "associations exist to fulfill purposes which a group of men have in common." 5

The kinds of organizations that are the focus of this study are *expected* to further the interests of their members. Labor unions are expected to strive for higher wages and better working conditions for their members; farm organizations are expected to strive for favorable legislation for their members; cartels are expected to strive for higher prices for participating firms; the corporation is expected to further the interests of its stockholders; and the state is expected to further the common interests of its citizens (though in this nationalistic age the state often has interests and ambitions apart from those of its citizens).

Notice that the interests that all of these diverse types of organizations are expected to further are for the most part *common* interests: the union members' common interest in higher wages, the farmers' common interest