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Fourth Edition

A MORE PERFECT UNION

INTRODUCTION TO AMERICAN GOVERNMENT



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*I*n the spring of 1789, newly selected representatives and senators made their way by horseback, stage, or ship to New York City, the first seat of the new government. Many were delayed by spring rains, flooding, even a shipwreck. By early April, the House and Senate achieved their quorums of members. Two weeks later, Vice President John Adams appeared, and on April 30, George Washington—whose trip had turned into a triumphal procession with crowds and celebrations—was inaugurated as president. The new government was in place.

The year 1989 marked the bicentennial of workable national government in the United States. The first attempt at a nationwide governmental apparatus in 1781, the Articles of Confederation, was a notable failure, lacking the “energy” that Alexander Hamilton held was a government’s most prized attribute. The newly drafted Constitution in 1787 was a promising sign; equally impressive was the achievement of getting the document ratified by suspicious state legislatures the following year. Yet the ratification struggle showed how fragile was the consensus in favor of a vigorous national government; reasonable observers, in fact, doubted the new scheme would survive more than a few years. Moreover, although many portions of the Constitution had historical precedents, the overall plan was untried and unknown—little more than a series of ideas on paper.

COMPLETING THE FOUNDERS’ DESIGN

The achievements of the First Congress (1789–1791) were every bit as noteworthy as the events that led up to it. For the Constitution, despite its stately design and practical wisdom, contained few specifications for the

internal structure of the legislative, executive, or judicial branches, much less the day-to-day relationships between these branches. Soon, however, the two houses of Congress got down to business, choosing their officers and laying out rules and precedents, some of which are still used today. The executive branch took form with the creation of its three component entities: the State, Treasury, and War departments. Federal courts were established by the Judiciary Act of 1789—still the cornerstone of judicial structure, though the Marshall Court invalidated a tiny portion of it in asserting the power of judicial review in the celebrated case of *Marbury v. Madison* (1803). Another accomplishment of the First Congress was drafting a Bill of Rights for ratification by the states.

No one in 1789 knew what “a more perfect union” would ultimately look like. The founders realized that the compact of 13 independent states, only loosely banded together under the earlier Articles of Confederation, had utterly failed to “establish justice, insure domestic tranquillity, provide for the common defense, (or) promote the general welfare. . . .” They intended the new government to forge a stronger unity among the states and among their people. They did not want to destroy the states—far from it. Rather, they tried to invent a system in which strong and active states would work in harmony to create a new balance between states and nation.

The founders understood better than most of their contemporaries—indeed, better than many of today’s professed constitutionalists—that forming a more perfect union is a never-ending process, not something that was conceived in a moment or born full-grown. Indeed, the founding generation of leaders were intensely practical politicians with a mature

understanding of the difficult, frustrating tasks that lay ahead. No one understood this more keenly than shrewd old Benjamin Franklin, who spoke briefly to the delegates at the close of the Constitutional Convention. "I agree to this Constitution with all its faults," Franklin declared. Although he doubted whether any other convention of political leaders could "make a better Constitution," he did not think it was perfect:

For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men all their prejudices, their passions, their errors of opinion, their local interests and their selfish views. From such an assembly can a perfect introduction be expected? It therefore astonishes me . . . to find this system approaching so near to perfection as it does.

So, concluded Franklin, "I consent . . . to this Constitution because I expect no better, and because I am not sure it is not the best."

ADAPTING TO THE THIRD CENTURY

As we enter the third century of this government—viewed so guardedly by its founders—we do well to take stock of the adequacy of their handiwork. Our reference point must be the 21st century, not the 18th. We face many challenges that were unanticipated, or only dimly perceived, by the architects of our governmental framework. They of all people would expect us to apply our own standards, geared to contemporary questions that we must resolve.

The Constitution has endured in part because of its flexibility and pliability in the face of unforeseen conditions. Indeed, the development of our government would have been inconceivable without elements that were neither specified nor contemplated by the founders. Political parties, the cabinet, legislative

investigations, universal adult suffrage, intricate legislative-executive arrangements, judicial review of congressional and administrative acts—none of these matters were addressed directly by the Constitution.

Many Americans today question whether changes in our Constitutional structure would not foster more effective government. Should members of Congress be allowed to serve in the president's cabinet in order to bring the legislative and executive branches more closely together? Should the president be permitted to dissolve Congress and call new elections if there were a stalemate between the two? Should Congress be allowed to remove a president or other officers more easily than present impeachment procedures makes possible? Should candidates for president and for Congress be required to run as a political party slate to ensure closer ties between them? Should the terms of office of president and members of Congress be longer? Should the president have the power of the "item veto" to annul specific provisions of legislation without vetoing it entirely? These are the kinds of questions that stimulate a healthy and constructive debate as we mark our entry into a third century of national government.

The Constitution's preamble, its opening words, comprises a statements of goals and ideals. It also establishes that the governmental charter, whatever its virtues, must ultimately be judged by its capacity to satisfy its citizens' needs. Regardless of the elegance of its design or the vitality of its precedents, a government is doomed if it cannot satisfy its citizens' basic demands and expectations.

THE AUTHORS' APPROACH TO AMERICAN GOVERNMENT

In this spirit we began in the mid-1970s to think about this textbook. While we respect constitutional structures and understand the vagaries of institutional behavior, we realize that government's ultimate output is going to

dispose citizens to take pride in it or to turn their backs on it. "What have you done for me, lately?" is the persistent question democratic voters pose to their leaders. When *A More Perfect Union: Introduction to American Government* appeared in 1979, it was one of the very first American government texts based upon a full-dress analysis of policy consequences of government structures and political processes. A number of other authors subsequently followed our lead.

Subsequent editions of *A More Perfect Union* retained this orientation toward policy making but explored other subthemes in greater detail. We are especially proud of our emphases upon such topics as the nation's political culture, the role and structure of communications media, congressional behavior, and implementation of public policy. As we delivered this manuscript to the publisher, we realized as authors and editors that the book was a more substantially revised manuscript than even our initial and ambitious revision plan had called for. Every paragraph had been improved in some manner of style or context; many new sections, four new chapters, and a political atlas had been added; the order of chapters had been rearranged; the illustration program had been rebuilt.

The present volume, although substantially revised, still reflects our concern for the policy context of government and politics. While we have reshaped and condensed our policy treatment to conform more precisely with what instructors are likely to cover in one- and two-semester treatments of the subject, we continue to stress policy consequences and policy content as major variables for understanding and evaluating our governmental system. We endeavor to present comprehensive coverage of political processes and governmental institutions, with emphasis on the interaction between these and the content of public policy.

Our perspective is further that of professional political scientists: we endeavor to

stress analytic (rather than purely descriptive) propositions, political scientists' theoretical concerns, research perspectives, and historical perspectives. We recognize a student's need to master the descriptive details of our political system; but we want to place these facts in broader conceptual and theoretical contexts.

In 1979, when the initial version of this book appeared, we were able to take full account of what *New York Times* correspondent Hedrick Smith has called the reform "earthquake" that swept over our political system in the 1960s and 1970s. This reform period served to open up citizen participation in party nominations, voting, interest group activities, congressional operations, executive decision making, and even court proceedings. Subsequent editions refined this picture as new developments and research findings became apparent.

By the late 1980s, however, a new set of conditions conspired to alter our political structures once again. Economic uncertainty, coupled with fiscal policies detrimental to national government, produced a new policy climate, which in turn forced political leaders to rethink their policy assumptions and adjust their ways of doing business.

NEW FEATURES

This fourth edition of *A More Perfect Union* reflects this shift in the political agenda. New chapters on "A Changing Federalism" (Chapter 3) and "Economic Policies, Spending, and Taxing" (Chapter 18) are major additions which, we feel, bring fresh perspectives to these important topics. Two chapters each are devoted to Congress and the president—confirming our initial instincts in devoting two chapters on these subjects in 1979. The Congress chapters (10 and 11) follow generally the well-known formulation of the "two Congresses": the Congress of individual politicians tending their careers in contrast to the Congress of lawmakers working collectively

to make public policy. The subject of the presidency (chapters 12 and 13) divides roughly between the office's traditional constitutional duties and the newer "public presidency" of popular support and media exploitation.

Many other portions of *A More Perfect Union* are substantially reorganized, rewritten, and updated. Chapter 1, "A First New Nation," is largely new to this edition, providing in-depth background for considering the creation of the Constitution. The discussion of political parties (Chapter 6) has been thoroughly recast to take account of new research on party organization and current developments in party structure and alignment. Treatment of the judiciary (Chapter 15) has likewise been reorganized to convey a broader picture of the courts' growing roles as educated policy makers. As always, we have made every effort to devote attention throughout the book to the roles that women and minorities play in our politics.

New pedagogical aids appear in *A More Perfect Union*. These include detailed chapter outlines, chapter introductions that highlight problems of governance, lists of key words, and a glossary. In all chapters, boxed materials have been organized into three consistent categories: Words and Ideas, Historical Perspectives, and Practice of Politics. Remembering from our own student days the power of illustrations to convey ideas, we have carefully selected materials of historic and contemporary interest that tell their stories, and we have written detailed captions to enhance the stories.

A new full-color Political Atlas tells a different set of stories about American politics. We are especially pleased with the series of maps examining changing political demographics in the United States (maps 1–4), those portraying the historical evolution of the United States, and those describing the nation's place in contemporary global politics (maps 27–34).

A comprehensive package of excellent instructional materials is available for instructors and students. Again we are pleased to offer a companion Study Guide, authored by Grace Franklin of the Ohio State University. An Instructor's Manual and Test Manual with summaries, outlines, explanations, lecture ideas, and hundreds of examination ideas has been prepared by Gary Copeland of the University of Oklahoma. Computerized test banks are available for use with Apple and IBM-compatible personal computers.

We gratefully acknowledge the wise advice and counsel of the following scholars for their help in making this a better teaching text:

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*T*his text has to do with governing—with the institutions, processes, and policies that provide effective government in the United States. The broad objective of democratic government in this country has been to forge “a more perfect union.” This has been a historic and continuing purpose of the American Constitution.

The Constitution of the United States was first put into practice just 200 years ago. In April 1789, the first session of Congress achieved a working quorum and George Washington was sworn in as the first president. In about a month, President Washington had signed into law the first legislation passed by Congress. In less than two months, Congress created the first cabinet department, the Department of State. From these beginnings, the governing institutions of the United States have evolved into today’s large, complex national government.

This book portrays in detail the governing processes that grew from the Constitution and still take their basic authority from it. The Constitution is reprinted in Appendix B of this book. Read it carefully. The founders, 55 men who participated in the Constitutional Convention, which met in Philadelphia from late May until mid-September 1787, crafted the document with great care and thorough deliberation. To justify the Constitution’s provisions, they wrote this Preamble to its seven articles:

We, the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common Defense, promote the General Welfare, and secure the Blessings of Liberty to Ourselves and our Posterity, do ordain and establish this Constitution of the United States of America.

In this single sentence, the Preamble clearly and eloquently expresses the purposes of government. It declares those purposes to be the establishment of justice, the guarantee of domestic peace, the defense of the nation from aggression, the advancement of the people’s welfare, and the protection of the blessings of liberty both for the generation living then and for future generations. The Preamble provides ideals for governing America.

Before the Constitution was written and ratified, the national government consisted of a loose confederation of states on the Atlantic seaboard, each retaining a great deal of independence. The founders strongly desired a system of national government that would be grounded in the loyalty, support, and consent, not merely of the state governments, but of the people themselves.

No one knew in the late 1780s what “a more perfect union” would be like. However, the delegates to the Constitutional Convention did recognize that functioning as 13 largely independent states, only recently freed from British colonial rule, was not working very well. They intended the new Constitution to fashion a stronger unity among the states and their people. They sought to invent a system under which strong and vibrant states could work together with a strong national government.

The founders surely understood better than any of their fellow Americans that forming a more perfect union was going to be an ongoing process, not something that would be conceived in a moment or born full-grown. Indeed, these people of practical political sense showed a deeply mature perception of the difficult and often frustrating experience that lay ahead for the new union. As the historian Henry Steele Commager has said, “The Constitution did make a more perfect union. Not

perfect—that will never be achieved—but more perfect than any previous experiment in federalism: one in which power came from ‘the People’ from the bottom up, not from the top down.”

The Constitution has lasted a long time, longer than any democratic constitution in world history. Will it endure as the basis for governing in the 21st century? It may be that the Constitution has endured more because of its flexibility than because of its inventors’ prescience. Political parties, judicial review of congressional and administrative acts, intricate legislative–executive arrangements, the presidential cabinet, universal adult suffrage—these political phenomena, commonplace today, were simply not addressed in the Constitution.

Now some Americans wonder whether changes in the Constitution would foster more effective government. Should members of Congress be allowed to serve in the president’s cabinet so as to bond the legislative and executive branches more closely together? If there is a stalemate between the president and Congress, should the president be allowed to dissolve Congress and call new elections? Should Congress be allowed to remove a president more easily than is possible under the present impeachment process? Should candidates for presidential and congressional candidates be required to run as a political party slate so as to build in closer ties between the president and Congress? Should the terms of office of the president and members of the House of Representatives be lengthened. Should the president be given the “item veto” power so that he or she can annul specific provisions of a legislative measure without vetoing the entire measure? Such questions about governing America under the Constitution stimulate a healthy and constructive debate today.

The Constitution’s opening words are a statement of goals and ideals. As ideals, the purposes of the new nation were not likely to be realized quickly or easily. Because the founders understood that it would take time to achieve the ideals of the Preamble, they created a Constitution not just for the people living in the late 18th century but for people who would be born long afterward. Debate about the contemporary meaning of the Constitution and discussion of constitutional change are invaluable as we search for better ways to make government work.

In *A More Perfect Union: Introduction to American Government*, we explain how the social, political, and economic environment of American government helps shape the political beliefs of individuals, participation in political life, and governing processes. We carefully analyze American political institutions—the electoral system, political parties, Congress, the presidency and the bureaucracy, the courts—because good government depends on these institutions. The governing processes matter; how things are done and how they are seen to be done are often as crucial as what is done. Abraham Lincoln’s reference to “government of the people, by the people, for the people” is an eloquent testimony to this reality.

Governing Americans would be impossible if political institutions and processes were unable to create public policies responsive to public needs and effective in grappling with public problems. Accordingly, we carefully analyze public policies by showing how they are made, how they can be assessed, and what the major public policy arenas are. After having examined how American government works and taken stock of the public policies that unfold from the governing process, we speculate about governing toward a more perfect union in the coming decades, decades in which you, the reader, will play a critical role.

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THE CONTEXT OF AMERICAN POLITICS



Alexis de Tocqueville, a young French visitor to America, thought of our nation as a natural laboratory experiment in democracy as he traveled about in the 1830s. He was curious to find out how democracy worked, so he looked for answers to basic questions about governing: Can men and women govern themselves? Can liberty be reconciled with order? Can a democracy avoid the tyranny of the majority? Must liberty degenerate into tyranny? Can a multiracial, multiethnic, multireligious society maintain democracy? Can democracy survive?

The young Frenchman found “the social condition of the Americans . . . eminently democratic.” In *Democracy in America* (1835), he wrote that “in America . . . , I sought the image of democracy itself, with its inclina-

tions, its character, its prejudices, and its passions, in order to learn what we have to fear or to hope from its progress.” Today democracy in America remains an experiment, but we can look back on the experience of a century and a half to assess its successes and failures.

The context of American democracy embraces the full fabric of our historical, social, economic, and cultural life. The chapters in Part One portray the backdrop for our governing system: patterns of interrelationships stemming from the formative years of the first new nation, the forging of the U.S. Constitution, the establishment of governing through a federal system, and the emergence of characteristic political values, attitudes, and beliefs. 

THE FIRST NEW NATION



THE NECESSITY OF GOVERNMENT EUROPE AND AMERICA

- Who Came, and Why
- The Roots of American Political Ideas

POLITICAL LIFE IN THE COLONIES

- Representative Government Takes Hold
- American Character Asserts Itself
- Independence
- The First New Nation

POLITICAL DEVELOPMENT AND SOCIAL CHANGE

- Developing National Identity
- Gaining Legitimacy
- The Politics of an Expanding Nation
- Removing Obstacles to Participation
- Who Benefits, Who Suffers?


DEVELOPING INSTITUTIONS OF GOVERNMENT

- The Growth of Congress
- Institutionalizing the Presidency
- Establishing Courts
- The Burgeoning Bureaucracy

CONCLUSIONS

FURTHER READING

The United States was the first country to break away from a colonial power—Great Britain—and establish independence. The American Revolution succeeded: The colonists vanquished the British army and navy and sent the royal administration of the colonies packing. Like many countries of the Third World today (in Africa, Latin America, and Asia), the North American colonies faced the problem of forging a new nation when they won independence. What resources could the citizens of the first new nation bring to bear on the problem of developing successful governing capacity? What role was played by the development of unity and national identity? How could effective government be established, avoiding anarchy with its lack of authority at one extreme and monarchy with its excessive authority at the other?

The first new nation was very fragile. Its economy had been decimated by revolution; its people's loyalties were still divided by parochial attachments to Virginia, or South Carolina, or New Hampshire; its security was easily threatened by outside powers, as when the British burned the Capitol in the War of 1812; its governing institutions were only beginning to take shape and develop strength. Today we take our governmental system for granted, but in its early years our nation's ability to govern itself was uncertain. The United States of America took time to develop as a strong and viable polity. 

In this chapter, we analyze the broad features of colonial America to show how political ideas and traditions, and practical experience with representative government, helped shape the new nation. We discuss the causes of the American Revolution and explain its main consequences for the development of a new system of government. We investigate American political development along lines worked out by scholars who today study the developing countries of the Third World. Finally, we take stock of the ways in which the major national political institutions—Congress, the presidency, the courts, the bureaucracy—developed over the years. This background lays the foundation for understanding the formation of the U.S. Constitution and the processes of government under it.

THE NECESSITY OF GOVERNMENT

Americans are often heard to complain about “the government.” We do this because we don’t like the people running it, because we find its policies distasteful, or because we don’t like to be bothered. But the fact is that **government** in some form has been around a long time. One reason for the existence of government everywhere is that societies need it to protect themselves. One of the fundamental things that government does is to provide us with security. Governments try to protect their people from external threats by establishing means of national defense, such as an army or a navy. And they try to maintain order within a country through laws, regulations, or court decisions enforced, if necessary, by police. Of course, governments may do many other things for the welfare of their people—they may provide educational or social services; build bridges, buildings, roads, or dams; or explore outer space. And we know that governments sometimes have too much power, which they may use to oppress people.

Authoritarian systems of government have few limits on what they can do to control people. In these systems, the masses of people may have very little to say about how they are governed and the police or the armed forces may have great power to order people around or imprison them. In one such authoritarian system, the Soviet Union, government decisions are made by a small number of leaders in the top ranks of the Communist party, with the result that thousands have been detained in prison camps—the “Gulag Archipelago” described so vividly by Soviet author Aleksandr Solzhenitsyn. In **democracies**, the powers of government are circumscribed, citizens can participate in governing themselves, and **human rights** are protected. A democratic government is one that particularly emphasizes **free elections** and **individual liberty**.

Government is necessary; it is not just a necessary evil. Government can be an instrument for good, as those who founded the United States of America assumed. They wrote the purposes of government into the Preamble to the Constitution. The first job of government, they said, was to bring about “a more perfect union.” They had in mind bringing the states and the people together in security, harmony, well-being, and free-

dom. Then, they said, government should “establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.” There are many nations in the world today that aspire to such high purposes and look to the example of American democracy for guidance.

The American example of democracy grew up over a long period of time, beginning back in the 17th century, when England started to establish colonies in North America. Colonial Americans enjoyed a considerable measure of liberty and practiced democratic government in many quarters—especially so in contrast to the Europeans of the day. When the Americans threw off English rule in 1775, they became the first major colony to escape colonialism. As a result, the United States became the “first new nation.” Abraham Lincoln said it best, speaking in Gettysburg, Pennsylvania, in 1863: “Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.” American democracy today is the end product of fully two centuries of experience following independence.

EUROPE AND AMERICA

Who Came, and Why

Like such other colonial peoples as the Spanish and Portuguese in Latin America, the Dutch in South Africa, the French in Canada, and the British in Australia, the British people who first settled the American colonies were a **fragment society** (Hartz, 1964). They brought with them a host of cultural assumptions, fears, and desires that were deeply rooted in European society.

The first English settlements were established by merchants who developed joint-stock companies, chartered by the king. These merchants raised enough capital to colonize in America by selling shares to investors among the aristocracy and landed gentry. Their joint-stock companies were sometimes called “companies of merchant-adventurers.” After several failures, the Virginia Company of London in 1607 finally succeeded in establishing a permanent colony at Jamestown, Virginia. Later the Massachusetts Bay Company invested in the settlement of New England. But colonists did not come to America merely for commercial purposes. In addition to the company settlers, many religious dissenters (most notably the Puritans) fled to the colonies. The first of these refugees were the Pilgrims, led by William Bradford, who established Plymouth Colony in Massachusetts in 1620.

The life in Britain that the colonists escaped was often savage and unpleasant. Here is how a British historian has described it:

The placid countryside and sleepy market towns witnessed rick burnings, machine-smashing, hunger-riots. The starving poor were run down by the yeomanry, herded into jails, strung up on gibbets, transported to the colo-