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**Contemporary Documents
in American Government**

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Georgetown University



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PREFACE

The Real Thing: Contemporary Documents in American Government shows students some of the artifacts of today's government: bills, laws, Supreme Court opinions, presidential correspondence, and publications by executive agencies and interest groups. It is designed to supplement St. Martin's core texts in American Government and is organized parallel to them, starting with documents concerning the Constitution and ending with a set on the institutions. We have reproduced each document to look as it does in real life. By using high-quality photography or line art, *The Real Thing* gives students an opportunity to glimpse the government at work and to make relevant the abstract ideas presented in the study of American Government.

The Real Thing is part of the St. Martin's Resource Library in Political Science, a series of short books that supplement the study of political science. They are available free, or for a nominal price, to adopters of a St. Martin's core text.

Fengyan Shi

The St. Martin's Resource Library in Political Science

THE REAL THING

**Contemporary Documents
in American Government**

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1 The Proposed Balanced Budget Amendment

By a 300-to-132 vote, this proposed constitutional amendment requiring a balanced federal budget was passed by the House of Representatives on January 26, 1995. The roll-call vote margin in the Senate was one vote short of the required two-thirds majority (67 votes); however, the Senate majority leader at that time, Bob Dole, changed his vote to a “no” in order to reintroduce the measure later on the Senate legislative calendar. The final vote in the Senate was 65 to 35.

Calendar No. 18

104TH CONGRESS
1ST SESSION

H. J. RES. 1

IN THE SENATE OF THE UNITED STATES

JANUARY 27 (legislative day, JANUARY 10), 1995
Received; read twice and placed on the calendar

JOINT RESOLUTION

Proposing a balanced budget amendment to the Constitution
of the United States.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled*
3 *(two-thirds of each House concurring therein), That the fol-*
4 *lowing article is proposed as an amendment to the Con-*
5 *stitution of the United States, which shall be valid to all*
6 *intents and purposes as part of the Constitution when*
7 *ratified by the legislatures of three-fourths of the several*
8 *States within seven years after the date of its submission*
9 *to the States for ratification:*

1 "ARTICLE —

2 "SECTION 1. Total outlays for any fiscal year shall
3 not exceed total receipts for that fiscal year, unless three-
4 fifths of the whole number of each House of Congress shall
5 provide by law for a specific excess of outlays over receipts
6 by a rolcall vote.

7 "SECTION 2. The limit on the debt of the United
8 States held by the public shall not be increased, unless
9 three-fifths of the whole number of each House shall pro-
10 vide by law for such an increase by a rolcall vote.

11 "SECTION 3. Prior to each fiscal year, the President
12 shall transmit to the Congress a proposed budget for the
13 United States Government for that fiscal year in which
14 total outlays do not exceed total receipts.

15 "SECTION 4. No bill to increase revenue shall become
16 law unless approved by a majority of the whole number
17 of each House by a rolcall vote.

18 "SECTION 5. The Congress may waive the provisions
19 of this article for any fiscal year in which a declaration
20 of war is in effect. The provisions of this article may be
21 waived for any fiscal year in which the United States is
22 engaged in military conflict which causes an imminent and
23 serious military threat to national security and is so de-
24 clared by a joint resolution, adopted by a majority of the
25 whole number of each House, which becomes law.

1 “SECTION 6. The Congress shall enforce and imple-
2 ment this article by appropriate legislation, which may rely
3 on estimates of outlays and receipts.

4 “SECTION 7. Total receipts shall include all receipts
5 of the United States Government except those derived
6 from borrowing. Total outlays shall include all outlays of
7 the United States Government except for those for repay-
8 ment of debt principal.

9 “SECTION 8. This article shall take effect beginning
10 with fiscal year 2002 or with the second fiscal year begin-
11 ning after its ratification, whichever is later.”.

Passed the House of Representatives January 26,
1995.

Attest:

ROBIN H. CARLE,

Clerk.

2 The Proposed Term Limit Amendment

This proposed constitutional amendment, as introduced in the U.S. House of Representatives, was designed to limit the terms of members of Congress. Despite broad support by the American public, the amendment failed to pass the House of Representatives by a roll-call vote of 227 to 204 on March 29, 1995. In the Senate, the effort to bring the amendment to a vote was blocked by a Democratic filibuster on April 23, 1996.

House Calendar No. 27

104TH CONGRESS
1ST SESSION

H. J. RES. 2

[Report No. 104-67]

Proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. MCCOLLUM, Mr. HANSEN, Mr. PETERSON of Minnesota, and Mr. LOBIONDO (for themselves, Mr. LIGHTFOOT, Mr. GILLMOR, Mr. ALLARD, Mr. ARMEY, Mr. BACHUS, Mr. BAKER of California, Mr. BALLENGER, Mr. BARCIA, Mr. BARR, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BASS, Mr. BEREUTER, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLUTE, Mr. BONILLA, Mr. BROWNBACK, Mr. BRYANT, Mr. BUNNING of Kentucky, Mr. BURR, Mr. BUYER, Mr. CALVERT, Mr. CAMP, Mr. CANADY of Florida, Mr. CHAMBLISS, Mr. CHRISTENSEN, Mr. COBLE, Mr. COLLINS of Georgia, Mr. COOLEY, Mr. CRANE, Mr. CREMEANS, Mr. CUNNINGHAM, Mr. DEAL of Georgia, Mr. DIAZ-BALART, Mr. DICKEY, Mr. DOOLITTLE, Ms. DUNN of Washington, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. EVERETT, Mr. EWING, Mr. FIELDS of Texas, Mr. FLANAGAN, Mr. FOLEY, Mr. FORBES, Mr. FOX of Pennsylvania, Mr. FRANKS of Connecticut, Mr. FRISA, Mr. FUNDERBURK, Mr. GALLEGLY, Mr. GANSKE, Mr. GEKAS, Mr. GOODLATTE, Mr. GOSS, Mr. GRAHAM, Mr. GREENWOOD, Mr. GUNDERSON, Mr. GUTKNECHT, Mr. HANCOCK, Ms. HARMAN, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HILLEARY, Mr. HOBSON, Mr. HOEKSTRA, Mr. HOKE, Mr. HORN, Mr. HOUGHTON, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. SAM JOHNSON of Texas, Mr. KIM, Mr. KINGSTON, Mr. KLUG, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LATHAM, Mr. LATOURETTE, Mr. LAZIO of New York, Mr. LEACH, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LUCAS, Mr. MANZULLO, Mr. MARTINI, Mr. MCCRERY, Mr. MCINTOSH, Mr. MCKEON, Mr. MEEHAN, Mr. METCALF, Mr. MICA, Mr. MILLER of Florida, Mr. MINGE, Mrs. MYRICK, Mr. NEUMANN, Mr. NEY, Mr. NORWOOD, Mr. NUSSLE, Mr. PACKARD, Mr. PAXON, Mr. POMBO, Mr. PORTMAN, Ms. PRYCE, Mr. QUINN, Mr.

Document of the U.S. House of Representatives.

RAMSTAD, Mr. RADANOVICH, Mr. RIGGS, Mr. ROHRABACHER, Mr. ROYCE, Mr. SAXTON, Mr. SCARBOROUGH, Mr. SCHAEFER, Mrs. SEASTRAND, Mr. SHADEGG, Mr. SHAW, Mr. SMITH of Michigan, Mr. SMITH of Texas, Mr. SOLOMON, Mr. SOUDER, Mr. STEARNS, Mr. STOCKMAN, Mr. STUMP, Mr. TALENT, Mr. TAYLOR of North Carolina, Mr. THORNBERRY, Mr. TIAHRT, Mr. TORKILDSSEN, Mr. UPTON, Mrs. WALDHOLTZ, Mr. WAMP, Mr. WELLER, Mr. WHITE, Mr. WHITFIELD, Mr. WILSON, Mr. ZELIFF, Mr. ZIMMER, and Mr. MCINNIS) introduced the following joint resolution; which was referred to the Committee on the Judiciary

MARCH 6, 1995

Additional sponsors: Mr. HAYES, Mrs. MEYERS of Kansas, Mr. WALKER, Mr. DEUTSCH, Mr. COBURN, and Mr. GOODLING

Deleted sponsors: Mr. ALLARD (added January 4, 1995; deleted February 7, 1995), Mr. BROWNBACK (added January 4, 1995; deleted March 6, 1995), Mr. CHRISTENSEN (added January 4, 1995; deleted February 24, 1995), Mr. HILLEARY (added January 4, 1995; deleted March 1, 1995), Mr. KIM (added January 4, 1995; deleted February 22, 1995), Mr. MCINTOSH (added January 4, 1995; deleted March 1, 1995), Mrs. MYRICK (added January 4, 1995; deleted March 6, 1995), Mr. ROYCE (added January 4, 1995; deleted March 1, 1995), Mrs. SEASTRAND (added January 4, 1995; deleted March 3, 1995), and Mr. TALENT (added January 4, 1995; deleted February 13, 1995)

MARCH 6, 1995

Reported with an amendment, referred to the House Calendar, and ordered to be printed

[Strike out all after the resolving clause and insert the part printed in *italics*]

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives.

- 1 *Resolved by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled*
- 3 *(two-thirds of each House concurring therein), That the fol-*
- 4 *lowing article is proposed as an amendment to the Con-*

1 stitution of the United States, which shall be valid to all
 2 intents and purposes as part of the Constitution when
 3 ratified by the legislatures of three-fourths of the several
 4 States within seven years from the date of its submission
 5 by the Congress:

6 "ARTICLE —

7 "No person who has been elected to the Senate two
 8 times shall be eligible for election or appointment to the
 9 Senate. No person who has been elected to the House of
 10 Representatives six times shall be eligible for election to
 11 the House of Representatives."

12 *That the following article is proposed as an amendment to*
 13 *the Constitution of the United States:*

14 "ARTICLE —

15 "SECTION 1. No person who has been elected for a full
 16 term to the Senate two consecutive times shall be eligible
 17 for election or appointment to the Senate for a third con-
 18 secutive term. No person who has been elected for a full term
 19 to the House of Representatives six consecutive times shall
 20 be eligible for election to the House of Representatives for
 21 a seventh consecutive term.

22 "SECTION 2. Service as a Senator or Representative
 23 for more than half of a term to which someone else was
 24 originally elected shall be considered an election for the pur-
 25 poses of section 1.

1 *“SECTION 3. This article shall be inoperative unless*
2 *it shall have been ratified by the legislatures of three-fourths*
3 *of the several States within seven years from the date of*
4 *its submission to the States by the Congress.*

5 *“SECTION 4. No election or service occurring before this*
6 *article becomes operative shall be taken into account when*
7 *determining eligibility for election under this article.*

8 *“SECTION 5. No provision of any State statute or con-*
9 *stitution shall diminish or enhance, directly or indirectly,*
10 *the limits set by this article.”.*

Created by Public Law 86–38 in 1959, the Advisory Commission on Intergovernmental Relations (ACIR) is an independent bipartisan agency that studies the federal government's relationship with state, local, and tribal governments. The Commission is composed of twenty-six members who are appointed by elected officials, including the president. Its mission is "to strengthen the American federal system and to improve the ability of federal, state, and local government to work together cooperatively, efficiently, and effectively." The following two documents reveal issues of current concern to the ACIR.

3 The Unfunded Mandates

The issue of unfunded mandates is one of the most controversial issues currently affecting the relationship between federal, state, and local governments. The Unfunded Mandates Reform Act of 1995 directed the ACIR "to investigate and review the role of federal mandates in intergovernmental relations" and to submit recommendations for reform to the president and Congress. In compliance with that statute, the ACIR issued its criteria for reviewing unfunded mandates in July 1995; by September, it had selected fourteen specific mandates for intensive review. On January 24, 1996, the Commission published its preliminary report on the issue for public review and comment. Presented here are excerpts from that report, *The Role of Federal Mandates in Intergovernmental Relations*. The final version of the report is scheduled to be published by the end of 1996.

COMMON ISSUES

ACIR's review of existing mandates found a number of common issues that are troubling federal, state, and local government relations. These issues and ACIR's proposed recommendations to address them include:

1. Detailed procedural requirements. State and local governments are not given flexibility to meet national goals in ways that best fit their needs and resources. The imposition of exact standards or detailed requirements, in many instances, merely increases costs and delays achievement of the national goals. *The federal role in implementation should be to provide research and technical advice for those governments that request it, but, in general, state and local governments should be permitted to comply with a mandate in a manner that best suits their particular needs and conditions.*

2. Lack of federal concern about mandate costs. When the federal government imposes costs on another government without providing federal funds, the magnitude of costs is often not considered. If the federal government has no financial obligation, it has little incentive to weigh costs against benefits or to allow state and local governments to determine the least costly alternatives for reaching national goals. *The federal government should assume some share of mandate costs as an incentive to restrain the extent of the mandate and to aid in seeking the least costly alternatives.*

3. Federal failure to recognize state and local governments' public accountability. State governments often are treated as just another interest group, as private entities, or as administrative arms of the federal government, not as sovereign governments with powers derived from the U.S. Constitution. Local governments, despite the important role they play in delivering government services, have been given even less consideration. Non-governmental advocacy groups' views have sometimes been given more attention than those of state and local governments. *Federal laws should recognize that state and local governments are led by elected officials who must account to the voters for their actions, just as the President and Members of Congress.*

4. Lawsuits by individuals against state and local governments to enforce federal mandates. Many federal laws permit individuals or organizations to sue state and local governments over questions of compliance, even though a federal agency is responsible for enforcement. Federal laws, however, are often written in such broad terms, it is not clear what is required of federal, state, and local officials. In these circumstances, permitting litigation brought by individuals subjects state and local governments to budgetary uncertainties and substantial legal costs. Because the federal agency is not directly involved with the costs and problems of this litigation, it has little incentive to propose amendments that would clarify the law's requirements. *Only the federal agency responsible for enforcement of a law should be permitted to sue state and local governments.*

5. Inability of very small local governments to meet mandate standards and timetables. The requirements for many federal mandates are based on the assumption that all local governments have the financial, administrative, and technical resources that exist in large governments. Many very small local governments have only part-time staffs with little technical capability and very limited resource bases. Extending deadlines or modifying requirements for these small governments may have minimal adverse effects on the achievement of overall national goals but may make it possible for such governments eventually to comply. *Deadlines should be extended and requirements modified for very small local governments.*

6. Lack of coordinated federal policy with no federal agency empowered to make binding decisions about a mandate's requirements. There are mandates that involve several federal agencies. This has resulted in confusion about what the law requires and how state and local governments can know when they are in compliance. In addition to making state and local governments aware of mandate requirements, federal agencies should explain the reasons for the mandate and should assist in taking the actions necessary for implementation. *A single federal agency should be designated to coordinate each mandate's implementation and to make binding decisions about that mandate.*

SUMMARY OF RECOMMENDATIONS ON INDIVIDUAL MANDATES

ACIR's proposed recommendations for individual mandates can be summarized into three categories.

The Commission finds that the following mandates as they apply to state and local governments do *not* have a sufficient national interest to justify intruding on state and local government abilities to control their own affairs. While the Commission does not take issue with the goals of these mandates, it believes that achieving those goals can be left to elected state and local officials. **Thus, ACIR recommends repealing the provisions in these laws that extend coverage to state and local governments.**

Fair Labor Standards Act

Family and Medical Leave Act

Occupational Safety and Health Act

Drug and Alcohol Testing of Commercial Drivers