BACKGROUND

ORIGIN OF THE FEDERAL SYSTEM

In the United States, the federal system of government combines a system of state governments with a centralized national government.

ARTICLES OF CONFEDERATION

- Ratified in 1781, the Articles of Confederation set up a weak association of states that favored states' rights over central power so that states retained their sovereignty.
- Devolved the "Shays' Rebellion" (1786-1787) exposed the national government's inability to impose order and protect the welfare of the nation, encouraging movements for a more centralized, stronger system of government.
- Delegates met at the Annapolis Convention of 1786 and the Constitutional Convention of 1787 to amend the Articles and create a new framework for government.

U.S. CONSTITUTION

- Ratified in 1788, the U.S. Constitution set up a stronger central government composed of 3 branches—legislative, executive, and judicial.
- In the debate for ratification, two compromises emerged:
  1. Federalists, led by Alexander Hamilton and James Madison, favored the Constitution for its strong central government.
  2. Anti-Federalists, led by Thomas Jefferson, feared the Constitution would produce a tyrannical central power and pushed for a less centralized system in which the states would retain their sovereignty.

FEDERAL POWERS vs. STATE POWERS

1. Express Powers: powers explicitly given to the federal government by the Constitution, including:
   - Levy taxes
   - Borrow money
   - Charter corporations
   - State-to-State Relations:
     - Full faith and credit clause:
       - Each state must honor the public acts, records, and judicial proceedings of another state.

3. Dull Powers: powers not delegated to the federal government by the Constitution, including:
   - "No bill of attainder or ex post facto law can be passed"
   - "The power of the federal government is derived from the states, respecting the States respectively, and to the people." (Tenth Amendment in the Bill of Rights)

STATE POWERS

1. Powers Reserved for the States: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." (Tenth Amendment in the Bill of Rights)

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

Qualifications and Logistics

- Qualifications: at least 25 years old, a U.S. citizen for at least 7 years, a resident of the state from which he or she is chosen.
- Term of office: 2 years; elections held every 2 years.
- Number of representatives fixed at 435.
- Number of representatives per state proportionate to state population, with every state getting at least 1 representative.
- In the 110th Congress (2001-2002), California had the most representatives (52).

Gerrymandering

- Dividing regions into election districts in order to give an advantage to a particular political party or interest group.
- Legally sanctioned in 1812, when Congress amended the Voting Rights Act of 1965 to encourage the representation of minorities. Due to Supreme Court's 1993 ruling in Shaw v. Reno, gerrymandering is now more difficult.
- Often creates the direct representation of the House: because of the strange configuration of districts, the popular vote for House members is often not accurately reflected in House membership.

Sale Powers

- To vote on charges of impeachment.
- To propose bills for raising revenue (i.e., tax laws).

Leadership Positions

1. Speaker of the House
   - Elected by the House's majority party.
   - Presiding officer of the House.
2. Majority Leader
   - Aids the Speaker in making committee appointments and referring bills.
   - Chairs floor action.
   - Formulates House agenda.
3. Minority Leader
   - Heads opposition party.
   - Consults with majority leader.
   - Forms reaction to majority-party agenda.

SPEAKER

Qualifications and Logistics

- Qualifications: at least 30 years old, a citizen for at least 7 years, a resident of the state from which he or she is chosen.
- Term of office: 6 years, 1/3 of the senatorial positions elected every 2 years.
- Number of senators: 2 per state; currently 100 total.

Filibuster

- A strategy of opponents of a bill to delay it.
- A senator or senators hold the floor indefinitely to postpone a vote and defeat a bill (the Senate has a policy of notlimiting the length of (debate).

SENATE

Qualifications and Logistics

- Qualifications: at least 30 years old, a citizen for at least 7 years, a resident of the state from which he or she is chosen.
- Term of office: 6 years, 1/3 of senatorial positions elected every 2 years.
- Number of senators: 2 per state; currently 100 total.

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- A strategy of opponents of a bill to delay it.
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In 1917 a cloture resolution was passed allowing the senate to halt a filibuster with a 2/3 vote (60 senators)
- One of the only ways to make minority interests in the Senate to thwart the interests and agenda of the majority

Sole Powers

- To try an impeached official.
- To confirm presidential appointments—Supreme Court justices, ambassadors, etc. (by a 2/3 vote).
- To ratify treaties (by a 2/3 vote).

Leadership Positions

1. Role of the U.S. Vice President
   - A unique role in the Senate.
   - Votes only in case of a tie.
2. President Pro Tempore
   - Leads the Senate while the vice president is absent (often the case).
   - Selected by the majority party; usually a senior member of the party.
3. Majority and Minority Leaders
   - Head their respective parties.
   - Formulate Senate agenda.
4. Majority and Minority Whips
   - Coordinate party support for legislation.
5. Committees
   - Propose and evaluate bills.
   - Select and manage bills.
   - Hear division labor in the Senate, allowing members to specialize in certain subject matter.
6. Standing Committees: of the currently 16 standing committees, the most important include:
   - Budget Committee
   - Appropriations Committee
   - Finance Committee
   - Foreign Relations Committee
   - Judiciary Committee
   - Select Committees: see description in U.S. House of Representatives section
7. Joint Committee: see description in U.S. House of Representatives section
EXECUTIVE BRANCH

President
Qualifications and Logistics
- Qualifications: at least 35 years old, a natural born U.S. citizen, lived in the U.S. for the past 14 years
- Term of office: 4 years
- Two-term limit (8 years)
- George Washington set the precedent of presidents serving no more than two terms in office, which was the precedent followed until Franklin Delano Roosevelt, serving 3 complete terms in office and died early in his fourth (1945)
- Two-term limit became law in 1951, with the ratification of the Twenty-Second Amendment

Power
- Commander-in-chief of armed forces
- Accepts or vetoes congressional bills
- Makes treaties with the "advice and consent" of Senate
- Makes appointments: "federal judges, ambassadors, cabinet members, generals, admirals, and all others requiring the "advice and consent" of Senate
- Gives a State of the Union message to Congress recommending a legislative agenda
- Oversees enforcement of federal laws
- Can grant pardons in all federal cases except impeachments
- Receives ambassadors and other public ministers
- The Founding Fathers intended the executive role simply to enforce the Congressional laws, but this position has become much more active and influential position
- Andrew Jackson was the first president to use the veto power extensively, strongly asserting his political will, following his example, many presidents since have set the nation's legislative agenda

Vice President
Logistics
- Before 1804, the presidential candidate receiving the second-highest number of votes became vice president
- In 1836, two no-votes—John Adams (Federalist) and Thomas Jefferson (Republican)—elected together. Adams served as president, and Jefferson, the second-highest vote-getter, as vice president. Their partnership was rather tense and unproductive.
- The Twelfth Amendment, ratified in 1804, revised the election process so that candidates directly as president or vice president

Power
- Primarily over the Senate, but can be the sole in a tie
- Becomes president if the president is unable to serve

DEPARTMENTS AND OFFICERS
White House Staff
- President works closely with a team of advisors and personally
- Often these advisors are former political associates and aides
- Chief of staff and coordinates the entire staff

Cabinet
Not expressly provided for in the Constitution
- Basis for its creation is in Article II, Section II of the Constitution: "The President...may require the Opinion, in writing, of the principal Officer in each of the Executive Departments, upon any Subject relating to the Duties of their respective Offices"
- Composed of the heads of 14 federal agencies (listed below) given by the president and confirmed by the Senate
- Advisers unofficially called "cabinets" since the 1790s, but not formally recognized in law until 1903

ELECTING AND REMOVING THE PRESIDENT

PROCESS OF ELECTION
- The U.S. public does not vote directly for the president. Instead, they vote in statewide electoral votes for electors. The electoral college is the group of representatives chosen by states to vote directly for the president and vice president.
- Each state is given electoral votes for every senator (2) and representative (1). The number of representatives is based on population
- As a result, candidates tend to spend most of their campaign time in the most populous states, where the most electoral votes are at stake.
- California has the most electoral votes (54)

JUDICIAL BRANCH: THE SUPREME COURT

The Supreme Court is the only court expressly provided for in the Constitution; Congress is given the power to establish inferior federal courts as it sees fit, to constitute Tribunals inferior to the Supreme Court (Article III, Section 1).

STRUCTURE
- Justices are nominated by the president and confirmed by the Senate
- No qualifications are laid out in the Constitution
- Nomination is based on candidate's character, personality, ethics, ideology, political support, political activism
- Term of office: hold position for life, barring resignation or impeachment

Number of Judges:
- Originally a seven-court was established in 1789
- At one point after Civil War, it had 10
- Since 1861, it has 9

Court Packing Scheme:
- In 1937, Franklin Delano Roosevelt tried to increase the number of justices on the court (he had 7 judges for every 10 years over age 60) in his hopes to make the court more liberal and supportive of his progressive New Deal policy.
- The "court-packing scheme" would have allowed FDR to appoint a new judge
- The Senate rejected the policy change, and FDR lost some support

Chief Justice:
- Presides over meetings
- Appoints most of the judges
- Can significantly shape the court's direction

For example, the court under Chief Justice John Marshall, or the Marshall Court (1801-1835), greatly enhanced federal power at the expense of state's rights.
- The Warren Court (1953-1969), under Chief Justice Earl Warren, was liberal and progressive, expanding civil and political rights
- The Burger Court (1969-1977), under Chief Justice Warren Burger, was conservative and limited civil liberties
- The Rehnquist Court (1986-2005), under Chief Justice William Rehnquist, was conservative and limited civil liberties
- The Roberts Court (2005-present), under Chief Justice John Roberts, has restored some balance, but remains conservative

FEDERAL JURISDICTION
- Court has jurisdiction over all cases involving:
  - The U.S. Constitution, federal laws, treaties, and admiralty and maritime affairs
  - Ambassadors, other public ministers, or consuls
  - Cases in which the U.S. or a state itself is a party
  - Interstate affairs

Appellate Jurisdiction:
- In all cases involving a state or an ambassador or other public minister or consul
- Appellate Jurisdiction in federal cases (nominally state cases) in which the original decision is appealed

PATHS TO THE SUPREME COURT

1. Nominations
- Court grants writ when appears to have a case
- If 4 justices must agree to hear a case
- If court refuses to hear a case, then lower court ruling stands

Chief Justice:
- Presides over meetings
- Appoints most of the judges
- Can significantly shape the court's direction

2. Right of Appeal
- Court must hear appeals of decisions made by three-judge district courts
- Can simply affirm or reverse decision with a short statement

3. In Forma Pauperis Petition
- According to federal law, any indigent who takes a "poor person's oath" postponing payment of required fees can submit a case to a federal court
- Most of these petitions are written by inmates in federal and state prisons
- Many petitions go unanswered; in rare instances, the Court holds hearings, re-open cases

NOTABLE SUPREME COURT DECISIONS
- Marbury v. Madison (1803): established the principle of judicial review, the Supreme Court's power to rule an act of Congress unconstitutional; the case did not involve the exercise of federal powers
- Gibbons v. Ogden (1824): interpreted Congress's right to regulate interstate commerce to include all forms of business, not just the exchange of goods
- Dred Scott v. Sandford (1857): effectively nullified the Missouri Compromise and declared states to be property, not citizens
- Slaughterhouse Cases (1873): drew a distinction between state and federal citizenship, and ruled that...
JUDICIAL BRANCH: THE SUPREME COURT (continued)

The Fourteenth Amendment does not guard against all instances of state discrimination; in its ruling, court considered the amendment’s original purpose to protect citizens’ rights of freed slaves. Munroe v. Illinois (1877) allowed states to regulate private businesses when “public interests” were involved; has since been modified. Plessy v. Ferguson (1896) ruled segregation legal as long as accommodations were “separate but equal.” Brown v. Board of Education (1954) declared segregation in schools unconstitutional, overturning the “separate but equal” doctrine established in Plessy (1896). Roth v. U.S. (1957) defended obscenity publications as these that absorb “prurient interest” and lack any “redeeming social importance.” Mapp v. Ohio (1961) extended the federal exclusionary rule to states, thus prohibiting illegally obtained evidence from being presented in courts. Engel v. Vitale (1962) ruled school prayer unconstitutional on the basis that it violates the Establishment Clause of the First Amendment. Baker v. Carr (1962) granted federal courts jurisdiction over state apportionment systems to assure that all citizens’ votes are granted equal weight. Olds v. Wolfington (1952) required states to provide indigent defendants in felony cases with public defenders. Miranda v. Arizona (1966) required police to make suspects aware of their rights to remain silent and to have an attorney present during questioning—the so-called Miranda rights. Loving v. Virginia (1967) declared laws against intermarriage unconstitutional. New York Times Co. v. U.S. (1971) overturned Justice Department’s order to restrict free press in interests of national security; the Justice Department aimed to block publication of the so-called Pentagon Papers to protect national security secrets. Roe v. Wade (1973) ruled unconstitutional all laws on abortion except in the third trimester on the basis these laws violate the Fourteenth Amendment’s right for women to make private decisions about their lives and reproductive capacities. University of California v. Bakke (1978) allowed varieties to admit students on the basis of race in order to counter discrimination. Bowers v. Hardwick (1986) authorized states to regulate sexual behavior conducted in private between consenting adults. Webster v. Reprod. Health Servs. (1989) allowed states to restrict access to abortion services significantly.

HOW A BILL BECOMES A LAW

Bill is Introduced in Either House or Senate

- Exception: revenue bills must originate in the House

First Reading

- Bills are no longer read out loud, but instead entered into the Senate Journal or the House Journal and referred to the appropriate committees

Referal to Committee

- Direct, non-random assignment to a committee
- Public hearings held only if deemed necessary. If bill deemed important enough
- Markup: subcommittee makes a favorable, unfavorable, or no recommendation to the full committee, sometimes simultaneously

Final Committee Action: bills are discussed, amended, and voted on—usually either passed on to the full house or tabled indefinitely

Second Reading

- Report: committee staff issues a report explaining the bill, the committees actions and findings, and why it should be enacted
- Bill is placed on the calendar
- Member debate
- Senators can indefinitely postpone a vote with a filibuster, but filibuster can be halted by a 2/3 vote
- The amount of debate in the House is initially limited by a cloture rule. However, debate may be lengthened
- Member amendments are offered

Third Reading by Title Only and a Vote

Bill Goes to Other Chamber

- Bill is either: passed, defeated, or referred as is

PARTY SYSTEM

BACKGROUND

- Originally not present in the U.S. government, as exemplified by George Washington’s ideologically diverse cabinet
- The Founders favored dispersed powers as a way to protect against a strong central government
- The names for the Old Republic parties were self-serving factions detrimental to the good of the country
- The winner-takes-all presidential system used in America naturally leads to two parties, since votes and issues become either-or questions and people feel their votes are worthless if they don’t vote for the front-runner or nearest challenger
- Two parties evolved in the 1790s around major issues, particularly the centralization of the government (states’ rights versus federal power) and support for Britain versus France

1. Federalists
- Led by Alexander Hamilton
- Aimed to limit the power of the central government and expand individual and state’s rights
- Tended to be pro-France
- Centralized in the Northeast

2. Republicans (officials, Democratic-Republican Party)
- Led by Thomas Jefferson and James Madison
- Aims to limit the power of the central government and expand individual and state’s rights
- Tended to be pro-France
- Centralized in the South

Party politics has characterized the U.S. political scene ever since, with the exception of a brief return to a one-party system during the Era of Good Feelings (roughly 1814-1820), when Republicans faced little or no opposition

- Identifying with parties has changed little in recent times, other than a steady increase in people who identify themselves as independents and a decrease in those who identify themselves as Democrats or Republicans.

National Party Convention

- Meets during the presidential election year to choose a presidential candidate
- Serves as a vague outline of the party’s position on a variety of issues, meant to focus the party ideology and set broad campaign themes

HISTORICAL PARTIES

Over the years, there have been various changes in party names, platforms, and alliances

Democrats
- In modern times, the more liberal party
- Found its roots in Jeffersonian Democratic-Republican Party (see above)
- First formalized in support of Andrew Jackson after his election in 1828
- Lost the 1824 election to Republican John Quincy Adams, even though Jackson had won the most popular and electoral votes
- Jackson’s supporters, led by Martin Van Buren and John C. Calhoun, called together and formed what became known as the Democratic Party
- Jackson won the presidency in 1828
- Throughout the mid- and late 1800s, the party championed states’ rights and fought against political domination by the economic elite
- Before the Civil War, the party turned its attention to the South and was the party of slaveholders
- After the Civil War, the party turned to the South and was the party of abolitionists
- With the passage of the Fifteenth Amendment, the party turned its attention to the North and was the party of civil rights

Whigs
- Emerged during Jackson’s presidency when leaders of the National Republican Party and other opposition Jackson’s policies
- Composed mostly of southern Republicans, northerners, Democrats, and social reformers
- Expanded in popularity throughout the 1830s
- Their leader was President William Henry Harrison
- Their platform called for an end to the Mexican War
- Their party began to disintegrate in the 1850s and 1860s
- The party’s main issues were the protection of slavery

Populists
- Begun in 1892
- Composed mostly of farmers from the Midwest and South and poor laborers
- Platform included “free silver” (the unlimited coinage of silver), public ownership of railroads, immigration restriction, and the direct election of senators
- In 1896, the Democratic Party absorbed the Platforms of both parties
- Their party was the party of free silver
- The party was known as the Free Silver Party

Progressive, or the Bull Moose Party
- In 1912, Theodore Roosevelt and his supporters split from the Republican Party and ran on a “Bull Moose” ticket, dominated by William Howard Taft’s conservative, pro-business policies, formed the Progressive Party, nicknamed the Bull Moose Party
- Supported progressive policies, including the inclusion of “bull moose” regulations on business practices, the prohibition of child labor, women’s suffrage, labor social issues and restrictions on the use of injunctions against labor unions
- The party nominated Roosevelt’s son, Al Smith, for president
- The party lost the election to Woodrow Wilson

1870’s
- In modern times, the more conservative and pro-business party
- Broke off from the Democratic Party in 1870
- The party was known as the Free Soil Party
- The party nominated its candidate for president in 1872
- The party nominated Abraham Lincoln for president and continued to dominate national politics during the Civil War and early Reconstruction Era

Passage of new amendments, then sent to a House-Senate conference committee, and finally to both houses for a final vote

Bill Is Given to President

- In either
- Signed/approved and becomes law
- Veto, and send it to the House
- The House of origin may override the veto by a 2/3 majority vote
- The bill is then sent to the other house
- If both houses vote to override the veto, the becomes law

- Held the black vote more than 60 years because of slavery as an antislavery party, until Ford’s New Deal policy caused a shift in alliances (see above)

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- In U.S. history, the most successful third party
- In 1896, Roosevelt won more than 22% of the popular vote (his 23%)
- Democratic Woodrow Wilson won the election
PARTY SYSTEM (continued)

Socialists
- Gained in popularity during the Progressive Era (roughly 1900-1920).
- Won control of a number of city governments and elected some members of Congress and state legislatures.

Reform Party
- Founded in 1896 by businessman Ross Perot to challenge the Democratic and Republican Parties.

As an independent, Perot won 19% of the popular vote in the 1992 presidential election.
As a Reform Party candidate in 1996, Perot again finished third, but with a lower popular vote.
Reform platform includes campaign-finance reform, a balanced budget, and a national health care system.

Greens
- Formed in 1990 by environmentalists.
- Issues include grassroots democracy, campaign-finance reform, social justice, ecological conservation, and local control.
- Candidate in 1996; ran again in 2000.

REFORM MEDIA

The Media: Structure and Effect

Overview
- Called the fifth branch of government.
- Not elected; instead, usually supported by advertising and often driven by profit.
- Politically uncensored, except in regard to obscenity and in times of war.
- One of the few true free press in the world.
- Very rarely in modern times has a publication been prevented from publishing by the U.S. government (see New York Times Co. v. U.S. in the Supreme Court case).

History
- Newspapers were first launched by political groups to spread their ideas.
- For example, in 1706, the Pennsylvania Gazette was founded by the British political group, The Pennsylvania Gazette.
- The telegraph (mid-1800s) sped the sharing of information, giving newspapers a new purpose—to spread facts and human-interest stories and separate them from political parties.
- In the mid-1800s, increasing literacy and decreasing printing costs led to the penny press, which had sensationalist tendencies and were independent publications funded by advertising, which could provide more autonomous political opinions.
- Modern media is now focused primarily on creating an objective journalism.
- Since the 1920s, a more critical and advocacy-oriented media has evaded as the "new journalism".

Influence
- The media have grown to become a protector and representative of the people, investigating corruption and compelling, evaluating, and speaking for the public.
- Selective Perceptions: people hear what they want to hear.
- Selective Exposures: people avoid exposure to media with which they disagree.
- Public Relations, or PR: politicians have become increasingly adept at creating events, managing the press, and managing, or even directing, the news in a particular ideology.
- Bias: studies point to a liberal bias in the media, but a number of conservative issues still garner media support, and in general, Republican candidates are endorsed more often than Democrats by the media.

Corporate Ownership
- In 1982, 50 companies owned more than 1/2 of the media.
- In 1996, 20 companies owned more than 1/2 of the media.
- The media is currently dominated by a few giant corporations.

Types
- Television: a major source of news. TV has the power to influence people and influence more, giving rise to the sound bite—short, representative statement or prepared response for use in the media.

1996 CNN first all-news TV channel, blan

The Internet
- Has become increasingly important in distributing information, providing anonymous contact between organizations and people, and even running nations.
- Email has become an increasingly powerful means of communicating and sharing information.

INTEREST GROUPS

Types
- Businesses: large corporations and small businesses.
- Groups of Individuals: professional associations (doctors, teachers, accountants, lawyers, etc.), employees/union, labor unions. Most workers' organizations (networks and organizations) are not specifically represented in the government, but by any interest group.
- Ideological Groups: include environmental, civil rights, religious, health, education, consumer protection, and taxpayer organizations.
- May be temporarily powerful as the staffing public-interest groups behind a specific cause.

Government Groups
- Includes groups of national governments (states, cities, counties) and foreign governments.

METHODS OF INFLUENCE

Targeted Campaign Finance
- Business groups target two expected winners.
- Use public, party "safe-seat" districts, and incumbency to predict the winner.
- Then invest heavily in selected politician's election with the hopes of influencing policy.

Lobbying
- Involve businesses in attempts to control politicians.
- Sometimes involve direct contributions to political parties.
- Offer testimony to help candidates win.
- Can be controversial.

Recruitment
- Businesses push to get their own people into the 3,200 appointed positions in the executive department (very few professional civil servants are now the policy-making positions that are appointed).

ELECTIONS

Campaign Finance
- Comparative Spending
- Money is spent on advertisements, TV spots, and other forms of political campaigning.
- Types of Contributions
- Individual contributions
- PACs
- Super PACs

Limits
- Federal Election Campaign Act of 1974
- Limits on individual contributions
- Limits on PAC contributions
- Limits on Super PAC contributions

Loopholes
- Political Action Committees (PACs)
- Dark money

THE U.S. BUDGET
- In 2002, the federal income tax was reduced by $1.7 trillion, and the surplus was $226 billion.
- The federal debt is approximately $3 trillion.