Suggestions for Further Reading

Bartels, Larry. M. *Unequal Democracy: The Political Economy of the New Gilded Age.* New York and Princeton, NJ: The Russell Sage Foundation and Princeton University Press, 2008. *An examination of rising income inequality and how it undermines several of the basic foundational requirements of political democracy.*

Dahl, Robert A. *Democracy and Its Critics.* New Haven, CT: Yale University Press, 1989. *A sweeping defense of democracy against its critics by one of the most brilliant political theorists of our time.*

Dahl, Robert A. *On Democracy.* New Haven, CT: Yale University Press, 1998. *A brief yet surprisingly thorough examination of classical and contemporary democracy, real and theoretical.*

Diamond, Larry. *The Spirit of Democracy: The Struggle to Build Free Societies Throughout the World.* New York: Times Books/Henry Holt & Co, 2008. *A passionate, detailed, and optimistic examination of the struggle for democracy around the world.*

Wolfe, Alan. *Does American Democracy Still Work?* New Haven, CT: Yale University Press, 2006. *A pessimistic reading of trends in American politics, society, and economy that are diminishing the quality of American democracy.*

Zakaria, Fareed. *The Future of Freedom: Illiberal Democracy at Home and Abroad.* New York: Norton, 2004. *The author suggests that majority rule democracy can only happen and be sustained in societies where individual freedom and the rule of law already exist, suggesting that democracy is unlikely to take hold in places such as Russia and Iraq.*

Internet Sources

A number of sites on the Internet serve as "gateways" to vast collections of material on American government and politics. In subsequent chapters, we will indicate the location of sites on the Web to begin searches on the specific subject matter of the chapters. Here we concentrate on the general gateways, the starting points for wide-ranging journeys through cyberspace, geared to governmental and political subjects. Also included are gateways to the multitude of political Web logs (blogs). Here are the gateways:

About.com US Politics Blogs
http://uspolitics.about.com/od/blogs/

The Corner; National Review (conservative Web log)
http://corner.nationalreview.com

The Daily Kos (liberal Web log)
www.dailykos.com

The Internet Public Library
www.ipl.org/div/subject/browse/lawoo.oo.oo/

***New York Times*, Politics Navigator**
www.nytimes.com/library/politics/polpoints.html

Political Index
www.politicalindex.com

Real Clear Politics
www.realclearpolitics.com

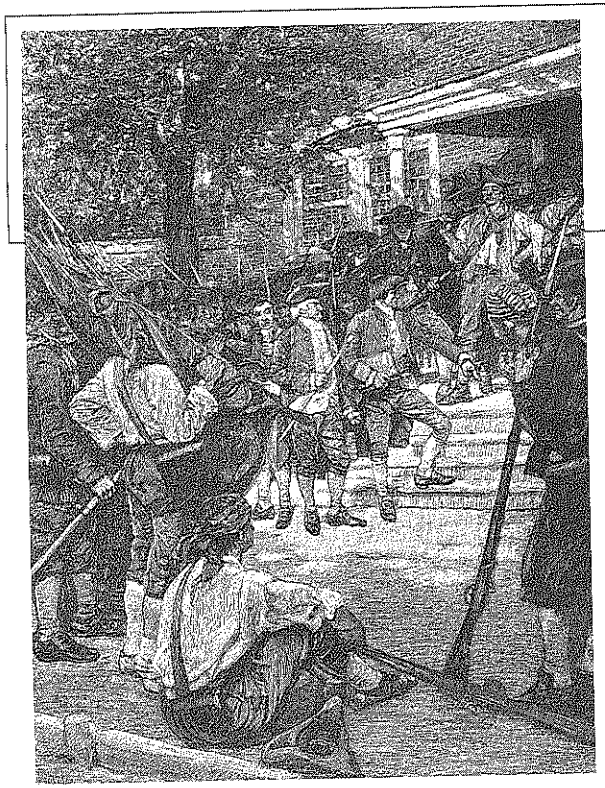
CHAPTER 2

The Constitution

In this chapter

- The legacies of the Revolution and the Declaration of Independence
- Our first constitution: The Articles of Confederation
- What led to and transpired at the Constitutional Convention
- How the Constitution embodies eighteenth-century republican ideas about good government
- How democratic aspirations changed the Constitution

ARTEMAS WARD, COMMANDER OF AMERICAN FORCES AT BUNKER HILL, Revolutionary War hero, and state judge, could not convince the crowd of several hundred armed farmers to allow him to enter the Worcester, Massachusetts, courthouse. For nearly two hours that day in September 1786, he pleaded and threatened, but to no avail. Unable to convince the local militia to come to his assistance, Ward left Worcester in a fury and carried word of the rebellion to Boston. Other judges trying to hold court in western Massachusetts in the summer and fall of 1786 had no better luck.[1]



Massachusetts rebels gather at the courthouse
Shays's Rebellion convinced many notables that a new constitution was needed if the United States was to survive. What weaknesses in the pre-Constitution American government led to the rebellion?

The farmers of western Massachusetts were probably not a rebellious lot by nature, but desperate times pushed many of them to desperate actions. The end of the Revolutionary War in 1783 had brought the collapse of prices for agricultural products and widespread economic distress among farmers all over the new nation. Poor farmers sought relief from state governments, and, for the most part, political leaders responded. Several states lent money (in the form of scrip, or paper money) to farmers to pay their taxes and debts. Other states passed stay laws, which postponed tax and mortgage payments for hard-pressed farmers.

In Massachusetts, however, the state legislature refused to help. Worse yet, the legislature and the governor had decided that all state debts must be paid in full to establish the creditworthiness of the state. The state's debt, accumulated to pay its share of the war costs, was owed primarily to a handful of the wealthiest Massachusetts citizens. To repay this debt, the legislature levied heavy taxes that fell disproportionately on farmers, especially those in the western part of the state. When the farmers could not pay their taxes—a distressingly common circumstance—the state collected its money through foreclosure: the public sale of farmers' lands, buildings, and livestock. Those who could not pay their debts, then, faced tax foreclosures and imprisonment under harsh conditions. Responding to these dire circumstances, many western Massachusetts farmers took up arms to close down the courts—the situation Artemas Ward faced in 1786.

By September 1786, Governor James Bowdoin had seen enough. He issued a proclamation against unlawful assembly and called out the militia to enforce it. Six hundred soldiers were sent to Springfield to ensure that the state supreme court could meet and issue the expected indictments against the leaders of the insurrection. The soldiers were met there by more than 500 armed farmers led by a former Revolutionary War officer, Captain Daniel Shays. After a long standoff, the militia withdrew, leaving the rebels in charge and the court unable to meet.

These events only hardened the governor's resolve to break the rebellion. He sent armed forces from Boston, which soon proved too much for the hastily organized and ill-equipped force under Shays. By the spring of 1787, the Boston militia had defeated the rebels in two pitched battles, and Shays's Rebellion (as it was soon called) ended.

Shays's Rebellion realized the worst fears of national leaders about the dangers of ineffective state governments and popular democracy spinning out of control, unchecked by a strong national government. As George Washington said, "If government cannot check these disorders, what security has a man?"[2]

It was in this climate of crisis that a call was issued for a constitutional convention to meet in Philadelphia to correct the flaws in the Articles of Confederation. Under the Articles, the national government in Philadelphia was virtually powerless, with responsibility for civil order mainly in the hands of the states. Rather than amend the Articles, however, the men who met in Philadelphia in the summer of 1787 wrote an entirely new constitution.

AMERICA'S DEMOCRATIC REPUBLIC IN THIS CHAPTER

In this chapter, we examine the origins of the Articles and of the Constitution and how they embodied important eighteenth-century republican principles. We will also show, as we do throughout this book, how the spread of democratic ideas and the heightening of democratic aspirations over the course of American history have changed many of the institutions created by the framers in the Constitution. Let's begin by looking at the Articles of Confederation, our first constitution.

The American Revolution and the Declaration of Independence

Initially, the American Revolution (1775–1783) was waged more to preserve an existing way of life than to create something new. By and large, American colonists in the 1760s and 1770s were proud to be affiliated with Great Britain and satisfied with the general prosperity that came with participation in the British commercial empire.[3]

When the revolution broke out, the colonists at first wanted only to preserve the English constitution and their own rights as British subjects. These traditional rights of life, liberty, and property seemed to be threatened by British policies on trade and taxation. Rather than allowing the American colonists to trade freely with whomever they pleased and to produce whatever goods they wanted, for instance, England was restricting the colonists' freedom to do either in order to protect its own manufacturers. To pay for the military protection of the colonies against raids by Native Americans and their French allies, England imposed taxes on a number of items, including sugar, tea, and stamps (required for legal documents, pamphlets, and newspapers). The imposition of these taxes without the consent of the colonists seemed an act of tyranny to many English subjects in America.

Although the initial aims of the Revolution were quite modest, the American Revolution, like most revolutions, did not stay on the track planned by its leaders. Although it was sparked by a concern for liberty—understood as the preservation of traditional rights against the intrusions of a distant government—it also stimulated the development of sentiments for popular sovereignty and political equality. As these sentiments grew, so did the likelihood that the American colonies would split from their British parent and form a system of government more to the liking of the colonists.

When the Second Continental Congress began its session on May 10, 1775—the First had met only briefly in 1774 to formulate a list of grievances to submit to the British Parliament—the delegates did not have independence in mind, even though armed conflict with Britain had already begun with the battles of Lexington and Concord. Pushed by the logic of armed conflict, an unyielding British government, and Thomas Paine's incendiary call for American independence in his wildly popular pamphlet *Common Sense*, however, the delegates concluded by the spring of 1776 that separation and independence were inescapable.[4] In early June, the Continental Congress appointed a special committee, composed of Thomas Jefferson, John Adams, and Benjamin Franklin, to draft a declaration of independence. The document, mostly Jefferson's handiwork, was adopted unanimously by the Second Continental Congress on July 4, 1776.

Key Ideas in the Declaration of Independence

The ideas in Jefferson's Declaration of Independence are so familiar to us that we may easily miss their revolutionary importance. In the late eighteenth century, most societies in the world were ruled by kings with authority purportedly derived from God, subject to little or no control by their subjects. Closely following John Locke's ideas in *The Second Treatise on Government*, Jefferson's argument that legitimate government can be established only by the people, is created to protect inalienable rights, and can govern only with their consent, seemed outrageous at the time. However, these ideas sparked a responsive chord in people everywhere when they were first presented, and they remain extremely popular all over the world today. Ideas articulated in the Declaration influenced the French Revolution of 1789, the 2004 "orange revolution" in Ukraine, and many revolutions in between. The argument as presented in the Declaration of Independence goes as follows:

- Human beings possess rights that cannot be legitimately given away or taken from them. *"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness."*
- People create government to protect these rights. *"That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."*
- If government fails to protect people's rights or itself becomes a threat to them, people can withdraw their consent from that government and create a new one, that is, void the existing **social contract** and agree to a new one. *"That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness."*

Important Omissions in the Declaration

The Declaration of Independence carefully avoided several controversial subjects, including what to do about slavery. Jefferson's initial draft denounced the Crown for violating human rights by "captivating and carrying Africans into slavery," but this was considered too controversial and was dropped from subsequent versions. The contradiction between the institution of slavery and the Declaration's sweeping claims for self-government, "unalienable" individual rights, and equality ("all men are created equal") was obvious to many observers at the time and is glaringly apparent to us today. The Declaration was also silent about the political status of women and the inalienable rights of Native Americans (referred to in the Declaration as "merciless Indian savages") and African Americans, even those who were not slaves. Indeed, it is safe to assume that neither Jefferson, the main author of the Declaration, nor the other signers of the document had women, Native Americans, free blacks, or slaves in mind when they were fomenting revolution and calling for a different kind of political society. Interestingly, free blacks and women would go on to play important roles in waging the Revolutionary War against Britain.[5]

The Articles of Confederation: The First Constitution

The leaders of the American Revolution almost certainly did not envision the creation of a single, unified nation, nor a form of government where ordinary people ruled. This should not be surprising. Most American leaders in the late-eighteenth century believed that a government based on popular consent and committed to the protection of

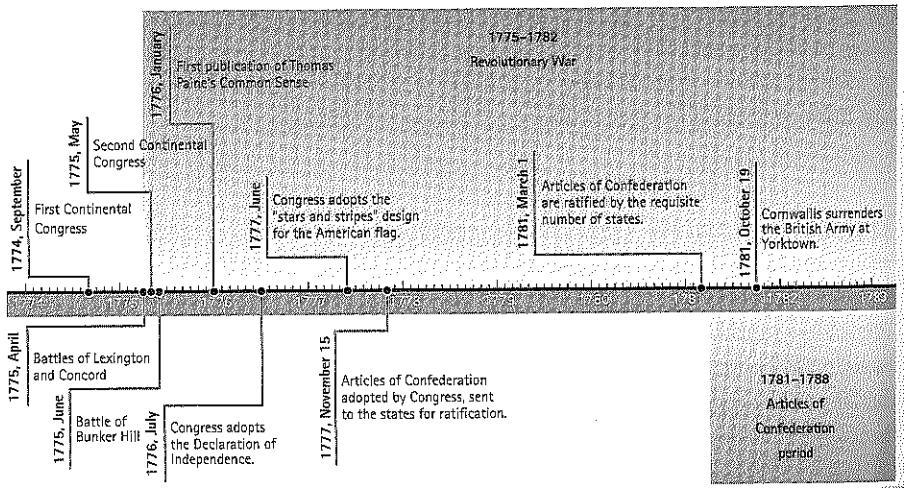
individual rights—ideas articulated in the Declaration of Independence—was possible only in small, homogeneous societies, where government was close to local notables, and where fundamental conflicts of interest among the people did not exist. Given the great geographic expanse of the colonies, as well as their varied ways of life and economic interests, the formation of a single unified republic seemed unworkable.

With these ideas in mind, then, in 1777, in the midst of the Revolutionary War, the Second Continental Congress produced the nation's first **constitution**—a document specifying the basic organization, powers, and limits of government—the Articles of Confederation (see Figure 2.1 for a timeline of events associated with the Articles of Confederation and the Constitution). The **Articles of Confederation** created a nation that was hardly a nation at all. It constructed in law what had existed in practice from the time of the Declaration of Independence: a loose **confederation** among the states, a form of government in which the states are virtually independent and hold most governmental powers, while the central government holds almost none, much like the United Nations today. Under the Articles, most important decisions were made by state legislatures. The central government had a few important responsibilities but virtually no power. It could make war or peace, but it had no power to levy taxes (even customs duties) to pursue either goal. It could not regulate commerce among the states, nor could it deny the states the right to collect customs duties. It had no independent chief executive to ensure that the laws passed by Congress would be enforced, nor did it have a national court system to settle disputes between the states. It had no means to provide a sound national money system. Furthermore, the requirement that all national laws be approved by 9 of the 13 states, with each

FIGURE 2.1

Timeline of the Founding of the United States, 1774–1791

The founding of the United States and creation of the basic structure of American government took several decades.



state having one vote in Congress, made law making almost impossible. And defects in the new constitution were difficult to remedy because amending the Articles required the unanimous approval of the states.

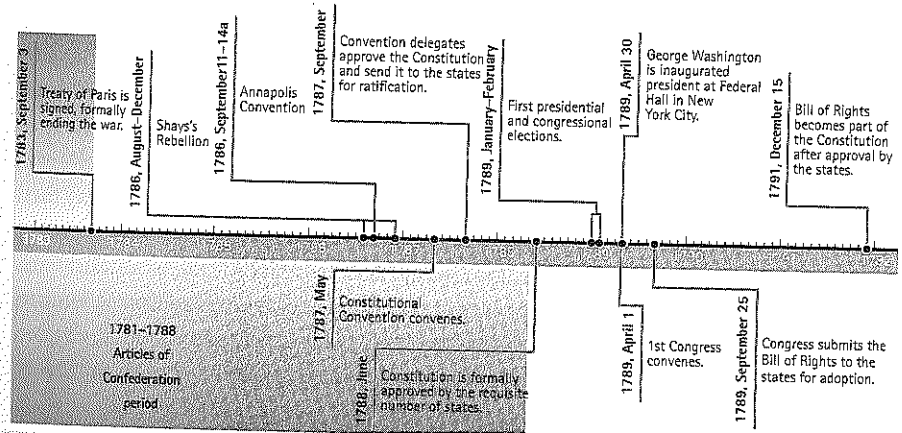
Most important, perhaps, the new central government could not finance its activities. Thus, it was forced to rely on each state's willingness to pay its annual tax assessment, and few states were eager to cooperate. As a result, the bonds and notes of the confederate government became almost worthless, and the government's attempts to borrow were stymied.

The central government was also unable to defend American interests in foreign affairs. Without a chief executive or a standing army, and with the states holding veto power over actions of the central government, the confederation lacked the capacity to reach binding agreements with other nations or to deal with a wide range of foreign policy problems.

The government was also unable to prevent the outbreak of commercial warfare between the states. As virtually independent nations with the power to levy customs duties, many states became intense commercial rivals and sought to gain every possible advantage against the products of other states. New York and New Jersey, for instance, imposed high tariffs on goods that crossed their borders from other states. This situation was an obstacle to the expansion of commercial activities and economic growth.

The Democratic Challenge

There was also growing consensus among American leaders that the nation needed a new constitution because the passions for democracy and equality among the common people, set loose by the American Revolution, were getting out of hand. During the Revolution, when people were asked to defend freedom and spread the blessings of liberty, they often heard a more personal message.[6] The common people were convinced that the break from Great Britain would bring substantial material improvements in their lives and a more direct role in government.[7] But



KEY POINT
Early leaders wanted to temper democratic passions with a new constitution.

this fever for popular participation and greater equality is not what most leaders of the American Revolution had in mind when they broke with England.[8] As we reported in Chapter 1, the framers were eighteenth-century republicans who worried that too much involvement in governance by ordinary people would lead in the end to tyranny, and the violation of individual and property rights.

The leading men in the colonies had cause for concern. A number of developments, including the following, seemed to threaten the potential for good government as envisioned under the Articles of Confederation:

1. *An excess of democracy in the states.* Worries that untamed democracy was on the rise were not unfounded.[9] In the mid-1780s, popular assemblies (called conventions) were created in several states to keep tabs on state legislatures and to issue instructions to legislatures concerning what bills to pass. These conventions and the instructions they issued struck directly at the heart of the republican conception of the legislature as a deliberative body shielded from popular opinion.[10]

   Also, Pennsylvania, one of the largest and most important states, wrote a new constitution that violated eighteenth-century republican principles. This constitution replaced the property qualification to vote with a very small tax (thus allowing many more people to vote), created a unicameral (single-house) legislative body whose members were to be elected in annual elections, mandated that legislative deliberations be open to the public, and required that proposed legislation be widely publicized and voted on only after a general election had been held (facilitating the canvassing of public opinion). Benjamin Rush, a signatory to the Declaration of Independence, described the document as "too much upon the democratic order."[11]
2. *The threat to property rights in the states.* One of the freedoms that eighteenth-century republicans wanted to protect was the right of the people to acquire and enjoy private property. But some state legislatures began to pass laws protecting debtors. For example, Rhode Island and North Carolina issued cheap paper money, which creditors were forced to accept in payment of debts. Other states enacted **stay acts**, which forbade farm foreclosures for nonpayment of debts. Popular opinion, while strongly in favor of property rights (most of the debtors in question were owners of small farms), also sympathized with farmers, who were hard pressed to pay their debts with increasingly tight money. Many believed—with some reason—that creditors had often accumulated notes speculatively or unfairly and were not entitled to full repayment. Of course, Shays's Rebellion in western Massachusetts, which you read about in the introduction to this chapter, brought this issue to a head in a way that greatly alarmed American leaders.

The Constitutional Convention

Concerned about these developments and shortcomings in the design of government under the Articles, most of America's economic, social, and political leaders were convinced by 1786 that the new nation and the experiment in self-government were in great peril. It was in this climate of crisis in 1786 that 12 delegates from five states meeting in Annapolis, Maryland, issued a call to the other states and Congress to convene a constitutional convention of all the states to correct the flaws in our first constitution. Leaders in the states soon selected 73 delegates to attend the Constitutional Convention in Philadelphia (only 55 actually showed up for its deliberations). The goal was to create a new government capable of providing both energy and stability.

The convention officially convened in Philadelphia on May 25, 1787, with George Washington presiding. It met in secret for a period of almost four months. By the end of their deliberations, the delegates had hammered out a constitution based on eighteenth-century republican doctrines.

Who Were the Framers?

The delegates were not common folk. There were no common laborers, skilled craftspeople, small farmers, women, or racial minorities in attendance. Instead, the delegates were wealthy men, for the most part, holders of government bonds, real estate investors, successful merchants, bankers, lawyers, and owners of large plantations worked by slaves. They were also far better educated than the average American and solidly steeped in the classics. The journal of the convention debates kept by James Madison of Virginia shows that the delegates were conversant with the great works of Western philosophy and political science; with great facility and frequency, they quoted Aristotle, Plato, Locke, Montesquieu, and scores of other thinkers. They were also surprisingly young, averaging barely over 40 years of age. Finally, these delegates, who became the framers of the U.S. Constitution, had broad experience in American politics—most had served in their state legislatures—and many were veterans of the Revolutionary War.[12]

Judgments about the framers, their intentions, and what they produced vary widely. Historian Melvin Urofsky wrote that "few gatherings in the history of this or any other country could boast such a concentration of talent."[13] Supreme Court Justice Thurgood Marshall, on the other hand, once claimed that the Constitution was "defective from the start" because the convention at which it was written did not include women or blacks.[14]

The most influential criticism of the framers and what they created was mounted in 1913 by the Progressive historian Charles Beard in his book *An Economic Interpretation of the Constitution*.[15] Although acknowledging that the framers were an educated and talented group, he believed they were engaged in a conspiracy to protect their immediate and personal economic interests. He suggested that those who controlled the convention and the ratification process after the convention fell into

three categories: owners of public securities who were interested in a government that could pay its debts, merchants interested in protections of commerce, and land speculators interested in the protection of property rights.

Beard has had legions of defenders and detractors.[16] Historians today generally agree that Beard overemphasized the degree to which the framers were driven by the immediate need to "line their own pockets," that he failed to give credit to their more noble motivations, and that he even got many of his facts wrong. So a simple "self-interest" analysis of the framers is not supportable. But Beard was probably on the mark when he suggested that broad economic and social-class motives were at work in shaping the actions of the framers. This is not to suggest that they were not concerned about the national interest, economic stability, or the preservation of liberty. It does suggest, however, that the ways in which they understood these concepts were fully compatible with their own positions of economic and social eminence. In conclusion, it is fair to say that the Constitutional Convention was the work of American leaders who were authentically worried about the instability and economic chaos of the confederation as well as the rise of a democratic and egalitarian culture among the common people.

KEY POINT
The framers' exciting adventure was to create a new form of government.

That being said, one must also acknowledge that the framers were launched on a novel and exciting adventure, trying to create a form of government that existed nowhere else during the late eighteenth century. The success of their efforts was not guaranteed. They were, in effect, sailing in uncharted waters, guided by their reading of history and of the republican philosophers, their understanding of the nature of the English constitution, and their experience with colonial governments before the Revolution and state governments after.

Consensus and Conflict at the Convention

The delegates to the convention were of one mind on many fundamental points. Most importantly, they agreed that the Articles of Confederation had to be scrapped and replaced with a new constitution.

Most of the delegates also agreed that a substantially strengthened national government was needed to protect American interests in the world, provide for social order, and regulate interstate commerce. Such a government would diminish the power and sovereignty of the states, of course, but those who supported the idea of a strong, centralized national government, such as Alexander Hamilton, had long argued for this position. By the time of the convention, even such traditional opponents of centralized governmental power as James Madison had changed their minds. As Madison put it, some way must be found "which will at once support a due supremacy of the national authority, and leave in force the local authorities so far as they can be subordinately useful."[17]

But the delegates also believed that a strong national government was potentially tyrannical and should not be allowed to fall into the hands of any particular interest or set of interests, especially the majority of the people, referred to by Madison as the "majority faction." The delegates' most important task became that of finding a formula for creating a republican government that was based on popular consent but not unduly swayed by public opinion and popular democracy. As Benjamin Franklin put it, "We have been guarding against an evil that old states are most liable to, excess of power in the rulers, but our present danger seems to be a defect of obedience in the subjects."[18]

Instituting republican government, however, would be no easy task because the raw material for republican government—a virtuous people, meaning one that put the common good above self-interest—did not seem to the framers to exist in America (or any other place, for that matter). As the framers saw it, their task was to try to arrange governmental institutions in a way that would preserve the essentials of republicanism in a society composed of an "immoderate and unvirtuous" people—to find, as James Madison put it, "a republican remedy for the diseases most incident to republican government."[19] So although the delegates were of one mind on the nature of the problem, they did not initially agree on how to solve it, especially with regard to three crucial issues, as we will now discuss.

THE GREAT COMPROMISE By far the most intense disagreements at the convention concerned the issue of representation in Congress, especially whether large or small states would wield the most power in the legislative branch. The **Virginia Plan**, drafted by James Madison, proposed the creation of a strong central government controlled by the most populous states: Virginia, Massachusetts, and Pennsylvania. The Virginians wanted a national legislature with seats apportioned to the states on the basis of population size and with the power to appoint the executive and the judiciary and to veto state laws. The smaller states countered with a set of proposals drafted by William Paterson of New Jersey (thereafter known as the **New Jersey Plan**), whose central feature was a unicameral national legislature whose seats were apportioned equally among the states with representatives selected by state legislatures. The New Jersey Plan envisioned a slightly more powerful national government than the one that existed under the Articles of Confederation, but that was to be organized on representational lines not unlike those in the Articles, in which each state remained sovereign. By contrast, the Virginia Plan, with its strong national government run by a popularly elected legislative body, represented a fundamentally different kind of national union, one in which national sovereignty was superior to state sovereignty.[20]

KEY POINT
The compromise on state representation in the House and Senate saved the constitutional convention.

Debate over this issue was so intense that no decision could be reached on the floor of the convention. As a way out of this impasse, the convention appointed a committee to hammer out a compromise. The result of the committee's efforts is known as the **Great Compromise** or the **Connecticut Compromise** (because it was drafted by Roger Sherman of that state). Its key feature was a bicameral (two-house) national legislature in which each state's representation in the House of Representatives was to be based on population (thus favoring the large states), while representation in the Senate was to be equal for each of the states (thus favoring the small states). The compromise broke the deadlock at the convention and allowed the delegates to turn their attention to other matters.[21]

SLAVERY Many delegates expressed distaste for the institution of slavery. Benjamin Franklin, for one, wanted to insert a constitutional provision condemning slavery and the slave trade but was talked out of it for fear of splintering the convention.[22] Slavery was ultimately condoned in the Constitution, although only indirectly; in fact, the word "slavery" does not appear in the Constitution at all. But even without using the term, the legal standing of slavery is affirmed in three places. First, after much heated debate, the delegates agreed to count three-fifths of a state's slave population (referred to as "three-fifths of all other Persons") in the calculation of how many representatives a state was entitled to in the House of Representatives (Article I, Section 2, paragraph 3). This decision resulted in considerable harm; counting noncitizen slaves for purposes of representation in the House increased the power of the slave states in Congress as well as the number of their electoral votes in presidential elections. This imbalance continued until 1865, when the Civil War and the Thirteenth Amendment, ratified after the war, ended slavery in the United States. (After that, all people in each of the states were counted equally to determine representation in the House and votes in the Electoral College.) Second, the Constitution forbade enactments against the slave trade until the year 1808 (Article I, Section 9). Third, the Constitution required non-slave states to return runaway slaves to their owners in slave states (Article IV, Section 2, paragraph 3).

To finally abolish slavery in the United States took a terrible civil war. At the Constitutional Convention, Virginia delegate George Mason had a foreboding sense of this outcome when he observed about slavery that "providence punishes national sins by national calamities."[23]

THE PRESIDENCY The Virginia Plan called for a single executive, while the New Jersey Plan called for a plural executive. In the spirit of cooperation that pervaded the convention after the Great Compromise, the delegates quickly settled on the idea of a single president as chief executive, primarily because of their understanding that a plural executive, with powers split between multiple office-holders, would not be effective during times of war. They could not agree, however, on how this executive should be selected. Both sides rejected direct election by the people, of course, because this method would be "too much upon the democratic order," but they could not agree to the Virginia Plan's method of selection: by the vote of state legislatures. The compromise that was eventually struck provided for an **Electoral College** that would select the president. In the Electoral College, each state would have a total of votes equal to its total number of representatives and senators in Congress. Selection of electors was left to state legislatures. (Electoral College votes are determined today by popular vote in each state.) Elected members of the Electoral College would then cast their votes for president. Should the Electoral College fail to give a majority to any person, which most framers assumed would usually happen, the House of Representatives would choose the president, with each state having one vote (Article II, Section 1, paragraphs 2 and 3). As we shall see in later chapters, the system of presidential election did not work out in practice as expected and became far more democratic over the course of our history, although there have been occasions, as you read in the introduction to Chapter 1, when the candidate with fewer popular votes has been elected president. The Electoral College will be described in greater detail in Chapter 10.

What the Framers Created

What kind of government did the framers create? Let us examine the fundamental design laid out in the Constitution.

A Republican Form of Government

Recall that eighteenth-century republicans advocated a form of government that, while based on popular consent and some popular participation, places obstacles in the path of majoritarian democracy and limits the purposes and powers of the government in order to prevent tyranny. (For the classic statement of the republican foundations of the Constitution, please refer in the Appendix to *The Federalist Papers*, Nos. 10 and 51, written by James Madison.)

DEMOCRATIC REPUBLIC
Direct election of the president was rejected as "too much upon the democratic order."

ELECTION OF GOVERNMENT LEADERS Republican government is based on the principle of representation, meaning that public policies are made not by the people directly but by the people's elected representatives acting in their stead. Under the rules created by the Constitution, the president and members of Congress are elected by the people, although in the case of the presidency and the Senate, to be sure, they are elected only indirectly (through the Electoral College and the state legislatures, respectively; in 1913, the Seventeenth Amendment made senators directly elected by voters). This filters the voices of the people by encouraging the election to office of those "whose enlightened views and virtuous sentiments render them superior to local prejudices and to schemes of injustice."[24] This arrangement guarantees a degree of popular consent and some protection against the

possibilities of tyrannical government arising from misrule by the *one* or by the *few*, given the electoral power of the *many*, but the many are still several steps removed from direct influence over officials.

FEDERALISM As noted earlier, the Articles of Confederation envisioned a nation structured as a loose union of politically independent units with little power in the hands of the central government. The Constitution, however, fashioned a **federal** system, in which some powers are left to the states, some powers are shared by the states and the central government, and some powers are granted to the central government alone. As Madison put it in *The Federalist Papers*, No. 46, the state and national governments "are but different agents and trustees of the people, constituted with different powers."

The powers in the Constitution tilt slightly toward the center, however.[25] This recasting of the union from a loose confederation to a more centralized federal system is boldly stated in Article VI, Section 2, commonly called the **supremacy clause:**

> *This Constitution and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.*

The tilt toward national power is also enhanced by assigning important powers and responsibilities to the national government: to regulate commerce, to provide a uniform currency, to provide uniform laws on bankruptcy, to raise and support an army and a navy, to declare war, to collect taxes and customs duties, to provide for the common defense of the United States, and more (for these provisions, see Article I, Section 8 in the Appendix). Especially important for later constitutional history is the last of the clauses in Section 8, which states that Congress has the power to "make all laws which shall be necessary and proper" to carry out its specific powers and responsibilities. We shall see later how this **elastic clause** (also called the "necessary and proper" clause) became one of the foundations for the growth of the federal government in the twentieth century. An example is the military draft. Although it is not mentioned in the Constitution, Congress has instituted a draft several times as a way to carry out its duties to raise an army and a navy.

The Constitution left to each of the states, however, the power to determine qualifications for voting within their borders. This provision made it possible for states to deny the right to vote to women, slaves, and Native Americans; it left untouched rules in many states that denied the vote to free blacks and to white males without property. Most states removed property qualifications by the 1830s, establishing universal white male suffrage in the United States, but it took many years plus constitutional amendments to remove state restrictions on the voting rights of women and racial minorities.

LIMITED GOVERNMENT The basic purpose of the U.S. Constitution, like any written constitution, is to define the purposes and powers of the government. Such a definition of purposes and powers automatically places a bound[illegible] is permissible and what is impermissible. By listing the spec[illegible] Article I, Section 8) of the national government and specifically den[illegible] the national government (as in Article I, Section 9, and in the first 10 am[illegible] to the Constitution, known as the **Bill of Rights**), the Constitution carefully l[illegible] what government may legitimately do, even if a majority wanted to do more.

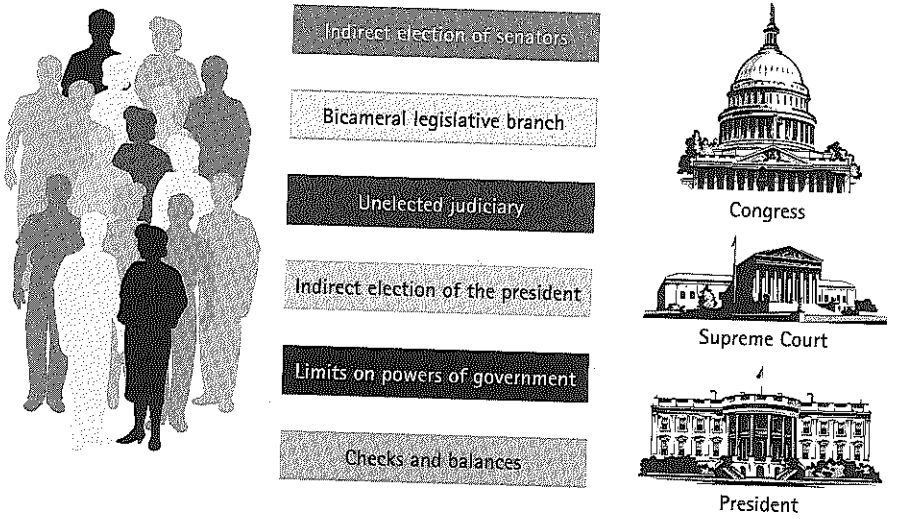
CHECKS ON MAJORITY RULE Afraid of unbridled democracy, the framers created a constitution by which the people rule only indirectly, barriers are placed in the path of majorities (see Figure 2.2), and deliberation is prized over conformity to the popular will. As political philosopher Robert Dahl puts it, "To achieve their goal of preserving a set of inalienable rights superior to the majority principle... the framers deliberately created a framework of government that was carefully designed to impede and even prevent the operation of majority rule."[26] Let us examine what the framers did to try to dilute the power of the majority in the national government.

Of the three branches of government, they made only a part of one of them subject to election by the direct vote of the people: the House of Representatives (Article I, Section 2, paragraph 1). They left the election of the president to an Electoral College, whose members were selected by state legislatures and not by the direct vote of the people. They gave the responsibility of electing senators to

FIGURE 2.2

LIMITING THE POWER OF THE MAJORITY

The framers of the Constitution were concerned that the unreflective and unstable opinions of the majority might overwhelm the considered judgments of government leaders and lead to tyranny. One antidote was to create a variety of mechanisms in the Constitution that, while preserving "the consent of the governed," ensured that the government could not be taken over entirely by an impassioned and immoderate majority.



state legislatures (since changed by the Seventeenth Amendment). They placed selection of federal judges in the hands of the president and the Senate. They arranged, as well, that representatives, senators, and presidents would serve for different terms (two years for representatives, four years for presidents, and six years for senators), and be beholden to different constituencies. These noncongruencies in terms of office, constituencies, and methods for selecting members of each of the branches were intended to ensure that popular majorities, at least in the short run, would be unlikely to overwhelm those who govern. Finally, the framers rejected the advice of radical democrats, such as Thomas Paine, Samuel Adams, and Thomas Jefferson, to allow the Constitution to be easily amended. Instead, they created an amending process that is exceedingly cumbersome and difficult.

Thus, the framers designed a system in which public opinion, although given some play (more than anywhere in the world at the time), was largely deflected and slowed, allowing somewhat insulated political leaders to deliberate at their pleasure.

DEMOCRATIC REPUBLIC
Our legislative, executive, and judicial powers check one another.

SEPARATION OF POWERS: CHECKS AND BALANCES During the American Revolution, American leaders worried mainly about the misrule of executives (kings and governors) and judges. As an antidote, they substituted legislative supremacy in state constitutions and in the Articles of Confederation, thinking that placing power in an elected representative body would make government effective and nontyrannical. By 1787, however, the men who drafted the Constitution, though still leery of executive and judicial power, were more concerned about the danger of legislative excesses forced by a rising popular democracy. To deal with this problem, the framers turned to the ancient notion of balanced government, popularized by the French philosopher Montesquieu. The central idea of balanced government is that concentrated power of any kind is dangerous and that the way to prevent tyranny is first to fragment governmental power into its constituent parts—executive, legislative, and judicial—then place each into a separate and independent branch. (In parliamentary systems, these powers are combined in a single body.) The U.S. Constitution designates separate spheres of responsibility and enumerates specific powers for each branch: legislative power (Article I), executive power (Article II), and judicial power (Article III). We call this the **separation of powers.**

To further ensure that power would not be exercised tyrannically, particularly by the majority faction, the framers arranged for the legislative, executive, and judicial powers to check one another in such a way that "ambition...be made to counteract ambition."[27] They did this by ensuring that no branch of the national government would be able to act entirely on its own without the cooperation of the others. To put it another way, each branch has ways to block the actions of the others. For instance, the Constitution gives the chief law-making power to Congress, but a bill can become a law only if the president signs it. Moreover, the Supreme Court has the power (though it is not specifically mentioned in the Constitution) to reject a law formulated by Congress and signed by the president if it is contrary to the Constitution. What is at work here was described nicely by Thomas Jefferson: "The powers of government should be so divided and balanced among several bodies of magistracy, as that no one could transcend their legal limits, without being effectually checked and constrained by the others."[28] We call the provisions that accomplish this objective **checks and balances.** Figure 2.3 shows in detail how each branch of the federal government can be checked by the other two. In this constitutional scheme, each branch has power, but none can exercise all its powers on its own, without some concurrence and cooperation by the other branches.

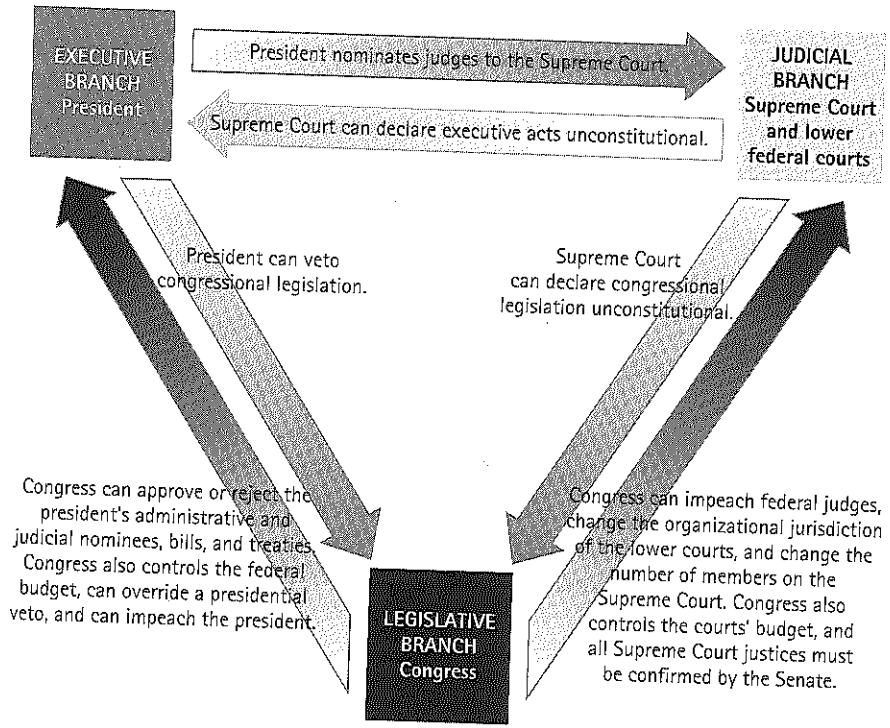
The Foundations for a National Free Enterprise Economy

Recall that the framers were concerned that a system based "too much upon the democratic order" would eventually threaten private property. Recall, also, that the

FIGURE 2.3

CHECK AND BALANCES

The framers of the Constitution believed that tyranny might be avoided if the power of government were fragmented into its executive, legislative, and judicial components and if each component were made the responsibility of a separate branch of government. To further protect against tyranny, they created mechanisms by which the actions of any single branch could be blocked by either or both of the other branches.



men who wrote the Constitution were concerned that the obstacles to trade allowed under the Articles of Confederation were threatening to block the emergence of a vibrant national economy in which most of them were involved.

Several places in the Constitution protect property rights. Article I, Section 10, forbids the states to impair the obligation of contracts, to coin money, or to make anything but gold and silver coin a tender in payment of debts. In other words, the states could no longer help debtors by printing inflated money, forgiving debts, or otherwise infringing on the property of creditors, as had happened under the Articles of Confederation in such places as Rhode Island and North Carolina. Article IV, Section 1, further guarantees contracts by establishing that the states must give "full faith and credit" to the public acts, records, and judicial proceedings of every other state, which meant that one could no longer escape legal and financial obligations in one state by moving to another. In addition, the Constitution guaranteed that the U.S. government would pay all debts contracted under the Articles of Confederation (Article VI, Section 1). It even protected private property in slaves by requiring states to deliver escaped slaves back to their owners (Article IV, Section 2, paragraph 3).

Besides protecting private property, the framers took additional steps to encourage the emergence of a national **free enterprise** economy. The Constitution grants Congress the power to regulate interstate commerce (thus ending the chaos of individual states' regulations), to coin money and regulate its value (thus establishing a uniform national currency), to establish uniform laws of bankruptcy, and to protect the financial fruits of invention by establishing patent and copyright laws (Article I, Section 8). At the same time, it broke down barriers to trade by forbidding the states to impose taxes or duties on other states' exports, to enter into foreign treaties, to coin money, or to impose duties on imports or exports (Article I, Sections 9 and 10).

It took a little while for a national free enterprise system to emerge and flower in the United States because of the existence of an entirely different sort of economy in the slave south. Though free enterprise was thriving in the northern and western states by the 1820s, it took the destruction of slavery during and after the Civil War to create a free enterprise economy for the country as a whole.

The Struggle to Ratify the Constitution

Congress had not instructed the delegates to the convention to construct a new government but rather to propose changes to the Articles of Confederation. However, to change the Articles of Confederation required the unanimous consent of the 13 states. To follow such a course would have meant instant rejection of the new constitution, because Rhode Island, never friendly to the deliberations in Philadelphia, surely would have voted against it, and one or two additional states may well have joined Rhode Island. Acting boldly, the framers simply stated that ratification would be based on guidelines specified in Article VII of the unratified document they had just written, namely, approval by nine states meeting in special constitutional conventions. Congress agreed to this procedure, voting on September 28, 1787, to transmit the Constitution to the states for their consideration.

The battle over ratification was heated, and the outcome was far from certain. That the Constitution eventually carried the day may be partly attributed to the fact that the **Federalists** (those who supported the Constitution) did a better job of making their case than the **Anti-Federalists** (those who opposed the Constitution). The intellectual advantages of the Federalists were nowhere more obvious than in the 85 articles written in defense of the Constitution for New York newspapers, under the name "Publius," by Alexander Hamilton (who wrote the most articles), James Madison (who wrote the best articles), and John Jay (who wrote only three articles). Collected later and published as *The Federalist Papers* (which Thomas Jefferson judged to be "the best commentary on the principles of government which ever was written"[29]), these articles strongly influenced the debate over ratification and remain the most impressive commentaries ever written about the U.S. Constitution (Numbers 10 and 51, written by Madison, are reprinted in the Appendix, as is number 78, written by Hamilton).

KEY POINT
The *Federalist Papers* remain among the most compelling commentaries on the nature of the Constitution.

Anti-Federalist opposition to the Constitution was based on fear of centralized power and concern about the absence of a bill of rights.[30] Although the Federalists firmly believed that a bill of rights was unnecessary because of the protection of rights in the state constitutions and the many safeguards against tyranny in the federal Constitution, they promised to add one during the first session of Congress. Without this promise, ratification would probably have failed. And they kept their word. The 1st Congress passed a bill of rights in the form of 10 amendments to the Constitution (see the Appendix), and the amendments were eventually ratified by the required number of states by 1791.

Ratification of the Constitution was a close call. Most of the small states quickly approved, attracted by the formula of equal representation in the Senate. Federalists organized a victory in Pennsylvania before the Anti-Federalists realized what had happened. In the remaining states, however, the ratification struggle was very hard. Rhode Island voted no. North Carolina abstained because of the absence of a bill of rights and did not vote its approval until 1790. In the largest and most important states, the vote was exceedingly close. Massachusetts approved by a vote of 187–168; Virginia, by 89–79; and New York, by 30–27. The struggle was especially intense in Virginia, where prominent, articulate, and influential men were involved on both sides of the question. The Federalists could call on George Washington, James Madison, John Marshall, and Edmund Randolph. The Anti-Federalists countered with George Mason, Richard Henry Lee, and Patrick Henry. Patrick Henry was particularly passionate, saying that the Constitution "squints towards monarchy." Although New Hampshire technically put the Constitution over the

top, being the ninth state to vote approval, the proponents did not rest easily until approval was narrowly voted by Virginia and New York.

Despite the passions that were unleashed during the debate over the refashioning of the nation's fundamental law, Americans quickly accepted the new order. Why this happened is not entirely clear. Perhaps it was simple weariness from the long effort to win independence and to create a new nation. Perhaps it was because George Washington was elected the nation's first president under the new constitution, lending great legitimacy to the new venture. Perhaps it was because most of the prominent political figures involved in the struggle for independence and in the ratification fight, even those in the Anti-Federalist camp, quickly came to accept and support the new form of government.

THE CHANGING CONSTITUTION AND THE AMERICAN DEMOCRATIC REPUBLIC

The Constitution is the basic rulebook for the game of American politics. Constitutional rules apportion power and responsibility among governmental branches, define the fundamental nature of the relationships among governmental institutions, specify how individuals are to be selected for office, and tell how the rules themselves may be changed. Every aspiring politician who wants to attain office, every citizen who wants to influence what government does, and every group that wants to advance its interests in the political arena must know the rules and how to use them to best advantage.

Like all rules, however, constitutional rules can and do change over time. Although it created a republic rather than a democracy, the Constitution proved to be sufficiently flexible over the years that it was able to accommodate many democratic initiatives and practices. This tendency for the constitutional rules to change under the pressure of popular democracy is why we sometimes speak of the "living Constitution." Constitutional changes come about in three specific ways: formal amendment, judicial interpretation, and political practices, and we will discuss each in turn.

KEY POINT
Every aspiring politician, engaged citizen, and interest group must know the rules and how to use them to best advantage.

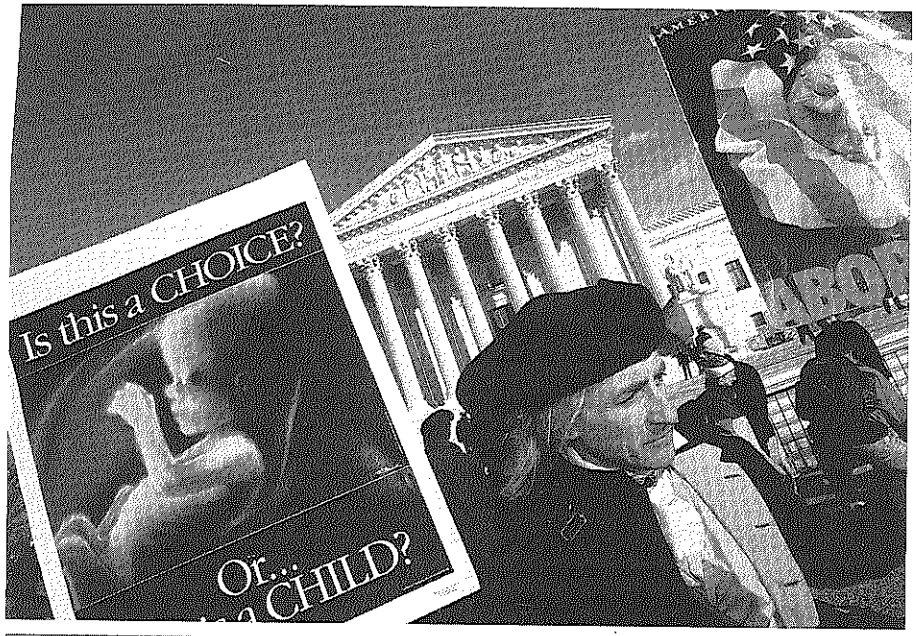
First, the Constitution may be formally amended by use of the procedures outlined in Article V of the Constitution. This method has resulted in the addition of 27 amendments since the founding, the first 10 of which (the Bill of Rights) were added within three years of ratification. That only 17 have been added in more than 200 years since suggests that this method of changing the Constitution is extremely difficult. Over the years, proponents of constitutional amendments that would guarantee equal rights for women, ban same-sex marriages, and ban the burning of the American flag have learned how difficult it is to formally amend the Constitution: none of these amendments were added, despite polls reporting majorities in favor of them. Nevertheless, formal amendments have played an important role in expanding democracy in the United States by ending slavery; extending voting rights to African Americans, women, and young people ages 18 to 20; and making the selection of senators the business of voters, not state legislatures.

The Constitution also is changed by decisions and interpretations of the U.S. Supreme Court. For instance, in *Marbury v. Madison* (1803), the Court claimed the power of **judicial review**—the right to declare the actions of the other branches of government null and void if they are contrary to the Constitution—even though such a power is not specifically mentioned in the Constitution. In *Griswold v. Connecticut* (1965), and later in *Roe v. Wade* (1973), to take another example, the Court supported a claim for the existence of a fundamental right of privacy even though such a right is not explicitly mentioned in the Constitution.

The meaning of the Constitution also changes through changing political practices, which end up serving as precedents for political actors. For example, political parties, party primaries, and presidential nominating conventions are not mentioned in the Constitution, but it would be hard to think about American politics today without them. These institutions and practices, we shall see, came about because of popular pressures to participate in the political process, and have helped make the United States more democratic than originally conceived. It is also fair to say that the framers would not recognize the modern presidency, which is now a far more important office than they envisioned, a change that has been brought about largely by the political and military involvement of the United States in world affairs, as well as the emergence of the office as the focus of democratic aspirations. For example, Americans usually demand that the president do something to get us out of economic and financial collapses. The Constitution does not specify, to take a recent case, that the Treasury Secretary, acting for the president, can force the merger of failing companies as they did in the last months of the George W. Bush presidency in the depths of the Great Recession.

Throughout this book you will see many examples of these three forms of constitutional change that have shaped our current understanding of the meaning of the Constitution and its many provisions. You also will learn that the third factor—changing political practices, itself a product of social and cultural change and pressure from the American people—is at least as important as amendments and judicial rulings in adjusting the Constitution to its times.[31]

As you will have gathered by now, the United States is far more democratic than the framers intended it to be—with much of the credit going to the "struggle for democracy." Still, our constitutional system remains heavily influenced by the eighteenth-century republican doctrines the framers were committed to. Those pressing for national action to solve any number of problems soon run up against the barriers to decisive action erected by the framers. For example, at almost every point in our system of government, it is easier to block or veto than to act or enact. This does not mean that political innovation and change do not or cannot happen. Nor does this mean that the American people do not have a voice in what government does. It simply means that political innovation and change are difficult to



Asking the Court to change its mind on abortion
One of the ways the Constitution changes is by judicial interpretation. The right of a woman to terminate her pregnancy was recognized by the Supreme Court in 1973 in *Roe* v. *Wade*. The Court based its decision on what the majority opinion understood to be an implicit yet fundamental right to privacy in the Constitution. Here, antiabortion protesters demonstrate in front of the Supreme Court building in 2005, as they do every year on the anniversary of the Court's *Roe* v. *Wade* decision, to demand its reversal.

bring about, and they generally require both time and unusually high levels of public attention, pressure, and participation. Over the years, popular pressure has resulted in a gradual but incomplete democratization of the American system of government. We call this hybrid system of democratic and eighteenth-century republican elements the American democratic republic. In the next chapter, we examine federalism, an important part of the American republican constitutional system and one that has changed substantially since the Constitution was ratified. We will also explore why federalism has changed and why these changes matter.

Key Terms

social contract, p. 25
constitution, p. 26
Articles of Confederation, p. 26
confederation, p. 26
stay acts, p. 28
Virginia Plan, p. 31
New Jersey Plan, p. 31
Great, or Connecticut, Compromise, p. 32
Electoral College, p. 33
federal, p. 34
supremacy clause, p. 34
elastic clause, p. 34
Bill of Rights, p. 35
separation of powers, p. 36
checks and balances, p. 37
free enterprise, p. 38
Federalists, p. 39
Anti-Federalists, p. 39
judicial review, p. 41

Suggestions for Further Reading

Ellis, Joseph J. *Founding Brothers: The Revolutionary Generation*. New York: Alfred Knopf, 2001. *An entertaining and accessible look at the intertwined lives of the men who wrote the Declaration of Independence, fought the Revolutionary War, fashioned the Constitution, and launched the new American government.*

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A site with links to constitutions for most nations of the world.

Cornell University Law School
www.law.cornell.edu/
Pathways to the full text of U.S. Supreme Court decisions and opinions, articles on constitutional issues, and much more.

Political Science Resources: Political Thought
www.psr.keele.ac.uk/
A vast collection of documents on democracy, liberty, and constitutionalism around the world.

The U.S. Constitution Online
www.usconstitution.net
A very rich site that presents material on every aspect of the history and development of the Constitution.

3 CHAPTER

Federalism: States and Nation

In this chapter

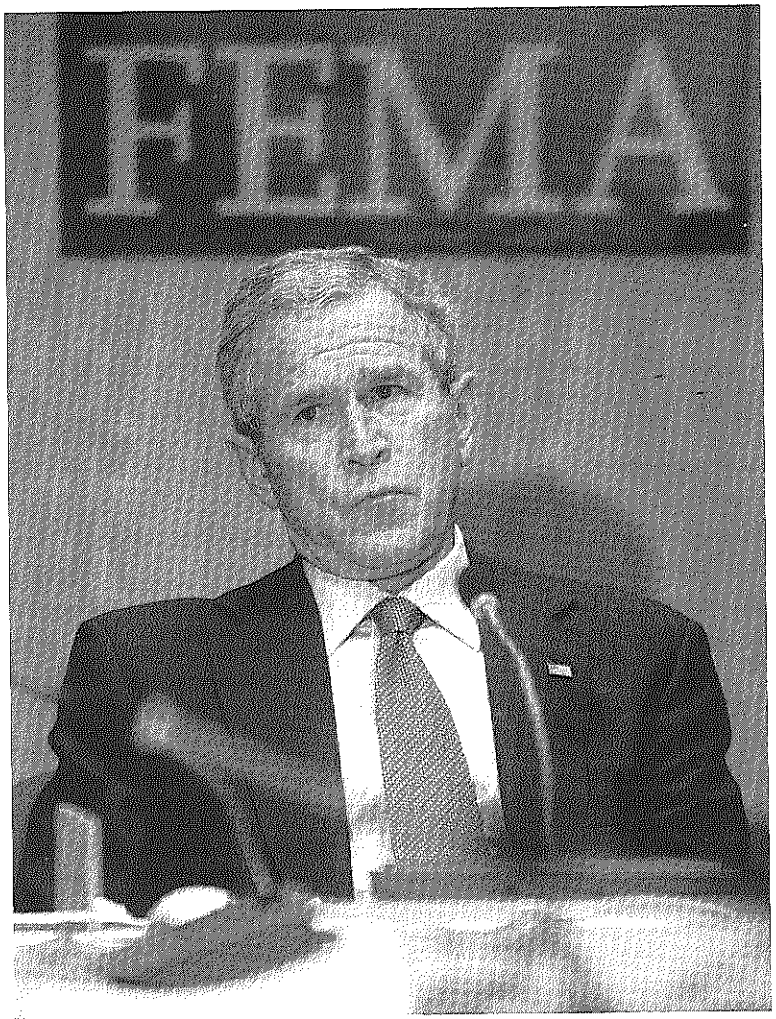
- Federalism in democratic and eighteenth-century republican doctrines
- What federalism is and why we have it
- Conflicts over the meaning of federalism in the United States
- Advantages and disadvantages of federalism
- The impact of war and the threat of terrorism on federalism
- Federalism's place in the American democratic republic

IT DIDN'T TAKE VERY LONG FOR THE "BLAME GAME" TO BEGIN.[1] Even as scenes of utter chaos and destruction in New Orleans caused by Hurricane Katrina were broadcast around the world in late August 2005, federal, state, and local officials started pointing fingers at each other. Democratic Louisiana Governor Kathleen Blanco asked why the Federal Emergency Management Agency (FEMA) was so slow to respond to the disaster and why active-duty military forces were not sent to help provide shelter, food and water, and order. Democratic Mayor Ray Nagin complained about the slow federal response in radio and television interviews and estimated that at least 2,000 people died from the flooding, violence, loss of power, and toxic wastes. FEMA Director Michael Brown said he hadn't known thousands of people were in the Superdome with little food, water, or sanitation, although conditions there were widely reported even before Katrina struck. Brown and some White House officials laid the blame squarely on state and local officials for failing to plan properly for the emergency, botching the evacuation, and failing to enforce law and order.

It will take investigators and scholars a while longer to properly apportion the blame and begin to fix the problems Katrina revealed. One reason it will take so long is the complexity created by our federal system of government—the division of powers and responsibilities among the national and state governments (which, in turn, create and oversee local governments). In some matters, federal and state government powers and responsibilities are separate and clearly defined, but in others they are shared. Furthermore, the boundary lines for shared matters—including such crucial areas as law and order, disaster preparedness, and disaster relief—are not always clear and stable. The disaster resulted not just from the storm, but from the failure of all levels of government to fulfill their core responsibilities and to coordinate activities in areas of shared responsibilities. The failure to coordinate with other government jurisdictions may have been due to genuine confusion or political rivalries—Republican President Bush and Democratic Governor Blanco found it difficult to work with one another, and it became known that the administration was loath to loosen the federal purse strings for state and local governments known for unusually high levels of corruption—or both.

Even without political rivalries, figuring out who has core responsibility for various activities was not easy in this case. For example, the federal government is in charge of maintaining the health and vitality of inland waterways used for transporting goods and people and for protecting river communities from floods. Over many years, the Army Corps of Engineers has built and maintained an elaborate system of levees on the lower Mississippi to straighten it and prevent flooding of low-lying cities, including New Orleans. Despite many warnings from scientists and engineers that the levee system was inadequate, Democratic and Republican presidents and Congresses failed to provide funds for a levee system that could adequately protect the city. For its part, FEMA failed to pre-position enough rescue teams and supplies and responded slowly when the levees broke. Finally, it took the president and his team a few days to realize that state and local officials were simply overwhelmed.

The Louisiana state government also failed to meet some of its core responsibilities. It did not come close to implementing its own disaster mitigation and relief plan. Furthermore, over the years it had adopted a series of tax, subsidy, and regulatory policies that encouraged construction along low-lying coastal areas, putting people at risk and helping destroy wetlands that once protected populated areas from hurricane storm surges. Nor did local New Orleans officials meet their core responsibilities. The mayor delayed in ordering a mandatory evacuation, failed to provide transportation for people without cars once the order was given, and failed to provide adequate policing during and after the emergency. In addition, city officials had for years avoided upgrading and protecting vital infrastructure (pumps,



Dropping the ball
The federal government's late and meager response to Hurricane Katrina in 2005 was widely criticized. Here, President Bush listens somberly to a report on pending action by FEMA. The failures of the Louisiana state and New Orleans city governments were equally wanting. Making matters worse, the various levels of government found it difficult to coordinate their actions.

sewage treatment facilities, emergency medical services, and more) or improving building codes for residential and commercial structures.

Some of the problems surrounding Katrina arose from very real confusion about who was to do what when.[2] Traditionally, state and local governments have been the first responders to disasters, with the federal government providing backup, financial and logistical aid, and help with long-term recovery. The federal government will enter the picture earlier if state officials ask, or if federal officials determine that state and local officials cannot protect their citizens. But that didn't happen with Katrina; communication broke down. White House officials claim, for example, that Governor Blanco refused to ask the federal government to take control of the Louisiana National Guard and New Orleans police. They also said they wanted to send the 82nd Airborne to restore order and coordinate logistics, but hesitated because the governor had not made a specific request. The governor said she told President Bush, "I need everything you have got." She never specified what kinds of troops she needed because "nobody told me that I had to request that. I thought that I requested everything they had. . . . We were in a war zone by then."

The deep well oil blowout in the Gulf of Mexico only a few years after Katrina was eerily similar to what happened after Katrina, with federalism a central component in the way things played out. To be sure, the 2010 environmental disaster was not the result of a natural event as in the case of Katrina—British Petroleum's negligence and lax regulatory oversight seem to have been the main culprits—but the governmental response looked distressingly familiar, with lack of cooperation among governments and jurisdictional disputes central features of the aftermath.

AMERICA'S DEMOCRATIC REPUBLIC IN THIS CHAPTER

The Katrina hurricane and Gulf oil spill cases show that American federalism is a very complex system in which both cooperation and tension exist among the various levels of government. Like other government and political institutions in the United States today, federalism is, to a significant degree, the outcome of the encounter between democratic aspirations and eighteenth-century republican constitutional foundations. To be sure, other factors have been important in shaping American federalism—all of which we examine in this chapter—but the democratic–republican encounter has been particularly important. You will see this most in the gradual shift of government power toward the federal government, as the American people have asked it to do more to solve problems that have been beyond the capacities of the states.

DEMOCRATIC REPUBLIC
Federalism was designed to dilute the majority's power over the central government.

Federalism as a System of Government

The United States is full of governments. We have not only a federal government in Washington, D.C., but also governments in each of the 50 states and in each of thousands of smaller governmental units, such as counties (about 3,000 of them), cities, towns and townships, school districts, and special districts that deal with such matters as parks and sanitation.

All these governments are organized and related to each other in a particular way. The small governments—those of counties, cities, towns, and special districts—are

legal creations of state governments. They can be created, changed, or abolished by state legislatures or by state constitutional revisions, at the convenience of the states or its voters. But state governments themselves have much more weight and permanence because of their prominent place in the Constitution. Together with the central government in Washington, D.C., they form what is known as a federal system. The *federal system* is part of the basic structure of U.S. government, deeply rooted in our Constitution and history. It is one of the most important features of American politics, since it affects practically everything else.

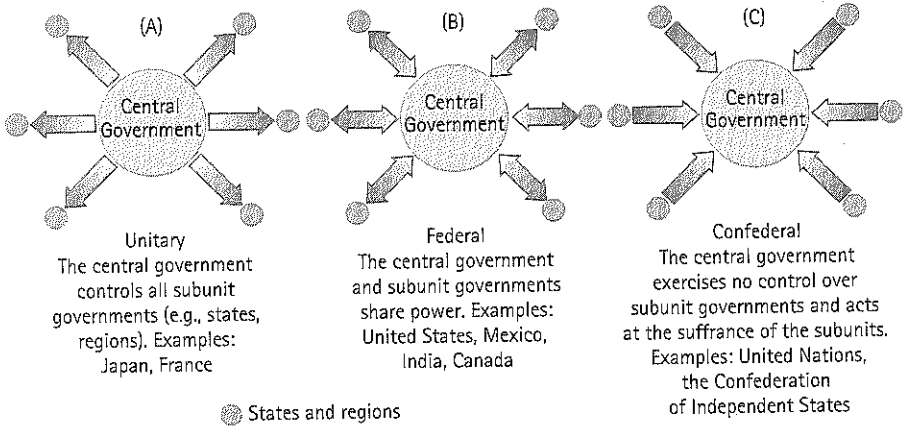
The Nature of Federalism

Federalism is a system under which significant government powers are divided between the central government and smaller units, such as states or provinces. Neither one completely controls the other; each has some room for independent action. A federal system can be contrasted with two other types of government: a confederation and a unitary government. In a **confederation**, the constituent states get together for certain common purposes but retain ultimate individual authority and can veto major central governmental actions. The United Nations and the American government under the Articles of Confederation are examples. In a **unitary system**, the central government has all the power and can change its constituent units or tell them what to do. China, Japan, the United Kingdom, Iran, and France have this kind of government, as do a substantial majority of nations around the world. These three different types of governmental systems are contrasted in Figure 3.1.

FIGURE 3.1

Types of Political Systems

A majority of countries have unitary systems (A), in which the central government controls the state and local governments, which in turn exert power over the citizens. The United States, however, has a federal system (B), in which the central government has power on some issues, the states have power on other issues, and the central and state governments share power on yet others. In a confederation (C), the central institutions have only a loose coordinating role, with real governing power residing in the constituent states or units.



Comparing American Federalism

Some of the elements of federalism go back in history at least as far as the Union of Utrecht in the Netherlands in 1579, but federalism as it exists today is largely an American invention,[3] although it has come to take on a variety of forms internationally. Including the United States, only 18 nations, accounting for more than one-third of the world's population and 40 percent of its land area, are federal in nature.[4]

Historical Origins of American Federalism American federalism emerged from the way in which the states declared independence from Britain—becoming, in effect, separate countries—and then joined to form a confederation and then a single nation, as discussed in Chapter 2. Recall that the framers of the Constitution turned to federalism as a middle-ground solution between a confederation form of government—which was deemed a failed model based on the experience under the Articles of Confederation—and a unitary form of government—which a majority of states, jealous of their independence and prerogatives, found unacceptable. Federalism was also a form of government that was consistent with the eighteenth-century republicanism of the framers because it helps fragment government power. But we can gain further insight into *why* the United States adopted and has continued as a federal system if we look at what other countries with similar systems have in common.

Role of Size and Diversity Federalism tends to be found in nations that are large in a territorial sense and in which the various geographical regions are fairly distinctive from one another in terms of religion, ethnicity, language, and forms of economic activity. In Canada, for example, the farmers of the central plains are not much like the fishers of Nova Scotia, and the French-speaking (and primarily Catholic) residents of Quebec differ markedly from the mostly English-speaking Protestants of the rest of the country. In Spain there are deep divisions along ethnic and language lines (as in the distinctive Basque and Catalan regions).[5] Other important federal systems include such large and richly diverse countries as India, Pakistan, Russia, and Brazil. In all these countries, federalism gives diverse and geographically concentrated groups the degree of local autonomy they seem to want, with no need to submit in all matters to a unified central government.

The United States, too, is large and diverse. From the early days of the republic, the slave-holding and agriculture-oriented South was quite distinct from the mercantile Northeast, and some important differences persist today. Illinois is not Louisiana; the farmers of Iowa differ from defense and electronics workers in California. States today also vary in their approaches to public policy, their racial and ethnic composition, and their political cultures.[6] In *The Federalist Papers*, the Founders argued that this size and diversity made federalism especially appropriate for the new United States.

While the American system of federalism was truly exceptional at the founding, other large and important countries have taken on federal forms in the years since, especially since the end of World War II. To this extent, the United States is

no longer the single exception or one among a handful of exceptions to the unitary nature of the majority of the world's governments.

Federalism in the Constitution

Federalism is embodied in the U.S. Constitution in two main ways: (1) power is expressly given to the states, as well as to the national government, and (2) the states have important roles in shaping, and choosing officials for, the national government itself, and in amending the Constitution.

Independent State Powers

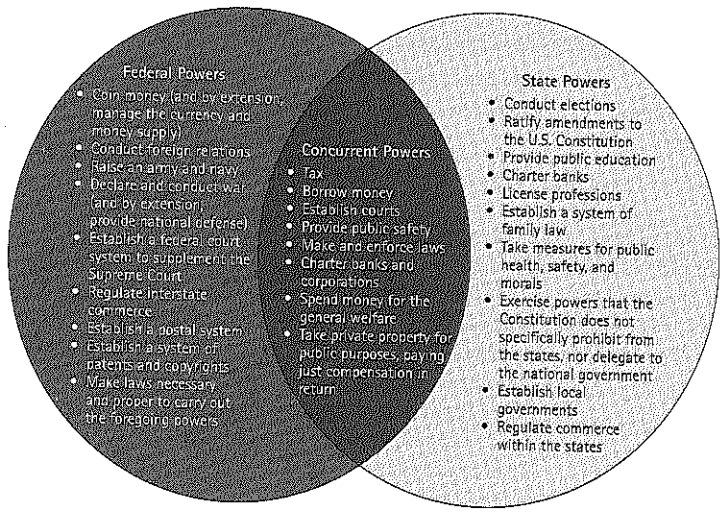
Although the Constitution makes the central government supreme in certain matters, it also makes clear that the state governments have independent powers. The **supremacy clause** in Article VI states that the Constitution, laws, and treaties of the United States shall be the "supreme law of the land," but Article I, Section 8, enumerates what kinds of laws Congress has the power to pass, and the **Tenth Amendment** declares that the powers not delegated to the central government by the Constitution or prohibited by the Constitution to the states are "*reserved to the states* [emphasis added] respectively, or to the people." This provision is known as the **reservation clause**.

In other words, the U.S. Constitution specifically lists what the national government can do. Its powers include authority to levy taxes, regulate interstate commerce, establish post offices, and declare war, plus make laws "necessary and proper" for carrying out those powers. The Constitution then provides that all other legitimate government functions may be performed by the states, except for a few things, such as coining money or conducting foreign policy, that are forbidden by Article I, Section 10. This leaves a great deal in the hands of state governments, including licensing lawyers, doctors, and dentists; regulating businesses within their boundaries; chartering banks and corporations; providing a system of family law; providing a system of public education; and assuming the responsibility for building roads and highways, licensing drivers, and registering cars. Under terms of the reservation clause, states exercise what are called their police powers to protect the health, safety, and general well-being of people living in their states. The police powers have allowed states to make decisions independent of the federal government and other states on matters such as stem cell research, minimum gas mileage standards for cars, the death penalty, emissions of greenhouse gases, and the regulation of abortion services.[7] The reservation clause is unique to the United States and shows how important states are in American federalism. Other federal systems, such as Canada's and Germany's, reserve to the national government all functions not explicitly given to the states.

Lest this sound too clear-cut, there also are broad areas of overlapping or shared powers—called **concurrent powers**; both levels of government, for example, can and do levy taxes, borrow money for public purposes, and spend money for the protection and well-being of their populations (e.g., public health programs and product safety regulation). With both independent national and state powers and responsibilities, as well as concurrent or overlapping powers and responsibilities,

FIGURE 3.2

How Responsibilities Are Distributed in the Federal System



the Constitution is not crystal clear about the exact shape of federalism, leaving ample room for the meaning of federalism to change with the times, the preferences of the American people, and the calculations of political leaders. Figure 3.2 shows how powers and responsibilities are distributed.

The States' Roles in National Government

Moreover, the Constitution's provisions about the formation of the national government recognize a special position for the states. The Constitution declares in Article VII that it was "done in Convention by the unanimous consent of the *states* present" (emphasis added) and provides that the Constitution would go into effect not when a majority of all Americans voted for it but when the conventions of nine *states* ratified it. Article V provides that the Constitution can be amended only when conventions in or the legislatures of three-quarters of the states ratify an amendment. Article IV, Section 3, makes clear that no states can be combined or divided into new states without the consent of the state legislatures concerned. Thus, the state governments have charge of ratifying and amending the Constitution, and the states control their own boundaries.

The Constitution also provides special roles for the states in the selection of national government officials. The states decide who can vote for members of the U.S. House of Representatives (Article I, Section 2) and draw the boundaries of House districts. Each state is given two senators (Article V) who were, until 1913, to be chosen by the state legislatures rather than by the voters (Article I, Section 3; altered by the Seventeenth Amendment). And the states play a key part in the complicated Electoral College system of choosing a president in which each state has votes equal to the number of its senators and representatives combined, with the president elected by a majority of *electoral* votes, not a majority of popular votes (Article II, Section 1).

TABLE 3.1

CONSTITUTIONAL UNDERPINNINGS OF FEDERALISM

PROVISIONS	WHERE TO FIND THEM IN THE CONSTITUTION	WHAT IT MEANS
Supremacy of the national government in its own sphere	Supremacy clause: Article VI	The supremacy clause establishes that federal laws and the Constitution take precedence over state laws and constitutions.
Limitations on national government powers and reservation of powers to the states	Enumerated national powers: Article I, Section 8 Limits on national powers: Article I, Section 9; Article IV, Section 3; Eleventh Amendment Bill of Rights: First through Tenth Amendments Reservation clause: Tenth Amendment	The powers of the federal government are laid out specifically in the Constitution, as are strict limitations on the power of the federal government. Powers not specifically spelled out are reserved to the states or to the people.
Limitations on state powers	Original restrictions: Article I, Section 10 Civil War Amendments: Thirteenth through Fifteenth Amendments	The Constitution places strict limitations on the power of the states in particular areas of activity.
State role in national government	Ratification of Constitution: Article VII Amendment of Constitution: Article V Election of representatives: Article I, Section 2 and Section 4 Two senators from each state: Article I, Section 3 No deprivation of state suffrage in Senate: Article V Choice of senators: Article I, Section 3 (however, see Seventeenth Amendment) Election of president: Article II, Section 1 (however, see Twelfth Amendment)	The states' role in national affairs is clearly laid out. Rules for voting and electing representatives, senators, and the president are defined so that state governments play a part.
Regulation of relations among states	Full faith and credit: Article IV, Section 1 Privileges and immunities: Article IV, Section 2	Constitutional rules ensure that the states must respect each other's legal actions.

Relations Among the States

The Constitution also regulates relations among the states (these state-to-state relations are sometimes called **horizontal federalism**). Article IV of the Constitution is particularly important in this regard (see Table 3.1). For example, each state is required to give "full faith and credit" to the public acts, records, and judicial proceedings of every other state. This means that private contractual or financial agreements among people or companies in one state are valid in all the other states and that civil judgments by the courts of one state must be recognized by the others. Because of this constitutional provision, people in one state cannot evade financial obligations—for example, credit card or department store debts, alimony and child-support payments—by moving to another state.

The "full faith and credit" provision is what worries some people about the legalization of same-sex marriage in a handful of states: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Iowa, as of 2010. When people of the same sex are married in these states, do they remain legally married when they move to another state? Are they eligible for federal benefits that go to married heterosexual couples? Worried about the possibility that such a thing might happen, Congress passed the Defense of Marriage Act (DOMA), denying federal benefits (such as Medicaid and Medicare) to spouses in same-sex marriages and authorized states that wished to do so to enact legislation barring recognition of same-sex marriages from other states. As of 2010, 40 states had done so, either by statute or constitutional change. While the Supreme Court has yet to decide a case involving the "full faith and credit" obligations of the states on this issue, it has permitted Congress broad latitude in regulating interstate relations on other matters in the past, so it is unlikely that it will void DOMA on these grounds (though a federal district judge ruled in 2010 that the Act violated the equal protection clause of the Fourteenth Amendment).[8]

Article IV also specifies that the citizens of each state are entitled to all the "privileges and immunities" of the citizens in the several states. That means that whatever citizenship rights a person has in one state apply in the other states as well. For example, because of this provision, out-of-state residents have the same access to state courts as in-state residents, as well as an equal right to own property and to be protected by the police. However, the Supreme Court has never clearly defined the meaning of "privileges and immunities" nor has it been entirely consistent in applying them in practice. The Court has allowed states to charge students different tuition rates in their public universities, for example, depending on their in-state or out-of-state status.

Agreements among a group of states to solve mutual problems, called **interstate compacts**, require the consent of Congress. The framers inserted this provision (Article I, Section 10) into the Constitution as a way to prevent the emergence of coalitions of states that might threaten federal authority or the union itself. Interstate compacts in force today cover a wide range of cooperative state activities. For example, New York and New Jersey created and Congress approved

a compact to create the Port of New York Authority. Other compacts among states include agreements to cooperate on matters such as pollution control, crime prevention, transportation, and disaster planning.

The Evolution of American Federalism

It took a long time after the adoption of the Constitution for the present federal system to emerge. There were and continue to be ebbs and flows in the nature of the relationship between the states and national government and in the relative power of the states and the federal government as they interacted with one another.[9] Eventually, however, the national government gained ground.[10] There are many reasons for this:

- Economic crises and problems generated pressures on the government in Washington to do something to help fix the national economy. The Great Depression in the 1930s is the primary example, but even today, we expect the president, Congress, and the Federal Reserve to competently manage national economic affairs, something the states cannot do for themselves. Most Americans wanted the government in Washington to do something to get us out of the deep recession of 2008–2009, though many did not like what was done in the end (bailing out banks without limiting executive pay and bonuses in financial firms proved extremely unpopular).
- War and the preparation for war are also important spurs to national-level actions, rather than state-level ones, because it is only the government in Washington that can raise an army and a navy, generate sufficient revenues to pay for military campaigns, and coordinate the productive resources of the nation to make sustained war possible. It is no accident, then, that each of our major wars has served to enhance the power of government in Washington.
- Finally, a number of problems emerged over the course of our history that most political leaders and the public believed could be solved most effectively by the national government rather than by 50 separate state governments: air and water pollution; unsafe food, drugs, and consumer products; the denial of civil rights for racial minorities; anticompetitive practices by some large corporations; poverty; and more.

The Perpetual Debate About the Nature of American Federalism

From the very beginnings of our nation, two political philosophies have contended with one another over the nature of American federalism and the role to be played by the central government. These are generally referred to as the **nationalist position** and the **states' rights position**.

THE NATIONALIST POSITION Nationalists believe that the Constitution was formed by a compact among the people to create a single national community, pointing to the powerful phrase that opens the preamble: "We the People of the United States" (not "We the States"). Nationalists also point to the clear expression in the preamble of the purposes for which "we the people" formed a new government, namely to "create a more perfect union . . . and to promote the General Welfare." Also important in the nationalist brief are provisions in the Constitution that point toward a strong central government with expansive responsibilities, including the "commerce clause," the "supremacy clause," and the "elastic" or **necessary and proper clause**. Not surprisingly, proponents of the nationalist position such as Alexander Hamilton, Chief Justice John Marshall, Abraham Lincoln, Woodrow Wilson, and the two Roosevelts (Theodore and Franklin) advocated an active national government with the capacity and the will to tackle whatever problems might emerge to threaten the peace and prosperity of the United States or the general welfare of its people. Liberal Democrats, including President Barack Obama, are the main proponents of this position today, believing that civil rights and environmental protection, for example, are safer in the hands of the federal government than the state governments.

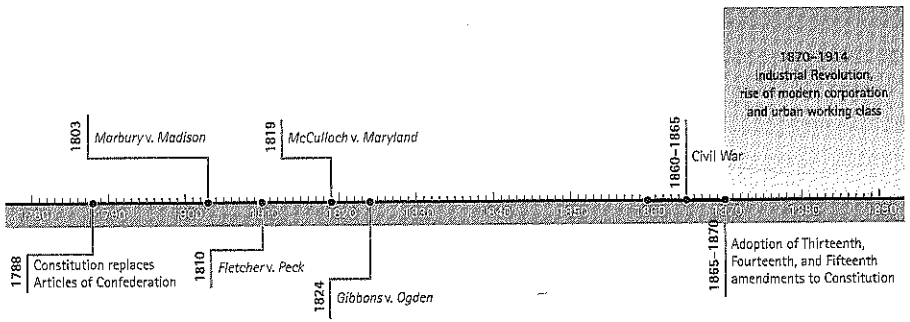
THE STATES' RIGHTS POSITION Proponents of the states' rights position argue that the Constitution was created as a compact among the states and that the framers meant for the states to be coequal with the national government. They base their argument on a number of things. They note, for instance, that the Constitution was written by representatives of the states; that it was ratified by the states and not by a vote of the public; and that the process for amending the Constitution requires the affirmative votes of three-fourths of the states, not three-fourths of the people. They also point to the Tenth Amendment's "reservation" clause, which says, as we pointed out above, that powers not given to the national government nor denied to the states reside in the states and the people.

Not surprisingly, proponents of the states' rights position have argued that the Constitution created a form of government in which the national government is strictly limited in size and responsibility and in which states retain broad autonomy in the conduct of their own affairs. Popular among states' rights proponents is the concept of **dual federalism**, which suggests that, much like in a layer cake, there are distinct, nonoverlapping areas of responsibility for the national government and the state governments and that each level of government is sovereign in its own sphere. Thomas Jefferson, John C. Calhoun, the New England and Southern secessionists, the southern resistors to the civil rights revolution, and many contemporary conservative Republicans and Tea Party activists are associated with this view of federalism.

We shall see in the pages ahead that the nationalist view has prevailed over the long haul of American history. However, the states' rights view has always been and remains today a vital position from which to oppose too much power and responsibility in the government in Washington. After the health reform bill was passed in 2010, for example, several states passed laws proclaiming that the

FIGURE 3.3

TIMELINE: LANDMARKS IN THE HISTORY OF U.S. FEDERALISM*



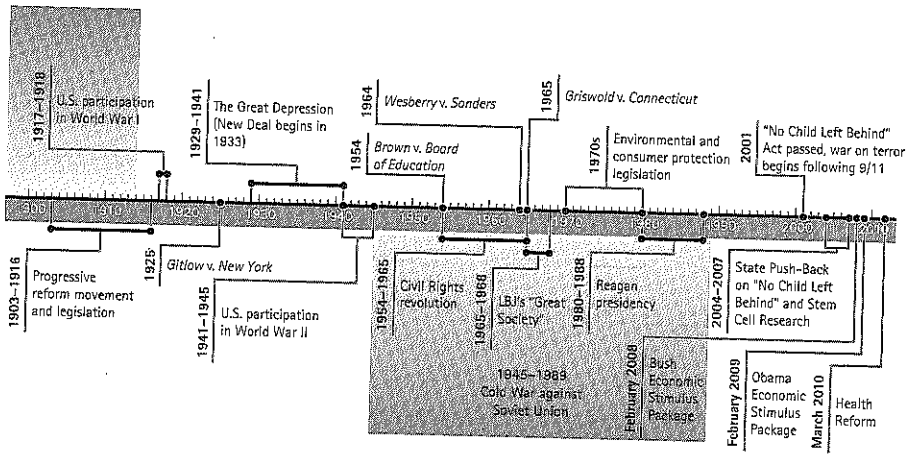
*Additional information provided only for items not discussed in the text.

mandatory health insurance provisions of the national law did not hold within their boundaries. Utah and Wyoming passed laws in the same year stating that the federal government could not regulate firearms manufactured and sold there. (See Figure 3.3 for an overview of this history.)

Federalism Before the Civil War

In the late 1790s, during the administration of John Adams, Thomas Jefferson's Democratic Republicans deeply resented the Alien and Sedition Acts, which the Federalists used to punish political dissent by followers of Jefferson. In response, Jefferson and Madison secretly authored the Virginia and Kentucky Resolutions, which declared that the states did not have to obey unconstitutional national laws and left it to the states to decide what was unconstitutional. In this case, the Democratic Republicans, representing the more agricultural South, were advocating states' rights and the principle of dual federalism against a national government run by the more merchant-oriented Federalists of the Northeast. About a decade later, however, the merchants of New England used the southerners' own arguments to oppose President Madison's War of 1812 against Britain, which they felt interfered with their trade. Neither of these efforts at **nullification** prevailed.

One crucial question about federalism in the early years of the United States concerned who, if anyone, would enforce the supremacy clause. Who would make sure that the U.S. laws and Constitution were actually the "supreme law of the land," controlling state laws? The answer turned out to be the U.S. Supreme Court, but this answer emerged only gradually and haltingly as the Court established its power within the federal system. Only after the strong-willed and subtle John Marshall became chief justice and, in 1803, established the Supreme Court's authority to declare national laws unconstitutional (called judicial review; discussed in detail in Chapter 14) did the Supreme Court turn to the question of national



power relative to the states. In *Fletcher* v. *Peck* (1810), it established the power of judicial review over the states, holding a state law unconstitutional under the U.S. Constitution.[11] Chief Justice Marshall cleverly avoided explicit discussion of the Court's power of judicial review over state laws. He simply took it for granted and used it.

The Supreme Court also provided crucial legal justification for the expansion of federal government power in the historic case of *McCulloch* v. *Maryland* (1819). The case involved action by the state of Maryland to impose a tax on the Bank of the United States. The state of Maryland argued that the creation of the bank had been unconstitutional, exceeding the powers of Congress, and that, in any case, states could tax whatever they wanted within their own borders.

But Chief Justice Marshall upheld the constitutionality of the bank's creation and its immunity from taxation and, in the process, made a major statement justifying extensive national authority.[12] In his opinion for the Court, Marshall declared that the Constitution emanated from the sovereign people who had made their national government supreme to all rivals within the sphere of its powers, and those powers must be construed generously if they were to be sufficient for the "various crises" of the age to come. Congress, declared Marshall, had the power to incorporate the bank under the clause of Article I, Section 8, authorizing Congress to make all laws "necessary and proper" for carrying into execution its named powers. Moreover, Maryland's tax was invalid because "the power to tax involves the power to destroy," which would defeat the national government's supremacy. Justice Marshall's broad reading of the *necessary and proper* clause laid the foundation for an expansion of what the national government could do in the years ahead. He made it clear that states would not be allowed to interfere.

In several later cases, the Supreme Court also ruled that provisions of the U.S. Constitution excluded the states from acting in certain areas where they might interfere with federal statutes or authority. According to this doctrine known as

preemption, which remains in place today,[13] states cannot act in certain matters when the national government has done so.

The Civil War and the Expansion of National Power

The Civil War profoundly affected the relationship between the states and the national government. First, the unconditional southern surrender decisively established that the Union was indissoluble; states could not withdraw or secede. Hardly any American now questions the permanence of the Union.

Second, passage of what has become known as the **Civil War Amendments** resulted in constitutional changes that subordinated the states to certain new national standards, enforced by the central government. For example, the Thirteenth Amendment abolished slavery, and the Fifteenth gave former male slaves and their descendants a constitutional right to vote. (This right was enforced by the national government for a short time after the Civil War; it was then widely ignored until passage of the 1965 Voting Rights Act.)

Moreover, the Fourteenth Amendment (1868) included broad language going well beyond the slave issue: it declared that *no state* shall "deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." The **due process clause** eventually became the vehicle by which the Supreme Court ruled that many civil liberties in the Bill of Rights, which originally protected people only against the national government, also provided protections against the states. (See Chapter 4.) And the **equal protection clause** eventually became the foundation for protecting the rights of blacks, women, and other categories of people against discrimination by state or local governments. (See Chapter 5.)

KEY POINT
The due process clause was used to make states protect civil liberties.

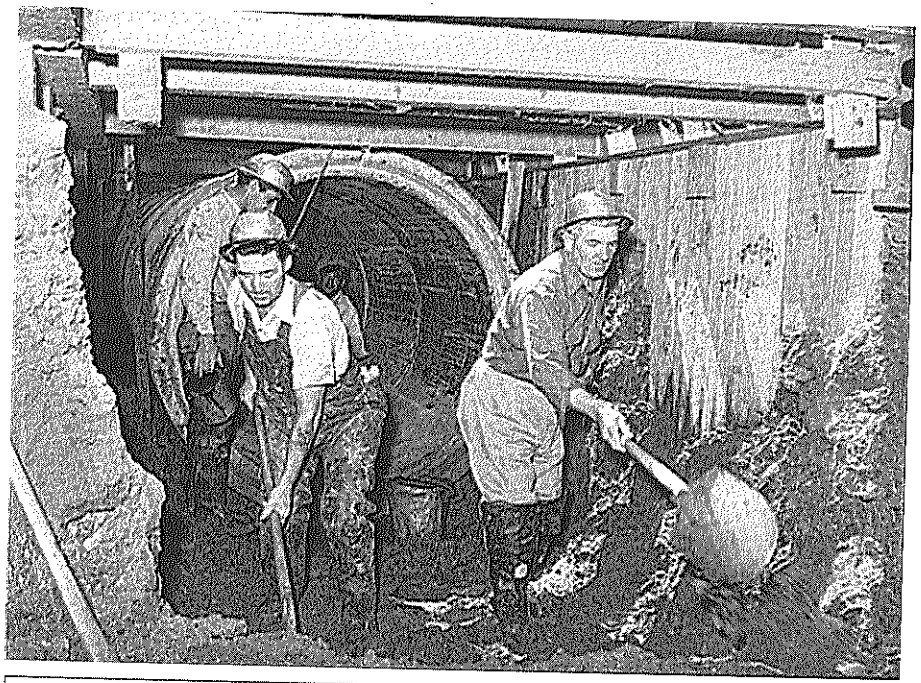
Expanded National Activity Since the Civil War

Since the Civil War, and especially during the twentieth century, the activities of the national government expanded greatly, so that they now touch on almost every aspect of daily life and are thoroughly entangled with state government activities.

THE LATE NINETEENTH CENTURY TO WORLD WAR I During the late nineteenth century, the national government was increasingly active in administering western lands, subsidizing economic development (granting railroads enormous tracts of land along their transcontinental lines), helping farmers, and beginning to regulate business, particularly through the Interstate Commerce Act of 1887 and the Sherman Antitrust Act of 1890. Woodrow Wilson's New Freedom domestic legislation—including the Federal Reserve Act of 1913 and the Federal Trade Commission Act of 1914—spurred even greater national government involvement in social and economic issues as did the great economic and military effort of World War I. During that war, for example, the War Industries Board engaged in a form of economic planning whose orders and regulations covered a substantial number of the nation's manufacturing firms.

THE NEW DEAL AND WORLD WAR II Still more important, however, was Franklin Roosevelt's New Deal of the 1930s. In response to the Great Depression, the New Deal created many new national regulatory agencies to supervise various aspects of business, including communications (the Federal Communications Commission, or FCC), airlines (the Civil Aeronautics Board, or CAB), financial markets (the Securities and Exchange Commission, or SEC), utilities (the Federal Power Commission, or FPC), and labor–management relations (the National Labor Relations Board, or NLRB). The New Deal also brought national government spending to such areas as welfare and relief, which had previously been reserved almost entirely to the states, and established the Social Security pension system.

World War II involved a total economic and military mobilization to fight Germany and Japan. Not surprisingly, directing that mobilization, as well as collecting taxes to support it, planning for production of war materials, and bringing on board the employees to accomplish all of this, was centered in Washington, D.C., not in the states.



Putting people to work
The Works Progress Administration (WPA), created by Franklin Roosevelt as part of the New Deal, put many unemployed Americans to work on federal building projects during the Great Depression. How does the legacy of the WPA survive today?

THE POST-WAR PERIOD Ever since World War II, the federal government has spent nearly twice as much per year as all of the states and localities put together. Much of the money has gone in direct payments to individuals (including, most especially, Social Security benefits) and for national defense, particularly during the height of the Cold War with the Soviet Union, and during the Vietnam War.

Two other trends in the last third of the twentieth century enhanced the role of the national government relative to the states. The first was the civil rights revolution (discussed in Chapter 5), and the second was the regulatory revolution, especially regulation related to environmental protection (discussed in Chapter 15). With respect to both, national standards, often fashioned by bureaucrats under broad legislative mandates and watched over by federal courts, were imposed on both states and localities. The civil rights revolution also had a great deal to do with the creation of Lyndon Johnson's Great Society program designed both to alleviate poverty and politically empower the poor and racial minorities. The Great Society not only increased the level of domestic spending but also increased the federal role in the political lives of states and localities.

THE SUPREME COURT'S SUPPORT FOR THE NATIONALIST POSITION For several decades, beginning in the late nineteenth century, the U.S. Supreme Court resisted the growth in the federal government's power to regulate business. In 1895, for example, it said that the Sherman Antitrust Act could not forbid monopolies in manufacturing, since manufacturing affected interstate commerce only "indirectly." In 1918, the Court struck down as unconstitutional a national law regulating child labor. During the 1930s, the Supreme Court declared unconstitutional such important New Deal measures as the National Recovery Act and the Agricultural Adjustment Act.[14]

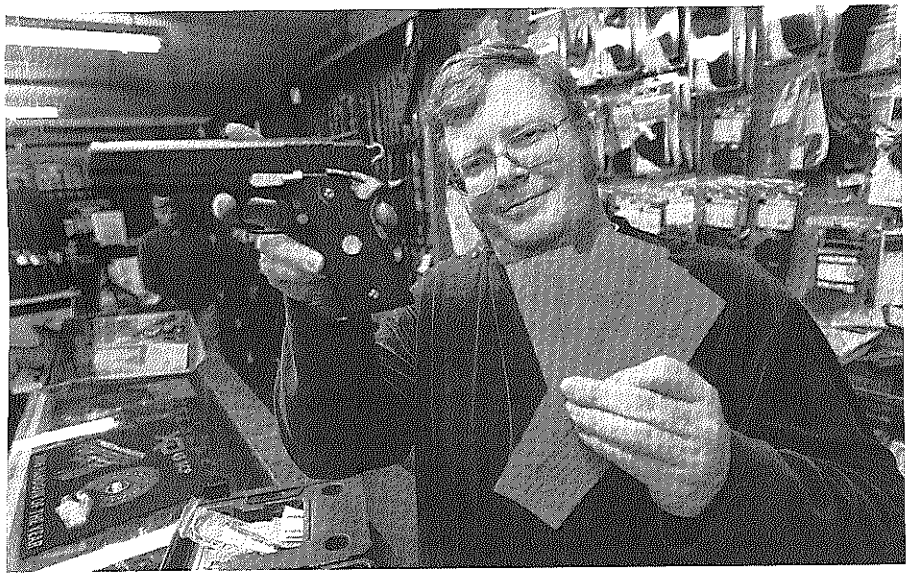
After 1937, perhaps chastened by President Roosevelt's attempt to enlarge the Supreme Court and appoint more friendly justices, the Court became a centralizing force, immediately upholding essential elements of the New Deal, including the Social Security Act and the National Labor Relations Act. Since that time, and until the Rehnquist Court began to rethink federalism questions in the 1990s, the Court upheld virtually every piece of national legislation that came before it even when this legislation preempted or limited powers of the states.

An important example is the Civil Rights Act of 1964, which rests on a very broad interpretation of the Constitution's commerce clause. In the 1964 act, the national government asserted a power to forbid discrimination at lunch counters and other public accommodations on the grounds that they are engaged in interstate commerce: they serve food imported from out of state. State economies are so closely tied to each other that by this standard, practically every economic transaction everywhere affects interstate commerce and is therefore subject to national legislative power.

DEVOLUTION During the 1980s and 1990s, **devolution**—the idea that some of the powers and responsibilities of the national government ought to be distributed back to the states—became popular. President Ronald Reagan made this one of the hallmarks of his administration, as did George H. W. Bush, who followed him in office. President Bill Clinton, a former governor of the state of Arkansas, was also an enthusiastic devotee of devolution, freely granting waivers from federal regulations to the states for experimenting with new forms of welfare, boasting of cuts in federal government employment, and touting the benefits of state government. And the Republican majority in the 104th Congress, working with President Clinton (but few from his party), passed legislation restricting "unfunded mandates" (about which we will have more to say later) and transferring welfare responsibility to the states. The public seemed to be on board at the time. Polls showed, for example, that a substantial majority of Americans believed that state governments were more effective and more trustworthy than the government in Washington and more likely to be responsive to the people. And Americans said that they wanted state governments to do more and the federal government to do less.[15]

For a time during the height of devolution's popularity, the Rehnquist Court supported increasing the power of the states and decreasing that of the national government. It overruled a number of federal actions and laws on the ground that Congress had exceeded its constitutional powers, reversing more than half a century of decisions favoring an increased federal government role. In 1995, for example, the Court overturned federal legislation banning guns from the area around schools and legislation requiring background checks for gun buyers, arguing that both represented too broad a use of the commerce power in the Constitution. The Court used similar language in 2000 when it invalidated part of the Violence Against Women Act and in 2001 when it did the same to the Americans with Disabilities Act. However, in the last years of Rehnquist's leadership, the Court retreated a bit from this states rights position, supporting federal law over that of the states on issues ranging from the use of medical marijuana to the juvenile death penalty, affirmative action, and gay rights.

NATIONAL POWER REASSERTED Talk of devolution ended with the Clinton presidency. George W. Bush, who followed him in the Oval Office, signaled during the 2000 presidential campaign that he was willing to use the federal government to serve conservative ends. He termed his position "compassionate conservatism," suggesting that he would use the power of his office to try, among other things, to end abortion and protect the family, enhance educational performance, and do more to move people from welfare to jobs. While preserving his traditional Republican conservative credentials on a number of fronts on gaining the presidency—cutting taxes, for example, and pushing for looser environmental regulations on businesses—Bush gave a big boost to the power, cost, and scope of the federal government.[16] Most important was his



Guns for sale
For many years, some states and localities have tried to ban the importation of guns into their jurisdictions. Here, a gun dealer in Virginia in 2007 offers "Bloomberg gun give-away" tickets in honor of New York City Mayor Michael Bloomberg, who filed a federal lawsuit to keep out of his city guns bought in places with weak gun-control laws such as Virginia. The efforts of Mayor Bloomberg and others taking such actions were undermined in 2008 and again in 2010 when the Supreme Court ruled that gun ownership is an individual right under terms of the Second and Fourteenth Amendments. Why is the right to bear arms such an important issue to some Americans?

sponsorship of the No Child Left Behind educational reform, which imposed testing mandates on the states, and a prescription drug benefit under Medicare, which substantially increased the cost of the program. Mandatory spending by the states on Medicaid also expanded rapidly during the Bush presidency.

The terrorist attacks of September 11, 2001, the subsequent global "war on terrorism" (the president's phrase), and the wars in Iraq and Afghanistan further focused the nation's attention on national leaders in Washington, D.C. As in all wartime situations during our country's history, war and the mobilization for war require centralized coordination and planning. This tendency toward nationalism during war has been further exaggerated by the perceived need for enhancing homeland security, with the national government in Washington playing a larger role in areas such as law enforcement, intelligence gathering, bank oversight (to track terrorist money), public health (to protect against possible bioterrorism), and more. (These activities began during George W. Bush's presidency and continued during Barack Obama's.)

Perhaps inevitably, the flow of power to Washington during the Bush years triggered a reaction among the public and leaders in the states, disturbed by the increasing budget demands, regulatory burdens, and loss of state control tied to programs: the No Child Left Behind; the Real ID Act aimed at standardizing driver's license issuance among the states; and changes in states' ability to write work rules in TANF (welfare program for the poor, discussed in Chapter 16). Combined with a sense among many at the state level that important national problems were being ignored and mishandled and the collapse in public support for President Bush and his policies after 2004, the ground was set for a rather extraordinary revitalization of state innovations.[17] Between 2004 and 2008, several states passed laws allowing, and sometimes subsidizing, stem-cell research. Others passed minimum wage legislation, while others legislated gas mileage requirements for cars and trucks. Many legislated incentives for companies and consumers to use energy more efficiently and find alternative fuel sources. California even passed legislation to reduce overall greenhouse gas emissions.

The economic crisis of 2008, 2009, and 2010—sometimes called the Great Recession, much like the Great Depression—generated an expanded role for the national government relative to the states in economic affairs. In the last months of the Bush presidency, Congress passed a $700 billion rescue package for financial institutions that gave the Treasury Secretary broad powers to rescue and reorganize banks and investment firms even as the Federal Reserve (the Fed) under the leadership of Ben Bernanke undertook its own rescue and reorganization efforts. These mandates greatly expanded the role of the federal government in managing the economy. When he became president, Barack Obama not only continued to support the efforts of the Treasury and the Fed to bolster the national economy, but insisted on the sale of Chrysler and the managed bankruptcy of General Motors as conditions of a rescue package. Within 30 days of his inauguration as president, moreover, Congress passed a $787 billion stimulus bill, which did a great deal to backstop the states, almost all of whom were in deep budgetary crises. The stimulus package was a combination of tax cuts and new expenditures in programs that, among other things, extended unemployment benefits, funded new research and development in alternative energy sources, put monies into school construction and keeping teachers on the job, massively increased spending on infrastructure projects (i.e., roads, bridges, canals, and the like), and helped the states pay for some of their rising Medicaid outlays.

Perhaps most consequentially, in a long-term sense, President Obama and the Democratic Congress passed a health care bill that will transform America's health care system and a financial regulation bill they hope will prevent the type of financial collapse that happened in 2008 and brought on the Great Recession. President Obama also proposed a major effort to make the nation less dependent on fossil fuels, hoping that the tragic Gulf oil spill and the environmental disaster that followed would convince Americans that the time was ripe for such a change. Republicans and coal-state Democrats stopped the climate bill in the Senate, however, in July 2010.

As suggested earlier in this chapter, there has been a great deal of push-back at this increase in national government power relative to the states. Several states, primarily Republican in their voting habits, have passed laws opposing the health care

initiative, for example. The Tea Party movement, to take another example, complains vociferously about the size, cost, and intrusiveness of the federal government.

CHANGING AMERICAN FEDERALISM Today's federalism is very different from what it was in the 1790s or early 1800s.[18] One major difference is that the national government is dominant in many policy areas; it calls many shots for the states. Another difference is that state and national government powers and activities have become deeply intertwined and entangled. The old, simple metaphor for federalism was a "layer cake": a system of dual federalism in which state and national powers were neatly divided into separate layers, with each level of government going its own way, unencumbered by the other. If we stay with bakery images, a much more accurate metaphor for today's federalism is a "marble cake," in which elements of national and state influence swirl around each other, without very clear boundaries.[19] The "marble cake" itself has taken on several forms. During the 1960s and 1970s, for example, the federal and state governments seemed to many to be working smoothly together to solve problems, leading scholars and politicians to use the term **cooperative federalism** to characterize the period. Today, no one talks any longer of cooperative federalism, although no single term has replaced it.

KEY POINT
Today's federalism is like a marble cake swirled with national and state influences.

Whether cooperative or not, our federal system today is a "marble cake" in which the federal government and state governments are densely intertwined. Much of this intertwining is a product of the financial links among the national and state governments, a subject we address in the next section.

Fiscal Federalism

One of the most important elements of modern American federalism is **fiscal federalism**—the transfer of money from the national government to state and local governments. These **grants-in-aid** have been used to increase national government influence over what the states and localities do. The grants have grown from small beginnings to form a substantial part of state government budgets. In the following sections, you will learn how and why this trend began, what kinds of grants have and are being made, and how they affect national–state relationships.

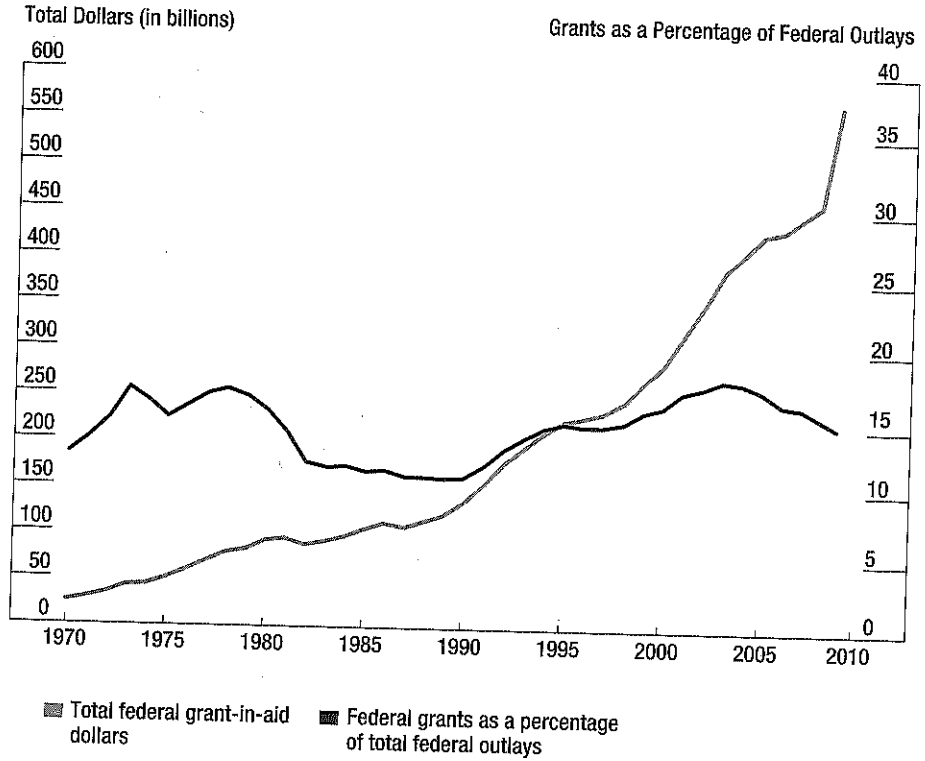
Origin and Growth of Grants

National government grants to the states began at least as early as the 1787 Northwest Ordinance. The U.S. government granted land for government buildings, schools, and colleges in the Northwest Territory and imposed various regulations, such as forbidding slavery there. During the early nineteenth century, the federal government provided some land grants to the states for roads, canals, and railroads, as well as a little cash for militias; after 1862, it helped establish agricultural colleges. Some small cash-grant programs were begun around 1900 for agriculture, vocational education, and highways.[20]

However, it was during the 1950s, 1960s, and 1970s, under both Republican and Democratic administrations, that federal grants to the states really took off. Such programs as President Dwight Eisenhower's interstate highway system and President Lyndon Johnson's Great Society poured money into the states.[21] After a pause during the Reagan presidency, grants began to increase again in the 1990s (see Figure 3.4). Federal grants to the states increased because presidents and Congress sought to deal with many nationwide problems—especially transportation, education, HIV/AIDS, poverty, crime, and air and water pollution—by setting

FIGURE 3.4

THE GROWTH IN FEDERAL GRANTS-IN-AID TO STATES AND LOCALITIES
Federal grants-in-aid to state and local governments have grown steadily since 1970, the only exception being during the first half of the 1980s during the Reagan presidency. A big jump occurred in 2008 and 2009 as federal assistance to the states increased to address problems caused by the financial collapse and economic recession.



Source: Statistical Abstract of the United States, 2010.

policy at the national level and providing money from national tax revenues, while having state and local officials carry out the policies. The big jump in grant totals in 2008 and 2009 were tied to various efforts by the federal government to stimulate the economy during the Great Recession, including assistance to states for Medicaid, unemployment insurance, education, and infrastructure.

Types of Grants

Over the years, many of the new programs were established through **categorical grants**, which give the states money but clearly specify the category of activity for which the money has to be spent and often define rather precisely how the program should work. For example, Lyndon Johnson's antipoverty initiatives—in the areas of housing, job training, medical assistance, and more—funneled substantial federal money to states and localities, but attached strict rules on how the money could be used.

Responding to complaints from the states, and seeking to reduce federal government power to better fit their ideas about the proper role of government, Republican presidents Nixon and Ford succeeded in convincing Congress to loosen centralized rules and oversight, first instituting **block grants** (which give money for more general purposes such as secondary education and with fewer rules than categorical grant programs), then, for a short time, **general revenue sharing**, which distributed money to the states with no federal controls at all. President Nixon spoke of a "New Federalism" and pushed to increase these kinds of grants with few strings attached. General revenue sharing ended in 1987 when even proponents of a smaller federal government realized that giving money to the states with "no strings attached" meant that elected officials in the federal government were losing influence over policies in which they wanted to have a say.

Categorical and block grants often provide federal money under an automatic formula related to the statistical characteristics of each state or locality (thus the term "formula grant"), such as the number of needy residents, the total size of the population, or the average income level. Disputes frequently arise when these formulas benefit one state or region rather than another. Because statistical counts by the census affect how much money the states and localities get, census counts themselves have become the subject of political conflict. Illinois, New York, and Chicago sued the Census Bureau for allegedly undercounting their populations, especially the urban poor, in the 1990 census.

Debates About Federal Money and Control

Most contemporary conflicts about federalism concern not just money but also control.

CONDITIONS ON AID As we have seen, categorical grant-in-aid programs require that the states spend federal money only in certain restricted ways. Even block grants—such as grants that support social welfare for the poor—have conditions attached, thus the term **conditional grants**. In theory, these conditions are "voluntary" because the states can refuse to accept the aid. But in practice, there is no clear line between incentives and coercion. Because the states cannot generally afford to give up federal money, they normally must accept the conditions attached to it.

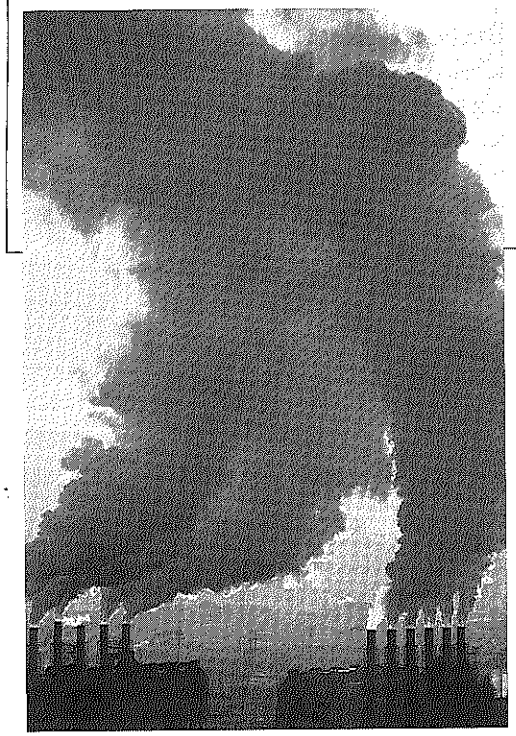
Some of the most important provisions of the 1964 Civil Rights Act, for example, are those that declare that no federal aid of any kind can be used in ways that discriminate against people on grounds of race, gender, religion, or national origin. Thus, the enormous program of national aid for elementary and secondary education, which began in 1965, became a powerful lever for forcing schools to desegregate. To take another example, the federal government in 1984 used federal highway money to encourage states to adopt a minimum drinking age of 21.

KEY POINT
States had to agree to a minimum drinking age of 21 or have highway aid cut.

MANDATES The national government often imposes a **mandate**, or demand, that the states carry out certain policies even when little or no national government aid is offered. (An "unfunded" mandate involves no aid at all or less aid than compliance will cost.) Mandates have been especially important in the areas of civil rights and the environment. Most civil rights policies flow from the equal protection clause of the Fourteenth Amendment to the U.S. Constitution or from national legislation that imposes uniform national standards. Most environmental regulations also come from the national government, since problems of dirty air, polluted water, and acid rain spill across state boundaries. Many civil rights and environmental regulations, therefore, are enforced by the federal courts.

Federal courts have, for example, mandated expensive reforms of overcrowded state prisons. National legislation and regulations have required state governments to provide costly special facilities for the disabled, to set up environmental protection agencies, and to limit the kinds and amounts of pollutants that can be discharged. The states often complain bitterly about federal mandates that require state spending without providing the money.

Cutting back on these "unfunded mandates" was one of the main promises in the Republicans' 1994 Contract with America.[22] The congressional Republicans delivered on their promise early in 1995 with a bill that had bipartisan support in Congress and that President Clinton signed into law. Because it did not apply to past mandates, however, and did not ban unfunded mandates but only regulated them (e.g., requiring cost-benefit analyses), unfunded mandates have continued to proliferate, as does the debate about their use. The main complaints coming from governors today concern the substantial costs imposed on the states by the No Child Left Behind testing program and by the rising costs to the states of required Medicaid support for certain categories of people. Pressures on state budgets became



Spewing pollution
Industrial pollution, such as these untreated emissions from this massive steel complex, often affects people of more than one state and requires the participation of the national government to clean up the mess and prevent recurrences. What role should the federal government take in environmental issues within states?

especially pronounced from 2008 through 2010, when revenues from sales and other taxes plummeted because of the national economic downturn.

PREEMPTION The doctrine of preemption, based on the supremacy clause in the Constitution and supported by a series of decisions by the Supreme Court, says that federal statutes and rules must prevail over state statutes and rules when the two are in conflict. Recently, for example, several states have attempted to tax Internet purchases by people residing in their jurisdictions, but Congress has forbidden them to do so. Research suggests that the number of preemption statutes passed by Congress has increased substantially over the past three decades and has been unaffected by which political party is in control.[23]

U.S. Federalism: Pro and Con

Over the years, from the framing of the U.S. Constitution to the present day, people have offered a number of strong arguments for and against federalism, in contrast to a more unitary system. Let us consider some of these arguments.

PRO: DIVERSITY OF NEEDS The oldest and most important argument in favor of decentralized government is that in a large and diverse country, needs and wants and conditions differ from one place to another. Why not let different states enact different policies to meet their own needs? California, New York, and New Jersey, for example, all densely populated, have tougher fuel mileage standards in place than those set by the federal government. Arizona, feeling overwhelmed by illegal immigrants, passed a referendum in 2010 allowing police to stop and interrogate people they think may be in the state illegally. A federal judge later threw out key provisions; Arizona has appealed the ruling.

CON: THE IMPORTANCE OF NATIONAL STANDARDS However, the needs or desires that different states pursue may not be worthy ones. Political scientist William Riker has pointed out that, in the past, one of the main effects of federalism was to let white majorities in the southern states enslave and then discriminate against black people, without interference from the North.[24] Perhaps it is better, in some cases, to insist on national standards that apply everywhere.

PRO: CLOSENESS TO THE PEOPLE It is sometimes claimed that state governments are closer to the ordinary citizens, who have a better chance to know their officials, to be aware of what they are doing, to contact them, and to hold them responsible for what they do.

CON: LOW VISIBILITY AND LACK OF POPULAR CONTROL However, others respond that geographic closeness may not be the real issue. More Americans are better informed about the federal government than they are about state governments, and more people participate in national than in state elections. When more people know what the government is doing and more people vote, they are better able to insist that the government do what they want. For that reason, responsiveness to ordinary citizens may actually be greater in national government.

PRO: INNOVATION AND EXPERIMENTATION When the states have independent power, they can try out new ideas. Individual states can be "laboratories." If the experiments work, other states or the nation as a whole can adopt their ideas, as has happened on such issues as allowing women and 18-year-olds to vote, fighting air pollution, reforming welfare, and dealing with water pollution. Massachusetts passed a law in 2006 mandating health insurance coverage for every person in the state, and a number of other states currently are looking into providing similar coverage, including Connecticut, California, Vermont, and Maine. Also in 2006, California passed a law committing itself to reducing greenhouse gas emissions to 1990 levels by 2020. New York passed a Green Jobs initiative in 2009 to encourage both employment and more energy efficient buildings.

Likewise, when the national government is controlled by one political party, federalism allows the states with majorities favoring a different party to compensate by enacting different policies. This aspect of diversity in policymaking is related to the Founders' contention that tyranny is less likely when government's power is dispersed. Multiple governments reduce the risks of bad policy or the

blockage of the popular will; if things go wrong at one governmental level, they may go right at another.

CON: SPILLOVER EFFECTS AND COMPETITION Diversity and experimentation in policies, however, may not always be good. Divergent regulations can cause bad effects that spill over from one state to another. When factories in the Midwest spew out oxides of nitrogen and sulfur that fall as acid rain in the Northeast, the northeastern states can do nothing about it. Only nationwide rules can solve such problems. Similarly, it is very difficult for cities or local communities in the states to do much about poverty or other social problems. If a city raises taxes to pay for social programs, businesses and the wealthy may move out of town, and the poor may move in, impoverishing the city.[25]

What Sort of Federalism?

As the pros and cons indicate, a lot is at stake in determining the nature of federalism. It is not likely, however, that Americans will ever have a chance to vote yes or no on the federal system as a whole or to choose a unitary government instead. What we can decide is exactly *what sort* of federalism we will have—how much power will go to the states and how much will remain with the federal government. Indeed, we may want a fluid system in which the balance of power varies from one kind of policy to another. Over the long term of American history, of course, the nationalist position on federalism has generally prevailed over the states' rights position, but the states remain important, and there are many reasons to expect that the American people will continue to want the states to play an important role in fashioning policies that affect them.

KEY POINT
We can decide how much power the states and national government have.

It is important to keep in mind that arguments about federalism do not concern just abstract theories; they affect who wins and who loses valuable benefits. People's opinions about federalism often depend on their interests, their ideologies, and the kinds of things they want government to do.

FEDERALISM AND THE DEMOCRATIC REPUBLIC

Federalism is one of the foundation stones of the eighteenth-century republican design of the Constitution of the United States. Along with the separation of powers and checks and balances, its purpose, from the framers' point of view, was to make it impossible for any person or group (and, most especially, the majority faction) to monopolize the power of government and use it for tyrannical purposes. By fragmenting government power among a national government and 50 state governments, and by giving each of the states some say on what the national government does, federalism makes it difficult for any faction, minority or majority, to dominate government. On balance, federalism has served the intentions of the framers by toning down the influence of majoritarian democracy in determining what the national government does, even while maintaining the principle of popular consent.

Federalism successfully constrains democracy in at least five ways:

1. It adds complexity to policymaking and makes it difficult for citizens to know which elected leaders to hold responsible for government actions.
2. Many policy areas, including education and voting eligibility, are mainly the responsibility of the states, where policymakers are insulated from national majorities, although not from majorities in their own states.
3. Small-population states play a decisive role in the constitutional amending process, where each state counts equally, regardless of the size of its population.
4. Small and large states have equal representation in the Senate, meaning that senators representing a minority of the population can block actions favored by senators representing the majority.
5. State politics are much less visible to the public; citizens are much less informed about what goes on in state governments where many important policies are made, and thus, popular participation tends to be lower.

All of this makes state-level politics especially vulnerable to the influence of special interests and those with extensive political resources. Because the well organized and the affluent have extra influence, political equality and popular sovereignty have pretty tough challenges in many of the states.

In the end, the story of federalism is not entirely about the persistence of the framer's initial eighteenth-century republican constitutional design. The democratic aspirations of the American people have also shaped federalism and turned it into something that might not be entirely familiar to the framers. We noted in this chapter how the nature of federalism has changed over the course of American history, with the national government assuming an ever-larger role relative to the states. Much of this, we have suggested, has been brought about by the wishes of the American people as expressed in elections, public opinion polls, and social movements. Repeatedly, Americans have said they want a national government capable of addressing a broad range of problems, including economic difficulties (such as depressions, recessions, and inflation); persistent poverty; environmental degradation; unsafe food, drugs, and other consumer products; racial and ethnic discrimination; and foreign threats to the United States. Over the years, public officials and candidates have responded to these popular aspirations, altering federalism in the process and helping determine the shape of the American democratic republic.

Key Terms

federalism, p. 48
confederation, p. 48
unitary system, p. 48
supremacy clause, p. 50
Tenth Amendment, p. 50
reservation clause, p. 50
concurrent powers, p. 50
horizontal federalism, p. 53
interstate compacts, p. 53
nationalist position, p. 54
states' rights position, p. 54
necessary and proper clause, p. 55
dual federalism, p. 55
nullification, p. 56
preemption, p. 58
Civil War Amendments, p. 58
due process clause, p. 58
equal protection clause, p. 58
devolution, p. 61
cooperative federalism, p. 64
fiscal federalism, p. 64
grants-in-aid, p. 64
categorical grants, p. 66
block grants, p. 66
general revenue sharing, p. 66
conditional grants, p. 67
mandate, p. 67

Suggestions for Further Reading

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Center for the Study of Federalism
www.csfederalismo.it
Scholarly studies of the theory and practice of federalism around the world.

National Center for State Courts
www.ncsconline.org
Links to the home pages of the court systems of each of the states.

National Conference of State Legislatures
www.ncsl.org
Information about state governments and federal relations, including the distribution of federal revenues and expenditures in the states. Links to the "Mandate Monitor" and the "Preemption Monitor."

Publius
www.oxfordjournals.org/our_journals/pubjof/index.html
Home page of the leading academic journal on federalism.

State Constitutions
www.findlaw.com/
A site where the constitutions of all the states may be found.

Stateline
www.stateline.org
A very comprehensive site covering politics and policies in the states.

CHAPTER 6

Public Opinion

In this chapter

- Public opinion in democratic and eighteenth-century republican doctrines
- How much people know about politics
- How people learn their political attitudes
- What sorts of government policies Americans favor and oppose
- How opinions differ according to race, gender, age, income, and other factors
- How much effect public opinion has on what government does

ON AUGUST 2, 1964, THE PENTAGON ANNOUNCED THAT THE U.S. destroyer *Maddox*, while on "routine patrol" in international waters in the Gulf of Tonkin near Vietnam, had undergone an "unprovoked attack" by three communist North Vietnamese PT boats. Two days later, the Pentagon reported a "second deliberate attack" on the *Maddox* and its companion destroyer, the C. *Turner Joy*. In a nationwide television broadcast, President Lyndon Johnson referred to "open aggression on the high seas" and declared that these hostile actions required that he retaliate with military force. Air attacks were launched against four North Vietnamese PT boat bases and an oil storage depot.[1]

Years later, the *Pentagon Papers*, a secret Defense Department study leaked to the news media by defense analyst Daniel Ellsberg, revealed that the American people had been deceived. The *Maddox* had not been on an innocent cruise; it had, in fact, been helping South Vietnamese gunboats make raids on the North Vietnamese coast. The second "attack" apparently never occurred. At the time, however, few skeptics raised questions. On August 7, 1964, by a vote of 88–2, the Senate passed the Tonkin Gulf Resolution, which approved the president's taking "all necessary measures," including

the use of armed force, to repel any armed attack and to assist any ally in the region. A legal basis for full U.S. involvement in the Vietnam War had been established.

For more than a decade, the United States had been giving large-scale military aid to the French colonialists, and then to the American-installed but authoritarian South Vietnamese government, to fight nationalists and communists in Vietnam. More than 23,000 U.S. military advisers were there by the end of 1964, occasionally engaging in combat. On the other side of the world, the American public knew and cared little about the guerrilla war. In fact, few knew exactly where Vietnam was. Nevertheless, people were willing to go along when their leaders told them that action was essential to resist communist aggression.

After the Tonkin incident, people paid more attention. Public support for the war increased. When asked in August what should be done next in Vietnam, 48 percent said to keep troops there, get tougher, or take definite military action while only 14 percent said negotiate or get out.[2] Through the fall of 1964, more people wanted to step up the war than wanted to pull out, and many endorsed the current policy.

But the number of U.S. troops in Vietnam rose rapidly, reaching 536,100 at the end of 1968, and casualties increased correspondingly. A total of 1,369 Americans were killed in 1965; 5,008 in 1966; 9,377 in 1967; and 14,589 in 1968.[3] Television news began to display weekly casualty counts in the hundreds, with pictures of dead American soldiers going home in body bags. The war became expensive, as politicians put it, in "American blood and treasure." Senate hearings aired antiwar testimony. Peace marches and demonstrations, though resented by much of the public, nonetheless increased pressure to end the war. By December 1967, about as many people (45 percent) agreed as disagreed with the proposition that it had been a "mistake" to send troops to fight in Vietnam.

Then catastrophe struck. In January 1968, during Vietnam's Tet holidays, the North Vietnamese army launched what became known as the *Tet Offensive:* massive attacks throughout South Vietnam, including an assault on the U.S. embassy in Saigon. The American public was shocked by televised scenes of urban destruction and bloody corpses, of U.S. soldiers destroying Ben Tre village "in order to save it," of marines bogged down in the rubble of the ancient city of Hue, and of a 77-day siege of the American firebase at Khe Sanh. The chief lesson seemed to be that a U.S. victory in Vietnam, if feasible at all, was going to be very costly in terms of lives and dollars.

After Tet, criticism of the war—by politicians, newspaper editorials, and television commentators such as Walter Cronkite and others—mushroomed, and public support for the war diminished. President Johnson, staggered by a surprisingly strong vote for antiwar candidate Eugene McCarthy in the New Hampshire primary, announced that he would limit the bombing of North Vietnam, seek a negotiated settlement, and withdraw as a candidate for reelection. In March 1968, only 41 percent of Americans described themselves as hawks (supporters of the war), a sharp drop from the 61 percent of early February. Anger over Vietnam contributed to the election defeat of the Democrats the following November.

After taking office in January 1969, President Richard Nixon announced a plan to begin a slow withdrawal of troops from Vietnam, with the aim of turning the fighting over to South Vietnamese forces. A majority of the public supported the

In the heat of battle
Rising American casualties and instability and corruption in the South Vietnamese government eventually convinced the public that the war in Vietnam could not be won.

plan but soon supported calls for a more rapid withdrawal, telling pollsters they wanted to move in this direction even if it might lead to the collapse of the South Vietnamese government. The shift in mood was propelled, no doubt, by rising American casualties, numerous congressional hearings on the war, and massive anti-war demonstrations. After a slow start on withdrawals in 1969 (about 100,000), the pace picked up, and most American troops were gone by mid-1973. There can be little doubt that public opinion influenced U.S. disengagement from the war.

The Vietnam story shows how government officials can sometimes lead or manipulate opinion, especially when it concerns obscure matters in faraway lands, and how opinion is affected by events and their presentation in the mass media. The story also shows that public opinion, even on foreign policy matters, can sometimes have a strong effect on policymaking. This complex interaction between public opinion, the news media, elected officials, and foreign policy in Vietnam is not very different from what has been going on with respect to the war in Iraq where a substantial majority of the public, believing administration claims about the existence of weapons of mass destruction in Iraq (since proved untrue), supported the invasion of that country in 2003 to topple Saddam Hussein. By 2006, a majority of Americans were telling pollsters that the war was a mistake, a shift in mood propelled by mounting American casualties, a lack of progress in achieving either democracy or stability in Iraq, and news about the mistreatment of prisoners at the Abu Ghraib prison. The shift in public attitudes was a major factor in the Democratic Party's victory in the 2006 congressional elections and Barack Obama's win in 2008.

AMERICA'S DEMOCRATIC REPUBLIC IN THIS CHAPTER

In this chapter, we examine the nature of public opinion, how it is measured, how it is formed, and what it looks like from the point of view of content. Most important, we explore the degree to which public opinion affects what government does in

general, and under what circumstances. As such, our goal in this chapter is to continue our inquiry into the extent of democracy in the American democratic republic.

Democracy and Public Opinion

Most Americans share certain **core beliefs** about the nature of human beings, society, and the political order. These core beliefs—including belief in individualism, limited government, and free enterprise, among others—make up the American political culture. In addition to their overarching core beliefs, most Americans also have **political attitudes** about the specific political issues of the day, including attitudes about government policies, public officials, political parties, and candidates. **Public opinion** refers to these political attitudes expressed by ordinary people and considered as a whole—particularly as they are revealed by polling surveys.

DEMOCRATIC REPUBLIC
Democracy is working when government policy reflects the wishes of citizens.

Public opinion is particularly important in a democracy if we understand democracy to be fundamentally about the rule of the people. For the people to rule, they must have their voice heard by those in government. To know whether or not the people rule, we require evidence that those in government are responsive to the voice of the people. The best evidence that those in power are responsive to the voice of the people is a strong showing that what government does reflects the wishes of the people. The wishes of the people can be discerned in elections, to be sure, but a particularly powerful way to know what the people want is to ask them directly in a polling survey. In a real democracy, there must be a close match between public opinion and government policies and actions, at least in the long run.

Curiously, however, many leading political theorists, including some who say they believe in democracy, have expressed grave doubts about the wisdom of the public. James Madison, Alexander Hamilton, and other Founders of our national government worried that the public's "passions" would infringe on liberty and that public opinion would be susceptible to radical and frequent shifts.[4] Journalist and statesman Walter Lippmann declared that most people do not know what goes on in the world; they have only vague, media-provided pictures in their heads. Lippmann approvingly quoted Sir Robert Peel's reference to "that great compound of folly, weakness, prejudice, wrong feeling, right feeling, obstinacy and newspaper paragraphs which is called public opinion."[5]

Modern survey researchers have not been much kinder. The first voting studies, carried out during the 1940s and 1950s, turned up what scholars considered appalling evidence of public ignorance, lack of interest in politics, and reliance on group or party loyalties rather than judgments about the issues of the day. Repeated surveys of the same individuals found that their responses seemed to change randomly from one interview to another. Philip Converse, a leading student of political behavior, coined the term *nonattitudes:* on many issues of public policy, many or most Americans seemed to have no real views at all but simply offered "doorstep opinions" to satisfy interviewers.[6] Political scientist Larry Bartels recently demonstrated in a rigorous analysis of a multitude of surveys that middle-class and lower-income Americans know surprisingly little about the economy and tend to support government policies that make their economic positions worse than they might be.[7] Economist Bryan Caplan argues that public opinion is more influential than it should be, having shown that widespread public ignorance about how the economy works leads people to support harmful public policies.[8]

What should we make of this? If ordinary citizens are poorly informed and their views are based on whim, or if they have no real opinions at all, or if these opinions are wrong-headed in a serious way, it hardly seems desirable—or even possible—that public opinion should determine what governments do. Both the feasibility and the attractiveness of democracy seem to be thrown into doubt. When we examine exactly what sorts of opinions ordinary Americans have, however, and how those opinions are formed and changed, we will see that such fears about public opinion have been exaggerated.

Before we address the issue of the rationality of public opinion and proper place of public opinion in the American democratic republic, we need to pay attention to two preliminary but important subjects. First, we must examine how we know what public opinion is. Second, we must learn more about the content of people's beliefs, attitudes, and opinions, and where they come from.

Finding Out What People Think

Decades ago, people who wanted to find out anything about public opinion had to guess, based on what their barbers or taxi drivers said, on what appeared in letters to newspaper editors, or on what sorts of one-liners won cheers at political rallies. But the views of personal acquaintances, letter writers, or rally audiences are often quite different from those of the public as a whole. Similarly, the angry people who call in to radio talk shows may not hold views that are typical of most Americans. To figure out what the average American thinks, we cannot rely on unrepresentative groups or noisy minorities. Fortunately, social scientists have developed some fairly reliable tools for culling and studying the opinions of large groups of people.

Public Opinion Polls

A clever invention, the public opinion poll, or **sample survey**, now eliminates most of the guesswork in measuring public opinion. A survey consists of systematic interviews conducted by trained professional interviewers who ask a standardized set of questions of a rather small number of randomly chosen Americans—usually about 1,500 of them for a national survey. Such a survey, if done properly, can reveal with remarkable accuracy what the rest of us are thinking.

The secret of success is to make sure that the sample of people interviewed is representative of the whole population, that is, that the proportions of people in the sample who are young, old, female, college-educated, black, rural, Catholic, southern, western, religious, secular, liberal, conservative, Democrat, Republican, and so forth are all about the same as in the U.S. population as a whole. This representativeness is achieved best when the people being interviewed are chosen through **random sampling**, which ensures that each member of the population has an equal chance of being selected. Then survey researchers can add up all the responses to a given question and compute the percentages of people answering one way or another. If for some reason some element of the population is underrepresented or over-represented in the sample—say young people or people living in rural areas—researchers can "weight" the relevant population group, giving it more or less importance in the total sample, so that the mix of elements in the final sample closely matches the general population. Statisticians can use probability theory to tell how close the survey's results are likely to be to what the whole population would say if asked the same questions. Findings from a random sample of 1,500 people have a 95 percent chance of accurately reflecting the views of the whole population within about 2 or 3 percentage points.[9]

For a number of reasons, perfectly random sampling of a national population is not feasible. Personal interviews have to be clustered geographically, for example, so that interviewers can easily get from one respondent to another. Telephone interviews—the cheapest and most common kind—are clustered within particular telephone exchanges. Still, the samples that survey organizations use are sufficiently representative so that survey results closely reflect how the whole population would have responded if everyone in the United States had been asked the same questions at the moment the survey was carried out. Recently, some commercial polling organizations have tried to do polling on the Internet. For the most part, these attempts fall prey to the problem of nonrandom sampling. Not all Americans own computers; not all computer owners regularly use the Internet. So, polling people by Internet is going to capture a sample that is very unrepresentative of the American population.

Challenges of Political Polling

Those who use poll results—including citizens encountering political polls in newspapers and on television—should be aware of the following problems with polls and what competent pollsters try to do about them.

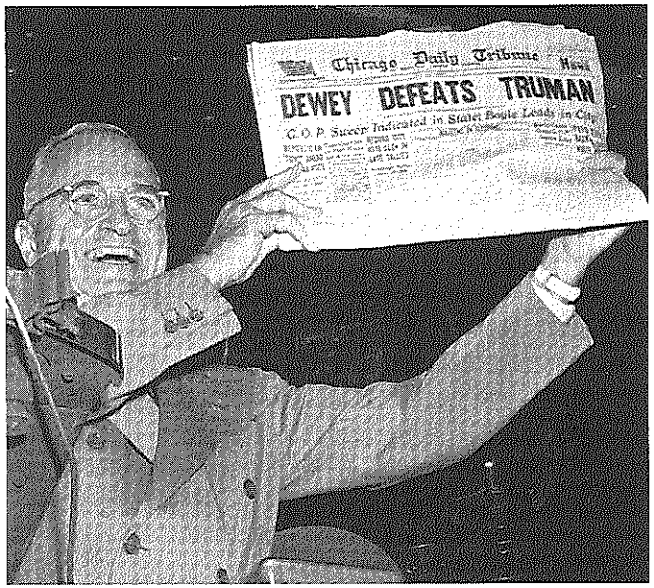
ISSUES OF WORDING The wording of questions is important; the way in which a question is worded often makes a big difference in the way it is answered.

- A question that asks "do you favor the death penalty?" is likely to get a higher proportion of people saying they are in favor than a question that asks "do you favor or oppose the death penalty?" because the former gives only one option.[10] Attaching the name of a popular president or an unpopular one to a survey question—as in "Do you support President X's proposal for Medicare reform?"—affects how people respond. Good survey questions try to avoid such "leading" wording.
- "Closed-ended" or "forced-choice" questions, which ask the respondents to choose among preformulated answers, do not always reveal what people are thinking on their own or what they would come up with after a few minutes of thought or discussion. So, in this sense, a survey may not always be capturing what people think is important or what choices they would make. Some scholars believe that such questions force people to express opinions about matters on which they really don't have an opinion, or even know what the question means.[11] For these reasons, "open-ended" questions are sometimes asked in order to yield more spontaneous answers, and small discussion groups or "focus groups" are brought together to show what emerges when people talk among themselves about the topics a moderator introduces.

ISSUES OF INTENSITY AND TIMING Often, while the wording of a question may be perfectly acceptable, the question may not capture the relative intensity of respondents' feelings about some policy or political issue. Thus, for example, a substantial majority of Americans for a long time has supported increased government control of the sale and ownership of guns. But, for the most part, they do not feel very strongly about it and rarely base their vote on where a candidate stands on the issue. Pollsters try to get around this problem by trying to build in intensity measures into the responses that are offered to people participating in a survey. Most commonly pollsters will provide more than simple "yes–no" or "agree–disagree" answer options, including instead a set of five to seven options ranging from "strongly agree" to "strongly disagree." At other times, surveys will ask how respondents would rank the importance of certain problems or policies. Still, these remain fairly indirect ways of getting at intensity.

The timing of a survey can be important. For elections, in particular, polling needs to happen as close to election day as possible in order not to miss last-minute switches and surges. Most famously, survey organizations in 1948 predicted a comfortable victory of Republican Thomas Dewey over Democratic president Harry Truman, feeling so confident of the outcome that they stopped polling several weeks before election day, missing changes in public sentiments late in the campaign. Similarly, every major polling organization missed Hillary Clinton's win over Barack Obama in the 2008 New Hampshire primary partly because they finished their polling before an important television debate between the candidates two days before the election.

ISSUES OF SAMPLING Scholars and survey professionals worry about a number of things that can undermine the validity of survey research by making it difficult to draw a sample that is random, meaning representative of the entire population. In



The pollsters get it wrong
Harry Truman ridicules an edition of the *Chicago Daily Tribune* proclaiming the Republican challenger, Thomas Dewey, president. Opinion polls stopped asking questions too early in the 1948 election campaign, missing Truman's last-minute surge. Top pollsters today survey likely voters right up to the end of the campaign.

some cases, the problems seem to be getting worse. Here are the principal things they are concerned about:

- Because they are inundated by phone calls from advertisers who sometimes try to disguise themselves as researchers, Americans have become less willing to answer pollsters' questions.
- Finding themselves bothered by telephone solicitations that interrupt their lives, Americans are increasingly using answering machines and "caller ID" to screen their calls. Pollsters are finding it increasingly difficult to get past the screening.
- More and more Americans are turning to cell phones and cutting their reliance on land lines. Because mobile phones are often turned off, survey researchers cannot always get through to people who are part of the prospective random sample. Also, because people don't want to use their minutes up when they are reached, many are unwilling to take part in lengthy surveys. And, pollsters cannot use autodialing technology to randomly call hundreds or thousands of potential respondents because the Federal Communications Commission requires that pollsters dial cell numbers directly.

The top academic and commercial polling firms claim they are taking steps to overcome these problems—using repeated call-backs and statistical methods to fill in for missing people, for example—but the problems are likely to get worse before they get better. For now, we will have to make do with polling results from quality researchers and firms. A good rule of thumb is to see which polls are most relied upon by public opinion scholars and other specialists on American politics.

Political Socialization: Learning Political Beliefs and Attitudes

The opinions and attitudes revealed by public opinion polls do not form in a vacuum. A number of important factors—among them families, schools, churches, the mass media, and social groups with which individuals are most closely associated—significantly influence both our core beliefs and our political attitudes. Political scientists refer to the process by which individuals acquire these beliefs and attitudes as **political socialization**. The instruments by which beliefs and attitudes are conveyed to individuals in society (such as our families, schools, and so on) are called **agents of socialization**.

Political socialization is a lifetime process in the sense that people engage in political learning throughout the life-course.[12] However, political learning in childhood and adolescence seems to be particularly important, as childhood is the period when people attain their core beliefs and general outlooks about the political world.[13]

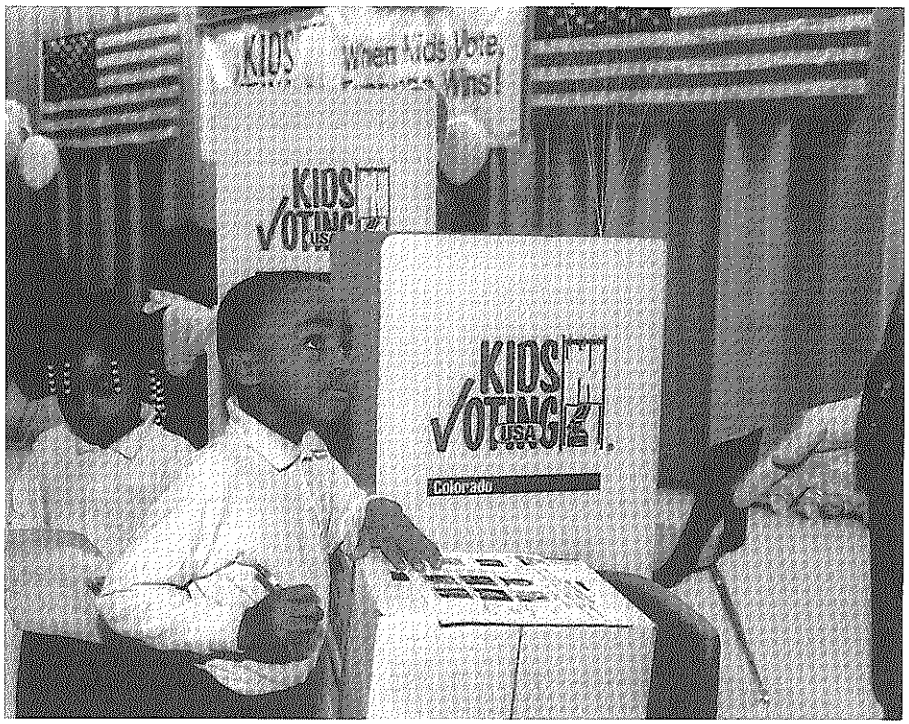
The *family* plays a particularly important role in shaping the outlooks of children. It is in the family—whether in a traditional or nontraditional family—that children pick up their basic outlook on life and the world around them. It is mainly from their family, for example, that children learn to trust or distrust others, something that affects a wide range of political attitudes later in life. It is from the family, and the neighborhood where the family lives, that children learn about which ethnic or racial group, social class or income group, and religion they belong to and begin to pick up attitudes that are typical of these groups. In dinner table conversations and other encounters with parents, children start to acquire ideas about the country—ideas about patriotism, for example—and their first vague ideological ideas: whether government is a good or bad thing, whether taxes are a good or bad thing, and whether certain people and groups in society are to be admired or not (welfare recipients, rich people, corporations, and the like). Most importantly, because it represents the filter through which a great deal of future political learning takes place, many children adopt the political **party identification** of their parents, especially if the parents share the same party identification. Although the relationship between parent and child party identification is weaker now than it was in the 1940s and 1950s, a majority of adult Americans still identify with the same party as their parents.

Schools are also important as agents of political socialization. In the early grades, through explicit lessons and the celebration of national symbols—such as the flag in the classroom, recitation of the Pledge of Allegiance, pictures on the walls of famous presidents, patriotic pageants, and the like—schools convey lessons about American identity and patriotism. In the middle grades, schools teach

children about the political process by sponsoring mock presidential elections and elections to student government. In the upper grades, most students in most school districts take courses in American history and American government and continue learning about participation through student government.

Popular culture—movies, music, and advertising—also shapes the budding political outlooks of young people.[14] To be sure, most of the messages coming from the popular culture have more to do with style, fashion, and attitude. But much in popular culture conveys political messages. Many rock performers such as U2 and Bruce Springsteen, for example, embed political messages in their songs. Many Hollywood movies come with a political message; for example, themes of sleazy politicians and untrustworthy or corrupt elected officials are quite common.

Political socialization does not stop when children become adults. Substantial evidence shows that a *college education* affects people's outlooks about public policies and the role of government. People with a college education, for example, are more likely to support government programs to protect the environment. We know, moreover, that people's political outlooks are shaped by *major events* or developments that affect



Never too young
Children gain many of their ideas about how the American political system works in their school classrooms. In the early grades, children gain impressions about the nation, its most important symbols (such as the flag), and its most visible and well-known presidents. They also learn the rudiments of democracy. Here, elementary school students take part in a mock election.

the country during their young adult years. In the past, such events have included the Great Depression, World War II, the civil rights movement and the countercultural revolution of the 1960s, the Reagan Revolution of the 1980s, and the 9/11 terrorist attacks on the United States. The recent Great Recession may similarly shape long-term outlooks about government and large corporations, as may British Petroleum's Gulf oil spill. The effect of these events and developments seems most pronounced for young people who are just coming to a sense of political awareness. Political scientists identify this phenomenon as a *generational effect*. Thus, young people coming of age politically during the 1960s turned out to be much more liberal throughout their lives than young people coming of age during the 1950s or during the Reagan years.

Finally, a number of socializing agents affect people's attitudes and expressed political opinions throughout adulthood. *Jobs* and experiences at work can affect the confidence that people express about the future for themselves and their families. The *news media* affects people's attitudes by how they select and frame the issues they cover, as you will see in Chapter 7. *Getting married* and *buying a home*—because they bring with them new concerns with things such as the quality of local schools and neighborhoods, interest rates on home mortgages, and more—cause many people to alter their positions on political parties, candidates, and issues. So too does *retirement*, which often brings a new sense of urgency about government support for retirement and health care benefits.

How and Why People's Political Attitudes Differ

Americans share a range of core beliefs. And, as we learned in the previous section, a broad range of socialization agents—from the news media and popular entertainment to government leaders and the schools—reinforce one another to shape our ideas about what it means to be an American and to live in the United States. However, Americans also grow up and live in a variety of distinctive environments that shape general political outlooks and specific attitudes in distinctive ways. In this section, we explore some of the most significant circumstances that define and often divide us in our political views.

Race and Ethnicity

Polling reveals differences in political attitudes that divide significantly along racial and ethnic lines. Among the biggest differences are those between white and black Americans. Hispanics and Asian Americans also have some distinctive political opinions. Many white ethnic groups, however, are no longer much different from other members of the population.

AFRICAN AMERICANS On most core beliefs about the American system, few differences are discernible between black Americans and other Americans.[15] Similar percentages of each group believe, for example, that people can get ahead by working hard,

that providing for equal opportunity is more important than ensuring equal outcomes, and that the federal government should balance its budget. Equal numbers say they are proud to be Americans and believe democracy to be the best form of government.[16] On a range of other political issues, however, the racial divide looms large,[17] though Barack Obama's election to the presidency has made African Americans more confident in the country and their place in it. Indeed, African Americans now believe more than white Americans that voting is a duty and that casting a ballot makes a difference.[18]

Partisanship is one important area where African Americans differ from whites. Blacks, who stayed loyal to the Republican party (the party of Lincoln and of Reconstruction) long after the Civil War, became Democrats in large proportions in the 1930s during the presidency of Franklin D. Roosevelt, whose New Deal greatly expanded the federal government's role in providing safety nets for the poor and unemployed. Most black Americans have remained Democrats, especially since the civil rights struggles of the 1960s. In 2008, African Americans were the most solidly Democratic of any group in the population: 69 percent called themselves Democrats, while only 3 percent called themselves Republicans (see Figure 6.1.) In 2008, 95 percent of African Americans voted for African American Democrat Barack Obama; only 4 percent supported Republican John McCain.[19]

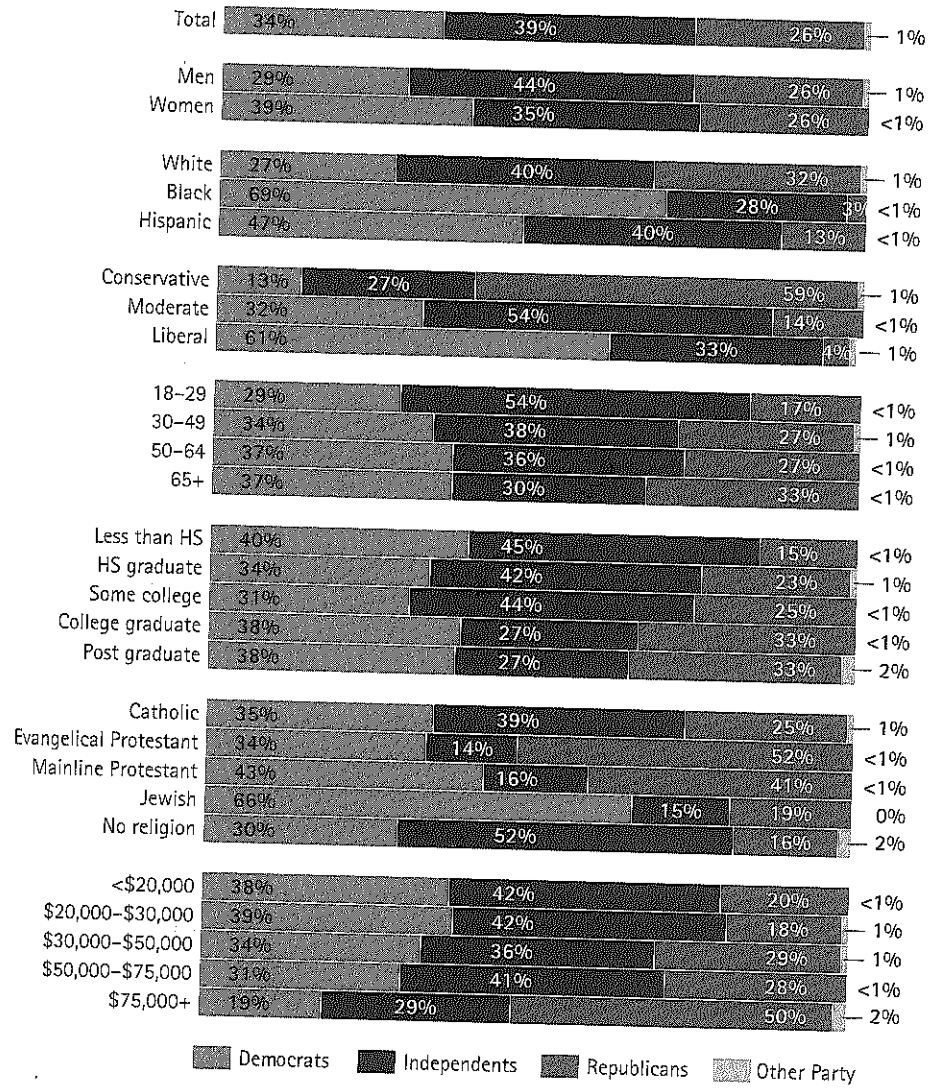
Black Americans also tend to be much more liberal than whites on economic issues, especially on those involving government programs to provide assistance to those who need help in the areas of jobs, housing, medical care, education, and so on. This liberalism reflects African Americans' economically disadvantaged position in American society and the still-real effects of slavery and discrimination. However, blacks tend to hold strong religious values and to be rather conservative on some social issues. More are opposed to abortion, for example, than are whites. In general, however, African Americans are very liberal (i.e., favor an activist government to help solve social ills). More blacks identify themselves as liberals than as conservatives or moderates, a pattern that is almost exactly reversed among whites.[20] African Americans also are more likely than Americans in general to favor government regulation of corporations to protect the environment and to favor labor unions.[21] Black and white divisions are most apparent on issues related to affirmative action. For example, 58 percent of African Americans but only 26 percent of whites agree with the statement that "the government should make every effort to improve the position of blacks and minorities, even if it means giving preferential treatment." [22]

HISPANICS Hispanics—people of Spanish-speaking background—are the fastest-growing ethnic group in America and the largest minority group in the nation. As a whole, the Hispanic population identifies much more with the Democrats than the Republicans; among this group, Democrats enjoy a 47 percent to 13 advantage over Republicans (see Figure 6.1). However, the Hispanic population itself is quite diverse. Cuban Americans, many of them refugees from the Castro regime, tend to be conservative, Republican, strongly anticommunist, and skeptical of government programs. The much more numerous Americans of Mexican, Central American, or

FIGURE 6.1

PARTY LOYALTIES AMONG VARIOUS SOCIAL GROUPS

African Americans, people who call themselves liberals, women, and Jews are the strongest Democratic identifiers. Evangelicals, people who call themselves conservatives, and high-income earners are the strongest Republican identifiers.



Source: American National Election Studies, 2008; and the General Social Survey, 2008.

Puerto Rican ancestry, by contrast, are mostly Democrats and quite liberal on economic matters, although rather traditional on social questions—reflecting their predominant Roman Catholicism.[23] In 2008, 67 percent of the Hispanic vote went to Democrat Barack Obama. Support by Republicans and their most conservative

adherents, those in the Tea Party movement, for the Arizona law giving police permission to stop and question people they suspect of being illegally in the country—most of those stopped are likely to be Hispanic—may make this group even more favorable toward the Democrats in the future.

ASIAN AMERICANS Asian Americans, a small but growing part of the U.S. population—a little more than 4 percent of the population in 2008—come from quite diverse backgrounds in the Philippines, India, Vietnam, Korea, Thailand, China, and elsewhere. As a group, Asian Americans are more educated and economically successful than the general population but are less likely to vote and express an interest in politics than people of equal educational and financial status. On social issues, Asian Americans support the death penalty and oppose same-sex marriage; on economic issues they are slightly more conservative than average. In recent elections, they have favored the Democrats; in 2008, 62 percent voted for Obama.

WHITE ETHNICS Other ethnic groups are not so distinctive in their political opinions. Irish Americans and people of Italian, Polish, and other southern or eastern European ancestry, for example, became strong Democrats as part of the New Deal coalition. But as they achieved success economically, their economic liberalism tended to fade, and their social conservatism became more prominent. By the 1980s, these groups were not much different from the majority of other white Americans in their attitudes about political and social issues.

Social Class

Compared with much of the world, the United States has had rather little political conflict among people of different income or occupational groupings; in fact, rather few Americans think of themselves as members of a social "class" at all. When forced to choose, about half say they are "working class" and about half say they are "middle class."[24] In Great Britain, on the other hand, where the occupational structure is similar to that of the United States, 72 percent of the population calls itself "working class."[25]

Still, since the time of the New Deal, low- and moderate-income people have identified much more strongly with Democrats than with Republicans. This still holds true today;[26] households in the lowest two income quintiles (the lowest 40 percent) are almost three times as likely to call themselves Democrats as Republicans. Upper-income people—whether high-salaried business executives, doctors, accountants, and lawyers or asset-rich people with no need to hold a job—have identified more strongly with the Republican Party for a long time, but this advantage for the GOP has narrowed, with many upper-income people increasingly identifying themselves as independents.[27]

People in union households have long favored the Democrats and continue to do so. About 6 in 10 people in union households say they favor the Democrats, roughly 11 percentage points higher than the party's support among all voters. In 2008, 59 percent of them voted for Barack Obama. This Democratic advantage has changed hardly at all since the mid-1970s, although it is important to be aware that the proportion of Americans who are members of labor unions is quite low compared with other rich countries and has been steadily declining, notwithstanding a small bounce-back in 2008 (see Chapter 8).

Lower-income people have some distinctive policy preferences. Not surprisingly, they tend to favor much more government help with jobs, education, housing, medical care, and the like, whereas the highest-income people, who would presumably pay more and benefit less from such programs, tend to oppose them.[28] To complicate matters, however, many lower-income people, primarily for religious and cultural reasons, favor Republican conservative positions on social issues such as abortion, law and order, religion, civil rights, education, and gay rights. Furthermore, many high-income people—especially those with postgraduate degrees—tend to be very liberal on lifestyle and social issues involving sexual behavior, abortion rights, free speech, and civil rights. They also tend to be especially eager for government action to protect the environment. We can see this manifested in recent elections where more high-income, high-education congressional districts in places such as California and Connecticut have elected Democrats, while low-income districts in Kentucky, Tennessee, and West Virginia have sent Republicans to Congress.

KEY POINT
Class issues are becoming less important to voters, while social issues are becoming more important.

Region

Region is an important factor in shaping public opinion in the United States. Each region is distinctive, with the South especially so. Although southern distinctiveness has been reduced somewhat because of years of migration by southern blacks to northern cities, the movement of industrial plants and northern whites to the Sun Belt, and economic growth catching up with that of the North, the legacy of slavery and segregation, a large black population, and late industrialization have made the South a unique region in American politics.[29]

Even now, white southerners tend to be somewhat less enthusiastic about civil rights than northerners; only people from the Mountain West (excluding Colorado and New Mexico) are as conservative on race. Southern whites also tend to be more conservative than people in other regions on social issues, such as school prayer, crime, and abortion, and supportive of military spending and a strong foreign policy (although they remain fairly liberal on economic issues, such as government health insurance, perhaps because incomes are lower in the South than elsewhere).[30]

These distinctive policy preferences have undercut southern whites' traditional identification with the Democrats, especially since the 1960s and 1970s,

when Democrats became identified with liberal social policies. The white South's switch to the Republican Party in the 1994 elections, in fact, is one of the major reasons Republicans were able to maintain control of Congress for a dozen years until the Democrats won back both houses in 2006. Though still in the majority among white southerners, there is some evidence that the Republican advantage is slipping in favor not of Democrats but of independents.[31] Moderate Democrats who appeal to independents have been making inroads in the region; Jim Webb won a Senate seat in Virginia in 2006 as did Kay Hagen in North Carolina in 2008. And Barack Obama won Virginia and North Carolina in the presidential race in 2008.

On many issues, northeasterners tend to be the most different from southerners, with midwesterners, appropriately, in the middle. Pacific Coast residents resemble northeasterners in many respects, but people from the Rocky Mountain states, with the exception of those in Colorado, tend to be quite conservative, with majorities opposed to a big government role in health insurance, for example.[32] The mountain states' traditions of game hunting in wide-open spaces have led them to cherish the right to bear firearms and to resist gun controls.

These regional differences should not be exaggerated, however. Long-term trends show a narrowing in regional differences on many core beliefs and political attitudes.[33] This is the outcome of years of migration of Americans from one region to another and the rise of a media and entertainment industry that is national in scale, beaming messages and information across regional lines.

Education

The level of formal education that people reach is closely related to their income level because education helps people earn more and also because the wealthy can pay for more and better schooling for their children. But education has some distinct political effects of its own.

As we will see in Chapter 10, education is generally considered the strongest single predictor of participation in politics. College-educated people are much more likely to say that they vote, talk about politics, go to meetings, sign petitions, and write letters to officials than people who have attained only an elementary or a high school education. The highly educated know more about politics. They know what they want and how to go about getting it—joining groups and writing letters, faxes, and e-mail messages to public officials. Within every income stratum of the population, moreover, college-educated people are somewhat more liberal than others, being more in favor of, for example, increased domestic spending to combat poverty and provide national health insurance. They also are more likely than other people in their same income stratum to favor multilateralism in international affairs, favoring the use of diplomacy, multination treaties, and the United Nations to solve global problems.[34]

People who have earned postgraduate degrees also have some distinctive policy preferences. They are especially protective of the civil rights, civil liberties, and individual freedom of atheists, homosexuals, protesters, and dissenters. Education may contribute to tolerance by exposing people to diverse ideas or by training them in elite-backed norms of tolerance.

Gender

A partisan "gender gap" first appeared in the 1980s and persists today, with the percentage of women who identify themselves as Democrats about 10 percentage points higher than men (see Figure 6.1). What seems to have been happening is a decline in the proportion of men and women who identify with the Republicans, a steady rise in the proportion of men who identify themselves as independents, and a sharp rise in women's identification as Democrats, particularly among unmarried women.[35] The differences show up in elections; in 2008, only 43 percent of women voted for Republican John McCain, compared with 48 percent of men. However, although the partisan gender gap is real and persistent—women identify more with the Democrats and are more likely to vote for Democratic candidates—the scale of the gap is not enormous, leading some scholars to suggest that the gender gap issue has been exaggerated.[36]

DEMOCRATIC REPUBLIC

Women more than men want government to do more to help the poor, the elderly, and the disabled.

Women also differ somewhat from men in certain policy preferences. Women tend to be somewhat more supportive of protective policies for the poor, the elderly, and the disabled. Women tend to be more opposed to violence, whether by criminals or by the state. More women over the years have opposed capital punishment and the use of military force abroad and favored arms control and peace agreements.[37] Perhaps surprisingly, there is no gender gap on the issue of abortion.[38]

Age

Younger citizens are less likely to identify with a political party than older cohorts, although those who do are increasingly leaning toward the Democrats.[39] The young and the old also differ on certain matters that touch their particular interests: the draft in wartime, the drinking age, and, to some extent, Social Security and Medicare. But the chief difference between old and young has to do with the particular era in which they were raised. Those who were young during the 1960s were especially quick to favor civil rights for blacks, for example. In recent years, young people have been especially concerned about environmental issues, and they are much less supportive than other Americans of traditional or conservative social values on homosexuality and the role of women in society. More than any other age cohort, those between the ages of 18 and 29 support the

idea of government-sponsored universal health insurance and legalization of same-sex marriage.[40] And, they were particularly attracted to the Democrat's youthful presidential candidate, Barack Obama, in 2008, with 66 percent voting for him. Often social change occurs by generational replacement in which old ideas, like the Depression-era notion that women should stay at home and "not take jobs away from men," die off with old people. But it is worth noting that older Americans are not necessarily entirely fixed in their views; like other Americans, those over the age of 60 have become, over the past decade or so, more tolerant of homosexuality and more supportive of the idea of women pursuing careers.[41]

Religion

Although religious differences along denominational lines are and have always been important in the United States,[42] the differences between the religiously observant of all denominations and more secular Americans is becoming wider and more central to an understanding of contemporary American politics. We look first at denominational differences, then at what has come to be called the "culture wars."

RELIGIOUS DENOMINATIONS Roman Catholics, who constitute about 24 percent of the U.S. population, were heavily Democratic after the New Deal but now resemble the majority of Americans in their party affiliations—pretty evenly split between the Democrats and Republicans.[43] Catholics' economic liberalism has faded somewhat with rises in their income, although this liberalism remains substantial. Catholics have tended to be especially concerned with family issues and to espouse measures to promote morality (e.g., antipornography laws) and law and order. But American Catholics disagree with many church teachings; they support birth control and the right to have abortions in about the same proportions as do other Americans, for example.

A majority of Americans (51 percent) are Protestant. Protestants come in many varieties—the relatively high-income (socially liberal, economically conservative) Episcopalians and Presbyterians; the generally liberal Unitarian-Universalists and middle-class northern Baptists; and the lower-income and quite conservative Southern Baptists and evangelicals of various denominations. The sharpest dividing line seems to be that between evangelical Protestants and mainstream Protestants. Evangelicals are much more likely to identify themselves as Republicans than as Democrats (52 percent compared to 34 percent) while those in mainstream churches favored the Democrats more (43 percent Democrat compared to 41 percent Republican). Evangelicals and mainstream Protestants also are sharply divided, with evangelicals taking decidedly more conservative positions on homosexuality and abortion.[44] In 2008, evangelicals cast an astounding 73 percent of their votes for John McCain.

A little less than 2 percent of Americans are Mormons, members of the fast-growing Church of Jesus Christ of Latter-Day Saints. They are the most staunchly conservative and most solidly Republican of any major religious denomination in the country. Sixty percent claim to be conservative in their political orientation, with only 10 percent choosing liberal. They also favor Republicans over Democrats by a margin of 65 percent to 22 percent.

American Jews (like Mormons, just under 2 percent of the U.S. population and very much their mirror image politically) began to join the Democratic Party in the 1920s and did so overwhelmingly in the 1930s, in response to Franklin D. Roosevelt's New Deal social policies and his foreign policy of resisting Hitler. Most Jews have stayed with the party. Next to African Americans, they remain the most Democratic group in the United States: about 65 percent identify themselves as Democrats and only 23 percent as Republicans. In the 2008 presidential election, Jews cast 78 percent of their votes for Obama and only 21 percent for McCain. Jews are exceptionally liberal on social issues such as civil liberties and abortion. They also tend to be staunch supporters of civil rights. Although rising incomes have somewhat undercut Jews' economic liberalism, they remain substantially more supportive of social welfare policies than other groups.

People who say they are not affiliated with any religious institution or belief system at all are strongly Democratic in their party identification and relatively liberal on most social issues; 54 percent are Democrats and 23 percent are Republicans. Seventy percent of the unaffiliated say that abortion should always be legal or legal most of the time. Seventy-one percent of them agree with the statement that "homosexuality should be accepted by society."

RELIGIOUSLY COMMITTED VERSUS THE LESS COMMITTED AND SECULAR Among the factors that most differentiate Americans on political attitudes and partisanship is their degree of religious belief and practice.[45] The religiously committed, no matter the religious denomination, are the most likely Americans to vote Republican and to hold conservative views, particularly on social issues such as abortion, the death penalty, same-sex marriage, and stem cell research. Committed and observant Catholics, Jews, and Protestants are not only much more Republican and socially conservative than people who practice no religion and/or claim to be totally secular, but they are also more Republican and socially conservative than their less committed and observant co-religionists. As an example, 55 percent of committed white evangelicals identify as Republican compared with only 38 percent of other Evangelicals (and a miniscule 15 percent among people who say they are secular). Among mainstream Protestant denominations, the committed are 38 percent Republican, compared with 31 percent among the less committed. Taking all denominations together, to look at another example of how relative religious commitment matters, the "churched" are far more likely to vote Republican than those who are less "churched" or who don't go to church (or synagogue or mosque) at all (see Table 6.1).

TABLE 6.1

Church Attendance and Vote in the 2008 Presidential Election
Percent Voting for Each Candidate

	MCCAIN	OBAMA
More than once a week	55	43
Once a week	55	43
Monthly	46	53
A few times a year	39	59
Never	30	67

Source: National Election Pool (Washington, D.C.: Edison Media Research and Mitofsky International, November 4, 2008).

The gap between the religiously committed and other Americans—particularly those who say they never or almost never go to church—on matters of party identification, votes in elections, and attitudes about social issues has become so wide and the debates so fierce that many have come to talk about America's culture wars. On a range of issues—including Supreme Court appointments, abortion, the rights of gays and lesbians, prayer in the public schools, and the teaching of evolution—passions on both sides of the divide have reached what can only be called white-hot fever pitch. To be sure, much of the noise in the culture wars is being generated by leaders of and activists in religiously affiliated organizations and advocacy groups, exaggerating, perhaps, the degree to which most Americans disagree on most core beliefs and political attitudes.[46] But, the battle between the most and least religiously observant and committed has helped heat up the passions in American politics because each group has gravitated to one or the other political party—the former to the Republicans and the latter to the Democrats—and become among the strongest campaign activists and financial contributors within them.

Party Identification

People who say they are Democrats differ considerably in their political attitudes from those who say they are Republicans. Republicans are much more likely than Democrats to vote for Republican candidates and approve of Republican presidents; they tend to belong to different social and economic groups; and they are more likely to favor policies associated with the Republican Party. Republicans are much more likely than Democrats to support big business and an assertive national security policy and to be against stem-cell research, same-sex marriage, and abortions, for example; Democrats are much more likely than Republicans to support government programs to help the poor and help racial minorities get ahead, to regulate business for consumer protection and greenhouse gas emissions, and to support gay rights and abortion on demand. Table 6.2 shows big differences on some of the major issues of the day between Republicans and Democrats. Figure 6.2 shows that the differences between them are growing ever wider. Republicans and Democrats, then, face each other today across a wide chasm.

TABLE 6.2

Partisanship and Issue Positions, 2009 (Percentage Agreeing with the Statement)

SURVEY STATEMENT	DEMOCRATS	REPUBLICANS
Government should take care of people who can't take care of themselves.	77%	46%
Government should help more needy people even if the national debt increases.	65	29
Poor people have become too dependent on government programs	62	83
The best way to ensure peace is through military strength.	43	75
We should restrict and control people coming into our country to live more than we do now.	64	83
The government is really run for the benefit of all the people.	60	41
[I am] in favor of same-sex marriage.	50	17
I am very patriotic. (completely agree)	46	71

Source: Trends in Political Values and Core Attitudes, 1987–2009 (Washington, D.C.: Pew Research Center, 2009).

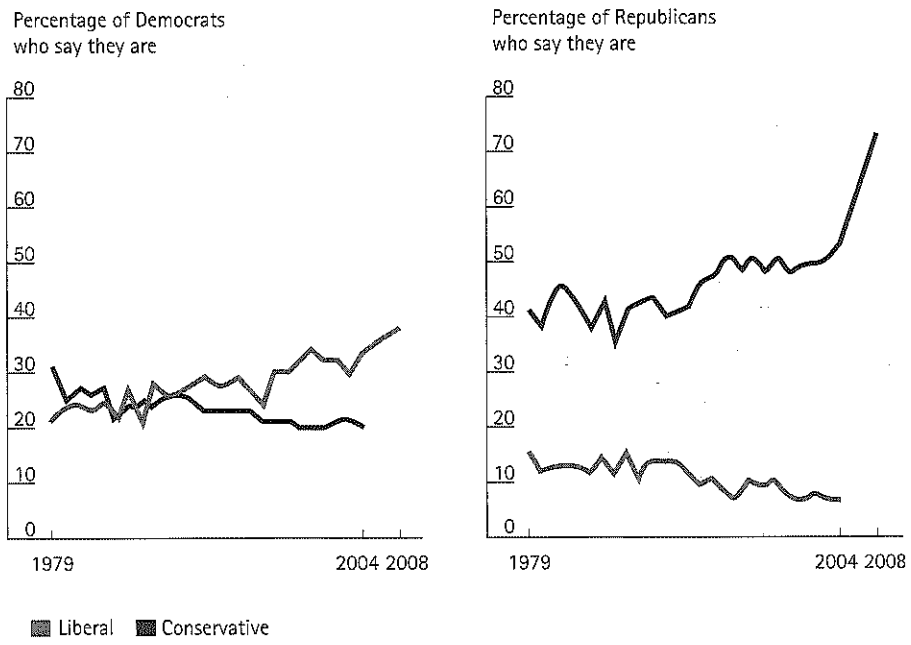
The Contours of American Public Opinion: Are the People Fit to Rule?

Now that we know more about how public opinion is measured and why people hold certain core beliefs and political attitudes, we can return to the issue raised in the opening pages of this chapter concerning the place of public opinion in a society that aspires to be a democracy. Recall from the earlier discussion that many observers of American politics in the past and today have had little confidence in the abilities of the average person to understand vital public issues or to rationally engage in public affairs. If, as they have feared, ordinary citizens are uninformed, prone to rapid and irrational changes in their political attitudes, and easily led astray, there is not much reason to assume that public opinion can or ought to play a central role in deciding what government should do. However, as we will see in this section, further examination of the opinions of ordinary Americans and how they change in response to events and new information will demonstrate that such fears about an uninformed and irrational public may have been exaggerated.

FIGURE 6.2

The Growing Ideological Homogeneity of Party Identifiers

Party identification and political ideology are becoming more closely related. Republican identifiers, more conservative than Democratic Party identifiers anyway, are becoming even more conservative. At the same time, Democratic Party identifiers are becoming more liberal. The deep divide that reflects the confluence of parties and ideologies has become a key feature of modern American politics and contributes to much of the incivility and intensity of public affairs in recent years.



Source: *New York Times*/CBS News/Gallup Poll, 1979–2009.

What People Know About Politics

Several decades of polling have shown that most ordinary Americans do not know or care a lot about politics.[47] Nearly everyone knows some basic facts, such as the name of the capital of the United States and the length of the president's term of office. But only about two-thirds of adults know which party has the most members in the House of Representatives. Only about 30 percent know that the term of a U.S. House member is two years; only about one-half know that there are two U.S. senators from their state.[48] And barely one in four Americans can explain what is in the First Amendment. Furthermore, people have particular trouble with technical terms, geography, abbreviations, and acronyms like NATO (the North Atlantic Treaty Organization) and NAFTA (the North American Free Trade Agreement). And, despite the explosion of information sources—including the Internet and 24-hour cable news—there has been no improvement in Americans' political knowledge over the past two decades.[49]

The things that most Americans don't know may not be vital to their role as citizens, however. If citizens are aware that trade restrictions with Canada and Mexico have been eased, does it matter that they recognize the acronym NAFTA? How important is it for people to know about the two-year term of office for the U.S. House of Representatives, as long as they are aware of the opportunity to vote each time it comes along? Perhaps most people know as much as they need to know in order to be good citizens, particularly if they can form opinions with the help of better-informed cue givers (experts, political leaders, media sources, informed friends, interest groups, and so on) whom they trust or by means of simple rules of thumb.[50]

We do not mean to minimize the consequences of people's lack of political knowledge. It has some extremely important implications. As we will see in Chapter 8, for example, when policy decisions are made in the dark, out of public view, interest groups may influence policies that an informed public would oppose. Nor do we mean to encourage complacency, fatalism, or ignorance. Individuals should take the personal responsibility to be good citizens, and organized efforts to alert and to educate the public are valuable. But low levels of information are a reality that must be taken into account. Perhaps it is unrealistic to expect everyone to have a detailed knowledge of a wide range of political matters.

By the same token, we should not expect the average American to have an elaborately worked-out **political ideology**, a coherent system of interlocking attitudes and beliefs about politics, the economy, and the role of government. You yourself may be a consistent liberal or conservative (or populist, socialist, libertarian, or something else), with many opinions that hang together in a coherent pattern. But surveys show that most people's attitudes are only loosely connected to each other. Most people have opinions that vary from one issue to another: conservative on some issues, liberal on others. Surveys and in-depth interviews indicate that these are often linked by underlying themes and values, but not necessarily in the neat ways that the ideologies of leading political thinkers would dictate.[51]

KEY POINT
Most people have opinions that vary from issue to issue—conservative on some issues, liberal on others.

For the same reasons, we should not be surprised that most individuals' expressed opinions on issues tend to be unstable. Many people give different answers when the same survey question is repeated four years or two years or even a few weeks after their first response. Scholars have disagreed about what these unstable responses mean, but uncertainty and lack of information very likely play a part.

None of this, however, means that the opinions of the public, taken as a whole, are unreal, unstable, or irrelevant. The *collective whole* is greater than its individual parts. Even if there is some randomness in the average individual's expressions of political opinions—even if people often say things off the top of their heads to survey interviewers—the responses of thousands or millions of people tend to average out this randomness and reveal a stable **collective public opinion**. Americans' collective policy preferences are actually very stable over time. That is, the percentage of Americans who favor a particular policy usually stays about the same, unless circumstances change in important ways, such as a major war or economic

political Islam, and the like—they do divide on the role they believe government should play. To complicate matters, Americans generally divide along two dimensions when it comes to government: one related to government's role in the economy, the other related to government's role in society. Some Americans—those we usually label **economic conservatives**—tend to put more emphasis on economic liberty and freedom from government interference; they believe that a free market offers the best road to economic efficiency and a decent society. Others—whom we usually label **economic liberals**—stress the necessary role of government in ensuring equality of opportunity, regulating potentially damaging business practices, and providing safety nets for individuals unable to compete in the job market. Government regulation of the economy and spending to help the disadvantaged are two of the main sources of political disputes in America; they make up a big part of the difference between the ideologies of liberalism and of conservatism. However, this accounts for only one of the two dimensions. It is also useful to distinguish between **social (or lifestyle) liberals** and **social (or lifestyle) conservatives**, who differ on such issues as abortion, prayer in the schools, homosexuality, pornography, crime, and political dissent. Those who favor free choices and the rights of the accused are often said to be liberals, while those preferring government enforcement of order and traditional values are called conservatives (see Table 6.3).

TABLE 6.3

Positioning Prominent Americans

	ECONOMIC LIBERAL (favors more government regulation of business to protect the environment and consumers, more progressive taxes, and more programs to help low-income Americans)	ECONOMIC CONSERVATIVE (favors less government involvement in economy and society, leaving more to the private sector)
Social Liberal		
(favors the right to abortion, more rights for gays and lesbians, more civil rights protections for minorities, and separation of church and state)	Bill and Hillary Clinton Barack Obama Nancy Pelosi	Milton Friedman Michael Bloomberg
Social Conservative		
(against abortion, supports traditional families and gender roles, favors more religious practices in public life)	Rev. Rick Warren Mike Huckabee	Ronald Reagan George W. Bush

It should be apparent that opinions on economic and social issues do not necessarily go together. Many people are liberal in some ways but conservative in others. A gay activist, for example, would likely be a social liberal, but might also be an economic conservative when it comes to taxes and regulation of business. An evangelical minister preaching in a poor community might be a social conservative on issues such as homosexuality and pornography but an economic liberal when it comes to government programs to help the disadvantaged.

Policy Preferences

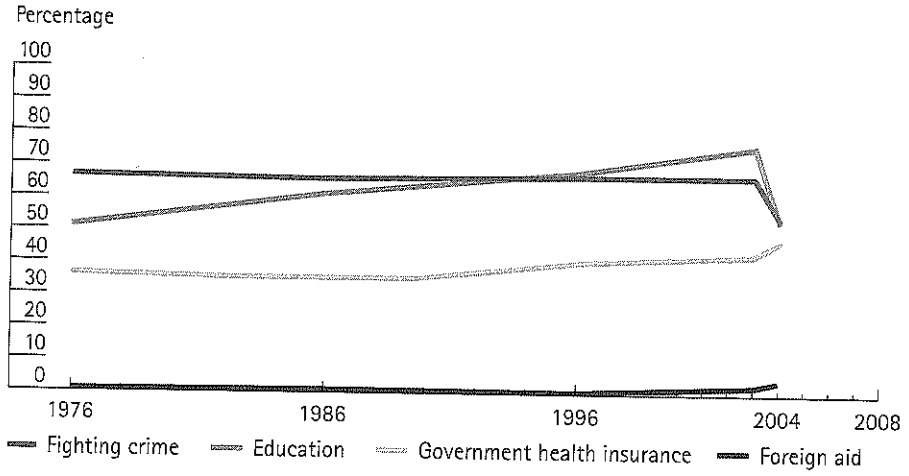
According to democratic theory, one of the chief determinants of what governments do should be what the citizens *want* them to do, that is, citizens' **policy preferences.** By and large, while more Americans say they are conservative or moderate than say they are liberal, they want government to do a great deal to address societal needs. One might say that a majority of Americans are philosophical conservatives and moderates but operational liberals.[60]

Spending Programs As Figure 6.3 shows, Americans have been consistent over the years in their positions on a range of things they want from government. We can see that large and rather stable majorities of Americans think we are spending "too little" on education, fighting crime, and providing health insurance. Many

FIGURE 6.3

Public Support for Spending Programs

Large, fairly stable majorities of Americans have favored increased spending for fighting crime and aiding education, but very few have favored increased foreign aid over the years (though support increased after 2000).



Source: American National Election Study, 2008.
Note: Year-to-year fluctuations have been averaged to create the trend line.

polls show that the public also gives consistently high support to Social Security, Medicare, and environmental protection programs. Substantial majorities, moreover, have said for many years that they want the government to pay for more research on diseases such as cancer and AIDS and to "see to it" that everyone who wants to work can find a job.[61]

By contrast, few people think too little is being spent on foreign aid; many more think too much is being spent. Except for disaster relief, such as for the 2005 tsunami in the Indian Ocean, foreign aid is generally unpopular. (The reason may be, in part, that few realize how little is spent on foreign aid—only about 1 percent of the annual federal budget is devoted to economic and humanitarian assistance; when this is made clear, support for economic aid rises sharply.[62]) Large majorities of the public oppose military aid or arms sales abroad. The space program wins only slightly greater support.

When public opinion changes, it usually does so for perfectly understandable reasons. Hard economic times, for example, often cause shifts in attitudes. It is perhaps not surprising then that economic troubles in 2001–2003 and 2007–2008 formed the backdrop for significant increases in public support for programs to "care for those who can't care for themselves" (increased from 57 percent in 1994 to 67 percent in 2007, but dropped to 63 percent in 2009).[63]

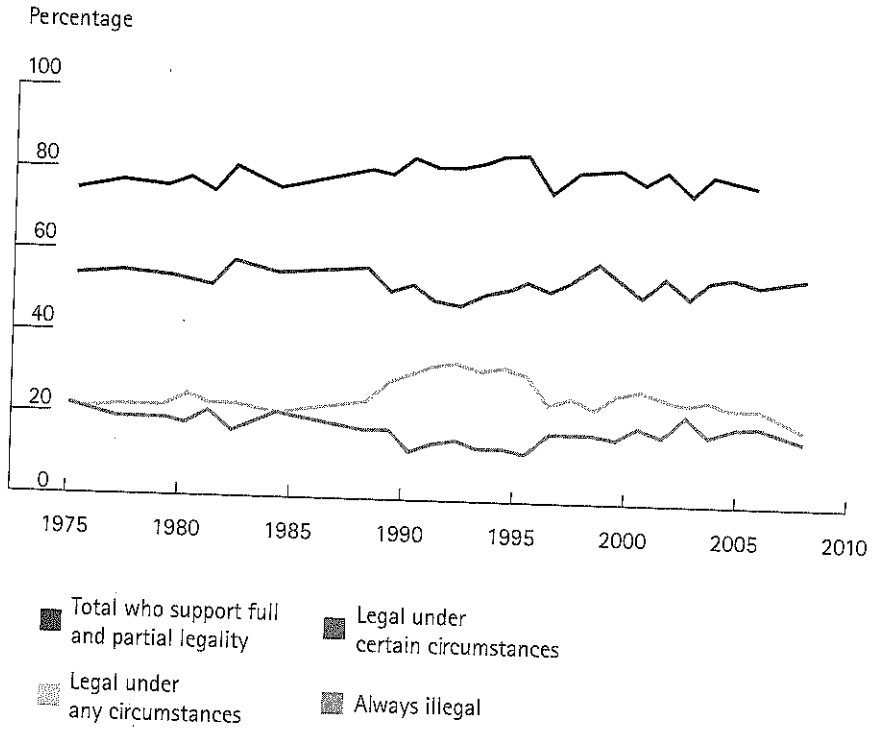
SOCIAL ISSUES As Figure 6.4 shows, Americans make distinctions among different circumstances when deciding whether they favor permitting abortions. For much of the past three decades, about 55 percent of Americans have reported that they support the legality of abortion under certain circumstances. Thus, more are likely to find abortion acceptable if the life of the mother is in danger, but fewer support abortion when a women says she simply does not want another child. About 25 percent say abortion should be legal under all circumstances; about 20 percent believe that abortion always should be illegal.[64] Views about abortion, then, have remained consistent over many years, even in the face of the furious cultural war that has swirled around this issue.

As the nation has become more educated and its mass entertainment culture more open to diverse perspectives and ways of life, public opinion has become more supportive of civil liberties and civil rights for women and minorities. Beginning in the 1940s or 1950s, for example, more and more Americans have come to favor having black and white children go to the same schools and integrating work, housing, and public accommodations. In 2009, fully 83 percent of Americans said it was alright for blacks and whites to date one another, a big jump from 1987 when only 48 percent endorsed this view.[65] At the same time, however, there is considerable opposition among whites to affirmative action programs that involve the use of racial preferences. And, there has been a slow but steady increase in support of equal treatment for gays and lesbians, although substantial majorities oppose same-sex marriage.[66] These issues were explored in Chapter 5.

FIGURE 6.4

PUBLIC APPROVAL FOR ALLOWING ABORTIONS

Only a minority of Americans supports or rejects abortion under any and all circumstances. For a long time now, a majority of Americans say they believe abortion should be legal, but only under certain circumstances.



Source: General Social Survey, 2006, and Pew "Trends in Political Views, 2009," for 2008 data.

On a number of issues, Americans support positions favored by social conservatives. Large majorities, for example, have consistently favored allowing organized prayer in the public schools, banning pornography, preventing flag burning, penalizing drug use, punishing crimes severely, and imposing capital punishment for murder. Sixty-two percent of Americans, moreover, said in 2010 that they approved police questioning of anyone they suspected of being in the country illegally, the heart of the controversial law passed in Arizona.[67]

FOREIGN POLICY AND NATIONAL SECURITY In the realm of foreign policy and national security, public opinion sometimes changes rapidly in response to crises and other dramatic events. Major international events affect opinions, as we saw in the chapter-opening story on public reactions to the Tet Offensive during the Vietnam War. The percentage of Americans saying we were wrong to invade Iraq steadily

increased as the news from there got worse. Confidence in the effectiveness of American foreign and military policies declined sharply between 2005 and 2007.[68] This seems quite understandable given events on the ground. But often foreign policy opinions are quite stable. Since World War II, for example, two-thirds or more of those giving an opinion have usually said that the United States should take an "active part" in world affairs. The percentage supporting a U.S. role has remained relatively high, not fluctuating much with alleged public moods and changing circumstances.[69]

The public has been quite hesitant to use troops abroad, however, unless the threat to the United States is tangible. Just before U.S. troops were sent as peacekeepers to Bosnia in 1994, for example, 78 percent of the public opposed the idea and only 17 percent were in favor.[70] Opposition faded as the operation began to look less risky. The public strongly supported the use of the military to destroy Al Qaeda and the Taliban regime in Afghanistan[71] and initially supported President Bush's decision to invade Iraq in 2003, when only 23 percent of those surveyed said the United States "made a mistake sending troops to Iraq." By fall of 2005, with bad news from Iraq dominating the news, those thinking it was a mistake had soared to 58 percent.[72] Support for the armed conflict in Afghanistan, nine years after it began, was low by mid-2010; only 44 percent of Americans said it was "worth fighting."[73]

Although not many Americans embrace pure **isolationism**—the view that the United States should not be involved abroad and should only pay attention to its own affairs—the public (and political and economic leaders, as well) is divided over whether its involvement in the world should take a **unilateralist** or a **multilateralist** form. Unilateralists want to go it alone, taking action when it suits our purposes, and not necessarily seeking the approval or help of international organizations such as the United Nations or regional organizations such as NATO. Unilateralists are also uncomfortable with entering into too many international treaties. Multilateralists believe that the protection of American interests requires continuous engagement in the world, but do not think that the United States has the resources or ability to accomplish its ends without cooperating with other nations and with international and regional organizations. According to most surveys, roughly two out of three Americans are in the multilateralist camp, telling pollsters they oppose unilateral U.S. military intervention in most cases and support cooperation with the United Nations and NATO and international treaties on human rights, the environment, and arms control. In this regard, they are considerably more multilateralist than American legislative and executive branch officials.[74] Despite low public support for military interventions and strong support for multilateralism in foreign affairs, U.S. military spending is the highest in the world.

The People's "Fitness to Rule" Revisited

This examination of collective public opinion, its evident stability on a wide range of issues over time, and why it sometimes changes on some issues leads us to conclude that confidence in the role of the public in the American political system is warranted. The evidence demonstrates that collective public opinion is quite stable and sensible when it comes to core beliefs and attitudes about government, the parties, and policy preferences.[75] The evidence further shows that when collective public opinion does change, it does so for perfectly understandable reasons: dramatic events, new information, or changes in perspective among American leaders. The conclusion we draw is a simple yet powerful one: The American people are fit to rule. The next question to address is whether the people, in fact, do rule.

Does Public Opinions Determine What Government Does?

We have argued that a crucial test of how well democracy is working is how closely a government's policies match the expressed wishes of its citizens over time. Do the actions of the U.S. government match what collective public opinion says it wants government to do? Some scholars claim that yes, the government generally acts in ways that reflect public opinion. But others argue that public officials sometimes ignore public opinion; that public opinion is often heavily manipulated by government leaders so that it tends to reflect rather than influence government action; and that the public is inattentive and has no opinions on many important policy issues, leaving political leaders free to act on their own. In the remainder of this chapter, we'll take a look at just how much of an impact public opinion has on government action, and consider whether public opinion works in the United States to make our system more democratic.

The Case That Government Is Responsive

As our opening story about the Vietnam War suggests, at least under some circumstances, public opinion does affect policymaking. We have encountered other examples that tell the same "government responsiveness" story in this book. President Bush's attempt to alter Social Security in 2005, for example, was blocked by congressional opponents backstopped by strong public support for the current system.

These stories about government responsiveness to public opinion have been buttressed by important assessments by scholars that indicate a strong statistical correlation between public opinion and government action.[76] Looking at many different policy issues—foreign and domestic—one scholar found, for example, that about two-thirds of the time, U.S. government policy coincides with what opinion surveys say the public wants. The same two-thirds correspondence has appeared when other scholars investigated how *changes* in public opinion relate to changes in federal, state, and local policies. Moreover, when public opinion changes by a substantial and enduring amount and the issue is prominent, government policy has moved in the same direction as the public 87 percent of the time within a year or so afterward.[77] Yet another influential study shows that substantial swings in the national political mood have occurred over the past half century or so and that

public policy has followed accordingly. As the American people have moved first in a liberal direction, then a conservative direction, and back again over the years, elected leaders in Washington have shaped their policies to fit the public mood, being more activist in liberal periods and less activist in conservative periods.[78] Finally, one scholar concludes, after carefully reviewing the results of 30 studies, that public opinion almost always has some effect on what government does, and when an issue is visible and important to the people, public opinion is the decisive factor in determining the substance of government policy.[79]

The Case That Government Is Not Responsive

Although these studies seem to lend substantial support for the idea that public opinion is a powerful determinant of what government does in the United States, showing a strong statistical correlation between public opinion and government policy does not prove that public opinion *causes* government policies. There are any number of plausible reasons why a "causal relationship" may not really exist. Here is what the critics say:[80]

- It may be the case that public opinion and government policies move in the same direction because some third factor causes both of them to change. In this example, the true cause of government action is this third factor, not public opinion. There are many instances in the real world in which this has happened. For example, the news media often play up a particular incident or situation and persuade both public opinion and government policymakers that action is needed. This is clearly what happened when the Hearst newspaper chain whipped up fervor among both the public and elected leaders for war against Spain in the wake of the sinking of the battleship *Maine* in Havana harbor in 1898. Or an interest group or set of interest groups might sway public opinion and government officials in the same direction at the same time, as medical, insurance, and hospital associations did when they launched a successful campaign to sink Bill Clinton's health care initiative in 1994.
- Even if public opinion and government actions are highly correlated, it may be the case that it is government that shapes public opinion. In statistical language, we might say that the causal arrow is reversed, going not from the public to government, but the other way around: that officials act to gain popular support for policies and actions these officials want.[81] Such efforts can range from outright manipulation of the public—the Tonkin Gulf incident described in the opening story in this chapter is such a case; some would claim that the use of the "weapons of mass destruction" rhetoric to raise support for the invasion of Iraq in 2003 is another compelling case[82]—to the conventional public relations efforts carried out every day by government officials and agencies. This is why both the legislative and executive branches of the federal government are so well equipped with communications offices, press secretaries, and public liaison personnel.

So where does all of this leave us on the question of public opinion's influence on government? It is probably reasonable to say that public opinion often plays an important role in shaping what government does: political leaders seem to pay attention to public opinion when they are in the midst of deciding on alternative courses of action. Some would argue that they do entirely too much of this, in fact, pandering to the whims of the public rather than exercising leadership. This desire to find out what the public thinks and what it wants is why congressional incumbents, candidates for office, presidents, and government agencies spend so much time and money polling their relevant constituencies. And it is no mystery why elected officials do this, as do their challengers: public opinion is eventually translated into votes at election time. So, staying on the right side of public opinion—giving people what they want in terms of policies—is how people gain and keep elected offices.

But it is the case that the public is not always paying attention or has an opinion about important matters. This has led scholars to suggest that while public opinion plays an important role in shaping government policy under certain conditions, it plays a lesser role in others. In particular, public opinion seems to matter most when issues are highly visible to the public (usually because there has been lots of political conflict surrounding the issue), are about matters that affect the lives of Americans most directly, and concern issues for which people have access to reliable and understandable information. When economic times are tough—during a recession, for example—no amount of rhetoric from political leaders, the news media, or interest groups is likely to convince people "that they never had it so good." People have a reality check in such circumstances.

By the same token, many foreign policy questions are distant from people's lives and involve issues in which information is scarce or incomplete. In this circumstance, government officials act with wide latitude and play an important role in shaping what the public believes. After studying decades' worth of surveys of public and elite opinion on foreign policy issues collected by the Chicago Council on Foreign Relations, for example, researchers concluded that a deep disconnect exists between the public and elites, with the public much less eager than elites to use force in foreign affairs and more supportive of international cooperation—in the form of international treaties and the United Nations—to tackle global problems.[83] Additionally, some issues, such as the details of tax legislation or the deregulation of the telecommunications industry, are so obscure and complex that they become the province of interest groups and experts, with the public having but ill-formed and not very intense opinions.[84] Moreover, public opinion is only one factor in shaping what government does, something we will address in later chapters. A range of other political actors and institutions, including political parties, interest groups, the news media, and social movements, also influence government, and many scholars argue that their combined influence has far more of an effect than public opinion on what government does. It is probably reasonable to say, moreover, that the influence of public opinion on government is significantly less than

the statistical studies suggest (e.g., the "two-thirds" rule) for the reasons given: the impact of third factors on both opinion and government and the significant amount of influence government officials have over popular opinion.[85] And it is hard to avoid noticing the many times government acts almost exactly contrary to public opinion—Congress's decision to go ahead with the impeachment and trial of Bill Clinton in late 1998 and early 1999 in the face of strong public opposition comes to mind, as does inaction on gun control.

PUBLIC OPINION AND THE DEMOCRATIC REPUBLIC

The framers of the Constitution, strong believers in the benefits of republican government, were decidedly unfriendly to the idea that government policy ought to merely reflect the wishes of the mass public. In their view, government leaders were to be insulated from the direct pressure of the people. They believed that political leaders, though holding office by the consent of the governed, ought to be able to deliberate among themselves about the nature of the public interest and decide how to achieve it.

To help ensure such outcomes, the framers fashioned a system in which the mass public was involved, but only in indirect and intermittent ways. Although some offices were to be filled by direct election of the people—the House of Representatives, for example—most were not, including the presidency, the Senate, and the Supreme Court. Furthermore, in elections to fill the seats in the House, the framers understood that a very limited franchise existed in most states, based on some minimum level of property ownership or annual tax payment for voting and holding office. Moreover, the most popular branch, the House of Representatives, was to be hemmed in by the constraints on House action created by the "separation of powers" and "checks and balances." Because under this eighteenth-century republican constitutional design only a relative handful of political leaders were directly beholden to the votes of the broad public, leaders did not need to be directly guided by the collective policy preferences of the people. Although the framers no doubt wanted public officials to pay attention to public opinion as an important background factor during their deliberations, the notion that public opinion ought to drive government policy making was foreign to the prevailing republican doctrine at the time of the founding.

Today, public opinion most certainly plays a larger role in government deliberations and decisions than the framers envisioned or wanted. It is a rare elected official who does not continuously survey his or her constituents. Every aspiring candidate for public office does polling of potential voters. Every large government agency, from the Defense Department to the Department of the Interior, tries to discover what the public is thinking about its operations, using either its own polling operation or subcontracting the task to others. Adding to the mix, news organizations poll the public continuously on policy issues, while most major interest groups commission surveys related to their particular agendas. The new importance of public opinion in governmental affairs is a tangible indicator of the degree to which democratic aspirations have reshaped the behavior of public officials and the role of government and moved the United States some distance from the system envisioned by our eighteenth-century republican Founders. The impact of public opinion, then, has been one of the most important factors in changing the American republic into the American democratic republic.

Although our republican system has been democratized in this way, it is not necessarily the case that we are fully democratic in the sense that government policies simply reflect what the people want. It is quite the contrary. We have seen that a high correlation exists between public preferences and government policies at the national level, but we have also learned that the seemingly strong statistical relationship between them is not what it seems at first. For one thing, the federal government takes action in a wide range of areas where the public has no opinion at all. Regulation of banks and telecommunications comes to mind. It is in these areas that interest groups and large contributors may play particularly important roles. We have also seen that the collective preferences of the public are sometimes the product of incomplete or biased information from the media, interest groups, and political leaders; sometimes they are the product of outright manipulation, as in the case of the Gulf of Tonkin incident related in the chapter-opening story. Political scientist E. E. Schattschneider probably had it right when he said that the American people were "semi-sovereign," meaning that public opinion can strongly influence government policy, but only under certain circumstances.

KEY TERMS

core beliefs (political), p. 146
political attitudes, p. 146
public opinion, p. 146
sample survey, p. 147
random sampling, p. 148
political socialization, p. 151
agents of socialization, p. 151
party identification, p. 151
political ideology, p. 165
collective public opinion, p. 165
rational public, p. 166
presidential approval rating, p. 167
economic conservatives, p. 168
economic liberals, p. 168
social (lifestyle) liberals, p. 168
social (lifestyle) conservatives, p. 168
policy preferences, p. 169
isolationism, p. 172
unilateralist, p. 172
multilateralist, p. 172

SUGGESTIONS FOR FURTHER READING

Asher, Herbert. *Polling and the Public: What Every Citizen Should Know.* Washington, D.C.: CQ Press, 2010. *How public opinion surveys are done and what they mean.*

Caplan, Bryan. *The Myth of the Rational Voter: Why Democracies Choose Bad Policies.* Princeton, NJ: Princeton University Press, 2007.

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Erikson, Robert S., and Kent L. Tedin. *American Public Opinion*, 8th ed. New York: Longman Publishers, 2010.

A comprehensive survey of what we know about American public opinion and how we know it.

Page, Benjamin I., with Marshall Bouton. *The Foreign Policy Disconnect: What Americans Want from Our Leaders But Do Not Get*. Chicago: University of Chicago Press, 2006.

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Weissberg, Robert. *Polling, Policy, and Public Opinion: The Case Against Heeding the "Voice of the People."* New York: Palgrave, 2002.

A passionate argument on why government officials should not be too responsive to public opinion.

Wolfe, Alan. *Does American Democracy Still Work?* New Haven, CT: Yale University Press, 2006.

Suggests that Americans are neither interested in nor informed about public affairs and the effects of these twin conditions undermine democracy in the nation.

Internet Sources

American Association for Public Opinion Research
http://www.aapor.org/Poll_andamp_Survey_FAQs.htm
An online guide for understanding and interpreting polls.

Doonesbury
http://cgi.doonesbury.com/cgi-bin/view_poll.cgi
A daily online poll on current issues; participate and see results as well.

Gallup Organization
www.gallup.com/
Access to recent Gallup polls as well as to the Gallup archives. Requires a paid subscription.

American National Election Studies
http://www.electionstudies.org
Biennial survey of voters, focusing on electoral issues.

Pew Research Center for the People and the Press
http://pewresearch.org
Complex, in-depth polls on domestic and foreign issues.

Political Compass
www.politicalcompass.org
Determine where you stand in ideological terms by completing the online survey.

Polling Report
http://www.pollingreport.com
A compilation of surveys from a variety of sources on politics and public affairs.

Public Agenda Online
http://publicagenda.org/issues/issuehome.cfm
A comprehensive collection of opinion polls and background reports on public issues.

CHAPTER 7

The News Media

In this chapter

- The roles of the news media in a democratic republic
- How the news is gathered and disseminated
- Why government officials are key news sources
- Whether the news media have a liberal or a conservative bias
- Why some media are more regulated than others
- How the news media affect public opinion and policymaking

IT HAD ALL THE MARKINGS OF A MAJOR NEWS STORY THAT WOULD rock Washington and trigger a major rethinking of war policies in Iraq.[1] All the pieces seemingly were in place. In an article published on April 30, 2005, the prestigious British newspaper, *The Times* of London, reported the minutes of a secret meeting between Prime Minister Tony Blair and his top military and intelligence officials that featured a report by a British intelligence operative that Washington officials had "cooked the books" to justify the invasion of Iraq in spring 2003. The operative had been at several pre-war meetings with White House and Pentagon officials where it was evident, he claimed, that the decision for war already had been made and that intelligence information about Saddam Hussein's purported "weapons of mass destruction" program and ties to the 9/11 terrorists was being organized and interpreted to build a case for going to war. In his words, the "facts were being fixed around the policy."[2]

As news stories go, the seeming blockbuster turned out to be a dud. The story failed to merit a lead on any of the network newscasts. While the story of the so-called Downing Street memo appeared on the front page of *The*

Trust us on intelligence
Vice President Richard Cheney and British Prime Minister Tony Blair greet one another before the start of a meeting at 10 Downing Street prior to the invasion of Iraq. Later, it was revealed that the United States was not entirely forthcoming on intelligence about the nature of the Iraqi threat.

Washington Post, it was there for only a single day. Other newspapers relegated it to the inside pages. For the most part, the story was ". . . treated as old news or a British politics story" rather than as story about Americans being mislead into war by the Bush administration, something that might call into question the entire enterprise.[3] The liberal blogosphere jumped on the issue, but the story failed to stir more mainstream media attention or action from congressional Democrats, who were in the minority in both the House and Senate and unsure about what position to take on the war in the upcoming 2006 elections. When Representative John Conyers (D–MI) sought to bring attention to the misuse of intelligence information to encourage the Iraq war by holding an "informational hearing" (being in the minority, the Democrat Conyers could not schedule an official set of hearings), *The Washington Post* treated it as a joke; the headline read "Democrats Play House to Rally Against the War" and opened with the line, "In the Capitol basement yesterday, long suffering House Democrats took a trip to the land of make-believe."[4]

Similarly, in an article published in early 2006—roughly three years after the invasion of Iraq—*The New York Times* reported a British press story, based on a memo written by a Blair aide who had attended a meeting of Prime Minister Tony Blair and President George W. Bush at a January 2003 pre-war meeting at the White House, that the president had made it clear to the British leader that he was determined to go to war even without evidence that Iraq was building weapons of mass destruction or had links to Al Qaeda. (At the same time, the president was making numerous statements that he had not made up his mind about an invasion and was making every effort to solve the issue diplomatically in cooperation with the United Nations and close allies.) While the revelation elicited a few comments from Democratic leaders and some blog activity, it didn't get a mention on CBS, NBC, or FOX News, and no follow-up stories appeared in the *Los Angeles Times*, *The Wall Street Journal*, *The Washington Post*, or *USA Today*. At around the same time this story about the Bush-Blair meeting came and went with hardly a murmur, a feeding frenzy was swirling around an unfortunate incident in which Vice President Richard Cheney accidentally shot a longtime friend in the face while hunting. For four or five days after the accidental shooting, every type of news media outlet—including the network and cable news networks, news magazines, local and national newspapers, news websites, and blogs—ran full coverage on the story, examining every nuance and speculating about why it happened, why an official press release about it was delayed for a few hours, and what it might all mean. Late-night comedy hosts had a field day with the story for months.

Many critics claim the news media are biased and cannot be relied upon to tell an objective story. Other critics claim that the mainstream news media in particular are becoming irrelevant in the face of the Internet, with its multiple information and opinion sources. We suggest that the principal problems of the news media concern their under-reporting of stories that might help American citizens better understand events and trends that are affecting their lives, including those involving government and political leaders, and over-attention to stories that involve sensation, entertainment, or scandals. This chapter is about the news media and why certain things become news we pay attention to while other things, many of them very important to public conversations about government policies and the direction of the country, do not.

AMERICA'S DEMOCRATIC REPUBLIC IN THIS CHAPTER

In this chapter we examine the changing role of the news media in the United States, seeing it change from an elite medium of communication and commentary for notables into a mass instrument of information and entertainment that

shapes perceptions of events and developments for the public and political decision makers and that has a significant impact on the kinds of actions government takes. We will see how the news media both help and hinder people as they seek to play a democratic role in a system built on eighteenth-century republican constitutional foundations.

Roles of the News Media in Democracy

Recall that eighteenth-century republicans—adherents of republican ideas about government, not the leaders and followers of the modern Republican Party—believed that the common people ought to play only a limited role in governing the nation. In their view, government was best run by talented representatives who were only indirectly influenced by the people. Given this outlook, our republican framers did not envision the news media as a vehicle for preparing the people to govern. Rather, they understood the newspapers and pamphlets of their day as mechanisms by which economic, social, and political leaders could communicate with each other and deliberate about the public business.

On the other hand, the central idea of democracy is that ordinary citizens should control what their government does. However, citizens cannot hope to control officials, choose candidates wisely, speak intelligently with others about public affairs, or even make up their minds about what policies they favor unless they have good information about politics and policies. Most of that information must come through the news media, whether newspapers, radio, television, or, increasingly, the Internet. One way we determine how well the democracy part of the American democratic republic works in the United States is by evaluating how well the news media inform and educate the public. We can assess this by asking how well they fulfill their roles as watchdog over government, clarifier of electoral choices, and provider of information about public policies. Let's look at each function in turn.

Watchdog Over Government

One role of the news media in a democracy is that of **watchdog** over government. The Founders, although not entirely enamored of democracy, as we have seen, nevertheless fully subscribed to the idea that a free press was essential for keeping an eye on government and checking its excesses. This is why protection of press freedom figured so prominently in the First Amendment. This role for the press is essential to the practice of democracy as well. The idea is that the press should dig up facts and warn the public when officials are doing something wrong. Citizens can hold officials accountable for setting things right only if they know about errors and wrongdoing.

The First Amendment to the Constitution ("Congress shall make no law . . . abridging the freedom . . . of the press") helps ensure that the news media will be able to expose officials' misbehavior without fear of censorship or prosecution. This is a treasured American right that is not available in many other countries. Under dictatorships and other authoritarian regimes, the news media are usually tightly controlled, with government censorship of the press and intimidation of journalists all too common.[5] Even in a democratic country such as Great Britain, strict secrecy laws limit what the press can say about certain government activities. In many countries, including France, Israel, and Sweden, the government owns and operates major television channels and sometimes pressures news executives to tone down their criticism of political leaders.

As you will see, even without formal censorship or government ownership of the media, various factors, including the way in which the news media are organized as privately owned, profit-seeking enterprises, and their routines of news gathering, may limit how willing or able the news media are to be critical of government policies. In addition, the media may be too quick to blow scandals out of proportion and to destroy political leaders' careers.[6]

Clarifying Electoral Choices

A second role of the news media in a democracy is to make clear what electoral choices the public has: what the political parties stand for and how the candidates shape up in terms of personal character, knowledge, experience, and positions on the issues. Without such information, it is difficult for voters to make intelligent choices. Unfortunately, the news media tend to pay attention more to the "horse race" (who is ahead? who is behind?) aspect of campaigns, or go overboard in digging up dirt and reporting negative material, than to the policy positions of the candidates.

Providing Policy Information

A third role of the news media is to present a diverse, full, and enlightening set of facts and ideas about public policy. Citizens need to know about emerging problems that will need attention and how well current policies are working, as well as the pros and cons of alternative policies that might be tried. In a democracy, government should respond to public opinion, but that opinion should be reasonably well informed. You will see later in this chapter why many observers worry that the news media do not provide unbiased information and analysis.

Mainstream and Nonmainstream News Media

The Pew Research Center's Project for Excellence in Journalism (www.journalism.org) claims that the coming of the digital age in the news media represents "an epochal transformation, as momentous probably as the invention of

the telegraph or television."[7] This new digital age in news is described as one in which there is virtually unlimited access to information, news, and analysis, untold opportunities for ordinary people to express their views on public issues, and a decline in the presence and importance of the mainstream or traditional media. Despite the unmistakable and dramatic growth of alternative news and information sources and outlets for people to express themselves, however, we suggest that the mainstream media and traditional forms of reporting remain at the center of the news operations that most affect American politics and government.

Alternatives to the Mainstream

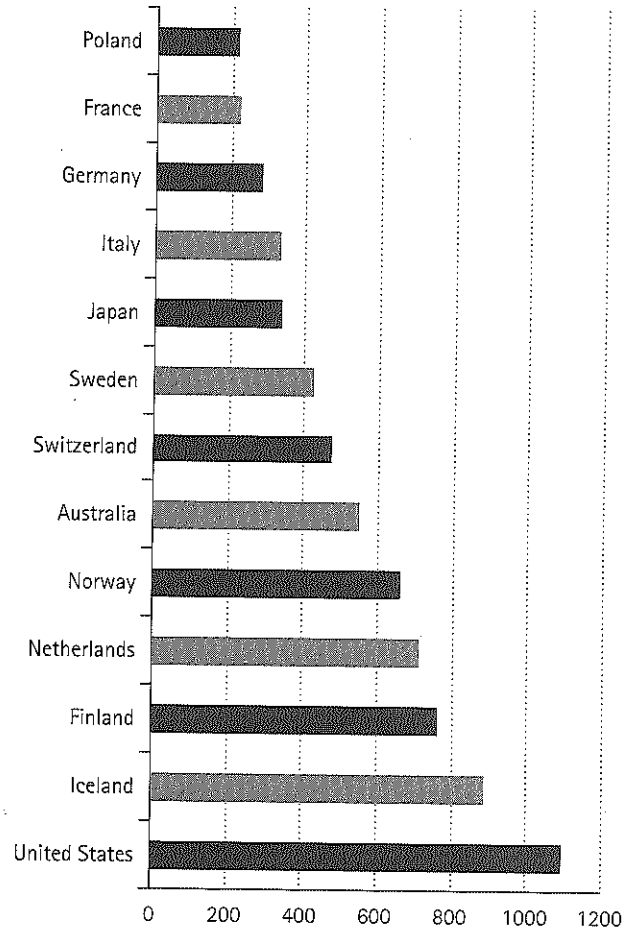
The most important development in the collection, organization, and distribution of information of all kinds is, of course, the Internet, allowing instant access to a vast treasure trove of digitalized information in every field of human knowledge. The growth in the reach, capabilities, and use of the Internet, through broadband connections in homes, schools, libraries, and the workplace, and increasingly over wireless networks to handheld devices such as netbooks, readers, and smart phones and other smart devices, has been stunning. By the end of 2009, according to the Pew Research Center, 63 percent of Americans reported having a broadband connection in their home, for example, up 15 percent from a year earlier. (While this may seem like a big number, it puts us only in 16th place among nations, down from 4th place in 2000; other countries are growing their broadband penetration much faster than we are.)[8] Moreover, the ownership of handheld devices with access to the Internet—iPhones, iTouches, Kindle readers, BlackBerrys, Android-enabled phones, tablet computers with Wi-Fi and/or 3G connections such as the iPad, and more—is rapidly rising here and abroad, though the exact numbers are hard to pin down. In 2009, the United States led the world by a wide margin in the number of Internet hosts (sites ending with .com, .org, or .net), with more than 330,000 of them, almost eight times more than second place Japan. On a per-capita basis, the U.S. lead was less pronounced but still impressive (see Figure 7.1).

To be sure, most people use the Internet for such nonpolitical activities as sending and receiving e-mail, sharing photos and videos, sending tweets about their lives, arranging travel and vacations, participating in online auctions, shopping for products, playing interactive games, and more. But many millions use it for explicitly political purposes, to both inform and express themselves. Here are a few examples:

- People visit political party and candidate websites, as well as interest and advocacy group websites, to get information, make contributions, learn how to organize, and leave comments. They also visit fact-check sites to test the claims of government officials, candidates, and parties.

FIGURE 7.1

Number of Internet Hosts, Per 1,000 People (2009)



Source: Pocketworld in Figures, 2010 (London: The Economist/Profile Books, 2010), p. 94.

- People visit government websites to access a vast trove of information ranging from statistics on demographic change and performance of the economy, to the details of the U.S. budget and bills being considered by Congress.
- People read commentaries on thousands of political **blog** sites and respond with their own commentary, and they can easily set up their own blogs without much trouble.
- People visit specialized political news websites, some with their own reporters like Politico.com, for breaking news and background information on what is going on in Washington or state capitals.

- Millions of people go to the websites of traditional news organizations such as CNN, *The New York Times,* and *The Wall Street Journal* for their news. They also go to news aggregator sites such as Yahoo! News and Google News or to Digg, where users' votes determine which stories appear on the site's front page.
- People use the Internet to access public affairs information from online university and public libraries, as well as from online encyclopedia-type sites such as Wikipedia.
- People watch newscasts, political commentators, and breaking news on video sites like YouTube.
- People sometimes use social-networking sites like Twitter, Facebook, and MySpace to inform others about breaking stories—the Hurricane Katrina story in New Orleans, demonstrations in Teheran, or a sighting of financial swindler Bernard Madoff walking near his condo in Manhattan—or passing on bits and pieces of news stories from other sources. They also sometimes use social networking sites to organize demonstrations as the Tea Party activists did several times in their effort to stop health care reform.
- People use various devices to listen to political **podcasts**, though most listeners, to be sure, are more interested in music and entertainment podcasts.

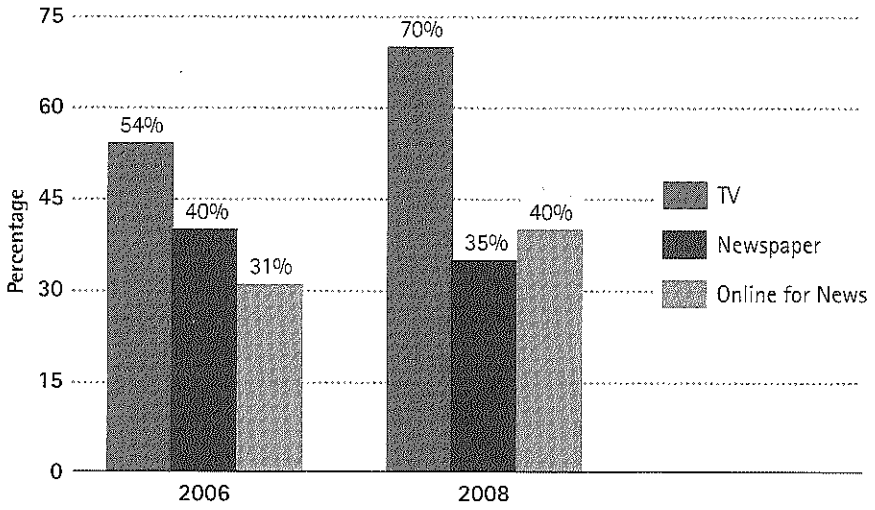
During the 2007–2008 election cycle, about one-quarter of Americans reported that they depended on the Internet as their main source for news about the campaigns, candidates, and issues—double the proportion that had done so during the 2004 election cycle. This was especially true for those between the ages of 18 and 29; 42 percent of this group turned to the Internet for their news about the campaigns. Almost 100 million people have used government websites; almost as many have used the Internet to look for political news or for information about candidates and political campaigns.[9] For the first time ever in 2008, a majority of adults reported they had gone online for campaign information.[10]

At the same time that Internet use has expanded at an exponential rate, there has been a decline in the audience for traditional news outlets; both newspaper readership and the number of viewers who watch network television news have been declining (see Figure 7.2). People consistently report that television is their main source of news over newspapers and news magazines, with the Internet closing fast. The collapse in circulation for metropolitan newspapers has been stunning. In 2009, for example, the *Los Angeles Times* lost 11 percent of its readers, the *Boston Globe* lost 18 percent, and the *San Francisco Chronicle* bled 26 percent. The average daily circulation of almost 400 newspapers across the country fell by almost 11 percent.[11] Young people have almost entirely given up on newspaper reading; one survey reports that only 16 percent of 18 to 30-year-olds said they read a newspaper every day.[12] (More than a

FIGURE 7.2

Where People Get Their News

In recent years, people have turned increasingly to the Internet as a source of news, while decreasing somewhat their reliance on television, newspapers, and radio. Although the Internet still trails the other forms of news sources, it is catching up quickly.

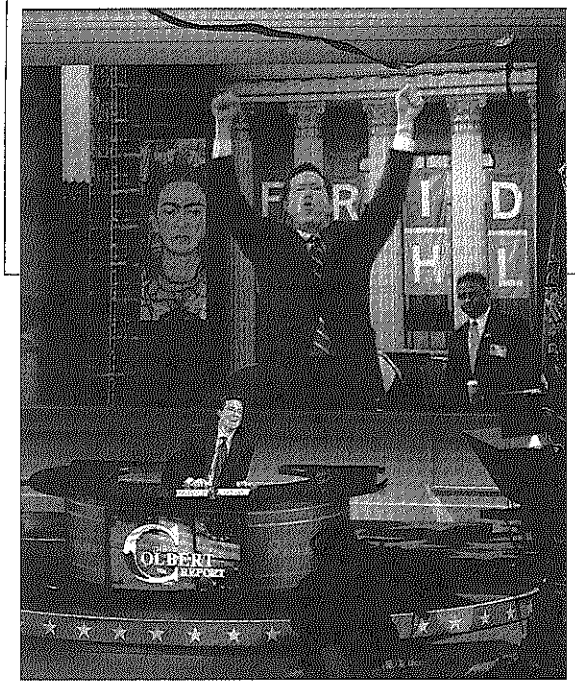


Source: "Internet Overtakes Newspapers As News Outlet" (Washington, D.C.: Pew Research Center, press release, December 23, 2008).

third of 18- to 24-year-olds reported they got no news at all on the previous day, from whatever source, new media or old.[13]) While network news on ABC, CBS, and NBC is still far ahead of cable TV in numbers of viewers, their viewership has been declining. Cable news operations, especially CNN and FOX News, claim a larger share than in the past, especially among younger adult viewers, but viewership even here has leveled off in recent years. Even with this, television remains the favorite source of political news for Americans.[14] A substantial fraction of younger news consumers report that they also rely on satirical television shows like *The Daily Show* or the *Colbert Report* on Comedy Central for their news.

The Continuing Importance of the Mainstream

Despite these developments, the mainstream news media retain their central role in the gathering and reporting of serious political and governmental news. The mainstream or traditional news media are the collection of nationally prominent newspapers (such as *The Wall Street Journal, New York Times,* and *Washington Post*) national news magazines (such as *Time* and *Newsweek*), TV network news organizations, local newspapers, and local TV news operations



News with laughs
Increasingly, young people report that their most trusted news sources are to be found on Comedy Central shows like *The Daily Show* and *The Colbert Report*, rather than from the major network or cable news offerings. Here, Stephen Colbert tapes a show at the University of Pennsylvania in 2008.

that gather, analyze, and report politically important events, developments, and trends, usually with the help of **wire services** such as the Associated Press and Reuters, the resources of newspaper chains, and syndication services, but sometimes on their own.[15] Research by media scholars shows that the mainstream news organizations, taken as a whole, remain the most important set of institutions for setting the agenda of American politics and shaping how we interpret what is going on in politics and government. Why do they make this claim?

There are a number of reasons the mainstream or traditional news organizations remain central to political news. For one thing, much of the rich and diverse information on the Internet, whether in the form of advocacy organization websites, political blogs, citizen journalism, or academic and government reports, only reach small and fragmented audiences and usually have an impact only when and to the extent they can attract the attention of the mainstream news media. Bloggers' unearthing of news anchor Dan Rather's sloppy reporting on President George W. Bush's National Guard service during the Vietnam War, for example, only mattered once the story began to run in the nation's leading newspapers and on network and cable news networks. Tens of thousands of bloggers voice their views every day, to take another example, but few gain an

News from the field
Increasingly, news from the battlefield is reaching the public by soldiers blogging about their experiences and observations. Tight control of the news by officials has become more difficult because of this. To what extent does this help or hinder the public's understanding of our engagement in armed conflict abroad?

audience. One scholar, using a vast database to chronicle the number of daily hits on blogger sites, has determined that only ten to twenty of them have a readership of any size. Of the 5,000 most visited political blog sites, for example, the top five of them account for 28 percent of all blog visits, while the top ten accounted for almost half. Also, fully half of the top ten bloggers are or were at one time professional journalists.[16]

It turns out, moreover, that the most visited hard-news sites are those that are run by traditional media organizations. Among the most popular are those of CNN, Gannett Newspapers, Cox Newspapers, *The New York Times*, *The Washington Post*, and *USA Today*.[17]

Much more telling, most political and public policy-related news on the Internet at sites such as Yahoo! News, Google News, AOL, and Digg is simply content collected from the mainstream wire services and major newspaper and network news organizations. The same is true for the matters that most political bloggers talk about and the bits of news that get passed around on social networking sites: they come mainly from the material that has been collected by reporters in the traditional news sector. The grist for commentary at the most popular political sites, including the liberal *Daily Kos* and the *Huffington Post* and the conservative *Free Republic* and Townhall.com comes mainly from traditional news organizations. Much of the airtime on cable news networks, moreover, is devoted to reporting or commenting on material gathered from the major wire services such as the Associated Press (AP) or Reuters or prestigious newspapers. And, it is to the mainstream media that eager politicians and government officials generally look for clues about what the public and other leaders want and where they try to gain attention for their own views and achievements.

What seems on the surface, then, to be a fantastic expansion in the amount of political news in reality is an expansion in the number of ways in which the news is

distributed. It is the same news being passed around and around on the Internet, and an exponential growth in commentary on that news, but it is not the same thing as an expansion in the size or quality of the core of political news. As far as scholars have been able to tell, the new digital age news operations have done very little by way of original, in-depth stories.[18]

So, while the news media have changed greatly over our history and continue to change ever more rapidly, and while people can get their news and commentary from many different places ranging from the Internet to cable television, talk radio, and television satire and comedy programs, mainstream news organizations remain the most important set of institutions in the American political news system. It is the reason we mostly focus on the mainstream news media in this chapter, asking how well they play the role assigned to them by democratic theorists.

How the Mainstream News Media Work

Whether citizens get from the news media the kinds of information they need for democracy to work properly depends on how the media are organized and function. In the remainder of this chapter, we focus on news media organizations and journalists with an eye toward better understanding the influences that affect the content of their news product and how the news shapes politics and government in the United States.

Organization of the News Media

News media in the United States are privately owned businesses. Most are either very large businesses in their own right or, more typically, part of very large corporate empires.

CORPORATE OWNERSHIP Some television stations and newspapers—especially the smaller ones—are still owned locally by families or by groups of investors, although they account for a rapidly declining share of the total. Most of the biggest stations and newspapers, however, as well as the television and cable networks, are owned by large media corporations, some of which, in turn, are subsidiaries of enormous conglomerates.

Each media sector is dominated by a few firms.[19] Gannett (*USA Today* and almost 100 other dailies), Newhouse (Advanced Publications, Inc.), and the McClatchy company dominate the newspaper business, a media sector that has fallen on hard times because of declining readership, especially among young adults, and shrinking ad revenues as classified advertising migrates to online sites such as Craigslist. Time Warner dominates magazine publishing. General Electric, Disney, News Corp., and Viacom dominate network and cable television. Clear Channel, while suffering major setbacks, still owns about 600 stations across the country and dominates radio (although it is losing audience to alternatives to portable devices such as iPods and MP3 players). And five firms (Warner Communications, Vivendi Universal, Sony, Viacom, and Disney) receive most of the gross box office revenues from movies.

Mergers across media lines have accelerated in recent years, leaving a handful of giant conglomerates. Disney, for example, owns not only its theme parks, movie production and distribution operations, and sports teams, but the ABC television network, local TV and radio stations in the nation's largest cities, cable television operations, and book publishers. Rupert Murdoch's News Corp. owns local TV stations in many of the nation's largest cities, cable and satellite operations (including FOX News and Direct TV), the 20th Century Fox film company, the *New York Post* and major newspapers in Great Britain and Australia, a stable of magazines and journals, Harper Collins and Harper Morrow book companies, and radio and TV operations in Europe and Asia. In 2007, he acquired one of the most influential news organizations in the world, *The Wall Street Journal*. (Journalists at the paper were dismayed, perhaps because Murdoch says "he finds long stories about complicated subjects to be rather trying."[20])

So, behind the apparent proliferation of news sources—new magazines, online news and opinion operations, cable television news and commentary, hand-held devices with links to the Web, and the like—is substantial concentration of ownership and dense interconnections among the vast cornucopia of news and entertainment outlets. Some have used the term **media monopoly** to suggest how serious the situation is, although most scholars are loath to go that far, believing that some competition remains.[21]

Scholars disagree about the effect of corporate ownership and increased media concentration. A few see efficiency gains and an increase in the output and availability of information. But some critics maintain that the concentrated corporate control of our media adds dangerously to the already strong business presence in American politics. Those who use the term *media monopoly* worry that media corporations are so large, powerful, and interconnected that alternative voices to the economically and politically powerful cannot have their views aired. Still others are concerned that the concentration of media ownership may lead to less diversity of news and opinion or a preference for entertainment values trumping news values as powerful profit-seeking enterprises focus on the bottom line. Still others worry that news organizations may pull their punches when reporting about the activities of their corporate parents or partners. Will ABC News go easy on problems at Disney, for example, which owns ABC?

UNIFORMITY AND DIVERSITY Whoever owns them, most newspapers and television stations depend largely on the same sources for news. Political scientist Lance Bennett points out that while there is a growing diversity of news outlets

in the United States—more specialized magazines, television channels, and newspaper home pages on the Web—news sources are contracting. That is to say, much of what comes to us over a multitude of media avenues originates in fewer and fewer centralized sources.[22] Local radio stations increasingly buy headlines for their brief on-the-hour updates from a handful of headline service providers. Television news increasingly buys raw video footage, for in-house editing and scripting, from a handful of providers including Independent Television News (ITN), rather than having their own reporters and film crews on the ground. The AP supplies most of the main national and international news stories for newspapers and local news (although Reuters is increasingly important)—even those that are rewritten to carry a local reporter's byline. Most of what appears on network and cable television news, too, is inspired by the AP wire, although they often take their lead on the major stories of the day from the major national newspapers such as *The New York Times, The Wall Street Journal,* and *The Washington Post.*[23] National and local television news organizations depend on centralized news and video suppliers, with fewer of them using their own reporters. This is why viewers are likely to see the same news (and sports) footage on different stations as they switch channels, although each station adds its own "voiceover" from a reporter or news anchor. In most cases, the person doing the voiceover has no direct relationship to the story.

PROFIT MOTIVES Media companies, like other companies, are in business to make a profit. This is entirely appropriate in general terms but has some important and unfortunate consequences for how media companies create and disseminate the news. For many newspapers and television news organizations, this often means closing down foreign bureaus and cutting the number of reporters focused on government affairs in Washington or the economy and financial system. For many traditional news organizations, there are market pressures to alter their news coverage to appeal to audiences who are more interested in entertainment than public affairs and want their news short, snappy, and sensational. This sort of **infotainment** increasingly is what is offered on network and cable television news and in *USA Today.* If consumers of the news do not want long and detailed investigative reports, and given that such stories are very expensive to do because of the cost of having lots of seasoned reporters on the payroll—according to one seasoned news man, "a skilled investigative reporter can cost a news organization more than $250,000 a year in salary and expenses for only a handful of stories"[24]—then news media companies may be tempted to shift to infotainment or to use generic news created by others. These trends towards infotainment and generic news are especially well developed in evening local news broadcasts, where coverage of politics, government, and policies that affect the public has been "crowded out by coverage of crime, sports, weather, lifestyles, and other audience-grabbing topics."[25]

Political Newsmaking

The kind of news that the media present is affected by the organization and technology of news gathering and news production. Much depends on where reporters are, what sources they talk to, and what sorts of video pictures are available.

THE LIMITED GEOGRAPHY OF POLITICAL NEWS Serious national news comes from a surprisingly few places. For the most part, the news comes from Washington, D.C., the seat of the federal government, and New York City, the center of publishing and finance in the United States. This is where most news media companies locate their reporters, though a few other areas get coverage as well.

The major television networks and most newspapers cannot afford to station many reporters outside Washington or New York.[26] The networks usually add just Chicago, Los Angeles, Miami, and Houston or Dallas. When stories break in San Francisco or Seattle, news organizations can rush reporters to the area or turn to part-time "stringers" to do the reporting. Some significant stories from outside the main media centers simply do not make it into the national news. News-only channels, such as CNN, CNBC, and FOX News, have a big advantage on fast-breaking news, which they are ready to cover (through their own reporters or the purchase of local footage) and use immediately on their continuous newscasts.

KEY POINT
Most political news on television covers predictable events such as debates, news conferences, speeches, and hearings.

While some newspapers have strong regional bureaus, the majority print mostly wire service reports of news from elsewhere around the country. The television networks' assignment editors also rely on the wire services to decide what stories to cover.

Because so much expensive, high-tech equipment is involved, and because a considerable amount of editing is required to turn raw video into coherent stories, most television news coverage is assigned to predictable events—news conferences and the like—long before they happen, usually in one of the cities with a permanent television crew. For such spontaneous news as riots, accidents, and natural disasters, special video camera crews can be rushed to the location, but they usually arrive after the main events occur and have to rely on "reaction" interviews or aftermath stories. This is not always true; occasionally television news organizations find themselves in the middle of an unfolding set of events and can convey its texture, explore its human meaning, and speculate about its political implications in particularly meaningful ways. This was certainly true of television coverage of the Hurricane Katrina disaster and its immediate aftermath in 2005.

DEPENDENCE ON OFFICIAL SOURCES Most political news is based on what public officials say. This fact has important consequences for how well the media serve democracy.

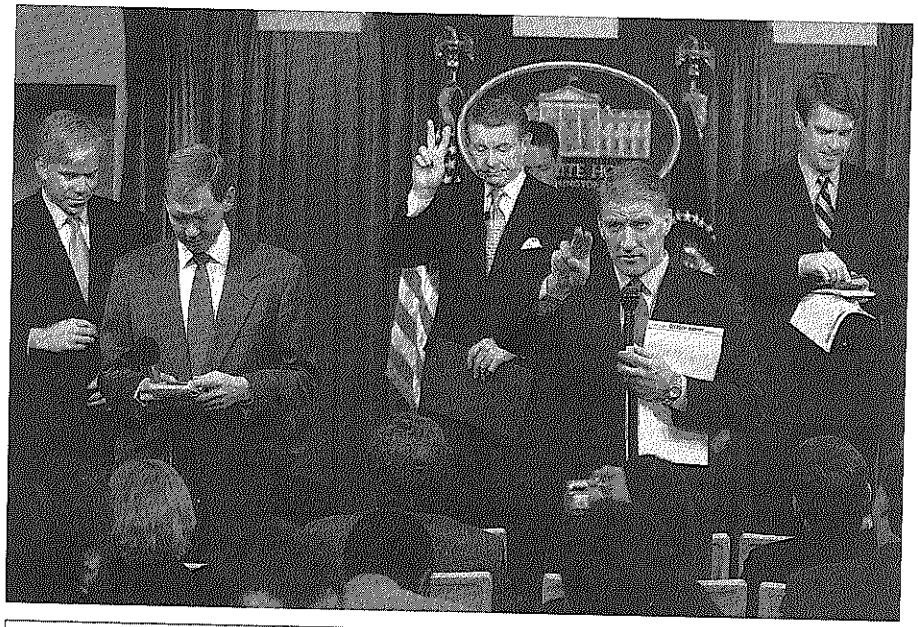
BEATS AND ROUTINES A newspaper or television reporter's work is usually organized around a particular **beat**, which he or she checks every day for news stories. Most political beats center on some official government institution that regularly produces news, such as a local police station or city council, the White House, Congress, the Pentagon, an American embassy abroad, or a country's foreign ministry.

In fact, many news reports are created or originated by officials, not by reporters. Investigative reporting of the sort that Carl Bernstein and Robert Woodward did to uncover the Watergate scandal, which led to the impeachment and resignation of President Richard Nixon in 1974, is rare because it is so time consuming and expensive. Most reporters get most of their stories quickly and efficiently from press conferences and the press releases that officials write, along with comments solicited from other officials. One pioneering study by Leon Sigal found that government officials, domestic or foreign, were the sources of nearly three-quarters of all news in *The New York Times* and *The Washington Post*. Moreover, the vast majority, 70 to 90 percent of all news stories, were drawn from situations over which the newsmakers had substantial control: press conferences (24.5 percent), interviews (24.7 percent), press releases (17.5 percent), and official proceedings (13 percent).[27] Recent research suggests that the situation described by Sigal remains relatively unchanged.[28]

KEY POINT
Investigative efforts similar to Woodward and Bernstein's on Watergate are now rare.

Beats and news-gathering routines encourage a situation of mutual dependence by reporters (and their news organizations) and government officials. Reporters want stories; they have to cultivate access to people who can provide stories with quotes or anonymous leaks. Officials want favorable publicity and want to avoid or counteract unfavorable publicity. Thus, a comfortable relationship tends to develop. Even when reporters put on a show of aggressive questioning at White House press conferences, they usually work hard to stay on good terms with officials and to avoid fundamental challenges of the officials' positions. Cozy relationships between the Washington press corps and top government officials are further encouraged by the fact that the participants know each other so well, often living in the same neighborhoods, attending the same social gatherings, and sending their children to the same private schools.[29]

While often decried by officials hurt by a damaging revelation, the **leak** is an important part of news gathering that is useful both to journalists and officials, part of the normal currency of journalist–official working relationships. Indeed, Woodward and Bernstein's Watergate story got its start with leaks from the anonymous "Deep Throat," revealed in 2005 to be Mark Felt, deputy director of the FBI during the Nixon administration. Most commonly, leaking is a way for officials to float policy ideas, get themselves noticed and credited with good deeds, undercut rivals in other government agencies, or report real or imagined wrongdoing. Because the practice is so common and useful, it is likely to remain central to how news is made.



Reporting from the White House
David Gregory of NBC, Carl Cameron of FOX, Bill Plante of CBS, John King of CNN, and Terry Moran of ABC signal their cameramen and news producers that President Bush is about to begin his news conference. Much national newsmaking appearing on television today is from Washington, D.C., and involves transmitting the views of government officials. Why is so much television news centered around Washington? Is this the news Americans are most interested in?

NEWS MANAGEMENT The news media's heavy reliance on official sources means that government officials are sometimes able to control what journalists report and how they report it.[30] This is commonly referred to as **spin**. Every president and high ranking official wants to help reporters spin a story in a way that is most useful or favorable to the office holder. The Reagan administration was particularly successful at picking a "story of the day" and having many officials feed that story to reporters, with a unified interpretation.[31] The Clinton administration tried to do the same but was not disciplined enough to make it work. President George W. Bush's administration pushed the news management envelope the farthest, eventually acknowledging that it had paid three journalists to write favorable stories, encouraged executive agencies to create news videos for

media outlets without revealing the source of the videos, and allowed a political operative to be planted among the accredited White House press corps to ask questions at presidential news conferences.[32] President Obama's team ran an impressive news management operation using many of the same Internet-based tools honed during his nomination and election campaigns to get his administration's story out, partially by-passing the traditional news media. But he also generated a great deal of criticism when his press aides announced in 2009 that the president and his administration would have nothing more to do with FOX News because the network, in their view, failed to separate its news reporting and editorial (strongly conservative) functions. Obama did this after FOX News allowed on-screen personalities like Glenn Beck and Sean Hannity to help mobilize the Tea Party movement to hold rallies across the country to protest the health reform bill, then sent its news cameras and correspondents to give the gatherings extensive coverage.

Managing images in press reports is also important. Every administration in the modern era has tried to manage public perceptions by staging events that convey strong symbolic messages. For example, George W. Bush announced that the invasion of Iraq had been successfully concluded not in a press release but from the deck of the aircraft carrier the *USS Lincoln* on May 2, 2003, in front of a massive sign "Mission Accomplished," after landing a jet on its runway. Barack Obama told Americans about his new strategy in Afghanistan not from his desk in the Oval Office but in a televised address in front of the cadets at West Point.

Of course, news management doesn't always work as planned. When the war in Iraq took a bad turn, Bush's "Mission Accomplished" came to seem false and hollow to many Americans, and the president's popularity took a dramatic plunge. If Obama's plans for Afghanistan are not successful, his effort to manage public perceptions about the war there likely will fail as well.

Military Actions Dependence on official sources is especially evident in military actions abroad. Because it is wary of the release of information that might help an adversary or undermine public support for U.S. actions—as happened during the Vietnam conflict—the Defense Department tries to restrict access of reporters to military personnel and the battlefield and provide carefully screened information for use by the news media. Information management was especially evident during the 1991 Gulf War to expel Saddam Hussein from Kuwait, with its carefully stage-managed news briefings at U.S. military headquarters in Saudi Arabia featuring video of "smart" weapons, Defense Department organization of press pools to cover parts of the war, and tight restrictions on reporters' access to the battlefields in Kuwait and Iraq.

During the rapid advance to Baghdad to topple Hussein's regime in 2003, the Defense Department encouraged coverage of combat by journalists embedded in combat units, although administration officials continued to exercise control over information about the big picture during the initial stages of the war. In the end, however, the administration was unable to control news about military and civilian casualties during the long occupation, the difficulties of helping to create a new constitution and government for that country, and the abuse of Iraqi prisoners at Abu Ghraib and other prisons. There were simply too many journalists and news organizations from around the world reporting on events there—and too many American soldiers and Iraqi civilians posting what they were seeing and experiencing to blogs—for the administration and military officials to be able to control the news.

Newsworthiness Decisions about what kinds of news to print or televise depend largely on professional judgments about what is **newsworthy**. Exactly what makes a story newsworthy is difficult to spell out, but experienced editors make quick and confident judgments of what their audiences (and their employers) want. If they were consistently wrong, they would probably not remain in their jobs very long.

In practice, newsworthiness seems to depend on such factors as novelty (man bites dog, not dog bites man), drama and human interest, relevance to the lives of Americans, high stakes (physical violence or conflict), and celebrity. Some trivial topics are judged newsworthy, such as the child-rearing practices of Britney Spears. As the term *news story* implies, news works best when it can be framed as a familiar kind of narrative: an exposé of greed, sex, or corruption; conflict between politicians; or a foreign affairs crisis. On television, of course, dramatic or startling film footage helps make a story gripping. Important stories without visuals are often pushed aside for less important stories for which visuals exist.

This can often lead to missing very big stories in the making. For example, though experts had been worried for many years about the safety of New Orleans, and had been publishing their research results in specialized journals for some time, the news media did not pay much attention until the levees broke when Hurricane Katrina struck in 2005. To take another example, no reporters were at an important meeting in 2004 of the Securities and Exchange Commission when the SEC decided to relax capital requirements—how much money firms had to have on hand to deal with crises—for big financial firms.[33] This decision played an important role in the collapse of the financial system in the late summer and early fall of 2008.

Templates On many important stories, a subtle "governing template" may prevail—a sense among both reporters and editors that news stories must take a generally agreed-upon slant to be taken seriously and to make it into the news broadcast or the newspaper. This is not because of censorship but because of the development of a general agreement among news reporters and editors that the public already knows what the big story looks like on a range of issues—filling in the details is what is important. Take reporting from China as an

example. For many years, editors only wanted to hear about economic prosperity, emerging democratic freedoms, and happy peasants liberated from the economic and personal straightjacket of the Maoist collective farm system. After the pro-democracy demonstrations in Tiananmen Square were brutally repressed by the People's Liberation Army, however, reporters say that it became almost impossible to write anything positive about China, because the prevailing template about China had changed.[34] Now that China has become a very important trading partner, stories about the Chinese economic miracle have proliferated (as well as some worrying about China as a potential economic, diplomatic, and military rival and as a source of tainted goods). Coverage of the Beijing Olympics became almost euphoric, despite ill-treatment of dissidents at the Games.

EPISODIC FOREIGN COVERAGE Very few newspapers other than *The New York Times* can afford to station reporters abroad. Even the *Times* and the networks and wire services cannot regularly cover most nations of the world. They keep reporters in the countries of greatest interest to Americans—those that have big effects on American interests or enjoy close economic or cultural ties with the United States, such as Great Britain, Germany, Japan, Israel, Russia, and China—and they have regional bureaus in Africa and Latin America. In many countries, however, they depend on "stringers" (local journalists who file occasional reports). During major crises or big events, the media send in temporary news teams, such as the armies of reporters that swarmed to Bosnia and Kosovo during the conflicts with the Serbs and to the countries surrounding Afghanistan during the war to unseat the Taliban and find Osama bin Laden. The result is that most media devote the majority of their attention to limited areas of the world, dropping in only occasionally on others.

Foreign news, therefore, tends to be episodic. An unfamiliar part of the world, such as the Darfur region of the Sudan, suddenly jumps into the headlines with a spectacular story of ethnic cleansing, or elsewhere a coup, an invasion, or a famine comes as a surprise to most Americans because they have not been prepared by background reports. For a few days or weeks, the story dominates the news, with intensive coverage through pictures, interviews, and commentaries. Then, if nothing new and exciting happens, the story grows stale and disappears from the media. Most viewers are left with little more understanding of the country than they began with. Thus, they find it difficult to form judgments about U.S. foreign policy.[35]

INTERPRETING Political news may not make much sense without an interpretation of what it means. Under the informal rules of **objective journalism**, taught in university journalism schools and practiced by the nation's leading newspapers and network news programs, however, explicit interpretations by journalists are avoided, except for commentary or editorials that are labeled as such (some cable news operations, however, and without apology, freely mix commentary and news). Thus, even if a reporter knows that an official is lying, he or she cannot say so directly but must find someone else who will say so for the record.[36] Staged events—such as a president holding a "town meeting" using carefully selected and screened audience members—are rarely identified by reporters as staged events. In news stories, most interpretations are left implicit (so that they are hard to detect and argue with) or are given by so-called experts who are interviewed for comments. Often, particular experts are selected by print, broadcast, and telecast journalists because the position the experts will take is entirely predictable.

Experts are selected partly for reasons of convenience and audience appeal: scholars and commentators who live close to New York City or Washington, D.C., who like to speak in public, who look good on camera, and who are skillful in coming up with colorful quotations on a variety of subjects, are contacted again and again. They often show up on television to comment on the news of the day, even on issues that are far from the area of their special expertise. In many cases, these **pundits** are simply well known for being on television often and are not experts on any subject at all. The experts and commentators featured in the media are often ex-officials. Their views are usually in harmony with the political currents of the day; that is, they tend to reflect a fairly narrow spectrum of opinion close to that of the party in power in Washington, D.C., or to the prevailing "conventional wisdom" inside the Beltway.

Is the News Biased?

Few topics arouse more disagreement than the question of whether the mass media in the United States have a liberal or conservative **bias**—or any bias at all. Many liberal critics believe the news media favor Republicans and the business establishment,[37] while many conservative critics believe the news media are unfair to Republicans and favor liberal social causes.[38] A majority of Americans (60 percent in 2009) supported the proposition that the news media are biased; only 18 percent thought the news media were fair. Among this group, a majority of Republicans and independents say the news media are biased in a liberal direction.[39]

LIBERAL REPORTERS Surveys of reporters' and journalists' opinions suggest that these individuals tend to be somewhat more liberal than the average American on certain matters, including the environment and such social issues as civil rights and liberties, affirmative action, abortion, and women's rights.[40] This is especially true of those employed by certain elite media organizations, including *The New York Times, The Washington Post,* and PBS. It is likely that

reporters' liberalism has been reflected in the treatment of issues such as global warming, same-sex marriage, and abortion. In recent years, to be sure, more conservative reporters and newscasters have gained prominence, especially on cable news telecasts. Bill O'Reilly, Sean Hannity, and Glenn Beck at FOX News are some examples.

There is, however, little or no systematic evidence that reporters' personal values regularly affect what appears in the mainstream news media.[41] Journalists' commitment to the idea of objectivity helps them resist temptation, as do critical scrutiny and rewriting by editors. In any case, the liberalism of journalists may be offset by their need to rely on official sources, their reliance on experts who are either former officials or associated with centrist or conservative think tanks, and the need to get their stories past editors who are accountable to mostly conservative owners and publishers. So for every set of stories considered biased by conservatives—for example, reporting on the abuse of prisoners at Guantanamo Bay—there is a matching set of stories considered biased by liberals—for example, not carefully examining the Bush administration's claims about weapons of mass destruction in Iraq before we invaded.

NOT-SO-LIBERAL OWNERS AND CORPORATIONS The owners and top managers of most news media organizations tend to be conservative and Republican. This is hardly surprising. The shareholders and executives of multi-billion-dollar corporations are not very interested in undermining the free enterprise system, for example, or, for that matter, increasing their own taxes, raising labor costs, or losing income from offended advertisers. These owners and managers ultimately decide which reporters, newscasters, and editors to hire or fire, promote or discourage. Journalists who want to get ahead, therefore, may have to come to terms with the policies of the people who own and run media businesses.[42]

BIASES THAT MATTER The question of political bias in the mainstream news media—whether in a liberal or conservative sense, or in a Democratic or Republican sense—is not so easily answered. Both reporters and news media owners considered as individuals have such biases, but it is difficult to see that these views consistently move news reports in one direction or another. Other biases perhaps matter more. One such bias is reporters' dependence on official sources, a matter examined in a previous section. Another is the bias or set of biases generated by the marketplace. News media organizations are themselves business enterprises or part of larger corporate entities and are in business to make a profit for themselves or their corporate parents. This leads many of them to engage in

KEY POINT

Bias in the mainstream news media is chiefly about what will sell in the marketplace.

Stunned by Katrina
Many conservative commentators charged that the news media focused on poor African Americans in New Orleans as the main victims of Hurricane Katrina when, in fact, the range of victims was much more diverse and living across a broad swath of Gulf Coast states. Is this a fair assessment of the media coverage?

certain practices in news gathering and presentation that may be harmful to their central role in a democratic society. We examine these practices in much of the remainder of this chapter.

Prevailing Themes in Political News

Even if we cannot be sure whether or how the news media are biased, it is easy to identify certain tendencies in news coverage, certain beliefs that are assumed, and certain values and points of view that are emphasized.

NATIONALISM Although perhaps not terribly surprising, most news about foreign affairs takes a definitely pro-American, patriotic point of view, usually putting the United States in a favorable light and its opponents in an unfavorable light. This tendency is especially pronounced in news about military conflicts involving U.S. troops, as in Iraq and Afghanistan, but it can be found as well in a wide range of foreign affairs news reports, including those concerning conflicts with other governments on trade, arms control, immigration, and intellectual property rights (patents and copyrights).

News organizations also focus on subjects that interest and concern ordinary Americans, regardless of their importance in the larger picture. For example, in the early 1990s, they exhaustively covered a U.S. pilot, Scott O'Grady, who had been shot down over Bosnia. But much less attention was paid to the slaughter of

millions of people during the same time in Indonesia, Nigeria, East Timor, Cambodia, and Rwanda.

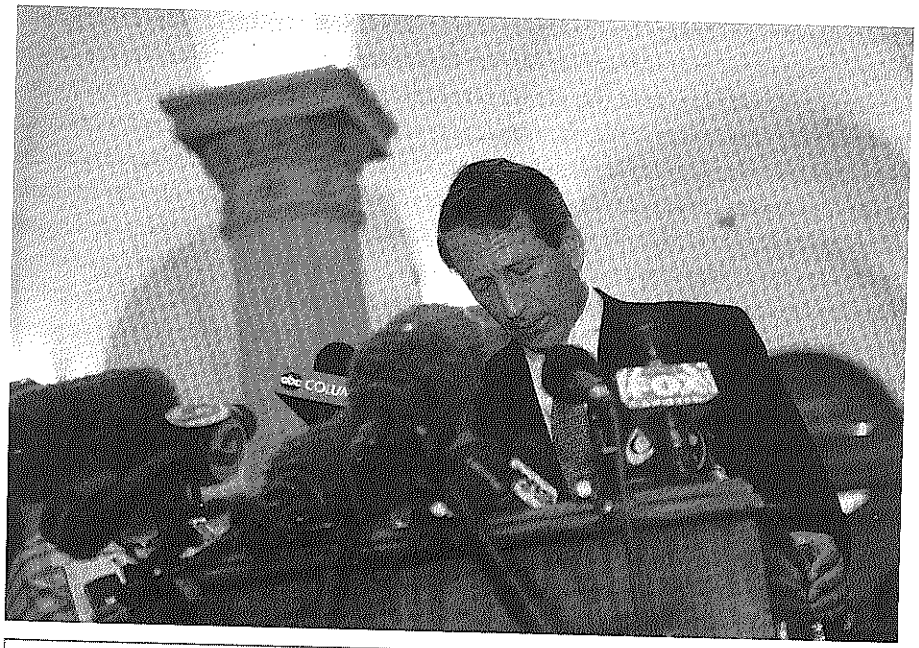
This nationalistic perspective, together with heavy reliance on U.S. government news sources, means that coverage of foreign news generally harmonizes well with official U.S. foreign policy. Thus, the media tend to go along with the U.S. government in assuming the best about our close allies and the worst about official "enemies." When the United States was assisting Iraq in its war against Iran during the 1980s, for example, Saddam Hussein was depicted in a positive light; during the 1991 Gulf War and the Iraq war that started 12 years later, media characterizations of him changed dramatically negative.

In foreign policy crisis situations, the reliance on official news sources means that the media sometimes propagate government statements that are false or misleading, as in the announcement of unprovoked attacks on U.S. destroyers in the Gulf of Tonkin at the beginning of the Vietnam War (recall the chapter-opening story in Chapter 6). Secret information can also be controlled by the government. And political leaders know that the news media will be cautious in its criticism when troops are deployed and put in harm's way.

It is important to point out that when the use of American armed forces abroad drags on beyond expectations and goals are not met (as in the conflicts in Vietnam and Iraq), the news media can and do become exceedingly negative in their coverage. This may simply reflect the mood change among nonadministration leaders and the public, or it might be a reaction among journalists and news organizations to their initial uncritical coverage of administration policies.

APPROVAL OF THE AMERICAN ECONOMIC SYSTEM Another tendency of the news media is to run stories generally approving of the basics of the American free enterprise system—free markets, strong property rights, and minimal government—and critical of systems that take a different approach: European social democracies with comprehensive social welfare programs, for example, rarely win praise and are often chided for their economic inefficiencies. Countries such as France and Germany are commonly criticized for labor policies that make it difficult to fire employees and downsize companies, again on economic efficiency grounds. Meanwhile, countries whose economic policies mirror those of the U.S. economy, such as Poland and Chile, win praise. To be sure, individual U.S. corporations (e.g., Enron and Halliburton) and particular industries (e.g., the sub-prime mortgage sector) are criticized for errors and misdeeds, but the basics of the economic system itself are rarely challenged. When an economic disaster like the Great Recession happens, news consumers and news organizations are eager to focus on "who is to blame" rather than on issues like instability that may be inherent in market-driven financial systems.[43]

NEGATIVITY AND SCANDAL One sign that the news media are neither Republican nor Democratic, conservative nor liberal in their sympathies is the



Caught
Governor Mark Sanford of South Carolina, a champion of family values, announces his resignation as head of the Republican Governors Association at this news conference in 2009. He had been having a long-term extramarital affair with a woman in Argentina and had been away from his office and out of contact with other state officials while visiting her when the affair came to light. The media and blogosphere focused on these sordid events for weeks. Should these sorts of scandals dominate the news? What public purpose is served?

relish they take in covering and magnifying scandals involving political leaders and candidates of all stripes. Although the catalyst for these stories may be leaks from inside the government; negative ads aired by rival candidates, political parties, or advocacy groups; or postings to partisan and ideological blogs, they often are picked up by major news media outlets and developed further, occasionally with great relish.[44] These stories are especially compelling to the news media when even the appearance of wrongdoing in the personal lives of prominent people creates dramatic human interest stories. Sex scandals dogged Bill Clinton for most of his presidency and contributed to his eventual impeachment. Sex or financial scandals also claimed, among others, Senator Gary Hart (D–CO), former House Speakers Jim Wright (D–TX) and Newt Gingrich (R–GA), Mark Foley (R–FL), Larry Craig (R–ID), and South Carolina Governor Mark Sanford, whose staff in 2009 reported him hiking the Appalachian Trail even as he was in Argentina visiting his mistress.

INFOTAINMENT The prominent place of scandal in the news media is but one example of a larger and troubling trend: the massive invasion of entertainment values into political reporting and news presentation. As little as 15 to 20 years ago,

news was monopolized by the three major television networks and the big-city daily newspapers, and the audiences for the news were fairly stable. In the intervening years, we have seen the media revolutionized by the growth of cable television and the Internet and the multiplication of news outlets. In this new world, the networks and the big-city dailies have lost audience, leaving the fragments of the old and new media to fight for audience share. The best way to do this, media executives have discovered, is to make the news more entertaining, for the worst sin of this brave new media world is to be boring.[45] All too often, "more entertaining" means that sensation and scandal replace consideration of domestic politics, public policies, and international affairs. In June 2007, for example, Paris Hilton's incarceration was the fifth most frequent story in the news; on February 8 and 9 of the same year, Anna Nicole Smith's death took up 60 percent of the time of the morning news shows.[46] In 2009, Michael Jackson accounted for 60 percent of television news shows during the two days following his death, far more coverage than the mass, antigovernment demonstrations in Iran.[47] More entertaining also means short and snappy coverage rather than longer, more analytical coverage; dramatic visuals push aside stories that cannot be easily visualized; and stories that feature angry conflict displace stories in which political leaders are trying to make workable compromises.[48]

The current "culture wars" between liberals and conservatives over the various legacies of the 1960s—involving issues such as abortion, affirmative action, religious values, teaching evolution in schools, same-sex marriage, and more—are perfect grist for the infotainment mill.[49] Thus, a current staple of cable and broadcast television public affairs programming is the gathering of pundits from both sides of the cultural and political divide angrily shouting at one another for 30 or 60 minutes. And, because bringing together shouting pundits is far cheaper than sending reporters into the field to gather hard news, this form of news coverage is becoming more and more common, especially in the world of cable TV. It is highly unlikely that this emergent journalism of assertion and attack improves public understanding of the candidates, political leaders, or public policies.

KEY POINT
Bringing together pundits is cheaper than sending reporters into the field.

Conflict and contest are also evident in coverage of campaigns, where the media concentrate on the "horse-race" aspects of election contests, focusing almost exclusively on who is winning and who is losing the race and what strategies candidates are using to gain ground or to maintain their lead. When candidates sometimes make a stab at talking seriously about issues, the media almost always treat such talk as a mere stratagem of the long campaign. The perpetual struggle between Congress and the president, built into our constitutional system, is also perfect for the infotainment news industry, especially if the struggle can be personalized, as it was in the years when House Speaker and Democrat Nancy Pelosi was doing battle with President George W. Bush.

LIMITED, FRAGMENTED, AND INCOHERENT POLITICAL INFORMATION Most communications scholars agree that the media coverage of political news has certain distinctive features that result from characteristics of the mass media themselves, including the prevailing technology and organization of news gathering, corporate ownership, and the profit-making drive to appeal to mass audiences. These characteristics of the media mean that news, especially on television, tends to be episodic and fragmented rather than sustained, analytical, or dispassionate. Information comes in bits and pieces, out of context, and without historical background. Its effect is to entertain more than to inform. This may or may not be what people want—some scholars suggest that the people, in fact, do not want hard news at all; others suggest that they want a strong dose of entertainment and diversion with their news[50]—but it is what they get.

Having said that, it is important to point out that the news media often do deep and thorough investigative reporting that matters. *The Wall Street Journal*, *The New York Times*, and *Bloomberg Businessweek*, for example, each did in-depth stories in late 2009 and early 2010 on lobbying and big campaign contributions by large financial firms who tried, with some success, to turn back regulatory reforms in Congress not to their liking. But the pressure to stick to infotainment is relentless and all news organizations feel it in one way or another, even the best of them.

Effects of the News Media on Politics

The old idea among social scientists that the news media have only "minimal effects" on politics is now discredited. The contents of the news media do make a difference; they affect public opinion and policymaking in a number of ways, including setting the agenda for public debate and framing how issues are understood.[51]

Agenda Setting

Several studies have demonstrated the effect known as **agenda setting.** The topics that get the most coverage in the news media at any point in time are the same ones that most people tell pollsters are the most important problems facing the country. This correlation does not result just from the news media's reporting what people are most interested in; it is a real effect of what appears in the news. In controlled experiments, people who are shown doctored television news broadcasts emphasizing a particular problem (e.g., national defense) mention that problem as being important more often than people who have seen broadcasts that have not been tampered with.[52]

Of course, media managers do not arbitrarily decide what news to emphasize; their decisions reflect what is happening in the world and what American audiences care about. If there is a war or an economic depression, the media report it. But some research has indicated that what the media cover sometimes diverges from actual trends in problems. Publicity about crime, for example, may reflect editors' fears or a few dramatic incidents rather than a rising crime rate. When the two diverge, it seems to be the media's emphasis rather than real trends that affects public opinion.[53]

When the media decide to highlight a human rights tragedy in "real time," such as "ethnic cleansing" in Kosovo, public officials often feel compelled to act, as Bill Clinton did when he was president. (This is sometimes called the CNN effect.) When the media ignore equally troubling human tragedies, such as the more recent genocide in Darfur, public officials can attend to other matters. One scholarly study shows that in the foreign policy area, media choices about coverage shape what presidents pay attention to.[54] But influences go in both directions. News media scholar Lance Bennett suggests that journalists and the news organizations they work for are very attuned to the relative power balance in Washington between Democrats and Republicans, and between liberals and conservatives, and focus on matters that are of most concern to those in power at any particular time. Thus, Social Security reform becomes an important issue in the press when important political actors want to talk about it. The same is true for other issues, whether taxes or nuclear threats from countries such as Iran and North Korea.[55]

Framing and Effects on Policy Preferences

Experiments also indicate that the media's **framing**, or interpretation of stories, affects how people think about political problems and how they assign blame. Several commentators noticed during the Katrina disaster in New Orleans, for example, that TV news stories featuring whites talked of "foraging for food and supplies," while those featuring blacks talked of looting. There are reasons to believe that public impressions of what was going on in the city were affected by this coverage. To take another example, whether citizens ascribe poverty to the laziness of the poor or to the nature of the economy, for example, depends partly on whether the news media run stories about poor individuals (implying that they are responsible for their own plight) or stories about overall economic trends such as economic recessions and unemployment.[56]

What appears in the news media affects people's policy preferences as well. One study found, for example, that the public is more likely to favor government programs to help African Americans when the news media frame racial problems in terms of failures of society to live up to the tradition of equality in the United States. The public is less supportive of these programs when the news media frame the origins of racial problems in terms of individual failures to be self-reliant and responsible.[57] Another study found that changes in the percentages of the public that favored various policies could be predicted rather accurately by what sorts of stories appeared on network television news shows between one opinion survey and the next. News from experts, commentators, and popular presidents had especially strong effects.[58]

Fueling Cynicism

Americans are quite cynical about the political parties, politicians, and most incumbent political leaders. To some extent, this has been true since the founding of the nation. Nevertheless, scholars and political commentators have noted a considerable increase in negative feelings about the political system over the past two decades or so. Many students of the media believe that news media coverage of American politics has a great deal to do with this attitude change.[59] As the adversarial-attack journalism style and infotainment have taken over political reporting, serious consideration of the issues, careful examination of policy alternatives, and dispassionate examination of the actions of government institutions have taken a back seat to a steady diet of charges about personal misbehavior and political conflict. When President George H. W. Bush joined a world leader at a press conference in 1992 to describe the nature of the agreement

Gaining the public's attention
Critics suggest that the news media overemphasize sensationalism and scandal and fail to properly inform the American people about many important matters.
Source: By permission of Mike Luckovich and Creators Syndicate.

they had reached, reporters asked him instead about rumors of an extramarital affair a few years earlier. With the message being delivered by the mass media that political issues are really about special-interest maneuvering, that political leaders and aspiring political leaders never say what they mean or mean what they say, that all of them have something in their personal lives they want to hide, and that even the most admired of the lot have feet of clay, is it any wonder that the American people are becoming increasingly disenchanted with the whole business?

Government Regulation of the Media

Our Constitution protects freedom of the press—as you saw in the discussion in Chapter 4 of the Supreme Court's decisions in *Gitlow* v. *New York* (1925) and *Near* v. *Minnesota* (1931)—the U.S. government has less legal control over the media than the governments of most other countries do. But our government has the authority to make various technical and substantive regulations on the electronic media, if it wishes.

Print Media

Because freedom of the press is enshrined in the First Amendment to the Constitution as one of our basic freedoms, the print media—newspapers and magazines—are exempt from most government regulations (as described in Chapter 4). Not that government leaders did not try from time to time, starting in the early years of the republic. Under the Alien and Sedition Acts of 1798, for example, several Anti-Federalist newspaper editors were jailed for criticizing John Adams's administration. In recent years, however, the Constitution has been interpreted as forbidding government from preventing the publication of most kinds of political information or from punishing its publication afterward.

Several U.S. Supreme Court decisions, beginning in the 1920s and 1930s, have ensured the press a great deal of constitutional protection. The First Amendment provision that Congress shall make no law "abridging freedom of speech, or of the press" has been held by the Supreme Court to prevent the federal censorship of newspapers or magazines. Only under the most pressing circumstances of danger to national security can the government engage in **prior restraint** and prevent the publication of material to which it objects.

On June 30, 1971, for example, the Supreme Court denied a request by the Nixon administration to restrain *The New York Times* and *The Washington Post* from publishing excerpts from the *Pentagon Papers*, a secret Defense Department history of the United States' involvement in Vietnam. The Court declared that "the Government 'thus carries a heavy burden of showing justification for the enforcement of such a restraint.' . . . The Government had not met that burden." Justice Hugo Black's concurring opinion has become an important statement on freedom of the press that subsequent Courts have not overturned. The result is that the government can do very little to restrain newspapers from printing the stories their editors and publishers wish to print, even during times of military action. At most, it can try to manage the flow of information to journalists and journalists' access to military personnel and the civilian population in combat areas.

Electronic Media

Over-the-air electronic media—broadcast television and radio—are regulated by government, though more lightly than in the past. Cable and the Internet are mostly beyond the reach of government, though certain of the business practices of firms in these sectors can be and are regularly scrutinized.

GOVERNMENT LICENSING OF THE AIRWAVES The federal government has broad powers to regulate the use of the airwaves, which are limited in number (there are only so many frequencies available under existing technologies) and considered public property. Ever since the passage of the Radio Act of 1927 and the Communications Act of 1934, which established the Federal Communications Commission (FCC), the government has licensed radio and television stations and has required them to observe certain rules as a condition for obtaining licenses.

FCC rules specify the frequencies on which stations can broadcast and the amount of power they can use in order to prevent interference among broadcasters of the sort that had brought chaos to radio during the 1920s. Government regulations divide the VHF television band into 12 channels and allocate them in such a way that most major cities have three VHF stations—the main reason for the early emergence of only three major networks. The development of cable television, which does not require the use of airwaves for delivery of video content to customers, has greatly expanded variety and competition, as has the Internet.

For a long time, to prevent monopolies of scarce channels, federal rules prohibited networks or anyone else from owning more than five local VHF stations around the country.[60] Deregulation during the 1990s loosened these rules. The most important step was passage of the Telecommunications Act of 1996, which, in addition to removing most restrictions on competition among telephone, cable, and broadcast companies and providing new frequencies for high-definition TV, removed most restrictions on the number of radio and television stations that a company could own nationally and within a single media market. The act also reduced restrictions on ownership across media sectors, nationally and locally, meaning that single giant companies could increase their holdings of radio and television stations, cable operations, and newspapers. To the surprise of no one, the industry experienced a wave of mergers in the years following passage of the act.

The FCC is also required by law to regulate the airwaves for the "public interest, convenience, or necessity." This vague phrase has been interpreted as including "the development of an informed public opinion through the public dissemination of news and ideas concerning the vital public issues of the day," with ideas coming from "diverse and antagonistic sources," and with an emphasis on service to the local community. In practice, this requirement has mainly meant FCC pressure (backed up by the threat of not renewing stations' licenses) to provide a certain number of hours of news and "public service" broadcasting on licensed television channels. Thus, government regulation created an artificial demand for news programming, before it became profitable, and contributed to the rise and expansion of network news and to the development of documentaries and news specials. In that way, government regulation presumably contributed to informed public opinion and to democracy. Recently, however, this public service requirement has been eroded and the amount of this kind of programming has declined.

For many years, the **fairness doctrine** of 1949 required that licensees present contrasting viewpoints on any controversial issue of public importance that was discussed. This requirement led to efforts at balance—presenting two sides on any issue that was mentioned—and sometimes to the avoidance of controversial issues altogether. It was left mostly up to broadcasters, however, to decide what was important or controversial and what constituted a fair reply and a fair amount of time to give it. In 1985, citing the growing diversity of news outlets on broadcast and cable television for the airing of contending points of view, the FCC abolished the fairness doctrine. Congress has tried several times since then to restore the doctrine, but has not been able to do so.

DEMOCRATIC REPUBLIC

Fairness in news reporting is not easy: which points of view deserve to be heard?

Similarly, the **equal time provision** of the 1934 Communications Act required that except for news programs, stations that granted (or sold) air time to any one candidate for public office had to grant (or sell) other candidates equal time. This requirement threatened to cause the media great expense when minor party candidates insisted on their share of air time or when opponents wanted to reply to political speeches by incumbent presidents in election years. Contrary to its intent, therefore, this requirement led to some curtailment of political programming.

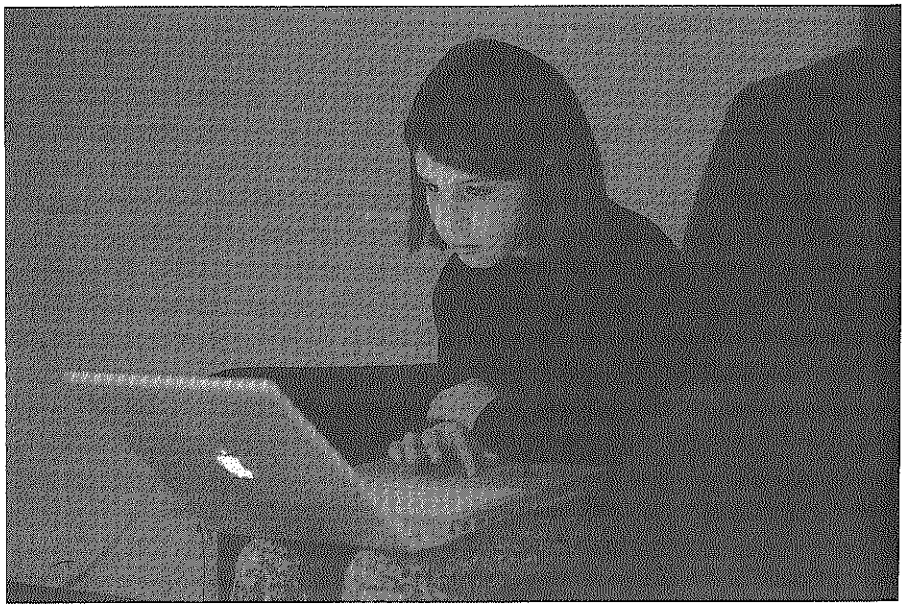
The equal time provision was suspended in 1960 to allow televised debates between candidates John F. Kennedy and Richard M. Nixon and it has been that for most of the time since then, with television broadcasters free to stage debates at all political levels among candidates of their own choosing. Broadcasters and the Commission on Presidential Debates (a nonpartisan corporation created to sponsor presidential debates) decided to allow Independent candidate Ross Perot to join the debates in 1992 (Bush v. Clinton) and 1996 (Clinton v. Dole), but chose not to include Green Party candidate Ralph Nader in 2000 (Bush v. Gore), much to the chagrin of Nader and his supporters. In 2004, the presidential debates included only John Kerry and George W. Bush, the major party candidates. Similarly, in 2008, the presidential debates included only the Democratic and Republican candidates, Barack Obama and John McCain.

Concerns among many Americans about the increased availability of sexually suggestive materials on network and cable television and on radio have triggered increased scrutiny of media decency practices and standards by the FCC, as well as by congressional investigations. Public officials were especially sensitive to the public outcry over Janet Jackson's televised half-time performance at the Super Bowl in 2004. Worried by the FCC's renewed attention and increased willingness to levy fines for on-air indecency, some media corporations moved quickly to try to stem the tide. The major broadcast TV networks, for example, announced moves to beef up their standards departments and began to delay many live broadcasts for a few seconds so that potentially offensive material might be deleted. In 2004, Clear Channel Communications, worried about potential fines from the FCC, dropped "shock-jock" Howard Stern from its radio stations. Stern then migrated to satellite radio, which is unregulated. In 2010, a federal court threw out the FCC rules regarding indecency, saying they were arbitrary, unenforceable, and had a chilling effect on free speech.

REGULATION OF CABLE For a time during the Bush administration, the FCC's chairman tried to assert tighter regulatory control over the cable television industry. Regulation of cable, which is now unregulated, is allowed under a 1984 law when and if cable reaches 70 percent of the national television market. The other FCC commissioners—political opponents of the chair—refused to accept an FCC staff report showing such a milestone had been reached early in 2008. Responding to mostly conservative critics of the cable industry and many parents, President George W. Bush's FCC chair had wanted to force the cable industry to allow people to choose individual programs for their cable service rather than packages of programs. The cable industry lobbied hard to stop the change and succeeded with the other commissioners and members of Congress. Thus, cable remains outside of the regulatory reach of the FCC.

THE INTERNET When television and radio were introduced, the industries were regulated by the federal government almost immediately because the number of channels had to be limited in order to have interference-free broadcasts and telecasts, so licenses had to be applied for and granted (with strings attached, as noted earlier). No such technological limits hinder the Internet, and it has grown rapidly without government regulation. Although the Internet was initially a product of government encouragement and financial support—it was first created to link together university and government defense

researchers—government has not interfered much in its operations, although there have been repeated calls for government to prevent certain content from appearing on it. The few attempts that have been made have not been successful. For example, Congress tried to ban obscenity on the Net, but the Supreme Court in 1997 declared the statute an unconstitutional restriction of free speech. When the Clinton administration tried to prevent people from posting encryption codes, a federal court declared the effort as unconstitutional on the same grounds. In the view of the federal courts, at this writing, the Internet is an open medium through which people are free to express their views, no different from dissemination of ideas by voice from atop a soap-box or by a pamphlet. Statute and case law in this area are sure to grow, however, as the Internet comes to play an ever-larger role in our lives. The story of Internet regulation is not yet finished. For example, Congress revisited the issue of Internet pornography when it passed the Child Online Protection Act of 1998, designed to block access to material on the Web that might be harmful to children. In 2004, however, the Supreme Court upheld a lower court's ruling blocking the law from taking effect, with the majority suggesting that the new law was an unconstitutional restriction on free speech.



Surfing the Net
As Internet usage has expanded in the United States, various and sundry individuals and groups have called for tighter federal regulation of the new medium, primarily to protect children like this young girl from material with sexual content and to prevent dissemination of hate material to young and old. So far, none of the bills passed by Congress to achieve these regulatory goals has passed constitutional muster with the Supreme Court. Why is the Internet so difficult to regulate?

DEMOCRATIC AND REPUBLICAN ENCOUNTERS

Eighteenth-century republican doctrine favored a form of government based on the consent of the governed, but one in which most of the governed played only a limited and indirect role in political life. Our republican framers believed that government was best run by talented, educated, and broad-minded individuals who attained office through indirect elections based on a limited franchise, and who governed at several removes from the people. According to such an understanding of the ideal form of government, there was no pressing need for news media to educate the general public and prepare it for active participation in politics. Such a role for the general public was outside the boundaries of eighteenth-century republican doctrine. So too was the limited role for the news media supported by advocates for democracy, as we outlined it at the beginning of this chapter. For the framers, what the news media—newspapers, in their day—was best able to do was to serve as a mechanism allowing economic, social, and political leaders to communicate with each other and to help them deliberate on the issues of the day.

For democratic theorists, the people play a more central role in governance and the news media play an accordingly larger role in preparing the people to participate. As we pointed out earlier, accurate, probing, and vigorous news media are essential building blocks for democratic life to the extent that the broad general public cannot be rationally engaged in public affairs without them. In this respect, the spread of the news media in the United States, and the penetration of millions of homes by newspapers, radio, television, and computers, has undoubtedly enriched democracy. It has made it much easier for ordinary citizens to form policy preferences, to judge the actions of government, and to decide whom they want to govern them. News media thus tend to broaden the scope of conflict and contribute to political equality. When citizens as well as political leaders and special-interest groups know what is going on, they can have a voice in politics. Moreover, interactive media and media-published polls help politicians hear that voice.

Scholars and media critics who want the news media to be highly informative, analytical, and issue oriented, however, are often appalled by the personalized, episodic, dramatic, and fragmented character of most news stories, which do not provide sustained and coherent explanations of what is going on. Still other critics worry that constant media exposés of alleged official wrongdoing or government inefficiency, and the mocking tone aimed at virtually all political leaders by journalists and talk radio hosts, have fueled the growing political cynicism of the public. To the extent that this is true, the news media are not serving democracy as well as they might.

It is undeniably the case that the news media have not performed their civic responsibilities very well. They do tend to trivialize, focus on scandal and entertainment, and offer fragmented and out-of-context political and governmental information. However, things may not be quite as bad as they appear. For one thing,

for those who are truly interested in public affairs, there is now more readily accessible information than at any time in our history. For those willing to search for it, there is now little information that is relevant to public affairs that can be kept hidden, ranging from official government statistics to academic and other expert studies. Additionally, the American people have demonstrated an admirable ability on many occasions to sift the wheat from the chaff, to glean the information they need from the background noise, as it were. On balance, then, the news media have probably helped advance the cause of democracy in the United States and helped transform the American republic into the American democratic republic. There is no doubt, however, that the news media could also do a considerably better job than they do at the present time.

Key Terms

watchdog, p. 182
blog, p. 185
podcast, p. 186
wire service, p. 188
media monopoly, p. 191
infotainment, p. 192
beat, p. 194
leak, news, p. 194
spin, p. 195
newsworthy, p. 197
objective journalism, p. 198
pundits, p. 199
bias, p. 199
agenda setting, p. 205
framing, p. 206
prior restraint, p. 208
fairness doctrine, p. 210
equal time provision, p. 210

Suggestions for Further Reading

Alterman, Eric. *What Liberal Media? The Truth About Bias and the News.* New York: Basic Books, 2003. *An impassioned yet well-documented answer to the charge that the news media are biased against conservatives.*

Bennett, W. Lance. *News: Politics of Illusion,* 8th ed. New York: Longman, 2009. *A critique of the news as trivial and uninformative.*

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Goldberg, Bernard. *Bias: A CBS Insider Exposes How the Media Distort the News.* New York: Harper Paperbacks, 2003. *A conservative critique of CBS News in particular and the mainstream news media in general.*

Graber, Doris. *Mass Media and American Politics,* 8th ed. Washington, D.C.: CQ Press, 2010. *A comprehensive examination of the news media's effect on American politics.*

Hindman, Matthew. *The Myth of Digital Democracy.* Princeton: Princeton University Press, 2009. *Based on compelling empirical evidence, the author shows that many of the inequalities that characterize American society and politics are recreated on the Internet.*

Internet Sources

The Center for Media and Public Affairs
www.cmpa.com
Studies, commentaries, and forums on media and public affairs.

The Pew Project for Excellence in Journalism
www.stateofthenewsmedia.org
Annual scholarly review of the state of the news media, with attention to new developments.

The Berkman Center for the Internet and Society
http://cyber.law.harvard.edu
A research and information center at the Harvard Law School that follows the development of the Internet and its impact on law and society.

The Columbia Journalism Review
www.cjr.org
The website of the leading scholarly monitor of journalism and journalists; loaded with useful information about all aspects of newsmaking and dissemination.

The Pew Research Center for the People and the Press
www.people-press.org/
The most complete public opinion surveys on citizen evaluations of the quality of media coverage of public affairs.