Introduction

CHAPTER OVERVIEW

This chapter focuses on:

- ☆ Fundamental concepts of politics and of American government.
- ☆ Why this book approaches the study of American politics and government from the perspective of APD.
- ☆ Why the American political system is biased in favor of the status quo.
- ☆ How critical choices operate to overcome the bias in favor of the status quo and lead to transformative change.
- ☆ What American government looks like today.
- ☆ How American government differs from the governments of other modern prosperous countries.

"I HAVE A DREAM"

On August 28, 1963, 250,000 people marched on Washington to protest discrimination against African Americans and to celebrate the rise of the civil rights movement. Race relations in the South were dominated by so-called Jim Crow laws, enacted at the end of the nineteenth century, which imposed racial segregation in all aspects of life. In *Brown v. Board of Education of Topeka* (1954), the Supreme Court declared the "separate but equal" doctrine in education policy unconstitutional. Nonetheless, many Southern schools remained segregated. Not since the turbulent Reconstruction Era that followed the Civil War had the South been so alienated from the rest of the country.

When, starting in the mid-1950s, civil rights demonstrations broke out throughout the South to protest this racial caste system, local police brutally repressed efforts to break down what the distinguished African-American sociologist W. E. B. Du Bois had called the "color line." When African-American students tried

to enter Little Rock High School in September if 1957, a crowd of white parents cursed and threatened them as the governor of Arkansas, Orval Faubus, blocked the door. The civil rights movement gained great momentum in 1960 when black and white students joined together to sit in at lunch counters throughout the South demanding to be served. The wave of protests continued in 1961 as Northern blacks and whites took bus trips to the South and refused to segregate themselves when they reached Southern bus terminal waiting rooms and restaurants. A particularly ugly confrontation took place in Birmingham, Alabama in September of that year, where one of the civil rights movement's most important leaders, Martin Luther King, Jr., was jailed. President John F. Kennedy had been reluctant to take on civil rights, arguing that it was up to local officials to enforce the law. After Birmingham, however, Kennedy gave his support to a comprehensive civil rights bill making racial discrimination in hotels, restaurants, and other public accommodations illegal and giving the attorney general the power to bring suits on behalf of individuals to speed up lagging school desegregation. The measure also authorized agencies of the federal government to withhold federal funds from racially discriminatory state programs.

To heighten awareness of their cause and to press for passage of Kennedy's bill, civil rights leaders organized the largest single protest demonstration in American history. King's speech at the Lincoln Memorial was its climax. Late in the afternoon, the summer heat still sweltering, King appeared at the microphone. The crowd, restlessly awaiting King's appearance, broke into thunderous applause and chanted his name. King began by praising Lincoln's Emancipation Proclamation as "a great beacon of hope to millions of Negro slaves who had been seared in the flames of withering injustice." But, he continued,

> [O]ne hundred years later, we must face the tragic fact that the Negro is still not free. One hundred years later, the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination. One hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. One hundred years later, the Negro is still languishing in the corners of American society and finds himself an exile in his own land. So we have come here today to dramatize an appalling condition.

This litany of oppression might have elicited anger; indeed, some of King's followers had been growing impatient with his peaceful resistance to Jim Crow and its brutish defenders. But King, an ordained minister, spoke the words of justice, not revenge: "Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred." A reverend might have been expected to invoke the warnings of the biblical prophets in calling America to account; instead King appealed to America's charter of freedom. He called on Americans to practice the political and social ideals of the Declaration of Independence:

> When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American

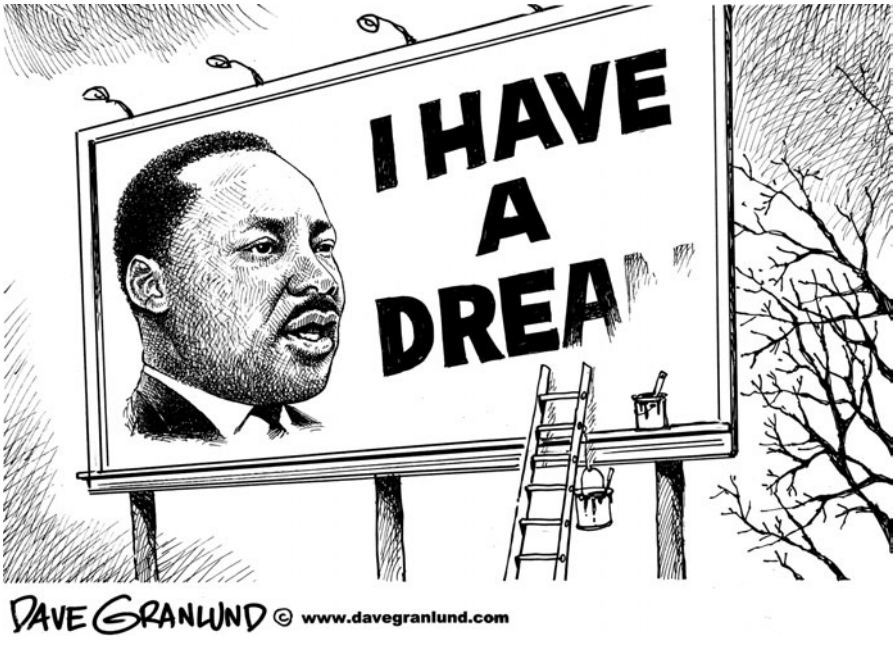

Figure 1.1. The Unfinished Work of Martin Luther King: Cartoon by Dave Granlund, 2011 Political Cartoons. Com #88037.

was to fall heir. This note was a promise that all men would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness.

King lamented that America had not lived up to those famous words. Even after the Brown case had interpreted the Constitution so as to fulfill the promise of the Declaration of Independence, segregationists prevailed. The promissory note had come back marked "insufficient funds."

Still, he counseled continued faith in the promise of American life. African Americans should "refuse to believe that the bank of justice is bankrupt." At the same time, King warned, their faith in American justice could not last much longer; the time had come "to make real the promises of Democracy." "Now is the time to rise from the dark and desolate valley of segregation to the sunlight path of racial justice." His indictment went beyond the South. "We can never be satisfied as long as a Negro in Mississippi cannot vote and a Negro in New York believes he has nothing to vote for." The crowd shouted and clapped in cadence with him. Inspired by this surge of feeling, King abandoned his prepared text; but even as he spoke "from his heart," in words that would make this address memorable, King's sermon had a familiar ring, drawing again on the Declaration of Independence:

I say to you today, my friends, that in spite of the difficulties and frustrations of the moment, I still have a dream. It is a dream deeply rooted in the American dream. I have a

dream that one day this nation will rise up and live out the true meaning of its creed: "We hold this truth to be self-evident, that all men are created equal." When we let freedom ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual, "Free at last! Free at last! Thank God almighty, we are free at last!

THE AMERICAN POLITY: A DEMOCRATIC REPUBLIC

The entire political story of civil rights, of which this speech is such an epochal part, takes place within the frame established by one overarching institution, a polity, the United States. It was the law of the United States that had the ultimate authority to decide the outcome of the civil rights struggle. It was the legislature of the United States that deliberated about and formulated the law. The citizenry of the United States chose the members of that legislature. The United States is a *polity* because it successfully claims the political allegiance of its members. Those members may feel a deeper tie to their church or to some other institution to which they belong, but it is the constitution and the laws of the United States that they are compelled to obey. The governing institutions of the United States provide them with their political rights and responsibilities. Once in the history of the United States its claim to being a polity was challenged. Southern states seceded and, temporarily, formed a new polity, the Confederate States of America. It took a brutal war, the Civil War, to defeat secession and restore the United States' status as a single polity.

The United States is unusual in that it went through a formal process of constitution writing to become a polity. Many other polities such as Britain, France, China, or Japan did not begin on any specific date, nor did they go through a process of discussion and debate to become a polity. If this were a text on comparative politics, it would be necessary to delve deeply into how those other polities came into being, but this book focuses exclusively on the formation of the American polity. Chapter 2 describes the ideas and beliefs that formed the background to the actual formation of the United States. Chapter 3 focuses specifically on the writing and ratification of that polity's founding document, the U.S. Constitution. Chapter 4 identifies key moments of constitutional crisis when there were major reconsiderations of the American polity's constitutional underpinning.

To claim that speech and choice are building blocks of a polity, that polity must allow persons to speak freely, to have a say in how the laws are made and to feel secure that those laws will be obeyed. A polity characterized by free speech, rule of law, and collective decision making is called a *republic*. The American Republic, and all modern ones, operate on the basis of representation. The citizenry plays a minor role, if any, in governing. For the most part its role is restricted to electing representatives who do the actual work of governing.

Because the representatives are popularly elected, the United States is a representative, democratic republic.

FUNDAMENTAL DEMOCRATIC REPUBLICAN CONCEPTS: SPEECH, LEADERSHIP, AND INSTITUTIONS

King's speech is a fine place to begin this text because it shows that politics is not just about power, greed, and ambition, but also about the noblest sentiments of the human spirit. It also vividly illustrates what American politics and government are made of, their fundamental concepts. It was a speech, and in a free society, most of political life is lived through speech. The various forms of speech that politics employs – argument, explanation, exhortation, and discussion – are what gives a free society its distinctive character. Just as clay is the medium of sculpture, words are the medium of republican and democratic politics. The brilliance of King's speech stems from his ability to artfully make use of what that medium has to offer: metaphor, adjective, symbol, and analogy. Hundreds of thousands of people listened to the speech. It was a *public event*. Unlike many other activities – friendship, sex, reading or listening to an MP3 player – politics typically takes place in public. Not everyone is capable of commanding the attention of a crowd the way Martin Luther King, Jr. did. Those who can command such public attention we call leaders. Followers have a big political role to play as well, but the United States is a very big place, and ordinary people have only a very limited capacity to influence political life and make their voices heard. Therefore, they are very dependent on leaders to represent, inspire, and command them. King was not a professional politician. No matter. The key tasks of *political leadership* are frequently performed by those who do not even think of themselves as politicians and who do not hold political office.

King's speech took place in a very particular context and was intended to achieve very particular goals. King's goal was to pass civil rights legislation. The very need to push hard for that goal implies that there is opposition to it. Other people, and their leaders, have other, often conflicting goals. Speech and leadership give politics some of the qualities of theater – vivid language, evocative acting. But, as the word "goal" suggests, politics also resembles sports. Competition can be fierce. Foul play occurs and gets penalized if the perpetrators get caught. There are winners and losers. Thus conflict and competition are also central to politics.

Politics also resembles sports in that it is highly organized. The rules are carefully laid out. Different teams develop a collective identity and persist over time. The term used for the organizations that endure, command loyalty, and develop their own collective identities is *institution*. Martin Luther King, Jr. was not simply speaking to a crowd of individuals on that warm August day; he was speaking to people with strong institutional affiliations – union members, church congregants,

lodge brothers, and sorority sisters. And he was appealing to leaders of two powerful political institutions – the Democratic and Republican parties – to press for action by one of the three central national governing institutions, the U.S. Congress. King himself was not only the leader of a movement; he was also the head of an important religious institution, the Ebenezer Baptist Church. Chapter 3 introduces an additional fundamental republican democratic concept: deliberation.

AMERICAN POLITICAL DEVELOPMENT

Martin Luther King, Jr. gave a speech in the present in an effort to influence the future, and yet so much of that speech focuses on the past. It refers back to leaders, documents, and songs from long ago – Lincoln, the Declaration of Independence, the framers of the Constitution, a spiritual sung by slaves. This was no accident. King knew that the best way to impress all the audiences for his speech – the crowd on the Mall, the Congressmen whose votes he was trying to garner, the next day's newspaper readers, the next generation of children reading history textbooks – was to link his thoughts and aspirations to great leaders, ideas, and cultural symbols from the past.

As the great American writer William Faulkner observed, "the past is not dead, it is not even past." It shapes our ideas and sentiments endowing the present with meaning. Stories from the past pervade our imaginations. They provide vivid examples of what to do and what not to do. They help define our sense of who we are, whom we love, and whom we hate. They supply our minds with a cast of heroes to emulate. Faced with a tough decision, a president or even an ordinary person might not only consider the present facts but also look for moral and intellectual guidance by asking, "What would Lincoln have done? What would Martin Luther King have done?"

The pull of the past is demonstrated by the frequency with which historical analogies find their way into political debate. People often make use of such analogies to reason through a problem and to defend their position. Those who favored Obama's stimulus package chose a favorable historical case to compare it to – President Franklin D. Roosevelt's New Deal. Those who opposed the War in Iraq often likened it to an unsuccessful prior war – Viet Nam. Those who favored it claimed that a failure to attack Iraq would do to the Middle East what the appeasement of Hitler at Munich did to Europe. The manner in which the past influences our thoughts, feelings, and imagination this text calls *political memory*. Martin Luther King, Jr. crafted his words to create the strongest possible connection between his ideas and sentiments and those that serve as the wellsprings of American political memory.

Modern political science strives to incorporate this recognition of just how critical an understanding of the past is to the understanding of the present. In

the words of leading political scientists Stephen Skowronek and Karen Orren, "because a polity in all its different parts is constructed historically, over time, the nature and prospects of any single part will be best understood within the long course of political formation." They term this approach to studying politics *political development*. This text takes a political development approach. It shows how the political building blocks discussed in the previous section – speech, leadership, conflict, and institutions – have operated over time to shape current American politics and government.

As critical as political memory is to understanding present politics, the APD approach also demonstrates two other crucial avenues by which the past affects the present – *path dependency* and *critical choices*.

Path Dependency

Like individuals, political institutions are also heavily influenced by the past. Once a particular way of doing things has been set in motion, considerable inertia develops that encourages the continuation of that course. Political scientists call this phenomenon *path dependency*. A striking everyday example of path dependency is typewriting. When inventor C. L. Sholes built the first commercial typewriter prototype in 1868, the keys were arranged alphabetically in two rows. But the metal arms attached to the keys would jam if two letters near each other were typed in succession. So, Sholes rearranged the keys to make sure that the most common letter pairs such as "TH" were not too near each other. The new keyboard arrangement was nicknamed QWERTY after the six letters that form the upper left-hand row of the keyboard. QWERTY's original rationale has disappeared because keyboards now send their messages electronically. Many typing students find it very hard to master. Despite its shortcomings, QWERTY remains the universal typing keyboard arrangement simply because it is already so widely used and so many people have already taken pains to master it. Future typists might benefit from a change, but they do not buy keyboards; current typists do. Many political institutions and practices are just like QWERTY. Although their original purposes no longer exist, people are used to them, and the costs of starting afresh are just too high.

There are countless examples of path dependence in American politics. Perhaps the single most important example is the way in which the United States is carved up into individual states. State boundary lines exist for all sorts of peculiar historical reasons. On the East Coast, they represent, for the most part, the grants given by Britain to specific individuals and groups to establish colonies. On the Pacific Coast and in the Southwest, they represent the boundaries of colonies obtained from Spain. In the Great Plains, they often represent little more than the preference of surveyors for drawing squares and rectangles. One can imagine many good reasons for adjusting state boundaries

to accommodate practical realities. Why should Kansas City be split between Kansas and Missouri? The suburbs of northern New Jersey and southwestern Connecticut are dominated culturally and to a large measure economically by New York City and yet they remain part of other states. There have been very few changes in state boundaries over the entire course of American history.

This bias in favor of the status quo is not simply because people are creatures of habit, though indeed they are. It is also because, as a rule, those who benefit from an existing policy will fight harder to keep the policy in place than those who might benefit from a change will fight to alter it. Beneficiaries of existing policies know what they have and what they stand to lose if policies change. Potential beneficiaries can only estimate the benefits a policy change might bring them. Therefore, politically speaking, fear of loss is a more powerful motivator than hope of gain.

Critical Choices

By showing how the odds favor the status quo, the developmental approach encourages a greater appreciation of what it takes to beat the odds. As passage of the 1964 Civil Rights Act and the 1965 Voting Rights Act so forcefully demonstrates, the powerful inertial biases of American politics are sometimes overcome. A key theme of this book is how and why Americans have made *critical choices* that shifted America's political path. How and why did the antipathy to political parties yield to the establishment of a two-party political system? How and why did a strictly limited federal government mushroom into an elaborate administrative state? How and why were voting rights for African Americans and women finally granted after having been denied for so long? Those critical choices that reshaped the constitutional underpinnings of the American polity the text refers to as *conservative revolutions* (see Chapter 4). Calling them conservative revolutions is a reminder that such is the power of path dependency that even when critical change does occur, it is strongly shaped by past events.

In sum, this text bases its discussion of American politics on several key building blocks: the influence of *political speech*, the role of political leaders, the dynamics of *political competition*, and the functioning of political institutions. To fully explain how those building blocks operate, it examines them *developmentally*. The essential elements of the development approach are: political memory, path dependency, and critical choices.

THE PLAN OF THIS BOOK

This book is divided into four parts. The first, "Formative Experiences," contains Chapters 2, 3, and 4, which focus respectively on political culture, constitutional

design, and critical episodes in American political development. Chapter 2 examines the formation and meaning of the core political beliefs that Americans profess. It shows how those beliefs coalesce to form what Tocqueville called "habits of the heart," an enduring political culture shaping the political opinions and actions of Americans. Chapter 3 looks at the Constitution: the political debate its creation provoked, the conflicts between rights and democracy that it settled, and those that it left unsettled. It explains why it is so important that the American government was erected on the basis of an original and carefully designed blueprint and how that conscious plan both reflects American political culture and has helped shape it. Chapter 4 focuses on the major points of transition that have occurred since the constitutional founding.

Part II, "Pivotal Relationships," looks at how the federal government engages with the states and with the economy. The Constitution does not establish fixed boundaries between national and state governmental power, nor does it clearly define the limits of government regulation of private property. The disputes provoked by these uncertain boundaries have proven to be among the most hotly contested controversies in all of American political life and have given it much of its distinctive style and substance. As we shall see, those who fight for greater national power as well as those who resist in the name of either states rights or property rights all invoke the principles of rights and democracy to support their side.

The four chapters that form Part III, "Governing Institutions," each examine one of the three branches of national government – the Congress, the presidency, and the federal judiciary – enumerated in the Constitution, as well as the bureaucracy, which developed, in large measure, outside of formal constitutional arrangements. These chapters describe how those institutions operate now and how they have changed over time. The great debates over the structure and purposes of these institutions demonstrate how political arguments and political decisions shape and alter the "nuts and bolts" of government.

Part IV, "Political Forces," focuses on the most important political phenomena that exist outside of the formal governing structures and how they shape political debate and governmental decision making. These include political parties, social movements, interest groups, and the media. All of these political actors have been discussed extensively earlier in the book but always in supporting roles. It would be impossible to have a full-fledged discussion of any of the topics in Parts I through III without paying due attention to their mighty influence. Here they gain center stage. The spotlight is on their development and dynamics and how they have embodied and exemplified key questions of liberty and democracy.

Each chapter begins within an overview of its key themes. A vignette follows that embodies one or more of those themes. Then it presents a contemporary portrait of how the chapter's subject actually functions today. After, the chapter traces the political development of that subject to demonstrate the debt that

current reality owes to persistent paths and critical choices forged over time. It provides a concluding statement. It ends with a summary of the most important points the chapter has made.

AMERICAN POLITICS AND GOVERNMENT: POLICIES AND PROGRAMS

There is no better guide to what Americans want and expect from government than the Constitution's Preamble:

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

The following is a brief introductory sketch of the programs and policies that have been put in place to implement these high-minded but vague objectives, as well as some of the most serious current controversies surrounding them. The sketch highlights the distinctiveness of American government and politics by pointing out some of the most important differences in governmental aims and approaches that distinguish the United States from the other prosperous democratic republics – including France, Great Britain, Germany, and Japan – with whom it is most often compared.

"Form a More Perfect Union"

At present, the United States is the only major nation that refers to itself as a "union." Someday the European Union may become a nation, but it is not one now. The United States was founded as a union of states and, to this day, the individual states have many of the powers that in other countries belong exclusively to the central government. They levy taxes, educate college students, build and maintain roads, and have their own law codes. Most crimes are tried in state criminal courts. Most lawsuits are brought in state civil courts. Those states with capital punishment laws exercise a legal power to kill. States perform a multitude of important regulatory functions. They regulate insurance companies, hospitals, and real estate transactions. All states issue drivers licenses. States also require licenses to engage in a wide variety of professions and businesses. In North Carolina, for example, one must obtain a license in order to engage in any one of more than 150 occupations including school teachings, practicing law, parachute rigging, embalming, and acting as an agent for a professional athlete.