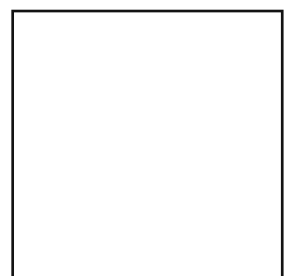
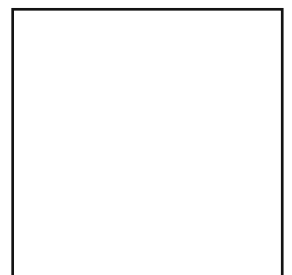
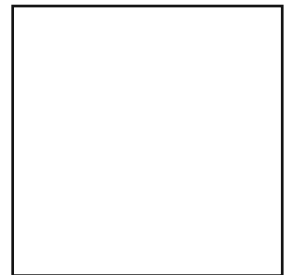


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Distance Learning

# **A2 Government & Politics**

Rachel Fairhead



Nelson Thornes

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# Study Calendar



## A2 Government and Politics | 2011–12

Study Week	Start date	Unit	Tutor-assessed assignment	Work due date
1		Introduction		
2		3.1 Constitutional Principles	Assignment 3.1	
3		3.2 Federalism		
4		3.3 The Constitution		
5		3.4 The Bill of Rights	Assignment 3.4	
6		3.5 The Workings of Congress		
7		3.6 The Powers of Congress	Assignment 3.6	
8		3.7 Congressional Reform		
9		3.8 The President		
10		3.9 Other Executive Offices	Assignment 3.9	
11		3.10 The Federal Bureaucracy		
12		3.11 Supreme Court Appointments	Assignment 3.11	
13		3.12 Judicial Review		
14		3.13 Evaluating the Judiciary	Assignment 3.13	
15		4.1 Presidential Elections		
16		4.2 Election Campaigns	Assignment 4.2	
17		4.3 Election Issues		
18		4.4 Direct Democracy	Assignment 4.4	
19		4.5 Voting Behaviour	Assignment 4.5	
20		4.6 The Party System		
21		4.7 Third Parties	Assignment 4.7	
22		4.8 Pressure Groups		
23		4.9 Activities and Methods of Pressure Groups	Assignment 4.9	
24		Revision week 1 (if available)		
25		Revision week 2 (if available)		

Study Week	Start date	Unit	Tutor-assessed assignment	Work due date
26		Revision week 3 (if available)		
27		Revision week 4 (if available)		

All the assignments for A2 Government and Politics can be found in the relevant units of the Nelson Thornes Distance Learning Student Course Materials.

# Introduction



## **Hello and welcome to A2 Government and Politics by distance learning.**

Over the next year we shall be studying the American political system, with in-depth consideration of the government and politics of the US. This means you will be studying institutions, concepts, events and people. Each week during the video conference, we shall review the unit you have worked on. It is essential that you complete all the activities in preparation for the videoconference, and that assignments are completed on time and given to your link to post or emailed directly to your tutor.

As you know from completing the AS Government and Politics via distance learning, distance learning is not a 'soft' option. It is a full-time course, and it is recommended that you allocate at least 4 hours of additional study per week; you must work, completing activities from the pack, in your study periods and at home, if you are to get the most from this course.

Over the next year we shall be focussing on studying the politics and government of the US; you will sit two examinations, which, combined with the AS modules you have already studied, will give you an A level in government and politics.

## **By the end of this unit you should be able to:**

- understand what topics you will be studying over the next year
- understand the format of the A2 examination
- begin to understand how A2 differs from AS
- understand what sources are available to you to take your studies further
- reflect on what skills and knowledge you gained from your AS year, and highlight any possible targets for this A2 year.

## **Examination format**

For AS you studied two units. For A2 the format is similar in that you will sit two examinations, both of which are 1½ hours long; each examination is worth 25 per cent of your final examination. The title of the papers are GOV3A The politics of the USA and GOV4A The government of the USA. Both papers are marked out of 80 and you have to choose two question from a choice of four. Each question is structured into parts A and B. In each part, equal weighting is given to Assessment Objectives 1 and 2.

## **The following Assessment Objectives should be familiar to you from your AS studies:**

- AO1 Demonstrate knowledge and understanding of relevant institutions, processes, political concepts, theories and debates.
- AO2 Analyse and evaluate political information, arguments and explanations, and identify parallels, connections, similarities and differences between aspects of the political systems studied.
- AO3 Construct and communicate coherent arguments making use of a range of appropriate political vocabulary.

# Activity 1

Using the AQA website ([http://web.aqa.org.uk/qual/gce/humanities/gov\\_politics\\_overview.php](http://web.aqa.org.uk/qual/gce/humanities/gov_politics_overview.php)), research the specimen units and mark schemes for the units that you will be studying. Make notes on the following (it would be a good idea to write this in your own words and keep it in your file).

- Types of questions
- Topics covered by the questions
- How the different Assessment Objectives are weighted for the two types of questions
- What the different level descriptions are

## The topics you will be covering:

### The government of the USA (AQA Unit 4)

- The constitutional framework
- The legislative branch
- The executive branch
- The judicial branch

### The politics of the USA (AQA Unit 3)

- The electoral process and direct democracy
- Voting behaviour
- Political parties
- Pressure groups

Please note that we will be studying the units in reverse numerical order: our unit 3 (The government of the USA) will correspond to AQA unit 4, and our unit 4 (The politics of the USA) will correspond to AQA Unit 3.

# Activity 2

Using the above topic list and any resources available to you, start putting together your glossary of terms.

Research any terms that you feel are specific to each topic, defining the topic titles first.

## What are the differences between AS and A2?

The most obvious differences between AS and A2 is that you will now be studying US politics, which in itself is a major departure from what you know. It is important that you do not assume you know about US politics and culture because you are familiar with the programmes/ sports/films you might have seen. Another major difference between AS and A2 is that there is an expected extension of your knowledge and understanding. At A2 equal emphasis is placed on what you know and how you use this knowledge, as well as being able to compare the two political cultures of the UK and the US.

*At A2 there is a requirement for synoptic assessment and, in this unit, it is expected that students will draw upon and extend the political knowledge, skills and conceptual understanding gained from their AS studies and make the necessary connections between*

*the areas studied. In the assessment of this unit credit will be given for appropriate references to contemporary developments, issues and debates in the areas covered.*

AQA approved Specification

In addition, it is worth remembering the aims as specified by AQA, which include the need for a synoptic element; this is where you draw on material from all areas of the course that you have studied. This means there is a clear expectation that you should be able to relate different areas, use appropriate concepts and knowledge, and show progression from AS to A2. The synoptic element is particularly relevant for the part B questions on the exam paper, where there is a clear need to draw and use the knowledge and understanding gained from all areas of the course.

## **Resources**

### **Textbooks**

The main textbook for this course will be Anthony Bennett, *A2 US Government and Politics*, 3rd edn (Abingdon, Philip Allan, 2009).

The following textbooks are recommended for more detailed information, or to get a different angle on a topic:

- William Storey, *US Government and Politics*, 2nd edn (Edinburgh University Press, 2010). This book is more detailed on some topics than Bennett.
- Edward Ashbee, *US Politics Today*, 2nd edn (Manchester University Press, 2004).

### **Television**

- Channel 4 News, 7pm weekdays
- Newsnight, BBC Two, 10.30 pm weekdays

### **Websites**

[www.channel4.com/news](http://www.channel4.com/news)

[www.nytimes.com](http://www.nytimes.com)

[www.sky.com/skynews](http://www.sky.com/skynews)

[www.washingtonpost.com](http://www.washingtonpost.com)

[www.guardian.co.uk](http://www.guardian.co.uk)

[www.guardian.co.uk/world/usa](http://www.guardian.co.uk/world/usa)

[www.usatoday.com](http://www.usatoday.com)

[www.latimes.com](http://www.latimes.com)

### **Points about resources**

- Politics is constantly changing, so it is very important that you keep up to date with current affairs and any political developments.
- Cut out and keep any news stories that could be relevant to your course. These will help to keep you interested, and will show the examiner that you have a genuine interest in the subject.
- Newspapers, TV programmes and websites can be biased and can vary in depth and sophistication. Try to use as wide a variety of sources as possible, in order to develop a solid 'bank' of examples for your written work.
- Publications used for your AS studies are still relevant for A2 studies, such as *Politics Review* ([www.philipallan.co.uk/politicsreview/index.htm](http://www.philipallan.co.uk/politicsreview/index.htm)), UK and US Government and Politics Annual Surveys ([www.hoddereducation.co.uk/Schools/Philipallan/Annual-Surveys.aspx](http://www.hoddereducation.co.uk/Schools/Philipallan/Annual-Surveys.aspx)), *The Spectator* magazine ([www.the-spectator-magazine.co.uk](http://www.the-spectator-magazine.co.uk)), *Talking Politics* ([www.talkingpolitics.co.uk](http://www.talkingpolitics.co.uk)), as well as websites like tutor2u (<http://tutor2u.net>), where you can find blogs to help keep you up to date. You should read quality newspapers as often as possible. You can also watch television news and read newspaper websites (though some of these are now charging for their services). It is possible to set up news alert emails to track stories or issues.

## Activity 3

For next week use at least two of the suggested websites and read two quality newspapers. Write a short report on what you have found out, including the answers to the following questions.

- What are the topics/issues that are being covered by the websites and the newspapers?
- Do the two different mediums cover the same topics?
- How would you prioritise these stories?
- What do these stories tell you about the issues facing the US?
- Do these stories have an impact beyond the domestic US?
- Do you notice anything different in the reporting styles used in the US?

At the end of your AS studies, in your A2 starter pack, there was some introductory material on US culture. This background work and information is useful in terms of putting US politics into context. It is worth reviewing those concepts and ideas now.

## Activity 4

Using the materials from your A2 starter pack and any other sources available to you, design a timeline of the events that you think are key to understanding US culture and history. Include why you have chosen the events and why are they significant, making sure that you include recent events – for example, Obama's election and first year in office, as well as the continued war in Iraq, the economic climate and the BP oil crisis.

It is important to understand the historical context of US government and politics, including past administrations and politicians, in order that you can demonstrate the changing nature of American politics.

## Activity 5

Using the internet and other resources, research the following presidents:

- Barack Obama
- George W. Bush
- Bill Clinton
- George Bush
- Ronald Reagan
- Jimmy Carter
- Richard Nixon.

Include the following information for each presidency:

- Brief biographical information
- Party each president belonged to
- Major historical events
- Landmark political events
- Any political scandals.

## Keys to success

Follow these suggestions to give yourself the best chance of A2 success.

- Keep your file in order and your notes under the correct headings. Use coloured dividers to help you group together notes and articles in the appropriate sections.
- Make sure you develop a bank of materials/examples that you can use in essays to support your points (this especially relevant for Assessment Objective 1).
- This is still quite a new course, so there are not many past papers to look at. But look at previous essay questions ([http://web.aqa.org.uk/qual/gce/humanities/gov\\_politics\\_overview.php](http://web.aqa.org.uk/qual/gce/humanities/gov_politics_overview.php)) to see how examiners think and ask questions. Do not try to spot questions or guess what might come up.
- Be realistic about the amount of work you need to do. Keep to schedules and deadlines.
- Reflect on what you did last year. Are there are areas you can improve?
- Also remember that the A2 level of study has a synoptic element, which means you need to draw on all areas of your studies, as well making outside connections. Keep your AS file handy for reference, and be prepared to refer to it for comparative work between UK and US politics.

### Activity 6

Using the above points, set yourself three targets. Set targets that will help you with your course and make them achievable. These targets can be reviewed at a later date.



**Module 3**  
**The Government of the USA**



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# Topic 1 The Constitutional Framework

## Unit 3.1 Constitutional Principles

---

**Learning objectives:**

- How the Constitution came into being
- The theories behind the Constitution
- Introduction to key constitutional terminology

**Key terms:**

- Philadelphia Convention
- Colonies
- Constitution
- Confederacy
- States
- Articles of Confederation
- Founding Fathers
- Unitary
- Separation of powers
- Checks and balances
- Codified
- Federalism
- Gridlock

As stated earlier, it is not necessary to have a detailed understanding of US history, but it is helpful to have a general understanding of what went on before the US Constitution came into being.

The US Constitution was drawn up during the **Philadelphia Convention**, which met between May and September 1787. The end result of the Convention was that the 55 delegates from the newly ex-**Colonies** (13) drew up the **Constitution** which has been used ever since. It was not the original intent of the delegates to draw up a completely new document, but once the Convention began it became obvious that a new constitution was the obvious solution, as trying to amend the Articles of Confederation would be far too complex. It also allowed for a fresh start for the newly formed country.

The starting point for the colonies being transformed into the United States was the American War of Independence, during which the original colonies declared their independence from Great Britain. The War of Independence lasted from 1775 till 1783. In 1781 the independent colonies decided it was necessary to establish a **confederacy**, a loose grouping of the **states** with a weak central government. This was established by the **Articles of Confederation**.

Between 1781 and 1787 there was virtually no national government, and most of the political power was in the hands of the states. Each colony drew up a constitution to govern itself. This meant that there was a great deal of variation between the colonies, and agreement was difficult. In addition, the colonies did not have a collective sense of direction. There was no president, no national court, and Congress was really just a debating chamber, which could not pass any laws.

## The branches of government

Every system of government has to carry out specific duties in order to maintain order, make and enforce laws, and maintain stability. The functions of modern democratic systems of government are divided between three branches of government: executive, legislative and judiciary. Each individual state constitution was made up of these three branches of government.

In all the new states (ex-colonies) the legislative assembly had the most power; it was able to direct policy, and some legislative assemblies could choose state governors and judges. In most states the executive branch had a supportive role, with few powers and a one-year term of office. This was consistent with the colonists' fear that power should not rest in the hands of a dominating leader.

The colonists believed that under British rule their rights and liberties had been ignored, and they were keen to prevent this happening again. This is a theme that runs through the thinking and planning of the Founding Fathers.

### Activity 1

Answer the following questions.

- 1 What purpose did the Articles of Confederation serve?
- 2 What problems were associated with the Articles of Confederation?
- 3 Why do you think the individual state constitutions limited executive power?

- 4 How much of an influence do you think the Articles of Confederation had on the later Constitution?

The Articles of Confederation created such a loose collection of states that the newly formed states found it very difficult to agree and frequently argued. After the end of the War of Independence, when they no longer had a common enemy, cracks in the alliances appeared. Congress had very limited power; it could not raise taxes or control trade between states and other countries. The arguments centred on trade and money – for example, each state had its own currency, and often printed more in order to ease debt problems. As a result of this chaos, the Philadelphia Convention was convened in 1787.

## Activity 2

Using the information above and any other sources available to you, write a short paragraph, including your responses to the following questions.

- What do you think the main priorities of the Philadelphia Convention were?
- What difficulties might the organisers of the Convention face?
- What mechanisms do you think should be used to make collective decisions?

## The Philadelphia Convention

The Convention began in May 1787. Delegates from the 13 colonies were invited to attend, and of the 74 invited, 55 attended. Rhode Island was the only state not to send any delegates. It feared that what had been gained in the War of Independence would be lost, so it refused to attend.

The Convention was presided over by George Washington, who later became the first president of the US, from 1789 to 1797. As well as George Washington, the Convention was attended by George Mason, James Madison and Alexander Hamilton. Thomas Jefferson, who had drafted the Declaration of Independence, was serving as minister to France at the time. The 55 delegates who attended the Convention later became known as the **Founding Fathers**, the framers of the Constitution. The Convention was originally supposed to revise the Articles of Confederation, but one of the first decisions was that the Articles would be scrapped and a completely new constitution would be written. One of the biggest arguments was the division between the more populous and the less populous states. As a result a number of compromises were proposed:

- the Virginia Plan
- the New Jersey Plan
- the Connecticut Compromise.

# Activity 3

Using your textbook (pp.6–7) and other sources available, complete the table below, and answer the following questions.

Plan	Plan details/support	Strengths	Weaknesses
The Virginia Plan			
The New Jersey Plan			
The Connecticut Compromise			

- 1 Summarise the main arguments for and against the different plans.
- 2 Which of the plans do you think dealt with the needs of the new country most effectively?
- 3 Which of the plans would you have adopted, and why?

## The great compromise

When the Founding Fathers decided that a new constitution was to be written, a number of compromises had to be included. In fact, the US Constitution is a series of compromises, and compromise is a major idea in all US or UK politics. Most of the arguments centred around how much power should be allocated to a central federal government.

### Three big issues on which compromise was required in the Constitution

- 1) **How should a president be chosen?** Should the president be appointed? Should he be elected directly or indirectly?
- 2) **What form should the government take?** The ex-colonies had been governed under a British **unitary** system, where all political power rested with the Westminster government. In the Articles of Confederation, all the power rested with the states, and the national government had very limited power. Both of these systems were deemed to be unsuitable, with inherent problems.
- 3) **How should the states be represented?** The larger states felt that representation should be based on population size: the bigger the population, the greater the representation. The smaller states were worried that they would be dominated by the bigger states. So there already was tension between the colonies.

### How were the compromises resolved?

- 1) **How should a president be chosen?** The compromise reached was that the president would be elected indirectly by an **electoral college**.
- 2) **What form should the government should take?** A federal system of government would give some power to the national federal government and the states would be given specific but equal powers.
- 3) **How should the states be represented?** Congress (the legislature) would be made up of two houses (the Senate and the House of Representatives). In the House of Representatives representation would be proportional to the population, whereas in the Senate the representation would be equal for all states.

## Activity 4

- 1 Evaluate the strengths and weaknesses of the individual compromises.
- 2 Explain the long-term consequences of the compromises that were reached.
- 3 Do you think there were any alternatives to the solutions adopted?



<b>Legislature</b>	Makes the laws	Congress
<b>Executive</b>	Carries out the laws	The president and the federal bureaucracy
<b>Judiciary</b>	Enforces and interprets the law	The Supreme Court and federal court system

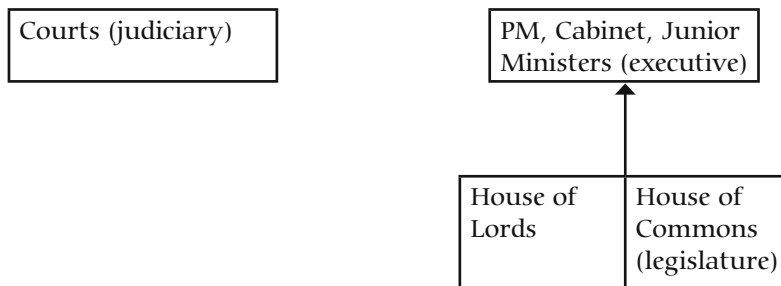
### Comparison between the US and UK systems

One of the main principles of the British Constitution is that of parliamentary sovereignty, which is where parliament holds ultimate power and all other institutions are submissive, to a large degree. The British system operates under a fusion of powers, as shown by diagram below.

US government structure



UK government structure



## Activity 6

Read pp.13–15 of the textbook and then answer the following questions.

- 1 Do you agree with Montesquieu’s theory, and if so, why?
  
- 2 What do you think would be the consequences if there were no separation of powers?
  
- 3 Explain whether you think separation of powers can work in practice as well as in theory.



The separation of powers theory can also be applied to the separation of powers between the central federal government and the state governments.

On the surface, separation of powers would indicate that the powers of the three branches of government were indeed separate, whereas, in fact, it is the institutions that are separate, and not the powers they hold.

*The Constitutional Convention of 1787 is supposed to have created a government of separated powers. It did nothing of the sort. Rather it created a government of separate institutions sharing powers.*

Richard Neudstadt

## Activity 7

1 Write a short paragraph analysing the potential problems associated with Neudstadt's view of government, outlined in the quote above.

2 Write a short paragraph explaining how far you agree or disagree with Richard Neudstadt.

In reality, the separation of powers should more accurately be called the 'shared powers'. The three institutions of government are separate, but in order to function and carry out their roles, they need to cooperate and share their powers. This sharing 'relationship' works as a series of checks and balances.

### Checks and balances

The **Founding Fathers** effectively established a system of shared powers. This meant that powers and personnel were clearly divided between the three branches of the federal government. Each branch of government can exercise checks on the powers and actions of the others; this prevents any one branch of government from dominating the political process or another branch.

For more information on the system of checks and balances in the U.S. Federal Government, see: [http://3.bp.blogspot.com/-dQJOGHdzWR0/TaYuWEYTqXI/AAAAAAAAAHQ/14Awkz7auUo/s1600/checks\\_and\\_balances.jpg](http://3.bp.blogspot.com/-dQJOGHdzWR0/TaYuWEYTqXI/AAAAAAAAAHQ/14Awkz7auUo/s1600/checks_and_balances.jpg).

# Activity 8

1 Complete the table below to show which branch has the power and which branch checks that power. There are several answers for each power.

Power	Which branch has the power?	Which branch's power is being checked?
Create and pass legislation		
Veto bills		
Ratify treaties		
Appoint federal judges		
Judges are appointed for life		
Confirm presidential appointments		
Impeach federal officials		
Declare laws unconstitutional		
Override presidential vetoes		
Control of finances		

2 How does the Constitution system of checks and balances contribute to democracy in the US?

3 How would you change the system of checks and balances in order to improve the system?

Professor S.E. Finer said the presidency and Congress were like two halves of a bank note, with each one being useless without the other. The three branches must cooperate to get things done. This is what the Founding Fathers wanted; they thought too much power vested in one branch of government could lead to tyranny, especially if it was the office of the president that had too much power. In some ways, this branch of government is subject to the greatest number of checks.

Different parties can have control of Congress and the presidency, which adds an extra dimension to the checks and balances. From the late 1960s until 2008 the executive branch and the legislative branch have mainly been controlled by different parties. This can cause political **gridlock** – nothing can move, like rush-hour traffic in US cities.

Checks and balance are helped by staggered elections. The whole of the House of Representatives is elected every two years, a third of the Senate is elected every two years, and the president is elected every four years. Supreme Court justices are appointed for life. The different branches have different political agendas and philosophies.

Checks and balances are often less effective in reality than on paper. Circumstances mean that Congress is often willing to ‘bow’ to the leadership of the president during national peril, unexpected events such as 9/11, war and natural disasters. This is partly because the US president is essentially the only politician who has a national popular mandate and therefore represents the whole country.

*America is a tune. It must be sung together.*

Gerald Stanley Lee, *Crowds*

*To all those watching tonight from beyond our shores, from parliaments and palaces, to those who are huddled around radios in the forgotten corners of the world, our stories are singular, but our destiny is shared, and a new dawn of American leadership is at hand.*

Barack Obama

*My fellow citizens of the world: ask not what America will do for you, but what together we can do for the freedom of man.*

John Fitzgerald Kennedy

## Activity 9

What do the quotes above tell you about the status/relationships of the US president?

### Assignment 3.1

- 1 Explain the principle of the separation of powers found in the US Constitution. (10 marks)
- 2 ‘Our Constitution works!’ (Gerald Ford, post-Watergate president) To what extent and why can a constitution written in and devised for the 18th century still work in the 21st century? (30 marks)

(AQA specimen question, unit 4A)

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# Topic 1 The Constitutional Framework

## Unit 3.2 Federalism

---

### Learning objectives:

- Understanding what federalism means
- Understanding the different types of federalism
- Understanding the changing nature of federalism

### Key terms:

- Federalism
- Founding Fathers
- Enumerated powers
- Implied powers
- Reserved powers
- Concurrent powers
- Elastic clause
- Dual federalism
- Layer-cake federalism
- Cooperative federalism
- Marble-cake federalism
- Creative federalism
- Categorical grants
- New federalism
- Block grants
- Revenue sharing
- Flexible funding

Federalism is 'a territorial distribution of power based on the sharing of sovereignty between central (usually national) bodies and peripheral (regional) ones'.

A. Heywood, *Politics*

**Federalism** is a system of government in which power is divided by constitutional law between the national (federal) and local (state) institutions of government. When the **Founding Fathers** met in 1787, the issue that most concerned and also divided them was the relationship between the central and state governments. Some wanted to completely abolish the notion of state, while others wanted to maintain the loose collection of states. The compromise they reached was that the federal government and state governments would have their own powers, and each would check the others. Federalism allows for some decentralisation. This federal system, while uniquely American at the time it was adopted, can now be found in other countries, where it is used to organise the various levels and institutions of government.

**Activity  
1**

Using any sources available to you, find at least four examples of countries that operate a federal system of government, and complete the following table.

Country	Governmental structure	Powers of central government	Powers of local government	Strengths/weakness

Having completed the table, what similarities and differences can you find between the examples you have found, and what do you think the consequences of these differences are?

Nowhere are the words 'federal' or 'federalism' written specifically in the Constitution, but it is clearly an essential feature. The constitution explicitly grants certain powers to federal government. These are called **enumerated powers**.

The federal government also has certain **implied powers** that are not explicitly mentioned, but are inevitable because of the role of the federal government.

Articles 1, 2 and 3 of the Constitution specify the powers of the national government, and Amendment 10 specifies that any remaining powers go to the states. In other words, individual states keep control over certain key areas. These are called **reserved powers**.

**Concurrent powers** those shared between state and federal government, are also explicitly stated. The only official way in which this division can be changed is by constitutional amendment (which we will look at later on).



## Powers of the states (Article 4 and Amendment 10)

- The states have equal representation in the Senate.
- The rights of states are set out.
- State borders cannot be changed without consent.
- Representation in the electoral college is based on population.
- Three-quarters of states must agree constitutional amendments.
- Amendment 10 states that ‘the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively’.

### Activity 3

Write a short paragraph, answering the following questions:

- 1 Why do you think these specific powers are listed?
- 2 Which of the powers listed do you think are the most important, and why?
- 3 What do these listed powers imply about the relationship between the different institutions of government?

There can be significant differences in legislation between states. For example, different states have different laws on drugs, alcohol, traffic violations, marriage and punishments.

Of the 50 states, 37 have the death penalty, and even then the method used for the execution can vary. The five different methods available are lethal injection, electrocution, lethal gas, firing squad and hanging. Most states use lethal injection, and in some states the inmate can have some input into the method used.

Another example is the issue of assisted suicide. The state of Oregon permits assisted suicide, but elsewhere this is illegal, as shown by the case of Dr Jack Kervorkian. Jack Kervorkian, a pathologist by profession, based in the state of Michigan, is seen as the spokesman for the right to die (the assisted suicide movement in the US). He was involved in roughly 130 deaths of terminally ill patients between 1990 and 1998. He also patented a euthanasia device that patients themselves could operate. Because of this, he has been involved in several court cases and has been convicted of second-degree murder. He was paroled in 2007. The state where this occurred had not legalised assisted suicide.

In political terms there are different election laws in different states. Each state decides how candidates are chosen and how voting is carried out. For example, some states have primary elections for selecting the candidates for each major party, whereas others have caucuses (face-to-face political meetings), with a direct vote from those attending. Political parties are state-based and differ widely; it is often argued that there are in fact 50 versions of both Democrat and Republican parties as a result. So, for example, a Southern Democrat is likely to be more conservative than a Northern Democrat, and when it comes to the presidential election, the candidates effectively have to contest 50 different elections – one in each state.

Within the states there are other variations. US states are divided into counties, much the same size as English counties. Some counties can pass different local alcohol laws. There are still ‘dry’ counties in some states, where no alcohol is sold.

Alabama has 26 dry counties; Texas has 44 dry counties out of its 254 counties. Some counties are neither 'wet' nor 'dry', but 'moist', allowing only beer with 4 per cent to be sold.

The following maps illustrate the wide variation that there can be when it come to state laws on alcohol:-

Exceptions to Minimum Age of 21 for Consumption of Alcohol as of January 1, 2007  
[http://en.wikipedia.org/wiki/File:Underage\\_consumption\\_map\\_2007 gif](http://en.wikipedia.org/wiki/File:Underage_consumption_map_2007.gif)

Prohibition of Open Containers of Alcohol in Motor Vehicles as of January 1, 2007  
[http://en.wikipedia.org/wiki/United\\_States\\_open\\_container\\_laws](http://en.wikipedia.org/wiki/United_States_open_container_laws).

## Activity 4

Use any resources available to you to complete the following activities.

- Research and make notes on at least four other examples of how state laws differ. (Examples might include seat belt laws, criminalisation of cannabis, use of hands-free mobile phones, motorcycle helmet laws.)
- Include in your notes what you think the consequences of these variations might be.

The benefit of federalism in the US is that the system caters for the American geographic, political and socioeconomic identity. In other words, the diverse nature of almost every aspect of US culture can be expressed, while still remaining part of the collective US identity.

### The changing nature of federalism

Federalism is not a fixed idea; it has grown and evolved as the US has grown and evolved. The period 1870–1970 saw some of the biggest expansions in the scope of the federal government, and this has been reflected in the growth of the US population. In 1790 the population of the US was just 3,929,214; by 1900 it had jumped to 75,994,575; and by 1920 it was 105,710,620. By 2010, the US Census Bureau is expecting the figure to have reached 309,162, 581 (and by 2020, 336,031, 546).

For more information on U.S. historical population growth, see <http://www.npg.org/popfacts.htm>

This growing nation needed a more organised national government, which could cope with the changes that the country was experiencing. In addition, as communication and transportation improved, so did the control and impact of central government over the whole nation.

This was very notable during the era of the Great Depression (1920s and 1930s), which some would argue led to the biggest expansion of federal government

power; this occurred under the presidency of Franklin D. Roosevelt (FDR). With the US's involvement in two world wars, the power of the federal government continued to increase, as the government needed to organise the whole country for war. This continued after the end of the Second World War with the cold war, and subsequent conflicts and circumstances maintained this momentum.

In addition, the 16th Amendment (1919) gave the federal government the right to charge an income tax, allowing for such things as federal old age pensions set up by President Roosevelt. This also allowed the expansion of the federal government's role. This swung the balance of power between federal and state government towards the federal government.

The main factors that have contributed to the changing nature of federalism could include:

- westward expansion
- the American Civil War
- industrialisation
- Supreme Court rulings
- improvements in communication
- America's status on the world stage
- the changing financial relationship between the states and the federal government.

## Activity 5

Write a short paragraph explaining which of the above factors you think are the most important, and why.

### Dual federalism (layer-cake federalism)

During the period from about 1790 to the 1920s, the system of government is sometimes called **dual federalism**, or **layer-cake federalism**. The federal government had limited roles and states had the most degree of autonomy. The separate roles of federal and state governments were like a layer cake. What this meant was that the distinctions between the different roles/responsibilities of the federal and state governments were distinct, no matter where you 'cut' into the system, so there was no confusion or doubt about who was responsible for what.

### Cooperative federalism (marble-cake federalism), 1930s–1960s

**Cooperative federalism**, also called **marble-cake federalism**, is characterised by a much less clear distinction between the roles/responsibilities of federal and state governments, and depending where you 'cut' into the system, the responsibilities of the two layers of government differ.

The problems of the Wall Street Crash and the Great Depression led to the states and federal government cooperating to solve massive social problems of poverty and unemployment. This was an era in which the federal government became

more powerful; the balance of power had shifted to the federal government at the expense of the states. This swing is closely associated with FDR's New Deal; Truman's Fair Deal; John F. Kennedy's The New Frontier; and Johnson's Great Society (sometimes called **creative federalism**).

As a result, new federal government departments were created: Health and Welfare (1953) and Housing (1965). By the 1990s the federal government was giving over \$200,000,000,000 a year in grants to various states. The federal government used a **categorical grant**, which meant that the federal government specified what the states were allowed to spend the money on.

## Activity 6

Write a paragraph to explain each of the following terms. Include examples to support your definitions.

■ New Deal

■ Fair Deal

■ The New Frontier

■ Great Society

### New federalism (1970s–today)

*It is my intention to curb the size and influence of the federal government*

Ronald Reagan

**New federalism** was a reaction against the growing power of the federal government, or 'big government'. This was the idea that, wherever possible, power should be devolved to the states. This policy, as seen by Reagan's quote above, is most closely associated with the Republican presidents, Nixon, Ford, Reagan and Bush, although the Democrat President Clinton followed the same basic policy in the 1990s. The main focus of this was that the federal government moved away from categorical grants and more towards **block grants** and **revenue sharing**. Block grants were where the states had to spend the funds allocated to them on key areas of responsibility, but had freedom in how they distributed the money. Revenue sharing involved the federal government sharing some of its revenue with state and local government. These two combined became known as **flexible funding**. In addition, certain federal regulations which prevented state discretion were also to be eliminated.

New federalism had some success: the number of grants in aid were reduced; there was some attempt to make sense of the mass of federal regulation; and some new block grants were created (from 1980 to 2001, the number of federal

block grant programmes went from 450 to 700.) But there were also examples where some centralising measures were introduced by the federal government, such as raising the minimum drinking age to 21 in 1984. Reagan also tried to initiate the swapping of responsibilities – that is, the federal government would be responsible for Medicaid (the federal system of health insurance for the poor) if the states would be responsible for food stamps and welfare; however, this met with such hostility from Congress that it had to be abandoned.

### **Federalism under Clinton**

The policy of Nixon, Reagan and Bush was followed up by Clinton, a Southern Democrat. He was seen as an unlikely source of new federalism, but was a 'New Democrat', who came from the right side of the party, not from the big government side.

*The era of big government is over*

Bill Clinton, 1996

During Clinton's presidency, from 1994 Congress was controlled by the Republican party, and the federal budget deficit was so great that federal government was going to have to be managed much more efficiently, which meant spending less money.

Clinton did attempt to devolve welfare reforms to individual states, but rejected the plan by a Wisconsin governor that would have reduced dependency on the welfare system and encouraged people out to work. Yet in 1996, under pressure from all sides, he signed a bill which effectively handed over most of the powers to the states when it came to welfare. This form of block grant means that while funding still comes from the federal government, federal government control of welfare has ended.

### **Federalism today: Bush to Obama**

George W. Bush initially said he would continue in the same vein as his Republican predecessors, but he was overtaken by circumstances (see the extract for Activity 7). He is accused of ignoring federalism to deal with other issues.

It was safe to assume that when George W. Bush became president, as a Republican he would continue attempts to reduce the size and influence of the federal government. However, the reality was very different, and in fact he presided over the largest increase in government spending since the days of Johnson's Great Society in the 1960s. During his first term of office total federal government spending increased by 33 per cent.

There are a number of reasons which led to this increase in spending:

- the war in Iraq
- homeland security
- the education expansion
- the expansion of Medicare (federal system of health insurance for the elderly)
- the banking collapse.

These issues meant that the Bush administration had to increase the amount of federal spending rather than reduce it.

Between 2001 and 2009, the amount of money spent on defence increased by 125 per cent, whereas spending on homeland security increased by 400 per cent. Both of these increases in spending came as result of the Sept 11th bombings and the war in Iraq that followed.

Education was a major part of Bush's election platform. His slogan 'leave no child behind' meant that he had to honour the pledge to invest in education. This meant that by 2006 the Department of Education was spending over \$93 billion, which was a 165 per cent increase in federal education spending in five years.

Bush also signed into a law a Medicare Bill in 2003, which was to cost approximately \$400 billion in its first 10 years. This Medicare expansion bill included a new prescription drug benefit, and was directed at senior citizens.

In 2005 Hurricane Katrina meant that Bush had to deploy the National Guard as well as signing a \$10.5 billion relief package.

The financial/banking collapse of 2008 led to the Bush-sponsored bailout package (\$700 billion) for Wall Street to help with the problems caused by the credit crunch.

All this federal spending meant that federalism under George W. Bush was not the expected 'shrinking style', but a much more 'expansive style' of federalism. Some commentators argued that in this period of economic difficulty the federal government was the institution that needed to take the lead.

## Activity 7

Read the following extract. It is the start of an article by Sidney M. Milkis and Jesse H. Rhodes, 'George W. Bush, the Party System, and American Federalism' (<http://publius.oxfordjournals.org/cgi/content/abstract/37/3/478>). Using the extract and any other sources available, write a paragraph that explains what you think has happened to the relationship between the states and the federal government, and whether you agree with the extract's assessment of Bush's contribution.

*George W. Bush's presidency presents two major puzzles. The Republican Party has traditionally stood for 'limited government,' but Bush's principal legacy for federalism is centralization of power in the federal government and the executive branch. Most modern presidents have neglected their partisan duties, but Bush has been a uniquely vigorous party leader. Here, we show that Bush's puzzling lack of attention to federalism issues is in large part the result of his efforts to strengthen the Republican Party to cope with the political and electoral challenges characteristic of the contemporary political context. We explain why the Bush administration's strategy for redressing the Republican party's shortcomings has presupposed the depreciation of federalism, and consider the implications of our argument for the development of federal arrangements.*

### **Obama and federalism**

According to early analysis, the Obama administration seems to be adopting a type of federalism called progressive federalism. (Although other sources have referred to it as crazy quilt federalism – a patchwork of laws.) What does appear to be true is that the Obama administration has begun to move away from the usual pre-emptive stance adopted by previous federal governments (displacement of US state law by US federal law). Obama has further cemented the view by bringing two former state governors into his 'fold' (Vilsack and Locke). However, Obama has not had it all his own way, with his stimulus package garnering criticism from a number of governors, and his health care reforms running into serious roadblocks. Many argue that Obama's approach to federalism will lead to increased regulation and bureaucracy.

# Activity 8

Using the internet go to <http://www.nytimes.com/2009/01/30/us/politics/30federal.html> and read the article 'Obama Seems to Be Open to Broader Role for States' and answer the questions that follow.

- 1 What changes does the article suggest have taken place in state–federal relations under Obama?
  
- 2 What dangers/problems are identified by the article?
  
- 3 Explain whether you agree or disagree with the premise of the article.

## The strengths and weaknesses of federalism

Strengths	Weaknesses
It is a system that works for such a geographically vast country	Costly to have both state government and federal government
Allows for diversity across a huge country	Makes solving national problems harder, as a majority of states have to agree before constitutional change is possible
It gives people across the country a large number of access points and ways in which they can lobby, get involved in government	Encourages voter fatigue and apathy, because of the need to vote for so many different offices of government
It allows states to 'try out' policies, which can be 'road-tested' before they are taken up across the whole nation	Can help to hide social, economic and racial inequality in provision and systems

### Consequences of federalism

As a result of the presidencies, of both parties (but particularly the republicans), over the last 30 to 40 years, there has been a significant swing towards the states in terms of their autonomy and power.

Federalism has consequences for US politics in a number of different ways:

- elections in the US are state-based
- political parties are decentralised
- there is a great deal of regional diversity, which means that presidential candidates have to take this into account when electioneering, choosing a cabinet and other appointments
- a complex tax system – state, federal, local taxes
- a complex legal system – national and state laws
- variations in state law concerning a large range of issues
- the sheer number and frequency of elections
- variation in the penalties for breaking the law – for example, the death penalty.



