

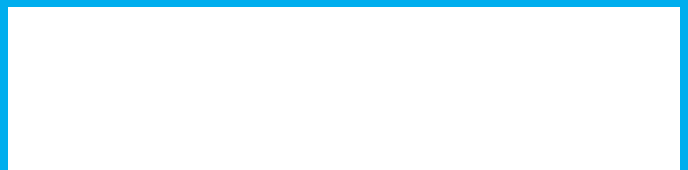


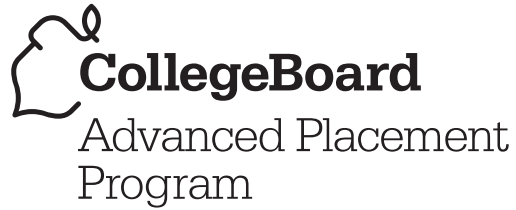
AP[®] U.S. Government and Politics

2006–2007
Professional Development
Workshop Materials

Special Focus:
Interconnections—Teaching Across the Field

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Important Note: The following set of materials is organized around a particular theme, or “special focus,” that reflects important topics in the AP U.S. Government and Politics course. The materials are intended to provide teachers with resources and classroom ideas relating to these topics. The special focus, as well as the specific content of the materials, cannot and should not be taken as an indication that a particular topic will appear on the AP Exam.

Introduction

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The theme of this special focus section is “interconnections.” Each article’s author presents ideas for teaching some of the most challenging topics in American politics by demonstrating how the topic relates to other themes in the course. Given the emphasis in the AP Exam on essay questions that require a student to demonstrate a deep and comprehensive understanding of the American political system, the focus on interconnections is appropriate. What follows does not attempt to cover all of the topics you present in an American politics class but rather provides some insights on how you may use certain topics to tie the course’s themes and concepts together.

Each of our contributors is a long-time participant in the Advanced Placement Program; they bring to their discussions a vast knowledge of American government and the AP course. Each has experience as an AP Exam Reader and as such can provide valuable insights to the writing of a successful exam. The lesson plans presented and discussed are thus designed to help you present course content in such a way that students will be better able to handle the comprehensive and cross-institutional nature of the AP essays.

I sincerely hope you will enjoy reading these special-focus materials and that you will be able to adapt them for your own classroom use.

Teaching the Media as a Linkage Institution

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Regardless of the text you use in AP U.S. Government and Politics, certain institutions and concepts are covered similarly, in ways connecting them to other political actors. Take the legislature chapters. Each will describe Congress's functions, organization, and processes. No introductory textbook fails to describe its internal structures (such as the committee system), the importance of party as an organizational and cue-giving source, and the role of interest group lobbying and electioneering in the legislature. Chapters on Congress (and those on the president and the Constitution) also address the relationship between the two institutions. Therefore, coverage of Congress is inherently integrative, drawing connections between this branch and the president, the bureaucracy, political parties, and interest groups and usually with the courts, the Constitution, and policies. We can also see textbooks consistently developing connections between the Constitution, civil liberties, civil rights, and the judiciary. Yet when it comes to the mass media, there is far less uniformity and interconnectedness.

This essay first describes how textbook coverage of the media varies, isolates the institution, and fails to emphasize its political role. Next, it describes a more useful integrative approach to teaching the media by focusing on the media as a linkage institution. Examples of how this can be done are provided to show how connections can be drawn between the media, public opinion, and elections.

Thinking about the mass media as a linkage institution involves recognizing that communication goes through in two directions. Virtually everything that needs to be covered about the media in an AP U.S. Government and Politics course can be addressed by talking about how politicians use the media to talk to the public and how the public uses the media to communicate with politicians.¹ Discussing how, when, and why the media either assist, impede, or transform these messages gets to the heart of the media as a political institution.

How Texts Cover the Mass Media

To get some sense of how introductory texts cover the media, I examined five introductory textbooks.² Although this sample was drawn haphazardly, it included a range of approaches offered by some major publishers (Congressional Quarterly, Longman, McGraw-Hill, Norton, and Wadsworth/Thomson). Three of the books were

softcover (the briefest was 338 pages); two were hardcover (the largest was 769 pages plus appendixes). The editions varied from the first edition to the ninth.

Four of the books have chapters exclusively on the media, and one has a chapter called “Public Opinion and the Media.”³ The media chapters appear in a variety of places in the books. In one it comes first.⁴ In another it is the last substantive chapter.⁵ For the others it is somewhere in the middle. It appears in sections called “The Public’s Influence on National Policy,”⁶ “Political Behavior,”⁷ “Politics,”⁸ and “Links Between People and Government.”⁹ Of the four that do not have public opinion as part of the media chapter, one does not have a chapter on public opinion at all.¹⁰ The other three do, and they appear in the same sections as the media chapters.

The Rockwell/Woll book starts out with media and defends this decision by saying that it wants to “build on readers’ familiarity” and “address at the outset popular misconceptions about how the media function in American politics.”¹¹ So it is here that we might expect the most comprehensive treatment of the media as a political institution providing linkages to other political actors. Yet aside from a small box that excerpts Timothy E. Cook’s *Governing with the News*, this does not occur.¹² In the chapter, the authors describe the media as diverse gatekeepers that can be influenced by politicians and influence viewers, but argues that these effects are limited. They describe the media’s role in surveillance, interpreting events, as watchdogs; review types of biases; and suggest that the impact of professional norms compete with economic demands on determining what to cover and how. They end with a discussion of “public journalism.” This topic has a lot of potential for introducing the idea of how a free press can serve the public’s interest by helping them communicate with the government and each other. However, the discussion in the Rockwell/Woll text is brief and serves only to illustrate their main point that “competition and compromise affect what we see and hear in the news.”¹³

The other texts also contain information about the media that is not explicitly related to government or politics. This information could have easily appeared in a journalism text. The authors’ attempts to make the connections are often limited. These sections include descriptions of different types of media (television, radio, print),¹⁴ histories of the news media (“from the printing press to the [I]nternet”),¹⁵ trends in circulation and viewership,¹⁶ descriptions of news content (i.e., how much of the news is about crime, politics, etc.),¹⁷ discussions of how news organizations are organized and how they gather news,¹⁸ and trends in ownership consolidation and fragmentation.¹⁹ The relevance of this information to politics is limited to introductions and transitions rather than being centrally located in the discussion. Therefore, students studying these chapters might learn what the “beat system,” “atomization,” and “yellow journalism” are but not what they

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should do with this information or how to use it in an answer to an AP U.S. Government and Politics essay question.

Some other sections of these books are more obviously related to political institutions and actors, but they also tend to focus on minutiae (such as descriptions of Federal Communications Commission regulations and libel law).²⁰ Some media chapters have descriptions of techniques used by politicians for shaping media coverage (such as leaks, direct communication, and press conferences), and they sometimes provide historical details on the approaches taken by different presidents.²¹ Rarely do these debate the effectiveness or the implications of politicians' use of media. There are also some discussions of investigative reporting for keeping politicians in check. These point to historical examples and lament the move away from watchdog journalism.²² The more effective treatments look at how the media constrain policymakers through adversarial reporting and explain why a free press is important in a democracy.²³ Most chapters generally assert that the media influence public opinion.²⁴ The best explanations of effects are made in chapters that share research on agenda setting, priming, and framing.²⁵

All of the books pay some attention to the idea of media bias. Most of them introduce the accusation of ideological bias and reject it, concluding that instead there is a commercial (or structural) bias. The text by Welch, Gruhl, Comer, and Rigdon provides the most extensive treatment of this topic, including a discussion of racial bias and the consequences of commercial bias. It covers the “game orientation” of political reporting, the impact of media on campaigns and on public cynicism. These do not appear in the other media chapters.²⁶ This book provides the most politically connected treatment of the media, putting the chapter in a section entitled “Links Between the People and Government.” While this certainly implies that the authors recognize the media as a linkage institution, they do not introduce this concept explicitly or use it to organize and evaluate the information they provide about the media's impact. For example, they do not compare the media to other linkage institutions. Nor do they discuss the relative strengths and weaknesses of these institutions.

Media as a Linkage Institution

The key to teaching media in AP U.S. Government and Politics is to connect the media with larger themes and political questions and to compare the media to other political actors. Looking at the media as a linkage institution (an intermediary) between the public and the government can do this. Attention to the public-to-government linkage can help explain the incumbency advantage in Congress, the president as “Chief This-or-That,” the relative power of the three branches of government, and the evolution of

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campaign techniques. Discussions of how politicians use the media and the implications of this use are often embedded in substantive chapters or lectures, whereas the “public-to-government” linkage more often goes neglected.

Yet attention to the public-to-government linkage allows comparisons to be made between the media and parties, interest groups, and polls. When focusing on this linkage, the central questions are: Does the media help the public have a government “by consent of the governed”? How does it do this? What conditions need to be met for it to do this? Are those conditions present in the current media? How, when, and why does the media help the public control its government, and how, when, and why does it fail to do this? In what ways does it have more potential for connecting the public with government than parties, interest groups, and polls do? In what ways does it have less potential?

When these questions are used to organize lectures, much of the information shared in textbook chapters on media that seemed arcane become useful for understanding politics. Think about how the history of journalism can be discussed in terms of thinking about the media as a linkage institution. Rather than get mired in the “facts” about when we moved from a “partisan press” to a “penny press,” discuss the strengths and weaknesses of each for helping the public develop, evaluate, and express political positions. Which made it easier for politicians to manipulate information and mislead the public? The topics of news bias, organizational processes, watchdog journalism, consolidation, and regulation also come alive when discussed in terms of their impact on the public’s control over who is in government and what they do there.

Although this attention to the media as a linkage institution can help organize and contextualize some basic information about media, it should also lead teachers to focus on how the media act as a conduit through which the public sees the government and the government sees the public. It is likely that AP U.S. Government and Politics lesson plans already include some material that fits this approach—for example, how candidates use the media to get votes and the public’s response to these messages.

Thomas E. Patterson makes a strong case that the media have become a “miscast institution.” He argues that when candidates organize campaigns around the media, its outlets have moved in to fill the void left by party organizations. Yet the media are ill-equipped to do this because while they can raise awareness and communicate public opinion, they cannot organize the public into coalitions that bring candidates and the public together.²⁷ He argues that media coverage of a process that has been altered to fit the needs of television discourages voter participation.²⁸

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Another topic to consider when thinking about how the media can serve as a linkage institution is: how the public is represented on the news and how politicians respond to them. Although research on how legislative assistants use media as a surrogate for public opinion and analyses of how protest movements are misrepresented on the news are relevant here,²⁹ discussing how public opinion is expressed through the media during presidential elections is likely to be more accessible to high school students. Organize lessons and discussion around these questions: How well does the news cover public opinion? How visible is the public? Which segments of the public are given the most and which the least attention? What are the causes and implications of these inequalities? How clearly are people's ideas expressed? To answer these questions, students will need to wrestle with the very idea of public opinion (is there the “public,” multiple publics, or just individuals?), the role of the public in a representative democracy, and the strengths and weaknesses of polls for measuring public opinion. Asking these questions connects the often narrowly focused treatment of polling in textbooks to larger issues. Sampling procedures, question wording, and margin of error take on more significance when considered in this context.

An instructive example for classroom use is how and why the media cover election polls by focusing on the horse race (who's ahead and who's behind). Through this example, students can see how relevant news organization procedures and commercial imperatives are for limiting the way that public views are constructed on the news. The limitations of polling and the narrow use of it on television can be seen as oversimplifying and stifling the public's voice. We can see in this example how the news media fail to live up to their potential as a linkage institution; how they fail to help the public talk to itself and develop, express, and communicate a “mandate” rather than pick a personality. The inaccuracy of poll reporting due to reporters' misunderstanding of the margin of error further undermines this potential.³⁰ Ultimately, discussing how public opinion is covered in the news is an excellent way to teach students about two imperfect linkage institutions—the media and polling.

Students might assume that the government has limitless power to manipulate the public through advertising, speech making, and news management. Alternatively, they might believe that the media actively distort information to bias the public. Teachers can use the “conditional effects” model of media to counter these impressions. This model of media effects is the dominant one in scholarly literature. It holds that some people are influenced by some messages some of the time. Just as important as the messages in the media are the audiences' perceptions.³¹ Delineating who, when, and how helps demystify the media while still acknowledging its importance as a tool for politicians and an independent political force.

The media can also be included in the public policy section of the class. Ask students to consider how the needs and desires of the public (or particular subgroups) were translated, shaped, or distorted by the media. An excellent example to use is President Clinton's attempt to reform the health care system.³²

Ultimately, like the other linkage institutions (interest groups and political parties), the media should be incorporated in most of the other sections of the course. This will reinforce and develop information introduced in the media chapters of textbooks. More importantly, it will enhance students' understanding of other aspects of U.S. government and politics and how they fit together.

References

- ¹ We can also think of the media as serving to link politicians (and political institutions) to each other and to link members and groups of the public to each other.
- ² Benjamin Ginsberg, Theodore J. Lowi, and Margaret Weir, *We the People: An Introduction to American Politics*, 4th ed. (New York: W. W. Norton and Company, 2003); Samuel Kernell and Gary C. Jacobson, *The Logic of American Politics*, 2nd ed. (Washington, D.C.: CQ Press, 2003); Karen O'Connor and Larry Sabato, *Essentials of American Government: Continuity and Change*, 2002 ed. (New York: Longman, 2002); Stephen J. Rockwell and Peter Woll, *American Government: Competition and Compromise* (Boston: McGraw-Hill, 2001); Susan Welch, John Gruhl, John Comer, and Susan M. Rigdon, *American Government*, 9th ed. (Belmont, California: Wadsworth/Thomson Learning, 2004).
- ³ O'Connor and Sabato, *Essentials of American Government: Continuity and Change*.
- ⁴ Rockwell and Woll, *American Government: Competition and Compromise*.
- ⁵ Kernell and Jacobson, *The Logic of American Politics*.
- ⁶ *Ibid.*
- ⁷ O'Connor and Sabato.
- ⁸ Ginsberg, Lowi, and Weir, *We the People: An Introduction to American Politics*.
- ⁹ Welch, Gruhl, Comer, and Rigdon, *American Government*.
- ¹⁰ Rockwell and Woll.
- ¹¹ Rockwell and Woll, xxv.
- ¹² This excerpt, which appears on page 6 of Rockwell and Woll, comes from Timothy E. Cook, *Governing with the News: The News Media as a Political Institution* (Chicago: University of Chicago Press, 1998).
- ¹³ Rockwell and Woll, 31.
- ¹⁴ Ginsberg, Lowi, and Weir.

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- ¹⁵ O'Connor and Sabato; Kernell and Jacobson.
- ¹⁶ O'Connor and Sabato; Kernell and Jacobson; Welch, Gruhl, Comer, and Rigdon.
- ¹⁷ Ginsberg, Lowi, and Weir; Kernell and Jacobson; O'Connor and Sabato.
- ¹⁸ Kernell and Jacobson.
- ¹⁹ Ginsberg, Lowi, and Weir; Welch, Gruhl, Comer, and Rigdon.
- ²⁰ Ginsberg, Lowi, and Weir; Kernell and Jacobson; O'Connor and Sabato.
- ²¹ Kernell and Jacobson; Welch, Gruhl, Comer, and Rigdon.
- ²² Ginsberg, Lowi, and Weir; Kernell and Jacobson; O'Connor and Sabato.
- ²³ Ginsberg, Lowi, and Weir; Welch, Gruhl, Comer, and Rigdon.
- ²⁴ O'Connor and Sabato; Welch, Gruhl, Comer, and Rigdon.
- ²⁵ Ginsberg, Lowi, and Weir.
- ²⁶ Welch, Gruhl, Comer, and Rigdon.
- ²⁷ Thomas E. Patterson, *Out of Order* (New York: Knopf, 1993).
- ²⁸ Thomas E. Patterson, *The Vanishing Voter: Public Involvement in an Age of Uncertainty* (New York: Vintage Books, 2002).
- ²⁹ Todd Gitlin, *The Whole World Is Watching: Mass Media and the Making and Unmaking of the New Left* (Berkeley, California: University of California Press, 1980); Susan Herbst, *Reading Public Opinion: How Political Actors View the Democratic Process* (Chicago: University of Chicago Press, 1998).
- ³⁰ Stephanie Greco Larson, "Misunderstanding Margin of Error: Network News Coverage of Polls During the 2000 General Election," *The Harvard International Journal of Press/Politics* 8, no. 1 (2003): 66–80.
- ³¹ Doris A. Graber, *Mass Media and American Politics*, 5th ed. (Washington, D.C.: Congressional Quarterly Press, 2001).
- ³² Theda Skocpol, *Boomerang: Clinton's Health Security Effort and the Turn Against Government in U.S. Politics* (New York: W. W. Norton, 1996); Kathleen Hall Jamieson and Joseph N. Cappella, "The Role of the Press in the Health Care Reform Debate, 1993–1994," in *The Politics of News: The News of Politics*, ed. Doris Graber, Denis McQuail, and Pippa Norris (Washington, D.C.: Congressional Quarterly Press, 1998).

The Thread of Federalism in the Fabric of American National Government

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American national government is a fabric of many different threads that vary in color, in texture, and in size, all contributing to the structure and process of the political system. One of those threads is federalism, which was a major innovation by the Founding Fathers. Its inclusion in the Constitution was no doubt the product of necessity, imitation, and a willingness to experiment by the delegates to the Constitutional Convention, and it very nearly brought the new nation to an untimely end. It has also, however, contributed resilience, strength, and capacity, qualities which have allowed this system to adapt and to grow.

Federalism is a term applied to a political system in which there are at least two sets of governments, each of which may legitimately make, implement, and enforce public policy over the same people and the same territory simultaneously and which do so with at least some independence from the other governments present. The typical case is for one set of governments to be defined as regional entities—provinces, or, as in the United States, states—that collectively make up the entire nation. The other set (although theoretically there may be more than a pair of sets of governments, usually there are only two) is a set of one, a government at the national level that extends over all the territory and peoples who are subject to the various provincial governments.

A federal system is distinct from a **unitary system** in that all government agencies in the unitary case are in some way a part of a single governing entity; local government agencies are extensions, or local offices of, the national government. It is also distinct from an earlier form of federalism now understood to be in fact a **confederal system**. Confederalism also incorporates national and regional governments, but the distinction is that in confederalism one governmental set is the creation of the other. The typical arrangement, reflected in both the Articles of Confederation and the futile efforts of Southern states to secede and create the Confederate States of America, is one in which the regional units erect a national government to facilitate and coordinate their work. One may also envision a national government that creates regional governing entities to assist in carrying out its responsibilities, but this is rare. The problem with confederalism is that the set of governments that creates the other will inevitably work to retain the upper hand in all intergovernmental transactions. The failure of the states to endow the national government

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with sufficient authority and resources to govern in the Articles of Confederation produced the cauldron in which the Constitution was written in Philadelphia; recognition of that pressing shortcoming caused the delegates to formulate an alternative.

Their solution was inspired. The cornerstone of the new nation was that individual citizens were important and that they collectively possessed the authority to determine how they would be governed. In other words, the ultimate political authority in this new system was “the people,” and the people could allocate governing authority as they chose. By authorizing those delegates to propose a new scheme of government and by subsequently approving that scheme through the ratification process, the people—the **sovereign**—chose to erect a system of government in which both national government and regional government would be practiced, *not* because one created the other to assist in that work, but rather because the people simultaneously created both and allocated to each certain responsibilities. Thus the new state governments were not the creations and pawns of the national government, nor was the reverse true; both owed their existence and their empowerment to the same source: the people, the sovereign.

It was necessary that a national government with capacity to act be created in the new Constitution, but it was equally necessary that the states be preserved. Any product of the Constitutional Convention that patently undermined the states would have failed to gain the political support necessary for final adoption and implementation. The Founding Fathers consequently produced a governmental form that binds national and regional governments together but allows each some freedom to determine for itself whether and how some policies will be adopted. It also integrates national and regional governments through two aspects of the federal arrangements in the Constitution.

One aspect is the provision in Article VI of the Constitution, known as 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.” Clearly, this is a constraint on the states.

However, so too do potential constraints on the national government exist in the hands of the states, and it is these constraints that cause the thread of federalism to be seen in various parts of the fabric of the American political system. The first example of that thread concerns the Constitution itself, or rather, its revision. Constitutional amendment in the formal sense cannot be undertaken without the states’ participation. Amendment is a two-step process: proposal and ratification. Although only one technique has been

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successfully employed in proposing constitutional amendments—endorsement by both chambers of the Congress with at least a two-thirds vote of approval—the Constitution also provides that states may prod Congress into facilitating would-be amendments; if legislatures of two-thirds of the states request that Congress do so, a national constitutional convention may be called to propose amendments (Article V).

More important, however, is that the states alone must approve, or ratify, any formal amendments to the Constitution, however they are proposed. Prospective amendments are sent to the legislatures of the states or, if Congress so chooses, to special conventions in each of the states. Until and unless three-fourths of the states, acting through their legislatures or conventions as directed by Congress, approve the change, the proposed amendment does not take effect. Thus, the American system of federalism gives the regional governments a veto over changes in the basic law of the system. The constitutional amendment process reveals the federalism thread as a significant element of that aspect of American government.

Another instance of federalism's importance also involves the Constitution and is given independent treatment elsewhere. A defining trait of the American political system is its provision of basic guarantees of citizens' liberties and rights. As discussed in Christopher Burkett's essay on federalism, the meaning and scope of these liberties and rights have been developed and applied in a distinctly federal fashion.

A third occasion in which federalism emerges to shape the national political system involves voting and elections. Which citizens are authorized to take part in the formal processes of government? Although the Founding Fathers developed specific qualifications for office for members of Congress, the president, and the vice president, they had difficulty agreeing upon who would be permitted to participate in the selection of those officials. State legislatures were empowered to choose the U.S. senators who would represent their respective states, and those same legislatures were authorized to determine how the electors who would vote for the president and the vice president would be selected. In one of the few (only?) structural changes ever made in our national government via constitutional amendment, selection of U.S. senators was later given to citizens via popular vote (Seventeenth Amendment). Members of the U.S. House of Representatives were to be directly elected by the citizenry, and those who could vote in elections for the large chamber of the state's legislature were also authorized to vote for members of the House. Further, states were authorized to determine the time, place, and manner of elections for these offices, although Congress was empowered to revise those policies. In all of these provisions, states have substantial discretion in the process of populating the offices of president, vice president, Senate, and House.

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We may also see federalism in the basic structure of the Congress. Seats in Congress are allocated to states. Each *state* is guaranteed two U.S. senators; each *state* is guaranteed at least one delegate in the U.S. House of Representatives and more if its population justifies that. Each *state* determines who will represent it (and, as described above, how that choice will be made) in the Congress, and each *state*'s House delegation may be reduced in size if that state infringes on the right to vote, as specified in the Fourteenth Amendment. Each *state* determines (in its legislature) boundaries of the districts that will be represented by House members.

Finally, with regard to Congress, we may see practical federalism in the work of states' delegates to that institution. National policy inevitably reflects the efforts of those representatives of states in which a particular policy has an immediate and distinct application; for example, a policy proposal that affects shipbuilding may be relevant to all Americans, but states in which shipyards operate will undoubtedly have members of Congress working actively to shape that policy in a manner that conveys advantage to shipyards, the companies that operate them, and the workers who are employed in them. As they do so, members of Congress are representing their local interests. They also often seek to deliver governmental projects, contracts, and operations to the states and districts they represent; for example, a highway construction bill may contain authorization for a specific bridge-building project in some state at the behest of a delegate in Congress who represents that state. This is an example of pork, or pork barrel, and the "home folks" expect that a certain amount of federal largesse will be brought back to the state or district by its representatives. Congress's members also perform substantial amounts of "casework" for their constituents. The national government is an immense, sprawling institution, and citizens are often overwhelmed and bewildered as they seek to deal with it; they have learned to turn to their congressional representatives for assistance in this regard. Thus, a veteran of military service might go to his congressman for assistance if the VA hospital from which he seeks treatment fails him in some regard. In each of these cases of representing local interests, securing federal projects for one's state or district, or assisting constituents in their interactions with national government agencies, federalism is at work, focusing the efforts of locally chosen officers of the national government as they carry out their national legislative duties.

The thread of federalism can emerge in both of the other national governmental institutions as well. As indicated above, presidential election is a fundamental exercise in federalism. Each state (and the District of Columbia via the Twenty-Third Amendment) has a direct role in the process of choosing presidents; electoral votes are allocated to states based upon the total size of their congressional delegations, and they cast those votes as their electorates direct. Since every state save Maine and Nebraska employs a

“winner-take-all” system, it behooves presidential candidates to develop strategies for “winning” states in their quest for the presidency. That fact was never more evident than in 2000. Florida determined the outcome then, and the U.S. Supreme Court issued a ruling that helped bring the balloting process in that state to a conclusion. The interplay of Florida’s balloting, ballot counting, and state judicial oversight of the process, coupled with the national Supreme Court’s eventual review of them, is a clear example of federalism, of the interactivity of state and national governmental entities.

Both facts clearly underscore the federal dimensions of this process, but if more evidence is needed, consider this: if the electoral vote fails to deliver a president (one candidate must secure an absolute majority of all electoral votes in order to win), the U.S. House of Representatives is authorized by the Constitution to select the president from among the three candidates with the largest numbers of electoral votes. Balloting in the House is done by separate state delegations casting a single vote on behalf of their states; the *states* select the most prestigious officer of the *national* government.

Finally, consider the national judicial system. The judges who preside in this system have significant duties, and they are all chosen in the same manner: presidential nomination and confirmation by the U.S. Senate. But the selection process for the most numerous set of judges, those who sit on U.S. district courts, has an informal component that is clearly a reflection of our system of federalism. The operative concept is called “senatorial courtesy.” When a district judgeship vacancy occurs, the president is expected to seek advice from the senators of the state in which that federal judicial district is located (no federal judicial district in the states extends across a state line) before nominating someone to that seat, if the president and one or both of those senators share a common political party affiliation. Should the president not do this, an offended senator may request of colleagues that the Senate’s advice and consent to the nomination not be given, and it is likely they will oblige. Even if the president and both senators hail from different parties, the president will typically solicit advice from House members of the president’s party who represent the state and other prominent citizens of the state in selecting a nominee. Once again, state influence is evident in the selection process for officials of the national government.

This brief review of certain features of the American political system illustrates that a basic structural trait of that system—federalism—emerges again and again to influence the workings of the system. Federalism does not just mean that there is a national government that makes and implements public policies for the nation while individual states do the same for their regional political systems. It also means that an understanding of how and why the national government does what it does is rooted in basic political

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forces present in the various state political systems. Federalism is an architectural style of government, one of at least three different styles that we might envision for Western-style democracies. That style influences what is done in national government, and how it is accomplished, just as the confederal style influenced national government in the earliest days of the nation's history. Federalism is a thread that appears throughout the fabric of American national government and politics.

Interest Groups

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Interest groups are often seen as simply lobbying organizations, plying their trade in the halls of the legislative branch and trying to convince Congress to pass laws favorable to their organizations. Such a view is based upon limited notions of the purposes of interest groups and limited understandings of the policy-making process.

In this essay, I argue that interest groups pursue a far more complex strategy, focusing on “targets of opportunity” in their pursuit of a policy agenda. That means that interest groups will work in the legislative branch when that works to their benefit, but they will extend into the executive branch and into the judicial branch when the outcomes of their organizations can best be met there.

My argument is predicated on the understanding that the old definition of the roles of the branches is simplistic. That is, to argue that the legislative branch makes the laws, the executive enforces the laws, and the judicial interprets the laws is to assume that the executive and judicial roles have no bearing on the functional meaning of law. That understanding is a weak one.

The perfect locus for an assessment of interest group activities is in the arena of civil rights. The history of the civil rights movement is that supporters of civil rights, in a variety of interest group organizations, met to discuss where the “pressure point” in government was most susceptible to their activities. Initially, that point was the presidency, where interest group organizations pressured presidents to take steps to assure better treatment of African Americans.

To offer evidence of the tactical calculations of interest groups in trying to accomplish their goals, I present three examples, one from each branch of government. The examples are chronological: one from the 1940s, one from the 1950s, and one from the 1960s.

Desegregating the Military

In the late 1940s, as the impact of World War II on American society was being assessed, there developed a deep angst within the African American community concerning the role of black soldiers in the war effort and the lack of recognition those soldiers had received following the war. Moreover, the expectations of equality were beginning to grow within the black population. Accordingly, black leaders began to strategize about how to begin to realize the civil rights that had not been forthcoming over the twentieth century. For example, two political activists, A. Philip Randolph and Grant Reynolds, organized the Committee Against Jim Crow in Military Service and Training. Their purpose was to seek the desegregation of the U.S. military.

From a strategic standpoint, there were three potential routes to accomplish their goal. They could have filed a court case arguing that failure to desegregate the military constituted a violation of the “equal protection of the laws” clause of the Fourteenth Amendment. Such a strategy seemed unlikely to succeed because the law of the day regarding the Fourteenth Amendment was the *Plessy v. Ferguson* ruling that allowed “separate but equal” facilities. Accordingly, the tradition of segregation in the military seemed to be consistent with standing law; reversal of such law would be unlikely in the courts.

Second, they could have sought a law, passed by Congress, to accomplish their goals. However, segregationist Southerners chaired most of the standing committees in Congress, and Congress had not passed a single civil rights act in the time since Reconstruction following the Civil War. These committee chairs would use their positions to block the passage of legislation as they and their predecessors had for generations. Typical tactics for blocking consideration of civil rights legislation were the use of the filibuster in the Senate and stalling legislation in the Rules Committee in the House.

Finally, they could press the president to use his power as commander-in-chief to desegregate the military through an executive order. Executive orders are directives by the president that compel compliance by employees within the executive branch. President Truman had been supportive of civil rights in the abstract and had sponsored the first major study of civil rights when he created the President’s Commission on Civil Rights in December 1946. That committee had issued a report in 1947 called *To Secure These Rights*. The report was a blueprint of the civil rights agenda that dominated American politics for the next 20 years. While Truman was a little reluctant to embrace the report, in part because he wanted the political support of Southern Democrats in the upcoming election of 1948, he had been the first president to address the African

American interest group the National Association for the Advancement of Colored People (NAACP), and in his address to that group, he had said, “We must make the federal government a friendly, vigilant defender of the rights and equality of all Americans. And again I mean all Americans.”

Accordingly, the leaders of the black community felt that their most likely avenue for success in desegregation of the military was to pressure President Truman to issue an executive order. A. Philip Randolph and others pressed Truman hard and testified before Congress as well. In June of 1948, Randolph told the president that African American youth would resist the draft unless Truman issued an executive order. Accordingly, Truman issued Executive Order 9981 on July 26, 1948: “It is hereby declared to be the policy of the President that there shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion, or national origin.” While there was resistance to the order within the military, Truman persisted, and the order resulted in desegregation without any court or legislative action. Thus, the tactics of black interest groups were vindicated.

Desegregating Public Schools

Three years later, the NAACP wished to pursue desegregation in another venue—American public schools. Again, there were a number of avenues available to them. Since schools were run primarily by state and local governments, integrationists could have sought to have state legislatures ban segregation. Since many state governments, especially in the South, were wholly opposed to integration, that strategy would have been fruitless. The schools were run by states and localities, so presidential action or congressional action were not viable alternatives.

However, since the late 1940s, the federal courts had increasingly been examining the meaning of the equal protection clause of the Fourteenth Amendment. While they had not overturned the decision in *Plessy v. Ferguson*, they had been increasingly insistent that school facilities be “equal” if they were going to be “separate.” It was clear to many observers that moving toward equality with separate facilities was going to be difficult. Accordingly, the NAACP decided to utilize the court system as its locus for pursuing school desegregation.

A major difficulty for those who wish to use court cases to change public policy is that in order to bring a case to the courts, appellants must have a “real case or controversy.” That is, they need to have someone who has been adversely affected by the law as it currently exists. Second, the case cannot be “moot”; that is, it must remain throughout the suit, a

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process that can take several years. Third, in order to change the law nationally, the case must be a “class action suit,” certified to apply to all folks negatively affected by current law. Finally, the case has to be accepted by the Supreme Court, a court that has almost complete discretion regarding the cases it accepts. All of this must happen before the merits of the case are considered.

Nonetheless, the NAACP determined that a lawsuit challenging segregation was their most appropriate venue for changing the law. They found the perfect case in Topeka, Kansas. Linda Brown, a young African American girl, was forced to attend a segregated school instead of the neighborhood school that she preferred. Brown and the NAACP appealed to the Supreme Court on October 1, 1951. On May 17, 1954, Chief Justice Earl Warren read the decision of the unanimous Court: “We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other ‘tangible’ factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does We conclude that in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.”

The Supreme Court struck down the “separate but equal” doctrine of *Plessy v. Ferguson* for public education, ruled in favor of the plaintiffs, and required the desegregation of schools across America. In other words, by selecting the courts to challenge segregation of schools, the NAACP accomplished its goals. Importantly, the courts system would not have been the best choice for desegregating the army in the late 1940s. And if the NAACP had challenged *Plessy* in the Supreme Court in the 1940s, the tactic probably would have failed. But with Earl Warren as chief justice of the United States in 1954, the tactic proved successful.

Open Accommodations

By the 1960s, the dynamics of American politics had changed again. The civil rights movement had matured and had begun to gain national support. Under the leadership of Dr. Martin Luther King Jr., a movement toward an omnibus civil rights act in Congress seemed possible. The key to understanding the potential for such a policy is that the movement had to force government to act. Without pressure, government leaders would have resisted the passage of a civil rights act even longer. But civil rights leaders took heart from the fact that a minor civil rights act had been passed by Congress in 1957. Such an

encouraging first sign made it possible to dream of a broad-sweeping act that would end the Jim Crow segregation laws in the South once and for all.

In 1963, perhaps the most dramatic of civil rights events came with violent confrontations between civil rights activists, led by Dr. Martin Luther King Jr., and segregationists, led by public safety commissioner “Bull” Connor, in Birmingham, Alabama. In early May, civil rights marchers were arrested and others were beaten. President John F. Kennedy sympathized with the movement and acted strongly to help keep the situation from spinning out of control. Birmingham was seen by Martin Luther King and others as a critical changing point. Almost simultaneously, political allies introduced an omnibus civil rights bill into Congress in 1963.

Yet these changes did not make Kennedy a complete convert to the cause. He still wanted to exercise control over the issue. In a meeting with civil rights leaders before the March on Washington, Kennedy expressed the hope that it could be called off. While movement leaders saw the march as a way to mobilize support for the civil rights bill, Kennedy feared that the march might cause a “white backlash” that would jeopardize its passage. Again, Kennedy’s pragmatic approach reveals a lack of empathy for the depth of feeling among the civil rights leaders who wished to be involved in legislative strategy. It would have been ironic had the leaders of the civil rights movement left such a dramatic legislative battle and policy leadership of the issue to an almost entirely white legislature and executive. Yet when the march occurred, it was with the assistance of the administration and resulted in Martin Luther King’s famous “I have a dream” speech. In November of 1963, Kennedy was assassinated without having been able to pass the civil rights act.

His successor, Lyndon Johnson, lost no time after his inauguration in taking the civil rights cause to the public. In his address to the nation and a joint session of Congress, five days after Kennedy’s assassination, Johnson said, “We have talked long enough in this country about equal rights It is time now to write the next chapter, and to write it in the books of law.” He also suggested that passage of the civil rights law would be a tribute to the fallen president’s memory. From that point on, Johnson embraced with great frequency the opportunity to use his “bully pulpit” to push publicly for the passage of the new legislation.

When the Civil Rights Act of 1964 was passed, it was a grand legislative accomplishment that was a credit to both Presidents Lyndon Johnson and John F. Kennedy. But it would not have passed at all, indeed it might not have come to Congress for passage at that time, without the constant pressure of civil rights interest groups.

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The three cases discussed above demonstrate that interest group activity is something that happens in many contexts. Effective interest groups not only have to choose which goals to pursue but also which government venues are most likely to yield success at the time they are pursuing their goals. Such lessons apply here to civil rights policies, but they are equally true for other interest groups pursuing different goals.

Teaching About Campaign Finance Laws

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Introduction

During the presidential elections and the nominating process, I cover the effect of money on campaigns and the reforms attempted by Congress. This unit comes during the second half of my course. We have previously studied the Bill of Rights and civil liberties. My campaign finance unit covers the following topics:

- Congress's attempt to limit campaign contributions over the past 30 years (FECA and Bipartisan Campaign Reform Act)
- The effect of Congress's attempt to limit campaign contributions on the behavior of recipients and contributors (PACs and 527s)
- The constitutional restrictions and challenges faced by Congress during this reform attempt (the cases *Buckley v. Valeo* and *McConnell v. Federal Election Commission*)

By addressing the constitutional restrictions, students are reminded of the connectivity of governmental concepts. While the right to speech (campaign contributions) is not absolute and may be restricted for compelling governmental purpose (elections must have the appearance of fairness and legitimacy—free of corruption), these restrictions have their limits (Ross Perot may continue to spend his own fortune on his own campaign).

In this essay I discuss how you can connect these concepts. I suggest also giving more in-depth coverage of the history of campaign finance through students' textbook and supplemental reading.

Campaign Finance Reform

That money has found its way into politics is a fact as old as politics itself. However, the truly decisive period of reform for American campaign finance was the early 1970s, after Watergate and similar scandals brought down President Richard Nixon. In 1974 Congress passed important amendments to the Federal Election Campaign Act (FECA) of 1971, with the intention of effecting several important reforms to how American political campaigns were funded and regulated:

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1. Create the Federal Election Commission
2. Require disclosure of donor information
3. Place limits on the amount of money that individuals and political action committees could make directly to candidates
4. Create a system of public financing for presidential elections
5. Place limits on the amount of money that individuals could spend on their own presidential campaigns

The motivation behind the creation of FECA was laudable. Reformers hoped that a good dose of disinfecting sunshine would obviate the appearance of impropriety and corruption, while a limit on the amounts of money contributed would help restore trust and confidence in a wounded political system. Another goal of reformers was to use a system of public financing for presidential elections in order to provide a public mechanism that would create a level, competitive playing field for candidates. All of these measures would thus improve public awareness and activism. The system would be guarded by a federal watchdog agency that would enforce the act and monitor the effects of its provisions.

Yet large monetary donations soon found their way back into the American political system. Political action committees (PACs) proliferated and increased the amount of “hard money” that was contributed to all federal candidates. But more astoundingly, huge increases were seen in the amount of money contributed to the two major political parties. Made directly to the parties, these donations, also known as “soft money,” were not regulated by FECA. The soft money could be used for party-building activities, voter education, and get-out-the-vote efforts. Thus the flow of money was not blocked from politics but simply diverted to different recipients. A whole new set of problems arose in the 1990s as donations to the parties increased exponentially. The appearance of the parties being beholden to corporate interests again damaged the political efficacy of Americans.

The next campaign finance reform came in the form of the Bipartisan Campaign Reform Act. Sponsored by Senators McCain and Feingold, the Bipartisan Campaign Reform Act purported to limit the amount of soft-money contributions made by individuals, corporations, and PACs. The new reforms also increased the amount of hard-money contributions that could be made by individuals and PACs. Again, politicians congratulated themselves on “blocking” the flow of money into the political arena.

However, money, like water, will always find the path of least resistance. Clever politicians discovered another avenue to contribute money: the 527s. These independent groups set

up under section 527 of the Internal Revenue Code could receive and spend unlimited amounts of uncoordinated money. Groups such as Moveon.org and Swift Boat Veterans for Truth became major players in the 2004 election. Individuals, PACs, and corporations again found a method to avoid the reforms that Congress had devised. Even though both President Bush and Senator Kerry denounced the 527s, supporters of both candidates used this vehicle to influence the outcome of the 2004 election.

However, political operatives are not the only ones who limit the effectiveness of campaign finance reform. The Bill of Rights, proposed by James Madison in the first Congress, forbids Congress from making any law abridging the freedom of speech. Left unclear is whether money used by a person to run for office should be understood as a form of “speech.” What is money when it is donated to a candidate? Does the money take on the protection of political speech?

The United States Supreme Court addressed these questions in the case of *Buckley v. Valeo*. Senator James L. Buckley of New York and former senator Eugene McCarthy of Minnesota contested the constitutionality of FECA, arguing that two specific sections of FECA constituted unconstitutional restrictions on speech:

- FECA limited the amount that individuals and PACs could contribute as hard money.
- FECA limited the amount an individual could spend on their own campaign.

Buckley contended that Congress’s restriction on campaign contributions limited a citizen’s political expression. Although few Americans ran for office themselves, many more made their “voice” heard by contributing to the campaigns of candidates whose ideas they supported. By limiting the amount that could be contributed as hard money, Congress was unlawfully restricting the “volume” of certain individuals’ voices. The U.S. government argued that such a restriction was justifiable in light of the government’s interest in promoting a “fair election system” that did not contain the appearance of impropriety. The limit on contributions did not limit citizens from participating in campaigns in other ways, nor did it restrict citizens from participating in uncoordinated ways.

The Supreme Court held that donations to political campaigns did amount to political speech. However, not all First Amendment rights are absolute. In this case, Congress did not entirely eliminate the citizen’s right to speak. The limits placed on contributions met the narrow governmental purpose, which was to preserve the sanctity of the ballot box and avoid the appearance that elections were being “bought by big donors.” The degree to which the court examined the issue is evidenced by the second part of the decision, which addressed the issue of whether private individuals may spend their own funds

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without limit on their own campaigns. The court agreed with Buckley that Congress exceeded its authority to regulate speech when it prohibited citizens from spending their own money on their campaigns. The Court's reasoning in *Buckley* allows candidates like Ross Perot to fund their own campaigns with their own money without the restrictions of FECA. The decision thus reminds us that Congress's restrictions on speech must be narrowly tailored to meet its legitimate purposes.

The Bipartisan Campaign Reform Act was also challenged on the basis of First Amendment speech by Republican senator Mitch McConnell. McConnell argued that the restrictions of the act presented unreasonable restrictions on the right of speech to both the contributors and the recipients (political parties). McConnell also argued that restricting actions of uncoordinated committees within 60 days of the general election amounted to a gag on citizens' rights to political speech. The United States Supreme Court held that the Bipartisan Campaign Reform Act was constitutional in light of the unprecedented amounts of money that had been contributed to the parties and the appearance of corruption that came with such amounts of money. The Court held that this was a legitimate governmental interest—limiting the appearance of corruption in the electoral process—and that the act found the least-restrictive means to accomplish that purpose.

At the end of reformers' 30-year attempt to limit the influence of money in elections, we can see the practical and constitutional limits to that mission. While Congress has passed two monumental pieces of legislation, money has continued to find its way into the political system. And even when Congress passes legislation restricting citizen donations, Congress must remember that donations are a form of political speech. While this right is not absolute, it does limit possible attempts to legislate controls on how campaigns are financed.

Federalism

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Federalism is one of the cornerstone principles in American government. It is essential that students who study American government understand the concepts of federalism and all that it entails. The following “talking points,” recommended readings, and follow-up activities should assist you and your students in understanding the complexities of federalism and its connections to Congress, the presidency, and the courts.

Talking Points

It is good to begin with a discussion that students can relate to their own lives. One topic that most students find relevant is obtaining a driver’s license. Once this has been explored, ask how many students registered to vote or had the option while obtaining their license. You may get varying responses, but some will probably say they did. Segue this into a discussion about whether it is a good idea to register while you obtain a license. Once all have decided that it is a good idea, ask why many states opposed this idea. Bring up the ideas around unfunded mandates as an introduction to federalism.

This approach also lends itself to a discussion about the drinking age and highway funds.

- The substantive model of democracy says that the government will make laws that legislators feel are in the best interest of citizens. What the scenario tells us, and also in general, is that states will give up sovereignty in exchange for money from the federal government.
- Sovereignty is the quality of being supreme in power or authority.
- Congress recognized the sovereignty of states by not legislating a national drinking age.

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I. Theories of Federalism

Federalism is a political system where local units of government, as well as the national government, can all make final decisions with respect to some governmental activities.

It is not easy to draw a line between what is state and what is federal (e.g., the state militia is both state and federal).

A. Dual Federalism

- Main elements:
 1. Supporters believe that the necessary and proper clause should be narrowly interpreted; the national government rules by enumerated powers only.
 2. The national government has a limited set of constitutional purposes, which limits the powers of the national government.
 3. Nation and states are sovereign within their sphere, which means states are sovereign over many areas of policy.
 4. The relationship between nation and states is best characterized by tension rather than cooperation.
- States' rights are primary in dual federalism.
- Dual federalism is described as “layer-cake federalism.” The powers of national and state governments are as separate as the layers on a cake. Each government is supreme in its own “layer.”
- Dual federalism is the practice of allowing states and the nation to exercise power separately in areas of legitimate concern to them.
- Dual federalism has been challenged. Some critics say that if the national government is really a creation of the states, then it is a creation of the original 13 states. Ratification was by people, not states; conventions, not some legislatures. Many critics do not favor federalism.

B. Cooperative Federalism

- This phrase was coined in the 1930s. Those who are for cooperative federalism support a strong, active, national government.
- They support the necessary and proper clause of the Constitution.
- There are three main elements to cooperative federalism:
 1. National and state agencies work together jointly.
 2. State and nation routinely share power.
 3. Power is not concentrated on any government level or in any agency; there are many centers of influence.
- Cooperative federalism is known as a “marble cake.” Critical to cooperative federalism is its view of the supremacy clause, which says the highest law is the

Constitution, federal laws, and treaties, and these laws must be obeyed when in conflict with state laws.

- A critical difference between dual and cooperative federalism is how each interprets the elastic clause and the Tenth Amendment:

Dual federalism: Narrow interpretation of elastic clause (implied power) and states' rights

Cooperative federalism: Broad interpretation of necessary and proper clause and what the Tenth Amendment actually states

- Conservatives favor the layer-cake metaphor, and liberals favor the marble cake or cooperative federalism.

II. The Dynamics of Federalism: Legal Sanctions and Financial Incentives

- The balance of power between nation and states has always been a matter of politics. The federal government has assumed many functions.
- Why the power shifted from the states to the federal government:
 1. Historical circumstances (e.g., the Civil War)—States threatened to secede, and national government had to step in.
 2. Constitutional amendments (e.g., the Fourteenth, Sixteenth, and Seventeenth Amendments limited states rights)—The Fourteenth Amendment was due process and equal protection; the Sixteenth mandated income tax; the Seventeenth created a direct election for senators.

The national government has had to rely on incentives and sanctions to expand its powers.

A. Legislation in the Elastic Clause

The elastic clause gives Congress the power to make laws that are necessary and proper. This helps Congress increase its powers.

Change often comes in times of crisis and national emergency (e.g., the Civil War, the civil rights movement, and the Depression). The national government must respond. It responds by enacting legislation to deal with the problem.

B. Judicial Interpretation

Since 1937, the Supreme Court has almost always supported the national government

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in contests involving the balance of power between the nation and the states. In cases where states have tried to limit personal freedom, federal courts have stepped in to overrule them.

Growth of the national government has also come from the interpretation of the Constitution by the Supreme Court.

The Fourteenth and Fifteenth Amendments have increased the powers of the national government.

The courts have made states redraw lines to show a shift in populations so that districts would reflect one-man/one-vote in elections.

C. Grants-in-Aid

This is money paid by one level of government to another. Many grants must be matched by state money.

There are two forms of grant-in-aids: categorical grants and block grants.

1. Categorical grants are for specific purposes. There is little independence on how the money will be spent. There are two types of categorical grants:
 - a. Formula grants—A formula is used to determine who is eligible and how much they will get. Some things to consider would be state per-capita income, number of school-age children, and number of families below the poverty line.
 - b. Project grants—Grants awarded on the basis of competitive applications (e.g., spousal abuse, homelessness, AIDS).
2. Block grants have a broad general purpose. Recipients have considerable freedom in how to allocate the money (e.g., community service, criminal justice).

Grants-in-aid are a method to redistribute income, to remove gross inequality among states and its people.

Sometimes the use of formulas to determine who benefits from grants becomes political in Congress. (Each congressman wants to make sure his/her state receives as much as possible.)

The national government controls grants to states through rules, regulations, and restrictions to make sure the money is used for the purpose it was given.

III. The Developing Concept of Federalism

A. McCulloch v. Maryland

Under the necessary and proper clause, Congress had the power to create a national bank, the Second Bank of the United States. The U.S. Supreme Court agreed that the national government has powers in addition to those explicitly granted in the Constitution.

B. States Rights and Dual Federalism

According to some scholars, slavery was not the major issue for fighting the Civil War. The real issue was federalism in the Constitution, or “states’ rights.”

C. The New Deal and its Consequences

The national government assumed responsibilities for providing relief after directing economic recovery after the Great Depression. Congress came up with programs to restore economic activity and ease unemployment.

Through regulations attached to funds, the national government extended its powers and control over states. The Supreme Court did not get involved in legislation passed by Congress at first but later struck down pieces of regulatory legislation that dealt with wages, working hours, and business competition.

Later, the courts altered course and upheld the Social Security Act and other New Deal measures. People wanted the courts to address national problems. The New Deal was critical in reshaping federalism in the United States.

D. Desegregation and the War on Poverty

Matters of race relations have generally been left to the states, but in 1954 the Supreme Court ruled that schools segregated by race were inherently unequal. Congress later passed the Civil Rights Act of 1964 and the Voting Rights Act of 1965, which provided voter qualifications.

Lyndon Johnson’s War on Poverty brought about a large amount of social legislation and increased the scope of the national government. Any time historical circumstances change, power tends to shift back and forth between states and the national government. Since the 1960s, federalism has changed, and we now have what is known as “picket-fence federalism.”

Picket-fence federalism crosses government lines and connects the officials who work at different levels of government. National, state, and local governments are no longer

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separate, distinct layers—they interact. Emphasis is placed on intergovernmental relations. We look at how one level is connected to or interdependent on the other levels. The fence slats represent interests of lobbyists, groups that are inside and outside the government. Since the 1960s, the federal government has given aid to local government and community groups. It has provided money for crime control, fire protection, home insulation, and so on. The result is that we have become a hyperpluralist democracy. Every conceivable group has an interest group.

IV. New, Newer, Newest Federalism

A. Nixon's New Federalism: Revenue Sharing

Revenue sharing had two parts: general revenue sharing and special revenue sharing.

General revenue sharing provided new money to be used as state and local governments saw fit. There were few strings attached. It offered more flexibility on the state and local levels in deciding how the money was to be spent.

Special revenue sharing was a plan to consolidate existing categorical grant programs. Money available under several categorical programs in a particular area would be combined into one large block grant. Congressmen did not like this because they had little control over these grants.

B. Ronald Reagan and George H. W. Bush

Reagan was a strong advocate of states' rights. Categorical grants decreased somewhat. The amount of federal grant money that state and local governments received decreased. States were expected to pick up the cost of programs the federal government created, such as health care for the poor and Medicaid, or eliminate them. A result of Reagan's cutback of aid to the states was an increase in state action to promote social equality.

C. Consequences of New Federalism

Every president since Nixon has pledged to decrease the scope of the federal government. State and local governments have enacted or raised taxes to pay for public services that were once the shared responsibility under cooperative federalism.

V. Contemporary Federalism and Dilemmas of Democracy

When Reagan became president, conservatives thought that he would do away with the liberal welfare state and end social and political equality at the price of freedom. They were for states rights. Conservatives thought that states would work harder to keep taxes down, would not support social programs, and would be less likely to pass stiff laws

regulating business. Liberals thought that what conservatives wanted would lead to social and political inequality.

VI: Federalism and the Values of Freedom, Order, and Equality

Contrary to what the conservatives wanted and the liberals expected, states were willing to approve tax increases for social programs and education. States took on antitrust legislation, civil rights laws, and affirmative action. States are now willing to set higher standards than the feds to protect welfare payments and employment benefits and to set reasonable minimum standards for product safety. They also need to maintain order by protecting the lives of citizens. In these ways, the system of cooperative federalism supports a pluralistic democracy.

Follow-Up Activities

1. Have students research grants. Many Web sites offer information on how grants work and their requirements. As students peruse each grant, have them identify whether the grant is from the federal government, state government, a corporation, or a nonprofit. Have students search for federal grants and report back the requirements. Possible sites: www.grants.gov, www.fedgrants.gov, www.sba.gov/expanding/grants.html.
2. Develop a grant proposal dealing with a current issue in your state. The grant should be for three years. Divide the students in the class into groups, and have each group “apply” for the grant. The application does not have to be lengthy. When each group is done, have them come to the front, read their application, and draw an envelope. In the envelopes, have the following scenarios for the groups’ grant applications.
 - A. Your grant application has been fully funded for three years. Good luck.
 - B. Your grant was fully funded for one year, and then Congress cut the funding.
 - C. Your grant was not funded. Please try again.
 - D. Your grant was fully funded for three years, but the Supreme Court decided that federal funding of that issue violates the Constitution. Your funding has been terminated.
 - E. Your funding was granted, but Congress has diverted your funding to the war effort. Due to this, your funding has been terminated until further notice.
 - F. Your funding was not granted, but the president has decided, along with Congress, that your state must implement your grant idea. Your state must pick up all costs.

Have each group read the scenario and discuss their options. After every group has participated, discuss the ramifications and the parallels to federalism.

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References

Talking points adapted from:

Janda, Kenneth, Jeffrey M. Berry, and Jerry Goldman. *The Challenge of Democracy: Government in America*. Brief ed. 3rd ed. Boston: Houghton Mifflin, 1998.

Wilson, James Q., and John J. DiIulio, Jr. *American Government: Institutions and Policies*. 7th ed. Boston: Houghton Mifflin, 1998.

Additional Recommended Readings for Students

Broder, David. *A Republic Subverted. American Government: Readings and Cases*. 14th ed. Ed. by Peter Woll. New York: Longman, 2002.

Bryce, James, and Michael Kinsley. “Does Federalism Encourage Good Government?” In *Point-Counterpoint: Readings in American Government*. 4th ed. Ed. by Herbert M. Levine. New York: St. Martin’s Press, 1992.

Grodzins, Morton. *The Federal System. American Government: Readings and Cases*. 14th ed. Ed. by Peter Woll. New York: Longman, 2002.

Woll, Peter, ed. *McCulloch Versus Maryland. American Government: Readings and Cases*. 14th ed. New York: Longman, 2002.

Interest Group Interconnections

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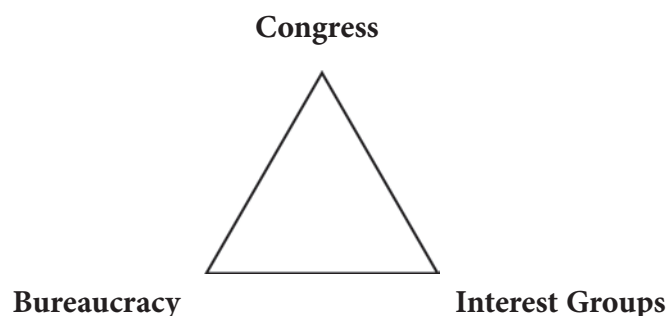
One of the best ways I know to demonstrate the interconnection between interest groups, Congress, and the bureaucracy is to explain “iron triangles.” Some would argue that the concept of iron triangles is perhaps an overly simplistic way to describe the relationship between these entities and/or the influence of interest groups in the political system. They may prefer to use the more fluid descriptor of “issue networks.” The idea of issue networks is indeed a more sophisticated description of the relationship, but the iron triangle model provides a clear and easy way to grasp the representation of the relationship between interest groups, Congress, and the bureaucracy. Once students have mastered the idea of iron triangles, the extension and refinement of the idea to that of issue networks is a natural one.

Placement of the Lecture in the Course

I suggest that this lecture occur after discussing Congress and the bureaucracy in detail and at least solidly introducing interest groups. To make the best use of this material as an integrating exercise, the students will need to be comfortable with the operations of Congress (specifically its committee system as the mechanism for policy making), the bureaucracy (and how it interacts with Congress), and the policy-making strategies of interest groups.

The Lecture

1. The starting point for this lecture is to reference the iron triangle. A visual presentation of the iron triangle for this discussion is critical. Draw the following on the board:

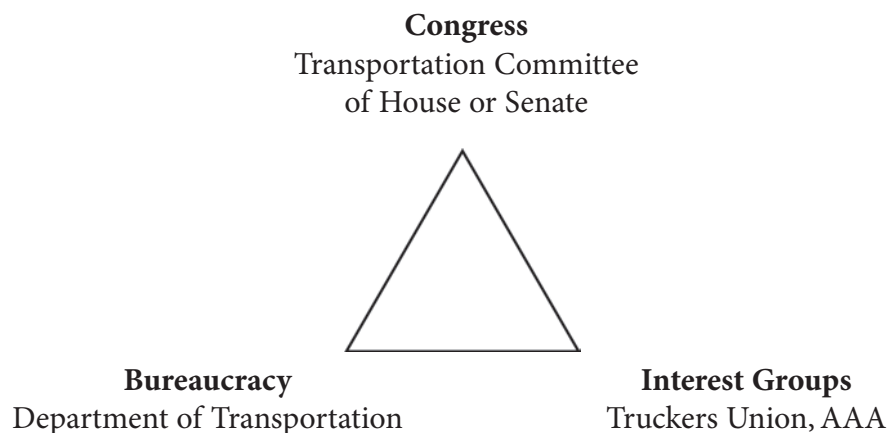


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2. Once you have done this, it is best to select a specific policy area. For the purpose of this exercise, I shall use transportation policy as the focus of the discussion. (Note: You will not want to select an issue/policy such as abortion where there are numerous powerful interest groups working against each other because that, by definition, will prevent the triangle from working.)

Once you have selected the policy area, you should identify each of the specific groups involved in this relationship. You will want to identify who in Congress deals with this issue (i.e., what committee), which agency of the bureaucracy is responsible for this policy, and what interest groups are at work in this policy area.

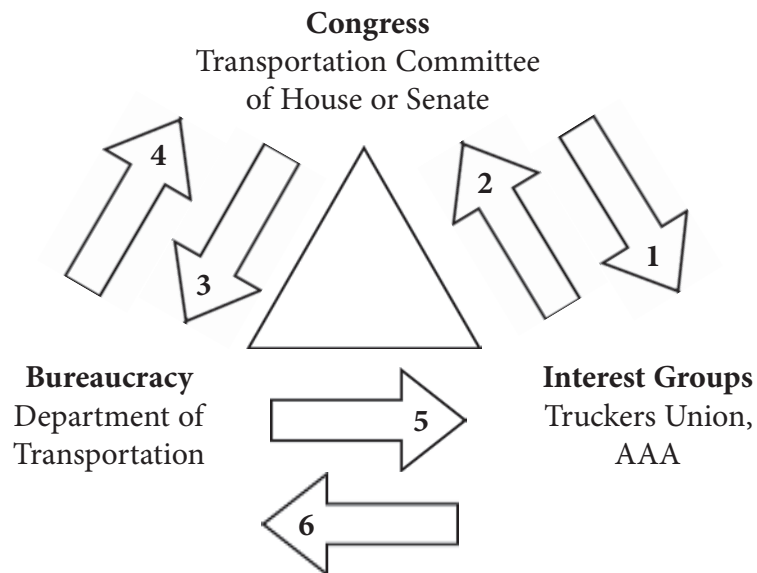
Example: Transportation Policy



Senate = Commerce, Science, and Transportation
House = Transportation and Infrastructure

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- Once you have identified all the participants in this relationship, you will want to shift the focus of the conversation (and this is the bulk of the lecture) on what these groups can do for each other. If the students understand how the participants benefit from working with each other, then they will have a much richer understanding of the policy-making process.



Exchanges

Congress to interest groups (arrow 1):

- Congress could give interest groups **positive legislation** (passing/killing legislation that the group favors/opposes or simply tailoring legislation in a way the interest group prefers).
- Congress could give the interest groups **access** to the legislative arena (inviting them to testify before hearings, giving them appointments to meet with members of the committee, and so on).
- Congress could give the interest group **information** (simply letting them know what is going on and keeping them informed. Congress could tell an interest group when legislation has been proposed that relates to them, when opposing groups are soliciting Congress, and so on.).

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Interest groups to Congress (arrow 2):

- The interest groups could give the members of Congress **information** (letting the members know about the group's membership, its preferences, objectives, concerns, and so on).
- Interest groups could give the members of Congress **electoral support** (providing their members with information about key votes, who in Congress supports their issue, who is running for reelection, and so on).
- Interest groups could give the members of Congress **campaign contributions** (through their political action committees, interest groups could give candidates money and/or encourage their members to contribute).

Congress to the bureaucracy (arrow 3):

- Congressional committee members could give the bureaucracy **budgetary support** (when the agency's budget is being discussed, the committee could support the agency's budgetary or jurisdictional growth—or oppose restrictions or cuts).
- Congress could give the bureaucracy **information** (keeping the agency informed about what agency-related issues are being discussed in Congress or forwarded by constituents, or telling the agency about the status of pending legislation of relevance to them).
- Congress could give the bureaucracy **access** to the legislative process (entertaining the bureaucracy's views and opinions on issues of relevance, permitting them to testify, and being a source of legislative initiative for the agency—so when the agency needs some legislative action, it may turn to the members of the committee for authorship of the legislation).
- Congress could give the bureaucracy **positive legislation** (passing/killing legislation that the agency favors/opposes *or* simply tailoring legislation in a way the agency prefers; this may include the giving of interpretation or enforcement discretion to an agency in legislation).

Bureaucracy to Congress (arrow 4):

- The bureaucracy could give Congress (and particularly the committee) **positive legislative enforcement** (when the agency goes to enforce the laws passed by Congress, they could make sure that enforcement complies with the intention of the committee members. This can be especially powerful in light of the need for Congress to pass vague and omnibus legislation in order to achieve compromise. Such passage will provide the agency a great deal of discretion in carrying out the laws of Congress and with it the ability to ensure that committee members are satisfied.).

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- The bureaucracy could give Congress (and particularly the committee) **information** (when the committee is considering legislation, the bureaucracy could provide research and technical information valuable to the decision making. Additionally, the bureaucracy could provide information concerning the need for legislative changes, which members of Congress could sponsor for their own personal legislative success.).

Bureaucracy to the interest groups (arrow 5):

- The bureaucracy could give the interest groups **positive legislative enforcement** (when the agency goes to enforce the laws passed by Congress, they could provide the interest group information about enforcement [perhaps ahead of time] or make sure that enforcement is done in a way that the interest groups support).
- The bureaucracy could give the interest groups **information** (when the bureaucracy is making regulatory or other decisions that may affect the interest group, they communicate with the groups).
- The bureaucracy could give the interest groups **research** (when the agency researches and analyzes problems or situations of relevance to the interest groups, they share the information, research process, and findings with the groups. They may also release this research information to the groups first, then to the general public.).
- The bureaucracy could give the interest groups **access** (when the bureaucracy is considering some regulatory or policy change or other policy decision, the bureaucracy could invite comments and the participation of the interest groups).

Interest Groups to the bureaucracy (arrow 6):

- The interest groups could give the bureaucracy **information** (information about their members, the group's concerns, and so on. This information may be of value to the bureaucracy when they are trying to understand the people and companies that use or are affected by their agency.).
- The interest groups could give the bureaucracy **research** (when the group conducts research about the concerns of members, policy implications, and so on, they can provide that to the bureaucracy. This can have the benefit of alleviating the need for the bureaucracy to do their own research on the topic or simply confirming [or calling into question] the research done by the agency itself.).
- The interest groups could give the bureaucracy **enforcement support** (helping the bureaucracy carry out their policies and regulations. The bureaucracy could never enforce the policies and regulations it creates if all of the regulated simply refused to comply. By notifying its members of rule changes, providing members with compliance suggestions, and so on, interest groups in effect make the

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agency's enforcement task easier. The example I give here is speeding laws—if *everyone* ignored the speed limit on the highway, then the police would not be able to enforce the law well. They could not stop everyone. But on the other hand, if most people comply with the speed limit, it is much easier for the police to see and catch those who are not in compliance.).

- The interest group could give the bureaucracy **budgetary support** (when the agency's budget and performance are being discussed in Congress, the interest groups can testify about the importance and value of the agency. This helps the agency's argument for more funds or discretion or the limitation of budget cuts.).

Conclusions

Once the students have mastered these connections and are completely comfortable with why and how these groups work together, then it is important to point out some of the nuances of the relationship.

First, the students should realize that the participants and the strength of the triangle will vary based on the issue. For example, the interest groups participating and active on a trucking regulation issue will be different from those that are active on other transportation issues, such as funding for public transportation systems.

The bureaucratic and Congressional participants may also vary within a given policy area. An example I have often used to demonstrate how this can happen is a piece of legislation that was proposed in the Texas legislature requiring seat belts on school buses. There was a great deal of discussion as to whether this would be an education or transportation issue. Depending on how an issue such as this develops, the Congressional committee (or committees) and bureaucratic agency (or agencies) involved in the triangle may shift.

As the participants change, so does the strength and power of the triangle.

Second, it is important for students to recognize the conditions under which the triangle will collapse. The two instances that most often cause the triangle to fail (or prevent it from forming) are public visibility and the existence and attempted participation of equally powerful but opposing interest groups. When an issue gains significant public attention, the members of Congress will be more sensitive to public demands and less able to act merely in the interests of the bureaucracy or interest groups. Additionally, if Congress and the bureaucracy are faced with equally powerful opposing interest groups, they will often be unable to act in a way that pleases all the

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participants in that corner of the triangle. (An example is abortion policy. There is virtually no policy decision that Congress or the bureaucracy could make that would please both the pro-life and pro-choice groups.)

Contributors

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Lydia Andrade (Texas A&M, Ph.D., 1993) teaches courses on American political institutions at the University of the Incarnate Word in San Antonio, Texas, where she is an associate professor. She is the author of numerous study guides for introductory American government texts and academic articles on presidential leadership. She is a frequent contributor to AP Central.

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James F. Sheffield Jr. earned his doctorate at Florida State University. He is a faculty member of the Political Science Department at Wichita State University. During the 2004–2005 academic year, he was visiting professor of political science at the University of Oklahoma, and he previously served on the faculties of the University of New Orleans and the University of Tennessee, Knoxville. Professor Sheffield's research and teaching interests include American state and local politics and policy and minority politics. He frequently teaches the introductory American government course, and he has participated in the AP U.S. Government and Politics Exam Reading for several years.

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