



Introduction to American Government

POLS 4105
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Syllabus is on the website.

Outline		
I. Introduction	VI. Age of Reason	X. The Evidence
a. Clips	a. Montesquie	a. The median state
b. Announcements	b. Hume/Madison	b. Inferring votes...
c. Note taker	c. Smith	c. Sherman median voter for the median state...
d. News	d. Locke	
e. sign-in		
f. scaling	VII. The Virginia Plan	XI. Personal power...
	a. Randolph	a. full convention median?
II. The Articles of Confederation	b. Shifts the debate	b. passing motions?
a. What they allowed	c. Separation of Powers	c. Federal House?
b. What they didn't	d. Bicameral Legislature	
c. problems	e. Federal Veto	VIII. Robertson
	f. Ratified by State Conventions	a. critiques...
III. Developments		b. "APD"
a. MS Navigation Rights	VIII. Opposition	c. His evidence...
b. Shays Rebellion	a. NJ Plan	d. Poole
c. Annapolis Convention	b. Deadlocked on Legislative Apportionment	
d. Washington's Support	c. Great Compromise	XIV. The critique...
	d. Abraham Baldwin	a. Different ?'s
IV. Governments	e. Legislative Rules	b. sincere voting
a. Confederation	f. Executive and Courts	c. sequence, NOT votes
b. Federal System		d. rules are not exogenous
c. Unitary	IX. Dougherty and Heckleman	
	a. Sherman	VII. Conclusion
V. Constitutional Convention	b. The conventional wisdom	a. Class champion
a. Smelling a Rat...	c. Personal v. Situational power	b. For Tuesday
b. Voting?	d. Defining "pivotal"	
c. 55 Delegates	e. Their argument	
d. The Revolving Door	f. Why do we care?	

Announcements

1. Professor Lynn Vavreck will be speaking on Friday, September 12th, 2:00-3:30pm in Baldwin 302. Vavreck is an associate professor in the political science department, an expert on American elections and the primary contributor to the New York Times political science blog, "The Upshot."
2. The Washington Semester Program is open to undergraduate students from all majors. Our program alumni have gained valuable internship experiences in fields ranging from journalism and international affairs to public health and economics. There will be an information session on Monday, September 8th, 5:00pm.
3. Please be advised—do NOT do the Washington Semester Program if your spouse is scheduled to give birth a week before you leave.
4. <Insert law school rant here>
5. <Insert CURO plug here>



News



Sen. Marco Rubio (R-FL) "is singing a new tune on immigration as he eyes a possible 2016 presidential run, but it may not be enough to win over disaffected conservatives just yet." The Hill reports. "Rubio was a leading champion of the comprehensive immigration reform bill that passed the Senate last year. But in a letter to President Obama and a series of four media interviews this week, he made clear that he now favors additional measures to secure the border before there is even talk of a pathway to legal status for those in the country illegally."

The race for U.S. Senate in Kansas "no longer has a Democrat," the Wichita Eagle reports. Chad Taylor (D) "dropped out of the race Wednesday, opening up room for independent candidate Greg Orman to face Sen. Pat Roberts (R) head-on in November... Taylor's decision to drop out comes on the same day that Orman was endorsed by more than 70 former Republican lawmakers."



A new Rasmussen survey in Arkansas finds Sen. Mark Pryor (D) barely ahead of challenger Tom Cotton (R) in the U.S. Senate race, 44% to 43%.

A detailed report commissioned by two major Republican groups paints a dismal picture for Republicans, concluding female voters view the party as "intolerant," "lacking in compassion" and "stuck in the past," Politico reports. "Women are 'barely receptive' to Republicans' policies, and the party does "especially poorly" with women in the Northeast and Midwest... It was presented to a small number of senior aides this month on Capitol Hill, according to multiple sources involved."



News



DNC Chairwoman Debbie Wasserman Schultz ripped Wisconsin Gov. Scott Walker's (R) policies by comparing them to acts of domestic violence against women, the Milwaukee Journal Sentinel reports. Said Schultz: "Scott Walker has given women the back of his hand. I know that is stark. I know that is direct. But that is reality. What Republican Tea Party extremists like Scott Walker are doing is they are grabbing us by the hair and pulling us back. It is not going to happen on our watch."

Alan Abramowitz: "An analysis of data from the 2012 American National Election Study raises serious doubts about the claim that a candidate with libertarian views would have strong appeal to younger voters. In fact, the data indicate that younger voters tend to hold relatively liberal views on social welfare as well as cultural issues. Only a small minority of voters under the age of 30 can be classified as libertarians. Moreover, both younger and older Americans who hold libertarian views already vote overwhelmingly for Republican candidates, so nominating a candidate with a libertarian philosophy would be unlikely to gain many votes for the GOP."



Sen. Ted Cruz (R-TX) "is expanding his political operation, a move sure to stoke speculation that the Texas Republican plans to run for president in 2016," the Washington Examiner reports. "In recent weeks, the Cruz team signed contracts with three Republican consultants with national experience and ties to some of the early presidential primary states."

How Political Science Conquered Washington

Esra Klein, vox: Perhaps the single best thing that's happened to political journalism in the time I've been doing it is the rise of political science. In 2005, when I came to Washington, knowing political science wasn't a legitimate form of knowing about politics, or at least it wasn't presented as one to young journalists like me. But that's changed. Last week, the American Political Science Association held its annual convention in Washington, D.C. It was an appropriate choice. Washington is listening to political scientists, in large part because it's stopped trusting itself.



Political journalists always had an advantage over political scientists: politicians would talk to them. A PhD was nice, but if you couldn't get the Chairman of the Senate Finance Committee on the phone, what did you really know about what was going on in Congress? Political journalists admired the technical skills of economists and the inside knowledge of Hill staffers. But political journalists had better sources of information than political scientists, who were trying to learn about the messy work of people in Washington by screwing around with data sets in their office in Illinois.

But over the last decade, the Chairman of the Senate Finance Committee became an unreliable narrator. So did pretty much everyone else working in American politics. Part of the rise of political science is the result of the blogosphere. Crooked Timber, the Monkey Cage, the Mischief of Faction and other poli-sci blogs have let political scientists speak for themselves. But that's only benefitted political science because what they've said has been worth listening to.

How Political Science Conquered Washington

Political scientists traffic in structural explanations for American politics. They can't tell you what an individual senator thinks, or what message the president's campaign will try out next. But they can tell you, in general, how polarized the Senate is by party, and whether independent voters are just partisans in disguise, and how predictable elections generally are. They can tell you when American politics is breaking its old patterns (like with the stunning rise of the filibuster) or when people are counting on patterns that never existed in the first place (like Washington's continued faith in the power of presidential speeches).

As politicians lose power and parties gain power, these structural explanations for American politics have become more important. That's what I've found, certainly. Talking to members of Congress and campaign operatives is useful, but not terribly reliable. Politicians are endlessly optimistic — in their line of work, they almost have to be — and they want to believe that they and their colleagues can rise above party and ignore special interests. But they usually can't. They begin every legislative project hoping that that this time will be different. But it usually isn't. An understanding of the individual dynamics in Congress or in the White House can be actively misleading if it's not tempered by a sense of the structural forces that drive outcomes in American politics.

The more that political journalists heard from political scientists, the more they began to listen. Today the Monkey Cage sits at the Washington Post. Political scientists like Brendan Nyhan and Lynn Vavreck write for the Upshot at the New York Times. There are a half-dozen forecasting models trying to predict the 2014 election — all of which owe a lot to work done by political scientists, and a few of which are actually built and maintained by political scientists. Young political journalists I talk to know a lot more about political science and how to use it to inform their reporting than they did when I came to town. And readers are better for it.

Labor Day

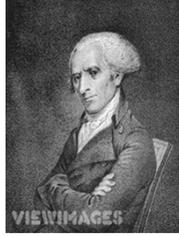
Esra Klein, vox: Labor Day is a day of rest that commemorates years of war. Congress inaugurated the holiday just days after President Grover Cleveland sent 12,000 federal troops to break the Pullman strike. The tactics were bloody; U.S. deputy marshals killed two men, and wounded many more. That was 1894, an election year. Cleveland needed a way to win workers back to his side. He saw an opportunity in a federal holiday honoring workers — as well as organized labor.



"The movement for a national Labor Day had been growing for some time," writes PBS Newshour. "In September 1892, union workers in New York City took an unpaid day off and marched around Union Square in support of the holiday. But now, protests against President Cleveland's harsh methods made the appeasement of the nation's workers a top political priority. In the immediate wake of the strike, legislation was rushed unanimously through both houses of Congress, and the bill arrived on President Cleveland's desk just six days after his troops had broken the Pullman strike."

Samuel Gompers, head of the American Federation of Labor, said Labor Day would be "the day for which the toilers in past centuries looked forward, when their rights and their wrongs would be discussed." He did not say it would be a good day for barbecues.

The Road to Independence



"I shall have a great advantage over you, Mr. Gerry, when we are all hung for what we are doing now. From the size and weight of my body I shall die in a few minutes, but from the lightness of your body you will dance in the air an hour or two before you are dead." – Benjamin Harrison, Virginia (quoted in *Ellis*).

The Road to Independence

Why was America so well suited to break with the monarchy?



The Road to Independence

(1) Geography.

Distance limited Britain's capacity to govern the colonies. It also made war costly and difficult.

(2) Home rule.

The British had ceded to Americans responsibility for managing their own domestic affairs, including taxation. For more than a century colonists elected their own leaders and held them accountable for local policies and taxes.

Self-Governance

By 1650 all of the colonies had established elective assemblies.

These eventually gained the authority to initiate laws and levy taxes.



Britain appointed governors, judges, colonial councils.

*Their pay was tied to the assemblies.
Subsequently, they often accommodated popular opinion.*

Home Rule Limitations

Their limited home rule did have some disadvantages.

- (1) No experience regulating commerce.
- (2) No independent military.
- (3) Little experience in foreign relations.
- (4) Little experience working together.



Strains Upon Home Rule

Military conflict in the 1750s (French and Indian War/Seven Years' War) drained Britain economically.

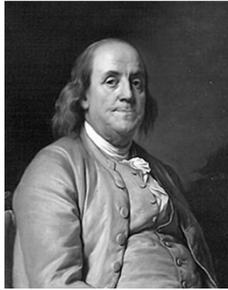
Britain asked its colonies for help in defending the western frontier.

Six of the thirteen colonies failed to attend.

But the Albany Congress did produce the first serious proposal for a national government.

Franklin's "Plan of the Union"

Called for an American army to provide for the colonies' defense, a popularly elected national legislature with the power to levy taxes, and an executive appointed by the king.



Colonies provided little support. They were unwilling to shoulder the burden of providing for colonial security.

To them, free riding made sense as long as they could get away with it.

Challenging "Home Rule"

By the end of the French and Indian War (which was only part of a larger war being fought by Britain) the British government was broke.

British citizens already were the most heavily taxed people in the world.

To get the tax revenues it needed, Britain had to assert its power to impose taxes.

Every revenue law the British government enacted in the decade after the end of the war contained provisions that tightened its control over the *internal affairs* of the colonies, thus violating colonial home rule.

Stamp Act



Imposed a tax on all printed materials, including legal documents, licenses, insurance papers, and land titles. It also included commercial goods such as newspapers and playing cards.

This tax had existed in Britain, but Americans were inflamed by its introduction.

Stamp Act

For the first time, they united against Britain by agreeing unanimously on a resolution condemning the tax. But they could not agree on what they should do next.

Ordinary citizens, however, took action on their own, including the well-known demonstration the Boston Tea Party.



The Continental Congress

Britain responded with the *Restraining Acts* and *Coercive Acts*.

Closed the port of Boston to all commerce.

Dissolved the Massachusetts assembly.

Decreed troops could be quartered in colonial homes.

Americans charged with crimes against Britain would be sent to England for trial.

Continental Congress passed resolutions condemning British taxes and administrative decrees.

Appointed delegates to the Second Continental Congress.

The Declaration of Independence



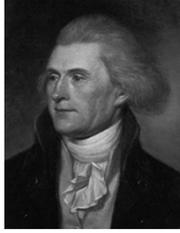
Thomas Paine and "Common Sense"

- *First piece to openly ask for independence*

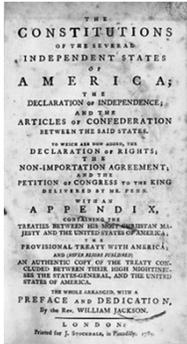
- *An island can not rule a continent*

The Declaration of Independence

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the Right of the People to alter or abolish it, and to institute new Government....

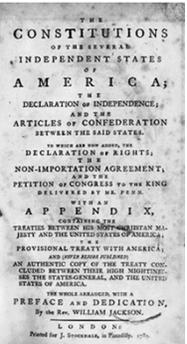


The Articles of Confederation



Confederation – a highly decentralized governmental system in which the national government derives limited authority from the state rather than directly from citizens.

The Articles of Confederation



America now declared an independent nation, the delegates to the Second Continental Congress proceeded to create a new government.

Over the next several weeks, they drafted the nation's first Constitution – the Articles of Confederation, which was ratified five years later.

The Articles of Confederation

Created a new, permanent Congress in which each state received one vote.

Major laws – such as those dealing with taxes and constitutional change – required the endorsement of nine of thirteen states. More fundamental change, such as amending the Constitution, required unanimous agreement.

National authority was so circumscribed that the delegates saw little purpose for an executive or a judiciary.

The Confederation At War

The states chiefly responsible for recruiting troops and outfitting them for battle.

Congress attempted to coordinate the state regiments into a single fighting force.

Could borrow money, but could not tax.

No administrative branch; so Congress had to do all the work, including requisitioning the army.

Many difficulties during the war.

The Confederation At War



New England states met and passed a resolution to invest Congress with "powers competent for the government."

Hartford Convention :
Called on Congress to grant itself the power to tax.

In 1781 Rhode Island vetoed a bill giving Congress the authority to levy taxes.

France enters the war.



The Confederation During Peace

A war-torn economy.

Trade barriers at home and abroad.

Popular discontent (Shays Rebellion).

Annapolis convention.



The Constitution



“Made not merely for the generation that then existed, but for posterity – unlimited, undefined, endless, perpetual posterity.” – Henry Clay

Drafting The Constitution



The fifty-five delegates meeting in Philadelphia in 1787 were able to draw from their Revolutionary War experience.

Youngish (average age of 42), well-educated, white, and male.

They were also highly conversant in the ideas and theories that abounded during the Age of Reason.

“Few gatherings in the history of this or any other country could boast such a concentration of talent.” – Melvin I. Urofsky



Drafting The Constitution



Talented group, but not without limitations and flaws...

"I shall continue to believe that 'great men' are a lie and that there is very little difference in that superstition which leads us to believe in what the world calls 'great men' and in that which leads us to believe in witches and conjurers." – Benjamin Rush, to John Adams

Philosophical Influence



Locke (1632-1704) – popular sovereignty. Citizen's delegation of authority to their agents in government with the ability to rescind that authority.

Newton (1642-1727) – force and balance.

Montesquieu (1689-1755) – separation of powers, superiority of small republics.

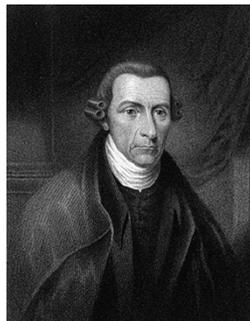
Hume (1711-1776) – Competition of contending interests.



Getting Down to Business

"I smelled a rat." – Patrick Henry

Most delegates were oblivious to the types of sweeping changes that would be proposed by Madison and his allies.



The Virginia Plan



This plan, introduced by Edmund Randolph, also from Virginia, shifted the focus of deliberation from patching up the confederation to considering what was required to create a national union.

Its centerpiece was a bicameral legislature.

Members of the lower chamber apportioned among the states by population and directly elected.

Lower chamber would elect members of the upper chamber from lists generated by the state legislatures

Also stipulated that the national government could make whatever laws it deemed appropriate and veto any state laws it regarded as unfit.

If a state failed to fulfill its legal obligation the national government could use military force against it.

The Virginia Plan

Many saw this legislature as too powerful, although Madison had incorporated a check on its power.

What was this check?

The Council of Revision.

Opposition grew toward the Virginia Plan from two directions:

Less-populous states.

States' rights delegates.



The New Jersey Plan

“Great idea, Jim...But...”

These two groups coalesced around an alternative proposed by New Jersey delegate William Paterson in response to the Virginia Plan.



The New Jersey Plan



Given its quick creation, it had its own faults: it failed to propose the organization of the executive and judiciary.

It perpetuated the composition and selection of Congress as it functioned under the Articles, but it did give Congress the power to tax.

Debate continued, however, as neither side was happy with the options given by their opponents for the composition of Congress.

Stalemate loomed after weeks of debate.

They sent the question of Congress to a committee to resolve.

Great Compromise

Item	Virginia Plan	New Jersey Plan	Constitution
Legislature	Two Houses	One House	Two Houses
Legislative representation	Both houses based on population	Equal for each state	One house based on population; one with two votes from each state
Legislative power	Veto authority over state legislation	Authority to levy taxes and regulate commerce	Authority to levy taxes and regulate commerce; authority to compel state compliance
Executive	Single; elected by legislature for a single term	Plural; removable by majority of state legislatures	Single; chosen by electoral college; removal by national legislature
Courts	National judiciary elected by legislature	No provision	Supreme Court appointed by executive, confirmed by Senate

The Great Compromise

Now the unanimous agreement rule of the states that had hobbled the confederation Congress was gone, replaced by a rule allowing a majority of the membership to pass legislation.

Article 1, Section 8 extended the authority of the national legislature.

Commerce Clause.

Necessary and Proper Clause.

Given the compromise, Madison became interested in a genuine separation of powers between the branches with each side exercising checks and balances over the others.

This notion played a significant role in Madison's formulation of the executive and judiciary as independent institutions.



Designing the Executive

The delegates debated the nature of the executive in a lively fashion.

Preferences ranged from Hamilton's executive "elected for life" at one end and the existing model of state governors who had been given very limited powers.

At the same time, most agreed that the nation's first executive would be George Washington, the most revered citizen in the young nation. But this fact did not stifle debate.



The Electoral College



"Let's design an institution to select the executive with the sole goal to confuse the hell out of future generations..." – Charles Cotesworth Pinckney (South Carolina).

The Electoral College

Each state is awarded as many electors as it has members of the House and Senate.

The Constitution left it to the states to decide how electors are selected, but the Framers generally expected that the states would rely on statewide elections.

Today, if any candidate fails to receive an absolute majority (270) of the 538 votes in the Electoral College, the election is thrown into the House of Representatives.

An Independent Executive



Madison and Hamilton largely succeeded in fashioning an independent executive by:

Giving the president the ability to veto legislation.

Requiring a supermajority of each house to override a presidential veto.

But the Framers also checked the executive's power in numerous ways.

What were some of these checks?

An Independent Executive



Only Congress can declare war

Senate approval of ambassador appointments and treaties

Senate must confirm all appointments in the executive departments

Are these sufficient?

The Take-Care Clause



Just as the necessary and proper clause enabled the modern Congress to enlarge its enumerated powers, Article II has done the same through the "take care" clause.

The president "shall take Care that the Laws be faithfully executed."

Modern presidents have asserted that this clause allows them to undertake whatever actions national policy may require that are not expressly forbidden by the Constitution or public law.

Designing the Judiciary

The convention spent comparatively little time designing the new federal judiciary.

They did debate over two questions:

Who would appoint Supreme Court justices?

And should a network of lower federal courts be created or should state courts handle all cases until they reach the federal court?

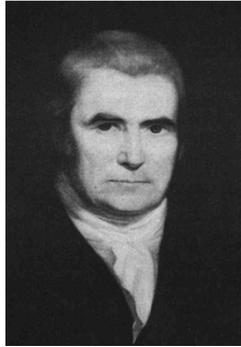
What were the pragmatic results of their debate?

Designing the Judiciary

The extent of the Court's authority to overturn federal laws and executive actions as unconstitutional – the concept of judicial review – was never quite resolved.

Hamilton and others argued that the Constitution implicitly provides for judicial review.

Madison did not believe an unelected branch should have such authority.



Collective Action Problems



The Framers recognized that the states had to surrender some of their autonomy to a central agency – the national government – in order to prevent free riding or the breaking of collective agreements and thus allow successful joint actions.

Trade and Foreign Policy

After the Revolutionary War, states engaged in cutthroat competition for foreign commerce.

Resolution by Framers:

Placed foreign policy under the administration of the president.

Gave Congress the explicit legislative authority to regulate commerce.

Defense and security given to the national government as responsibilities.

Constitution forbids any state from entering into a foreign alliance or treaty, maintaining a military during peacetime, or engaging in war unless invaded.

Women's Rights

Delegates agreed to allow the individual states to continue to decide which citizens should have the right to vote.

Women and slaves were left out of the Constitution. However, it does read as though it were drafted to be as free of gender bias as the eighteenth century usage allowed (person, citizens).



Women's political rights simply had not yet become an issue.

Slavery

Slavery was not absent from the debates. It was present at several important junctures and figured importantly in many delegates' private calculations, particularly those from the South.

One critical point was during the creation of the national legislature.

Southern states wanted to count slaves as part of their population, thus giving them more representatives in the House. Yet these "citizens" had no rights in that state. After much debate, the southern states were allowed to count a slave as three-fifths of a citizen.

Slavery



Later in the convention some southern delegates insisted on two guarantees for their “peculiar institution” as conditions for remaining at the convention and endorsing its result.

Unrestricted right to continue importing slaves. In the end they managed to negate a ban on regulation of slavery until 1808.

The return of runaway slaves in northern states.

Slavery

Why did the northern delegates give in to the southern ones, who were fewer in number?

The need to get the Constitution passed.

Fear of defection.

New England accommodated the South, and in return the South dropped its opposition to commercial issues that were important to New England.

Logrolling -- a standard bargaining strategy in which two sides swap support for dissimilar policies.

Amending the Constitution

Since its ratification, the Constitution has been amended twenty-seven times.

In every instance Congress initiated the process.

In all but one case, the state legislatures did the ratifying.

Six additional amendments (including ERA) were sent to the states but failed to win the needed number of endorsements.



Amending the Constitution



In addition, dozens of amendments are proposed in Congress but fail to garner enough support.

Recent examples include: amendments to restrict marriage to a man and a woman; assuring "God" is included in the Pledge of Allegiance; and providing a mechanism for Congress to replenish its membership should more than a quarter of its members be killed.

Ratification

"The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same."

This statement did two important things.

It removed the unanimous assent rule of the Articles of Confederation.

It withdrew authority from the state legislatures, which might have misgivings about surrendering autonomy.

Ratification



Antifederalists argued that only local democracy could approach true democracy. A country so large and diverse could not be ruled by a single set of laws.

Stronger national government must come with safeguards against tyranny.

Madison made a strategic move and announced that he would introduce the constitutional amendments that would protect individual rights.

For this reason, the Bill of Rights was included almost immediately after ratification.

Ratification



The responses mustered to counter the Antifederalist arguments against the Constitution collectively make up eighty-five essays.

Written by Hamilton, Madison, and Jay

Were directed primarily at New York, which had not yet voted in 1788, although by this point the Constitution was technically ratified.

They provide insight into the "genuine" meaning of the Constitution.

Ratification

Two of the *Federalist Papers* (Nos. 10 and 51) focus on the fundamental problem of self-governance.

We are not "angels," as Madison writes, so how do we get a government of non-angels not only to govern the governed, but to "govern" itself as well?

Fed. 10 responds to the strongest argument of the Antifederalists -- that a "large Republic" cannot long survive.

Discusses the negatives of faction defined as "a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community."

Fed 10



How does Madison propose we "control" faction?

Two possible solutions:

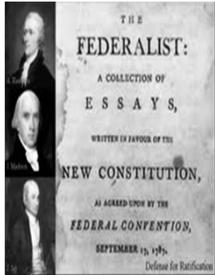
- (1) Removing it's causes...
Destroying liberties...
Everyone has the same preferences...
- (2) Control it's effects...
Expand the sphere...More voters! More factions!

Fed 51



"If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."

Fed 51



How does a government control itself?

-By dispersing power among several branches...

-Being subjected to majority rule...

This serves to guard against tyranny, expands the sphere of influence and solidifies the Republic.

Constitution



Irony: national pluralism that Madison was striving to install was already at work at the federal convention, frustrating their success.

Many of the Constitution's provisions have no theoretical rationale; they are simply the hammered-out products of compromise.

Conclusion



Have a great day.
