

# AMERICAN DEMOCRACY NOW

7<sup>TH</sup> EDITION

BRIGID CALLAHAN HARRISON  
JEAN WAHL HARRIS  
MICHELLE D. DEARDORFF

**Sample Chapter**  
Student Edition

Mc  
Graw  
Hill



# AMERICAN DEMOCRACY NOW

7<sup>TH</sup> EDITION

**Brigid Harrison**

Montclair State University

**Jean Harris**

University of Scranton

**Michelle Deardorff**

University of Tennessee at Chattanooga

AP CONTRIBUTOR

**Rebecca Small**

Fairfax County Public Schools

\*AP<sup>®</sup>, Advanced Placement<sup>®</sup>, and Advanced Placement Program<sup>®</sup> are trademarks registered by the College Board, which was not involved in the production of, and does not endorse, this product.

**Mc  
Graw  
Hill**



## AMERICAN DEMOCRACY NOW: SEVENTH EDITION

Published by McGraw Hill LLC, 1325 Avenue of the Americas, New York, NY 10121. Copyright © 2022 by McGraw Hill Education. All rights reserved. Printed in the United States of America. Previous editions © 2019, 2017, and 2015. No part of this publication may be reproduced or distributed in any form or by any means, or stored in a database or retrieval system, without the prior written consent of McGraw Hill LLC, including, but not limited to, in any network or other electronic storage or transmission, or broadcast for distance learning.

Some ancillaries, including electronic and print components, may not be available to customers outside the United States.

This book is printed on acid-free paper.

1 2 3 4 5 6 7 8 9 LWI 21 20 19 18

ISBN 978-1-26-431913-8

MHID 1-26-431913-4

Senior Portfolio Manager: *Jason Seitz*

Product Development Manager: *Dawn Groundwater*

Senior Product Developer: *Sarah Colwell*

Senior Marketing Manager: *Michael Gedatus*

Content Project Managers: *Rick Hecker; George Theofanopolous*

Buyer: *Susan K. Culbertson*

Designer: *Beth Blech*

Content Licensing Specialist: *Carrie Burger*

Front Cover: *shorisov/iStock/Getty Images*

Back Cover: *McGraw Hill*

Compositor: *Aptara<sup>®</sup>, Inc.*

All credits appearing on page or at the end of the book are considered to be an extension of the copyright page.

### Library of Congress Cataloging-in-Publication Data

Names: Harrison, Brigid C., author. | Harris, Jean (Jean Wahl), 1960- author.  
| Deardorff, Michelle D., author.

Title: American democracy now / Brigid Callahan Harrison, Montclair State University, Jean Wahl Harris, University of Scranton, Michelle D. Deardorff, University of Tennessee at Chattanooga.

Description: Seventh edition. | New York, NY : McGraw Hill Education, [2022] | Includes index.

Identifiers: LCCN 2020031867 | ISBN 9781264319138

Subjects: LCSH: Political participation—United States—Textbooks. | United States—Politics and government—Textbooks.

Classification: LCC JK276 .A43 2022 | DDC 320.473—dc23

LC record available at <https://lcn.loc.gov/2020031867>

The Internet addresses listed in the text were accurate at the time of publication. The inclusion of a website does not indicate an endorsement by the authors or McGraw Hill Education, and McGraw Hill Education does not guarantee the accuracy of the information presented at these sites.

# Brief Contents

---

Unit 1	FOUNDATIONS OF AMERICAN DEMOCRACY	2
Chapter 1	PEOPLE, POLITICS AND PARTICIPATION	6
Chapter 2	THE CONSTITUTION	42
Chapter 3	FEDERALISM	108
Unit 2	INTERACTIONS AMONG BRANCHES OF GOVERNMENT	152
Chapter 4	CONGRESS	156
Chapter 5	THE PRESIDENCY	196
Chapter 6	THE JUDICIARY	240
Chapter 7	THE BUREAUCRACY	282
Unit 3	CIVIL LIBERTIES AND CIVIL RIGHTS	332
Chapter 8	CIVIL LIBERTIES	336
Chapter 9	CIVIL RIGHTS	382
Unit 4	AMERICAN POLITICAL IDEOLOGIES AND BELIEFS	442
Chapter 10	POLITICAL SOCIALIZATION AND PUBLIC OPINION	446
Chapter 11	ECONOMIC POLICY	486
Chapter 12	DOMESTIC POLICY	526
Chapter 13	FOREIGN POLICY AND NATIONAL SECURITY	566
Unit 5	POLITICAL PARTICIPATION	624
Chapter 14	CAMPAIGNS, ELECTIONS, AND VOTING	628
Chapter 15	POLITICAL PARTIES	676
Chapter 16	INTEREST GROUPS	724
Chapter 17	THE MEDIA	762
Chapter 18	POLITICS AND TECHNOLOGY	790

GLOSSARY G  
INDEX I



# Table of Contents

## UNIT 1

## FOUNDATIONS OF AMERICAN DEMOCRACY 2

### ■ What Are the Major Components of the U.S. Political System? 4

Big Ideas 4

Skills and Practices 5

## 1

### PEOPLE, POLITICS, AND PARTICIPATION 6

#### Chapter Introduction 7

#### y shd u stdy am dem now? Or, Why Should You Study American Democracy Now? 8

How Technology Has Changed Politics 8

The Political Context Now 9

Americans' Efficacy 10

DATA ANALYSIS: Evaluating the Facts: Youth Vote Choice in the 2020 Presidential Election 11

#### Civic Engagement: Acting on Your Views 12

#### What Government Does 12

SOURCE ANALYSIS: Thinking Critically: Facts Matter 13

#### Types of Government 15

#### The Origins of American Democracy 16

Democracy's Origins in Popular Protest: The Influence of the Reformation and the Enlightenment 17

The Modern Political Philosophy of Hobbes and Locke 18

The Creation of the United States as an Experiment in Representative Democracy 19

#### Political Culture and American Values 19

Liberty 19

Equality 20

Capitalism 21

CONCEPT APPLICATION: Thinking Critically: What is the Proper Role of Our Levels of Government During a Pandemic? 22

Consent of the Governed 23

Individual, Family, and Community 23

#### Ideology: A Prism for Viewing American Democracy 23

Liberalism 24

DATA ANALYSIS: Evaluating the Facts: A Nation Divided? 25

Conservatism 25

Other Ideologies on a Traditional Spectrum: Progressivism, Socialism and Libertarianism 26

Multidimensional Political Models 27

#### The Changing Face of American Democracy 27

DATA ANALYSIS: Evaluating the Facts: Growth of the U.S. Population from 1800 to 2050 28

A Population That Is Growing—and on the Move 28

SOURCE ANALYSIS: Interpreting Images: Population Distribution by County 29

An Aging Population 29

DATA ANALYSIS: Evaluating the Facts: The Aging U.S. Population, 2000–2050 30

A Changing Complexion: Race and Ethnicity in the United States Today 30

SOURCE ANALYSIS: Interpreting Images: Population by Race, 1990–2060 31

DATA ANALYSIS: Evaluating the Facts: Where African Americans and Hispanics Live 32

Changing Households: American Families Today 33

Why the Changing Population Matters for Politics and Government 33

SOURCE ANALYSIS: Comparative: Then/Now 34

#### Conclusion: Thinking Critically About What's Next in American Democracy 35

#### References 36

#### Chapter 1 Wrap-Up 37

Key Terms 37

Exam Practice 38

## 2

### THE CONSTITUTION 42

#### Chapter Introduction 43

#### What Is a Constitution? 45

#### The Creation of the United States of America 46

British Policies Incite Revolution in the Colonies 47

The Common Sense of Declaring Independence 50

The State Constitutions 51

The Articles of Confederation (1781–1788) 52

#### Crafting the Constitution of the United States 55

Areas of Consensus 55

Conflict and Compromise Over Representation 57

Conflict and Compromise Over Slavery 59

ARGUMENTATION: Thinking Critically: Should We Abolish the Electoral College? 61

What About a Bill of Rights? 62

DATA ANALYSIS: Patterns and Trends 63

Congress Sends the Constitution to the States  
for Ratification 63  
SOURCE ANALYSIS: Analyzing Primary Sources: Three  
Branches of Government: Are Their Powers Balanced? 65  
CONCEPT APPLICATION: Thinking Critically: Changing Public  
Opinion About the Death Penalty 68  
The Ratification Battle: Federalists versus Anti-Federalists 69  
ARGUMENTATION: Thinking Critically 71  
Ratification: Constitution (1788) and Bill of Rights (1791) 71

### **The Constitution as a Living, Evolving Document 72**

Formal Amendment of the Constitution 73  
SOURCE ANALYSIS: Comparative: Then/Now 74  
Interpretation by the U.S. Supreme Court 74

### **Conclusion: Thinking Critically About What's Next for the Constitution 75**

### **References 77**

### **Chapter 2 Wrap-Up 78**

Key Terms 78  
Exam Practice 79

THE CONSTITUTION OF THE UNITED STATES OF AMERICA 83

# 3

## **FEDERALISM 108**

### **Chapter Introduction 109**

### **An Overview of the U.S. Federal System 110**

Unitary System 110

Confederal System 111  
Federal System 111  
What the Federal System Means for U.S. Citizens 112  
SOURCE ANALYSIS: Patterns and Trends: Thousands of  
Governments Serve U.S. Residents 113

### **Constitutional Distribution of Authority 114**

Concurrent Powers 114  
National Sovereignty 115  
State Sovereignty 117  
State-to-State Relations: Horizontal Federalism 119  
Supreme Court Interpretation of the Constitution 120  
SCOTUS APPLICATION: *United States v. Lopez* (1995) 123  
Judicial Federalism 123  
States as Laboratories of Democracy 124

### **Evolution of Intergovernmental Relations in the U.S.**

### **Federal System 125**

Models of Federalism 126  
SOURCE ANALYSIS: Concept Application 127  
Tools of Intergovernmental Relations 130  
SOURCE ANALYSIS: Comparative: Then/Now 135  
ARGUMENTATION: Thinking Critically: Can State Governments  
Nullify National Law? 137

### **Advantages and Disadvantages of Today's Federalism 138**

### **Conclusion: Thinking Critically About What's Next for Federalism 139**

### **References 140**

### **Chapter 3 Wrap-Up 141**

Key Terms 141  
Exam Practice 142

## **UNIT 1**

## **WRAP-UP 145**

### **■ Exam Practice 146**

Multiple Choice Questions 146

## **UNIT 2**

## **INTERACTIONS AMONG BRANCHES OF GOVERNMENT 152**

### **■ How Will Our Policymaking Institutions Continue to Evolve? 154**

Big Ideas 154

Skills and Practices 155

# 4

## **CONGRESS 156**

### **Chapter Introduction 157**

### **The Origins of Congress 158**

### **Powers of Congress 159**

### **Functions of Congress 162**

Representation Comes in Many Forms 162  
Policy Making: A Central Responsibility 164  
Oversight: A Check on the Executive  
Branch 164  
Agenda Setting and Civic Engagement 165  
Managing Societal Conflict 165



## **The House and the Senate Compared 165**

SCOTUS APPLICATION: *Baker v. Carr* (1962) 167

## **The Legislative Process 168**

Introducing a Bill 168

The Bill in Committee 170

Debate on the House and Senate Floor 171

DATA ANALYSIS: Evaluating the Facts: Differences Between the Legislative Process in the House and Senate 172

Presidential Action 173

## **Congressional Leadership 174**

Leadership in the House of Representatives 174

SOURCE ANALYSIS: Comparative: Then/Now 176

Leadership in the Senate 177

## **Decision Making in Congress: The Legislative Context 178**

Political Parties and Partisanship in Decision Making 178

DATA ANALYSIS: Patterns and Trends: Party Representation Trends 178

SOURCE ANALYSIS: Evaluating the Facts: Party Representation in the House of Representatives, 2021–2023 179

Colleagues and Staff: Trading Votes and Information 180

Interest Groups: Influence Through Organization 180

The President's Effect on Decision Making 181

CONCEPT APPLICATION: Thinking Critically 181

Constituents: The Last Word 182

## **The People and Their Elected Representatives 183**

Women in Congress 183

Racial and Ethnic Diversity in Congress 184

DATA ANALYSIS: Patterns and Trends: African Americans Elected to the House 185

## **Conclusion: Thinking Critically About What's Next in Congress 186**

### **References 187**

## **Chapter 4 Wrap-Up 188**

Key Terms 188

Exam Practice 189

## **The President and the Executive Branch 206**

The Vice President's Role 206

The Cabinet 207

The Executive Office of the President 210

## **Presidential Succession 212**

When the President Dies in Office 212

When the President Cannot Serve:

The Twenty-Fifth Amendment 213

## **Sources of Presidential Power 214**

The Constitution: Expressed Powers 214

The Constitution: Inherent Powers 215

Statutory Powers 216

Special Presidential Powers 216

## **The People as a Source of Presidential Power 218**

The President and the Bully Pulpit 219

The President and Public Approval 219

DATA ANALYSIS: Presidential Job Approval 220

Technology and the Media as Tools of Presidential Influence 221

DATA ANALYSIS: Patterns and Trends: Approval of President Donald Trump Varied from State to State 222

## **The Evolution of Presidential Power 222**

Early Presidents and the Scope of Presidential Power 223

The Watershed 1970s: The *Pentagon Papers*, Watergate, and the "Imperial Presidency" 224

The Post-Watergate Presidency 226

Impeachment: A Check on Abuses of Presidential Power 227

ARGUMENTATION: Thinking Critically 228

## **Women and the Presidency 229**

DATA ANALYSIS: Patterns and Trends: America's Willingness to Vote for a Woman President 230

The First Lady 231

## **Conclusion: Thinking Critically About What's Next in the Presidency 232**

### **References 233**

## **Chapter 5 Wrap-Up 234**

Key Terms 234

Exam Practice 235

# **5 THE PRESIDENCY 196**

## **Chapter Introduction 197**

## **Presidential Elections 197**

## **Presidential Roles and Responsibilities 198**

Chief of State 198

The President's Role in Congressional Agenda Setting 199

DATA ANALYSIS: Patterns and Trends: Presidential Vetoes, 1789–2020 200

Manager of the Economy 201

ARGUMENTATION: Thinking Critically: Do Signing Statements Violate Constitutional Checks and Balances? 202

Chief Diplomat 204

Civilian Leader of the Military 204

Party Leader 205

Chief Executive 205

# **6 THE JUDICIARY 240**

## **Chapter Introduction 241**

*Marbury v. Madison* (1803) 241

## **What Do Courts Do? 242**

The Rule of Law 244

Sources of Law in the United States 244

Resolving Legal Disputes 247

SOURCE ANALYSIS: Comparative: Then/Now 248

## **The Structure of the Federal Court System 251**

Article I Courts 251

U.S. District Courts 252

U.S. Courts of Appeals 252

The U.S. Supreme Court 253

## **Appointing Federal Judges 254**

Selection Criteria 254

The Senate's Role: Advice and Consent 257

ARGUMENTATION: Thinking Critically: Should There Be a Retirement Age for Supreme Court Justices? 258

## **How the U.S. Supreme Court Functions 259**

Choosing Cases for Review 259

Considering Legal Briefs and Oral Arguments 260

Resolving the Legal Dispute: Deciding How to Vote 261

Legal Reasoning: Writing the Opinions 262

## **Judges as Policymakers 263**

From Judicial Review to Judicial Policy Making 263

Judicial Activism, Living Constitution, Judicial Restraint, and Originalism 264

ARGUMENTATION: Thinking Critically 266

Constraints on Judicial Policy Making 266

DATA ANALYSIS: Patterns and Trends: Citizens' Approval of the Supreme Court and its Work 268

## **Judicial Legitimacy and Public Trust 269**

DATA ANALYSIS: Evaluating the Facts: The Roberts Court 271

## **Conclusion: Thinking Critically About What's Next for the Judiciary 272**

## **References 273**

## **Chapter 6: Wrap-Up 275**

Key Terms 275

Exam Practice 276

# **7**

## **THE BUREAUCRACY 282**

## **Chapter Introduction 283**

## **Democracy and Bureaucracy 284**

## **The Bureaucrats Who Implement Federal Policies 287**

Political Appointees 288

Senior Executives 289

Civil Servants 289

SOURCE ANALYSIS: Comparative: Then/Now 290

State, Local, and Shadow Bureaucrats 293

## **The Evolution of the Federal Bureaucracy 294**

DATA ANALYSIS: Patterns and Trends: Growth in Civilian Workforce 295

DATA ANALYSIS: Patterns and Trends: Trends in Federal Expenditures 296

ARGUMENTATION: Thinking Critically: Is the Federal Government Too Big? 297

Departments 298

Independent Administrative Agencies 298

DATA ANALYSIS: Evaluating the Facts: Establishment of Cabinet Departments 299

Independent Regulatory Commissions 300

Government Corporations 301

Executive Office of the President 301

## **The Work of Bureaucrats 302**

Agenda Setting 302

Policy Formulation 303

Policy Approval 304

Appropriation Approval 304

Policy Implementation 305

Policy Evaluation 305

## **Bureaucratic Accountability 306**

Accountability to the People 306

Accountability to the Courts 307

CONCEPT APPLICATION: Thinking Critically 308

Accountability to Congress 309

Accountability to the President 309

Internal Accountability 309

## **Can Bureaucratic Performance Be Improved? 311**

The Best-Performing Bureaucracies 312

DATA ANALYSIS: Patterns and Trends: Is It Government Performance or Partisanship? 313

Does Contracting-Out Improve Performance? 314

Citizens' Role in Bureaucratic Performance 315

## **Conclusion: Thinking Critically about What's Next in the Bureaucracy 316**

## **References 317**

## **Chapter 7 Wrap-Up 318**

Key Terms 318

Exam Practice 319

## **UNIT 2**

## **WRAP-UP 324**

## **■ Exam Practice 325**

**Multiple Choice Questions 325**

**Free Response Questions 330**



## ■ What Is the Balance Between Order and Liberty? 333

Big Ideas 333

Skills & Practices 335

# 8

## CIVIL LIBERTIES 336

### Chapter Introduction 337

#### Civil Liberties in the American Legal System 338

The Freedoms Protected in the American System 338

The Historical Basis for American Civil Liberties: The Bill of Rights 339

DATA ANALYSIS: Analyzing the Sources: Balancing the Tension Between Liberty and Security 339

Incorporation of the Bill of Rights to Apply to the States 340

CONCEPT APPLICATION: Thinking Critically 341

#### Freedoms in Practice: Controversy over the Second Amendment and the Right to Bear Arms 342

DATA ANALYSIS: Patterns and Trends: Selective Incorporation of the Bill of Rights 343

Changing Interpretations of the Second Amendment 344

Citizens Engaged: Fighting for a Safer Nation 344

ARGUMENTATION: Thinking Critically: Should the United States Have Stricter Gun Safety Laws? 345

#### Freedoms of Speech, Assembly, and the Press: Supporting Civic Discourse 346

The First Amendment and Political Instability 347

Freedom of Speech 349

Freedom of Assembly and Redress of Grievances 353

Freedom of the Press 354

#### Freedoms of Religion, Privacy, and Criminal Due Process: Encouraging Civic Engagement 355

The First Amendment and the Freedom of Religion 355

SOURCE ANALYSIS: Comparative: Then/Now 357

The Right to Privacy 360

The Fourth, Fifth, Sixth, and Eighth Amendments: Ensuring Criminal Due Process 363

#### Civil Liberties Now 368

Perceived Intrusions on Freedom of the Press 368

Perceived Intrusions on Criminal Due Process 369

Free Speech on Campus 371

SCOTUS APPLICATION: *US v. O'Brien* 372

#### Conclusion: Thinking Critically About What's Next for Civil Liberties 373

#### References 374

#### Chapter 8 Wrap-Up 376

Key Terms 376

Exam Practice 377

# 9

## CIVIL RIGHTS 382

### Chapter Introduction 383

#### The Meaning of Equality Under the Law 384

#### Slavery and Its Aftermath 387

Slavery in the United States 388

Reconstruction and the First Civil Rights Acts 389

Backlash: Jim Crow Laws 390

Governmental Acceptance of Discrimination 391

Governmental Enforcement of Discrimination 392

SCOTUS COMPARISON: *Plessy v. Ferguson* (1896) 393

DATA ANALYSIS: Patterns and Trends: Median Family

Wealth by Race/Ethnicity, 1963–2016 394

#### The Modern Civil Rights Movement 394

Fighting Back: Early Civil Rights Organizations 395

The End of Separate but Equal 395

The Movement Gains National Visibility 396

Local Organizing and Civil Disobedience Strategies 397

SOURCE ANALYSIS: Analyzing Visual Sources: A Famous Image from the Civil Rights Era 398

#### The Government's Response to the Civil Rights Movement 399

The Civil Rights Act of 1964 400

The Voting Rights Act of 1965 400

Impact of the Civil Rights Movement 400

SOURCE ANALYSIS: Analyzing Primary Sources: Letter from Birmingham Jail 401

#### Black Lives Matter 402

Future of the Movement 403

#### The Movement for Women's Civil Rights 404

The First Wave of the Women's Rights Movement 404

The Second Wave of the Women's Rights Movement 407

DATA ANALYSIS: Evaluating the Facts: The Wage Gap, by Gender and Race 408

The Third Wave of the Women's Rights Movement 410

The Fourth Wave: Sexual Violence Promotes Inequality 410

#### Evolution of Civil Rights 411

Lesbian, Gay, Bisexual, and Transgender Citizens 411

Native Americans' Rights 414

SOURCE ANALYSIS: Comparative: Then/Now 415

Citizens of Latin American Descent 416

ARGUMENTATION: Thinking Critically: What Is the Impact of Illegal Immigration? 418

Citizens of Asian Descent 419

DATA ANALYSIS: Evaluating the Facts: Comparative Asian American Household Incomes	421
Citizens with Disabilities	422
ARGUMENTATION: Thinking Critically	423
<b>When Is Voter Suppression a Threat to Civil Rights?</b>	<b>424</b>
Recent Examples of Voter Suppression	424
The Question of Voter Fraud	424
Partisanship and Voter Suppression	425

<b>Conclusion: Thinking Critically About What's Next in Civil Rights</b>	<b>425</b>
<b>References</b>	<b>427</b>
<b>Chapter 9 Wrap-Up</b>	<b>429</b>
Key Terms	429
Exam Practice	430

## UNIT 3 WRAP-UP 434

<b>Exam Practice</b>	<b>435</b>
Multiple Choice Questions	435
Free Response Questions	440

## UNIT 4 AMERICAN POLITICAL IDEOLOGIES AND BELIEFS 442

<b>How Do Widely Held Political Ideologies Shape Policy Debates and Choices in American Politics?</b>	<b>444</b>
Big Ideas	444
Skills and Practices	445

# 10

## POLITICAL SOCIALIZATION AND PUBLIC OPINION 446

<b>Chapter Introduction</b>	<b>447</b>
<b>Political Socialization and Civic Participation</b>	<b>448</b>
The Process of Political Socialization	448
Participating in Civic Life	449
<b>Agents of Socialization</b>	<b>449</b>
Family Influences on Attitudes, Opinions, and Actions	449
ARGUMENTATION: Thinking Critically: A Nation Divided?	450
The Media's Ever-Increasing Role in Socialization	452
SOURCE ANALYSIS: Analyzing Secondary Sources	452
Schools, Patriotism, and Civic Participation	453
Religious Institutions: Faith as an Agent of Socialization	453
Peers and Group Norms	455
Political and Community Leaders: Opinion Influencers	455
Demographic Characteristics: Our Politics Are a Reflection of Us	455
DATA ANALYSIS: Evaluating the Facts: Candidate Support by Racial and Ethnic Group	456
DATA ANALYSIS: Evaluating the Facts: Latinx Party Identification by National Origin	457
DATA ANALYSIS: Evaluating the Facts: Party Identification Among Men and Women	458

DATA ANALYSIS: Evaluating the Facts: Ideology in the States	461
DATA ANALYSIS: Evaluating the Facts: Levels of Religiosity in the United States	461
DATA ANALYSIS: Analyzing the Sources: Examining Americans' Ideology	462

<b>The Socialization and Opinions of Young Americans</b>	<b>463</b>
SOURCE ANALYSIS: Comparative: Then/Now	464
<b>Measuring Public Opinion</b>	<b>467</b>
How Public Opinion Polls Are Conducted	467
SOURCE ANALYSIS: Reading Public Opinion	470
Types of Political Polls	471
<b>What Americans Think About Politics</b>	<b>472</b>
The Most Important Problem	473
Public Opinion About Government	473
DATA ANALYSIS: Evaluating the Facts: Trust in Government to Handle International and Domestic Problems	474
DATA ANALYSIS: Evaluating the Facts: Trust in the Branches of Government	475
<b>Conclusion: Thinking Critically About What's Next in Public Opinion</b>	<b>476</b>
<b>References</b>	<b>478</b>
<b>Chapter 10 Wrap-Up</b>	<b>479</b>
Key Terms	479
Exam Practice	480



# 11 ECONOMIC POLICY 486

## Chapter Introduction 487

### The American Dream and the American Economy 488

The American Dream 488

The U.S. Economy 489

ARGUMENTATION: Thinking Critically: Should College Tuition Be Free? 490

### Measuring Economic Health 491

Traditional Measures of Economic Health 491

Other Measures of Economic Health 492

DATA ANALYSIS: Evaluating the Facts: Human Development Index Rankings: 2019 493

DATA ANALYSIS: Analyzing the Sources: Is There Too Much Income Inequality in the United States? 494

### Economic Theories That Shape Economic Policy 496

Laissez-Faire Economics: An Unrealized Policy 496

Keynesian Economics 497

SOURCE ANALYSIS: Comparative: Then/Now 499

Supply-Side Economics 500

Monetarism 500

CONCEPT APPLICATION: Thinking Critically 501

Should One Economic Theory Predominate? 502

### Fiscal Policy 502

Tax Policy 502

DATA ANALYSIS: Patterns and Trends: Federal Revenues and Expenditures: 1969 and 2019 503

Spending Policy 504

National Budget Process: Creating Fiscal Policy 505

Today's Federal Budget Realities 506

DATA ANALYSIS: Patterns and Trends: Deficit Spending Since Last Surplus Years 508

DATA ANALYSIS: Patterns and Trends: Who Owns the \$24 Trillion U.S. Debt? 509

### Monetary Policy: The Federal Reserve System 509

ARGUMENTATION: Thinking Critically 510

### Regulatory Policy 511

Business Regulation 512

Social Regulation 512

The Benefits and Costs of Regulation 514

### Trade Policy in the Global Economy 514

### The American Dream in Today's Economy 516

### Conclusion: Thinking Critically About What's Next in Economic Policy 517

### References 518

### Chapter 11 Wrap-Up 519

Key Terms 519

Exam Practice 520

### Tools of Domestic Policy 530

Laws and Regulations 530

Direct Provision of Public Goods 532

Cash Transfers 532

Loans, Loan Guarantees, and Insurance 532

ARGUMENTATION: Thinking Critically: Should the United States

Postal Service Be Shut Down? 533

Grants-in-Aid and Contracting-Out 535

The Provision of Information 535

### Environmental Policy 535

Environmental Degradation 536

Environmental Protection 537

### Energy Policy 540

SOURCE ANALYSIS: Comparative: Then/Now 540

### Education Policy 542

Federal Education Policies 542

DATA ANALYSIS: Patterns and Trends: Benefits of Educational Attainment (2018) 543

Federal Policy and College Student Debt 543

### Income Security Programs 544

Social Security 545

DATA ANALYSIS: Patterns and Trends: Government Outlays 546

Unemployment Compensation 547

Minimum Wage 547

DATA ANALYSIS: Patterns and Trends: Minimum Wage by State, January 1, 2020 548

Earned Income Tax Credit and Child Tax Credit 548

Temporary Assistance for Needy Families 549

DATA ANALYSIS: Patterns and Trends: Maximum TANF Benefits for a Family of Three by State: 2018 550

Other Safety Net Programs 550

DATA ANALYSIS: Evaluating the Facts: Department of Health and Human Services Poverty Guidelines for the 48 Contiguous States and Washington, D.C., 2020 551

### Health Care Policy 552

Medicaid 552

Medicare 553

The Patient Protection and Affordable Care Act (ACA) 553

QUANTITATIVE ANALYSIS: Affordable Care Act 554

### Immigration Policy 555

DATA ANALYSIS: Comparative: Where U.S. Lawful Permanent Residents Come From, 2018 556

Unauthorized Immigration 557

Proposed Immigration Policy Reforms 557

### Conclusion: Thinking Critically About What's Next in U.S.

### Domestic Policy 558

### References 560

### Chapter 12 Wrap-Up 561

Key Terms 561

Exam Practice 562

# 12 DOMESTIC POLICY 526

## Chapter Introduction 527

### Citizen Engagement and Domestic Policy 528

DATA ANALYSIS: Analyzing the Sources: What are the Policy Priorities of Americans? 529

# 13 FOREIGN POLICY AND NATIONAL SECURITY 566

## Chapter Introduction 567

### The Tools of U.S. Foreign Policy 567

Diplomacy 567

Trade and Economic Policies 568

SOURCE ANALYSIS: Analyzing Primary Sources: The Ukraine Transcripts 570  
The Military Option 573

**Who Decides? The Creators and Shapers of Foreign Policy 575**

The President and the Executive Branch 575  
Congress 576  
ARGUMENTATION: Thinking Critically: Does the President Have Too Much Power in Foreign Policy Making? 577  
The Military-Industrial Complex 578  
SOURCE ANALYSIS: Analyzing Visual Sources 579  
The Media and New Technologies 580  
Public Opinion 580  
Private Citizens 581

**U.S. Foreign Policy in Historical Context 582**

The Constitutional Framework and Early Foreign Policy Making 582  
Hegemony and National Expansion: From the Monroe Doctrine to the Roosevelt Corollary 584  
World War I and the End of U.S. Isolationism 585  
Internationalism and the League of Nations 586  
World War II: U.S. Foreign Policy at a Crossroads 586

**The Postwar Era: The United States as Superpower 587**

International Agreements and Organizations 587  
DATA ANALYSIS: Analyzing Visual Sources: Recipients of Marshall Plan Aid, 1948–1951 588  
The Cold War: Superpowers in Collision 590  
U.S. Efforts to Contain Communism: Korea, Cuba, and Vietnam 591

Détente: A Thaw in the Cold War Chill 593  
The Reagan Years and Soviet Collapse 594  
Post-Soviet Times: The United States as Solo Superpower in an Era of Wars 595  
SOURCE ANALYSIS: Comparative: Then/Now 596

**U.S. Foreign Policy in the 21st Century 597**

The Bush Doctrine: A Clash of Civilizations 597  
The Obama Doctrine: A More Conciliatory Approach to Foreign Policy 600  
The Trump Doctrine: America First 600  
ARGUMENTATION: Thinking Critically: Do the Geneva Conventions Apply When Terrorists Have So Drastically Altered the Rules of War? 601

**Future Challenges in American Foreign Policy 602**

Environmental and Health Issues 603  
Trade Policy 603  
The Ongoing Threat of Terrorism 604  
Russian Expansion and Influence 604  
Nuclear Proliferation 604  
Technology's Potential in Foreign Affairs 604  
DATA ANALYSIS: Evaluating the Facts: The Nuclear Club 605

**Conclusion: Thinking Critically About What's Next in Foreign Policy and National Security 606**

**References 607**

**Chapter 13 Wrap-Up 608**

Key Terms 608  
Exam Practice 609

## UNIT 4 WRAP-UP 613

■ **Exam Practice 616**

Multiple Choice Questions 616

Free Response Questions 622

## UNIT 5 POLITICAL PARTICIPATION 624

■ **What is Political Participation? 626**

Big Ideas 626

Skills and Practices 627

# 14 CAMPAIGNS, ELECTIONS, AND VOTING 628

**Chapter Introduction 629**

**The Importance of Fair, Independent Elections 630**

Why Election Meddling Matters 631  
Intentional Efforts at Voter Suppression 631  
Political Participation as an Expression of the Will of the People 632

**The Act of Voting 632**

The 2000 Election and Its Impact 633  
Types of Ballots 633  
Voting by Mail 634

**Running for Office: The Choice to Run 636**

Formal Eligibility Requirements 637  
Informal Eligibility Requirements 638

**Elections in the United States 639**

Deciding the Nomination: Caucuses and Primaries 640  
General Elections 641



ARGUMENTATION: Thinking Critically: Should the United States Have a National Primary? 642  
Referendum, Initiative, and Recall 643

### **The Nature of Political Campaigns Today 644**

The Professionalization of Political Campaigns 644  
SOURCE ANALYSIS: Comparative: Then/Now 645  
The Media: Transforming Political Campaigns 646  
Revolutionizing the Campaign: New Technologies 646

### **Presidential Campaigns 648**

Party Conventions and the General Election Campaign 648  
The Electoral College 648  
DATA ANALYSIS: Evaluating the Facts: The 2020 Electoral College Vote 649

### **Congressional Elections 649**

Incumbency 650  
Reapportionment and Redistricting 651  
ARGUMENTATION: Thinking Critically: Are Congressional Elections “Rigged” Through Gerrymandering? 652  
Gerrymandering 653  
SOURCE ANALYSIS: Comparative: Then/Now 654  
Increased Partisanship and Congressional Redistricting 654  
Majority-Minority Districts 655  
DATA ANALYSIS: Analyzing the Sources: Mapping Majority-Minority Districts 656

### **Who Votes? Factors in Voter Participation 657**

Education Level—The Number-One Predictor of Voting 657  
The Age Factor 657  
Race, Ethnicity, and Voter Participation 657  
DATA ANALYSIS: Evaluating the Facts: Age and Voting in Presidential Elections 658  
Income—A Reliable Predictor of Voting 658  
DATA ANALYSIS: Analyzing the Sources: Exploring Race and Voting 659  
Party Competitiveness and Voter Turnout 660

### **How Voters Decide 660**

Major Factors in Voter Decision Making 660  
Campaign Influences on Voter Choice 661

### **Why Some People Do Not Vote 662**

Lack of Efficacy 662  
Voter Fatigue and Negative Campaigns 662  
The Structure of Elections 663  
Rational Choice Theory 663  
The Consequences of Nonvoting 663

### **Money and Politics 664**

Early Efforts to Regulate Campaign Finance 665  
The Court Weighs In: Money = Speech 666  
The Bipartisan Campaign Reform Act of 2002 667  
The Court Weighs In (Again): The Birth of Super PACs 667  
Super PACs and Independent Expenditures 668  
SCOTUS COMPARISON: *Citizens United v. FEC* (2010) 669  
Circumventing the Rules: Dark Money, 527s, and 501(c)4s 669

### **Conclusion: Thinking Critically About What’s Next in Campaigns, Elections, and Voting 670**

### **References 671**

### **Chapter 14 Wrap-Up 672**

Key Terms 672  
Exam Practice 673

# 15 **POLITICAL PARTIES 676**

### **Chapter Introduction 677**

### **Are Political Parties Today in Crisis? 678**

A Democratic Party Struggling to Evolve 678  
DATA ANALYSIS: Patterns and Trends: The People’s Opinion of Democrats and Republicans 679  
The Republican Party in the Era of President Trump 680

### **Parties Today and Their Functions 681**

How Parties Engage Individuals 682  
What Political Parties Do 682  
The Responsible Party Model 684

### **The Three Faces of Parties 684**

The Party in the Electorate 684  
DATA ANALYSIS: Analyzing the Sources: Why Do People Belong to Their Party? 686  
The Party Organization 689  
The Party in Government 691

### **Political Parties in U.S. History 693**

The First Party System: The Development of Parties, 1789–1828 694  
The Second Party System: The Democrats’ Rise to Power, 1828–1860 694  
The Third Party System: The Republicans’ Rise to Power, 1860–1896 695  
The Fourth Party System: Republican Dominance, 1896–1932 696  
SOURCE ANALYSIS: Comparative: Then/Now 698  
The Fifth Party System: Democratic Dominance, 1932–1968 698  
A New Party System? 699

### **The Party System Today: In Decline, in Resurgence, or a Post-Party Era? 699**

The Party’s Over 699  
The Party’s Just Begun 701  
A Post-Party Era? 702

### **Two-Party Domination in U.S. Politics 703**

The Dualist Nature of Most Conflicts 703  
DATA ANALYSIS: The Two-Party System: 2017 Bundestag Election Results 704  
DATA ANALYSIS: Comparative 705  
The Winner-Take-All Electoral System 706  
Continued Socialization to the Two-Party System 706  
Election Laws That Favor the Two-Party System 707

### **Third Parties in the United States 707**

DATA ANALYSIS: Evaluating the Facts: Support for a Third Party by Party Identification 708  
Types of Third Parties 709  
The Impact of Third Parties 709  
SOURCE ANALYSIS: Analyzing Visual Sources 710  
ARGUMENTATION: Thinking Critically: Are Third Parties Bad for the United States? 712

### **New Ideologies, New Technologies: The Parties in the 21st Century 713**

Republicans Today: The Establishment, President Trump, and the Tea Party 713

A Battle for the Soul of the Democratic Party Today 715  
Changing Both Parties: New Technologies 715

**Conclusion: Thinking Critically About What's Next in American Political Parties 716**

**References 718**

**Chapter 15 Wrap-Up 719**

Key Terms 719  
Exam Practice 720

# 16

## INTEREST GROUPS 724

**Chapter Introduction 725**

**The Value of Interest Groups 726**

Interest Groups and Civic Participation 728  
Pluralist Theory versus Elite Theory 728  
Key Functions of Interest Groups 729  
The Downside of Interest Groups 731

**Who Joins Interest Groups, and Why? 732**

Patterns of Membership 732  
Motivations for Joining Interest Groups 734

**How Interest Groups Succeed 735**

Organizational Resources 735  
Organizational Environment 737  
SOURCE ANALYSIS: Comparative: Then/Now 738

**Types of Interest Groups 739**

Economic Interest Groups 739  
Public and Ideological Interest Groups 741  
Foreign Policy Interests 743

**Interest Group Strategies 744**

Direct Strategies to Advance Interests 744  
Indirect Strategies to Advance Interests 746  
DATA ANALYSIS: Evaluating the Facts: Incumbents and Challengers 748  
DATA ANALYSIS: Analyzing the Sources: Evaluating Interest Group Strategies 749

**Interest Groups, Politics, and Money: The Influence of Political Action Committees 750**

ARGUMENTATION: Thinking Critically: Should Super PACs Enjoy Unlimited Free Speech? 751  
ARGUMENTATION: Thinking Critically 752

**Conclusion: Thinking Critically About What's Next for Interest Groups 753**

**References 755**

**Chapter 16 Wrap-Up 756**

Key Terms 756  
Exam Practice 757

# 17

## THE MEDIA 762

**Chapter Introduction 763**

**The Modern Media 763**

**The Political Functions of the Media 764**

Providing Information 764  
Interpreting Matters of Public Interest and Setting the Public Agenda 765  
Providing a Forum for Conversations About Politics 765  
DATA ANALYSIS: Analyzing the Sources: Confidence in the Media 766  
Socializing Children to Political Culture 767

**The Press and Politics: A Historical View 767**

The Early Role of the Press 768  
Yellow Journalism and Muckraking 768  
A Widening War for Readership 769  
Increasing Diversity in Newsrooms 770  
DATA ANALYSIS: Evaluating the Facts: Newsroom Employment by Gender 771

**The Media Go Electronic: The Radio and Television Revolutions 771**

How Radio Opened Up Political Communication 771  
Television and the Transformation of Campaigns and Elections 772  
SOURCE ANALYSIS: Comparative: Then/Now 773  
How Americans Use the Media to Get Political Information 774  
DATA ANALYSIS: Patterns and Trends: Where Americans Get Their News Varies by Age 775

**Media Consolidation 775**

**The Proliferation of News Sources and Greater Scrutiny 776**

The Cell-Phone Watchdogs 776  
Blogs: The New Penny Papers? 778

**Biased Media? 778**

The Question of Ideological Bias 778  
The Issue of Corporate Bias 779

**Regulation of the Media: Is It Necessary? 779**

ARGUMENTATION: Thinking Critically: Should Network Television Be Subject to Stricter Regulations than Cable and the Internet Are? 780

**Conclusion: Thinking Critically About What's Next for the Media 781**

**References 783**

**Chapter 17 Wrap-Up 784**

Key Terms 784  
Exam Practice 785

# 18

## POLITICS AND TECHNOLOGY 790

**Chapter Introduction 791**

**The Modern Technological Revolution: The Internet and Cellular Technology 791**

Who Uses the Internet? 792  
DATA ANALYSIS: Evaluating the Facts: Who Uses the Internet? 793  
New Forms of Community 794

**Technology Now: Changing How Candidates Campaign and Citizens Participate 795**

Politics on Demand 796  
Technological Tools: Paving the Two-Way Communication Street 796

SOURCE ANALYSIS: Analyzing Visual Sources	797	Domestic Surveillance, Data Breaches, and Other Privacy Issues	811
New Campaign Strategies and Modes of Political Participation	798	Fake News and the Issue of Accuracy	814
<b>Technology Now: Revolutionizing How Governments Work</b>	<b>803</b>	SOURCE ANALYSIS: Deepfakes	815
SOURCE ANALYSIS: Comparative: Then/Now	804	A Tool for Terrorists: Recruiting, Communicating, Operationalizing	816
<b>What Is the Impact of Technology on Political Life?</b>	<b>805</b>	Fomenting Polarized Partisanship and Extremism	817
Technology Is a Powerful Tool for Protesters and Activists	805	The Dominance of “Big Tech”	818
Technology Increases the Amount of Political Information Available	807	The Internet and Free Speech	818
What’s Next: How Technology Will Continue to Transform the Political Landscape	807	<b>Regulation of the Internet: Is It Necessary?</b>	<b>819</b>
<b>The Downside of Technology in Politics</b>	<b>808</b>	ARGUMENTATION: Thinking Critically: Should We Regulate the Internet Infrastructure?	820
Election Infiltration	809	<b>Conclusion: Thinking Critically About What’s Next in Politics and Technology</b>	<b>821</b>
DATA ANALYSIS: Analyzing the Sources: Trolling for Votes	810	<b>References</b>	<b>822</b>
Cyber Threats	811	<b>Chapter 18 Wrap-Up</b>	<b>824</b>
		Key Terms	824
		Exam Practice	825

<b>UNIT 5</b>	<b>WRAP-UP</b>	<b>829</b>
	<b>■ Exam Practice</b>	<b>831</b>
	<b>Multiple Choice Questions</b>	<b>831</b>
	<b>Free Response Questions</b>	<b>838</b>
AP PRACTICE EXAM 842		
AP GOVERNMENT AND POLITICS SCORING RUBRICS 860		
GLOSSARY G		
INDEX I		

# Fully Aligned for AP Success

The 7th Edition of *American Democracy Now* has been thoroughly updated to fully align with the Advanced Placement® U.S. Government and Politics Curriculum Framework. The program is organized to follow the AP Course Framework, which features commonly taught units of study that provide a suggested sequence for the course. These units are based on content and conceptual understandings that colleges and universities typically expect students to master to qualify for college credit and/or placement. The content is grounded in Big Ideas, which are cross-cutting concepts that built conceptual understanding and spiral through the course.

Additionally, the course comprehensively incorporates AP Disciplinary Practices and Reasoning Processes, which are central to the study and understanding of government and politics. As laid out in the AP Course Framework, these skills are embedded in every chapter through features that incorporate AP Key Terms, Foundational Documents, and required Supreme Court cases.

The program engages students with current and compelling content and increases their sense of political efficacy by exciting them about the political conversations of the day. Integrated critical thinking activities help students to connect the past and present of politics with the future, and ask: What's next for their democracy? Dedicated chapters on Media and Politics & Technology meet students where they are so they can truly connect with the relevance of politics in their everyday lives – this can lead to lively class discussions and activities that support Enduring Understandings such as balance of power, public opinion polling, and how the various forms of media inform and influence. Students learn how the fundamental principles of American democracy inform their understanding of the politics and policies of today so that they can think about, and participate in creating, the policies they would like to see take shape tomorrow.

At the heart of the *American Democracy Now* is a rich set of pedagogical tools designed around AP Big Ideas, using Enduring Understandings and Learning Objectives to meet the rigors of AP coursework and prepare students for success on the AP Exam. The instructional design is visually appealing, relevant, and written in an accessible voice to ensure all students, at all levels, are well supported as they garner a solid understanding of the key elements, institutions, and dynamics of American government.

## Overview of Program Features

- **Unit Openers** present **AP Big Ideas** contextualized in real-world scenarios. The questions in the openers provide a framework for how to think about the readings and activities in the subsequent chapters and encourage students to identify unifying themes and concepts within these chapters to help them synthesize information and see the bigger picture.
- **Chapter Introductions** help students focus on the learning ahead, helping to focus their study and highlighting the connections between past, present, and future.
- **AP Key Terms, Foundational Documents, and Supreme Court Cases** highlight required **AP Concepts, Documents, and Supreme Court Cases** with annotations for quick reference. A list of terms and documents are also provided in the **Chapter Wrap-Up** giving students the opportunity to review and check their understanding.
- **Then, Now, Next** provides ample practice in **applying political concepts and processes** to past, present, and future scenarios and to develop arguments in support of a position.



# Fully Aligned for AP Success, *continued*

- **Thinking Critically** activities ask students to thoughtfully evaluate sources while applying AP disciplinary practices such as **concept application**, **argumentation**, and **source analysis**.
- **Data Analysis** activities help students consume political data in a meaningful way.
- **SCOTUS Application** activities help students understand **required AP Supreme Court Cases** and how they apply to other Court cases.
- A variety of **graphs, charts, illustrations, photos, political cartoons, text-based documents**, and **commentary** provide additional source analysis activities.
- **Chapter AP Test Practice** in the AP multiple choice and free response formats help students test their knowledge while familiarizing themselves with AP exam style questions.
- **Unit Wrap-Ups** revisit the AP Big Ideas from the Unit Openers, asking students to make connections between the chapters and encouraging them to seek continuities in U.S. political history, life, and ideologies.
- **AP Unit Exam Practice** allows students to test the knowledge gained and strengthens mastery of concepts in the cross-cutting AP Big Ideas.

## AP-Aligned Units Engage Students and Connect to AP Big Ideas

**UNIT 2**

**INTERACTIONS AMONG BRANCHES OF GOVERNMENT**

The content of Unit 2, "Interactions Among Branches of Government," is at the heart of the national policy-making process. You will read about each of these institutions: Congress (Chapter 4), the Presidency (Chapter 5), the Judiciary (Chapter 6), and the Bureaucracy (Chapter 7). It is particularly important to study each of these institutions in isolation. Before, you will learn about how each interacts with the others and will consider the role of citizen participation in how each of these operates. The study of the branches of government is not limited to education among the branches themselves, but also to how the federal government interacts with state governments and how the federal government responds to citizen interests.

You will read about how the powers of Congress, the Presidency, and the Judiciary are described in Articles I, II, and III of the Constitution, respectively. The bureaucracy is the term to describe our large, complex, executive branch of government today, and the executive branch (bureaucracy) is outlined in Article II. The Constitution was designed to be tested through a system of checks and balances. For example, one of the powers granted to Congress is the power of impeachment. This power gives the House the right to impeach, or accuse the President of crime, and the Senate the power to conduct a trial. However, in order to successfully impeach a President, the House must have citizen support. Some members of the House are subject to reelection. The impeachment rules of the House are subject to revision. The impeachment rules of the Senate are subject to revision.

**How will our policymaking institutions continue to evolve?**

**Big Ideas**

Throughout this Unit, you will find examples to support these AP Big Ideas:

- The US Constitution establishes a system of checks and balances among branches of government and allocates power between federal and state governments. This system is based on the rule of law and the balance between majority rule and minority rights.
- Governmental laws and policies balancing order and liberty are based on the U.S. Constitution and have been interpreted differently over time.
- Popular sovereignty is a key principle of the U.S. government.
- Multiple actors and institutions engage and influence political behavior.
- Using various political behaviors, citizens influence government.

**Skills and Practices**

As you read through these four chapters, consider how the skills of description, analysis, comparison, and causation help you to make sense of the information. By the end of this unit, you should be able to answer questions such as:

- What has historically caused the power of the presidency to increase?
- Will executive power continue to increase, as it has in recent decades?
- What factors have shaped the conflict between the President and the Senate over the appointment of new federal judges?
- What might be the policymaking impact of those new appointments?
- Will the Supreme Court's power of judicial review continue to have strong influence over public policies?

**Unit Openers** emphasize overarching themes and apply them to real-world scenarios.

Units are organized based on the AP Course Framework, which systematically builds knowledge through **Big Ideas** that frame that unit's subsequent chapters. The Unit Openers help students determine important themes and concepts as they proceed through course material, enhancing conceptual understandings.

Students are also given guidance and examples to better understand how to apply the **AP Reasoning Processes and Disciplinary Practices** they'll exercise in each chapter.

# Chapters Designed Exclusively for the AP Classroom

Each chapter in *American Democracy Now* Seventh Edition has a **Chapter Introduction**, emphasizing the **AP Enduring Understandings**, which are related to the Big Ideas, to give students a foundation for understanding and putting the chapter content into AP context. By highlighting the Enduring Understandings that frame each chapter, students will be equipped to understand how the topics illustrate these statements and how they come together as a whole.

Chapter  
14

Campaigns, Elections,  
and Voting

THEN

Political party-dominated campaigns and grassroots activism were deciding factors in how people voted.

NOW

Candidate-centered campaigns rely on a mix of free social media to communicate with voters, paid professionals, and costly media buys to refine their messages to voters.

NEXT

How will new technologies drive how people vote and how campaigns are run?  
How can government, candidates, and voters protect the electoral system from voter suppression, fraud, and corruption?  
How will changes in the campaign finance system, including the advent of super PACs, affect how campaigns are waged?

Chapters are organized with a unique **Then, Now, Next** structure designed to emphasize how the past informs the present, and how present-day issues and events might impact the future. Students are challenged to consider how their participation as citizens might help shape tomorrow’s political culture, ideologies, and institutions.

Throughout each chapter, annotations call attention to **Key Terms** and **AP Required SCOTUS Cases and Foundational Documents**. These enhance student understanding of important topics as well as offering specific context for understanding both political history and present-day realities.

**full faith and credit clause**  
The constitutional clause that requires states to comply with and uphold the public acts, records, and judicial decisions of other states.

Because of the ease of traveling between states as well as relocating from state to state, an important component of horizontal federalism stems from the full faith and credit clause of Article IV, Section 1, of the Constitution. The **full faith and credit clause** asserts that each state must recognize as legally binding (that is, valid and enforceable) the public acts, records, and judicial proceedings of every other state. For example, in March 2016, the Supreme Court cited the full faith and credit clause when it ruled that states must honor adoptions by same-sex parents who move across state lines.<sup>8</sup>

AP U.S. GOVERNMENT REQUIRED FOUNDATIONAL DOCUMENTS		
	Author(s)	Main ideas to look for/consider
Articles of Confederation	U.S. Continental Congress	Established a weak central government that lacked the power to tax and raise an army.
Federalist 10	James Madison	It is natural for citizens in a free society to form factions.
Federalist 51	James Madison	Federalism, separation of powers, and checks and balances established in the Constitution will control the effects of factions.
Brutus 1	Unknown	The Constitution provides too much elasticity and power to the national government, and if ratified, will render state governments irrelevant.

Tables also provide quick reference to encourage mastery of concepts in Foundational Documents.

## Fully Aligned for AP Success, *continued*

## Chapters Provide Deeper Application of AP Skills and Practices

## Apply Disciplinary Practices and Develop Reasoning Skills

Each chapter also includes opportunities to apply **Disciplinary Practices** giving students the opportunity to learn and build critical thinking skills necessary for success on the **AP Exam**. These skills can be used to analyze both written and visual sources. Students are given the opportunity to build those skills in every chapter as they proceed through the course.

# ARGUMENT

## THINKING CRITICALLY


Development an argument taking a position on whether or not the Supreme Court has achieved judicial independence as intended by the features of the Constitution. Consider not only the decisions made by the court, but also the confirmation process of the individual justices.

In your essay, you must:

- Articulate a thesis statement that establishes a position
- Support your thesis with evidence
  - At least 6 foundational
    - Feeder
    - Article
    - Article
- Use a solid list or foot
- Use reason
- Respond to or rebuttal

### SOURCE ANALYSIS


### THEN



Chip Somodevilla/Getty Images

### COMPARATIVE

### NOW



Sean Louie/Getty Images

➤ Senator Mitch McConnell (R-Ky) was elected Senate Majority Leader when the Republicans took control of the Senate in 2014. When they maintained their majority in the chamber in 2016 and 2018, McConnell was reelected to that role. He is viewed as a solid conservative member of his party and as an obstructionist by his opponents. Representative Nancy Pelosi (D-Calif.) has served as Speaker of the House since 2019, and previously from 2007 to 2011. She is the highest-ranking woman elected official in U.S. history and is the only woman to have ever served as Speaker. Since 2019, she has faced pressure from more progressive members of her party, including Representative Alexandria Ocasio Cortez (D-N.Y.; right).

## CONCEPT ANALYSIS THINKING CRITICALLY

### Changing Public Opinion About the Death Penalty

The Eighth Amendment to the U.S. Constitution states, "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." The ban on cruel and unusual punishment under the U.S. Constitution is debated to this day. What does it mean for a punishment to be cruel or unusual? One punishment used in Colonial America was tarring and feathering, imposed to publicly humiliate a suspected criminal. Such a practice would be unconscionable today. The standards of what constitutes a cruel or an unusual punishment has changed over the course of history and with our communities' standards of decency.

The federal government and many U.S. states allow the death penalty as a punishment for capital crimes. In recent years, however, two Supreme Court cases, *Reber v. Simmons* (2002) and *Adkins v. Virginia* (2002), have defined reprimanding the death penalty on minors and on individuals with impaired mental capacity as cruel, and while the death penalty is still an option for federal crimes, many states have limited the death penalty or banned it entirely due to errors made in executions and numerous legal challenges that have arisen from both executed executions and allegations of racism in sentencing.

Over time, public opinion about the death penalty has changed. Gallup polls that ask whether you support or oppose the death penalty for people who commit capital crimes show that support for the death penalty has declined since the 1960s.

### DATA ANALYSIS PATTERNS AND TRENDS


Year	Federal employees (%)	State and local employees (%)
1968	75	75
1970	75	75
1972	75	75
1974	75	75
1976	75	75
1978	75	75
1980	75	75
1982	75	75
1984	75	75
1986	75	75
1988	75	75
1990	75	75
1992	75	75
1994	75	75
1996	75	75
1998	75	75
2000	75	75
2002	75	75
2004	75	75
2006	75	75
2008	75	75

**FIGURE 7.3** **Growth in Civilian Workforce** What has been the trend regarding federal employees since 1960? What has been the pattern for the growth regarding state and local businesses on the same period? What would explain these patterns?

Sources: U.S. Census Bureau, *Statistical Abstract of the United States*, 1968, Table 476; 1969, Table 476; 1970, Table 504; 1971, Table 495; 1972, Table 504; 1973, Table 504; 1974, Table 504; 1975, Table 504; 1976, Table 504; 1977, Table 504; 1978, Table 504; 1979, Table 504; 1980, Table 504; 1981, Table 504; 1982, Table 504; 1983, Table 504; 1984, Table 504; 1985, Table 504; 1986, Table 504; 1987, Table 504; 1988, Table 504; 1989, Table 504; 1990, Table 504; 1991, Table 504; 1992, Table 504; 1993, Table 504; 1994, Table 504; 1995, Table 504; 1996, Table 504; 1997, Table 504; 1998, Table 504; 1999, Table 504; 2000, Table 504; 2001, Table 504; 2002, Table 504; 2003, Table 504; 2004, Table 504; 2005, Table 504; 2006, Table 504; 2007, Table 504; 2008, Table 504; 2009, Table 504; 2010, Table 504; 2011, Table 504; 2012, Table 504; 2013, Table 504; 2014, Table 504; 2015, Table 504; 2016, Table 504; 2017, Table 504; 2018, Table 504; 2019, Table 504; 2020, Table 504; 2021, Table 504; 2022, Table 504; 2023, Table 504; 2024, Table 504; 2025, Table 504; 2026, Table 504; 2027, Table 504; 2028, Table 504; 2029, Table 504; 2030, Table 504; 2031, Table 504; 2032, Table 504; 2033, Table 504; 2034, Table 504; 2035, Table 504; 2036, Table 504; 2037, Table 504; 2038, Table 504; 2039, Table 504; 2040, Table 504; 2041, Table 504; 2042, Table 504; 2043, Table 504; 2044, Table 504; 2045, Table 504; 2046, Table 504; 2047, Table 504; 2048, Table 504; 2049, Table 504; 2050, Table 504; 2051, Table 504; 2052, Table 504; 2053, Table 504; 2054, Table 504; 2055, Table 504; 2056, Table 504; 2057, Table 504; 2058, Table 504; 2059, Table 504; 2060, Table 504; 2061, Table 504; 2062, Table 504; 2063, Table 504; 2064, Table 504; 2065, Table 504; 2066, Table 504; 2067, Table 504; 2068, Table 504; 2069, Table 504; 2070, Table 504; 2071, Table 504; 2072, Table 504; 2073, Table 504; 2074, Table 504; 2075, Table 504; 2076, Table 504; 2077, Table 504; 2078, Table 504; 2079, Table 504; 2080, Table 504; 2081, Table 504; 2082, Table 504; 2083, Table 504; 2084, Table 504; 2085, Table 504; 2086, Table 504; 2087, Table 504; 2088, Table 504; 2089, Table 504; 2090, Table 504; 2091, Table 504; 2092, Table 504; 2093, Table 504; 2094, Table 504; 2095, Table 504; 2096, Table 504; 2097, Table 504; 2098, Table 504; 2099, Table 504; 2100, Table 504; 2101, Table 504; 2102, Table 504; 2103, Table 504; 2104, Table 504; 2105, Table 504; 2106, Table 504; 2107, Table 504; 2108, Table 504; 2109, Table 504; 2110, Table 504; 2111, Table 504; 2112, Table 504; 2113, Table 504; 2114, Table 504; 2115, Table 504; 2116, Table 504; 2117, Table 504; 2118, Table 504; 2119, Table 504; 2120, Table 504; 2121, Table 504; 2122, Table 504; 2123, Table 504; 2124, Table 504; 2125, Table 504; 2126, Table 504; 2127, Table 504; 2128, Table 504; 2129, Table 504; 2130, Table 504; 2131, Table 504; 2132, Table 504; 2133, Table 504; 2134, Table 504; 2135, Table 504; 2136, Table 504; 2137, Table 504; 2138, Table 504; 2139, Table 504; 2140, Table 504; 2141, Table 504; 2142, Table 504; 2143, Table 504; 2144, Table 504; 2145, Table 504; 2146, Table 504; 2147, Table 504; 2148, Table 504; 2149, Table 504; 2150, Table 504; 2151, Table 504; 2152, Table 504; 2153, Table 504; 2154, Table 504; 2155, Table 504; 2156, Table 504; 2157, Table 504; 2158, Table 504; 2159, Table 504; 2160, Table 504; 2161, Table 504; 2162, Table 504; 2163, Table 504; 2164, Table 504; 2165, Table 504; 2166, Table 504; 2167, Table 504; 2168, Table 504; 2169, Table 504; 2170, Table 504; 2171, Table 504; 2172, Table 504; 2173, Table 504; 2174, Table 504; 2175, Table 504; 2176, Table 504; 2177, Table 504; 2178, Table 504; 2179, Table 504; 2180, Table 504; 2181, Table 504; 2182, Table 504; 2183, Table 504; 2184, Table 504; 2185, Table 504; 2186, Table 504; 2187, Table 504; 2188, Table 504; 2189, Table 504; 2190, Table 504; 2191, Table 504; 2192, Table 504; 2193, Table 504; 2194, Table 504; 2195, Table 504; 2196, Table 504; 2197, Table 504; 2198, Table 504; 2199, Table 504; 2200, Table 504; 2201, Table 504; 2202, Table 504; 2203, Table 504; 2204, Table 504; 2205, Table 504; 2206, Table 504; 2207, Table 504; 2208, Table 504; 2209, Table 504; 2210, Table 504; 2211, Table 504; 2212, Table 50

- **Argumentation** and **Concept Application** activities ask students to explore specific issues within larger conceptual understandings relating to the AP Big Ideas.
- **Comparison** activities challenge students to analyze how political phenomena and government institutions have changed over time, using concrete examples.
- **Data Analysis** activities use critical thinking questions to help students understand how to analyze statistics, as well as how to read visual representations of data. This feature helps students evaluate information they encounter every day and determine both the legitimacy of the source and the motivation or agenda of the source.
- **Source Analysis** activities give students direct practice in analyzing both written and visual sources for meaning, context, and perspective.

### INTERPRETING IMAGES



➤ The 1955 Chicago funeral of Emmett Till, a teenager who was tortured and killed in Mississippi, attracted national attention. His mother insisted on an open casket funeral because she "wanted the whole world to see" what racism had done to her son.

**Interpret:** What can you learn from a photo like this? How do photos portraying grief or mourning impact public perception? Why might the national media attention on this murder have mobilized a generation of young people to push for radical social change in the 1960s? What are *similar* images that have contributed to more recent civil rights movements?

Bettmann/Getty Images

**Interpreting Images** questions challenge students to analyze photographs, political cartoons, and art for context, symbolism, and the perspective of the creator.

# In-Depth Supreme Court Coverage and Activities are Presented in Print and Online

The program includes activities that take a deep dive into the the required AP Supreme Court Cases. Annotations in the margins of each chapter provide additional information to help students understand the impact of these cases.

**THE POWER TO REGULATE COMMERCE** The landmark case of *McCulloch v. Maryland* (1819) exemplifies a Supreme Court ruling that established the use of the implied powers to expand the national government's enumerated authority.<sup>9</sup> The case stemmed from Congress's establishment of a national bank, and in particular a branch of that bank located in the state of Maryland, which the Maryland state authorities tried to tax. Maryland's attorneys argued that Congress

**McCulloch v. Maryland**  
The 1819 case that established that the necessary and proper clause justifies broad understandings of enumerated powers.

SCOTUS APPLICATION

UNITED STATES V. LOPEZ (1995)

In 1808, the government of New York granted a steamboat company a monopoly to operate its boats on the state's waters, which included bodies of water that stretched between states. Aaron Ogden held a license under this monopoly to operate steamboats between New Jersey and New York. Thomas Gibbons, another steamboat operator, competed with Aaron Ogden on this same route but held a federal coasting license issued by an act of Congress. Ogden filed a complaint in New York court to stop Gibbons from operating his boats, claiming that the monopoly granted by New York was legal even though he operated on shared, interstate waters. Gibbons disagreed, arguing that the U.S. Constitution gave Congress the sole power over interstate commerce, and he challenged Ogden's licensing in court.

The case eventually reached the Supreme Court, and in the ruling, the court held that the commerce clause of the Constitution grants the federal government the power to regulate the operation of steamboats between New York and New Jersey. Therefore, the license issued to Gibbons by Congress to operate a ferry service superseded the monopoly license to operate a ferry service issued to Ogden by the state of New York.

A. Identify the constitutional clause that was used in *U.S. v. Lopez* (1995) and *Gibbons v. Ogden* (1824).

B. Based on the constitutional clause identified in part A, explain why the facts of *Gibbons v. Ogden* led to a different holding than the holding in *U.S. v. Lopez*.

C. Describe an action that state governments could take if they disagree with the holding in *Gibbons v. Ogden* could take to limit its impact.

**SCOTUS Application** AP activities take an in-depth look into the SCOTUS Cases required by the AP Course Framework, challenging students to both understand the facts of the cases, as well as their impact on U.S. life and politics.

**SCOTUS Comparison Free Response Questions** ask students to compare required SCOTUS cases to non-required cases, further enhancing their skills of analysis and comparison.

Free Response Questions

SCOTUS Comparison

In *U.S. Term Limits v. Thornton* (1995), the state of Arkansas had adopted a state amendment imposing term limits for federally elected officials from the state of Arkansas would be ineligible to serve more than 3 terms and anyone elected to the U.S. Senate would be ineligible to serve more than 2 terms. In their ruling, the Supreme Court stated that the Constitution prohibits States from adopting Congressional qualifications in addition to those enumerated in the Constitution.

A. Identify the constitutional clause that is common to both *U.S. Term Limits v. Thornton* (1995) and *McCulloch v. Maryland* (1819).

B. Based on the constitutional clause identified in part A, explain why the facts of *U.S. Term Limits v. Thornton* led to a different holding in *McCulloch v. Maryland*.

C. Explain an action citizens who disagree with the ruling in *U.S. Term Limits v. Thornton* could take to limit its impact.

The program also includes **SCOTUS AP Activities** through our robust digital resources. These interactive online activities dive deep into each case, providing students with the opportunity to analyze SCOTUS cases as primary sources, and to not only read synopses of the case, but the arguments and opinions themselves, and respond with their own reasoning and arguments.

SCOTUS AP Activities

Supreme Court Case Activity

Gideon v. Wainwright, 1963

Read the case summary and the excerpts from the Court opinion and concurring opinions. Then, complete the activity. Your answers will save if you close the activity, but once you click Submit you will no longer be able to modify your answers.

CASE INFORMATION

- Case Summary
- Court Opinion
- Concurring Opinions

ACTIVITY

- Part I: Mapping the Decision
- Part II: Explaining the Decision
- Part III: Explaining Concurring Opinions
- Part IV: Making Connections
- Part V: Crafting an Essay



# Fully Aligned for AP Success, continued

## Chapter and Unit Wrap-Ups and AP Exam Practice Synthesize Knowledge for Retention and Success

Conclusion: Thinking Critically About What's Next for Federalism

Today's federalism (partisan federalism) is not the framers' federalism (dual federalism). James Madison and other framers argued that the national government's powers were limited by the Constitution and focused on foreign affairs and defense matters, while states' powers were expansive and covered domestic issues. However, the proper distribution of authority and balance of power between the national and state governments has always been controversial. Until recent decades, the Supreme Court's interpretations tended to favor an expansion of the national government's enumerated and implied powers into a growing number of domestic matters. However, the past few decades have witnessed inconsistency in the Court's interpretations. The Court protects and even expands national powers in some cases while protecting states' powers in other cases.

**Chapter Conclusions** revisit AP Enduring Understandings laid out in Chapter Introductions. These help students review and reflect on concepts they've learned in each chapter, reinforcing their conceptual understandings.

Each **Chapter Wrap-Up** includes a list of **Key Terms** and **Documents** with page numbers for quick reference.

Multiple Choice Questions

Questions 1 and 2 refer to the passage below.

*"Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? 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."*

—Madison, *Federalist 51*

1. What is Madison's main argument?

A. The Constitution is a social contract.

B. Elected officials will be tempted by power.

C. The government's power is tyrannical.

D. The nature of human beings requires a government.

2. Which of the following is an example of a check and balance?

A. Judicial review

B. The Supremacy clause

C. Implied powers

D. The ratification process

Free Response Questions

**SCOTUS Comparison**

In *Martin v. Hunter's Lessee* (1816), Denny Martin, a British subject, had the land he inherited from his uncle seized by Virginia during the Revolutionary War in 1781. The next year, Virginia's state legislature granted part of the land seized from Denny Martin to a man named David Hunter. However, a federal treaty then required that the land be given back to Denny Martin. The Virginia Supreme Court sided with the Virginia legislature. Upon review, the U.S. Supreme Court sent the case back to the Virginia Supreme Court, stating that the federal treaty required the land should indeed be returned to Denny Martin. The Virginia Supreme Court argued that the U.S. Supreme Court did not have authority over cases originating in state court. The case returned to the U.S. Supreme Court and ended in the Court's final ruling that it **does** have authority to interpret federal law as established by its supremacy in matters of constitutional interpretation.

A. Identify the constitutional principle that is common to both *Martin v. Hunter's Lessee* (1816) and *Marbury v. Madison* (1803).

B. Based on the constitutional clause identified in part A, explain why the facts of *Martin v. Hunter's Lessee* led to the same ruling as in *Marbury v. Madison*.

C. How was the ruling in *Martin v. Hunter's Lessee* similar to other rulings by the Marshall Court?

**AP Exam Practice** emphasizes both AP Skills and Practices as well as AP-aligned content for students to assess their learning and build confidence as they prepare for the AP Exam. Multiple Choice and Free Response questions are structured in alignment to reflect the current AP Exam, helping students be prepared for the terminology and phrasing they might find on the Exam.

CHAPTER 4 WRAP-UP	
Key Terms	
agency review.....	171
agenda setting.....	165
attentive public.....	182
bill.....	168
casework.....	163
cloture.....	172
conference committee.....	173
congressional oversight.....	164
discharge petition.....	171
earmark.....	163
filibuster.....	172
hearings.....	171
hopper.....	169
House majority leader.....	175
House minority leader.....	175
instructed delegate model.....	163
joint committee.....	171
joint referral.....	170
lead committee.....	170
logrolling.....	180
majority whip.....	175
markup.....	171
minority whip.....	175
nuclear option.....	173
ombudsperson.....	163
pocket veto.....	174
politico.....	163
pork barrel.....	163
president pro tempore.....	177
reapportionment.....	166
redistricting.....	166
report.....	171
Rules Committee.....	171
select committee.....	170
Senate majority leader.....	177
Senate minority leader.....	177
seniority system.....	170
Speaker of the House.....	174
standing committee.....	170
subcommittee.....	171
trustee model.....	162
unanimous consent.....	172

**AP Unit Wrap-Ups** revisit AP Big Ideas and Enduring Understandings laid out in the AP Unit Openers and Chapter Introductions to ensure students' understanding and retention.

Unit 3 WRAP-UP

At the beginning of the Unit, we asked you to consider these questions:

- How has the balance between order and liberty changed over time?
- How have civil liberties and rights changed over time?
- What changes do you expect will take place in the future to both preserve liberty and protect order?

As the rights of criminal defendants have been increasingly protected, it has become more difficult to prosecute crimes and maintain order. It was easier for prosecutors to gain convictions before *Mapp v. Ohio* restricted the use of evidence in courts and before *Gideon v. Wainwright* required all defendants be granted lawyers in capital cases. The rights of women and racial minorities have evolved over time due to Congressional legislation. While the Equal Rights Amendment granting women full equal rights under the Constitution failed to be ratified, women gained the right to vote under the 19th Amendment, and gained some protections for equal pay with the passage of the Civil Rights Act of 1964 and the passage of the Equal Pay Act. African Americans gained voting rights protection with the ratification of the 15th Amendment and the passage of the Voting Rights Act of 1965. Yet the fight for equal rights for women and racial minorities continue. A woman has yet to be elected to be president and women are still paid less than men for comparable work. LGBTQ individuals still lack

# AP Teacher Support

The **AP Teacher Manual** gives teachers the tools to help students navigate the AP U.S. Government and Politics course and succeed on the AP Exam. The content supports and deepens understanding of the content covered in the Student Edition, ensuring it will both engage and broaden the perspectives of students. The Teacher Manual, available in print and digital format, provides:

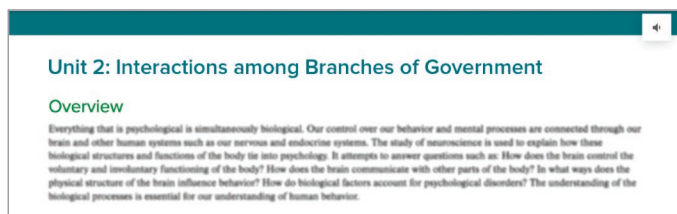
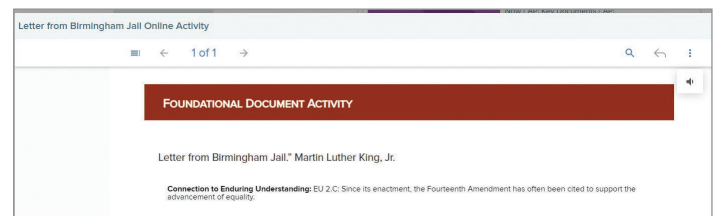
- Dynamic projects for each unit
- Overviews of chapter content
- Pacing Guides for each unit and chapter
- Engaging Chapter Activities that allow students to dive deeper into content
- Guides, answers, and responses for every AP feature, reinforcing the content and challenging students to think deeply about issues
- Key Terms, Foundational Documents, and Required SCOTUS Cases included in each chapter
- Answers and explanations for every question in the Chapter and Unit Practice Exams, as well as rubrics for each free response question
- Additional practice questions designed to prepare students for the AP Exam

## Digital Resources Enrich Instruction and Extend the Learning



**Podcast Activities** offer a selection of podcast episodes that engage students in thinking about political concepts and U.S. institutions. Popular podcasts like Heightened Scrutiny, More Perfect, and Civics 101 are featured. Review questions accompany each podcast.

**Supreme Court Case Activities** and **Foundational Documents Activities** help students analyze required cases and documents by going in-depth into the historical context, arguments, and importance of these resources. These robust online resources deepen student understanding gained through the information and activities in the student edition.



**AP Unit Reviews** challenge students to test their knowledge of AP content and concepts through self-directed study. Unit Reviews are thoroughly aligned with the AP Course Framework, touching on each element of the AP Unit Guides. Each Unit Review includes multiple-choice questions with feedback to help students master and retain content knowledge.

**Concept Clips** are engaging videos that walk students through the more difficult concepts in the AP U.S. Government and Politics course—such as the Electoral College, Supreme Court procedures, or how to evaluate a public opinion poll. After watching a short video, students respond to questions to evaluate their understanding of the topic.





# Personalized, Adaptive, and Dynamic Digital Resources

**American Democracy Now** delivers multimedia content that supports the course Framework and provides multiple opportunities for students to learn and apply their understanding of the disciplinary practices and reasoning processes to ensure course and Exam success. Students are led to content and concept mastery with resources such as Foundational Document and Supreme Court Case Activities, interactivities, Unit Reviews, and AP Test Practice.

Teachers can easily customize lessons, monitor student progress, and make data-driven decisions with the flexible, easy-to-navigate instructional tools.

## Intuitive Design

Resources are organized at the chapter level. To enhance the core content, teachers can add assignments, activities, and instructional aides to any lesson.

The chapter landing page gives students access to:

- assigned AP activities
- AP test prep and practice
- interactive eBook
- adaptive, assignable **SmartBook®**
- interactive concept clips
- activities delving into key Supreme Court Cases and Foundational Documents



**Chapter landing page** links students to resources that support success.

McGraw Hill



**Mobile Ready** Access to course content on-the-go is easier and more efficient than ever before with the *ReadAnywhere* mobile app.

Because learning changes everything.®

## Adaptive Study Tools

SMARTBOOK® is the assignable, adaptive study tool. The interactive features personalize learning with self-guided tools that:

- assess proficiency and knowledge,
- track which topics have been mastered,
- identify areas that need more study,
- deliver meaningful practice with guidance and instant feedback,
- recharge learning with previously completed assignments and personalized recommendations,
- allow teachers to assign material at the topic level.



**Highlighted content** continuously adapts as students work through exercises.

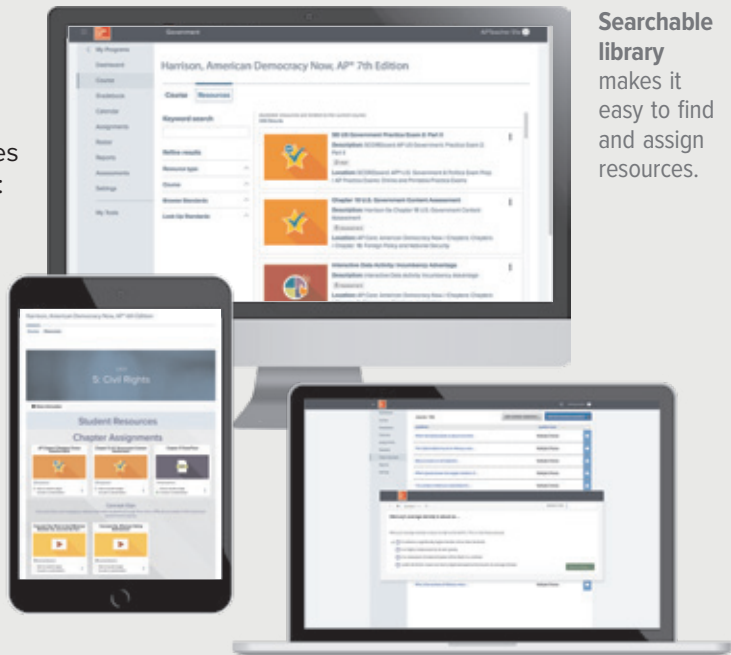


**Practice sets** measure depth of understanding and present a personalized learning path based on student responses.

## Teacher Resources

Teachers have access to the interactive eBook, adaptive *SmartBook*®, and a wealth of customizable chapter resources and powerful gradebook tools including:

- Online Teacher Manual with chapter outlines, teaching suggestions, and pacing guides
- Student performance reports to help teachers identify gaps, make data-driven decisions, and adjust instruction
- Customizable PowerPoint presentations
- Labeled visual aids and additional ideas for lecture enrichment



**Searchable library** makes it easy to find and assign resources.

McGraw Hill

**Customizable assignments** and quiz banks are automatically graded and populate easy-to-read reports.



Harness technology, unlock success with the digital resources for *American Democracy Now*. Visit [My.MHEducation.com](http://My.MHEducation.com)



# Key Figures & Tables

## 1

### PEOPLE, POLITICS AND PARTICIPATION

**Figure 1.1**  
Youth Vote Choice in the 2020 Presidential Election 11

**Figure 1.2**  
Growth of the U.S. Population from 1800 to 2050 28

**Figure 1.3**  
Population Distribution by County 29

**Figure 1.4**  
The Aging U.S. Population, 2000–2050 30

**Figure 1.5**  
Population by Race, 1990–2060 31

**Figure 1.6**  
Where African Americans Live 32

**Figure 1.7**  
Where Hispanics Live 32

**Table 1.1**  
The Traditional Ideological Spectrum 24

## 2

### THE CONSTITUTION

**Figure 2.1**  
Why Did the Constitution's Framers Separate Powers Among the Three Branches of the National Government? 58

**Figure 2.2**  
Amending the Constitution 67

**Table 2.1**  
British Policies Incite Revolution 47

**Table 2.2**  
Creation of the U.S. Confederation 53

**Table 2.3**  
Creation of the U.S. Federal System 72

## 3

### FEDERALISM

**Figure 3.1**  
Three Governing Systems 112

**Figure 3.2**  
Enumerated Powers of National Government 116

**Figure 3.3**  
Constitutionally Delegated and Reserved Powers 118

#### Table 3.1

Concurrent Powers of National and State Governments 115

#### Table 3.2

National Government Obligations to the States 124

#### Table 3.3

Elements of Government Action 126

#### Table 3.4

Fiscal Federalism: Largest Federal Intergovernmental Transfers (2019) 131

#### Table 3.5

States That Pay More in Federal Taxes Than They Get Back 132

## 4

### CONGRESS

#### Figure 4.1

The Legislative Process 169

#### Figure 4.2

Party Representation Trends 178

#### Figure 4.3

Party Representation in the House of Representatives, 2021–2023 179

#### Figure 4.4

African Americans Elected to the House 185

#### Table 4.1

Enumerated Powers of the Congress 160

#### Table 4.2

Differences Between the House and the Senate 166

#### Table 4.3

Differences Between the Legislative Process in the House and Senate 172

#### Table 4.4

Demographic Characteristics of the 115th Congress Compared to the U.S. Population 184

## 5

### THE PRESIDENCY

#### Figure 5.1

Presidential Vetoes, 1789–2020 200

#### Figure 5.2

The Departments of the President's Cabinet 208

#### Figure 5.3

Approval of President Donald Trump Varied from State to State 222

- Figure 5.4**  
America's Willingness to Vote for a Woman President 230
- Table 5.1**  
Women and Minorities Appointed to Presidential Cabinets 209
- Table 5.2**  
The Line of Presidential Succession 213

## 6 THE JUDICIARY

- Figure 6.1**  
Jurisdiction in the Dual Court System 243
- Figure 6.2**  
Decision Making on the Supreme Court 260
- Table 6.1**  
Comparison of Criminal and Civil Law 249
- Table 6.2**  
Comparison of Trial and Appellate Courts 250
- Table 6.3**  
Demographics of Federal Judges as a Percentage of Those Confirmed 256
- Table 6.4**  
The Roberts Court 271

## 7 THE BUREAUCRACY

- Figure 7.1**  
U.S. Government Organizational Chart 286
- Figure 7.2**  
Race/National Origin of Federal Bureaucrats 292
- Figure 7.3**  
Growth in Civilian Workforce 295
- Figure 7.4**  
Trends in Federal Expenditures 296
- Figure 7.5**  
Stages of the Policy Process 303
- Figure 7.6**  
Public Views on Select Federal Agencies 312
- Table 7.1**  
Characteristics of Weber's Ideal Bureaucracy 285
- Table 7.2**  
Education Requirements and Salary Ranges for White-Collar Federal Civil Servants (2020) 291
- Table 7.3**  
Establishment of Cabinet Departments 299

## 8 CIVIL LIBERTIES

- Table 8.1**  
Selective Incorporation of the Bill of Rights 343
- Table 8.2**  
Cases Weakening Protection Against Self-Incrimination 366

## 9 CIVIL RIGHTS

- Figure 9.1**  
Median Family Wealth by Race/Ethnicity, 1963–2016 394
- Figure 9.2**  
The Wage Gap, by Gender and Race 408
- Figure 9.3**  
Comparative Asian American Household Incomes 421

## 10 POLITICAL SOCIALIZATION AND PUBLIC OPINION

- Figure 10.1**  
Candidate Preference of Religious and Non-Religious Americans 454
- Figure 10.2**  
Candidate Support by Racial and Ethnic Group 456
- Figure 10.3**  
Party Identification Among Men and Women 458
- Figure 10.4**  
Percentage of Registered Voters Saying Issue Should be a Top Priority 459
- Figure 10.5**  
Ideology in the States 461
- Figure 10.6**  
Levels of Religiosity in the United States 461
- Figure 10.7**  
Support for Marijuana Legalization by Generation 465
- Figure 10.8**  
Trust in Government to Handle International and Domestic Problems 474
- Figure 10.9**  
Trust in the Branches of Government 475
- Table 10.1**  
Latinx Party Identification by National Origin 457
- Table 10.2**  
Preferences for Size of Government by Generation 466

## 11 ECONOMIC POLICY

- Figure 11.1**  
Federal Revenues and Expenditures: 1969 and 2019 503
- Figure 11.2**  
Deficit Spending Since Last Surplus Years 508
- Figure 11.3**  
Who Owns the \$24 Trillion U.S. Debt? 509
- Table 11.1**  
Evidence of a Healthy Economy 492
- Table 11.2**  
Human Development Index Rankings: 2019 493

# 12 DOMESTIC POLICY

## Figure 12.1

Benefits of Educational Attainment (2018) 543

## Figure 12.2

Minimum Wage by State, January 1, 2020 548

## Figure 12.3

Maximum TANF Benefit for a Family of Three by State:  
2018 550

## Figure 12.4

Where U.S. Lawful Permanent Residents Come From, 2018 556

## Table 12.1

Percentage of FY 2019 Total Expenditures (\$4.5 trillion) by  
Functions (rounded to the nearest percentage point) 531

## Table 12.2

Department of Health and Human Services Poverty Guidelines  
for the 48 Contiguous States and Washington, DC,  
2020 (\$ per year) 551

# 13 FOREIGN POLICY AND NATIONAL SECURITY

## Figure 13.1

Recipients of Marshall Plan Aid, 1948–1951 588

## Figure 13.2

The Nuclear Club 605

# 14 CAMPAIGNS, ELECTIONS, AND VOTING

## Figure 14.1

Office-Block Group and Party-Column Ballots 634

## Figure 14.2

The 2020 Electoral College Vote 649

## Figure 14.3

Age and Voting in Presidential Elections 658

## Table 14.1

Contribution Limitations by Donor and Campaign Recipients  
Under the Bipartisan Campaign Finance Reform Act, 2020  
Cycle 668

# 15 POLITICAL PARTIES

## Figure 15.1

The People's Opinion of Democrats and Republicans 679

## Figure 15.2

The Three Faces of Parties 685

## Figure 15.3

Theoretical Structure of Political Parties: A Hierarchical Model of  
Party Organizations 689

## Figure 15.4

Modern Structure of Political Parties: Power Diffused Through  
Many Party Organizations 690

## Figure 15.5

Partisan Control of State Legislatures 692

## Figure 15.6

Support for a Third Party by Party Identification 708

## Figure 15.7

Third Parties Help the Out-of-Power Party 711

## Figure 15.8

Are You Red, Blue, or Purple? 714

## Table 15.1

In What Areas Should the Government Play a Major Role?  
Differences and Similarities Among Democrats and  
Republicans 688

# 16 INTEREST GROUPS

## Figure 16.1

Iron Triangle 745

## Figure 16.2

Incumbents and Challengers 748

## Table 16.1

Top PAC Contributors to Candidates, 2019–2020 753

# 17 THE MEDIA

## Figure 17.1

Newspaper Circulation Over Time 770

## Figure 17.2

Newsroom Employment by Gender 771

## Figure 17.3

Percentage of U.S. Adults Who Often Get Their News from Each  
Platform 774

## Figure 17.4

Where Americans Get Their News Varies by Age 775

## Figure 17.5

Media Consolidation 776

# 18 POLITICS AND TECHNOLOGY

## Table 18.1

Who Uses the Internet? 793

# Staying Current

## CHAPTER-BY-CHAPTER CHANGES

This edition reflects the November 2020 election results.

### CHAPTER 1 PEOPLE, POLITICS, AND PARTICIPATION

- Updated the discussion of the current political context to include the impact of the pandemic and the renewed Black Lives Matter movement; the relationship of the Trump presidency with the media; the ideological debates on such topics as the Green New Deal and health insurance; and the concerns over Russian interference in U.S. elections, trade policy with China, and ongoing threats of terrorism.
- Refocused Evaluating the Facts to feature the relationship between voter turnout and state voting options, such as vote by mail.
- Revised Thinking Critically feature to prompt students to more carefully evaluate facts they encounter in media related to recent issues.
- Added new data for Analyzing the Sources that frames the issue of partisanship in the United States by generation.
- Expanded discussion of progressivism to reflect its place in current issues such as the 2020 presidential primary campaign, Medicare for All, and the Green New Deal.
- Clarified definition of socialism and discussed the use of the term in the context of the Sanders presidential campaigns.
- Updated data about the U.S. population and U.S. families.

### CHAPTER 2 THE CONSTITUTION

- Enhanced integration of key terms from Chapter 1.
- Provided greater focus on the political battles that transformed a British colony to a nation of “we the people.”
- Created new Thinking Critically that asks whether the Electoral College should be abolished.
- Added three new tables to highlight the key (1) British policies that mobilized colonists to rebellion, (2) colonists’ efforts to create a new nation, and (3) U.S. government actions to transition from a confederal to a federal system of government.
- Created new Analyzing the Sources that investigates the balance of powers between the three branches of national government.
- Revised numerous political inquiry questions in the annotated Constitution to focus on constitutional procedures used or questioned, and constitutional language debated during the past few years.

### CHAPTER 3 FEDERALISM

- Wrote new chapter-opening story about the establishment of a legal voting age, and how local, state, and national governments interact and vary in doing so.
- Created new Analyzing the Sources that considers the population of each state and the number of local governments each has.
- Integrated the intergovernmental responses to the coronavirus.
- Created new Then, Now, Next on the census.

- Added new table highlighting the national government’s constitutional obligations to the states.
- Enhanced the focus on states as laboratories of democracy.
- Added new table that summarizes the elements of public policy that are a framework for understanding intergovernmental relations and the models of federalism.
- Reorganized the discussion on the evolution of federalism in the United States.
- Updated data and graphics related to fiscal federalism.

### CHAPTER 4 CONGRESS

- Added new research and data on congressional incumbency.
- Added a new discussion of congressional oversight of the president.
- Added a new discussion of a 2020 Supreme Court decision regarding redistricting.
- Updated and expanded discussion of the use of the “nuclear option” in the Senate.
- Updated the congressional leadership section.
- Added updates on the 2020 elections and the party composition of Congress.

### CHAPTER 5 THE PRESIDENCY

- Examined the 2020 presidential election.
- Added new discussion of signing statements and, in particular, the CARES Act in the context of the pandemic.
- Added new discussion of the president’s leadership during the pandemic and his use of emergency powers.
- Updated information on presidential vetoes.
- Added a new discussion of the president’s role in managing the economy.
- Expanded discussion of the president’s role as chief diplomat.
- Added new discussion of the president’s role as civilian leader of the military.
- Added a new discussion of factors involved in selecting a vice president.
- Added new discussion of executive privilege in the context of President Trump’s impeachment.
- Expanded discussion of the use of the bully pulpit.
- Included new comparative data on women and minorities appointed to presidential cabinets.
- Included new comparative data on presidential public approval.
- Examined discussion of the geographical variation in President Trump’s popularity.
- Included a new discussion on President Trump’s impeachment.
- Revised the discussion of women and the presidency in the context of the 2020 elections.
- Added information on the First Lady’s priorities for her role.



## CHAPTER 6 THE JUDICIARY

- Reorganized chapter to emphasize the importance of judicial legitimacy and the rule of law in a democratic society.
- Added new Analyzing the Sources feature on judicial legitimacy.
- Revised Then, Now, Next feature, “Supreme Court Diversity.”
- Updated data on demographics of federal judges to include those confirmed during the Trump administration.
- Incorporated a discussion of President Trump’s executive orders addressing COVID-19.
- Integrated a new discussion of the disagreement between President Trump and Chief Justice Roberts over the role and legitimacy of the federal courts.

## CHAPTER 7 THE BUREAUCRACY

- Added new opening story on bureaucratic and red tape challenges to discovering and implementing quick, widespread testing following the coronavirus outbreak.
- Revised first section of the chapter to discuss the role of bureaucracy in a democracy.
- Added new table to highlight the characteristics of Weber’s ideal bureaucracy.
- Reorganized the discussion on the bureaucrats who implement federal policies.
- Updated data throughout the chapter.
- Added new discussion of the courts holding the Department of Education and its secretary accountable to the Administrative Procedures Act.
- Added new discussion of the whistleblower who alleged misconduct by President Trump regarding conversations with the Ukrainian president.
- Created new Analyzing the Sources that asks whether evaluation of government performance is actually based on bureaucratic performance or partisanship.
- Updated discussion and analysis in section “Does Contracting-Out Improve Performance?”
- Added discussion of role of bureaucratic performance in containing the coronavirus.

## CHAPTER 8 CIVIL LIBERTIES

- Updated statistics, data, and Supreme Court rulings from the previous edition.
- Included a new section on journalism and freedom of speech.
- Introduced decisions and policies of the Trump administration, as opposed to prior focus on the Obama administration.
- Added new features on excessive bail reform, privacy issues in the public sector, and symbolic speech.
- Moved focus from Millennials to Generation Z.
- Introduced a new section on facial recognition technology.

## CHAPTER 9 CIVIL RIGHTS

- Updated statistics, data, and Supreme Court rulings from the previous edition.
- Incorporated new discussions of weight discrimination and voter suppression.
- Included a new discussion of housing discrimination by the federal government and an updated chart on wage disparities.
- Added a discussion of Fourth Wave Feminism.
- Updated all references and citations.

## CHAPTER 10 POLITICAL SOCIALIZATION AND PUBLIC OPINION

- Added new Thinking Critically feature that asks whether the United States is a nation divided.
- Explored new data concerning the gender gap in political party identification between men and women.
- Evaluated new data about the policy priorities of men and women in the 2016 presidential election.
- Evaluated the gender gap in presidential vote choice in 2016.
- Updated information about the opinions of Millennials.
- Added new information on the politics of Generation Z.
- Included new discussion of the new “most important problem.”
- Included new data concerning trust in government.

## CHAPTER 11 ECONOMIC POLICY

- Created new Then, Now, Next that considers the increasing cost of the American dream.
- Added a table highlighting the traditional measures of a healthy economy.
- Created a new Analyzing the Sources that considers income inequality in the United States.
- Integrated information on the CARES Act as a response to the pandemic into the discussion of fiscal policy.
- Discussed deficit spending in the context of the pandemic.
- Discussed the economic responses of state and local governments to the pandemic.
- Added graphics on U.S. debt and which countries hold it.
- Expanded the discussion of deregulation with examples from the Trump administration.
- Updated data throughout the chapter.
- Analyzed the overall impact of the pandemic on the economy.

## CHAPTER 12 DOMESTIC POLICY

- Created new Analyzing the Sources that compares policy priorities of several groups of Americans: (1) women and men, (2) Democrats and Republicans, and (3) younger voters and older voters.
- Discussed the Small Business Administration’s response to the pandemic.
- Added material on unemployment compensation issues during the pandemic.
- Created new Thinking Critically feature called “Should the United States Postal Service Be Shut Down?”
- Added new discussion of the provision of information as a public policy tool.
- Added new Then, Now, Next on the sources of energy used in the United States.
- Added new section on national education policy, including college student loan-payment issues.
- Added new figure comparing TANF benefits across the states.
- Streamlined discussion of the Affordable Care Act.
- Updated data throughout the chapter.

## CHAPTER 13 FOREIGN POLICY AND NATIONAL SECURITY

- Described the context for current foreign policy.
- Added new Analyzing the Sources feature that asks students to evaluate the Ukraine transcripts.
- Updated discussion of the creators and shapers of foreign policy.
- Updated coverage of the use of new technologies in foreign policy.
- Described future challenges in foreign policy, including post-pandemic globalism, trade policy, the renewed threat of terrorism, and Russian expansion and efforts to increase influence.

## CHAPTER 14 CAMPAIGNS, ELECTIONS, AND VOTING

- Reorganized chapter to emphasize importance of new uses of balloting in the wake of COVID-19 and concerns about suppressing voter turnout during the pandemic.
- Expanded discussion of the importance of fair, independent elections.
- Expanded discussion of why election meddling matters.
- Included a new discussion of efforts at voter suppression.
- Revised discussion of voting by mail in the 2020 elections, particularly in the context of the pandemic.
- Included a new discussion of caucuses.
- Discussed 2020 ballot initiatives in the states.
- Examined impact of COVID-19 on campaigning in 2020 and on ability to gather signatures for ballot measures.
- Updated data concerning 2020 Electoral College vote.
- Updated data concerning age and presidential election turnout.
- Updated data concerning race and presidential elections.
- Included new research concerning how voters decide.
- Explained campaign finance regulations for the 2020 elections.
- Included new discussion of dark money in campaigns.

## CHAPTER 15 POLITICAL PARTIES

- Included an updated discussion of “A Democratic Party Struggling to Define Itself.”
- Included an updated discussion of “The Republican Party in the Era of President Trump.”
- Added discussion of effect of the pandemic on party priorities.
- Updated data concerning Americans’ opinions of the two political parties.
- Added new information about the role of the parties in the 2020 elections.
- Updated the discussion of the responsible party model.
- Added a new Analyzing the Sources feature that asks students to evaluate why Democrats and Republicans belong to each political party.
- Updated data on differences between Democrats and Republicans concerning policy priorities.

- Updated data on Americans’ support for a third party.
- Added new discussion of the future of the Democrats and Republicans.

## CHAPTER 16 INTEREST GROUPS

- Included a discussion of the effect of *Janus v. United States* on interest groups.
- Updated information the actions of foreign-policy interest groups in the United States.
- Included more detailed discussion of *Citizens United v. Federal Election Commission*.
- Updated data on political action committee contributions to congressional candidates by incumbency status.
- Added new data on top political action committee contributors.
- Added a new Analyzing the Sources feature demonstrating the importance of considering interest groups’ perspective when evaluating interest group ratings.

## CHAPTER 17 THE MEDIA

- Reframed the current debate about media accuracy.
- Revised the Analyzing the Sources feature that examines new data on confidence in the media.
- Added new data on the increasing diversity in newsrooms.
- Included new research on the demographics related to the increase in online news consumption.
- Expanded discussion of generational differences in media consumption.

## CHAPTER 18 POLITICS AND TECHNOLOGY

- Updated data on Internet usage.
- Added new discussion of the use of technology in politics to inform, inflame, provoke, and confuse during the COVID-19 pandemic.
- Updated research on the use of technology in the 2020 elections.
- Added information on the use of social media as a tool of protests.
- Added new research on election infiltration.
- Updated discussion on the impact of technology on political life.
- Revamped discussion of the effects of FCC Chairman Ajit Pai’s rollback of the net neutrality order.

# Acknowledgments

We owe a debt of thanks to all of the people who contributed their thoughts and suggestions to the development of *American Democracy Now*.

## Content Reviewers

**Stephen Anthony**, *Georgia State University*  
**Stephen Baker**, *Jacksonville University*  
**Michael Baranowski**, *Northern Kentucky University*  
**Kyle Barbieri**, *Georgia Perimeter College*  
**Donna Bennett**, *Trinity Valley Community College*  
**Amy Brandon**, *El Paso Community College–Valle Verde*  
**Wendell Broadwell**, *Georgia Perimeter College*  
**Monique Bruner**, *Rose State College*  
**Joseph Campbell**, *Rose State College*  
**Kathleen Collihan**, *American River College*  
**Joe Corrado**, *Clayton State University*  
**Vida Davoudi**, *Lone Star College–Kingwood*  
**Julia Decker**, *Texas State University–San Marcos*  
**William Delehanty**, *Missouri Southern State University*  
**Jacqueline DeMerritt**, *University of North Texas*  
**Kevin Dockerty**, *Kalamazoo Valley Community College*  
**Cecil Dorsey**, *San Jacinto College*  
**Walle Engedayehu**, *Prairie View A&M University*  
**Matthew Eshbaugh-Soha**, *University of North Texas*  
**Heather Evans**, *Sam Houston State University*  
**Glen Findley**, *Odessa College*  
**David Fistein**, *Gulf Coast Community College*  
**John Forshee**, *San Jacinto College*  
**Myrtle Freeman**, *Tarrant County College–South*  
**Crystal Garrett**, *Georgia Perimeter College*  
**Sandra Gieseler**, *Palo Alto College*  
**Dana Glencross**, *Oklahoma City Community College*  
**James Michael Greig**, *University of North Texas*  
**Alexander Hogan**, *Lone Star College–CyFair*  
**Richard Kiefer**, *Waubonsee Community College*  
**Robert King**, *Georgia Perimeter College–Dunwoody*  
**Melinda Kovacs**, *Sam Houston State University*  
**Nancy Kral**, *Lone Star College–Tomball*  
**Fred Lokken**, *Truckee Meadows*  
**Becky Lubbers**, *Saint Clair County Community College*  
**Joseph Mancos**, *Lenoir-Rhyne University*  
**Roger Marietta**, *Darton College*  
**Vinette Meikle-Harris**, *Houston Community College–Central*  
**Brooke Miller**, *Middle Georgia State College*  
**Shea Mize**, *Georgia Highlands College*  
**Fran Moran**, *New Jersey City University*  
**Joseph Moskowitz**, *New Jersey City University*

**Yamini Munipalli**, *Florida State College*  
**Kathleen Murnan**, *Ozarks Technical Community College*  
**Martha Musgrove**, *Tarrant County College–South*  
**Glynn Newman**, *Eastfield College*  
**John Osterman**, *San Jacinto College–Pasadena*  
**Cecil Larry Pool**, *El Centro College*  
**Robert K. Postic**, *University of Findlay*  
**Sean Reed**, *Wharton County Junior College*  
**Shauna Reilly**, *Northern Kentucky University*  
**Elizabeth Rexford**, *Wharton County Junior College*  
**Sonja M. Siler**, *Cuyahoga Community College*  
**Shyam Sriram**, *Georgia Perimeter College*  
**Adam Stone**, *Georgia Perimeter College*  
**Steve Tran**, *Houston Community College*  
**Dennis Toombs**, *San Jacinto College–North*  
**David Uranga**, *Pasadena City College*  
**Ronald Vardy**, *University of Houston–Houston*  
**Sarah Velasquez**, *Fresno Community College*  
**Peter Wielhouwer**, *Western Michigan University–Kalamazoo*  
**Robert Wilkes**, *Atlanta Metropolitan State College*

## American Government Symposia

Since 2006, McGraw Hill has conducted several symposia in American Government for instructors from across the country. These events offered a forum for instructors to exchange ideas and experiences with colleagues they might not have met otherwise. They also provided an opportunity for editors from McGraw Hill to gather information about what instructors of American Government need and the challenges they face. The feedback we have received has been invaluable and has contributed—directly and indirectly—to the development of *American Democracy Now*. We would like to thank the participants for their insights:

**Melvin Aaron**, *Los Angeles City College*  
**Yan Bai**, *Grand Rapids Community College*  
**Leslie Baker**, *Mississippi State University*  
**Evelyn Ballard**, *Houston Community College*  
**Robert Ballinger**, *South Texas College*  
**Nancy Bednar**, *Antelope Valley College*  
**Jeffrey Birdsong**, *Northeastern Oklahoma A&M College*  
**Madelyn Bowman**, *Tarrant County College–South*

**Amy Brandon**, *San Jacinto College—North*  
**Jane Bryant**, *John A. Logan College*  
**Dan R. Brown**, *Southwestern Oklahoma State University*  
**Monique Bruner**, *Rose State College*  
**Anita Chadha**, *University of Houston—Downtown*  
**John Clark**, *Western Michigan University—Kalamazoo*  
**Kathleen Collihan**, *American River College*  
**Steven Collins**, *Oklahoma State University—Oklahoma City*  
**Daphne Cooper**, *Indian River State College, Central*  
**Andrew Crocker**, *Ozarks Technical Community College*  
**John Davis**, *Howard University*  
**Kevin Davis**, *North Central Texas College*  
**Paul Davis**, *Truckee Meadows Community College*  
**Vida Davoudi**, *Lone Star College—Kingwood*  
**Robert De Luna**, *Saint Philips College*  
**Jeff DeWitt**, *Kennesaw State University*  
**Hien Do**, *San Jose State University*  
**Kevin Dockerty**, *Kalamazoo Valley Community College*  
**Cecil Dorsey**, *San Jacinto College—South*  
**Jay Dow**, *University of Missouri—Columbia*  
**Manar Elkhaldi**, *University of Central Florida*  
**Emily Erdmann**, *Blinn College, Bryan*  
**Henry Esparza**, *University of Texas at San Antonio*  
**Karry Evans**, *Austin Community College*  
**Jeffrey Ewen**, *Ivy Technical Community College*  
**Kahlil Fischer**, *Helms School of Government, Liberty University*  
**Marie Flint**, *San Antonio College*  
**Reynaldo Flores**, *Richland College*  
**Pearl Ford**, *University of Arkansas—Fayetteville*  
**John Forshee**, *San Jacinto College—Central*  
**Ben Riesner Fraser**, *San Jacinto College*  
**Daniel Fuerstman**, *Dutchess Community College*  
**Marilyn Gaar**, *Johnson County Community College*  
**Jarvis T. Gamble**, *Owens Community College*  
**Crystal Garrett**, *Perimeter College at Georgia State University—Dunwoody*  
**Michael Gattis**, *Gulf Coast Community College*  
**Patrick Gilbert**, *Lone Star College—Tomball*  
**William Gillespie**, *Kennesaw State University*  
**Dana K. Glencross**, *Oklahoma City Community College*  
**Larry Gonzalez**, *Houston Community College—Southwest*  
**Nirmal Goswami**, *Texas A&M University—Kingsville*  
**Daniel Gutierrez**, *El Paso Community College*  
**Richard Gutierrez**, *University of Texas, El Paso*  
**Kenneth Gwyn**, *Richland College*  
**Precious Hall**, *Truckee Meadows Community College*  
**Michelle Kukoleca Hammes**, *St. Cloud State University*  
**Cathy Hanks**, *University of Nevada, Las Vegas*  
**Wanda Hill**, *Tarrant County Community College*  
**Joseph Hinchliffe**, *University of Illinois at Urbana—Champaign*  
**John Hitt**, *North Lake College*  
**Mark Jendrysik**, *University of North Dakota*  
**Brenda Jones**, *Houston Community College—Central*  
**Franklin Jones**, *Texas Southern University*

**Lynn Jones**, *Collin County Community College*  
**James Joseph**, *Fresno City College*  
**Jason Kassel**, *Valdosta State University*  
**Manoucher Khosrowshahi**, *Tyler Junior College*  
**Rich Kiefer**, *Waubensee Community College*  
**Robert J. King**, *Georgia Perimeter College*  
**Orin Kirshner**, *Florida Atlantic University*  
**Melinda Kovacs**, *Sam Houston State University*  
**Jordan Leising**, *Tyler Junior College*  
**LaDella Levy**, *College of Southern Nevada*  
**Chien-Pin Li**, *Kennesaw State University*  
**Fred Lokken**, *Truckee Meadows Community College*  
**Mary Louis**, *Houston Community College*  
**Kenneth Mariano**, *Rowan College at Burlington County*  
**Jan McCauley**, *Tyler Junior College*  
**John Mercurio**, *San Diego State University*  
**Janna Merrick**, *University of South Florida*  
**Joe Meyer**, *Los Angeles City College*  
**Eric Miller**, *Blinn College*  
**Kent Miller**, *Weatherford College*  
**Charles Moore**, *Georgia State University*  
**Patrick Moore**, *Richland College*  
**Eduardo Munoz**, *El Camino College*  
**Kay Murnan**, *Ozarks Technical Community College*  
**Carolyn Myers**, *Southwestern Illinois College*  
**Sharon Navarro**, *University of Texas at San Antonio*  
**Blaine Nelson**, *El Paso Community College*  
**Theresa Nevarez**, *El Paso Community College*  
**James A. Norris**, *Texas A&M International University*  
**Mohsen Omar**, *Northeast Lakeview College*  
**Kent Park**, *U.S. Military Academy at West Point*  
**Sylvia Peregrino**, *El Paso Community College*  
**Amy Perry**, *Texas State University*  
**Andrea Peterson**, *Chattahoochee Technical College*  
**Eric Rader**, *Henry Ford Community College*  
**Elizabeth Rexford**, *Wharton County Junior College*  
**Barbara Robertson**, *Georgia State University*  
**Tara Ross**, *Keiser University*  
**Carlos Rovelo**, *Tarrant Community College—South*  
**Ryan Rynbrandt**, *Collin County Community College*  
**Ray Sandoval**, *Richland College*  
**Craig Scarpelli**, *California State University—Chico*  
**Louis Schubert**, *City College of San Francisco*  
**Edward Senu-Oke**, *Joliet Junior College*  
**Mark Shomaker**, *Blinn College*  
**Thomas Simpson**, *Missouri Southern University*  
**Henry Sirgo**, *McNeese State University*  
**Amy Smith**, *North Lake College*  
**Daniel Smith**, *Northwest Missouri State University*  
**John Speer**, *Houston Community College—Southwest*  
**Jim Startin**, *University of Texas at San Antonio*  
**Matt Stellges**, *Blinn College, Bryan*  
**Sharon Sykora**, *Slippery Rock University*  
**Tressa Tabares**, *American River College*



**Beatrice Talpos**, *Wayne County Community College*  
**Alec Thomson**, *Schoolcraft College*  
**Judy Tobler**, *Northwest Arkansas Community College*  
**Steve Tran**, *Houston Community College*  
**Beth Traxler**, *Greenville Technical College*  
**William Turk**, *University of Texas–Pan American*  
**Ron Vardy**, *University of Houston*  
**Sarah Velasquez**, *Fresno City College*  
**Ron VonBehren**, *Valencia Community College–Osceola*  
**Albert C. Waite**, *Central Texas College*  
**Natasha Washington**, *Northwest Arkansas Community College*  
**Van Allen Wigginton**, *San Jacinto College–Central*  
**Geoffrey Willbanks**, *Tyler Junior College*  
**Charlotte Williams**, *Pasadena City College*  
**Theodore Williams**, *Kennedy-King College, City Colleges of Chicago*  
**Ike Wilson**, *U.S. Military Academy*  
**Paul Wilson**, *San Antonio College*  
**John Wood**, *University of Central Oklahoma*  
**Robert Wood**, *University of North Dakota*  
**Larry Wright**, *Florida A&M University*  
**Ann Wyman**, *Missouri Southern State University*  
**Kathryn Yates**, *Richland College*

## Personal Acknowledgments

We must thank our team at McGraw Hill: Katie Stevens, managing director; Jason Seitz, portfolio manager; Dawn Groundwater, product development manager; Michael Gedatus, marketing manager; Susan Messer, product developer; and David Tietz, photo researcher. We are extraordinarily grateful to all of you.

For their patience, understanding, and support, the authors also wish to thank: Paul Meilak; Caroline, Alexandra, and John Harrison; Rosemary Fitzgerald; Patricia Jillard; Kathleen Cain; Teresa Biebel; Thomas Callahan; Michael Harris; Audrey Wahl and the Wahl “girls”—Eileen Choynowski, Laura McAlpine, Audrey Messina, and Jaimee Conner; David Deardorff; Amy Donaldson; and Michael, Kelly, and Logan Donaldson, and Lauren Donaldson Block.

John and Rosemary Callahan, Jim and Audrey Wahl, and Earl and Fonda Donaldson first began the conversation of democracy with us, and we thank them and all of the students and colleagues, friends, and family members who continue that conversation now.

**BRIGID CALLAHAN HARRISON**  
**JEAN WAHL HARRIS**  
**MICHELLE D. DEARDORFF**



©Brigid Callahan Harrison



©Eileen Notarianni



©Jaimie Davis



# From the Authors

---

Welcome to the seventh edition of *American Democracy Now*! In this program, we share our passion for politics while providing students with the foundation they need to become informed citizens in a rapidly changing democracy.

In creating the first edition of *American Democracy Now*, we merged our years of experience as classroom instructors and our desire to captivate students with the compelling story of their democracy into a student-centered program. We refined those goals with an integrated learning program for American government to maximize student performance in the second edition. The third edition revolutionized how we think about American democracy by incorporating for the first time a chapter on Politics and Technology, demonstrating the extent to which technology has become integral to how citizens participate in their democracy and how governments serve their citizenry. The fifth edition continued this tradition, tackling new ways in which technology is changing how politics happens—for both the good and the bad. In the sixth edition we sought to help students navigate the vast array of information that technology provides by strengthening their ability to evaluate information for accuracy. In this seventh edition, we write from the space of a “brave new world” of citizens who have faced a global pandemic. This catastrophe has altered how communication, information distribution, political participation, and governance take place for residents, citizens, voters, political leaders, and governments. And so, in this edition, we seek to help students evaluate which changes are temporary, which are permanent, and how they can use critical thinking skills to understand and navigate the new political context.

As technology has changed our polity, it has also transformed student learning. The seventh edition of *American Democracy Now* relies on technological advances to improve how we deliver information to students in a way that they can best understand, enjoy, and share our passion for political life. Informed by data garnered from tens of thousands of students, we have revised our program to ensure greater clarity in areas that have proven complex for past student readers. In this edition, we continue to integrate and highlight the increasing role technology is playing in politics. And we have continued our quest to create a student-centered program by examining how these students—in front of us in our classrooms, or in front of their computer screens—differ from previous generations of students. By meeting today’s students where they are, then providing to them a framework that does not only explain the past and present of politics, we can ask them to think critically about the future: What’s next for their democracy? In *American Democracy Now*, seventh edition, students learn how today’s context, layered on the fundamental principles of American democracy, informs their understanding of politics and policies so they can think about the policies they would like to see take shape tomorrow. In short, they learn to inquire: How do *then* and *now* shape what’s going to happen *next*? This “Then, Now, Next” approach to critical thinking serves as the basis for student participation.

As in previous editions, *American Democracy Now*, seventh edition, takes a broader, more contemporary view of participation than other programs. To us, participation encompasses a variety of activities from the modest, creative, local, or even personal actions students can take to the larger career choices they can make. And choosing how to participate makes American government matter.

Today’s hyper-partisan politics and ever-changing technology provide challenges for those seeking to ensure that the rights guaranteed by the Constitution are protected, and they present opportunities for those striving to fulfill the responsibilities that come with living in a constitutional democracy. *American Democracy Now*, seventh edition, enables students to garner a solid understanding of the essential elements, institutions, and dynamics of national government and politics, while fostering critical thinking skills that are essential to meeting these novel challenges and realizing these new opportunities.

Facilitating success—as students, but also as citizens and participants—means honing their critical thinking skills, harnessing their energy, and creating tools that foster success in the American government course and in our polity. We know we have succeeded when students apply their knowledge and sharpened skills to consider the outcomes they—as students, citizens, and participants—would like to see.

Creating this success means joining increasingly diverse students where they are so that they can see the relevance of politics in their everyday lives. Instagram, YouTube, Snapchat, and Twitter are not only powerful social networking tools, but also powerful political and educational tools. New technologies

help politicians to communicate with citizens, citizens to communicate with each other, and you to communicate with your students. The seventh edition of *American Democracy Now* further integrates technology into our students' study of politics so that their engagement with content is seamless.

We are excited to present you with the seventh edition of *American Democracy Now*, and we wish you and your students success.

**BRIGID CALLAHAN HARRISON**

**JEAN WAHL HARRIS**

**MICHELLE D. DEARDORFF**

**BRIGID CALLAHAN HARRISON** specializes in the civic engagement and political participation of Americans, especially the Millennial generation and Generation Z, the U.S. Congress, and the presidency. Brigid has taught American government for 25 years at Montclair State University in New Jersey. She takes particular pride in creating a learning experience in the classroom that shapes students' lifelong understanding of American politics, sharpens their critical thinking about American government, and encourages their participation in civic life. She enjoys supervising student internships in political campaigns and government and is a frequent commentator in print and electronic media on national and New Jersey politics. She is past president of the New Jersey Political Science Association and of the National Women's Caucus for Political Science. She received her B.A. from Stockton University; her M.A. from Rutgers, The State University of New Jersey; and her Ph.D. from Temple University. Harrison lives in Longport, New Jersey, with her husband, Paul Meilak, a retired New York City police detective. She has three children: Caroline (26), Alexandra (20), and John (18). Born and raised in New Jersey, Harrison is a fan of Bruce Springsteen and in her spare time, she enjoys reading on the beach, traveling, cycling, and binge-watching political thrillers on Netflix. Like her on Facebook at Brigid Callahan Harrison, and follow her on Twitter @BriCalHar.

**JEAN WAHL HARRIS'S** research interests include political socialization and engagement, federalism and intergovernmental relations, and the gendered nature and effects of U.S. politics. Jean has taught introductory courses in local, state, and national government and upper-level courses in public administration, public policy, and judicial politics for the Political Science Department at the University of Scranton for 33 years. She is also a founding mother and former director of the Women's & Gender Studies Program at the university. Since 2012, Jean has coordinated the university's Ready to Run Northeastern Pennsylvania program, which educates women about why it's important to have more women in government and how to run for office. In her academic career and her community service, Jean seeks to cultivate a high sense of political efficacy in everyone she encounters, empowering and inspiring them to engage in community, state, national, and/or international politics. Jean earned her B.A., M.A., and Ph.D. from the State University of New York at Binghamton. In 1994, the University of Scranton named her its CASE (Council for Advancement and Support of Education) professor of the year. She was an American Council on Education (ACE) Fellow during the 2007–2008 academic year. Jean lives in Nicholson, Pennsylvania, with her husband, Michael. She enjoys reading on her deck overlooking the Endless Mountains of Northeast Pennsylvania and the benefits of Michael's gardens.

**MICHELLE D. DEARDORFF'S** teaching and research focus on the constitutional and statutory protections surrounding gender, race, and religion. She particularly enjoys developing classes that allow students to apply their understandings of law, politics, and political theory to current events; she seeks to foster critical citizens prepared to participate in governing our communities and nation. Deardorff is currently head of Political Science and Public Service at the University of Tennessee at Chattanooga. Before coming to UTC, she spent 10 years teaching at Jackson State, a historically Black university in Mississippi, and another decade at Millikin University, a small private college in Illinois. She recently served on the Council of the American Political Science Association and is a founding faculty member of the Fannie Lou Hamer National Institute on Citizenship and Democracy, a coalition of academics who promote civic engagement and popular sovereignty through the study of the struggle for civil rights in the United States. She lives in Chattanooga with her husband, David, where they enjoy kayaking, hiking, live music, and reading in beautiful places.

**AP CONTRIBUTOR REBECCA SMALL** taught high school Advanced Placement Government & Politics for over twenty years, and was actively involved in the AP program as a member of the Test Development Committee, reader, and AP Summer Institute instructor. She is a published author of test preparation books, lesson plans and other resources for teachers. Rebecca earned a Doctorate of Education and Policy Studies from George Washington University in 2019 and currently serves as the High School Advanced Academics programs specialist for Fairfax County public schools where she supports AP instruction and professional development.

The Seventh Edition of *American Democracy Now* is dedicated to the memory of John P. Callahan and to those who lost their lives in the COVID-19 pandemic.



## Chapter 3

# Federalism



### THEN

The newly created national government and the preexisting state governments acted independently as they implemented the innovative federal system of government established in 1789.

### NOW

National, state, and local governments challenge one another regularly over the proper interpretation of the Constitution's vague and ambiguous distribution of power in the federal system of U.S. government.

### NEXT

Will Supreme Court justices continue to issue conflicting interpretations of the proper balance of power in the federal system of government?

Will state and local governments continue their policy experiments to find more effective means of addressing domestic problems?

Will partisan differences between state governments and the national government perpetuate lawsuits brought by each level of government?

Randy Hoelt/The Yuma Sun/AP Images

# ■ Chapter Introduction

In this chapter, you will learn about the dynamic system of federalism, supporting this *Enduring Understanding* from the Advanced Placement course: “*Federalism reflects the dynamic distribution of power between national and state governments.*”

**Federalism** refers to the U.S. government structure of two levels of governing: the national government (also called the federal government) and state governments<sup>1</sup>. Under this system, each level of government has authority over a population and a set of policies. Citizens are governed by both levels of government—the state in which they live and the federal government. Under the U.S. Constitution, the federal government is given authority over certain policy matters (such as foreign affairs and raising an army) and all other policy matters (such as controlling crime and issuing domestic licenses) are left to the state governments.

## **Federalism**

The U.S. government structure of two levels of governing, involving both national and state governments.

The delineation of powers between our levels of government has been fluid and wrought with conflict. The fluidity stems in part from the vague language of the Constitution describing the authority of each level of government. For example, according to the Constitution, Congress can write laws which are “Necessary and Proper” within its enumerated powers, and the states have reserved powers. The powers of our national and state governments have changed over time. While early in history, matters of education were solely the responsibility of the state, the national government has taken an increasing role in education policy in recent decades due to in part to changing demands of society and the ability of the national government to leverage power under the spending clause of the Constitution. Because the national government provides funding to local public school systems, it can also dictate rules the local school systems must follow to be eligible for federal funding. Conflicts between state and federal law persist, such as the conflict over marijuana legalization.

The balance of power between the national and state governments has been interpreted differently over time by the U.S. Supreme Court, as illustrated by two required Supreme Court cases in the AP U.S. Government & Politics course: *McCulloch v. Maryland* (1819) and *U.S. v. Lopez* (1995). While in the *McCulloch v. Maryland* (1819) case the Supreme Court sided with the federal government, in the *U.S. v. Lopez* case, the court sided with the states. In the *McCulloch v. Maryland* ruling, the Supreme Court relied on the *necessary and proper clause* of the Constitution, ruling that this clause encompassed the national government’s creation of a national bank and ruling that the Supremacy Clause of the Constitution meant that that the state of Maryland did not have the authority to tax the national government. Over 100 years later, in the *U.S. v. Lopez* (1995) case, the national government lost some of its authority when the Supreme Court ruled that the Commerce Clause of the Constitution was not broad enough to encompass the national government’s authority to write a federal guns-free school zone law.

In this chapter, you will read about how the balance of power between the national and state governments has shifted through national public policies designed to meet the needs of society. Essential Knowledge in the AP U.S. Government course is, “The distribution of power between federal and state governments to meet the needs of society changes, as reflected by grants, incentives, and aid programs including federal revenue sharing mandates,

<sup>1</sup>While federalism refers to the system of government, the term “federal” government refers to the national government (federal government/national government are interchangeable terms), while federalism is a different term referring to the system of levels of government.

categorical grants, and block grants.” To support the essential knowledge, you will read about how the Great Depression prompted the national government to write New Deal legislation designed to alleviate poverty and unemployment, and in the process carved out a new role for the federal government. The chapter discusses several models of federalism, including dual federalism, centralized federalism, and new federalism. As you read, consider how these models provide illustrative examples of the dynamic distribution of power between national and state governments, or in other words, how the distribution of power between national and state governments has been fluid over time.

## An Overview of the U.S. Federal System

### **federal system**

A governmental structure with two levels of government in which each level has sovereignty over different policy matters and geographic areas; a system of government with dual sovereignty.

The U.S. Constitution established an innovative and unique government structure, a federal system. A **federal system** has two constitutionally recognized levels of government, each with *sovereignty*—that is, ultimate governing authority, with no legal superior—over different policy matters and geographic areas. According to the Constitution, the national government has ultimate authority over some matters, and the state governments hold ultimate authority over different matters. In addition, the national government’s jurisdiction covers the entire geographic area of the nation, and each state government’s jurisdiction covers the geographic area within the state’s borders. The existence of two levels of government, each with ultimate authority over different matters and geographic areas—an arrangement called *dual sovereignty*—is what distinguishes the federal system of government from the two other most common systems of government worldwide: the unitary system and the confederal system. The American colonists’ experience with a unitary system, and subsequently the early U.S. citizens’ life under a confederal system (1781–1788), led to the creation of the innovative federal system.

### **Unitary System**

### **unitary system**

A governmental system in which one central government is *the* sovereign government and it creates other, regional governments to which it delegates some governing powers and responsibilities; however, the central government retains ultimate authority (sovereignty).

Today, the majority of countries in the world have unitary governments. In a **unitary system**, the central government is *the* sovereign government. It can create other governments (regional governments) and delegate governing powers and responsibilities to them. In addition, the sovereign central government in a unitary system can unilaterally take away any governing powers and responsibilities it delegated to the regional governments it created. Ultimately, the sovereign central government can even eliminate the regional governments it created.

Indeed, under Britain’s unitary system of government during the American colonial period, the British Crown (the sovereign central government) created colonial governments (regional governments) and gave them authority to handle day-to-day matters such as regulating marriages, resolving business conflicts, providing for public safety, and maintaining roads. As the central government in Britain (with no representatives from the colonies) approved tax and trade policies that harmed the colonists’ quality of life, growing public discourse and dissension spurred the colonists to protest. The colonists’ failed attempts to influence the central government’s policies eventually sparked their declaration of independence from Great Britain.



## Confederal System

When the colonies declared their independence from Great Britain in 1776, each colony became an independent sovereign state and adopted its own constitution. As a result, no state had a legal superior; each was *the* sovereign government for its geographic area. In 1777, delegates from every state except Rhode Island met in a convention and agreed to a proposed alliance of the 13 sovereign state governments. In 1781, the 13 independent state governments ratified the Articles of Confederation, the first constitution of the United States, which created a confederal system of government.

In a **confederal system**, several independent sovereign governments (such as the first 13 state governments in the case of the United States) agree to cooperate on specified policy matters while each sovereign state retains ultimate authority over all other governmental matters within its borders. The cooperating sovereign state governments delegate some governing responsibilities to a central governing body. However, the sovereign state governments retain ultimate authority and can modify or even eliminate governing responsibilities they agreed to delegate to the central government.

As detailed in Chapter 2, the effectiveness of the confederal system of government created by the Articles of Confederation quickly came into question due to economic problems and domestic rebellions. In 1787, the national Congress (the central governing body created by the sovereign states) called for a constitutional convention “for the sole and express purpose of revising the Articles of Confederation” in order to preserve the union. Clear-eyed about the failures of the unitary system they experienced as British colonies, and the confederal system, the citizens of the United States decided to experiment with a unique government system. The federal system created by the Constitution of the United States remains in place today, although it has evolved into a more complex web of intergovernmental relations than the framers of the Constitution envisioned.

### **confederal system**

A government structure in which several independent sovereign states agree to cooperate on specified policy matters by creating a central governing body; each sovereign state retains ultimate authority over other governmental matters within its borders, so the central governing body is not a sovereign government.

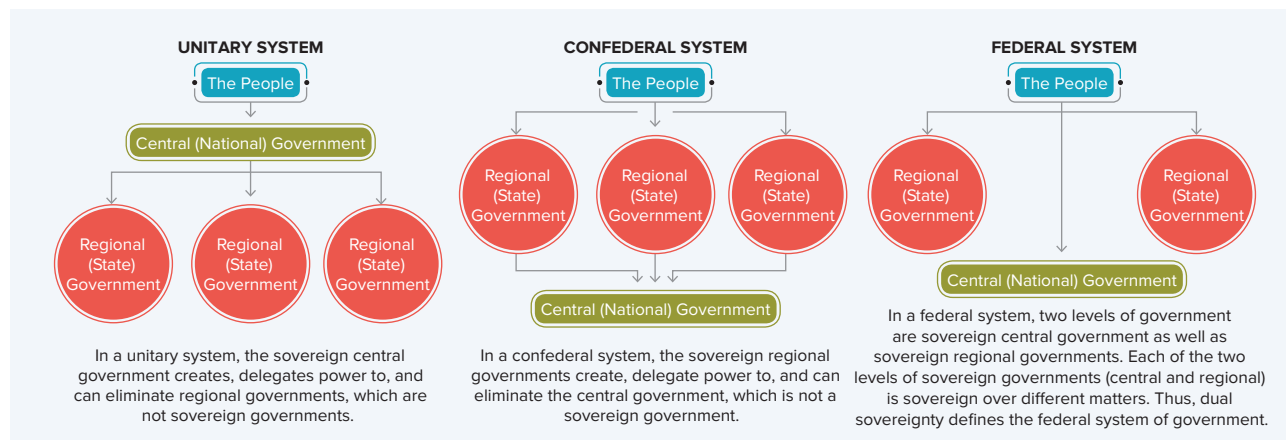
## Federal System

The state delegates who met in Philadelphia in 1787 drafted a new constitution that created the federal system with dual sovereignty. The Constitution’s framers established dual sovereignty by detailing a new, sovereign national government for the United States and modifying the sovereignty of the existing state governments. The sovereign national government thus created has no legal superior on matters over which the Constitution gives it authority, and the sovereign state governments have no legal superior on the matters which the Constitution grants to them.

Such dual sovereignty does not exist in unitary or confederal systems, where sovereignty is held by one level of government (the central government in a unitary system and the regional governments in a confederal system). Figure 3.1 compares the three types of governing systems.

The federal system, as it works in the United States today, can be confusing—not only to citizens, but also to government officials. The confusion is a product of at least three factors. First, vague constitutional language that distributes sovereignty between the national government and the state governments fuels questions about which government is sovereign over specific matters. Second,





**FIGURE 3.1 ■ Three Governing Systems** What does it mean to be a sovereign government? Distinguish between the three systems of government by explaining what level, or levels, of government holds sovereignty in each system.

state governments have established tens of thousands of local governments—a third level of government—delegating some governing powers and responsibilities to them, to assist the state in serving its citizens. The relationship between a state government and the local governments it creates follows the *unitary system* of government; the sovereign state government retains ultimate authority over all the matters it delegates to its local governments, can remove power and responsibilities it delegates to its local governments, and ultimately can eliminate any local government it creates. Today the United States has more than 90,000 local governments. (See the “Analyzing the Sources” feature for the number of local governments in each state.) The third factor adding to the confusion is the fact that today, most government services and benefits are a product of collaborative efforts by two or more governments. Therefore, it is often difficult to determine which government is responsible for what.

## What the Federal System Means for U.S. Citizens

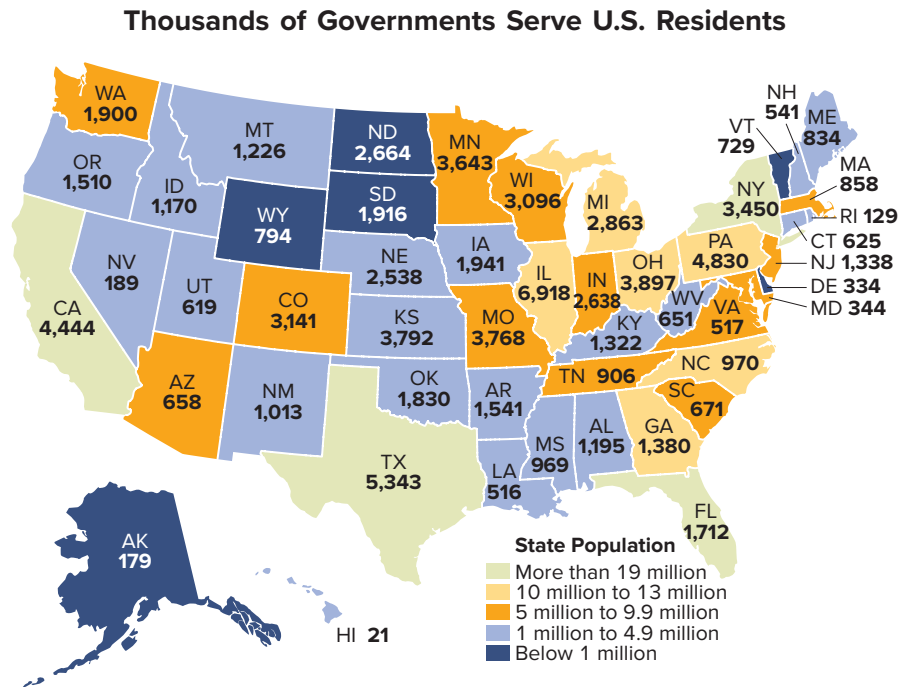
The majority of U.S. citizens live under the jurisdiction of at least five governments: national, state, county (called *borough* in Alaska and *parish* in Louisiana), municipal or township, and school district. Every one of those governments can enact laws with which the people living in its jurisdiction must comply and from which they may benefit.

Each of these governments can impose responsibilities on the people living in its jurisdiction. The most obvious responsibility is to pay taxes. These taxes can include the national personal income tax; state sales and personal income taxes; and county, municipal/township, and school district property taxes.

Each state and local government can enact laws to regulate behaviors, as long as the law does not violate rights and liberties established in the U.S. Constitution. For example, while some states have tight gun control laws, other states do not. In both Nelson and Kennesaw, Georgia, every head of household is required by their city’s law to maintain a firearm and ammunition.<sup>4</sup>

## SOURCE ANALYSIS

## PATTERNS AND TRENDS



**Number of Local Governments in Each State**

Sources: U.S. Census Bureau, "2017 Census of Governments"; U.S. Census, "2019 Census Estimates"

### Practice Analytical Thinking

1. What might explain the range in the number of local governments that exist in the 50 states?
2. Do the states with the largest geographic area have the largest number of local governments?
3. Are there regional patterns?
4. Do states with smaller populations have fewer local governments?
5. How many local governments exist in your state?
6. Can you name all the governments under which you live?

In 1990, federal law established 18 years as the minimum age at which people could buy tobacco products. On January 1, 2016, Hawaii became the first state to raise the legal age for the purchase of tobacco products and electronic smoking devices from 18 years to 21 years. By the end of 2019, 20 states had increased the age to purchase tobacco products to 21 years. Several cities had also increased the legal age for purchasing tobacco products to 21 years, including New York City and Cleveland, Ohio.<sup>5</sup> So, depending on which state you lived in or even which city, the age to buy tobacco products was somewhere between 18 and 21 years. Then in December 2019, President Trump signed a national law that increased the purchase age for tobacco products to 21 years. Therefore, beginning in the summer of 2020, the minimum purchase age for tobacco products throughout the United States has been 21 years. State and local governments can establish an older age to purchase those products, but not a younger age.

The Constitution lists individual liberties and rights in the Bill of Rights. In addition, every state constitution has its own bill of rights, and some local governments offer further protections to their citizens. For example, the Pennsylvania constitution states: "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic" and that the state's "natural resources are the common property of all the people, including

generations yet to come.” The U.S. Constitution does not mention the environment or natural resources.

Clearly, people’s rights and responsibilities vary depending on where they live in the United States (as discussed further in Chapter 4). Thus, the federal system can be confusing for citizens. It can also be confusing for the many governments created to serve the people. During the spring of 2020, as rates of infection and related deaths from the coronavirus grew, all levels of government acted. However, much uncertainty surrounded the question of which level of government was responsible for which of the numerous problems the pandemic caused. President Trump’s April 13, 2020, declaration that he had total authority to remove restrictions imposed by state and local government officials was challenged by those officials as well as legal scholars.

Which government is responsible for what services and policies? Because the Constitution of the United States is the supreme law of the land, it is to the Constitution that we must turn to answer that question.

## Constitutional Distribution of Authority

By distributing some authority to the national government and different authority to the state governments, the Constitution creates the dual sovereignty that defines the U.S. federal system. The Constitution lists the several matters over which the national government has ultimate authority, and it implies additional national authority. The Constitution spells out just a few matters over which the state governments have authority. The Constitution lacks detail on state authority in part because, at the time of the Constitution’s drafting, the states expected to retain their authority, except for matters that, by way of the Constitution, they agreed to turn over to the newly created national government.

To fulfill their responsibilities to their citizens, both the national and the state governments have the authority to engage in basic governing functions inherent to all sovereign governments. The powers that are exercised by both the national and state governments are the first topic in this section.

### Concurrent Powers

To function, sovereign governments need basic governing powers such as the authority to make policy, raise and spend money, implement policies, and establish courts to resolve conflicts over the law. In the U.S. federal system, these basic governing powers are **concurrent powers** because the national government and all state governments exercise them, independently and at the same time. For example, national and state governments make their own public policies, and raise and spend their own revenues to implement their policies. In addition, the national court system resolves conflicts over national laws, including the U.S. Constitution, and each state has its own court system to resolve conflicts over its state laws. State governments delegate some concurrent powers to the local governments they create so that the local governments can govern. Table 3.1 lists concurrent powers of the national and state governments, powers that states may share with their local governments.

#### **concurrent powers**

Basic governing functions that are exercised by the national and state governments independently, and at the same time, including the power to make policy, raise revenue, implement policies, and establish courts.

In addition to the basic governing powers that the national and state governments hold concurrently, in the federal system the national government and the state governments have sovereignty over different matters. We now consider the distinct sovereign powers of the national and state governments.

TABLE 3.1 ■ Concurrent Powers of National and State Governments	
Make policy	
Raise and spend money	
Borrow money	
Implement policy	
Charter banks and corporations	
Establish courts	
Take private property for public use (eminent domain)	

## National Sovereignty

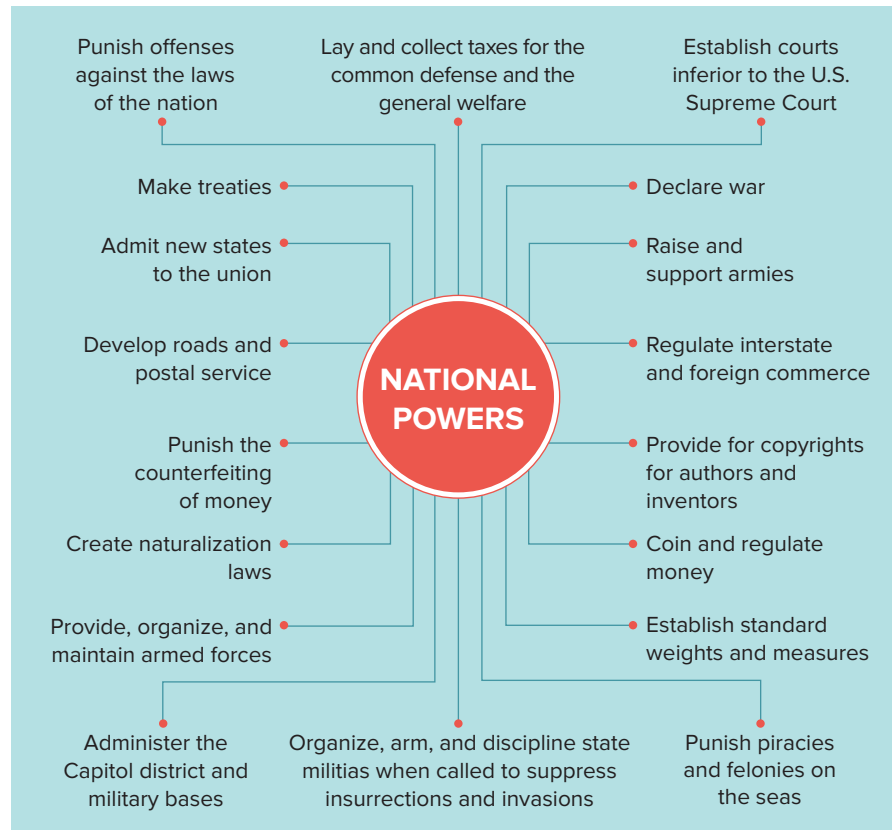
The Constitution distributes powers to the national government’s three branches (legislative, executive, and judicial) that are (1) enumerated, or specifically listed, and (2) implied. For example, Article I of the Constitution enumerates the matters over which Congress holds the authority to make laws, including regulation of interstate and foreign commerce, the system of money, general welfare, and national defense, including the authority to declare war. These matters are **enumerated powers** of the national government. The Constitution also gives Congress **implied powers**—that is, powers that are not described explicitly but that may be interpreted to be necessary to fulfill the enumerated powers. Congress specifically receives implied powers through the Constitution’s **necessary and proper clause**, sometimes called the **elastic clause** because the national government uses this passage to stretch its enumerated authority. The necessary and proper clause in Article I, Section 8, of the Constitution states that Congress has the power to “make all Laws which shall be necessary and proper” for carrying out its enumerated powers.

Articles II and III of the Constitution also enumerate powers of the national government. Article II delegates to the president the responsibility to ensure the proper implementation of national laws and, with the advice and consent of the U.S. Senate, the authority to make treaties with foreign nations and to appoint foreign ambassadors. With respect to the U.S. Supreme Court and the lower federal courts, Article III enumerates jurisdiction over legal cases involving U.S. constitutional issues, national legislation, and treaties. The jurisdiction of the Supreme Court also extends to disagreements between two or more state governments, as well as to conflicts between citizens from different states. Figure 3.2 lists national powers enumerated in Articles I, II, and III of the Constitution.

**enumerated powers**  
The powers of the national government that are listed in the Constitution.

**implied powers**  
The powers of the national government that are not enumerated in the Constitution but that Congress claims are necessary and proper for the national government to fulfill its enumerated powers in accordance with the necessary and proper clause of the Constitution.

**necessary and proper clause (elastic clause)**  
A clause in Article I, Section 8, of the Constitution that gives Congress the power to do whatever it deems necessary and constitutional to meet its enumerated obligations; the basis for the implied powers.



**FIGURE 3.2** ■ **Enumerated Powers of National Government** Can you locate each enumerated power in the Constitution that precedes this chapter (by article, section, and clause)?

**supreme law of the land**  
A clause in Article VI, by which the U.S. Constitution's ultimate authority is established; the clause states that all laws made by governments within the United States must comply with the Constitution.

**THE SUPREMACY CLAUSE** The country's founders anticipated disagreements over the interpretation of constitutional language and prepared for them by creating the Supreme Court. The Court has mostly supported the national government when states, citizens, or interest groups have challenged Congress's use of the necessary and proper clause to take on new responsibilities beyond its enumerated powers. Unless the Supreme Court finds a national law to be outside of the enumerated or implied powers, that law is constitutional and hence the **supreme law of the land**, as defined by the supremacy clause in Article VI of the Constitution: "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." State and local governments are thereby obligated to comply with national laws that implement national enumerated and implied powers, as well as with treaties—including treaties with Native American nations.

**NATIONAL TREATIES WITH INDIAN NATIONS** Throughout U.S. history, the national government has signed treaties with Native American nations, which are legally considered sovereign foreign nations. As with all treaties, those made with Native American nations are supreme law with which the national, state, and local governments must comply. The core issue in the majority of these treaties is the provision of land (reservations) on which the native peoples resettled after non-Indians took their lands during the 18th and 19th centuries. Today, the federal



government recognizes more than 573 Indian tribes. Although most Native Americans no longer live on reservations, 323 reservations remain, in 34 states.<sup>6</sup>

Even though Indian reservations lie within state borders, national treaties and national laws, not state or local laws, apply to the reservation populations and lands. State and local laws, including laws having to do with taxes, crime, and the environment, are unenforceable on reservations. Moreover, Native American treaty rights to hunt, fish, and gather on reservations and on public lands supersede national, state, and local environmental regulations.<sup>7</sup> However, tribes, states, and local governments frequently work together through agreements on matters of mutual concern such as environmental issues and law enforcement.

With the exception of Native American reservations that exist within their borders, state governments are sovereign over the lands and people living in the state for the matters the Constitution distributes to them. What are the matters that fall within state sovereignty?

## State Sovereignty

The Constitution specifies only a few state powers. It provides the states with a role in national politics and gives them the final say on formally amending the U.S. Constitution. One reason for the lack of constitutional specificity regarding the matters over which state governments are sovereign is because, unlike the newly created national government, the state governments were already functioning when they ratified the Constitution. Other than those responsibilities that the states agreed to delegate to the newly created national government through their ratification of the Constitution, the states expected to retain their sovereignty over all the day-to-day matters internal to their borders that they were already handling. Yet the original Constitution did not speak of this state sovereignty explicitly.

**POWERS RESERVED TO THE STATES** The Constitution's limited attention to state authority caused concern among citizens of the early American republic. Many people feared that the new national government would meddle in matters for which states had been responsible, in that way compromising state sovereignty. Citizens were also deeply concerned about their own liberties. As described in Chapter 2, within two years of the states' ratification of the Constitution, they ratified the Bill of Rights (1791), the first 10 amendments to the U.S. Constitution, in response to those concerns.

The Tenth Amendment asserts that the “powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are *reserved to the States* respectively, or to the people.” This **reserved powers** clause of the Tenth Amendment acknowledged the domestic matters over which the states had exercised authority since the ratification of their own constitutions. These matters included the handling of the daily affairs of the people—laws regarding birth, death, marriage, intrastate commerce, crime, health, morals, and safety. The states' reserved powers to protect the health, safety, lives, and property of their citizens are their **police powers**. It was over these domestic matters, internal to each state, that the states retained sovereignty according to the Tenth Amendment.

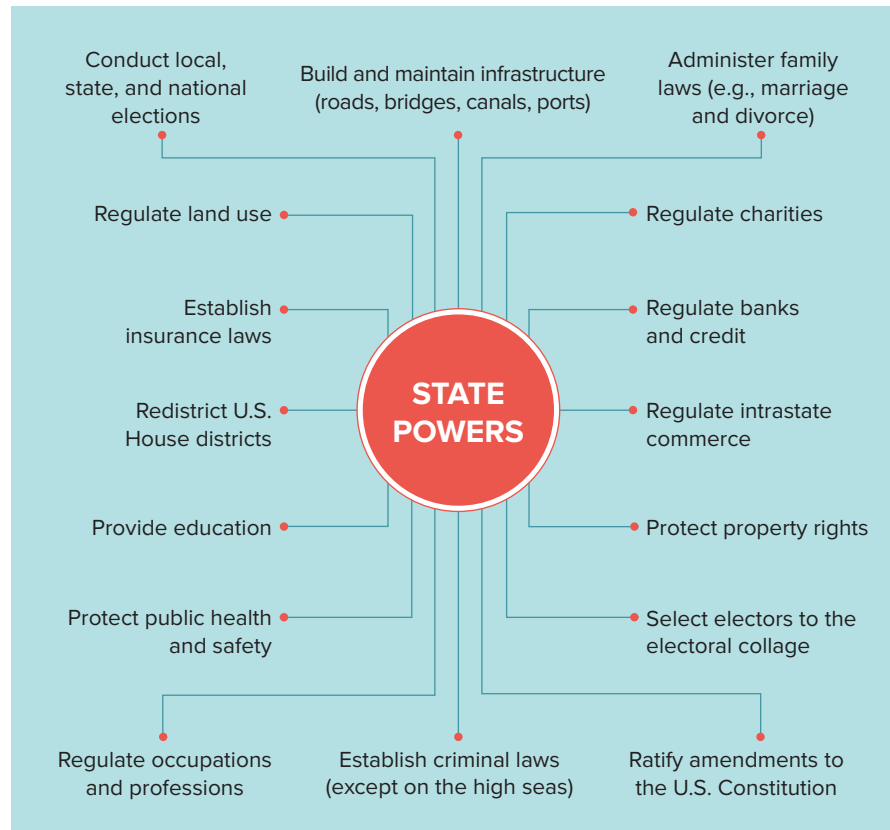
Figure 3.3 summarizes the constitutionally reserved powers of the states at the time of the Tenth Amendment's ratification, as well as some of the few powers delegated to the states in the Constitution prior to ratification of the Tenth Amendment.

### reserved powers

The matters referred to in the Tenth Amendment over which states retain sovereignty.

### police powers

The states' reserved powers to protect the health, safety, lives, and properties of residents in a state.



**FIGURE 3.3** ■ **Constitutionally Delegated and Reserved Powers** Few of these powers are specified in the Constitution. Which of these state powers are listed (delegated) in the Constitution? Where do the other powers come from?

**POWERS DELEGATED TO THE STATES** Although the Constitution does not list all the specific powers reserved to the states, it does assign, or delegate, several powers to the states. These powers provide the states with a distinct voice in the composition and priorities of the national government. Members of Congress are elected by voters in their home states (U.S. senators) or their home districts (representatives in the U.S. House). Therefore, members of Congress are accountable to the voters in the state that elected them. State governments also have the authority to redraw the boundaries of the U.S. House districts within the state after each decennial census, which is a count of all the people living in the United States and is constitutionally mandated to occur every ten years. The “Then, Now, Next” feature provides additional information about the decennial census. In addition, each state government determines the procedure by which the state’s Electoral College electors will be selected to participate in the state’s vote for the president and vice president. Overall, state voters expect that the officials whom they elect to the national government will carefully consider their concerns when creating national policy.

In addition to establishing the various electoral procedures that give voice to state interests in the national policy-making process, the Constitution creates a formal means by which the states can ensure that the language in the Constitution is not changed in such a way that their sovereignty is threatened. Specifically, the Constitution stipulates that three-fourths of the states (through votes in either their

# The Census

## THEN

(2000)

Largely conducted by mail

Used a short form (10 questions) and a long form (45 questions)

Lawsuit successfully challenged plan to statistically adjust for undercounts and overcounts

Four states gained the most U.S. House seats and Electoral College votes: Texas, Florida, Georgia, and Arizona each gained two seats

Two states lost the most U.S. House seats and Electoral College votes: New York and Pennsylvania (2 seats)

32 states had no change in their number of U.S. House seats or Electoral votes

\*Election Data Service

## NOW

(2020)

For the first time, largely conducted online

For the second time, used only the short form (9 questions)

Lawsuit successfully challenged plan to add a citizenship question to the 2020 Census

Two states are forecast to gain the most U.S. House seats and Electoral College votes: Texas (3 seats) and Florida (2 seats)\*

Ten states are forecast to lose the most U.S. House seats (1 seat): Alabama, California, Illinois, Michigan, Minnesota, New York, Ohio, Pennsylvania, Rhode Island, West Virginia\*

33 states are forecast to have no change to their number of U.S. House seats or Electoral votes\*

## NEXT

- Will the long-term shift in population and political power from the Rust Belt (parts of northeastern and midwestern states) to the Sun Belt (southern states) continue based on the 2020 Census results, as forecast?
- Will the 2020 Census count be legally challenged in the courts due to concerns about cyber security issues?
- Will the largely online 2020 Census provide a more accurate count than previous censuses, or will the undercounting of racial minorities and overcounting of non-Hispanic whites continue?

legislatures or special conventions, as discussed in Chapter 2) must ratify amendments to the Constitution. By having the final say in whether the supreme law of the land will be changed formally through the passage of amendments to the U.S. Constitution, the states can protect their constitutional powers. Indeed, they did just that when they ratified the Tenth Amendment.

## State-to-State Relations: Horizontal Federalism

In Article IV, the Constitution sets forth obligations that the states have to one another and to each other's citizens. Collectively, these state-to-state obligations and the intergovernmental relationships they mandate are forms of **horizontal federalism**. For example, state governments have the right to forge agreements with other states, known as **interstate compacts**. Congress must review and approve interstate compacts to ensure that they do not harm the states that are

### horizontal federalism

The state-to-state relationships created by the U.S. Constitution.

### interstate compacts

Agreements between states that Congress has the authority to review and reject.



» The Rio Grande originates in Colorado and flows south into New Mexico and Texas. To resolve disputes over the three states' claims to water rights, Texas, New Mexico, and Colorado signed the Rio Grande Compact in 1938, an agreement that apportions the water of the Rio Grande Basin among the three states.

William Silver/Shutterstock

not party to them and the nation as a whole. States enter into interstate compacts to provide services and benefits for one another, such as monitoring paroled inmates from other states; sharing and conserving natural resources that spill over state borders, such as water; and decreasing pollution that crosses state borders.

#### **extradition**

The return of individuals accused of a crime to the state in which the crime was committed upon the request of that state's governor.

States also cooperate through a procedure called **extradition**, the legal process of sending individuals back to a state that accuses them of having committed a crime, and from which they have fled. The Constitution establishes a state governor's right to request the extradition of an accused criminal. Yet the courts have also supported governors' refusals to extradite individuals.

#### **privileges and immunities clause**

The Constitution's requirement that a state extend to other states' citizens the privileges and immunities it provides for its citizens.

The Constitution asserts, too, that each state must guarantee the same **privileges and immunities** it provides to its citizens to all U.S. citizens, including citizens from other states who visit or move into the state. This guarantee does not prohibit states from imposing reasonable requirements before extending rights to visiting or new state residents. For example, states can and do charge higher tuition costs to out-of-state college students. In addition, in many states, new state residents must wait 30 days before they can register to vote. Yet no state can deny new state residents who are U.S. citizens the right to register to vote once they meet a reasonable state residency requirement.

#### **full faith and credit clause**

The constitutional clause that requires states to comply with and uphold the public acts, records, and judicial decisions of other states.

Because of the ease of traveling between states as well as relocating from state to state, an important component of horizontal federalism stems from the full faith and credit clause of Article IV, Section 1, of the Constitution. The **full faith and credit clause** asserts that each state must recognize as legally binding (that is, valid and enforceable) the public acts, records, and judicial proceedings of every other state. For example, in March 2016, the Supreme Court cited the full faith and credit clause when it ruled that states must honor adoptions by same-sex parents who move across state lines.<sup>8</sup>

## **Supreme Court Interpretation of the Constitution**

Vague language in the U.S. Constitution continues to spark disputes over what are the constitutional powers of the national government versus what are the constitutional powers of the state governments. Some constitutional clauses that the courts have had to interpret repeatedly include the *necessary and proper* powers of Congress and the powers of Congress to provide for the *general*

welfare and to regulate *commerce among the several states*. In addition, the courts are continually interpreting and reinterpreting the meaning of the *reserved powers clause* of the Tenth Amendment. The U.S. Supreme Court has the final say over what constitutional language means. In the process of resolving conflicts by distinguishing among national enumerated and implied powers and the powers reserved for the states, the Court has given meaning to the supremacy clause of the Constitution and influenced the relationships among the national and state governments.

**THE POWER TO REGULATE COMMERCE** The landmark case of ***McCulloch v. Maryland*** (1819) exemplifies a Supreme Court ruling that established the use of the implied powers to expand the national government’s enumerated authority.<sup>9</sup> The case stemmed from Congress’s establishment of a national bank, and in particular a branch of that bank located in the state of Maryland, which the Maryland state authorities tried to tax. Maryland’s attorneys argued that Congress did not have the constitutional authority to establish a national bank, noting it was not among the enumerated powers. They also argued that if the Court interpreted the Constitution such that the national government did have the implied power to establish a national bank, then Maryland had the concurrent power to tax the bank. Lawyers for the national government in turn argued that the Constitution did indeed imply federal authority to establish a national bank and that Maryland’s levying a tax on the bank was unconstitutional, for it impinged on the national government’s ability to fulfill its constitutional responsibilities by taking some of its financial resources.

The Supreme Court decided in favor of the national government. The justices based their ruling on their interpretation of the Constitution’s necessary and proper clause and the enumerated powers of Congress to “lay and collect taxes, to borrow money . . . and to regulate commerce among the several states.” The Court said that, combined, these enumerated powers implied that the national government had the authority to charter a bank and to locate a branch in Maryland. Moreover, the Court found that Maryland did not have the right to tax that bank, because taxation by the state would interfere with the exercise of national authority. This case set the precedent that continues today. No level of government can impose a tax on the property of another level of government; government properties are tax exempt.

In the *McCulloch* case, the Supreme Court established that the necessary and proper clause allows Congress to broadly interpret the enumerated powers of the national government. Moreover, the Court interpreted the national supremacy clause to mean that in the event of a conflict between national legislation (the law chartering the national bank) and state legislation (Maryland’s tax law), the national law is supreme *as long as* it falls under the enumerated and implied powers that the Constitution distributes to the national government.

A few years later, in the case of *Gibbons v. Ogden* (1824), the Supreme Court again justified a particular national action on the basis of the implications of an enumerated power.<sup>10</sup> The *Gibbons* case was the first suit brought to the Supreme Court seeking clarification on the constitutional meaning of *commerce* in the Constitution’s clause on the regulation of interstate commerce, commonly referred to as the **commerce clause**. The Court established a broad definition of commerce: “all commercial intercourse—meaning all business dealings.” The conflict in this case concerned which government, New York State or the national government, had authority to regulate the operation of boats on the waterways

***McCulloch v. Maryland***

The 1819 case that established that the necessary and proper clause justifies broad understandings of enumerated powers.

**commerce clause**

Article I clause that delegates to Congress the power to regulate interstate and international commercial interactions.





» Which government has the authority to regulate navigation on the waterways between the states of New York and New Jersey? That was the question the U.S. Supreme Court answered in *Gibbons v. Ogden* (1824). Which constitutional clauses did the Court interpret to resolve the conflict between the two states? What was the Court's decision?

Vitaly Edush/iStock/Getty Images

between New York and New Jersey. The Court ruled that regulation of commerce implied regulation of navigation and therefore the national government had authority to regulate it, not New York State.

Not until the Great Depression (1930s) did the national government begin to justify new laws by arguing that they were necessary to fulfill its enumerated power to regulate interstate commerce. After some initial conflicts, the Court has more often agreed than disagreed with Congress's broad understanding of what its enumerated powers implied it could do through legislation. In addition to expanding its power through implications of the regulation of interstate commerce clause, Congress has also successfully used the general welfare clause to take on new matters, hence expanding its authority.

**THE POWER TO PROVIDE FOR THE GENERAL WELFARE** The national government's landmark Social Security Act of 1935 was a response to the Great Depression's devastating impact on the financial security of countless Americans. The congressional vote to establish Social Security was overwhelmingly favorable. Yet several states challenged the constitutionality of this expansive program shortly after its passage, claiming it infringed on their reserved police powers. In 1937, the Supreme Court had to decide: Was Social Security indeed a matter of general welfare for which Congress is delegated the authority to raise and spend money? Or was Social Security a matter for the state governments to address? The Court found the national policy to be constitutional—a reasonable congressional interpretation, the justices wrote, of the enumerated and implied powers of the national government.<sup>11</sup>

The Supreme Court's decisions in the *McCulloch*, *Gibbons*, and Social Security cases set the stage for the expansion of national power in domestic policy matters by combining the necessary and proper clause with such enumerated powers as the regulation of commerce and providing for the general welfare. Although throughout U.S. history, particularly since the 1930s, the Court has typically supported Congress's enactment of laws dealing with matters implied by—but not specifically enumerated in—the Constitution, Congress does not always get its way. For example, in ***United States v. Lopez*** (1995), the Supreme Court rejected the national government's claim that its Gun-Free School Zones Act of 1990 was a necessary and proper means to regulate interstate commerce. The Court found the act unconstitutional because it was not related to an enumerated

***United States v. Lopez***  
Case in which the U.S. Supreme Court ruled the national Gun-Free School Zones Act unconstitutional and affirmed that state governments have the right to establish gun-free school zones.

## SCOTUS APPLICATION

## UNITED STATES V. LOPEZ

In 1808, the government of New York granted a steamboat company a monopoly to operate its boats on the state's waters, which included bodies of water that stretched between states. Aaron Ogden held a license under this monopoly to operate steamboats between New Jersey and New York. Thomas Gibbons, another steamboat operator, competed with Aaron Ogden on this same route but held a federal coasting license issued by an act of Congress. Ogden filed a complaint in New York court to stop Gibbons from operating his boats, claiming that the monopoly granted by New York was legal even though he operated on shared, interstate waters. Gibbons disagreed, arguing that the U.S. Constitution gave Congress the sole power over interstate commerce, and he challenged Ogden's licensing in court.

The case eventually reached the Supreme Court, and in the ruling, the court held that the commerce clause of the Constitution grants the federal government the power to regulate the operation of steamboats between New York and New Jersey. Therefore, the license issued to Gibbons by Congress to operate a ferry service superseded the monopoly license to operate a ferry service issued to Ogden by the state of New York.

- (A)** Identify the constitutional clause that was used in *U.S. v. Lopez* (1995) and *Gibbons v. Ogden* (1824).
- (B)** Based on the constitutional clause identified in part A, explain why the facts of *Gibbons v. Ogden* led to a different holding than the holding in *U.S. v. Lopez*.
- (C)** Describe an action that state governments could take if they disagree with the holding in *Gibbons v. Ogden* could take to limit its impact.

power, nor was it implied by the interstate commerce clause. In addition, the national law infringed on states' reserved police powers; state governments have authority to create gun-free school zones, and they can extend that authority to their local governments.<sup>12</sup>

In addition to establishing dual sovereignty and creating two independently operating levels of government, the Constitution enumerates some obligations that the national government has to the states. These obligations, identified in Table 3.2, include guaranteeing a republican form of government, protecting states from foreign invasion and domestic violence, and prohibiting the national government from changing state boundaries without consent of the states concerned.

### Judicial Federalism

The Fourteenth Amendment authorizes the national government to ensure that the state governments (1) follow fair procedures (due process) before taking away a person's life, liberties, or pursuit of happiness and (2) guarantee all people the

**TABLE 3.2** ■ National Government Obligations to the States

The National Government
* Must treat states equally in matters of the regulation of commerce and the imposition of taxes
* Must guarantee a republican form of government
* Must protect states from foreign invasion
* Must, at their request, protect states against domestic violence
* Cannot approve the creation of a new state from the property of an existing state without the consent of the states concerned
* Cannot change state boundaries without the consent of the states concerned

same rights (equal protection of the laws) to life, liberties, and pursuit of happiness without arbitrary discrimination. In addition, the amendment guarantees the privileges and immunities of U.S. citizenship to all citizens in all states.

The rights and privileges guaranteed by the U.S. Constitution are minimums; all governments in the United States must comply with the Constitution. However, state and local governments can guarantee additional rights and privileges to the people in their jurisdictions. Indeed, state and local governments have enacted laws that provide more rights and privileges than found in the Constitution.

For example, the California state constitution protects freedom of speech and expression in privately owned properties, such as shopping centers. The U.S. Constitution’s guaranteed freedom of expression does not extend to privately owned properties.<sup>13</sup> And in numerous municipalities and counties across the country, laws prohibit some forms of discrimination due to a person’s sexual orientation, though the U.S. Constitution does not prohibit such discrimination.

Historically, state courts turned to the U.S. Constitution when deciding civil rights and liberties cases. However, beginning in the 1970s, state courts increasingly based these decisions on their own state constitutions, which guaranteed more extensive rights to their citizens than did the U.S. Constitution. For example, after the U.S. Supreme Court’s 1973 ruling that the equal protection clause of the Fourteenth Amendment did not require equal funding of schools in Texas,<sup>14</sup> state courts in 15 states ruled that their state constitutions required equal funding of schools.<sup>15</sup> Political scientists refer to the reliance of state courts on their state constitutions as **judicial federalism**.

**judicial federalism**  
State courts’ use of their state constitutions to determine citizens’ rights, particularly when state constitutions guarantee greater protections than does the U.S. Constitution.

**States as Laboratories of Democracy**

In a 1932, U.S. Supreme Court Justice Louis Brandeis wrote, “It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.”<sup>16</sup> In this statement, Brandeis was acknowledging that under the Constitution, state governments have the right to try innovative policies to address public problems, without interference from

the national government. Obviously, state experiments must not violate the Constitution. Local governments may also experiment with innovative policies, as long as they comply with both the U.S. Constitution and their own state's laws. Of course, the national government also experiments with public policies.

Governments pay attention to such policy experiments, and one government often adopts a successful policy experiment of another government. For example, California has been the major laboratory for innovative environmental policies adopted by other states and localities. Also, in 1996, the federal government made major changes to its existing income security program for low-income families based on successful welfare policy experiments in numerous states. And, as discussed earlier, state and local governments experimented with raising the purchase age for tobacco products to 21 years, and the national government then did the same.

In 2019, youth activists in Oregon succeeded in getting the state legislature and governor to enact a law that expanded excused school absences to include “mental health days.” Oregon has a suicide rate 40 percent higher than the national average; suicide is Oregon’s second-leading cause of death among those of ages 10 to 34. The youth leaders drafted and advocated for the “mental health days” law to address their state’s mental health crisis. With the national suicide rate on the rise, climbing by 30 percent since 1999, the Oregon policy experiment will be watched and possibly adopted by other states,<sup>17</sup> a benefit of the U.S. federal system.

## Evolution of Intergovernmental Relations in the U.S. Federal System

Constitutional language establishing the U.S. federal system of government, with dual sovereignty, remains essentially as it was in 1791. However, how the federal system is currently administered day-to-day differs considerably from how it functioned in 1791. In *Federalist* No. 45, James Madison (1788) stated that the powers delegated to the national government in the Constitution are “few and defined” and primarily focused on “external objects” such as war and peace, foreign relations, and commerce. He also noted that the powers reserved for the states are “numerous and indefinite,” extending to matters affecting the daily “lives, liberties and properties of the people; and the internal order, improvement, and prosperity of the state [police powers].”<sup>18</sup>

Gary Gerstle, a respected scholar of American government, agrees with Madison’s claims: As written, the Constitution anticipated that the national government would be limited in its roles and responsibilities and the state governments would be expansive. In his book *Liberty and Coercion* (2015), Gerstle argues that the Tenth Amendment’s reserved powers grant the state governments “a staggering freedom of action.” When balancing the enumerated powers of the federal government and the police powers reserved for the states, Gerstle claims that the federal system as established in the Constitution clearly gave dominant power to the states. However, according to Gerstle, presidents, congresses, and the U.S. Supreme Court have twisted the meaning of the Constitution over the course of U.S. history so that today, the federal government dominates. Therefore, today’s federal system is not the system of government envisioned by the framers of the Constitution.<sup>19</sup>

**intergovernmental relations (IGR)**

The interactions of two or more governments (national, state, and local) in their collective efforts to provide goods and services to the people they each serve.

Most government services and benefits today are products of collaborative efforts by two or more governments. To serve its people, a government must have the authority to formulate and approve a plan of action (policy statement), to raise and spend money to finance the plan (policy financing), and to hire workers who put the plan into action (policy implementation). Therefore, all public policies have three elements: the policy statement, the policy financing, and the policy implementation (see Table 3.3). In the U.S. federal system today, the responsibility for these three elements may rest entirely with one level of government (national, state, or local) or may be shared in a collaborative effort by two or more of these levels. Political scientists label the interactions of two or more governments (national, state, and local) in their collective efforts to provide goods and services to the people they serve **intergovernmental relations (IGR)**. Today, IGR is a dominant characteristic of the U.S. federal system of government.

**TABLE 3.3** ■ Elements of Government Action

Element	Definition
Policy statement	Plan of government action to address a public problem
Policy financing	Identification of government(s) that will pay the costs of policy implementation
Policy implementation	Employment of staff who will put the policy into action

**Models of Federalism**

To understand the intergovernmental relations of today’s federal system and the expansion of federal power since 1789, we need to first survey several models of federalism, each of which characterizes different roles, responsibilities, and relationships between the national and state governments in the United States. Then we will review the policy tools of intergovernmental relations.

**dual federalism**

The initial model of national and state relations in which the national government takes care of its enumerated powers while the state governments independently take care of their reserved powers.

**DUAL FEDERALISM** Initially, the dual sovereignty of the U.S. federal system was implemented in such a way that the national and state governments acted independently of each other. The national government raised its own money and spent it on policies it created, paid for, and implemented. Each state government also raised its own money and spent it on policies it created, paid for, and implemented. Political scientists give the name **dual federalism** to this model of administering the federal system; the national government takes care of its enumerated powers and the states independently take care of their reserved powers. From 1789 through 1932, dual federalism was the dominant pattern of intergovernmental relations. Congresses and presidents did enact some laws that states argued infringed on their powers, and the U.S. Supreme Court typically found in favor of the states in those cases. Yet, as the 1819 *McCulloch* case shows, sometimes the Supreme Court ruled in favor of the national government.

**COOPERATIVE FEDERALISM** Passage of the Sixteenth Amendment (1913) powerfully enhanced the ability of the national government to raise money. The amendment granted Congress the authority to collect income taxes from workers and corporations



## SOURCE ANALYSIS

## CONCEPT APPLICATION

As you read the passage, consider how you would describe the author's claim(s), perspective, evidence and reasoning.

Excerpt from:

Opening the third Century of American Federalism: Issues and Prospects

*By Daniel Elazar*

Strong forces for centralization continue to operate in the American federal system; however . . . countervailing forces have worked to promote decentralization and even restore non-centralization the federal system. Furthermore, the states have reasserted themselves and polities, becoming stronger and more vigorous than ever. The potential for greater non-centralization is being reinforced by changing socioeconomic conditions that place a greater emphasis on networks of relationships, rather than on traditional hierarchies. The condition of American federalism today, therefore, is ambiguous but promising. . . . In 25 years, federal intervention into state and local affairs reached its apogee and then began to collapse of its own weight, assisted by the election of Ronald Reagan . . . nevertheless . . . the states have become stronger and more vigorous than ever. They have reasserted themselves as polities and have become the principal source of governmental innovation in the United States . . . during the first postwar generation (1946–76) there was an environmental basis for centralization . . . as locally owned firms were purchased by national and multinational corporations. The civil rights revolution led to substantial federal intervention,

- (A) Describe the author's claim in the passage above about federalism.
- (B) Identify evidence the author provides of strong state government.
- (C) Identify evidence the author provides to support a claim of state resurgence.

Elazar, Daniel J. "Opening the Third Century of American Federalism: Issues and Prospects." *The Annals of the American Academy of Political and Social Science* 509 (1990): 11–21.

without apportioning the taxes among the states on the basis of population (which the Constitution had required before this amendment). With the capacity to raise more revenue, the national government could financially assist states.

To help the state governments deal with the domestic problems spawned by the global economic depression that began in 1929 (the Great Depression), Congress and President Franklin D. Roosevelt (1933–1945) approved numerous policies, collectively called the New Deal. **Grants-in-aid**—transfers of money from one government (the national government) to another government (state and local governments) that need not be paid back—became a main mechanism of President Roosevelt's New Deal programs. State and local governments welcomed the national grants-in-aid, which assisted them in addressing the domestic matters that fell within state sovereignty while allowing states and their local governments

**grant-in-aid**  
**(intergovernmental transfer)**

The transfer of money from one government to another government that does not need to be paid back.

**cooperative federalism**

Intergovernmental relations in which the national government supports state governments' efforts to address the domestic matters reserved to them.

**centralized federalism**

Intergovernmental relations in which the national government imposes its policy preferences on state and local governments.

**devolution**

The process whereby the national government returns policy responsibilities to state or local governments.

**partisan federalism**

The phenomenon of preference for state or national government action (hence, preference for dual federalism, cooperative federalism, or centralized federalism) depending on policy substance and partisan makeup of government at the other levels.

to make most of the specific program decisions to implement the policies.

Through grants-in-aid, dual federalism was replaced by **cooperative federalism** in numerous policy matters. Collaborative intergovernmental relations was a product of cooperative federalism, which dominated national and state government relations from the New Deal era to the early 1960s.

**CENTRALIZED FEDERALISM** By the time of Lyndon Johnson's presidency (1963–1969), a new pattern of national-state relations was developing. In this new form of federalism, the national government imposed its own policy preferences on state and local governments. Specifically, in **centralized federalism**, directives in national legislation, including grant-in-aid programs with ever-increasing conditions or strings attached to the money, force state and local governments to implement a particular national policy. Therefore, in centralized federalism, the national government dominates intergovernmental relations, imposing its policy preferences on state and local governments.

**NEW FEDERALISM** Presidents since Richard Nixon (1969–1974) have fought against this centralizing tendency in intergovernmental relations by proposing to return policy responsibilities (policy making, policy financing, and policy implementation) to state and local governments. Presidents Nixon and Ronald Reagan (1981–1989) gave the name *new federalism* to these efforts, and today we use the term **devolution** to refer to the return of power to state and local governments.

Today, Republicans and Democrats (including presidents, members of Congress, and state and local lawmakers) broadly support selective devolution, though they engage in partisan battles over *what policies* to devolve and over *which elements of a policy* should be devolved (policy statements, policy financing, and/or policy implementation). The results of these partisan battles is a new model of federalism.

**PARTISAN FEDERALISM** Whether the national government or state governments take precedence in any given policy matter is determined by the political party that wins the policy battle. That is, the winners of policy battles institute the model of federalism that they believe will most likely lead to their preferred policy outcome. Scholar Jessica Bulman-Pozen labels this phenomenon **partisan federalism**—that is, a preference for state or national government action (hence, a preference for dual federalism, cooperative federalism, or centralized federalism) that depends on policy substance and partisan makeup of government at the other levels.<sup>20</sup>

When Congress is gridlocked, and therefore, a vacuum exists in a policy matter salient to states, state governments will step up and enact their preferred policies. With Democrats controlling government in some states and Republicans in others, state-level policies may conflict with each other, and some will conflict with the national government's priorities. In addition, when a state government is dominated by one party and Congress or the presidency is controlled by the other major party, the state may act on its own, fulfilling its policy preferences. Scholar Bulman-Pozen argues that the U.S. federal system "provides durable and robust scaffolding for partisan conflict," which allows states and local governments to challenge national policies when the national government is controlled by the opposing party.<sup>21</sup>

Traditionally, since the New Deal, Democrats have supported federal government expansion in domestic policy matters. Republicans have been viewed as the party that supports states' rights (protects states' reserved powers) over national expansion. However, in today's era of partisan federalism, government

officials at all levels of government and from both major political parties will support action by whichever level of government supports their policy preferences; state governments will support national action when it is in line with their preferences or state action when the national government opposes their preferences. The partisans in national government act this way, too. If they cannot obtain what they want through national action, they will support state action. According to a report from the Congressional Research Service, “the historical record suggests that for members of both political parties, regardless of their personal ideological preferences, federalism principles often lose out when in conflict with other policy goals.”<sup>22</sup>

Partisan federalism was evident during the spring of 2020 as national, state, and local governments responded to the coronavirus. President Trump moved from claiming the state governments should be in charge of governmental responses (and the cost of responding) to claiming total authority over states’ responses when he wanted states to reopen businesses in April and May. States with Republican governors were more supportive of Trump’s calls to open up, while those with Democratic governors pushed back and argued that it was their decision when to reopen.

Although conflicts between the states and the national government have been a reality throughout U.S. history, contemporary scholarship on U.S. federalism notes increased “volume and intensity” in intergovernmental tensions.<sup>23</sup> During the 21st century, state governments have filed lawsuits against the national government over national health care policy, immigration policy, education policy, and environmental protection.<sup>24</sup> The national government has filed lawsuits against state and local governments over immigration policy, environmental protection, and voting rights.<sup>25</sup> States have increasingly acted to invalidate (nullify) national laws by enacting state laws that conflict with or modify national laws.<sup>26</sup> During the Obama administration, the Republican governor of Texas even publicly mentioned secession.<sup>27</sup>

The pace of lawsuits filed by state attorneys general against the national government has become extraordinary. According to political scientist Paul Nolette, Republican state attorneys general filed five partisan briefs with the Supreme Court during President Clinton’s administration. They filed 97 partisan briefs during the first seven years of Obama’s presidency.<sup>28</sup> During the first seven months of Trump’s presidency, “State attorneys from Massachusetts to New York to California, often working together, have brought more than 40 legal actions against the Trump administration,” which is “an average of one lawsuit or legal motion every five days since Trump’s inauguration, not including many more letters, legal threats and formal comments to federal agencies.” The chair of the Republican Attorneys General Association is concerned that the lawsuits are less about the law and more about opposing the president. At the same time, Democratic attorneys general claim their legal actions are based on merit.<sup>29</sup>

For example, on January 1, 2018, the California Values Act went into effect. This state law “restricts state authorities from cooperating with federal immigration agents, and places limits on agents entering schools, churches, hospitals or courthouses to detain undocumented immigrants.”<sup>30</sup> Although the law is inconsistent with the national government’s efforts to detain and possibly deport undocumented immigrants, other states have also proposed laws to limit the role their local police officers can play in national immigration policy enforcement. In response to such state and local immigrant “sanctuary” initiatives, the Trump



» A good example of partisan federalism is the tension some state and local governments, such as the city of Los Angeles and the state of California, have had with the national government over rights of undocumented immigrants and the sovereignty of state governments with regard to law enforcement. Explain how this tension exemplifies partisan federalism during the Trump presidency.

Ronen Tivony/NurPhoto/Getty Images

administration announced in February 2020 that it would send specially trained border control agents to assist Immigration and Customs Enforcement (ICE) officers in sanctuary cities across the country. In the same month, the Department of Justice filed suit against state and local governments in California, New Jersey, and Washington over sanctuary policies.<sup>31</sup>

In 2009, with Democrat Barack Obama in the White House, the U.S. attorney general announced that the federal government would not prosecute individuals for dispensing marijuana or using it in compliance with state laws in states that legalized such activity. Then in 2013, as states began to legalize recreational marijuana use, the Department of Justice issued a policy memo that acknowledged marijuana as an illegal drug according to federal law, yet instructed federal prosecutors to deprioritize marijuana-related prosecutions in states that had enacted laws decriminalizing recreational marijuana use (except in cases that were gang related or where marijuana was sold to children).<sup>32</sup> In 2018, however, with Republican Donald Trump in the White House, the Department of Justice rescinded the Obama administration's policy, hence freeing federal prosecutors to enforce national marijuana laws in states whose policies are inconsistent with (nullify) the national laws.<sup>33</sup>

The dual sovereignty established in the Constitution has evolved into a complex, often confusing, web of relationships among the national, state, and state-created local governments in the United States. A review of the tools used by the national government helps to understand the complex intergovernmental relations of today's federal system of government.

## Tools of Intergovernmental Relations

Although the national government shared its revenue surplus with the states in the form of grants-in-aid in 1837, it did not make a habit of offering grants-in-aid until the Great Depression of the 1930s. Today, federal grants-in-aid are 17 percent of the national government's annual spending, and they provide about one-third of total state government revenue.<sup>34</sup> Table 3.4 presents data on the state and local government-administered programs receiving the largest federal grants-in-aid.

Census data is the foundation the federal government uses to determine the distribution of hundreds of billions of grant dollars among state and local governments to help cover costs such as highway construction as well as health care and housing for the elderly, low-income adults and children, and persons

EVALUATING THE FACTS

TABLE 3.4 ■ Fiscal Federalism: Largest Federal Intergovernmental Transfers (2019)

Program	Cost (In Billions)
Medicaid	\$409
Highways	45
Child Nutrition	23
Tenant Based Rental Assistance (Section 8 Vouchers)	22
Children’s Health Insurance Fund	18
Temporary Assistance to Needy Families	16
Accelerating Achievement and Ensuring Equity (Education for the Disadvantaged)	16
Special Education	13
State Children and Families Services Programs	11
Urban Mass Transportation Grants	11
TOTAL OUTLAYS FOR GRANTS TO STATES AND LOCALS	\$721

Federal grants-in-aid provide approximately one-third of state and local government revenues. What information about each of these grant programs would you need to determine whether the program fits into the cooperative federalism model or the centralized federalism model?

Source: Office of Management and Budget, *Historical Tables*, “Table 12.3: Total Outlays for Grants to State and Local Governments by Function, Agency and Program.”

with disabilities. The dollars for federal grants come from taxpayers in each state, which the federal government then transfers back to state governments. The total amount of money paid in federal taxes by people in a dozen states is much more than the grants-in-aid received by their states, as shown in Table 3.5. This situation is often criticized in the states that pay more than they receive in return.

The pervasiveness of intergovernmental transfers of money has led political scientists to the study of **fiscal federalism**—the intergovernmental relationships that develop from the grants of money the national government provides to state and local governments. Sometimes the relationships are positive. Other times the intergovernmental relationships are tense.

**CATEGORICAL GRANTS** Historically, the most common type of grant-in-aid has been the **categorical formula grant**—a grant of money from the federal government to state and local governments for a narrow purpose, as defined by the federal government. The legislation that creates such a grant includes a formula determining how much money will be available to each grant recipient. The formula is typically based on factors related to the purpose of the grant, such

**fiscal federalism**  
The relationship between the national government and state and local governments whereby the national government provides grant money to state and local governments.

**categorical formula grant**  
A grant-in-aid for a narrowly defined purpose, whose dollar value is based on a formula.



**TABLE 3.5** ■ States That Pay More in Federal Taxes Than They Get Back

**TAXPAYERS IN 12 STATES PAY MORE TO THE FEDERAL GOVERNMENT  
THAN THEY RECEIVE IN RETURN THROUGH FEDERAL GRANTS.**

State	How much more is paid than is received in grants	How much more the average state resident paid than they received
New Jersey	\$24.7 billion	\$2,748
New York	\$24.1 billion	1,216
Illinois	\$14.8 billion	1,158
California	\$13.7 billion	348
Massachusetts	\$10.5 billion	1,532
Minnesota	\$6.0 billion	1,078
Connecticut	\$4.4 billion	1,242
New Hampshire	\$749 million	558
Nebraska	\$267 million	139
Utah	\$236 million	76
Wyoming	\$169 million	291

Source: Hillary Hoffower, “States Pay More in Federal Taxes than They Get Back,” *Business Insider*, January 14, 2019, [www.businesinsider.com/federal-taxes-federal-services-differences-by-state-2019-1](http://www.businesinsider.com/federal-taxes-federal-services-differences-by-state-2019-1).

**mandate**

Clauses in legislation, including legislation that establishes grants-in-aid programs, that direct state and local governments to comply with national rules, standards, and other legislative directives.

**matching funds requirement**

A grant requirement that obligates the government receiving the grant to spend some of its own money to match a specified percentage of the grant money provided.

**categorical project grant**

A grant-in-aid for a narrowly defined purpose for which governments compete with each other by proposing specific projects.

as the number of people in the state in need of the program’s benefits. Categorical grants come with strings attached—that is, rules and regulations with which the recipient government must comply. Strings attached to grants-in-aid are one form of a **mandate**.

One typical string is a **matching funds requirement**, which obligates the government receiving the grant to spend some of its own money to match a specified percentage of the grant money provided. Matching funds requirements allow the national government to influence the budget decisions of state and local governments by forcing them to spend some of their own money on a national priority, which may or may not also be a state priority, in order to receive national funding. Medicaid, a health insurance program the national government created for low-income citizens, is jointly funded by federal and state money due to a matching funds requirement. Put into action primarily by state and local governments, this is one example of a national categorical formula grant program with strings attached.

Since the 1960s, the national government has also offered categorical project grants. Like the categorical formula grant, a **categorical project grant** covers a narrow purpose (program area), but unlike the formula grant, a project grant does not include a formula specifying how much money a recipient will receive. Instead,

state and local governments interested in receiving such grants must compete for them by writing proposals detailing what programs they wish to implement and what level of funding they need. A categorical project grant has strings attached to it and typically offers less funding than a categorical formula grant.

**BLOCK GRANTS** Another type of formula-based intergovernmental transfer of money, the **block grant**, differs from categorical formula and categorical project grants in that the matters for which state and local governments can use the money are not narrowly defined, thus allowing state and local governments more discretion to decide how to spend the money. Whereas a categorical grant might specify that the money is to be used for a child care program, a block grant gives the recipient government more discretion to determine how it will be used within a broad policy area such as assistance to economically needy families with children. In 1996, the national government eliminated Aid to Families with Dependent Children (AFDC), its most well-known income assistance program to low-income families, which was a categorical formula grant program for states. It replaced AFDC with a block grant program for the states, Temporary Assistance to Needy Families (TANF).

**block grant**

A grant-in-aid for a broadly defined policy area, whose funding amount is typically based on a formula.

When first introduced by the Nixon administration in the 1970s, block grants had fewer strings attached to them than did categorical grants. Today, however, the number and specificity of conditions included in block grants are increasing, which means increased limits on state and local government discretion in policy making and program implementation.

State and local governments have grown dependent on national financial assistance, and so grants are an essential tool of national power to direct state and local government activity. Although the states welcome federal grant money, they do not welcome the federally imposed requirements or mandates.

**MANDATES** National mandates are statements in national laws, including the strings attached to grants-in-aid, that require state and local governments to do something specified by the national government. Many national mandates relate to ensuring citizens' constitutional rights. For example, the Equal Employment Opportunity Act of 1972 extended the prohibitions against discrimination in employment established in the Civil Rights Act of 1964 to state and local government employment. In this case, the national government enacted the law to fulfill its constitutional responsibilities and imposes it on state and local governments.



» In 1987 the Supreme Court found the drinking-age mandate to be constitutional because it was attached to a grant. However, in 2012 the Court found a grant mandate attached to the national Affordable Care Act of 2010 to be unconstitutional. What did the Affordable Care Act mandate require of states? What model of federalism do these two divergent Court decisions support?

B Christopher/Alamy Stock Photo

When the national government assumes the entire cost of a mandate it imposes on a state or local government, it is a *funded mandate*. However, more often than not, the national government does not cover the entire cost of its mandates. Often, it does not cover any of the cost, forcing states to pick up the bill. When the state or local government must cover all or some of the cost, it is an *unfunded mandate*. Because grants-in-aid are voluntary—that is, state and local governments can decide to accept or reject a grant-in-aid—state and local governments can determine whether they can afford to accept the grant and hence its mandate. Although state and local governments have always opposed the strings attached to grants, the attaching of mandates to grant money has come under increasing fire.

In the 1923 case *Massachusetts v. Mellon*,<sup>35</sup> one of the first cases in which state governments questioned the national government's right to attach mandates to grant money, the Supreme Court found the mandates in national grants-in-aid to be constitutional, arguing that grants-in-aid are voluntary cooperative arrangements. By voluntarily accepting the national grant, the justices ruled, the state government agrees to the grant conditions. The Court's decision did not, however, end states' challenges to grant mandates.

In 1987, South Dakota challenged a 1984 national transportation law that penalized states whose legal drinking age was lower than 21 years. The intent of the national law was to decrease driving while intoxicated (DWI) car accidents. States with legal drinking ages lower than 21 years would lose 5 percent of their national grant money for transportation. South Dakota argued that Congress was using grant conditions to put a law into effect that Congress could not achieve through national legislation because the law dealt with a power reserved to the states—determining the legal age for drinking alcoholic beverages.

In its decision in *South Dakota v. Dole*, the Court confirmed that setting a drinking age is indeed a reserved power of the states.<sup>36</sup> However, the Court found that the national government could *encourage* states to set a drinking age of 21 years by threatening to decrease their grants-in-aid for transportation. Ultimately, the national policy goal of a drinking age of 21 was indeed accomplished by 1988—not through a national law but through a condition attached to national highway funds offered to state governments, funds on which the states depend.

In the summer of 2012, the U.S. Supreme Court found unconstitutional a mandate in the Affordable Care Act of 2010 (ACA)—specifically, the one that required states accepting Medicaid grants to extend Medicaid coverage to additional lower-income citizens.<sup>37</sup> The act mandated that if a state did not expand its coverage to additional citizens, it would lose all its Medicaid grant money—not just forfeit the new ACA grant money available to them for coverage expansion. Therefore, although state governments “voluntarily” participate in the Medicaid program by accepting Medicaid categorical grants, this ruling appears to limit the “financial penalty” the national government can impose through a grant's mandate.

As a result of the Court's ruling, states have a choice to expand Medicaid coverage or not; it is not required. Initially, some states—mostly those with Democratic governors—expanded Medicaid coverage, while states with Republican governors were less apt to do so. However, many Republican-controlled states expanded their coverage after they received from the national government **waivers** that exempted them from some additional conditions attached to the ACA.

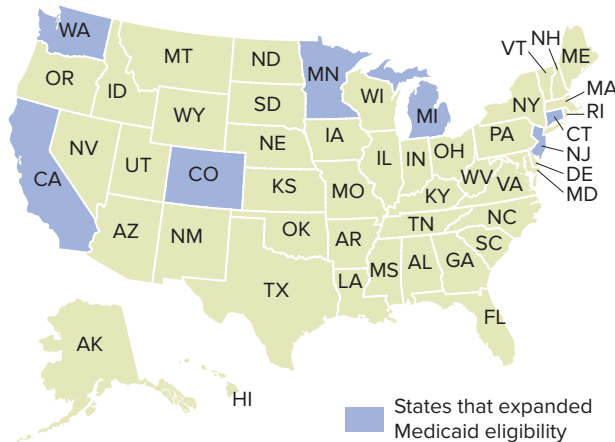
#### **waivers**

Exemptions from particular conditions normally attached to grants.

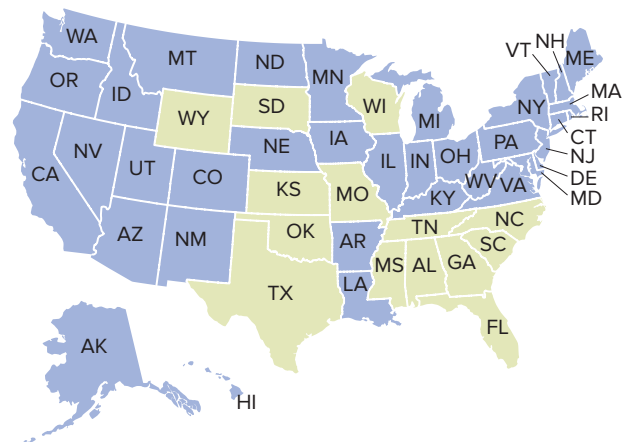
## SOURCE ANALYSIS

## COMPARATIVE

### THEN



### NOW



» In 2012, the U.S. Supreme Court found the ACA mandate for states to increase the income eligibility level for Medicaid coverage unconstitutional. At that time, seven states and Washington D.C. had already expanded their Medicaid coverage, as shown in the Then image. Since 2012, 29 additional states decided to expand their coverage, bringing to 36 the number of states with expanded Medicaid coverage, as shown in the Now image. This includes both Democratic- and Republican-dominated states.

Presidents have used waivers to appease those who do not support mandates in a specific law in order to gain their support for the law's passage. Waivers can soften partisan opposition to a law with mandates.

**PREEMPTION** Another means the national government can use to direct the actions of state and local governments is preemption. **Preemption** means that a national policy supersedes a state or local policy because it deals with an enumerated or implied national power. Therefore, people must obey, and states must enforce, the national law even if the state or local government has its own law on the matter.

#### preemption

The constitutionally based principle that allows a national law to supersede state or local laws.

Preemption is common in environmental policy. Although states have been able to enact and enforce laws with greater protections than are established in national environmental law, they cannot do less than what is called for in the national law. However, the Trump administration is challenging this historical pattern of states regulating the air quality more strictly than the federal government does. For example, the 1970 Clean Air Act granted California the right to set stricter environmental rules than the new federal law called for because California had clean air legislation in place before the federal Clean Air Act was enacted. In the fall of 2019, President Trump attempted to revoke California's authority to set auto

emission rules that are stricter than the federal rules. Richard L. Revesz, a professor of environmental law at New York University, noted that no administration has ever revoked a state government's authority to regulate its own air quality.<sup>38</sup>

California and 22 other states, Washington DC, and the cities of Los Angeles and New York joined in a suit challenging the Trump administration's revocation of California's right to set stricter emissions rules.<sup>39</sup>

#### **nullification**

A legal theory that state governments have the authority to invalidate national actions they deem unconstitutional

**NULLIFICATION** Nullification is a legal theory that state governments have the authority to invalidate national actions they deem unconstitutional. (The "Thinking Critically" feature focuses on the theory of nullification.) Federalism scholars Adam Olson, Timothy Callaghan, and Andrew Karch investigated more than 2,500 state legislative proposals that fit into three categories of nullification activity from 2010 through 2016.<sup>40</sup> Their three categories of nullification are: true nullification, non-acquiescence nullification, and inconsistent legislation nullification.

*True nullification* occurs when a state law explicitly declares the national law unconstitutional. This is very rare. More common is *non-acquiescence nullification*, which occurs when the state law claims the state will not cooperate with a national law without declaring the national law unconstitutional. The most common form of nullification is *inconsistent legislation nullification*, which occurs when the state law conflicts with or attempts to alter the rules or procedures enacted in an existing national law, such as state laws that legalize marijuana use.

According to Olson, Callaghan, and Karch, "contemporary American federalism is characterized by unusually high tensions. These [nullification] bills appeared in every state, and their policy goals spanned the ideological spectrum." They also write that the "new partisan alignment at the national level [that began with Trump's inauguration in January 2017] also represents an opportunity to assess whether state-level Republicans' embrace of nullification during the Obama administration was principled or opportunistic."<sup>41</sup> If principled, then proposing nullification follows the tradition in which Republicans support states' rights. If opportunistic, then proposing nullification indicates that Republicans were opposing the policy preferences of a Democratic president and using nullification to that end, not merely to support states' rights; an example of partisan federalism.

The United States's experiment with a federal system of government has lasted more than 225 years. What began as a system of government with dual sovereignty implemented through a model of dual federalism has evolved into a system of government with dual sovereignty implemented through a model of partisan federalism. In addition, although the national government works independently on some policy matters (such as national defense and foreign policy), and state governments work independently on others (such as land use and the regulation of occupations and professions), most domestic matters are addressed through mutual efforts of at least two, if not three, levels of government, through intergovernmental relations.

The dual sovereignty established in the Constitution has evolved into a complex web of relationships among the national, state, and state-created local governments in the United States. Intergovernmental cooperation exists alongside intergovernmental tension. And questions continue about the constitutional distribution of sovereignty between the national and state governments; many of these questions end up before the courts. Reviewing the more than 230 years of experience with dual sovereignty, one can identify both advantages and disadvantages in the federal system of government as it functions today.



## Can State Governments Nullify National Law?

**THE ISSUE:** Nullification is the theory that states have the authority to invalidate national laws. By 2018, 30 states and the District of Columbia had legalized marijuana in some form. Eight states and the District of Columbia enacted laws legalizing marijuana for recreational use. These states are nullifying national law that criminalizes the growth, sale, possession, and use of marijuana. Do state governments have the constitutional authority to nullify national laws?

**YES:** The Tenth Amendment allows a state to nullify a national law that exceeds the enumerated powers of the national government. If the national government enacts a law relevant to a matter that is reserved for the states, the states have the right to declare it void. One benefit of the federal system touted by the framers was that two levels of government exist to doubly protect citizens' rights and liberties. When states believe a national law or court ruling infringes on citizens' rights or liberties, states have an obligation to nullify it. In addition, the Constitution is a compact among the states. The states had to ratify it for it to go into effect. That means the states gave power to the national government, and they can reclaim it.

**NO:** In a federal system, neither the state governments nor the national government can nullify laws enacted by other governments because neither is sovereign over the other. Article VI of the Constitution establishes that the Constitution and national laws made in compliance with it are the supreme law of the land. All governments in the United States must comply with the supreme law of the land.

**OTHER APPROACHES:** The power of judicial review allows courts to determine whether government actions, including enacted legislation, comply with the Constitution. If states believe that an action of the national government violates the states' constitutional authority, they can file a lawsuit against the national government. The proper interpretation of the enumerated powers, necessary and proper clause, the supremacy clause, and the Tenth Amendment are vital to the health of the union. If the debate over constitutionality of national or state laws gets too heated, the ultimate means of clarification is through a constitutional convention, which states can call for according to Article V of the Constitution.

Is there a proper balance between national and state power in the United States today? The nullification debate is just one example of a question about the proper scope of federal/state power within our federal system of government. As an AP Government student, you will likely be asked to analyze the nature of federalism itself on your AP exam in the form of a source analysis question. In a source analysis question, you will be presented with a passage and will have to apply what you have learned in the course to the passage when answering questions.

### WHAT DO YOU THINK?

1. Do you think a constitutional convention to clarify constitutional language will resolve the perpetual conflicts over state and national authority? Explain.
2. Some people are concerned that recent growth in the number of laws among the states that contradict each other as well as national law will spark domestic upheavals. Do you share this concern? Why or why not?
3. Are the conflicting marijuana laws among states and the national government a good case study for partisan federalism?
4. What is your answer to the question of whether states can nullify national law? Support your position.

# Advantages and Disadvantages of Today's Federalism

When political scientists discuss the advantages and disadvantages of the federal system, what one person argues is an advantage may look like a disadvantage to another. For example, a frequently stated advantage of the federal system is the numerous access points for citizens to participate in their governments. Citizens can engage with national, state, county, municipal, and school district governments. They elect representatives to multiple governments that can be responsive to their needs and protect their rights.

For citizens, however, the availability of so many access points might be confusing and time consuming. Which government is the one with the legal responsibility to solve the problem you want addressed? Which elected official or government has the authority and resources to solve a specific problem? Vague constitutional language does not make these easy questions for either citizens or government officials to answer.

Moreover, each election requires citizens to research candidates running for office. Who has the time? Each year, every state has a primary election day and a general election day. On any given election day, a citizen may be asked to vote for a handful of government officials or dozens. Voters elect more than 500,000 government officials to serve them in the three levels of government. Some political scientists argue that voter turnout would be higher if there were fewer elections.

Another proclaimed advantage of the federal system is that it offers flexibility that makes for more efficient, effective, and responsive government. For example, because of their proximity, local and state governments can respond more quickly, and with a better understanding, to regional problems and needs than can the national government. In addition, what is a problem in one location may not be a problem elsewhere in the nation. Therefore, a national policy may not be appropriate. Moreover, the solution (policy) supported by citizens in one area may not be supported by citizens in a different area. One-size-fits-all national policies are not necessarily effective for all or supported by all.

Yet, some problems and needs cross state borders and affect the entire nation. As a result, we need national policies for some matters, state policies for other matters, and local policies for still others. A federal system provides for policies at all three levels. However, it also allows for problems to fall through the cracks, as each level points to another level as the government that is responsible for addressing the problem. While the finger pointing continues, no government is addressing the problem.

On the flip side, governments may duplicate each other's efforts as they enact policies that address the same concern of their overlapping citizens. Duplication of effort is costly to taxpayers and inefficient. On the other hand, multiple governments enacting different policies to address the same problem allows for experimentation and innovation in the search for the best solution. Governments observing other governments' efforts to solve a problem can then adopt the policy they deem best for their citizens. State and local governments are laboratories for public policies.

One clear disadvantage to the federal system is that it creates inequalities in services and policies; some state or local governments provide their citizens with better public services or more rights than citizens elsewhere. Today, legal rights

and privileges (such as the right to legal use of marijuana or to lower in-state college tuition) depend on the state in which you live. Such inequalities may satisfy those who support state laws on given matters, but they dissatisfy those who do not support the laws and want the same rights as citizens in other states. Vague constitutional language also allows states to enact policies that may infringe on national sovereignty, and it allows the national government to enact policies that may infringe on state sovereignty. Conflicts over sovereignty can disrupt domestic tranquility (via protests and demonstrations) and lead to costly lawsuits. They may also fuel distrust and dissatisfaction with all the governments.

Today, we see hostility and tension between state governments and the national government over numerous issues, including immigration reform, the right to bear arms and gun control, the right to abortion, the expansion of Medicaid eligibility, and the proper implementation of the Affordable Care Act. Some observers have begun to discuss a new states' rights movement, as state governments that do not agree with a national policy enact their own laws that may conflict with national laws.<sup>42</sup>

Polarization in Congress, which leads to gridlock, is fueling the states' rights movement. When Congress cannot agree on policies to solve problems, state governments step into the silence and pass their own policies. The result can be conflicting state policies and state policies that infringe on national sovereignty. Ultimately, the courts have to resolve these conflicts.

## **Conclusion: Thinking Critically About What's Next for Federalism**

Today's federalism (partisan federalism) is not the framers' federalism (dual federalism). James Madison and other framers argued that the national government's powers were limited by the Constitution and focused on foreign affairs and defense matters, while states' powers were expansive and covered domestic issues. However, the proper distribution of authority and balance of power between the national and state governments has always been controversial. Until recent decades, the Supreme Court's interpretations tended to favor an expansion of the national government's enumerated and implied powers into a growing number of domestic matters. However, the past few decades have witnessed inconsistency in the Court's interpretations. The Court protects and even expands national powers in some cases while protecting states' powers in other cases.

The national government has created a complex web of intergovernmental relations (IGR) through its application of the Fourteenth Amendment, as well as grants-in-aid, mandates, and preemption. IGR makes it difficult to determine what governments are in charge of making policy, financing policy, and implementing policy; therefore, it can be hard to know which government can solve your particular problem.

Today, we see increasing differences among state policies enacted to address similar needs and concerns of their residents. State governments' differing responses to the coronavirus provide clear examples of this. States are experimenting to find effective policies that their citizens support. Because of years of gridlock in Congress over several policy matters that traditionally were the purview of the national government, we also are witnessing an increase in state and local laws enacted to fill in the national policy silences. Moreover, state governments are enacting laws that often seem to conflict with national laws. IGR and partisan federalism are today's reality in the U.S. federal system of government.

# References

1. Michael McDonald, "Let 16-year-olds vote for L.A. school board," *LA Times*, May 9, 2019, <https://latimes.com/opinion/op-ed/la-oe-mcdonald-school-board-voting-age-16-20190508-story.html>.
2. Jason Axelrod, "Cities nationwide push to lower voting age to 16," September 10, 2018, <https://www.americancityandcounty.com/type/administration>.
3. Fenit Nirappil, "D.C. Council declines to take up bill to lower voting age to 16," *The Washington Post*, November 12, 2018.
4. Powell Leighton, Leah Fleming, and Adam Ragusea, "In Some Georgia Cities, a Requirement to Bear Arms," *GPB Radio News*, April 16, 2018, [www.gpbnews.org/post/some-georgia-cities-requirement-bear-arms](http://www.gpbnews.org/post/some-georgia-cities-requirement-bear-arms).
5. Andrew Blake, "Hawaii Becomes First State to Raise Legal Smoking Age to 21," *The Washington Times*, January 5, 2016.
6. U.S. Bureau of Indian Affairs, "Frequently Asked Questions," <https://www.bia.gov/frequently-asked-questions>.
7. Dennis L. Dresang and James J. Gosling, *Politics and Policy in American States and Communities*, 4th ed. (New York: Pearson Longman, 2004).
8. *V.L. v. E.L., et al.* 136 S. Ct. 1017 (2016).
9. *McCulloch v. Maryland*, 17 U.S. 316 (1819).
10. *Gibbons v. Ogden*, 22 U.S. 1 (1824).
11. *Helvering v. Davis*, 301 U.S. 619 (1937).
12. *United States v. Lopez*, 514 U.S. 549 (1995).
13. *Pruneyard Shopping Center & Fred Sahadi v. Michael Robins et al.*, 447 U.S. 74, 100 S. Ct. 2035.
14. *San Antonio Independent School District v. Rodriguez*, 411 U.S. 1 (1973).
15. G. Alan Tarr, *Judicial Process and Judicial Policymaking*, 6th ed. (Boston, MA: Cengage Learning, 2014), 309.
16. *New State Ice Co. v. Liebmann*, 285 U.S. 262, (1932).
17. Sarah Zimmerman, "For Oregon students, 'Sick Days' Expanding," *Scranton Times-Tribune*, July 23, 2019.
18. James Madison, "Federalist No. 45," *The Federalist Papers* (Cutchogue, NY: Buccaneer Books, 1992), 236.
19. Gary Gerstle, *Liberty and Coercion: The Paradox of American Government From the Founding to the Present* (Princeton, NJ: Princeton University Press, 2015).
20. Jessica Bulman-Pozen, "Partisan Federalism," *Harvard Law Review* 124, no. 4 (2014): 1077–1146.
21. As quoted in Greg Goelzhauser and S. Rose, "The State of American Federalism 2016–2017: Policy Reversals and Partisan Perspectives on Intergovernmental Relations," *Publius: The Journal of Federalism* 47, no. 3 (2017): 285–313.
22. Robert Jay Dilger, *Federal Grants to State and Local Governments: A Historical Perspective on Contemporary Issues* (Washington, DC: Congressional Research Service, 2017), 39.
23. Greg Goelzhauser and S. Rose, "The State of American Federalism 2016–2017: Policy Reversals and Partisan Perspectives on Intergovernmental Relations," *Publius: The Journal of Federalism* 47, no. 3 (2017): 285–313; Adam Olson, T. Callaghan, and A. Karch, "Return of the 'Rightful Remedy': Partisan Federalism, Resource Availability, and Nullification Legislation in the American States," *Publius: The Journal of Federalism* 48, no. 3 (2018), 1–28.
24. Goelzhauser and Rose, "The State of American Federalism 2016–2017."
25. Daniel C. Vock, "At Odds," *Governing* (June 2016): 24–31.
26. Olson, Callaghan, and Karch, "Return of the 'Rightful Remedy.'"
27. Vock, "At Odds."
28. Alan Greenblatt, "The Pruitt Backlash," *Governing* (February 2017): 9.
29. Steve Peoples, "Dem Attorneys General Escalate Fight vs. Trump," *Times-Tribune*, August 14, 2017, p. B9.
30. Tim Arango, "In Clash between California and Trump, It's One America versus Another," *New York Times*, January 7, 2018.
31. Caitlin Dickerson and Zolan Kanno-Youngs, "Border Patrol Will Deploy Elite Tactical Agents to Sanctuary Cities," *New York Times*, February 14, 2020.
32. "Justice Department Announces Update to Marijuana Enforcement Policy," August 29, 2013, [www.justice.gov/opa/pr/2013/August/13-opa-974.html](http://www.justice.gov/opa/pr/2013/August/13-opa-974.html).
33. Charlie Savage and Jack Healy, "Trump Administration to Move to Weaken Marijuana Legalization Movement," *New York Times*, January 4, 2018, <https://nyti.ms/2E6rxBE>.
34. Dilger, *Federal Grants to State and Local Governments*.
35. *Massachusetts v. Mellon*, 262 U.S. 447 (1923).
36. *South Dakota v. Dole*, 483 U.S. 208 (1987).
37. *National Federation of Independent Business v. Sebelius*, 567 U.S. \_\_\_\_\_, 132 S. Ct. 2566 (2012).
38. Coral Davenport, "Trump to Revoke California's Authority to Set Stricter Auto Emissions Rules," *New York Times*, September 17, 2019.
39. Tony Barboza and Anna M. Phillips, "California sues Trump again for revoking state's authority to limit auto emission," *LA Times*, November 15, 2019.
40. Olson, Callaghan, and Karch, "Return of the 'Rightful Remedy.'"
41. Olson, Callaghan, and Karch, "Return of the 'Rightful Remedy.'"
42. Dylan Scott, "The United States of America: In the Absence of Strong Federal Policies, States Have Become More Active—and More Divergent—Than They've Been in Decades," *Governing* (June 2013): 42–47; Peter Harkness, "Shall We Overcome? After 50 Years, a New No-Holds Barred States' Rights Movement Has Emerged," *Governing* (November 2013): 18–19.

■

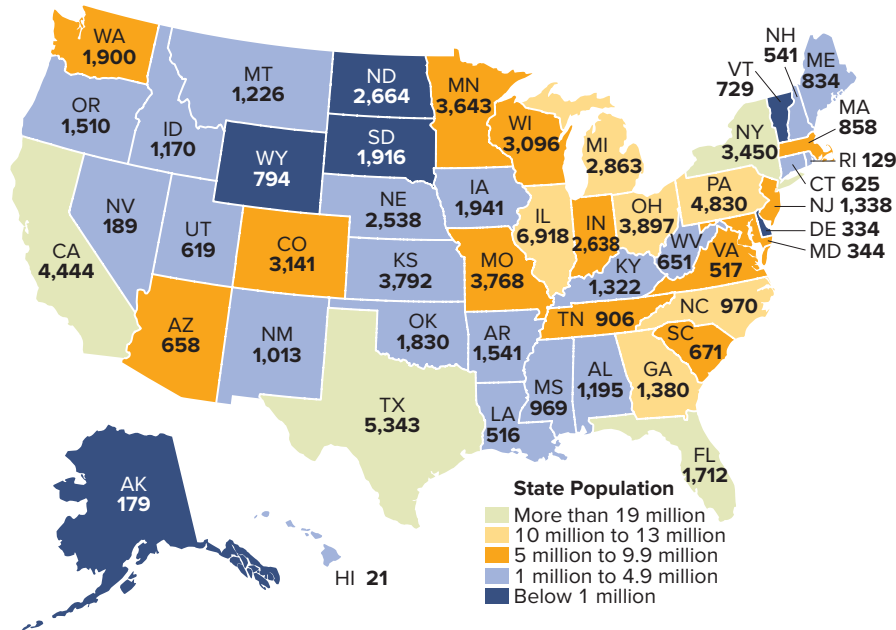
Key Terms

federalism.....	111	implied powers.....	117
block grants.....	135	enumerated powers.....	117
mandates.....	134	<i>McCulloch v. Maryland (1819)</i> .....	123
categorical grants.....	134	<i>U.S. v. Lopez (1995)</i> .....	123
commerce clause.....	123	nullification.....	138



## Multiple Choice Questions

Questions 1 and 2 are based on the map below.



Number of Local Governments in Each State

- Which of the following accurately describes the information based on the map above?
  - States with Democratic governors tend to have more governments
  - New England states have the most governments per capita because they are the oldest
  - Federalism allows the states to retain sovereignty and create numerous local governments
  - Unitary systems such as Britain also have multiple governments
- Which of the following is a practical consequence of a federal system based on the information in the map above?
  - Confusion among citizens and government officials regarding government powers and responsibilities
  - Increased efficiency in the delivering of good and services by the government to its citizens
  - Increased accountability among government institutions
  - The abuse of interstate compacts
- Which of the following is an example of concurrent powers?
  - regulating interstate commerce
  - raising revenue
  - minting coins
  - raising an army

4. The ruling in *McCulloch v. Maryland* is based on which constitutional clause?

- (A) Commerce clause
- (B) Due process clause
- (C) Equal protection clause
- (D) Necessary and proper clause

5. Which of the following is an accurate comparison of dual and cooperative federalism?

Dual Federalism	Cooperative Federalism
(A) The dominant pattern of national-state relations from 1945–1970	The dominant pattern of national-state relations from 1789–1920
(B) Results in decreased efficiency	Results in increased efficiency
(C) States should follow the direction of the federal government	States should maintain sovereignty
(D) Caused by the belief that the national government takes care of its enumerated powers and the states independently take care of their reserved powers	Caused by the complexity of the Great Depression and New Deal which demanded closer cooperation between federal and state governments

6. Which of the following actions by the federal government is an example of an unfunded mandate?

- (A) Requiring states to raise their income tax rate
- (B) Requiring states and municipalities to make all public buildings accessible to people with disabilities
- (C) Requiring states to balance their budget each year
- (D) Requiring states and municipalities to privatize public universities

7. Which of the following accurately aligns the powers of the state government to the powers of the national government?

National powers	State powers
(A) Negotiate Treaties	Ratify Treaties
(B) Raise an army	Grant marriage licenses
(C) Ratify Amendments to the US Constitution	Regulate intrastate commerce
(D) Develop a postal service	Provide for copyrights

## ■ Free Response Questions

### SCOTUS Comparison

In *U.S. Term Limits v. Thornton* (1995), the state of Arkansas had adopted a state amendment imposing term limits for federally elected officials from the state of Arkansas. Specifically, anyone elected to the U.S. House of Representatives from

Arkansas would be ineligible to serve more than 3 terms and anyone elected to the U.S. Senate would be ineligible to serve more than 2 terms. In their ruling, the Supreme Court stated that the Constitution prohibits States from adopting Congressional qualifications in addition to those enumerated in the Constitution.

- (A) Identify the constitutional clause that is common to both *U.S. Term Limits v. Thornton* (1995) and *McCulloch v. Maryland* (1819).
- (B) Based on the constitutional clause identified in part A, explain why the facts of *U.S. Term Limits v. Thornton* led to a different holding in *McCulloch v. Maryland*.
- (C) Explain an action citizens who disagree with the ruling in *U.S. Term Limits v. Thornton* could take to limit its impact.

## Concept Application

In 1990, Congress passed the Americans with Disabilities Act (ADA), which prohibited discrimination based on disability. The Act required states and local employers to provide funding to make changes to existing building and facilities, making sure that these buildings and facilities would be accessible to people with disabilities. Employers were also required to accommodate any employees with disabilities.

After reading the scenario, respond to A, B, and C below:

- (A) Describe an action the federal government could take to offset the costs of the ADA on the states.
- (B) In the context of the scenario, explain how the use of the federal government's power described in part A can be affected by its interaction with the states.
- (C) In the context of the scenario, explain how the interaction between the federal government and the states can be affected by federalism.

## Argumentation

Develop an argument that explains whether dual or cooperative federalism is most similar to the Framers' original intention for the relationship between the federal government and the states.

In your essay, you must:

- Articulate a defensible claim or thesis that responds to the prompt and establishes a line of reasoning.
- Support your claim with at least TWO pieces of accurate and relevant information:
  - At least ONE piece of evidence must be from one of the following foundational documents:
    - The Constitution of the United States (including the Bill of Rights and subsequent Amendments)
    - Brutus 1
    - Federalist No. 10
- Use a second piece of evidence from another foundational document from the list or from your study of the electoral process
- Use reasoning to explain why your evidence supports your claim/thesis
- Respond to an opposing or alternative perspective using refutation, concession, or rebuttal

*Sample chapter for review purposes only.  
Visit [mheonline.com/advancedplacement](http://mheonline.com/advancedplacement)  
to request a sample of the complete Student  
Edition and Teacher Manual, demo digital  
resources, learn more about the program, or  
contact your Sales Representative.*