
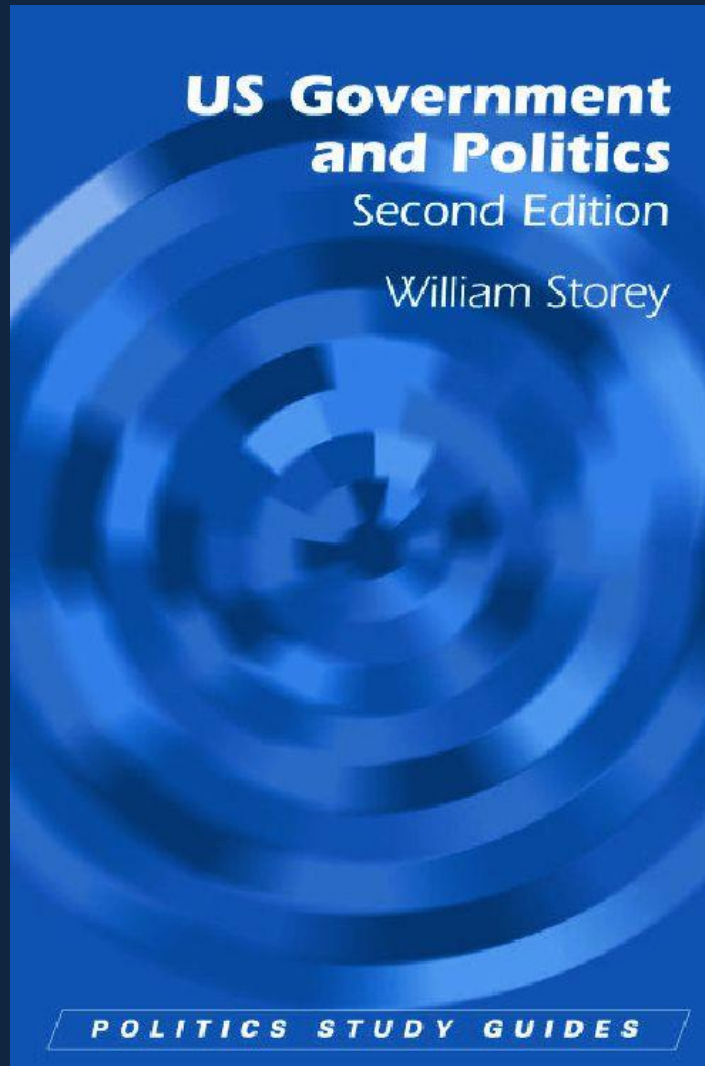


Democracy In America

- SPOL2322-1
- Seminar 6
- 30h



François Debras Ph.D.
francois.debras@uliege.be



US Government and Politics

Second Edition

William Storey

POLITICS STUDY GUIDES

The structure is inspired by the book:

STOREY William, *US government and politics*, Edinburgh University Press, 2010.

Several definitions/descriptions come from the book:

STOREY William, *US government and politics*, Edinburgh University Press, 2010.

François Debras
francois.debras@uliege.be

Contents

- Before Starting...
- I. Introduction
 - Democracy
 - America
 - Politics
 - Power
 - Administration
- II. The Congress
 - The Congress and the Constitution
 - The Congress and the presidency
 - The Congress and the judiciary
 - Legislating
 - Representation
 - Summary / Questions

Contents

- III. The Presidency (Domestic presidency)
 - The presidency and the Constitution
 - The President as head of government
 - The President as chief legislator
 - The President as head of the state
 - The President as party leader
 - The Vice President
 - Summary / Questions
- IV. The Presidency (Foreign Affairs)
 - The Constitution and foreign policy
 - The instrument of foreign policy
 - The goals of foreign policy
 - Foreign policy in the twenty-first century
 - Evaluating the powers of the President
 - Summary / Questions

Contents

- V. The Judiciary
 - The Constitution and the judiciary
 - Judicial review
 - Judicial process
 - The political character of judicial review
 - Judicial appointments
 - Summary / Questions

- VI. Elections, Réferendum and Recall
 - Mechanics of Voting
 - Congressional elections
 - Presidential elections
 - State and local elections
 - Amendments to state constitutions
 - Referendum and Initiative
 - Recall
 - Direct Democracy
 - Summary / Questions

Contents

- VII. Political parties, electoral sociology
 - The role and the status
 - The development of the main political parties
 - The Republican Party
 - The Democratic Party
 - Minor parties
 - Electoral sociology
 - Summary / Questions
- VIII. Campaign finance and pressure groups
 - Campaign finance
 - Pressure Groups
 - Summary / Questions

...a visit to the US Embassy (Nov.19)



...an oral presentation

- Dates:
 - 3 December
 - 10 December
 - 17 December
- 5 issues
 - Culture Wars (abortion, right-to-die, same-sex marriage)
 - Civil liberties (gun control vs. Gun rights, capital punishment)
 - Race relations, ethnicity and inequalities
 - Health Care and Obamacare
 - Energy and Environment (nuclear power, oil, green deal)

...an oral presentation

- Presentations
 - Group
 - 40 minutes
- Paper
 - delivered on the day of the presentation
 - 12 pages (first line of the introduction, last line conclusion)
 - multiple sources (scientific books and articles, newspaper articles, speeches, bills,...)
 - cover page, table of contents, introduction, development, conclusion, bibliography, annexes
- Objectives
 - Presentation of the issue
 - History
 - Opposing forces
 - Relations with the Constitution? Institutions? Political Parties? Ideologies? Citizens' movements?
 - Evolution and Update

François Debras

francois.debras@uliege.be

...and examination (Jan.)

- Participation during the year
- Oral presentation + paper related to the presentation
 - 10/20
- Oral examination
 - Theoretical questions (PP + text portfolio + oral lecture);
 - General debate questions as discussed during the sessions;
 - 10/20

Democracy in America

I. INTRODUCTION

Democracy in America -> Democracy

- Alexis de Tocqueville (1831 – 1835 – 1840)
 - observations
 - values: equal conditions leading to freedom
- Democracy
 - As a regime?
 - As a form of society?
 - As tools?

Democracy in America -> America

- United States of America (USA)
- American Revolution (1765-1784)
- United States Declaration of Independence (July 4, 1776)
- United States Constitution (federal republic)
- Bill of Rights (first 10 amendments)
- Thirteen Colonies -> 50 States
- Founding Fathers
- Federalists vs. Antifederalists

Box 1

Federalists vs. Antifederalists

- Strong central government
- Weak state governments
- Benjamin Franklin, Alexander Hamilton, John Jay, James Madison, George Washington
- Constitution
- Believed the Constitution was sufficient to protect individual rights
- Urban areas
- Power in the states
- Not the central government
- John Hancock, Patrick Henry, Richard Henry Lee, George Mason, Mercy Otis Warren
- Articles of Confederation
- Believed the Constitution was not sufficient to protect individual rights
- Rural areas

Box 2

Amendment X

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.

Democracy in America -> Politics

- Politics

- “politics is at the heart of all collective social activity, formal and informal, public and private, in all human groups, institutions and societies”.
(Adrian Leftwich)

>

- “Rather than confining politics to a particular sphere (the government, the state, or the public realm) this view see politics at work in all social activities and in every corner of human existence”

Democracy in America -> Power

- Power
 - The ability to achieve a desired outcome, through whatever means.
 - Diversity and conflict
 - force, coercion, persuasion, manipulation
- "Power can be said to be exercised whenever A gets B to do something that B would not otherwise have done" (Dahl)
 - Power as decision-making or non-decision-making
 - Power as agenda setting
 - Power: force, constraint, persuasion, propaganda
- Hard power vs. Soft power

Democracy in America -> Administration

- Administration
 - Primary concern is with the execution and enforcement of the laws made by the legislature and the policies decided by the political executive
- Weberian model of bureaucracies
 - Rational and objective machines
 - Administration world vs. Political world
- BUT bureaucrats exert considerable influence on the policy process
- Functions
 - Carrying out administration
 - Offering policy advice
 - Articulating and aggregating interest
 - Maintaining political stability

Democracy in America

II. THE CONGRESS

a) Congress and the Constitution

- Stop one person from holding too much power
- Executive branch < Legislative branch
- First article of the Constitution

- Restriction on the power of Congress
 - 2 chambers
 - Elections held every two years
 - State: 2 members of the upper chamber (Senate)
 - Senator: 6 years term of office (one-third replaced every two years)
 - Specific responsibilities -> Article I. Section 8 C. (5 economic powers, 6 divers powers) « elastic clause »
 - President: right to veto-laws (Conter Veto with a two-thirds majority)
 - Specific restriction (Article I. Section 9 C.): punishing a person, favouring one state...

Box 3

House of Representatives

The House of Representatives is made up of 435 elected members, divided among the 50 states in proportion to their total population. In addition, there are 6 non-voting members, representing the District of Columbia, the Commonwealth of Puerto Rico, and four other territories of the United States. The presiding officer of the chamber is the Speaker of the House, elected by the Representatives. He or she is third in the line of succession to the Presidency.

Box 4

The Senate

The United States Senate is comprised of one hundred members – two senators from each of the 50 states – who serve six-years, overlapping terms. Senators, along with members of the House of Representatives, propose, author, and vote on federal legislation that touches upon all aspects of U.S. domestic and foreign policy. Senators provide advice and consent on executive nominations and treaties and conduct oversight of all branches of the federal government.

The Vice President of the United States serves as President of the Senate and may cast the decisive vote in the event of a tie in the Senate

b) Congress and the presidency

- Scrutinising the presidency
- Senate:
 - Confirmation of presidential appointments
 - Ratification of treaties
 - Analysing the budget

b) Congress and the presidency

(1) Scrutinising presidential appointments

– Senate give « advice and consent »

- Investigating the record of each person nominated by the President
 - Question the candidate
 - Taking a vote
-
- Majority of cases: without any controversy
 - But, months before an incoming President has a full team in place

b) Congress and the presidency

(2) Organisation of the executive branch

– Congress sets up

- the Executive Departements (Departement of Defence)
 - the Executive Agencies (Federal Reserve Board)
 - the Independent Regulatory Commissions (Federal Election Commission)
-
- Organisation of these bodies can only be altered by an Act of Congress

b) Congress and the presidency

(3) Scrutinising Treaties

- President is responsible for diplomatic negotiations but once a formal agreement or treaty is reached, it must receive the support of two-third (67) votes of the Senate

Box 5

Executive agreement

An executive agreement can be signed between the President and a foreign head of state. These do not require the approval of two-thirds of the Seante, but the Supreme Court ruled in 1937 (United States v. Belmont, the such agreements have the same status in international law as treaty

b) Congress and the presidency

(4) Scrutinising presidential use of the armed forces

- Only the Congress can declare war
- The President deployed America's armed forces in his capacity as commander-in-chief
 - Ex: Vietnam
 - Wars Powers Act: 90 days before a vote from the Congress (discussion point)

b) Congress and the presidency

(5) Scrutinising presidential legislative proposals

- President cannot introduce bills into Congress
- Requires members of the House of Representatives and of the Senate to introduce his bills into the two chambers

b) Congress and the presidency

(6) Scrutinising presidential budgetary proposals

- First Monday in February: State of the Union Address -> detailed budget to Congress
- The House and Senate spend months developing their own budget's proposals
 - Add the President's proposals
 - Cut proposals

b) Congress and the presidency

(7) Congressional investigations

- Executive branch has been corrupt or incompetent?
- Any Congressional committee may mount an investigation
- Ex: Watergate

Box 6

Impeachment

If it is presented with evidence of 'Treason, Bribery or other High crimes and Misdemeanours' (Article II., Section 4 C.), it is the exclusive responsibility of the House of Representative to bring articles of impeachment (charges) against the accused person. These charges must have the support of a majority of Congressmen.

If a vote passes in the House (216), a trial takes place in the Senate. If the proceeding involve the President, then the Chief of Justice of the Supreme Court acts as the Judge. The House of Representatives, having brought the charges, acts as the prosecution. The accused person will have a team of defence lawyers. The Senate acts as the jury. If two-thirds (67) of the Senate votes against the defendant, a guilty verdict is delivered and the person is removed from office.

c) Congress and the judiciary

(1) Modifying laws

- Supreme Court declares a law unconstitutional
- Congress may make minor, technical adjustments (without significantly altering the purpose of the law)

c) Congress and the judiciary

(2) Initiating constitutional amendments

c) Congress and the judiciary

(3) Impeachment

- As with the executive branch, Congress has the right to remove judges from office for wrongdoing

d) Legislating

- Easier for initiatives to be blocked than for them to pass
 - //Founding Fathers;
 - Limited government
 - Against oppression
- (Critics: with legislation that enhances the likelihood of being re-elected being prioritised over laws that would be of greatest value to the nation)

d) Legislating

- Two magic numbers: 218 (House of Representatives) and 60 (Senate): vote a bill must receive to become law
- Stage 1: Introducing a bill
- Stage 2: Committee action
- Stage 3: Floor action
- Stage 4: Conference Committee
- Stage 5: Presidential signature

d) Legislating

- Stage 1: Introducing a bill
 - By a member of Congress
 - Need to find a sympathetic member of the other chamber to introduce the bill
- Stage 2: Committee action
 - House:
 - Sent by the Speaker to a committee (or 2 or more) for detailed consideration
 - Split the bill ?
 - Put a limit on the time the bill has to complete its passage?
 - Senate:
 - Referred to committee by the staff of the presiding officer
 - Committee chairman :
 - Ignored
 - Bring the bill before the whole committee for consideration and vote
 - Hearings, including amendments

Box 7

Speaker

The Speaker acts as leader of the House and combines several roles: the institutional role of presiding officer and administrative head of the House, the partisan role of leader of the majority party in the House, and the representative role of an elected Member of the House

The Speaker of the House is second in line to succeed the President, after the Vice President.

d) Legislating

- Stage 3: Floor action
 - House (committee chairmen):
 - When to schedule a bill for debate ?
 - Which rule a bill should be debated under?
 - Open rule (permits amendments to a bill)
 - Modified open rule (permits amendments to specified parts of a bill)
 - Close rule (no amendments)
 - Senate
 - Unlimited debate
 - At this stage, all members of Congress have an opportunity to vote on the House (218) and the Senate (51) version of the bill.
 - If not, the bill dies.
 - But possibility of reconciling the two versions...

d) Legislating

- Stage 4: Conference Committee
 - House and Senate appoint representatives to negotiate an agreed version of the bill.
 - Deadlocked -> bill will die
 - Compromise
 - The agreed version is then sent back to the 2 chambers for their approval.
 - Unacceptable -> further negotiations or bill will die
 - Both chambers vote for it

d) Legislating

- Stage 5: Presidential signature
 - Bill cannot become a law until it has been signed by the President.
 - Delay !
 - Sent to the President shortly before the end of the Congressional year, it will die if the President fails to sign it within ten days
 - Sent to the President while Congress is in session, and he fails to sign within ten days, it become law
 - Veto and return to the Congress
 - Congress can override a veto with a two thirds majority in both chambers, at which point it becomes law

e) Representation

Summary / Questions

- What are the differences between federalists and anti-federalists? The federalists' view prevailed. However, the concerns of the anti-federalists have not been dismissed. Which texts and procedures illustrate the position of the anti-federalists?
- The founding fathers were afraid of the “reign of emotion” and popular passions. How did they forge a political regime that avoids this?
- Explain the difference between a treaty and an executive agreement. Find examples of executive agreements and explain them. How can these executive agreements be cancelled?
- Under President Trump, explain "The Iran war powers resolution" passed by the House of representatives.
- Can a president propose a law to the Congress? Can a president refuse to sign a law passed by the Congress?
- Has Donald Trump been subject to impeachment?
- What is the “recall” procedure in the US? Is it similar to impeachment?
- Who is the “speaker”, what is his role? Who is the “whip”, what is his role?
- What is a “filibuster”? Present historical examples?

Democracy in America

III. THE PRESIDENCY (DOMESTIC PRESIDENCY)

a) The presidency and the Constitution

- Avoid a tyrannical leader
- Need for effective co-ordination of national affairs
- -> The Constitution is quite vague about the powers of the President in domestic affairs

Box 8

Qualifications for the presidency

The first most detailed part of Article II of the Constitution covers who may become President (and Vice President) and the process of election. The key qualifications are that a candidate must: a) have been born in the USA, b) be at least 35 years old, c) have been resident in the USA for the previous fourteen years at the time of standing for the position, d) have not served as President for more than one term (1951-22nd Amendment).

a) The presidency and the Constitution

- Section 2 of Article II outlines the few presidential powers, in both domestic and foreign affairs.
- In domestic affairs:
 - Authorisation (not requirement) to form a cabinet
 - Pardoning people convicted of crimes
 - Temporarily filling vacancies in the Federal government (Senate is not in session)
- Section 3 of Article II outlines the duties
 - « The Exzcutive Power shall be invested in a President of the United States of America ».

b) The President as head of government

- Implementation of existing Federal laws
- Initiation of new laws and programmes
- Management of the economy

- BUT: challenges
 - Assembling a suitable team to lead the departments
 - Exerting effective political control over the civil servants
 - Maintaining effective political focus on his political agenda

- « One hundred days in office »
- Winning an election in the first week of November
- Inauguration in the third week of the following January

b) The President as head of government

- Departments
- The restrictions
 - Cannot adjust the number of departements, or their responsibilities (Congress)
 - Cannot confirm the appointees (Senate)
- By convention
 - The head of each departement has a background that is compatible with the responsibilities of the departement
 - Pressure groups are consulted
 - Head of department (who make up the Cabinet) are expected to be broadly representative of the population of the country (« egg formula »).

b) The President as head of government

- (1) Independent regulatory commissions
 - Established by Congress
 - Independent of the President
 - Establish rules, which have the force of law

 - Appointed by the President
 - Max 4/7 or 3/5 may be of the same party
 - View of opposition must be considered by the commission
 - Cannot be removed by the President

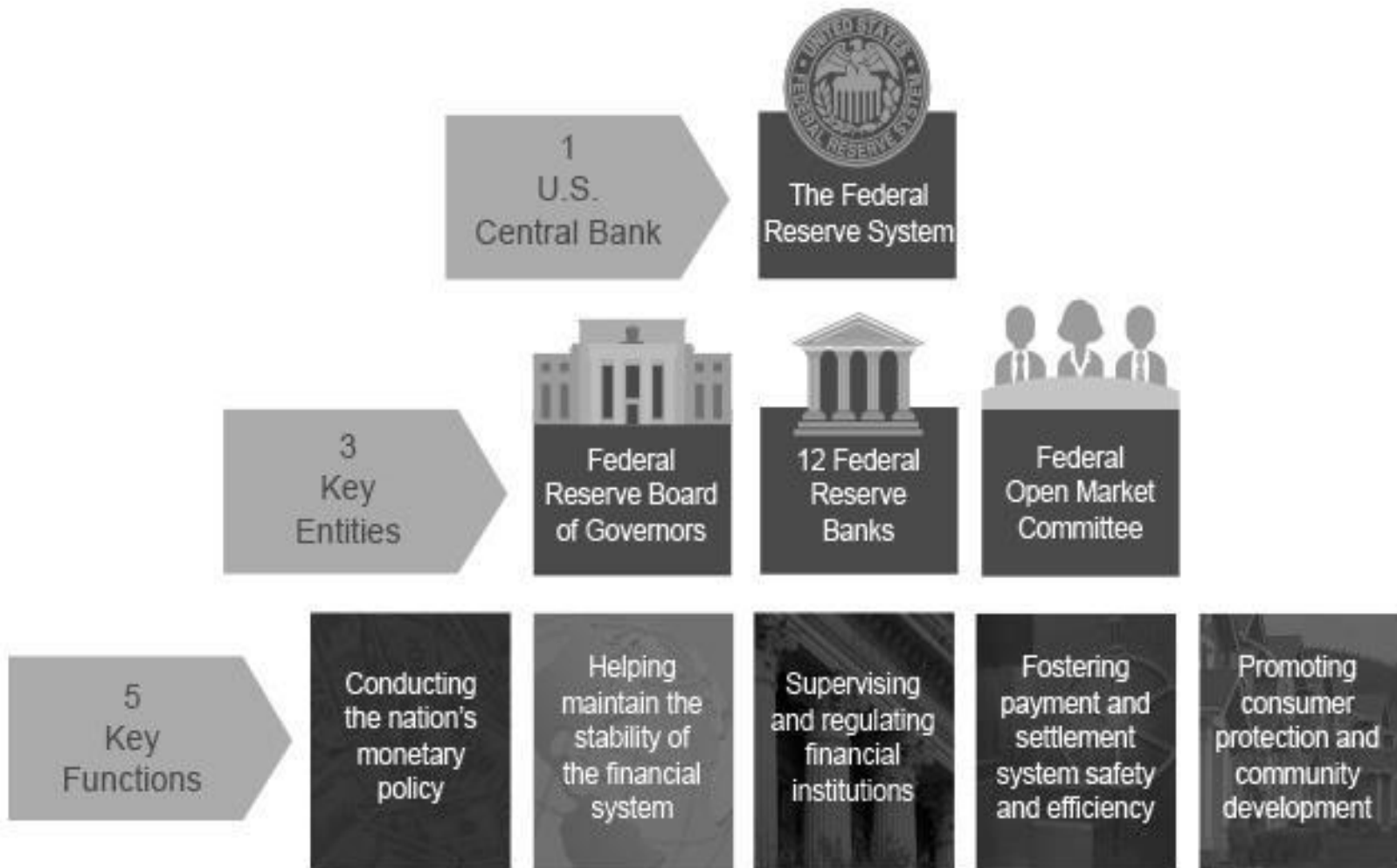
 - Ex: Federal Reserve, Central Bank of the USA, Federal Elections Commission

Box 9

The Federal Reserve

The central bank of the United States was founded by Congress in 1913 to provide the nation a more stable monetary and financial system. Its structure includes a federal government agency and 12 regional Reserve Banks (Federal Reserve District boundaries).

4 general areas: 1) conducting the nation's monetary policy (employment, stable prices, long-term interest rates), 2) regulating banking institutions (protect the credit rights of consumers), 3) maintaining the stability of the financial system and containing systematic risk in financial markets, 4) providing financial services to depository institutions, the U.S. government, and foreign official institutions (operating the nation's payments system).



Box 10

The Federal Elections Commission

In 1975, Congress created the Federal Election Commission to administer and enforce the Federal Election Campaign Act – the statute that governs the financing of federal elections.

The duties are to disclose campaign finance information, to enforce the provisions of the law such as the limits and prohibitions on contributions, and to oversee the public funding of Presidential elections.

6 members who are appointed by the President and confirmed by the Senate. Each member serves a six-year term, and two seats are subject to appointment every two years. No more than three Commissioners can be members of the same political party and at least four votes are required for any official Commission action.

b) The President as head of government

- (2) Independent agencies
 - Organised like the fifteen main government departments
 - President has more control over these bodies
 - Ex: Environmental Protection Agency

b) The President as head of government

- (3) Government corporations
 - Public services
 - Ex: United States Postal Service, National Railroad Passenger Corporation
 - « The spoils system »

b) The President as head of government

- (4) The Executive Office of the President (EOP)
- Added or abolish agencies within the EOP
 - The White House Staff
 - Providing information and analysis of the key issues
 - Providing guidance in specialist policy areas
 - Evaluating the political and legal significance of president decisions
 - Writing speeches
 - Liaising with Congress to gain support
 - Filtering who, and what, gets access to the President
 - Monitoring the work of executive departments and agencies to ensure that they are carrying out the President's political agenda

b) The President as head of government

- (4) The Executive Office of the President (EOP)
 - The Office of Management and Budget (OMB)
 - Prepare the budget the President proposes to Congress each year
 - Reviews all policy proposals produced by the executive departments and agencies to ensure that they are consistent with the President's goals
 - The Council of Economic Advisors
 - Long term economic planning
 - The National Security Council (NSC)
 - Coordinating foreign and military policy
 - State Department >< Department of Defense
 - FBI >< CIA

Box 11

Executive orders

The President may issue orders to those working for the government. Executive orders often deal with relatively trivial managerial issues. However they have the force of law.

Ex: internment of Japanese Americans WWII (9066), desegregation of the US armed services (9981), affirmative action policy (11246)...

Box 12

Presidential Proclamations

The President can issue 'presidential proclamations', which relate to the country as a whole. The most significant, and famous, was the 'Emancipation Proclamation' that abolished slavery in 1863.

May be overturned by Congress or the courts.

Many of them remain in place, giving the President more power over policy than is often recognized.

c) The President as chief Legislator

- As the only person elected by the whole nation, the President is expected to present a programme for government that meets the nation's needs
- The State of the Union Address: national political agenda for the year
- On the first Monday in February, the President's budget is delivered to the House of Representatives
 - « The President proposes; the Congress disposes ».

Box 13

The power of veto

Part of the negotiation process is the threat that the President will use his constitutional power to veto an entire bill if it no longer meets his key requirements. This means the President returning a bill to Congress with the reasons for not signing it. This veto can then be overridden by a two-thirds majority vote in both houses of Congress. This is quite a powerful weapon, as Congress will be reluctant to force a veto if there is a perception that the electoral feels they are jeopardising the national interest for their local interests. The fact that the President has a national platform on which to put forward his viewpoint, such as his weekly radio address, while members of Congress have no similar mouthpiece, give the President a distinct advantage in such a situation. Furthermore, the two-thirds majority required in both houses of Congress to override a Congressional veto is only rarely achieved. Thus, the threat of a veto may be sufficient to wring compromises from Congress

d) The President as head of the State

- He hosts visiting dignitaries
- Presiding over range of formal events
- (Lighting the national Christmas tree)
- (Throwing out the first ball of the Major League baseball season)
- (Pardons a turkey every Thanksgiving)

- -> Living symbol of the national
- Representing the collective image of the USA
- Reflects the hopes, fears and mood of the nation

Box 14

Government Shutdown

The US Constitution requires Congress to regularly pass laws funding the government. On the relatively rare occasions that Congress fails to do so on time, a government shutdown begins. This does not mean that the US currently has no government. Services vital to law and order, such as prison security or border patrol, will continue to function as normal. Most other departments will remain open, but only a minority of their staff will report to work and they will perform only their most basic functions. Some government institutions, such as national parks, museums, and memorials, are closed entirely.

Some 800,000 government employees have been placed on furlough due to the shutdown, meaning that they will not report to work, and will not be paid.

Some only lasting a single day, while others have gone on for weeks

e) The President as party leader

- The President is effectively (although not officially the leader of his party.

VS.

- As the head of state, however, to behave in a partisan way is generally considered inappropriate and can be highly divisive.
- Encourage active support for the party
- Raise campaign funds
- If the President's policies are popular, the whole party can be relied upon to rally round to provide support to turn proposals into policies that are implemented. This can lead to electoral success for the party around the country.

f) The Vice President

- John Adams (1789-1797) ☹️
(President: 1797-1801)
- Jack Garner (1933-1941) ☹️
- Vice President is
 - Officially the presiding officer of the Senate
 - To take over the presidency if the President dies in office or is unable to carry out his duties

Box 15

President-elect fails to qualify before inauguration

If the President-elect fails to qualify before inauguration (Section 3, 20th Amendment), the Vice President-elect will act as President.

The Constitution also directs Congress to determine by law a successive line of service to be called upon in the unlikely occurrence that both the President-elect and Vice President-elect fail to qualify by the beginning of the presidential term. The following would be required, if qualified and, for Cabinet secretaries, if having been confirmed by advice and consent of the Senate, to act as President until such a time as a President has qualified:

The Speaker of the House of Representatives; the President pro tempore of the Senate ; the Secretary of State ; the Secretary of the Treasury; the Secretary of Defense ; the Attorney General ; the Secretary of the Interior ; the Secretary of Agriculture ; the Secretary of Commerce ; the Secretary of Labor ; the Secretary of Health and Human Services; the Secretary of Housing and Urban Development; the Secretary of Transportation ; the Secretary of Energy ; the Secretary of Education ; the Secretary of Veterans Affairs

f) The Vice President

- Despite the limitation of the vice presidency, it has grown in stature since the WWII for variety of reasons
 - Role in winning election by ‘balancing the ticket’
 - Role of the Federal government has grown, the Vice President has been given increasingly high-profile roles to support the President in running the executive branch
 - Advisory roles to the President
 - Liaising with the party and Congress
 - Post that can be used to assist in the execution of domestic policy

Summary / Questions

- During the first months of his term as president, Barack Obama was criticised for the legitimacy of his status as president / his availability to be president. What was this criticism referring to?
- Can the president directly hire individuals to run government departments? Can he change the organisation of these administrations?
- How are the heads of departments selected?
- What are the duties of the national reserve? Why has it become a central institution over time?
- What is the “EOP”? What influence and power of management and/or organisation does the president have over it?
- What is an “executive order”? Find examples. What is a “presidential proclamation”? Find examples. What are the differences between the two? (and executive agreement?)
- Explain: “The President proposes; Congress disposes”.
- What is a “Government Shutdown”? Give historical examples.
- What is a “lame duck” president? Which president has been called a lame duck?

Democracy in America

IV. THE PRESIDENCY (FOREIGN AFFAIRS)

François Debras
francois.debras@uliege.be

a) The Constitution and foreign policy

- Founding fathers: keeping the executive branch in check
- BUT
- When the Constitution was being written, the newly created nation was surrounded by territory controlled by the powerful imperial countries of Europe (the British, the Spanish, the French)
- President
 - Chief diplomat
 - Commander-in-chief of the armed forces

a) The Constitution and foreign policy

- The Constitution place a number of congressional checks on how the President used these powers
 - All treaties require ratification by 2/3 of the Senate
 - Senior diplomats and senior appointees to the armed forces have to be confirmed, by a simple majority, by the Senate before they can take up their positions
 - President has the power to deploy and use the armed forces, the Constitution made Congress alone responsible for declaring war

a) The Constitution and foreign policy

- Treaty
- Executive agreements
 - President (USA and another country)
 - Without Congressional scrutiny
 - Same status in international law as a treaty
- Congressional-Executive agreement
 - Simple majority in both houses
 - Missouri v. Holland in 1820

Box 16

Manifest Destiny

The nation's destiny, ordained by God, to control the whole of North and Central America, and possibly even the South America as well.

Nation's territorial destiny

U.S. TERRITORIAL ACQUISITIONS



François Debras

francois.debras@uliege.be

b) The instruments of foreign policy

- (1) The State Department
- (Department of Foreign Affairs)
- ‘Conduct of foreign relations, to promote the long range security and well-being of the United States’
 - Keeping the President informed about international developments
 - Maintaining diplomatic relations with foreign governments
 - Negotiating treaties
 - Protecting the interests of Americans abroad

b) The instruments of foreign policy

- (2) The Department of Defense
- 'Pentagon' (Arlington, Virginia)
- Civilian employees and military personnel
 - To assist the President in carrying out his duties as Commander-in-chief

b) The instruments of foreign policy

- (3) Intelligence agencies
 - Under the responsibility of the Department of Defense
 - Central Intelligence Agency (CIA)
 - Collecting intelligence
 - Correlating and evaluating intelligence related to the national security
 - Providing overall direction for and coordination of the collection of national intelligence outside the United States in coordination with other departments and agencies
 - 5 components: directorate of operations, directorate of analysis, directorate of science and technology, directorate of support, directorate of digital innovation
 - Collecting, analysing and disseminating intelligence information to top US government officials

c) The goals of foreign policy

Box 17

Monroe Doctrine

The process of asserting its influence over the parts of the continent it did not control began with the announcement of the 'Monroe Doctrine' in 1823. President Monroe warned the major European powers not to interfere in the American continent. Any unwelcome interventions, in which the USA perceived its 'rights are invaded or seriously menaced', would lead to 'preparations for our defence'.

In the name of protecting small nations in the region from European powers, the USA took control of Cuba, the Philippines, Puerto Rico and Hawaii.

François Debras
francois.debras@uliege.be

Box 18

Roosevelt Corollary

Direct intervention in the affairs of other countries clearly went further than the terms of the Monroe Doctrine and was justified, in retrospect, by the 'Roosevelt Corollary' in 1904. President Theodore Roosevelt asserted the right of the USA to ensure that the continent remained 'stable, orderly and prosperous' in the event of 'wrongdoing or impotence' among its neighbours.

The USA as 'international police powers'.

In the period before the start of the First WW, Presidents tended to use the growing economic power of the USA to shape its relations with other countries, ('dollar diplomacy'), promoting American investments to help ensure economic and political stability while strengthening diplomatic ties. Military intervention became a strategy of last resort.

c) The goals of foreign policy

- President Woodrow Wilson wanted a more moralistic foreign policy based on:
 - Open, honest diplomatic relationship between countries (rather than secret negotiations)
 - Free trade (rather than rival economic fortresses)
 - Restoring land to countries that had lost territory as a result of war
 - Self-determination
 - A general association of nations with the power to arbitrate between nations
- Senate vote against ratification (53-38) – League of Nations
- Inclined to isolationism

Box 19

Truman Doctrine

In 1947, the President committed the USA to supporting through economic or military assistance all nations around the world who were resisting the advance of Communism. This led to the Marshall Plan, a huge economic aid programme for Western Europe in the aftermath of the Second WW to promote economic and political stability, military intervention in Korea in the 1950s, Vietnam in the 1960s and support for resistance fighters in Afghanistan after an invasion by the Soviet Union in 1979.

This was accompanied by an arms race in case the rivalry between the two sides ever erupted into direct conflict

c) The goals of foreign policy

- President Bush Snr
 - New world order
 - Liberal Democracy
 - Free trade
 - Renunciation of military aggression to further foreign policy objectives

d) Foreign policy in the twenty-first century

- George W. Bush
 - America First
 - National interest
 - Not seeking Senate ratification of the Kyoto Protocol
 - Withdrawal of support for the International Criminal Court
 - Withdrawal from the Anti-Ballistic Missile Treaty
 - Isolationism?
 - Transformed into interventionism on 11 September 2021

Box 20

Bush Doctrine

A foreign policy designed to address the new type of threat posed by a different type of enemy which was not a traditional nation state and did not fight with a conventional army

- To recognise that the greatest threat is a combination of radical groups hostile to liberal democracies and 'rogue states'
- To recognise that these groups cannot be dealt with in the same way as traditional enemies who wish to protect their territory and people (do not have a country or citizens to defend)
- Destroy fundamentalist groups that aim to mount further attacks on US citizens, its commercial interests or its territory.
 - - Not tolerate countries that support, encourage or provide protection to fundamentalist groups and if it requires military action to neutralise the threat
- The USA will not attempt to permanently occupy the country but to create the conditions for a new generation of leaders

François Debras
francois.debras@uliege.be

d) Foreign policy in the twenty-first century

- George W. Bush
 - Hard power
 - Soft Power
 - « Axis of Evil »
- Barack Obama
 - A version of the Bush doctrine with much greater emphasis on soft power?
 - Military power in a ‘prudent manner’
 - Relationship based on ‘mutual interest and mutual respect’
 - Promote democracy, freedom, tolerance, rights and justice throughout the Muslim world
 - ‘Not wait for America to solve all of the world’s problems’
 - Ex: Obama and Iran / Obama and Cuba

e) Evaluating the powers of the President

- President Truman: 'I sit here all day trying to persuade people to do the things they ought to have sense enough to do without my persuading them. That's all the powers of the President amount to'
- 'Persuader-in-chief'
- 'Bargained-in-chief'
- 'Negociator-in-chief'
- 1) Neustadt: The power to persuade
- 2) Schlesinger: Imperial presidency
- 3) Wildavsky: The dual presidency
- 4) Howell: Power without persuasion

e) Evaluating the powers of the President

- (1) Neudstadt: The Power to persuade
 - Congress: disregard the President's political agenda
 - Bureaucracy: limit the effectiveness of presidential policies
 - Cabinet: attached to their department's priorities
 - President is in a weak position: persuade other that it is in their interests to work with him.
- (Focus on domestic affairs)

e) Evaluating the powers of the President

- (2) Shlesinger: Imperial presidency
 - Vietnam: without seeking Congressional permission
 - President were easily able to exceed their constitutional powers
 - Few effective constraints
- Resignation of President Nixon
- Ineffectiveness of Presidents Ford and Carter
- Power may fluctuate
 - Not on the basis of the persuasive powers
 - But because of wider political factors that tend to strengthen or weaken the position of the President

e) Evaluating the powers of the President

- (3) Wildavsky: The Dual presidency
 - Domestic: strict checks and balances
 - Foreign affairs: powerful
- When foreign affairs are dominant: imperial presidency
- When domestic affairs are dominant: imperilled presidency

e) Evaluating the powers of the President

- (4) Howell: power without persuasion
 - Centred too heavily on the President's ability to get major legislative initiatives through Congress (Strong vs. Weak)
- Executive order
 - Changes the balance between the presidency and the Congress
 - Implement a policy and Congress has to accept it unless it is able to pass a law that overrules the executive order or proclamation.
- Easier to derail a presidential initiatives as it makes its way through Congress that it is to build a coalition to overturn an initiative after it has been implemented

Summary / Questions

- Explain the differences between a "Treaty", an "Executive agreement" and a "Congressional-executive agreement".
- Explain in your own words the concept of "Manifest Destiny". What are its current implications?
- What is an "intelligence community"? Find examples and explain their functions/organisations.
- Explain in your own words the "Monroe Doctrine", the "Roosevelt corollary" and the "Truman doctrine". Do they still have an influence today? Give examples.
- Explain the differences between Bush and Obama in their international policies.
- After the chapter on the presidency at national and international level, is the president of the United States a weak or strong political actor? Explain and justify your answer with elements seen in the course and examples.
- Four concepts allow us to study the "power" of the president in the United States. How would you describe Donald Trump's presidency in relation to these concepts? Justify your answer with examples and elements seen in the course.

Democracy in America

V. THE JUDICIARY



François Debras
francois.debras@uliege.be

a) The Constitution and the judiciary

- Article III Sections 1 and 2 of the US Constitution
 - Highest court in the federal system
 - Congress has the power to organize and staff the Supreme Court
 - Members are nominated by the president but must be approved by the Senate
 - 9 members

a) The Constitution and the judiciary

- Separation of powers:
 - “Politicians are responsible for creating and amending the rules of the game while judges are referees/umpires who see that the game is played fairly according to those rules”.
 - “If the rule are unfair, and judges do nothing more than apply them in a consistent fashion, the courts will not be an arena for people to seek justice. Thus, there is a long-standing tradition, dating back to before the War of Independence, of laws and government action being challenged in court and judges declaring that key rights have been infringed”
 - Common law
 - Judge-made-law

a) The Constitution and the judiciary

- Article III C.: role and powers of the judiciary
 - Few indications
 - Judges to be strictly limited to adjudication ?
 - Or to play a role in limiting the ability of the other branches to threaten rights?
 - Addresses the arrangements for establishing a national judiciary
 - Arrangement for keeping it independent
 - Certain limitations on their power

a) The Constitution and the judiciary

- Since the eighteenth century, when the Supreme Court was established by the Constitution, its workload has expended enormously
 - > Congress has established lower Federal courts
 - > Supreme Court is the highest court of appeal for these cases
 - > Each of the fifty states has its own court system
 - > Each states has its own State Surpreme Court
 - > Cases that have reached the highest court of appeal in the system, the State Supreme Court, may then be appealed to the Federal Supreme Court

b) Judicial review

- Interpreting how the Constitution should be applied to specific circumstances or issues confers immense power on whichever group of people carries out that task.
- Whoever defines exactly what each provision of the Constitution means and how it should operate in practice

Box 21

Judicial review

Examination of state, congressional or executive action by the US Supreme Court to determine whether the action infringes the US Constitution. The Constitution does not itself explicitly grant the Supreme Court this right, which was asserted by the Court itself, under Chief Justice Marshall, in its verdict on *Marbury vs. Madison* (1803). Declaring Section 13 of the Judiciary Act of 1789 unconstitutional, Marshall asserted, 'It is emphatically the province and duty of the judicial department to say what the law is'.

Fifty years passed before the Court, in the case of *Dred Scott vs. Sandford*, once again declared an act of Congress unconstitutional. Since then the Court has struck down legislation on many occasions, and its right to do so is unquestioned

Box 22

Constitution(s)

Constitution is the highest law in any territory it covers. This is true of the USA, but it was also already true, before the Constitutional Convention, of the thirteen individual states that made up the country. Each of these already had their own codified Constitutions and the issue of how they should be interpreted has already arisen in at least four states (Virginia in 1782, New York in 1784, Rhode Island in 1786 and North Carolina in 1787).

b) Judicial review

- To assert its right of Constitutional interpretation
 - Chisolm v. Georgia (1793)
 - The Court ruled that a citizen had the right to sue a State
 - Led to the 11th Amendment, changing Article II, Section 2 of the Constitution
 - Constitutional amendment to overturn a decision of the Supreme Court was an indication of the Court's power

b) Judicial review

- In 1819, the Supreme Court made it clear that its power of judicial review applied to the States as well as Federal government.

b) Judicial review

- Judicial process
 - Get hearing:
 - Lower court may refer a case to the Supreme Court
 - Can be petitioned to hear a case involving a serious constitutional issues
 - Supreme Court decide if they will accept the case
 - Term
 - 100 cases – or 70
 - First week of October: the Justices choose between thirty and forty cases
 - Leave room to accept others before their year ends around the 4 July Independence Day holiday
 - All cases are summarised
 - It takes 4 of the Justices to agree for a case to be accepted
- François Debras
francois.debras@uliege.be

b) Judicial review

- Term (continuation)
 - Lawyers present a brief (written statement with their legal arguments)
 - ‘Friends of the Court’ (pressure groups of government departments)
 - Oral argument
 - Each side will have 30 minutes to summarise their key points
 - Judges may interrupt at any time to ask questions or to challenge a point
 - Vote
 - All votes have equal weight
 - It does not require a unanimous vote to reach a decision
 - Written opinion that will explain the decision and provide a guide
 - The minority explains their points of disagreement in a dissenting opinions

c) The political character of judicial review

- The Supreme Court's decision to hear certain cases
 - ex: 1970 – Woman has a Constitutional right to an abortion?
- Serve to establish a new policy that affects everyone in the country
- Tailor their decisions to the anticipated response from the public
 - ex: racial segregation to be unconstitutional
-> unanimous decision despite disagreements
- Opinions of the judges can have a political impact
- Use the judiciary to advance a cause or aims (political purposes)

c) The political character of judicial review

- Limitation?
 - Legal process: judges can only decide matters that are brought to them in the form of legal cases
 - Courts traditions: Judges only consider cases where their decision will make a real difference (considerable number of people are affected, considerable harm has been caused)
 - Judges: make the distinction between their personal views and what the law requires (not elected, they have a particular obligation to use their power responsibly)

c) The political character of judicial review

- Limitation?
 - Lack of Enforcement power: the President at the Federal level and goernors at state level are responsible for ensuring that the law is upheld
 - Cheeks and balances: the Supreme Court judgements have been overturned by a constitutional amendment (1793: 11th Amendment / 1913: 16th Amendment)
 - Also impeachment (Congress)
 - Also Congress can modify laws that have been declared unconstitutional
 - Also Congress has the power to cha,ge the number of judges
- Political and legal aspects to the Court's work!

d) Judicial appointments

- Appointments are for life
 - Vacancy: a judge decides to retire or dies
- Judges' salaries may not be diminished while they are in office

-> Independent Judiciary

- Judges are chosen by the President and confirmed by the Senate

Box 23

Chief Justice

On the Supreme Court there are 9 Justices, led by the Chief Justice.

Many Supreme Court proceedings are defined by the seniority rule. The Chief Justice is the most senior judge, regardless of the length of his or her term (even if it is shorter than that of one or more associate justices).

- Being responsible for the administrative arrangements for both the Supreme Court and lower Federal courts.
- Presiding over the swearing-in ceremony for the President (and other senior Federal appointees, such as judges).
 - Presiding over impeachment proceedings

The votes of all nine justices have equal weight. However, the Chief Justice has one power that can influence the outcome of the voting: he decides who will write the detailed explanation of the Court's decision in each case (although, if the Chief Justice is in the minority voting, this power passes to the longest-serving judge in the majority).

d) Judicial appointments

- Presidential ‘echo chamber’
 - Judicial philosophy of the nominee
 - President’s view may still be heard there many years after he has left office
 - The American Bar Association (1952): consulting every Federal judicial appointment
 - Balance: religion, ethnic group, gender, geography
 - Payment of political debts: (not a common reason, on occasion Justices have chosen to reward them for past service)
 - Ex: Chief Justice Earl Warren was promised a position on the Court in return for not running against Eisenhower in the 1952 presidential election.

d) Judicial appointments

- The confirmation of Federal Judges requires a vote by a majority of the Senate (51/100)
- As well as face hearings, nominees have to:
 - Meet with Senators of both parties to discuss any issues or concerns they may have
 - Fill out a questionnaire, prepared by the Senate Judiciary Committee, explaining their approach to making judgements and indicating their views on the major issues of the day

Summary / Questions

- How are the judges of the Supreme Court appointed? (explicit and implicit?)
- Explain the "Court-Packing Controversy".
- What is "common law" or "judge-made law"?
- How many supreme courts are there? What are its functions or their functions?
- What does the US Constitution say about the Supreme Court?
- Explain judicial review.
- How do you get a matter before the supreme court?
- How does the judicial process work?
- Can the decisions of the Supreme Court be considered political?
- How can the independence of the Supreme Court be guaranteed?

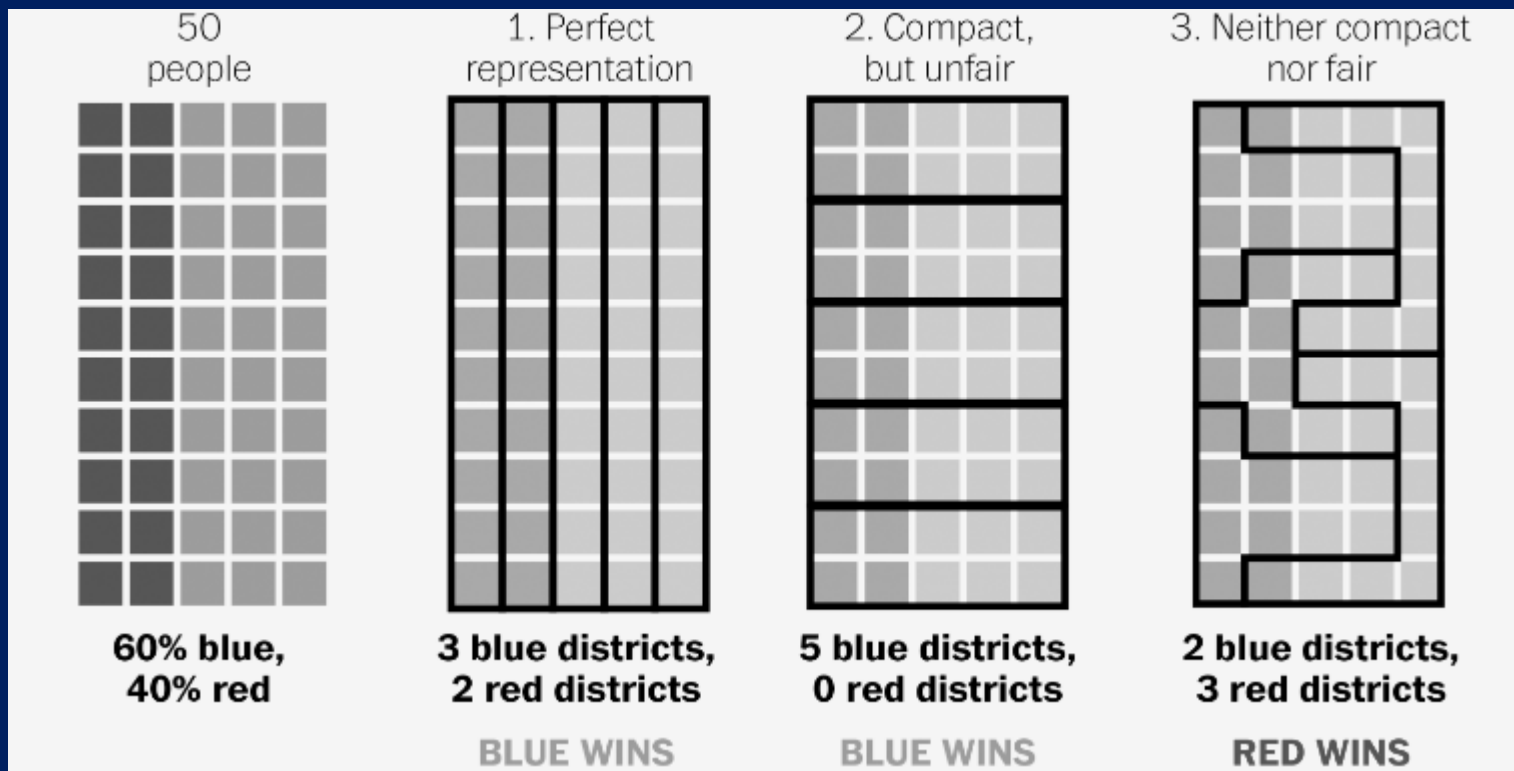
Democracy in America

VI. ELECTIONS, RÉFÉRENDUM AND RECALL

François Debras
francois.debras@uliege.be

Box 24

Three different ways to divide 50 people into 5 districts



The Washington Post, "Gerrymandering explained",

<https://www.washingtonpost.com/>

François Debras
francois.debras@uliege.be

a) Mechanics of Voting

- Have to register to vote
 - Usually thirty to sixty days prior to election day
 - Popular interest in a campaign gain peaks in the final two to three weeks before an election (but, too late to register in most states)
 - Registration laws disproportionately impact people
 - Especially the poor, less educated as well as younger voters

Box 25

Number of congressman

The number of representatives in Congress is currently fixed at 435; each state has at least one. The more populous the state, the more representatives it has: Wyoming gets a single at-large representative, whereas California has fifty-two. In states with more than one congressman or congresswoman, each represents a physical area of the state.

Creating these districts is often a matter of extreme political debate because how districts are drawn affects who is elected.

Congressional redistricting occurs every ten years, after the national census. The purpose is to ensure that each congressman or congresswoman represents the right number of constituents and that each state has the appropriate number of representatives.

b) Congressional elections

- House of Representatives
- Senate
- The First Past the Post electoral system is used
- Fixed election date
 - First Tuesday in November, every two years

b) Congressional elections

- House of representatives
 - re-election every two years
 - before each election, may be challenged by one or more persons for the right to represent the party in a public contest called a primary.

b) Congressional elections

- Senate
 - The Founding Fathers were concerned that the electoral arrangements for the House of Representatives clearly allowed for the possibility of 'mob politics'. Elections to the Senate, therefore, were designed to act as a counter-balance to this threat. Originally, selection was by indirect election, with the state legislatures choosing suitable representatives.
- Senators
 - 6 years terms of office
 - All states were given an equal number of Senators (two)
- Office
 - The one-third of the Senators came to an end every two years
 - Never be a time when everyone in the national government was replaced simultaneously
 - Members of the Senate may be challenged for the right to represent their party when an election is approaching in a primary
 - Both seats of a State are never involved during the same election (state can be represented by two different parties)

Box 26

Mid-term elections

Elections to Congress take place at the same time as, and tend to be somewhat overshadowed by, presidential elections. However, they also take place between presidential elections. When this happens, they are referred to as mid-term elections. Even though elections to Congress are the main political event in the mid-terms (with state elections also taking place), they attract less public attention and lower turnout than in presidential election years. Yet they can have a substantial impact:

A change in the control in Congress can make the President's ability to work with the legislature much harder

If the result is seen as a verdict on the performance of the President, it may cause him to change his tone and policies.

François Debras
francois.debras@uliege.be

c) Presidential elections

- The President and Vice-President are the only people elected by voters from across the country
- Four-year terms
- Indirectly elected
 - though an electoral college
- Elected on a fixed date

- Constitution did not provide for limits
 - Became te custom (after the first President, George Washington, stepped dow from office after two terms)
 - Roosevelt was elected to a third term in 1940 and in a fourth in 1944
 - 1951: the 22nd Amendment to the constitution
 - No one would again be elected to more than two terms

c) Presidential elections

- Presidential candidates are officially chosen at a political party's national convention, held the summer before the election.
- Primary
 - A primary is a state-level election where party members vote to choose a candidate affiliated with their political party.
 - Thirty-four U.S. states conduct primary elections
- Caucus
 - A local meeting where registered members of a political party in a city, town or county gather to vote for their preferred party candidate and conduct other party business.

Box 27

Super Tuesday

The major primary day, on which many states vote, is called Super Tuesday. The original Super Tuesday took place in March and involved a bloc of Southern states that wanted to create a regional primary to exercise more influence over the nominating process

c) Presidential elections

- National conventions
 - Selecting a presidential candidate
 - A forum for party factions to debate
 - Announcing the vice-presidential candidate
 - For a week, in election year, virtually all political attention is on the party holding its convention and it is a prime opportunity to convey a positive impression
 - It may help to build party unity
 - Activists across the country to come together to build links and reinforce bonds between people
 - Help provide a ‘bounce » in the polls if it goes well
 - Establish a ‘narrative’ for the election

Box 28

The electoral college

The outcome of a presidential election is not determined by adding the national vote of the candidates. The Founding Fathers, concerned that the masses could be too easily tempted to support irresponsible politicians, created an electoral college to protect the nation from mob politics.

Established by Article II, Section 1 of the Constitution, the electoral college is created once every four years for the sole purpose of electing the President and Vice president. Each state is allocated a number of electors, determined by combining the number of Congressional representatives a state has (at minimum one) with its Senators (two).

Thus, a state with a small population, such as Wyoming, is represented by just one person in the House of Representatives but, along with every other state, has two Senators. This means that it has three votes in the electoral college. By comparison, the state with the largest population, California, is represented by fifty-three people in the House of Representatives, which, with its two Senators, gives it fifty-five votes in the electoral college. In addition, Washington DC, which is not a part of any of the fifty states, has had three votes in the electoral college since the passage of the 23rd Amendment in 1961. (The people of Washington DC still do not have any representation in Congress.)

Box 28'

The electoral college

Although the distribution of votes changes every ten years, the total number of electoral college votes is fixed at 538, which means that a candidate requires a majority -270 or more- to win.

The presidential candidate who wins a majority of votes in each state wins all of the electoral college votes for that state (with the exception of Maine and Nebraska, which allocate their electors on a proportional basis). This system means that presidential elections become fifty-one separate elections, with the candidates having to make informed decisions on which states they are almost certain to win, which ones they are likely to lose and which are likely to be closely contested, using their resources accordingly.

Once the votes of the electorate have been counted, respected political activists, chosen by their parties, act as electors and gather in the state capital to formally cast their votes, reflecting the views of the electorate. These votes are then conveyed to the US Senate, where the final result is announced.

François Debras
francois.debras@uliege.be

Box 28''

The electoral college

Since the electoral college was set up to protect the nation from an irresponsible electorate, the electors may, in principle, ignore the result of the popular vote. Occasionally this actually happens and electors who vote this way are known as faithless electors. Since the founding of the electoral college, there have been 156 faithless electors. Seventy-one of these votes were changed because the original candidate died before the day on which the electoral college cast their votes. Three of the votes were not cast at all, as three electors chose to abstain from casting their electoral vote for any candidate.

The other eighty-two electoral votes were changed on the personal initiative of the elector.

Sometimes electors change their votes in large groups, such as when twenty-three Virginia electors acted together in 1836. Many times, however, these electors stood alone in their decision. No faithless elector has ever changed the outcome of an election.

In the most recent act of electoral abstention, Barbara Lett-Simmons, a Democratic elector from the District of Columbia, did not cast her vote for AL Gore in the 2000 presidential election, as expected.

Her abstention was meant to protest the lack of Congressional representation for Washington DC

Box 29

Elector

The U.S. Constitution contains very few provisions relating to the qualifications of Electors. Article II, section 1, clause 2 provides that no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector. As a historical matter, the 14th Amendment provides that state officials who have engaged in insurrection or rebellion against the United States or given aid and comfort to its enemies are disqualified from serving as Electors. This prohibition relates to the post-Civil War era.

Political parties often choose Electors for the slate to recognize their service and dedication to that political party. They may be state elected officials, state party leaders, or people in the state who have a personal or political affiliation with their party's Presidential candidate.

c) Presidential elections

- The electoral college
 - + It requires candidates to concentrate on key groups of voters and to concentrate on all regions of the nation
 - + It ensure that the states with smallest populations can have a significant impact on the outcome of the election
 - Some states are solidly Democrat or solidly Republican
 - Disproportionate influence, making smaller states over-represented
 - Disproportionate influence, « swing states »
 - Candidate representing minor parties have a little likelihood of winning electoral college votes

d) State and local election

- Citizens are entitled to vote for a wide range of local officials who make decisions which can affect the quality of life in a community.
 - the people in charge of the justice system, including the most senior officer (the Sheriff), the senior prosecuting officer (the District Attorney) and the district judge responsible for sentencing anyone convicted.
 - school boards responsible for delivering a high quality of education are elected and in many areas the commissioners of sanitation services, such as garbage collection and water suppliers, are elected.
 - all this is in addition to the elected local representatives found in most countries, such as the mayor and town council.
- As at the national level, states are run by a head of government, the governor, and a legislature which, in all but one state, has a direct equivalent to the House of Representatives and the Senate.
 - The exception is Nebraska, which has a single chamber assembly.
- Unlike the national level, many of the people who work under the head of government are not appointed but directly elected, such as the Lieutenant Governor (equivalent, at state level, to the Vice President).
- In many states the senior judges are also elected.

d) State and local election

- As elections for state and local representatives are often scheduled to take place at the same time as Federal elections,
- Adding to this, voters will be asked to vote on issues, such as amendments to the state constitution, initiatives, propositions or recall elections

d) Amendments to state constitutions

- Each of the fifty states has its own constitution, separate from the national Constitution covered in Chapter 1. While the national Constitution is difficult to amend, state constitutions are amended frequently. In most cases, this requires the support of the electorate in that state and these decisions are added to the ballot papers at elections

Box 30

The Constitutional Amendment Process

The authority to amend the Constitution of the United States is derived from Article V of the Constitution. After Congress proposes an amendment, the Archivist of the United States, who heads the National Archives and Records Administration (NARA), is charged with responsibility for administering the ratification process.

The Constitution provides that an amendment may be proposed either by the Congress with a two-thirds majority vote in both the House of Representatives and the Senate or by a constitutional convention called for by two-thirds of the State legislatures (none of the 27 amendments to the Constitution have been proposed by constitutional convention). Since the President does not have a constitutional role in the amendment process, the joint resolution does not go to the White House for signature or approval.

The Archivist submits the proposed amendment to the States for their consideration by sending a letter of notification to each Governor. The Governors then formally submit the amendment to their State legislatures or the state calls for a convention, depending on what Congress has specified.

When a State ratifies a proposed amendment, it sends the Archivist an original or certified copy of the State action.

A proposed amendment becomes part of the Constitution as soon as it is ratified by three-fourths of the States (38 of 50 States).

François Debras
francois.debras@uliege.be

e) Referendum and Initiative

- Referendum: the legislature refers a piece of legislation to the people to either approve or reject it by vote
 - Compulsory referendum: New constitutions must be submitted to the people for approval before they are considered ratified. Some states also require that bond measures be approved by referendum.
 - Voluntary referendum: the legislature may, at their option, refer a piece of legislation to the people.
 - Popular referendum: the people may challenge a law recently passed by the legislature. If enough signatures are gathered, the law will be put to a vote by the people who may vote to nullify the law.

e) Referendum and Initiative

- Initiative: citizens draft a proposed law
 - Indirect initiative: citizens draft a proposed law and present it to the legislature. The legislature may adopt it outright. Otherwise, the proposal goes on the ballot, sometimes with a counterproposal designed by the legislature.
 - Direct initiative: citizens draft a proposed law and it goes on the ballot.
- Indirect initiative is rarely used where direct initiative is available (Washington state has both).
- Popular referendum is also infrequently used because it is less powerful than direct initiative (most initiative states have both). Referendum can merely repeal laws. Direct initiative can both repeal an old law and replace it with a new one. Direct initiative is flexible, but it suffers from one conspicuous drawback.

f) Recall elections

- Recall elections are the process of removing officials from public office before their term of office has expired.
 - Before the vote is held, signatures of registered voters (usually equal to 25 per cent of votes cast in the previous election) have to be collected
 - Two votes are cast, one to decide whether the post-holder should be 'recalled' and another, if necessary, to choose the replacement. The winning candidate then serves the remainder of the term of office

f) Recall elections

- Recall has been used most frequently at the local level.
 - Three-fourths of recall elections are at the city council or school board level.
- Recall efforts against state legislators are more common, but still unusual.
- Historically, recall attempts at the state level have been unsuccessful.

f) Recall elections

- Recall of State Official:

Alaska	Illinois	New Jersey
Arizona	Kansas	North Dakota
California	Louisiana	Oregon
Colorado	Michigan	Rhode Island
District of Columbia	Minnesota	Washington
Georgia	Montana	Wisconsin
Idaho	Nevada	

- Recall differs from impeachment in that it is a political device while impeachment is a legal process. Impeachment requires the House to bring specific charges, and the Senate to act as a jury

Box 31

Arnold Schwarzenegger



g) Direct democracy

- Advantages:
 - gives people a direct say in decisions that many of them feel strongly about and that may have a significant impact on everyone in the state.
 - It strengthens popular control of government
 - It helps to maintain a high level of interest in the political system.
 - It help educate the electorate.
 - In the case of recall elections, the procedures allow voters to correct electoral errors

g) Direct democracy

- Advantages:
 - gives people a direct say in decisions that many of them feel strongly about and that may have a significant impact on everyone in the state.
 - It strengthens popular control of government
 - It helps to maintain a high level of interest in the political system.
 - It help educate the electorate.
 - In the case of recall elections, the procedures allow voters to correct electoral errors

g) Direct democracy

- Disadvantages:
 - Many of the issues people are asked to vote on may be not be easy to understand
 - Debate on the issues tends to be dominated by the most extreme supporters
 - May undermine the effectiveness of elected representatives
 - As direct democracy can be used by large or wealthy groups to advance their political agenda, it can work to the disadvantage of already vulnerable minority or poor groups unable to muster the number of votes or funds to defend their interests.
 - Recall elections give the losing party a second opportunity to win office.
 - The incumbent has to win over 50 per cent of the vote to stay in office; the replacement, especially in a crowded field, does not and could win with 20 per cent of the vote or less.

Summary / Questions

- Are primaries and caucuses identical processes?
- In theory, who is allowed to vote in a semi-closed primary or caucus?
- How does the « winner-take-all trigger » system of allocation of delegates work during a primary?
- Why does the « winner-take-all rule » makes it easier for a candidate to the primary election to secure his or her nomination by the National Committee ?
- Why were pledged delegates introduced in the first place?
- Why was the Electoral College created in the first place?
- How to amend the US Constitution?
- What are the differences between a referendum and an initiative? What types exist?
- Explain the recall procedure. How is it different from impeachment?
- What are the advantages and disadvantages of direct democracy?

Democracy in America

VII. POLITICAL PARTIES, ELECTORAL SOCIOLOGY

François Debras
francois.debras@uliege.be

a) The role and the status

Political party

- Aims to exercise government power;
- Is organized bodies with a formal “card carrying” membership.
- Adopts a broad issue focus, addressing each of the major areas of government policy.
- Shared political preferences and a general ideological identity.

Interest group

- An interest group (or pressure group) is an organized association that aims to influence the policies or actions of government. Interests groups differ from political parties in that they seek to exert influence from outside, rather than to win or exercise government power.

a) The role and the status

- **Trustee model**
- Delegate model
- Mandate model
- Resemblance model
- Representatives should think for themselves and exercise independent judgement on the grounds that the mass of people do not know their own best interests;
- Elitist implications
- Representation is a moral duty
- Professional politicians, educated elites

a) The role and the status

- Trustee model
 - A person who is chosen to act for another on the basis of clear guidance
- **Delegate model**
 - Little or no capacity to exercise his/her own judgment
- Mandate model
 - Example: ambassadors
- Resemblance model
 - Initiatives, referendum and recall -> More control and popular sovereignty

a) The role and the status

- Trustee model
 - Delegate model
 - **Mandate model**
 - Resemblance model
- Politicians are rarely elected on the basis of just their personal qualities
 - They are seen as soldiers for a party
 - Doctrine of the mandate
 - Party rather than politicians
 - Remaining loyal to their party
 - Party labels, party ideologies, party policies

a) The role and the status

- Trustee model
 - Delegate model
 - Mandate model
 - **Resemblance model**
- Resemble the group they claim to represent
 - Microcosm of the society
 - “Only a woman can represent women, only a black person can represent other black people, only a member of the working class can represent the working classes, and so on”

b) The development of the main political parties

- Founding Fathers were extremely suspicious of political parties
 - Interests of their members >< all the community
- Federalists (Alexander Hamilton) and anti-Federalists (Thomas Jefferson)
- The issue that produced the parties « Republicans » and « Democrats »: slavery
 - Republican Party
 - Founded in 1854
 - Anti-slavery
 - Northern States (where slavery no longer existed)
 - Associated with the interests of industrialists
 - Party of business and the middle class

Box 32

The Emancipation Proclamation

President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863. The proclamation declared "that all persons held as slaves" within the rebellious states "are, and henceforward shall be free".

Despite this expansive wording, the Emancipation Proclamation was limited in many ways. It applied only to states that had seceded from the Union, leaving slavery untouched in the loyal border states. It also expressly exempted parts of the Confederacy that had already come under Northern control. Most important, the freedom it promised depended upon Union military victory.

b) The development of the main political parties

– Democratic Party

- Support among poorer people in Northern cities and in the South
 - In the South: interests of racist Anglo-Saxon Protestants in rural areas
 - In the North: ethnic groups from parts of Europe often looked down by Anglo-Saxons, overwhelmingly Catholic
- Compared to the people represented by the Republican Party, both groups felt like outsiders

– 20th Century:

- Republicans as the party of business were conservative, resistant to change and to government intervention in the economy
- Democrats in the South were even more right-wing than most Republicans. Determined to assert white superiority. The party had its liberal wing, mainly in Northern cities, which used the resources of local government to provide jobs and homes for poor.

Box 33

Umbrella parties

With both parties covering most of the political spectrum, from the extreme right to the moderate left, and no major party offering a clearly socialist alternative, both parties became known as 'umbrella parties' covering most people.

b) The development of the main political parties

– The New Deal

- African Americans had adopted a range of strategies in response to legalised segregation in the South. One of these was simply to leave the region and move to the Northern states, which, at the time, were going through an economic boom and recruiting workers.
- Wall Street Crash of 1929, the USA went into a period of prolonged recession, African Americans were particularly hard hit, as employers adopted an attitude of 'last hired, first fired' towards their black workers.
- African Americans were, therefore among those with reason to be grateful to the Democrat President, Franklin D. Roosevelt, when he introduced his 'New Deal' programme, providing benefits for people without work, generating jobs and improving the employment rights for people in work.
- Their support swung overwhelmingly to the Democrats”.

b) The development of the main political parties

– The Civil Rights Act

- Court decisions such as *Brown v. Board of Education* and the many others won by Thurgood Marshall and the National Association for the Advancement of Colored People finally established that government, even state governments in the Deep South, could not discriminate against African Americans or anyone else.
- In the end, proponents of what became the Civil Rights Act of 1964 would assert, and the courts subsequently would accept, that Congress possessed the authority to ban discrimination in employment, public accommodations, and other aspects of life.

b) The development of the main political parties

- Traditional supporters of the Democratic Party began to desert it.
- In the North, some of the Catholic ethnic groups that had migrated from Europe in the nineteenth century, and had always voted for the Democratic party that had supported their communities when they first arrived in the USA, began drifting towards the Republican Party.
 - because many of them had become wealthier and moved to suburban areas in which the Republican Party was seen as the most effective defender of their interests.
 - Because when many Americans perceived Communism to be a growing threat, the Democrats were seen as weak on defence issues (-> Reagan)

c) The Republican Party

- 1854
- Civil-War: establishment of equal rights for African-Americans
- 19th century:
 - becoming the party of big business,
 - moving to the right of the Democratic Party,
 - representing a range of conservative values.

c) The Republican Party

- **Social conservatives**
- Fiscal conservatives
- Moderate conservatives
- Nativists
 - Protecting the unborn child
 - Protection the home from immoral influences
 - Protecting moral values at school
 - Protecting the moral values of the community
- « Human beings are essentially selfish » (and/or sinful)
- Clear moral guidance
- Strong leadership

c) The Republican Party

- Social conservatives
- **Fiscal conservatives**
- Moderate conservatives
- Nativists
- “the belief that selfishness can be harnessed to produce a dynamic, productive society”
- Highly suspicious of any form of government intervention beyond maintaining law and order and defence of the nation
- “Small government”
 - Promoting tax cuts
 - Wasteful spending curtailed
 - Social security reform
 - Promoting a balanced budget amendment
 - Promoting welfare reform
 - Opposing Affirmative Action

c) The Republican Party

- Social conservatives
 - Fiscal conservatives
 - **Moderate conservatives**
 - Nativists
- « Rockefeller conservatism »
 - Inevitably be inequalities in society
 - Encourage talented people
 - Society has to take care of its less fortunate members
 - Low tax economy
 - Government should not interfere in people's lives
 - But legitimate place for government to intervene to protect those who are unable to protect themselves
 - Values should serve to draw most people together (rather than divide)

c) The Republican Party

- Social conservatives
- Fiscal conservatives
- Moderate conservatives
- **Nativists**
- Against immigration

d) The Democratic Party

- Struggling to assert an identity
- 1994 and through victories since 2006
 - Success was attributed more to the unpopularity of the Republican Party
- Obama
 - Difficult to classify his ideology
- Republicans: measure the health of the political system by the extent to which it interferes in people's lives or promotes moral values
 - Party of changes
 - Generates enthusiasm among supporters
- Democrats: measure the health of the political system by the extent to which it protects constitutional rights
 - Protecting the status quo
 - Extending the rights of minority groups

d) The Democratic Party

- **Blue Dog Democrats**
- Democratic Leadership Council
- The Left
- Most conservative faction
- Financial stability
- Willing to work with Republican moderates (least likely to vote on party lines)

d) The Democratic Party

- Blue Dog Democrats
- **Democratic Leadership Council**
- The Left
- Centrist
- Protecting the interests of the poor through economic growth
- Progressive ideals

d) The Democratic Party

- Blue Dog Democrats
- Democratic Leadership Council
- **The Left**
- Care for those who cannot help themselves
- Promote the inclusion of marginalised groups
- Government actions
 - Abortion rights
 - Civil rights
 - Gay rights
 - Healthcare
 - Union
 - Regulation of the financial sector
 - Shift from military to diplomacy
 - Renewable energy sources

e) Minor parties



DONT TREAD ON ME

Box 34

The contract from America (the Tea Party)

Individual Liberty

Our moral, political, and economic liberties are inherent, not granted by our government. It is essential to the practice of these liberties that we be free from restriction over our peaceful political expression and free from excessive control over our economic choices.

Limited Government

The purpose of our government is to exercise only those limited powers that have been relinquished to it by the people — chief among these being the protection of our liberties by administering justice and ensuring our safety from threats arising inside or outside our country's sovereign borders. When our government ventures beyond these functions and attempts to increase its power over the marketplace and the economic decisions of individuals, our liberties are diminished and the probability of corruption, internal strife, economic depression, and poverty increases.

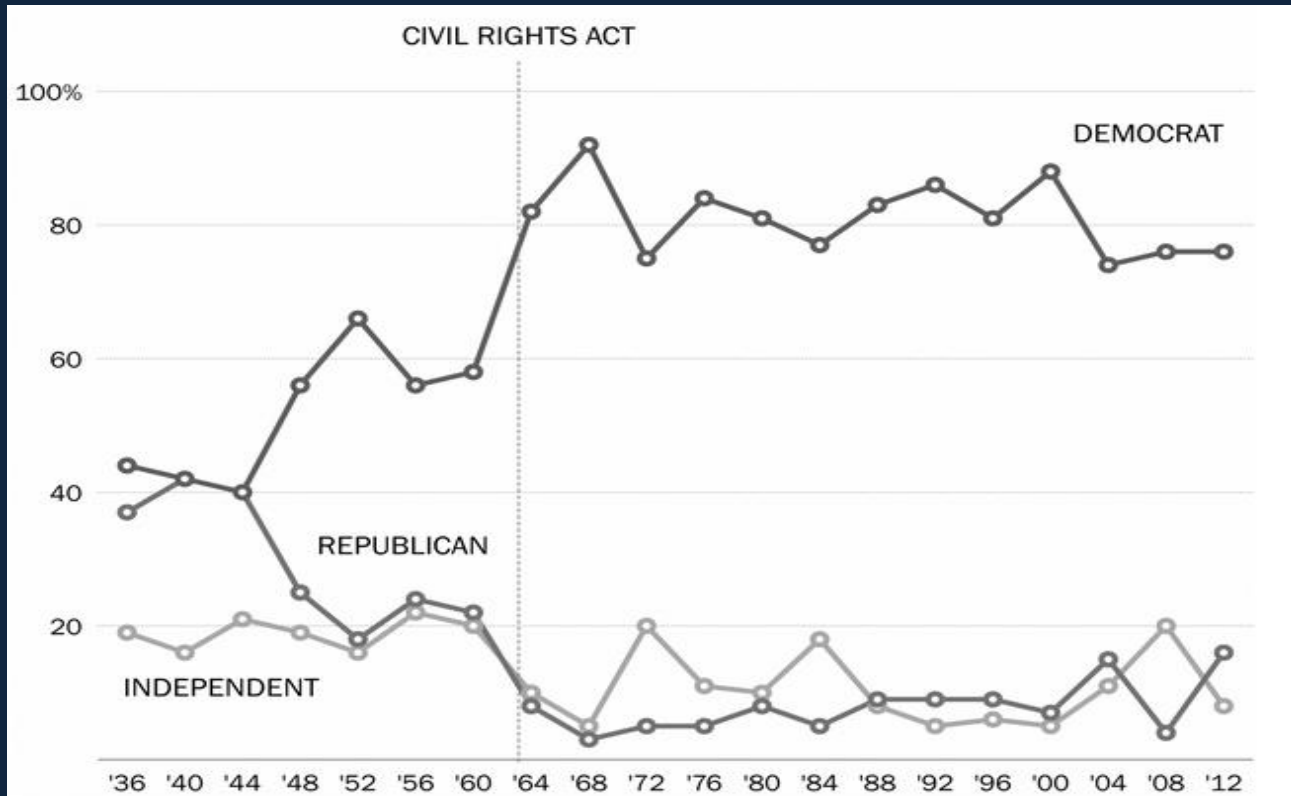
Economic Freedom

The most powerful, proven instrument of material and social progress is the free market. The market economy, driven by the accumulated expressions of individual economic choices, is the only economic system that preserves and enhances individual liberty. Any other economic system, regardless of its intended pragmatic benefits, undermines our fundamental rights as free people

François Debras
francois.debras@uliege.be

f) Electoral Sociology

- A) Race and ethnic identity



f) Electoral Sociology

A) Race and ethnic identity

- Jews have been reliable supporters of the Democratic Party
- European Catholics have been traditional supporters of the Democratic Party
 - Eroding since the 1960
 - Republican Party
- Hispanic vote Democrat
 - Nativist appear hostile to Hispanic groups
 - >< Jeb Bush in Florida
 - Significant issues for Republicans

f) Electoral Sociology

B) Gender

- Women being more likely to vote Democrat
 - (Healthcare)
 - (Equal pay and job security)
- When woman get married their voting patterns change and the gender divide almost disappears
- 54% of woman voting Democrat
- 53% of men voting Republican

f) Electoral Sociology

c) Geography

- the East and West coasts: 55% Democrats
- ‘Heartland’ of the Midwest and Rocky Mountain states: 53% Republicans
- the South, made up mainly of the Confederate states that fought against the Union in the Civil War: 55% Republicans

Box 35

Swing State

Swing states are those in which neither major political party holds a lock on the outcome of presidential elections.

The term can also be used to describe a state whose electoral votes have a high probability of being the deciding factor in a presidential election. Swing states are also sometimes referred to as battleground states.

There are more than a dozen states considered swing states, and most of them hold a large number of electoral votes and are considered major prizes in presidential elections.

f) Electoral Sociology

d) Religion

- Before 1972, there was no difference in the voting patterns
- White evangelical Protestants: Republican Party

f) Electoral Sociology

e) Lifestyle

- *“Of the two most popular evening talk shows, Republicans are more likely to watch the one starring Jay Leno, while Democrats are more likely to watch the one starring David Letterman. The overwhelming majority of men who watch NASCAR, stock car racing, vote Republican. Almost everyone who drives a Volvo votes Democrats”.*
(William Storey)

Summary / Questions

- Explain the ideological evolution of the Democratic Party.
- Define an "Umbrella Party".
- Explain the oppositions within the Republican Party between the "Social Conservatives" and the "Nativists". Find examples of politicians who illustrate these currents.
- Name and explain tensions between Donald Trump and the Republican Party.
- What are the specificities of the "Left" inside the Democratic Party?
- What are the elements that influence the vote? Cite and explain.
- What is a "swing state"?
- Find the ideologies present in the speeches and find out to which branch and which party they belong. If possible, find the author.



President Bush's 2002 State of the Union Address



Obama Inaugural Address 20th January 2009



Rand Paul's Campaign launch (2015)



Bernie Sanders speech in Burlington (2016)



**Remarks by President Trump to the 74th Session of the
United Nations General Assembly (2019)**

Democracy in America

VIII. CAMPAIGN FINANCE AND PRESSURE GROUPS

François Debras
francois.debras@uliege.be

a) Campaign finance

- Candidates need a lot of money –millions of dollars for even a state-wide race- to run a viable campaign.
 - TV airtime for commercials
 - Pollsters
 - Consultants
- Politicians of both parties are frequently accused of taking donations from certain industries, corporations, or other special interests, and then supporting positions
- Factors that drive up the cost of elections :
 - the length of elections,
 - campaigning has become more professional (managers, advisors,...),
 - campaign techniques have become more sophisticated (radio, television, candidates use opinion polls, focus groups, internet to identify potential supporters, recruit volunteers and raise funds,...).

a) Campaign finance

- Concerns that have emerged from such expensive contests are that:
 - Impossible for people who do not have personal wealth, or connections to prosperous individuals or organisations, to run for office.
 - Elected representatives, highly reliant on the individuals and organisations that fund their campaigns, may be more responsive to the needs/wishes of their donors than their voters.
 - Donors, in turn, prefer to support candidates who have a proven record of electoral success and who have a record of supporting their interests.
 - Donors, by giving money to campaign, are making a political statement or expressing an opinion.
 - Donors, having participated in the campaign in one way, often participate in elections in others ways, such as volunteering, attending rallies and so on, thereby raising the overall level of participation.
 - Donors are almost certain to vote, and to actively encourage others to vote, thereby boosting the turnout at election

Box 36

PAC, Super PAC and SUPER SUPER PAC

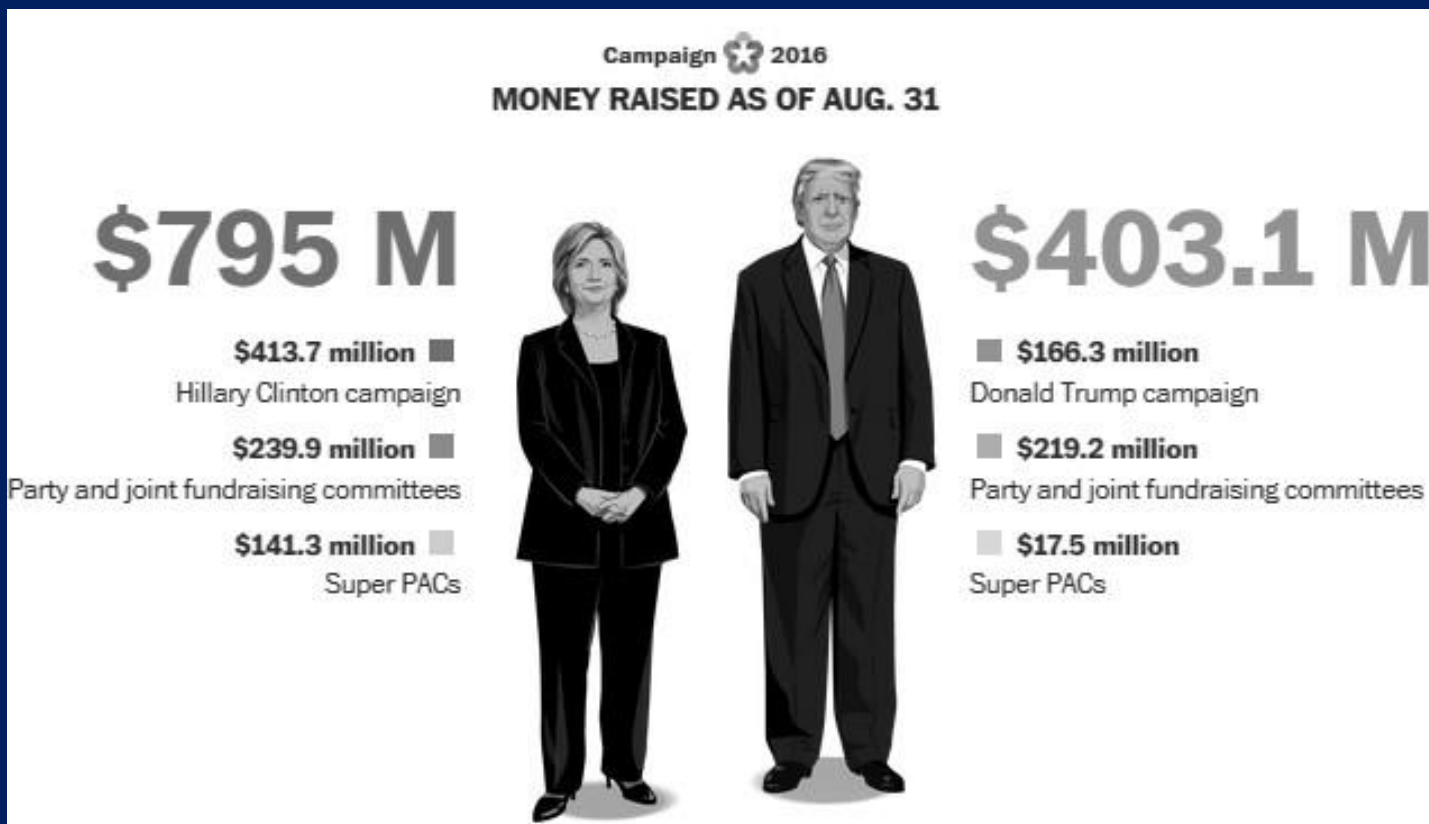
Political Action Committees (PACs), are funded by corporations, organizations, and individuals. Regulated by the Federal Election Commission (FEC), PAC's spending is limited, as is its ability to use advertising: PACs cannot turn ads that directly support or attack a candidate within sixty days of the general election or thirty days of a nominating convention. Almost every large organization or corporation has at least one PAC

A super PAC can take unlimited funds from individuals, unions, and corporations to spend on electioneering but has to remain « independent », i.e., they cannot coordinate with any candidate's campaign. They can also mount direct attacks on candidates. However, in practice, it's very easy to indirectly coordinate, because 1) Super PACs tend to be run by a candidate's inner circle and 2) Super PACs can respond to any publicly available information given by the candidate. Candidates can solicit money for Super PACs but only up to \$5,000.

The newest innovation in campaign finance is the Super Super PAC, which is a combination of regular PAC and a Super PAC, sometimes also called hybrid PAC. There is no limit to how much a Super Super PAC can raise or spend in promoting or opposing a candidate (that's the Super PAC part) but it can also donate directly to campaign and committees (the PAC part), subject to normal donation caps".

Box 37

Campaign 2016: money raised (August 2016)



b) Pressure Group

- Access point and strategies
 - Individuals
 - Communities
 - States
 - Elections
 - Creating voters
 - Choosing the candidate (persuading, donate funds...)
 - Electing the right candidate (assisting the candidate's campaign)
 - House of Representatives
 - Influencing politicians through electoral support
 - Developing relationships
 - Professional lobbyists
 - The Senate
 - Influencing foreign-policy issues
 - Influencing the Federal courts (confirmation process)

b) Pressure Group

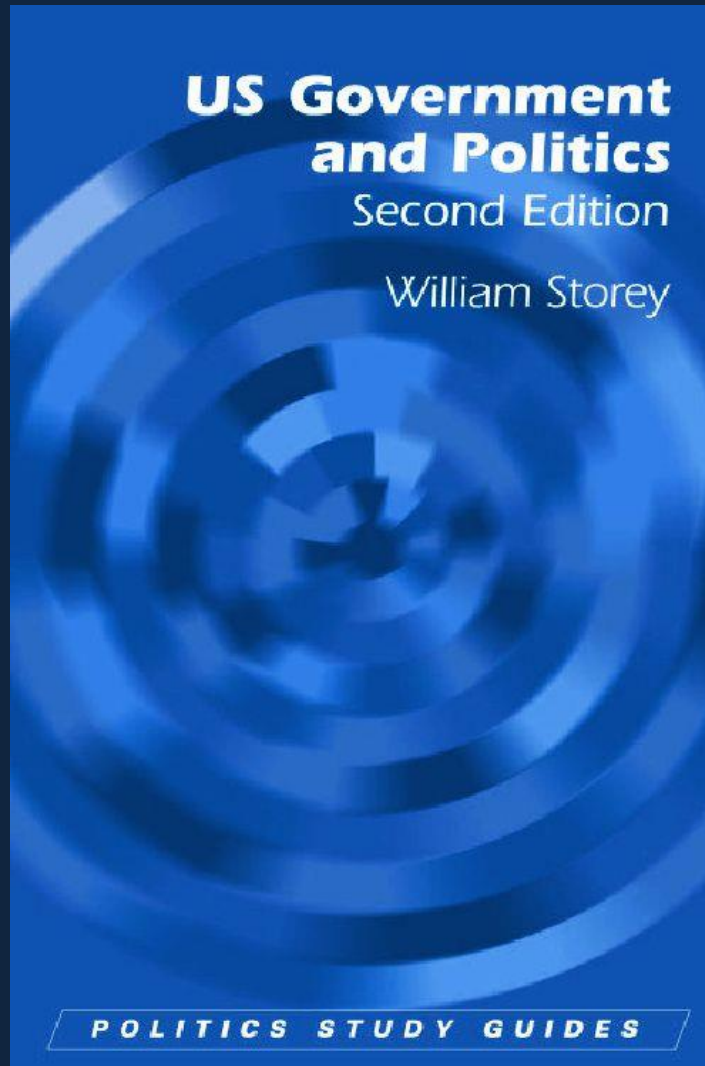
- The presidency
 - Funding
 - Support the agenda
- The judiciary
 - Influencing appointments to the Federal judiciary
 - Bringing test cases to court
 - « Friends of the court »
 - Influencing the climate of legal opinion

Summary / Questions

Democracy in America

REFERENCES

François Debras
francois.debras@uliege.be



The structure is inspired by the book:
STOREY William, *US government and politics*, Edinburgh University Press, 2010.
Several definitions/descriptions come from the book:
STOREY William, *US government and politics*, Edinburgh University Press, 2010.

François Debras
francois.debras@uliege.be

- Political dictionary
 - MARSHALL Gordon, *Dictionary of sociology*, Oxford University Press, 1998.
 - THOMPSON Peter, *Cassell's dictionary of American history*, Cassell, 2002.
- Biographies
 - CLINTON Hillary, *Hard Choices*, Simon & Schuster, 2014.
 - SANDERS Bernie and NICHOLS John, *Outsider in the White House*, Verso, 2015.
 - SANDERS Bernie, *The Speech: On Corporate Greed and the Decline of Our Middle Class*, Nation Books, 2015.
 - TRUMP Donald J., *Crippled America: How to Make America Great Again*, Threshold Editions, 2015.
- Books
 - CONRAD Jessamyn, *What you should know about politics... But don't*, Arcade Publishing, 2012.
 - EATWELL Roger, WRIGHT Anthony, *Contemporary political ideologies*, Continuum, 2000.
 - HEYWOOD Andrew, *Politics*, Palgrave Macmillan, 2007.
 - STOREY William, *US government and politics*, Edinburgh University Press, 2010.

- Officials

- American Government, <https://www.loc.gov>
- Board of Governors of the Federal Reserve System, <http://www.federalreserve.gov/>
- California Secretary of State, <http://www.sos.ca.gov/>
- Central Intelligence Agency, <https://www.cia.gov/>
- Congress Resources, <https://www.congress.gov/>
- Department of Justice, <https://www.justice.gov/>
- Energy Information Administration, <http://www.eia.gov/>
- Inside Government, <http://federal-budget.insidegov.com/>
- National archives & Records Administration, <http://www.archives.gov/>
- National Conference of State Legislatures, <http://www.ncsl.org/>
- Oregon State Legislature, <https://www.oregonlegislature.gov/>
- Supreme Court of the United State, <https://www.supremecourt.gov/>
- United States House of Representatives, <http://history.house.gov/>
- U.S. Department of Defense, <http://www.defense.gov/>
- U.S. Department of State, <http://www.state.gov/>
- U.S. Embassy, <https://www.usembassy.gov/>
- USA Government, <https://www.usa.gov/>
- White House, <https://www.whitehouse.gov/>

- Medias

- CNN, <http://edition.cnn.com/>
- Los Angeles Times, <http://www.latimes.com/>
- The Guardian, <https://www.theguardian.com/>
- The Huffington Post, <http://www.huffingtonpost.com/>
- The New York Times, <http://www.nytimes.com/>
- The Telegraph, <http://www.telegraph.com/>
- The Washington Post, <https://www.washingtonpost.com/>

- Others

- Democrats, <https://www.democrats.org/>
- Death Penalty Information Center, <http://www.deathpenaltyinfo.org>
- Gallup, <http://www.gallup.com/>
- National Endowment For the Humanities, <https://edsitement.neh.gov/>
- Republican National Committee, <https://www.gop.com/>
- South University, <https://www.southuniversity.edu/>
- United States History, <http://www.u-s-history.com>

Democracy In America

- SPOL2322-1
- Seminar 6
- 30h

François Debras Ph.D.
francois.debras@uliege.be

