

MUNI
ARTS

AJ47001
Introduction to American Studies

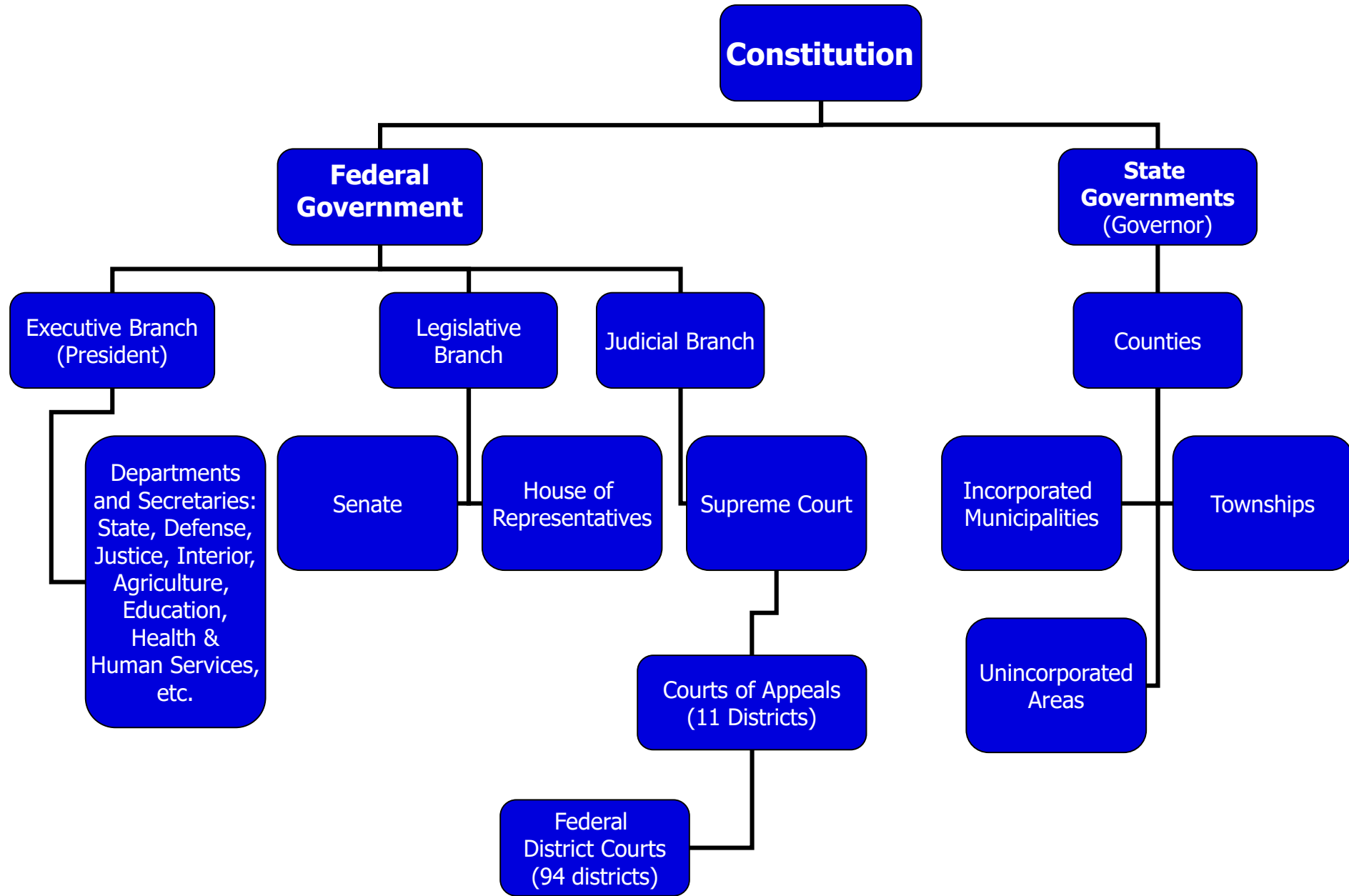
Autumn Semester 2018: Government

Key Concepts

- Federalism
- Separation of Powers
- Balance of Powers
- Party system
- State and Local Government

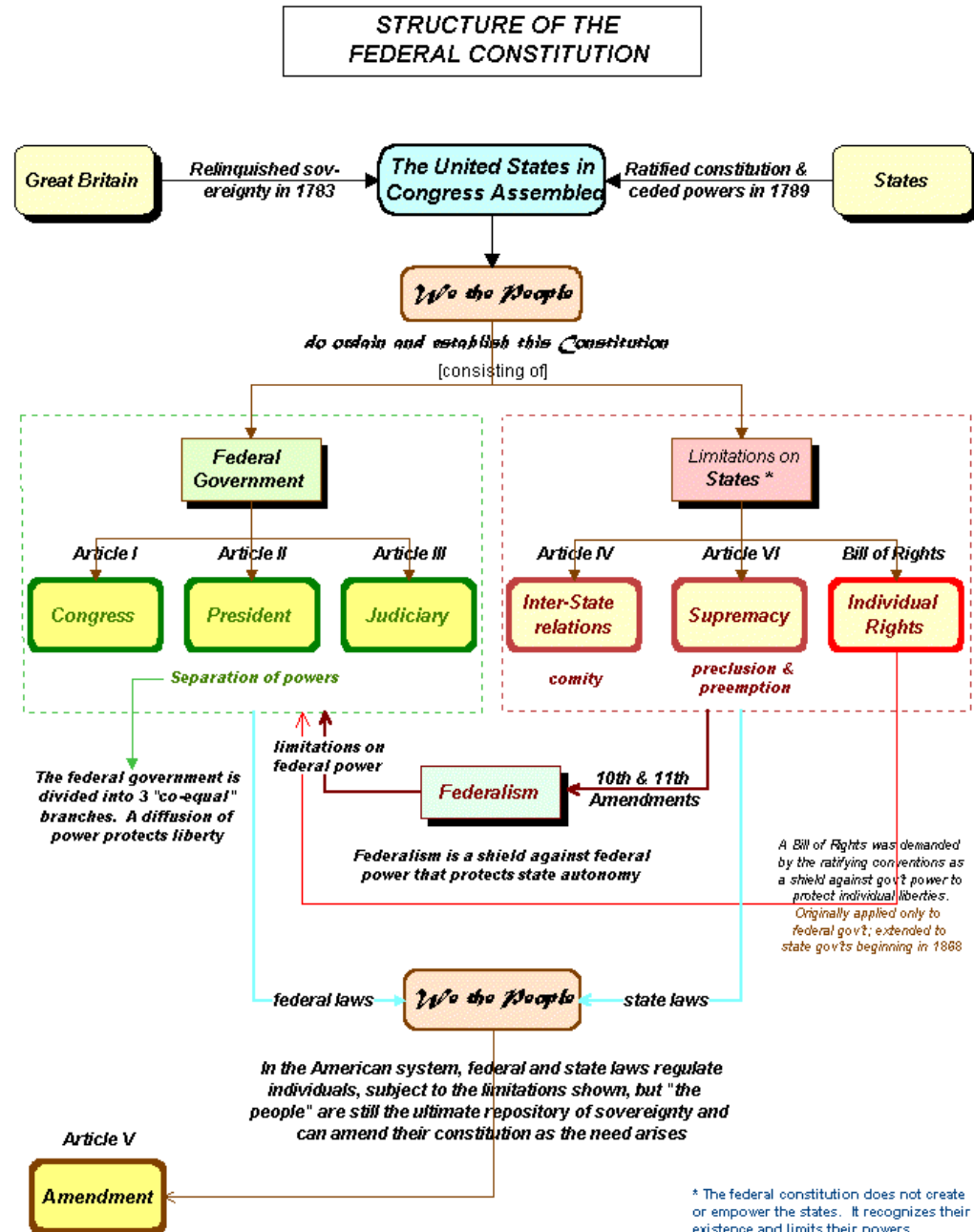
Hollywood's imagining of American government and politics

- *Mr. Smith Goes to Washington* (1939), directed by Frank Capra, starring James Stewart
- *All the King's Men* (1949), directed by Robert Rossen, starring Broderick Crawford
- *Advise & Consent* (1962), directed by Otto Preminger, starring Henry Fonda
- *The Manchurian Candidate* (1962), directed by John Frankenheimer, starring Angela Lansbury and Frank Sinatra
- *Chinatown* (1974), directed by Roman Polanski, starring Jack Nicholson and Faye Dunaway
- *All the President's Men* (1976), directed by Alan J. Pakula, starring Dustin Hoffman and Robert Redford
- *Being There* (1979), directed by Hal Ashby, starring Peter Sellers and Melvyn Douglas
- *Wag the Dog* (1997), directed by Barry Levinson, starring Dustin Hoffman and Robert De Niro
- *Amistad* (1997), directed by Steven Spielberg, starring Morgan Freeman and Djimon Hounsou
- *Lincoln* (2012), directed by Steven Spielberg, starring Daniel Day Lewis and Sally Field

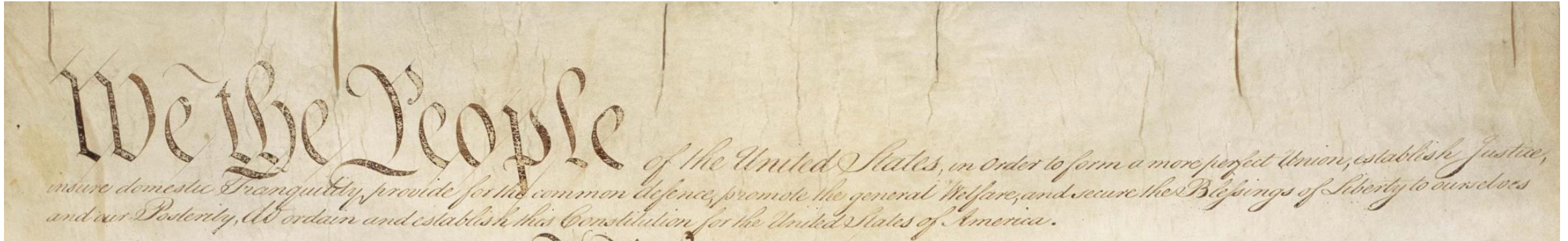


The Constitution

- The American Constitution was drafted in 1787 by representatives of 12 of the 13 states (Rhode Island chose not to send a representative)
- Ratified by the necessary 9 states in 1788.
- It consists of 7 articles and is 4,400 words long.
- The first 10 amendments (the “Bill of Rights”) were ratified in 1791.
- The constitution has been amended a further 17 times (the last being in 1992).



Preamble to the Constitution



We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Powers in the Constitution

- Expressed Powers

- Explicitly listed in the Constitution, primarily in Article I, Section 8. They include:

- The right to collect taxes, declare war, and regulate interstate and foreign trade.

- Implied Powers

- Powers deriving from the needs of Congress to pass laws “necessary and proper” for the implementation of its Expressed Powers

- Concurred Powers

- Both levels of government may act. The national government laws are supreme in case of a conflict.

- Reserved Powers

- Powers that the Constitution does not give to the national government or forbid to the states belong to the people or to the states

- These include regulating social institutions, public education, etc.

The Bill of Rights - 1791

- First Amendment [Religion, Speech, Press, Assembly, Petition]
- Second Amendment [Right to Bear Arms]
- Third Amendment [Quartering of Troops]
- Fourth Amendment [Search and Seizure]
- Fifth Amendment [Grand Jury, Double Jeopardy, Self-Incrimination, Due Process]
- Sixth Amendment [Criminal Prosecutions - Jury Trial, Right to Confront and to Counsel]
- Seventh Amendment [Common Law Suits - Jury Trial]
- Eighth Amendment [Excess Bail or Fines, Cruel and Unusual Punishment]
- Ninth Amendment [Non-Enumerated Rights]
- Tenth Amendment [Rights Reserved to States]

Other critical sections of the Constitution

– Article IV, Section 1.

- Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State.

– Amendment IX

- The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

– 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.

– Amendment XIV, Section 1.

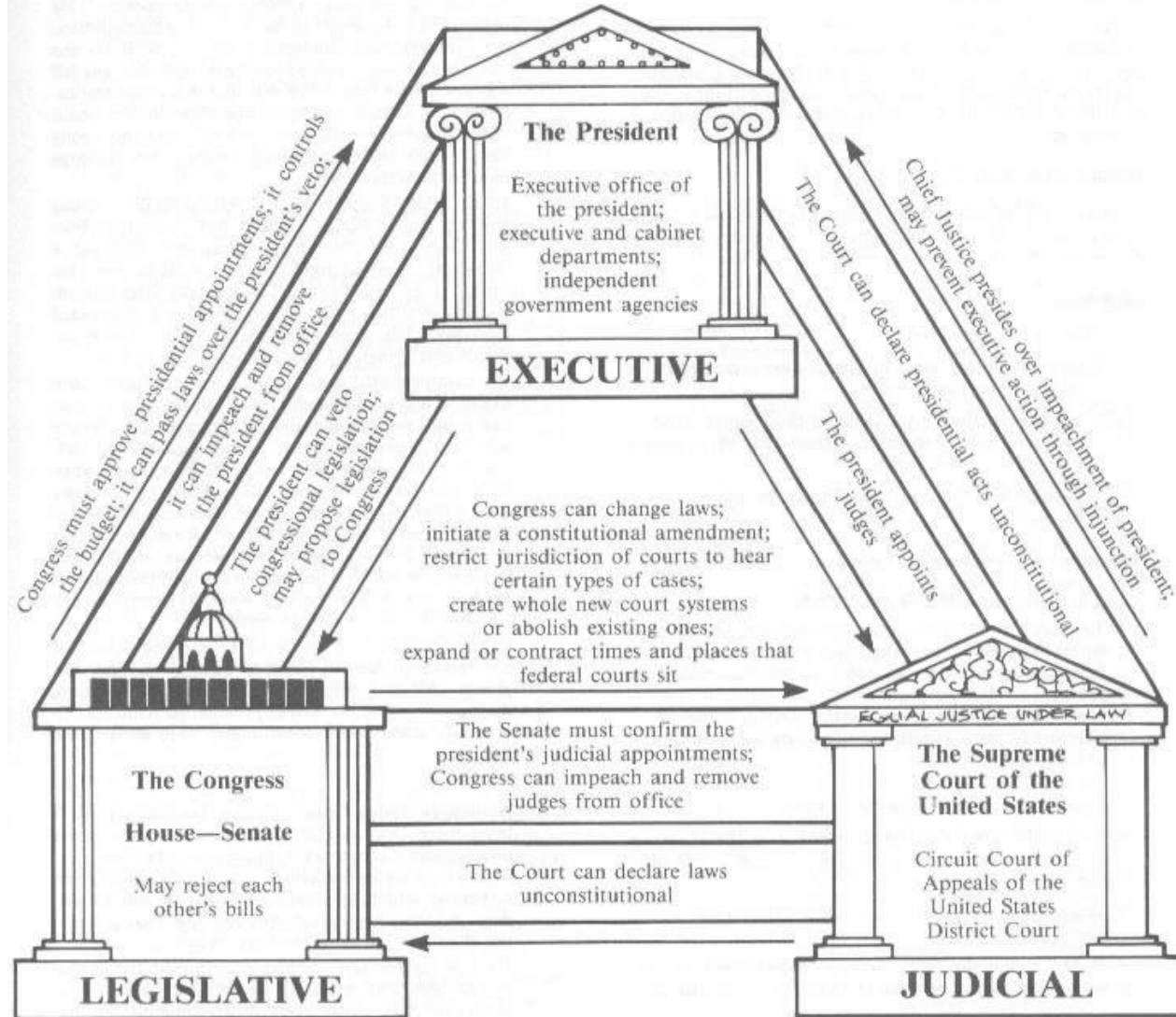
- All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Separation of Powers & Checks and Balances

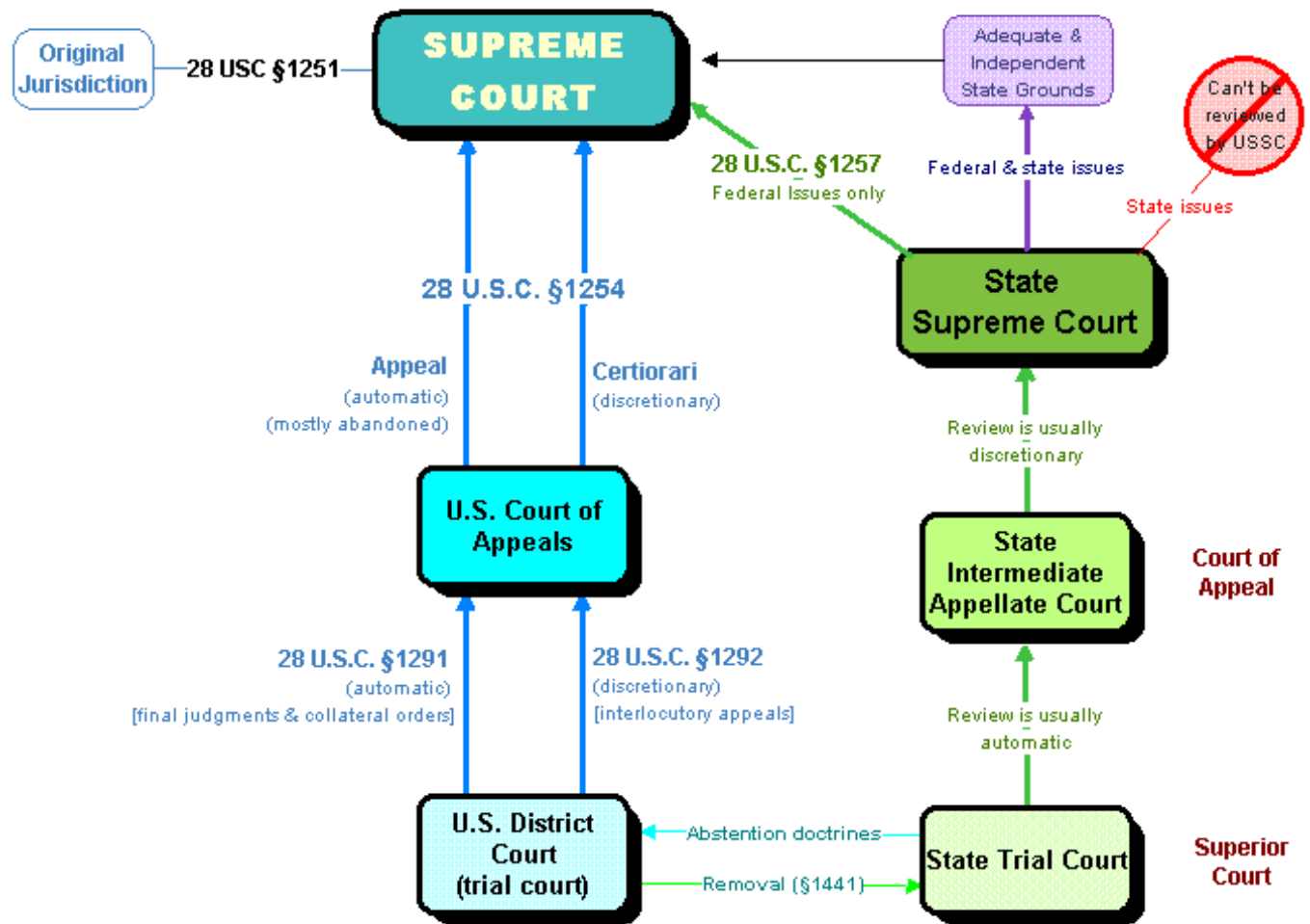
- The Constitution together with Supreme Court rulings, in particular *Marbury v. Madison* (1803) have created the system we know today
- The critical importance of *Marbury* is the assumption of several powers by the Supreme Court.
- One was the authority to declare acts of Congress, and by implication acts of the president, unconstitutional if they exceeded the powers granted by the Constitution.
- Even more important, the Court became the arbiter of the Constitution, the final authority on what the document meant.
- As such, the Supreme Court became in fact as well as in theory an equal partner in government, and it has played that role ever since.

DIAGRAM 1

Separation of Powers and Checks and Balances



COURTS OF OUR DUAL JUDICIAL SYSTEM



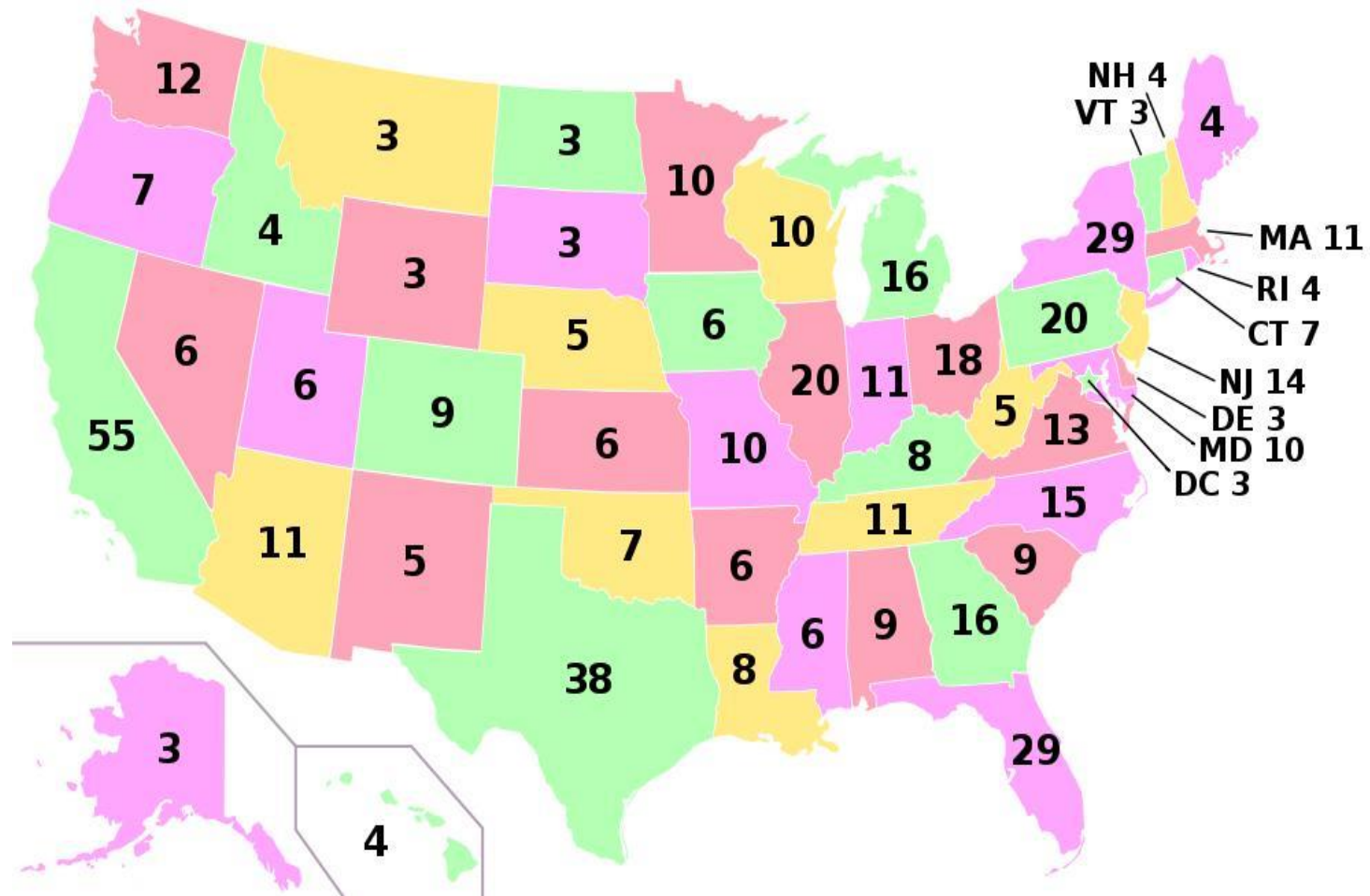
Federal Courts have limited jurisdiction, as specified in Art. III, and as further limited by jurisdictional statutes.

State Courts usually have general jurisdiction, as specified in their state constitutions and jurisdictional statutes.

Electing a President

- Electoral College consists of 538 electors
 - 435 based on the House of Representatives
 - 100 based on the U.S. Senate
 - 3 for the District of Columbia
- This is a result of the XXIII Amendment (1961)
- Each state receives a number of electors equal to its number of representatives and senators
 - The minimum number is 3

Electoral College Map for the years 2012-2020



Getting Elected

- In order to be elected a candidate needs to win a majority of the votes in the Electoral College
 - This number is currently 270
- For most states, the candidate receiving the most popular votes in that state wins **all** of its electoral votes
 - Maine and Nebraska use a system based on Congressional districts, but this has yet to impact the elections at the national level.
- Presidential elections may therefore be considered a series of 51 separate elections

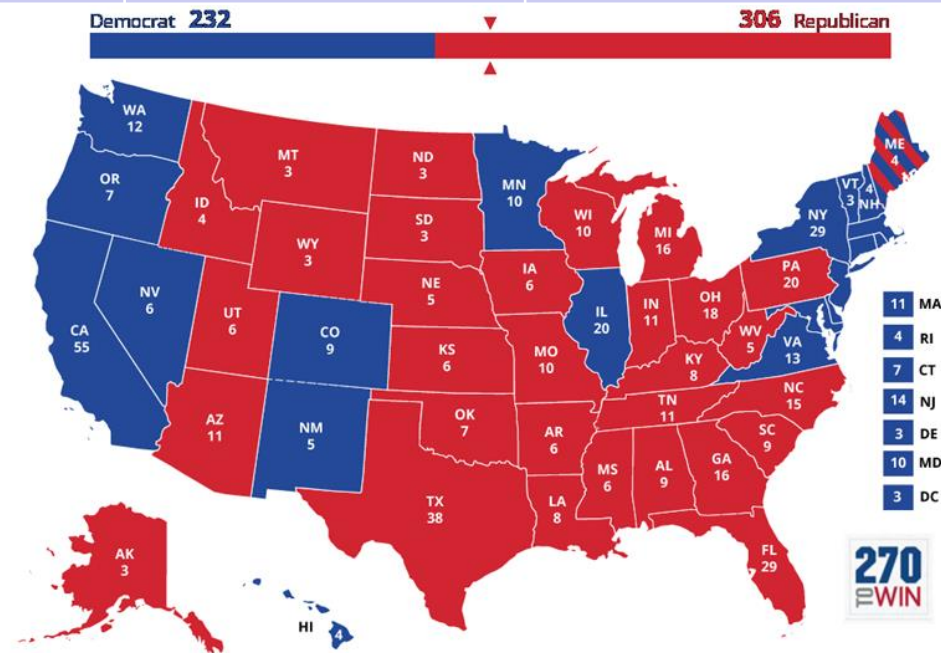
The 2012 Presidential Election

| Candidate | Popular vote | Percentage of popular vote | Electoral College |
|------------------------|--------------|----------------------------|-------------------|
| Barack H. Obama (D-IL) | 65,910,437 | 51.07% | 332 |
| Mitt Romney (R-MA) | 60,932,795 | 47.21% | 206 |
| Gary Johnson (Lib-NM) | 1,275,951 | 0.99% | |
| Other (5 + write-ins) | 960,128 | 0.73% | |



The 2016 Presidential Election

| Candidate | Popular vote | Percentage of popular vote | Electoral College |
|---|--------------|----------------------------|-------------------|
| Hillary Clinton(D) | 65,853,514 | 48.2% | 232 |
| Donald J. Trump (R) | 62,984,828 | 46.1% | 306 |
| Gary Johnson (Libertarian) | 4,489,235 | 3.27% | |
| Jill Stein (Green) | 1,457,226 | 1.06% | |
| Other (27 + none of the candidates + write-ins) | 1,186,153 | 0.86% | |



Peculiarities

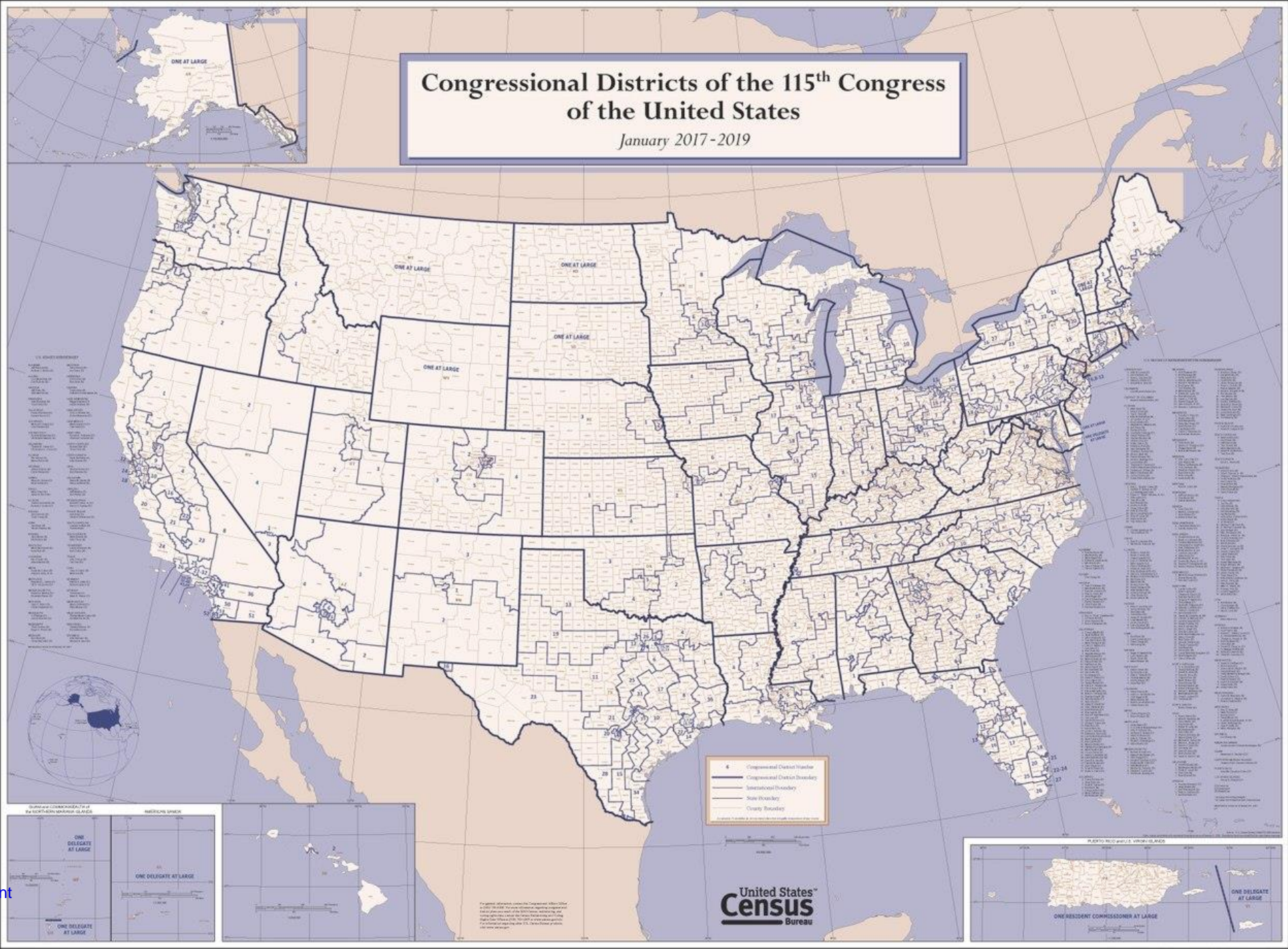
- It is possible to get the most popular votes and still not be elected.
- This has happened five times in American history
 - 1824: No candidate gets a majority in the Electoral College so the election is decided in the House of Representatives where John Quincy Adams, who finished second in the popular vote to Andrew Jackson (30.92 to 41.35%) is elected president.
 - 1876: Samuel Tilden (D) defeats Rutherford B. Hayes (R) in the popular vote (50.97 to 47.95%), but backroom dealings cause electors from the states of South Carolina and Florida to vote for Hayes in the House of Representatives, making him president.
 - 1888: Benjamin Harrison (R) defeats incumbent Grover Cleveland (D) in the Electoral College (233-168), while losing the popular vote (47.82 to 48.62%).
 - 2000: Albert Gore, Jr. (D) defeats George W. Bush (R) in the popular vote (48.38 to 47.87%), but the Supreme Court in a 5-4 decision rules against a recount of the vote in Florida (Bush v. Gore), giving Bush a 537-vote victory (0.009%) in Florida and all 25 of its electoral votes, thus ensuring his election.
 - 2016: Hillary Clinton (D) defeats Donald J. Trump (R) in the popular vote by 48.2% to 46.1% (2.9 million votes), but Trump wins the Electoral College 304-227

House of Representatives

- Referred to as “Representative” or “Congressman/woman”
 - The term “Congress” refers to both Houses
- Serve two-year terms
- Apportioned to the states on the basis of the decennial census
- The Constitution set the number at one representative per 30,000 inhabitants
- As the U.S. grew, this figure was increased
- In 1911, a maximum figure of 435 representatives was established
- This number is now “reapportioned” among the states based the census
- Each state draws its own districts according to local laws
 - “Gerrymandering” is the drawing of district lines to give advantage to a particular political party
 - Term derived from the name of the Massachusetts governor Elbridge Gerry (1744-1814) who was the first to create such districts in 1811

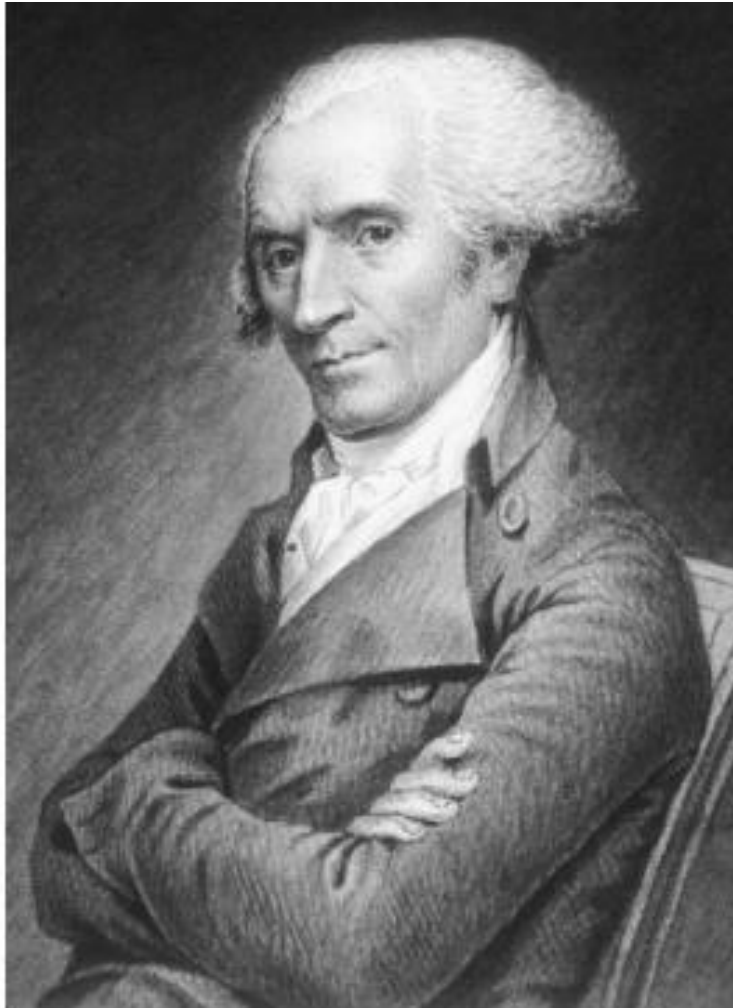
Congressional Districts of the 115th Congress of the United States

January 2017-2019



Elbridge Gerry and the original “Gerrymander”

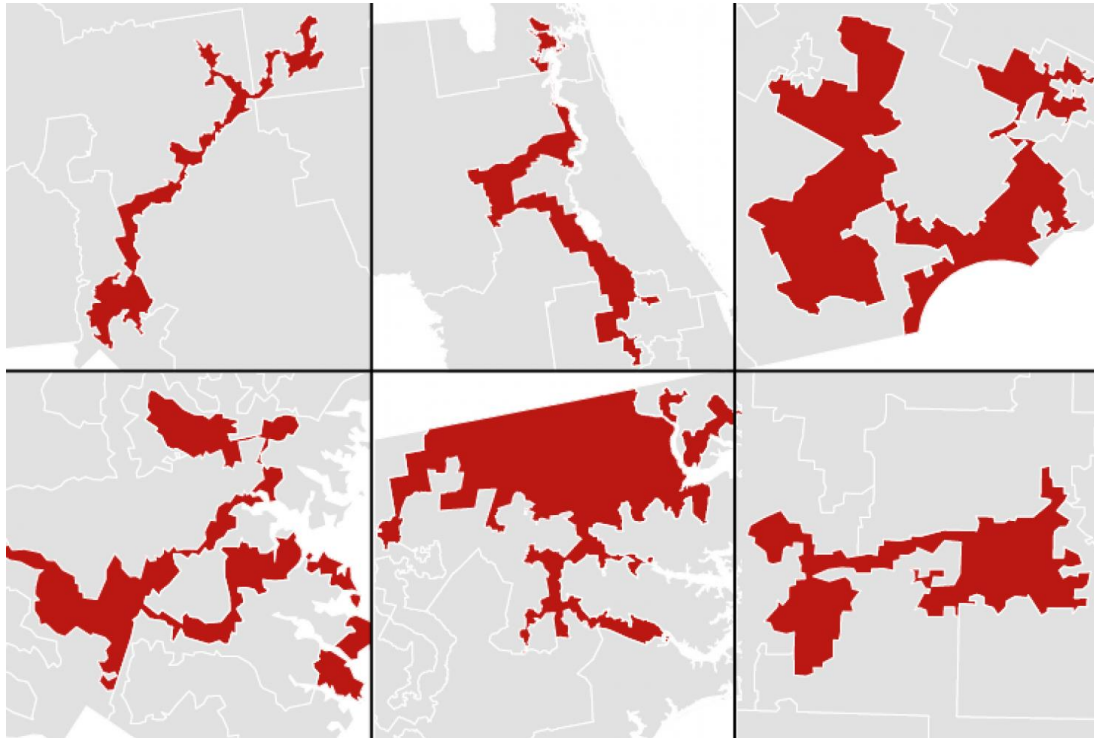
Elbridge Gerry (1744-1814), governor of MA 1810-1812



“The Gerry-Mander” Elkanah Tisdale, Originally published in the Boston *Centinel*, 1812



America's most gerrymandered congressional districts



- Clockwise from the upper left:
- North Carolina – 12th District (97.09)
- Florida- 5th District (96.15)
- Pennsylvania – 12th District (96.05)
- Texas – 33rd District (95.60)
- North Carolina – 1st District (96.01)
- Maryland – 3rd District (96.79)
- The compactness of a district - a measure of how irregular its shape is, as determined by the ratio of the area of the district to the area of a circle with the same perimeter - can serve as a useful proxy for how gerrymandered the district is.
- the point of gerrymandering isn't to draw yourself a collection of overwhelmingly safe seats. Rather, it's to give your opponents a small number of safe seats, while drawing yourself a larger number of seats that are not quite as safe, but that you can expect to win comfortably.

Washington Post, May 15, 2014

<http://www.washingtonpost.com/blogs/wonkblog/wp/2014/05/15/americas-most-gerrymandered-congressional-districts/>

U.S. Government

115th and 116th Congresses: House of Representatives

115th Congress (January 2017- January 2019)

- 197 Democrats, 236 Republicans and 2 vacancies
- House is lead by the Speaker, who exercises fairly wide powers over issues of agenda and procedure
 - The Speaker is second in line to the presidency after the Vice-President
- The Speaker of the House is Rep. Paul Ryan (R-WI)
 - Rep. Ryan has been the Speaker since the October 2015

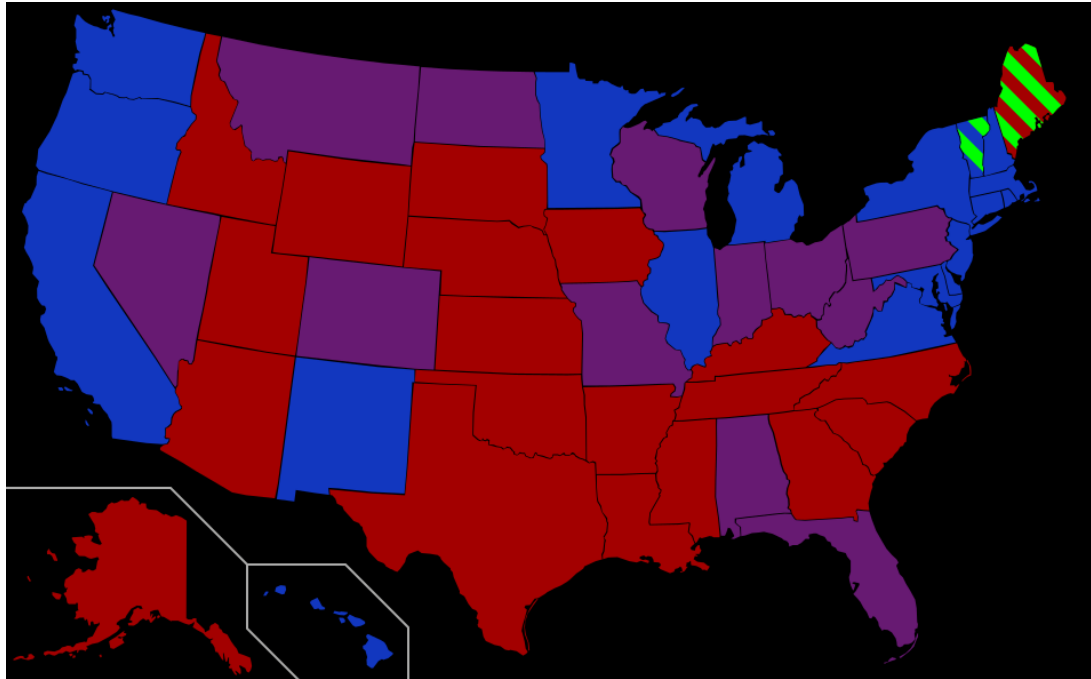
116th Congress (January 2019 - January 2021)

- 235 Democrats, 200 Republicans
- Democrats have nominated Rep. Nancy Pelosi (CA) to be Speaker
- Rep. Pelosi was Speaker from 2007-2011

115th and 116th Congresses: Senate

- Two senators per state
 - 50 states = 100 senators
- Senators serve 6-year terms, with 1/3 of the senators up for reelection every 2 years
- The presiding officer is the President of the Senate (the Vice-President of the United States), who votes only in cases of a tie
- Day-to-day affairs are run by the Majority Leader (Sen. Mitch McConnell, R-KY) and the debate controlled by the President pro-tempore (Sen. Orrin Hatch, R-UT)
- 115th Congress: 47 Democrats, 51 Republicans and 2 independents who caucus with the Democrats, giving the Republicans a majority of 51-49
- 116th Congress: 45 Democrats, 53 Republicans and 2 independents who caucus with the Democrats, giving the Republicans a majority of 53-47

Senators by State



115th Congress

- 115th Congress
- Blue = 2 Democratic senators (17 states)
- Red = 2 Republican senators (19 states)
- Mixed Representation (16 states)
 - Purple = 1 Democratic and 1 Republican senator
 - Striped = 1 independent senator and 1 party-affiliated senator

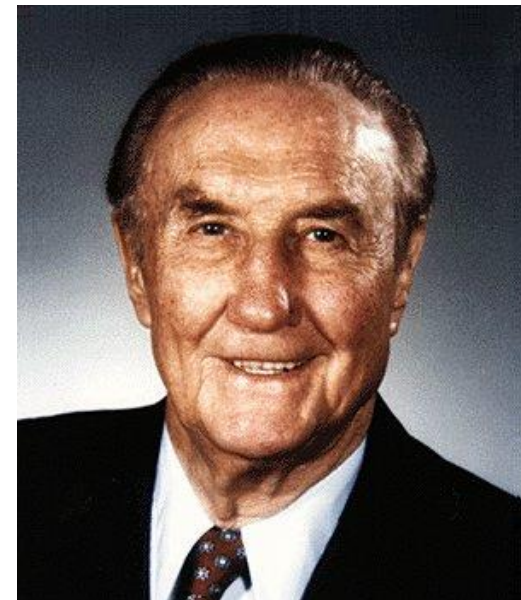
- 116th Congress
- 2 Republican senators: 22 states
- 2 Democratic senators: 20 states
- Mixed representation: 9 states

Changes in the Senate

- Initially senators were elected indirectly through state legislators
 - This changed with the passage of the XVII Amendment (1913), which required the popular election of senators
- Deliberative body
 - No restrictions on content or length of speeches unless “cloture” is invoked, which requires a 3/5 majority to pass
 - Originally required a 2/3 majority
 - Filibuster is an extended debate designed to prevent voting on a particular matter
 - The most “infamous” filibuster was by Strom Thurmond (D-SC) spoke for 24 hours and 18 minutes in an attempt to prevent the passage of the Civil Rights Act of 1957.

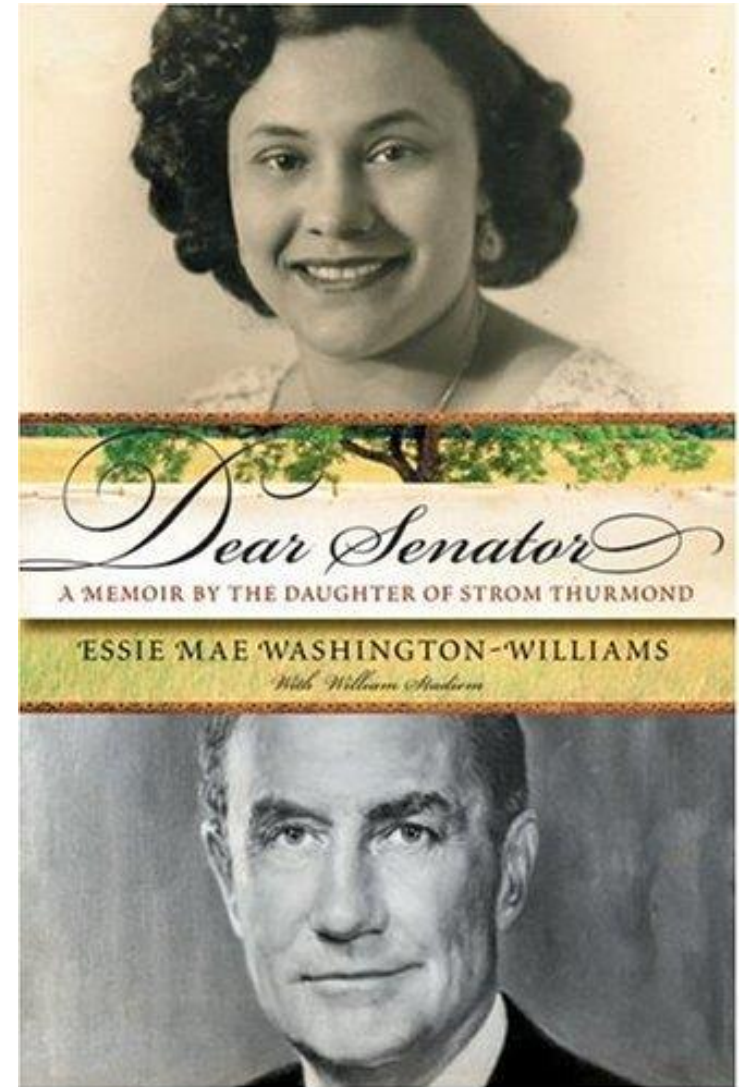
Strom Thurmond (R-SC)

- Thurmond (1902-2003) served in the Senate from 1954 to 2003, and when he retired was the longest serving senator in U.S. history (since surpassed twice).
- He left the Democratic Party in 1964 because of its commitment to Civil Rights legislation
- After his death, it was revealed that he had an adult daughter out of wedlock

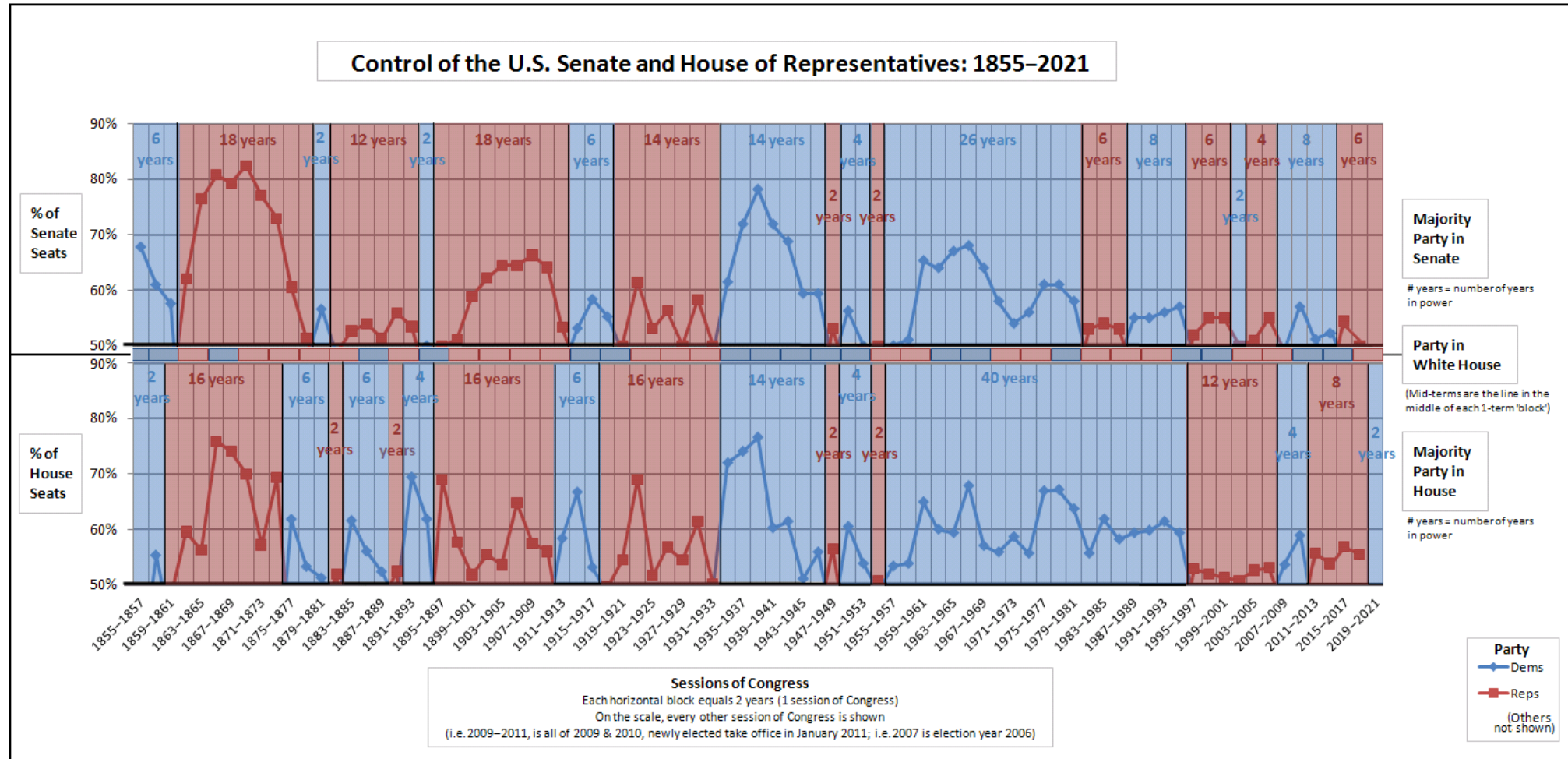


Essie Mae Washington-Williams

- Born in 1925 to a 16-year old black maid working in the Thurmond household
- Thurmond never publicly acknowledged her but did support her financially into adulthood



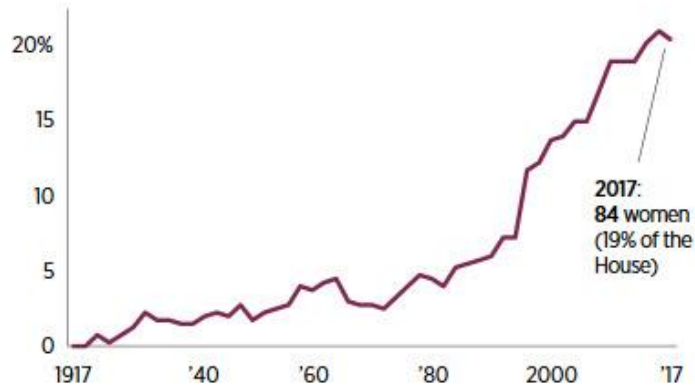
Changes in House and Senate majorities over time



House

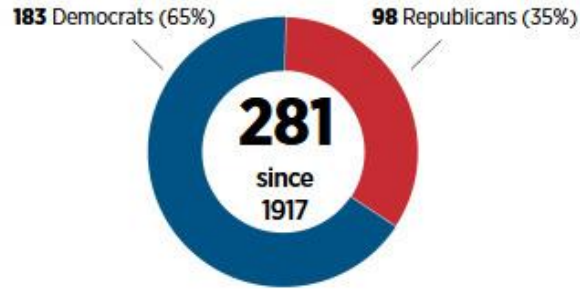
Women in the House of Representatives since 1917

Percentage of House members who are women



Note: House totals include only representatives, not delegates
Source: CQ Members database, Congressional Research Service, House historian Ryan Kelly/CQ Roll Call

Of the women who have served as House members:

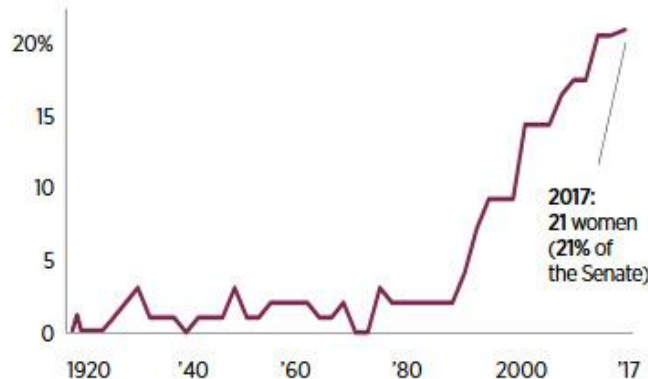


116th Congress - House:
102 women (23.5%)
89 Democrats, 13 Republicans

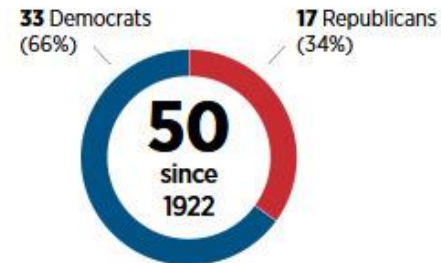
Senate

Women in the Senate since 1922

Percentage of senators who are women



Of the women who have served as senators:



116th Congress - Senate:
22 women (22%)
15 Democrats, 7 Republicans

Party System

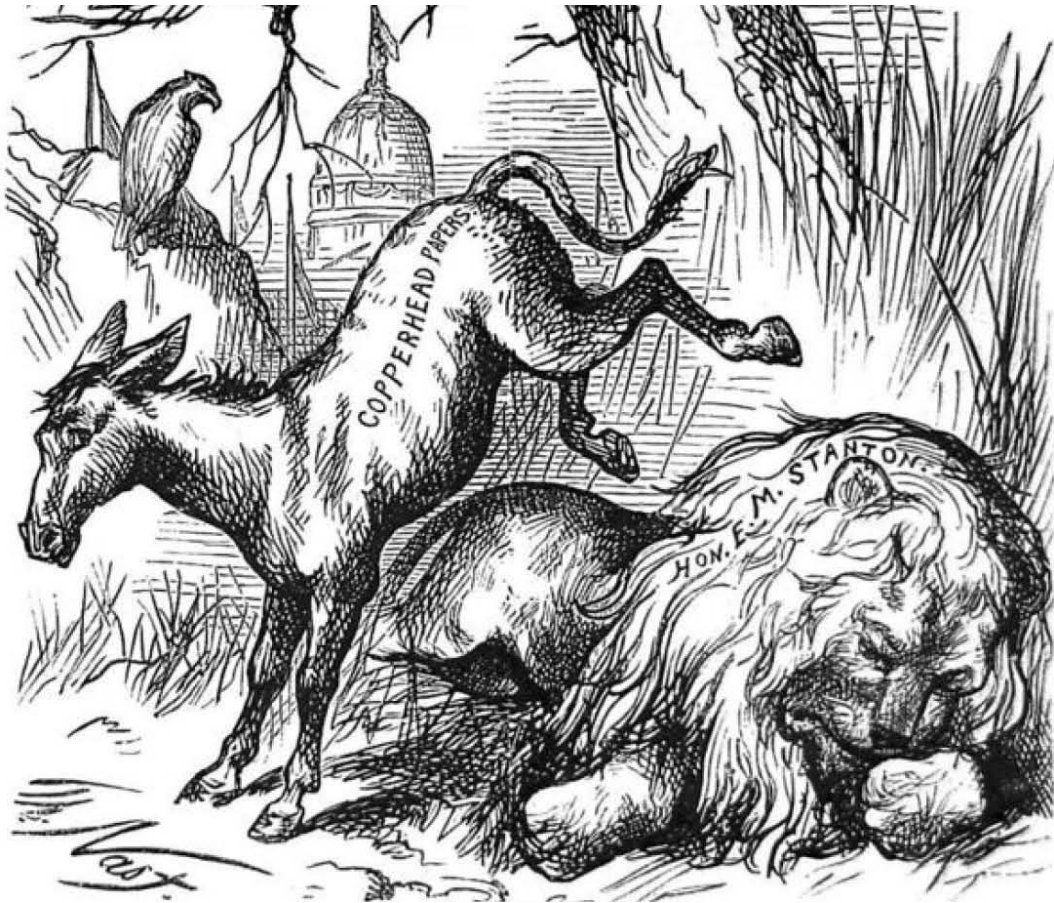
- Need for majorities
- Stable, broadly-based parties
- All American presidents (except Washington) have been representatives of one of four political parties:
 - Federalist (2 presidents) – 1796-1820
 - Democrat (Republican/Republican-Democrat) (19) – c. 1800-present
 - Whig (4) – 1830s-1850s
 - Republican (19) – 1850s-present
- Since 1860, Republicans have dominated presidential elections (25 R victories versus 16 D)

Today's two-party system

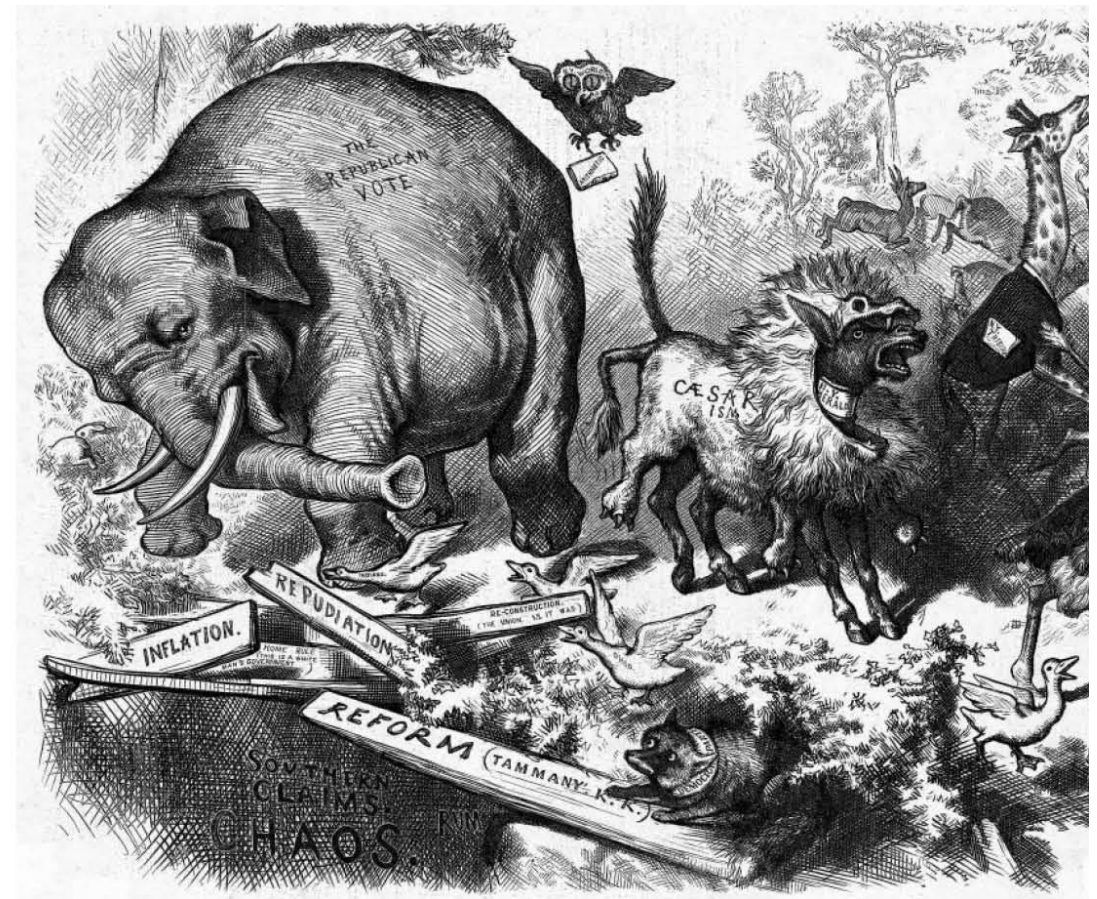
- Republicans
 - Represent conservative part of the political spectrum
 - Today two types of conservatives:
 - Social Conservatives (New Right) – came to the fore with the election of Ronald Reagan in 1980
 - Fiscal Conservatives
 - Also known as the GOP (Grand Old Party)
 - Popular abbreviation dating to the 1870s and 1880s
 - Symbolized by an elephant
 - Thomas Nast first used it in the Nov. 7, 1874 issue of *Harper's Weekly*
- Democrats
 - Represents more liberal part of the political spectrum
 - Following in the legacy created by FDR in the 1932 and 1936 elections: minorities (blacks, ethnic immigrants), labor union members, intellectual liberals (Jews)
 - Democratic Party / Democrat Party
 - Symbolized by a donkey
 - First used in the 1830s
 - Becomes popular with Nast's use in the Jan. 15, 1870 issue of *Harper's Weekly*

Thomas Nast landmark cartoons from *Harper's Weekly*

L: "A Live Jackass kicking a Dead Lion" (January 15, 1870)



R: "The Third-Term Panic" (November 7, 1874)



Thomas Nast (1840-1902)



Merry Old Santa Claus, wood engraving published in Harper's Weekly, January 1, 1881

- Famous caricaturist and editorial cartoonist in the 19th century
- Considered to be the father of American political cartooning
- Also responsible for the classic American image of Santa Claus

- Both parties use systems of primary elections to select candidates for the general elections.
- There have been and are many “third parties” in American politics. Generally speaking their successes have been either very short term or limited to the local and, exceptionally, state levels.
- Recent examples include the Green Party (Ralph Nader received 2.73% of the vote in the 2000 Presidential election (including 10% in Alaska)
 - Currently have 164 elected officials in 19 states (3 state representatives, remainder local)
 - There are 84,955 total local political units in the US
- In 1992, H. Ross Perot won 18.91% of the vote as an independent candidate He did not win any electoral votes, coming the closest in Maine, where he finished second, losing to Bill Clinton by 8% of the popular vote.

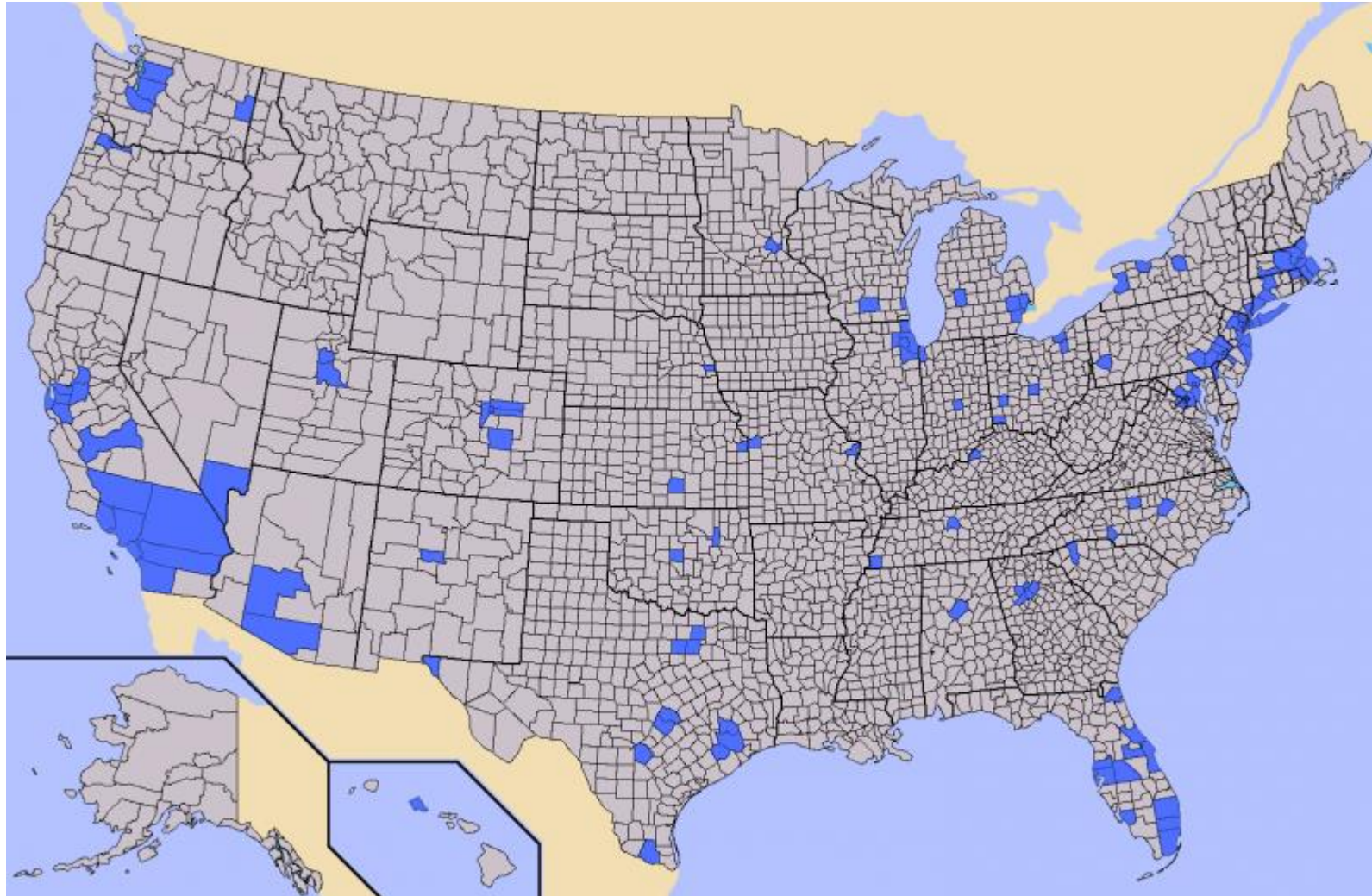
State Governments

- All the states must have a “Republican” form of government (Constitution, Article IV, Sec. 4)
- Elected executive
 - Governor, lieutenant governor (sometimes elected together (presidential model), sometimes separately)
 - Department secretaries (State, Treasury, etc.) are elected popularly (not appointed as at the federal level)
- Legislative system
 - 49 states have a bicameral system (Nebraska has a unicameral system)
 - Upper house generally known as a “Senate” but the lower house is known by a wide range of names
 - In all cases, election is single-member district-based
- Elected judges
 - At the local and state levels, judges are elected
 - In some states they are first appointed by the governor and then they must stand for election.

County governments

- All states except Alaska and Louisiana use counties as the principal political subdivision beneath the state.
 - There are currently 3,141 counties or their equivalents in the U.S.
 - Louisiana uses the term “parish” but in most ways they are analogous with counties
 - Alaska has “boroughs”, with a large portion of the state being encompassed within an unorganized borough
 - Some cities are either independent of any county (e.g. St. Louis, MO) or may be coterminous with their county (e.g. the City and County of San Francisco, CA)
- Political power delegated to counties varies greatly from state to state
- Relationships between counties and municipalities incorporated within them also vary greatly
- Most counties do have an elected board that manages county-wide affairs
- Elected county officials generally include (besides judges)
 - District Attorney (prosecutor)
 - Sheriff (police)
 - Coroner (medical examiner)

**Counties of the United States:
50% of U.S. population lives in the
146 most populous counties (marked in blue)**



County Subdivisions

- Counties may be subdivided into:
 - Incorporated municipalities
 - Cities, towns, villages
 - Unincorporated areas
 - Townships
 - Provide services similar to towns
 - Special Districts
 - Water, Energy, Sanitation, Education, etc.
- At this level of government, usually elected boards (City Council, School Board, etc.) provide local government services
- Mayors in larger cities are usually elected directly. In smaller cities and towns, usually one member of the council serves as mayor on a rotating basis.
- Larger cities may also have other elected offices
- In many western states, elected offices at the local and county levels are non-partisan. This is tied to the spread of Progressive ideals (see below).

Los Angeles County

Population: 10.16 million
(2017 est.)

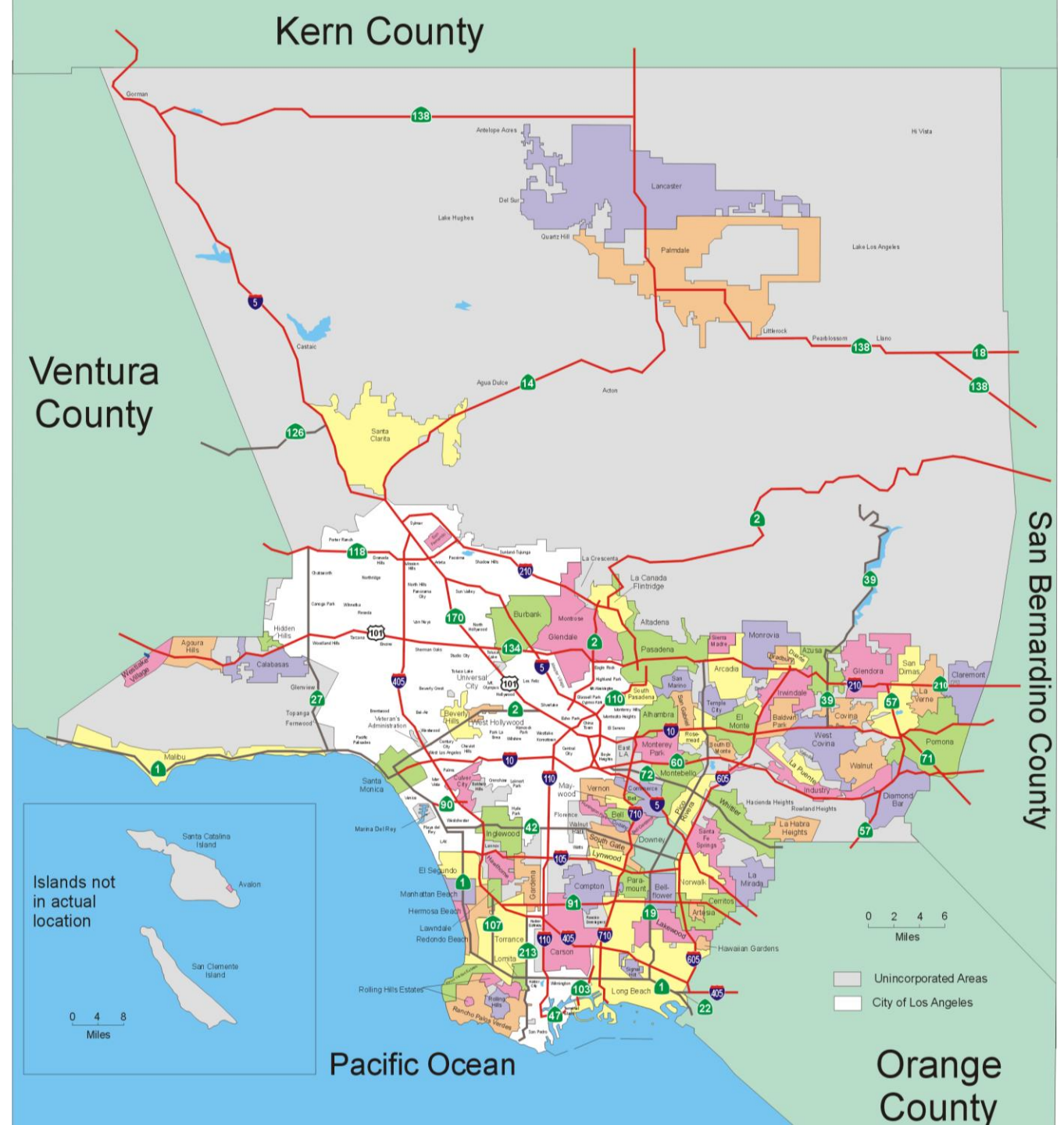
Area: 12,310 km²

City of Los Angeles
population: 3.98 million
(2017 est.)

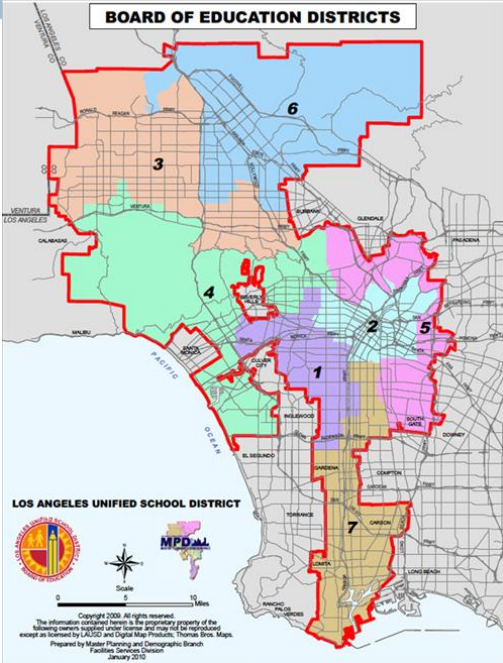
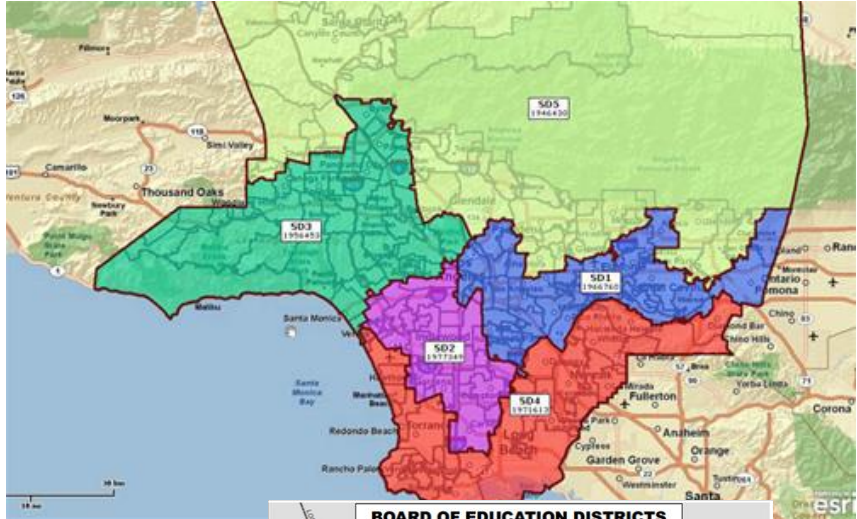
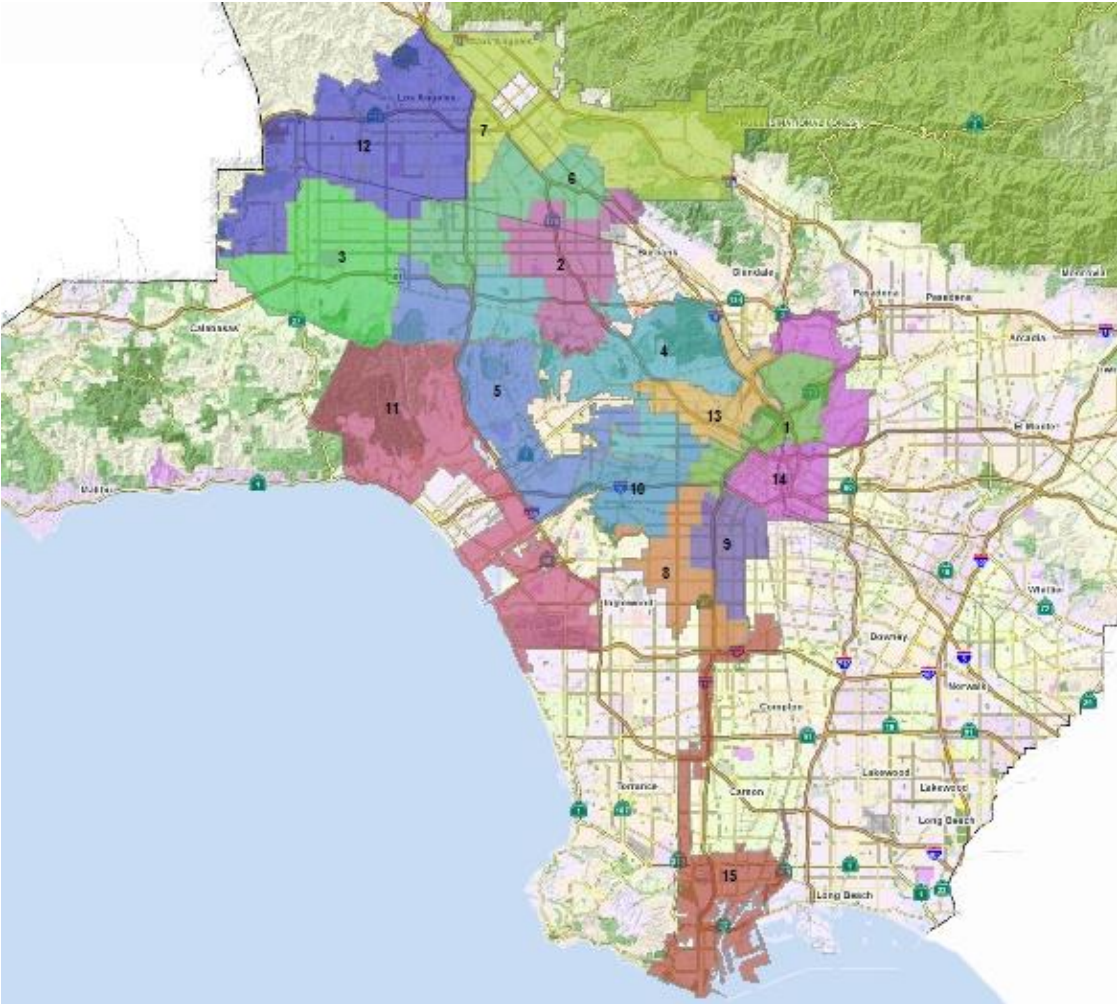
Area: 1,302 km²

87 other incorporated cities

Central Bohemia + Prague:
Pop.: 2.55 million
Area: 11,510 km²



Los Angeles County politics: L: Los Angeles City Council districts; UR: County Board of Supervisor districts; LR: Board of Education districts



Referendums

- As a part of the Progressive Movement in the early 20th century, many states, particularly in the West and Midwest adopted systems of popular referendums or initiatives
- An attempt to give the people a more direct voice in government
- May deal with specific issues that are placed on the ballot as the result of people collecting signatures on petitions
- In some states, measures to raise local taxes or fees or to issue government bonds must be approved in a referendum

Examples of important state-wide referendums

- California
 - Proposition 227 (1998) – required all public school education to be in English only (no bilingual education)
 - Proposition 8 (2008) – Voters approve an amendment to the state Constitution to define marriage as only between “a man and a woman” by a 52% - 48% margin. The amendment is immediately challenged in the courts. Courts ruled the amendment unconstitutional.
- Oregon
 - “Death With Dignity Act” (2002) – Oregon voters for a second time approve a law to allow doctors to prescribe fatal doses of medicine for terminally ill patients
- Colorado
 - Amendment 2 (1993) – Voters approve an amendment prohibiting local and state governments from passing laws banning discrimination based on sexual orientation. Was overturned by the U.S. Supreme Court in 1996 (*Roemer v. Evans*).
 - Amendment 64 (2012) – Colorado becomes the first state to legalize recreational use of marijuana

Děkuji za pozornost.

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