Many people do not take an interest in politics until it affects them directly. For some, it’s too boring to take the time to understand, or they simply don’t see how it affects them personally. In reality, politics affects all of us every day, practically from the moment we wake up. The government ensures the safety of the water we use to shower and brush our teeth with, the government determines the laws of the road that we drive on every day, and the government stipulates the conditions under which we work and what is considered a safe workplace environment. Although these facts can be pointed out to everyone, politics is still a confusing, messy, and difficult topic to master; understanding political science is one step to understanding why it should be that way.

Take, as an example, passing a law, an activity that involves two branches of government (and sometimes all three) and thousands of people. In December 2017, Congress passed and President Donald Trump signed into law a massive overhaul of the US tax code—something that had not been done since the 1980s. However, writing a complicated piece of legislation such as a tax bill involves not just the 535 elected members of Congress but hundreds of subject matter experts, lobbyists, public organizations, businesses, and—yes—citizens. Once the bill was written, it had to be negotiated and passed by a majority of both the House and the Senate, all abiding by strict rules under what’s known as a budget reconciliation procedure. Only then could the bill be signed by the president and become law. If you watched this process in real time, it appeared messy, confusing, and complicated. But understanding the functions and responsibilities of the different branches of government and the motivations

Chapter Objectives

1. Describe the major functions and characteristics of Congress.

2. Understand the powers and functions of the presidency.

3. Examine the role and politics of the federal courts.

4. Examine patterns of political behavior in the United States.
American politics as a subfield of political science is a broad area of study. While it will not be possible to go into complete detail about every topic, this chapter takes up an examination of the institutions of American government as well as political behavior. Those who study political institutions generally believe that the rules of the game shape how individuals play it. Institutionalists like to study how things like Congress and the presidency develop over time or the factors that influence developments like the enlargement of the executive branch. Political behavior refers to the actions of individuals in a political system and includes things such as political parties and interest groups, public opinion, and voting. This chapter begins with a discussion of American institutions, including Congress, the presidency, and the courts (bureaucracy is left for Chapter 11) before delving into aspects of political behavior in the United States.

**Congress**

The Founders envisioned the Congress to be the center of American power, the branch of government in which the wishes and desires of the American public would be translated into public policy. To this end, they created a Congress that melded together different aspects of representation, power, and responsibility, along the way fashioning the House of Representatives and the Senate. Perhaps no other characteristic is as important to understanding the United States Congress as its bicameralism. The two chambers are incredibly different in size, scope, and powers, yet both must agree to any legislation that is intended to become law.

**Differences between the House and Senate**

To begin with, the House has 435 members divided proportionally across the states by population; every ten years, the US Census allows for a reapportionment of representatives based on current population numbers. Each member represents not an entire state but merely a small slice of a state, something called a district. This process of districting is redone every ten years, but, in many cases, is done in an incredibly partisan process known as gerrymandering. The resulting gerrymandered districts are often safe seats for Republicans or Democrats—with a majority of voters in the district intending to vote in a particular way. Gerrymandering has been blamed for everything from increased polarization in the Congress to a growing reelection rate.1

The Senate, on the other hand, consists of 100 senators: two from each state. Originally, senators were chosen by state legislatures; because of the Seventeenth Amendment to the Constitution, voters in each state were given the opportunity to directly choose their senators. Lee and Oppenheimer highlight the representational differences that their sizes introduce. In 2014, California had 38.8 million residents and still had two US senators. On the other hand, Alaska had fewer than 1 million
at 736,732 residents and two US senators. The argument can be made, then, that Alaskans, and the residents of other small states, receive more representation in the Senate than large states like California; Lee and Oppenheimer show that these representational differences can have a significant impact on the policy outcomes of the Senate. Specifically, smaller states tend to get federal dollars and benefits out of proportion with the amount of income taxes their citizens pay.

Another institutional difference between the House and Senate related to size is their ability to hone in (or not) on major issues of the day. With only 100 members in the Senate, senators must serve on more committees and subcommittees than their House counterparts. In the House, with more representatives, members do not have to divide their time as much. Thus, House members have more time to focus on issues that are related to their constituency as well as a greater opportunity to focus on those issues on a regular basis. Senators, instead, must divide their time much more and focus on more national and varied interests since their constituencies will almost always be larger than districts for the House.

The difference in size between the House and the Senate contributes to the rules under which each chamber works. In the House, with its 435-member population, there are stricter rules about what goes on the House floor, how committees are operated, and the privileges of the majority and minority parties. These rules essentially define a majoritarian institution—an organization in which the majority party tends to have the most power and resources. Take, for example, the House Rules Committee, one of the most important and consequential committees in the body. It sets the rules for consideration of a bill, including the length of debate and whether any amendments may be considered and who those amendments may be offered by. The majority party in the House holds a supermajority of seats on the rules committee, thereby ensuring that the majority party gets favorable treatment for their legislating and oftentimes stopping legislation sponsored by the minority.

With the Senate’s smaller size and traditions of greater individual power, the minority party is granted far more influence than in the House. The senatorial procedure of the filibuster has been portrayed in the classic film Mr. Smith Goes to Washington, but the reality is that the threat of the filibuster forces the Senate to operate in a supermajoritarian manner. The Senate, partially because of its small size, has a tradition of unlimited debate on most topics; in order to end debate on a bill and move toward voting procedures, senators must vote to invoke cloture, which requires the vote of sixty senators. When the split between Democrats and Republicans is as close as it has been in recent years, the sixty-vote requirement forces at least some of the minority party’s members to vote to end debate—something that may be difficult to achieve. Many political scientists have examined the effects of the sixty-vote Senate, including Barbara Sinclair whose data demonstrate that the number of filibusters has increased over time. Frances Lee has argued that the sixty-vote threshold has become the norm in the Senate, unlike past periods of American history. Still, others have examined the effect that this requirement has on judicial appointments, especially in regard to the rate at which they have been approved.
Congressional Behavior

Political scientists have also explored the question of why members of Congress behave the way they do. In 1974, Mayhew published the classic Congress: The Electoral Connection. In it, Mayhew postulates that members act the way they do for one basic reason: they desire reelection. To demonstrate this idea, he explores the different types of activities members of Congress would focus on if indeed reelection is the ultimate goal: advertising, credit claiming, and position taking. Mayhew acknowledges that there could be other goals that members seek, such as future jobs, power, and good policy. Mayhew's book has been an influential piece of research that has underlined much of the congressional literature that has come after it.

The Jobs of Congress

But what is it that members of Congress do or are supposed to do? In addition to representing the interests of their constituents, they are tasked with legislating, appropriating the nation's money, and providing oversight of the executive branch. Creating and passing laws is perhaps the single most significant job the American public expects Congress to do. Congress is expected to produce solutions to those problems that are the most pressing and to improve the lives of American citizens in doing so. A simple sketch of the legislative process can be boiled down to the following steps:

Know a Political Scientist

David Mayhew

David Mayhew, one of the most well-known congressional scholars, has left an indelible mark on political science. Mayhew earned his doctorate from Harvard in 1964 and joined the faculty at Yale University in 1968, where he remained until his retirement in 2015. Mayhew published the seminal work Congress: The Electoral Connection in 1974. The book argues that members of Congress behave the way they do because they pursue the goal of reelection. The theory has influenced a generation of congressional scholars for its simplicity and underlying rationality.

Mayhew has written seven other books on topics such as divided government, electoral realignments, and political parties.

In addition to his major works, he has authored numerous referred articles, made over 100 presentations of his work, participated in numerous sponsored panels and discussions, and has won seven prestigious awards, including the Richard E. Neustadt Award and the James Madison Award for career contributions.
1. A bill is introduced in either the House or the Senate.

2. The bill is referred to a standing committee that deals with the subject matter in the bill.

3. The committee holds hearings and revises the bill. The committee will vote on the bill.

4. In the House, the bill goes to the rules committee, which schedules floor debate and votes. It also creates “rules” under which the bill will be considered that specify the total debate time and the amount and type of amendments that may or may not be considered.
   a. The entire House considers the bill and votes.

5. In the Senate, the bill may be brought to the floor under a unanimous consent agreement (UCA) under which the entire Senate membership agrees to terms of debate, or it can be motioned to the floor.
   a. If the bill is brought under a UCA, debate proceeds and a vote is held. If the bill is brought as a motion, debate continues until cloture is invoked to end debate. The Senate then votes.

6. If there are any differences between the two bills, a conference committee may be created to deal with them. A conference committee is a temporary committee made up of both House and Senate members to work out a compromise bill.

7. The bill is then voted on again by both the House and Senate, and only then, if it passes both chambers in the same form, does it get sent to the president.

While these steps seem relatively simple, in real life, it can be anything but; as shown in Figure 7.1, the number of bills passed by Congress has fallen from a high of 804 in the 95th Congress (1977–1978) to just 284 in the 112th Congress (2011–2012).

In addition to legislating, Congress is also responsible for creating and passing a budget for the United States in accordance with the Constitution. Specifically, this process must begin with the House of Representatives, which was designed by the Founders to be the most direct voice of the people. Ideally, a budget is first passed by the House and then the Senate, all to be signed by the president by the beginning of each fiscal year. However, like legislating itself, the process has become all the more difficult as members of Congress disagree on both the levels of spending to give to various areas and the priority they should receive. These disagreements have often prevented Congress from passing a budget before the October 1 fiscal year, leading to the passage of continuing resolutions, which allow the government to continue operating until a certain date.
One of the most recent government shutdowns is instructive in today’s budgetary politics. In the fall of 2013, with Republicans in the majority in the House and Democrats holding both the Senate and the presidency, the budget was held up over funding for the Patient Protection and Affordable Care Act—something Republicans wished to restrict and Democrats wanted included. In an attempt to create a budget that could pass both chambers, the House and the Senate traded different budget options, but none could muster a majority in both chambers, leading to a sixteen-day government shutdown. Today’s budgetary conundrums continue to center around health care and entitlement funding, military spending, and other domestic priorities.

A final major task of members of Congress is oversight of the executive branch. This activity primarily takes place in the various committees into which members of Congress are divided. These standing committees are organized around policy areas and help to oversee those relevant agencies that deal with those policies. Committees will hold hearings and conduct investigations into the conduct of executive branch agencies and officials. While many investigations can be nonpolitical, or at least bipartisan, oftentimes committee investigations become very political acts. In the wake of both the Challenger and Columbia space shuttle disasters, for example, committees in both the House and the Senate investigated NASA and the immediate causes of the loss of the shuttles. More recently, however, the Intelligence committees in both the House and the Senate have been investigating the ties between the Russian government and the 2016 election.
The Presidency

It’s hard to tease out the difference between the president, the person who inhabits the Oval Office at any given time, and the presidency, the office itself. Sometimes, we can’t tell where one ends and the other begins; the office of the president becomes so much like the person of the president. However, the distinction between the two is important; there are characteristics and aspects of the office that political scientists wish to delve into above and apart from the politics of the man (or the woman). Although studies of individual presidents are worthwhile, for the most part, they contain mostly history. As such, political scientists try to look at the broader themes and patterns across different presidencies.

Presidential Power

For most of the history of the United States, the office of the president was so small that you could take the two to mean the same thing. It was not until Franklin Roosevelt’s presidency that the size and scope of the executive office began to change. It is exactly this growth of the presidency that intrigues many political scientists; they examine the causes and consequences of the growth of the presidency that has accompanied modern life. Ragsdale and Theis, for example, explore the institutionalization of the presidency arguing that an increase in governmental activities led to the growth of the presidency. This coincides with what government was being asked to do—particularly from the 1930s on; Roosevelt had to respond to the Great Depression with World War II coming quickly on its heels. On the other hand, Dickinson and Lebo find that the growth of the presidency was driven by changes in how the presidency relates to other institutions, particularly the Congress, the press, and the public, rather than what government was being asked to do. In the end, many of the changes in the executive branch were probably influenced by all of these considerations as well as the crises America experienced in the 1930s and 1940s.

Presidential power has also increased over time. When the Constitution was first formulated, most of the Founders imagined that Congress would be the most powerful of the three branches, representing the will, and sometimes the whim, of the people. However, presidents have often sought to increase their own power over time, particularly during times of trouble. When we talk about power, particularly for the president, there are different types. First, there are the president's constitutional powers—the duties and responsibilities laid out for the position in the Constitution. These include the president's ability to execute the laws, make treaties and appointments (with the advice and consent of the Senate), sign and veto laws, be commander in chief of the armed forces, and issue pardons. Compared to the powers laid out for Congress in the Constitution, these are very limited indeed. On the other hand, presidents have far more power to exercise than this today. They can influence public opinion, the media, and Congress. They can carry out foreign policy with only limited influence from Congress. They can send troops wherever
they would like for up to sixty days without congressional approval. They can issue executive orders and signing statements as well as interpret laws in particular ways.

Power is also the subject of one of the classic treatises on the presidency, Neustadt’s *Presidential Power and the Modern Presidents*. Originally published in 1960, Neustadt examines the record of presidential accomplishment, looking to explain what increases and decreases presidential power. He theorizes that real presidential power is in the president’s ability to persuade, in his ability to get other people to do things that they would not have otherwise done. For Neustadt, the president’s power to persuade is contingent not only on his professional reputation inside Washington—how the Washington elite view his power—but also on the president’s reputation with the public. When the president can manage these two reputations, he (or she) has more leverage to get what they want done. Neustadt’s book has left a long legacy. His description of the three branches of government as separated institutions sharing power (rather than separate institutions) has redefined how political scientists look at the exercise of power.

The President and the Other Branches

Of course, presidential power does not exist in a vacuum; presidents need power because they must work in a governmental system of separated institutions sharing power. In order for the president to get their way, they must have power. This leads to a discussion of not only where the presidency fits in the political system but of the relationships between the president and other parts of the system. The relationship that has merited the most attention has been that of the president with Congress. Together, they are the heart and soul of the lawmaking and law executing part of government; one cannot do much without the other, though they try. Recent research, for example, has focused on the idea of presidential unilaterality, or the ability of presidents to operate independently of the Congress. Given the combination of divided government and increased party polarization in the last years of Barack Obama’s presidency, then president Obama often resorted to the use of executive orders, further discussed in the next section. Bolton and Thower find historical support for these types of presidential actions, arguing that presidents tend to issue more executive orders under periods of divided government and low congressional capacity. While this might seem a usurpation of legislative and congressional power, Belco and Rottinghaus find that presidents may actually issue executive orders in order to support legislative efforts of their own party. This pattern actually fits quite well with how President Donald Trump has utilized executive orders in his first term as president.

Unlike the president and Congress, there is little in the way of regular contact between the president and the courts. When there are vacancies either on the Supreme Court or elsewhere in the federal judiciary, the president can make judicial nominations. If the federal government or the president himself is a party to a lawsuit being heard in court, the president may be involved in shaping the arguments to be used through the position of the solicitor general. However, and perhaps more
importantly, presidents, by virtue of their position, must carry out the decisions of
the courts, particularly those that interpret laws in various ways. For instance, leg-
end has it that after the Supreme Court handed down a ruling in the case Worchester
v. Georgia in 1832, Andrew Jackson said, “John Marshall has made his decision; now
let him enforce it!” This story (and it is a story as there is no hard evidence that he
ever said this) reminds us that often presidents are asked to carry out laws they do
not agree with when courts determine that it is right and constitutional.

By far, the bulk of the political science research into the relationship between
the president and the courts has examined the nomination process that has become
more contentious over the past half century. Whittington has noted that the parti-
san makeup of the Senate and the White House along with electoral timetables has
impacted the president’s ability to make a successful Supreme Court appointment.12
Johnson and Roberts, building on Neustadt’s idea of presidential power as the power
to persuade, argue that presidents can overcome a reluctant Senate by going public
and using their political capital to force the issue on Capitol Hill.13 Finally, Shipan
and Shannon find that the more ideological distance between the president and the
Senate, the longer the nomination and confirmation process takes.14

If the president is going to take his case to the public regarding potential nom-
inees to the Supreme Court or lower federal courts, we must also examine the rela-
tionship between the president and the press. Kernell, in his book Going Public,
studies how presidents use the media as a mechanism of exerting influence and
power. He argues that presidents go public, or try to influence public opinion on
an issue so that the public will then influence their members of Congress to support
the president.15 Although the usefulness of such a strategy has been challenged,
particularly by Edwards in On Deaf Ears, one look at a news station covering what
the president has said that day demonstrates that this is a strategy that is often used
by occupants of the Oval Office.16 Other research into the relationship between the
press and the president has focused on how the media covers the president,17 the
pattern of presidential press conferences,18 and how the president can use the going
public strategy to affect public opinion.19

An additional area of research is into the relationship between the president and
the bureaucracy. As the bureaucracy comprises most of the executive branch, it would
seem natural to subsume the administrative side in with the executive office. This is
not necessarily the case. While the president is certainly the head of the executive
branch, there is far more bureaucratic autonomy and discretion available to bureau-
crats than most people believe. Thus, one area of research is into what is called the
administrative presidency, denoting not only the political functions of the president
but the executive and administrative functions involved with running the govern-
ment.20 Chapter 11 will deal more specifically with the bureaucracy and public admin-
istration, but when it comes to the president, political scientists have studied how
presidents can influence and affect bureaucracy. Wood and Waterman, for instance,
demonstrate that the president can have the biggest influence through the leadership
appointment process.21 Bertelli and Feldman suggest that presidents are best off when
they select bureaucratic leaders who can offset the influence of entrenched interests
such as business and interest groups. Other ways in which the president can attempt to control and influence the bureaucracy is in the amount of control the White House has over certain areas such as budgets and regulations; it is in this way, Nathan argues, that presidents can have the most guidance over bureaucrats.

**Policymaking**

Despite this long list of topics, one major aspect that has yet to be touched on is how the president actually influences policymaking. This is perhaps one of the most important jobs a president has; in fact, it is even mentioned in the Constitution itself. Article 2, section 3 states, “He shall from time to time give to the Congress information of the State of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.” Out of this one line stems the annual spectacle of the president going to Capitol Hill and giving the State of the Union address. The State of the Union is one of the most significant opportunities a president has to affect the policymaking environment. It signals to Congress and the rest of the political community what the president wants to work on in the coming year. It sets the agenda, a very powerful ability to shape what Washington and the rest of the country thinks about certain policy areas. Think about it for a moment; of all the possible things a president could talk about on the biggest stage of the year, if a president chooses to focus on something like foreign policy or criminal justice reform, it can signal to the country that the president is willing to spend time and political capital on the issue.

While the State of the Union is certainly the biggest agenda-shaping opportunity the president has, it is by no means the only one. Again, given the demands of the day, the act of merely choosing what topics to give speeches on or make appearances to highlight communicates to the public what the president wants to achieve. This directly connects with the going public literature noted previously; presidents can take their message to the public through speeches, appearances on television and in person, news conferences, interviews, and the like to use the Neustadtian power to persuade the public what is important and what should or should not be done.

If presidents cannot get their way through the traditional legislative process, there are some other options afforded to them. The use of executive orders has grown from 8 by George Washington to 291 by George W. Bush. **Executive orders** are used to direct government agencies to perform some task or interpret a law in a certain way. Found to be constitutional by the Supreme Court, political scientists have taken to examining the frequency and content of them for insights into the growth of presidential power and the executive branch itself. Another form of presidential power has been the use of **signing statements**. Signing statements are made when a president signs a bill into law and are used to praise the passage of the bill and to lay out the president's interpretation of the bill. In their study of the usage of signing statements, Ostrander and Sievert write that “Signing statements thus appear to be institutionally oriented and directed at reiterating the boundaries between Congress and the president rather than outlining policy disagreements.
between the branches." Signing statements are often used to highlight disagreements about constitutional principles and therefore allow the president to shape the implementation of the law.

The Courts

Examining the institution of the judiciary is different than the previous two institutions we've discussed. Judges do not make decisions based on politics but law. Their decisions are supposed to be objective, based on facts and evidence as discussed in Chapter 4. Although it is not possible to squeeze every ounce of subjective bias from the court system, ideally politics should not play into decisions. As such, most study of judicial cases and rulings are left to legal scholars and lawyers. But there are some areas where politics bleeds into the court system, and these are areas of interest for political scientists.

Role of the Courts

The first area concerns what role the courts should play; should they be involved in making policy pronouncements from the bench or leave political questions to elected officials? An example of judicial policymaking is the classic case, Brown v. Board of Education in 1954. In it, the Supreme Court ruled that segregation in schools was inherently unequal and ordered the integration of schools. Whether to pursue segregation or desegregation is intrinsically a political question of which policy to follow. In Brown v. Board, the Supreme Court decided on a policy and expected the rest of the political system to enforce it. The same thing occurred with Roe v. Wade in 1973 when the Supreme Court ruled that women have a right to an abortion. Since, governments at every level have waded into abortion policy with the background always being the policy decision made by the Court.

Most cases of judicial policymaking occur through the courts' function of judicial review. Established by the case Marbury v. Madison, this doctrine allows federal courts to invalidate laws passed by the Congress and signed by the president if they are not constitutional—that is, not allowed by the Constitution. Opponents of judicial policymaking claim that any and all policy decisions should be decided on by elected officials in Congress and the executive branch, not by unelected judges who serve lifetime terms. On the other hand, proponents will argue that it is the place of the judicial branch to make the ultimate authoritative interpretations of what is legal and what is constitutional and therefore should be empowered to make policy from the bench.

In any case, political scientists have examined the circumstances under which judicial policymaking is most likely to occur. Because there are far more court cases at the state level (fifty different sets of courts and supreme courts versus one federal system and one federal Supreme Court), most of the research has taken advantage of the large number of cases to be able to draw firmer conclusions. In examining cases surrounding education policy in the states, Wilhelm found that courts often have the
biggest impact in the policy introduction phase because the ideological makeup of the courts influences state legislatures as to the actions they believe courts may undertake.²⁴ Emmert identifies a host of different variables, including the type of constitutional arguments made, the lower court rulings, and the number of issues raised as contributing to the likelihood of whether a court decision engages in policymaking.²⁵ Staton and Vanberg, on the other hand, argue that courts realize the difficult position that judicial policymaking puts them in and tend to make very vague opinions that can mask judicial uncertainty about the reaction to judicial policy mandates.²⁶

Ultimately, the question about whether judges should engage in policymaking from the bench is one of democratic principles. Given that judges are likely the most undemocratic position one can have in this country (unelected, selected for life, no opportunity for citizens to vote on them), why should they be given responsibility to make decisions about major policy directions? Certainly, Congress has often responded to judicial decisions, altering laws to make them constitutional following judicial review cases, but who are the ultimate arbiters of what we can or should do, the representatives, the citizens, or judges?

Judicial Nominations

The focus on the decisions and policy that can be made from the courts places a significant emphasis on who becomes a judge in the first place. Since this is a lifetime position, the issue of judicial nominations, especially in recent years, has become a polarizing hot topic. To demonstrate just how partisan this process has become, when Supreme Court justice Antonin Scalia died suddenly in 2016, the last year of the Obama administration, Republicans in the Senate immediately declared that they would not consider an Obama nominee to replace the conservative justice. An unprecedented move, the failure to fill Scalia’s position on the Supreme Court left the Court with eight justices and the potential for tie votes. In holding out on considering Obama’s eventual nominee, Merrick Garland, Republicans were making a bet that Republicans would win the White House in November 2016, thereby enabling a Republican president to nominate a justice who would be more to their liking. This is exactly what happened when Donald Trump won the election and nominated and saw confirmed Neil Gorsuch to the now-vacant Scalia seat.

Once presidents have nominated individuals to serve in the judiciary, the process moves to the Senate for its advice and consent function. Since 1996, the average length of time it takes for the Senate to consider and vote on a nomination has increased dramatically, reflecting the increasingly partisan nature of the battle.²⁷ Because confirmed judges will serve on the bench for years, and perhaps decades, to come, both the Senate and the president have a strong incentive to ensure that sitting judges reflect their partisan ideology so as to shape decisions long after many elected officials will leave office. Martinek, Kemper, and Van Winkle find that the quality of the nominee, the makeup of the judiciary committee, and other pending nominations all impact the length of time that it takes for the Senate to confirm judicial nominations.²⁸
Senate politics have also contributed to the pace at which judicial nominations have been considered. Prior to 2013, all executive judicial nominees had to overcome the cloture vote, which required sixty senators to end debate on the nomination. With a Senate so sharply divided, this hurdle was one that was difficult to overcome leading to a significant backlog in judicial nominations. As a result of Republican recalcitrance, Senate Democrats enacted the nuclear option in 2013, lowering the cloture threshold for all judicial nominees except those for the Supreme Court to a majority rather than sixty. This allowed Democrats to push through a number of then president Obama’s nominations. However, the nuclear option was also used by Republicans in 2017, who changed the rules once again to allow for a majority cloture vote on Supreme Court nominees, allowing them to confirm Neil Gorsuch to the Supreme Court without Democratic support (discussed earlier).

In most instances of judicial nominations, the Senate will vote to confirm the individual; however, this is not always the case. The high-profile failures of Ronald Reagan’s Supreme Court nominee Robert Bork in 1987 and George W. Bush’s nominee Harriet Miers in 2005, demonstrate that the Senate is sometimes unwilling to go along with the president. Krutz, Fleisher, and Bond argue that the failure of some nominations has very little to do with divided government, or a president of one party and a Senate majority of the other. Rather, they identify policy entrepreneurs as key players in providing negative information on a nominee and expanding the arena for conflict. On the other hand, Whittington, following the failure of the Miers nomination, argues that divided party control does influence the success or failure of nominees but that its role is not constant over time. It could well be the case that with the increased salience of partisanship in the twenty-first century, Krutz, Fleisher, and Bond’s findings may not hold up anymore; if that is the case, it does not bode well for future nominations under divided government.

**Public Opinion and the Courts**

A final area ripe for study by political scientists is the role that public opinion plays in influencing judges and their decisions. As discussed previously and in Chapter 4, judges are supposed to make decisions based on law and objectivity. However, it is inevitable that public opinion and politics makes its way into the minds of judges. Why might this be the case? Because the courts have no independent means of enforcing their decisions, they must rely on other aspects of the government to do the enforcing for them. If the courts do not have the respect and approval of the public, there could come a time when the executive branch refuses to cooperate with a court order. In fact, this was a fear in 1974 when the Supreme Court ordered President Richard Nixon to hand over his secretly recorded audiotapes in connection with the Watergate investigation. As relayed by Woodward and Armstrong in *The Brethren*, the justices of the Supreme Court were worried that if their decision showed some dissension within their ranks, if the decision were not unanimous, that Nixon would be tempted to defy the Court and not hand over the tapes. If this did happen, the Court would have no way of enforcing their decision.
As a result, the federal courts, and in particular, the Supreme Court, are concerned about their standing with the public. The need to maintain a high approval rating and public respect for the institution shapes some of the thinking of the judges. Research has borne this relationship out. In 1977, Cook found a significant relationship between the sentences federal judges handed down for draft dodgers during the Vietnam War and public opinion about the war. Others have suggested that the link between the courts and public opinion is perhaps more indirect, stemming from judicial retirements and replacements when a focus is put on nominees who conform to current public opinion.32

**Political Behavior**

At the heart of studies of political behavior is the belief that individuals are fundamental to the study of politics. Political behavioralists believe that the attitudes and actions of individual political actors are fundamental to understanding the political system. Figure 7.2 highlights this idea and provides an overview of two things: first, the chain of action from an individual person to how they behave. The intermediate level is the formation of attitudes, beliefs, and ideologies that then influence people to behave in a certain way. On the other side of the figure are the different topics that political scientists are interested in at each of these stages. At the individual level, we are interested in how people form their beliefs and what influences them. In addition to typical socialization influences like parents and family, friends, education, community, and religion, we can also examine how the media influences individual beliefs. Once people have formed their beliefs about politics, we can examine what those beliefs are. Here, political scientists study public opinion (along with how public opinion should be measured), patterns of beliefs, and the type and amount of political knowledge individuals have.

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**Figure 7.2 Political Behavior**

<table>
<thead>
<tr>
<th>Chain of Action from Individual People to Behavior</th>
<th>Things Political Scientists Study</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual People</td>
<td>Socialization and attitude formation, media as an influence</td>
</tr>
<tr>
<td>Ideology/Beliefs</td>
<td>Public opinion, partisanship</td>
</tr>
<tr>
<td>Behavior/Actions</td>
<td>Voting, political parties, interest groups, and other political action</td>
</tr>
</tbody>
</table>
Ideally, people will behave in ways that are in accordance with what they believe. While this is not always true, we take this as a basic assumption with political behavior. At the bottom of Figure 7.2, then, we have how individuals behave politically. Political behavior can vary from how people vote to the parties and interest groups that they do (or do not) join, how much people pay attention to politics, and whether they participate in other ways (protests, letter writing, campaign donations).

In examining the thoughts and behaviors of individual people, we hope to understand the contours of American politics. For the rest of this chapter, then, we will take each of these concepts, in turn, and discuss not only what they are but some of the key findings that political scientists have made about them.

**Socialization**

Socialization is the process through which we acquire beliefs about the world around us. Why do you believe the things you do about the world around you? About politics? About America? The process of socialization, while it takes place throughout a lifetime, is concentrated in our childhood. Think about what you learned about America in elementary and middle school; they probably didn’t teach much about the negative aspects of our collective history—things like treatment of the Native Americans or the widespread discrimination against African Americans. When we are young, we are taught to believe the good things about America and her government, to look up to American heroes like George Washington and Abraham Lincoln, and to believe that America is an exceptional country. While many American adults are skeptical about politics, in childhood, attitudes tend to be quite positive.33

Early research into socialization focused on these childhood experiences and learning. Much of our political socialization happens in school through what we are taught about our country and how. By the time we reach high school, many of our ideas about politics are fairly consistent.34 However, this socialization experience can vary despite large groups of children being taught much of the same thing about America and its politics; race, family, personality, and even an individual’s biology have been shown to impact how children develop their ideas about the American political process.35 For example, African American children may come to see America quite differently from their white peers simply because of the environment in which they grow up.

A key set of ideas that is intrinsic to political socialization is that of political culture. Political culture, defined in Chapter 1 as a set of values, beliefs, behaviors, and norms that a society holds in common, is often transmitted precisely through the socialization process. Although defining the ideas and values that most Americans believe is obviously a difficult process, most Americans can agree that they value ideas like liberty, individualism, the American dream, and opportunity for all. Sometimes, these values can even conflict with one another. Following the terrorist attacks of 9/11, there was a greater need to focus on the security of the American homeland; however, some of the ways in which this was done could be seen as inimical to the American value of freedom and even privacy. Airport screenings,
warrantless wiretaps, and the collection of Internet data do not seem to fit into the American political creed. Americans since then have struggled with the balance of privacy and freedom and safety and security, but that does not mean the American political culture values either of them any less. These ideas become a part of the American political canon precisely because they are transmitted from generation to generation by way of political socialization.

Public Opinion

Rarely a day goes by that the media, an entity that emphasizes competition and breaking news, publishes some sort of public opinion poll. Polls have become nearly ubiquitous in American politics today for their ability to give some insight as to how the public thinks and feels. Polls feed the need for competitive updates, to tell us who's ahead and who's behind. It is this very tool, the public opinion poll, that has shaped and molded research into public opinion. As Korzi writes, “The predominance of the poll as research tool would fundamentally change how and what researchers studied.”

One of the first comprehensive studies to take advantage of the growth of polling was The American Voter, published in 1960. Its authors, using one of the first nationwide comprehensive surveys, tried to identify what caused people to vote the way they did. Out of this and work done independently by Converse (he also coauthored The American Voter), the authors developed what they called the funnel of causality, postulating that sociodemographics influenced party identification that in turn influenced individuals' positions on given issues and then candidates, which all led to the defining event: the vote. Further, the data generated demonstrate little in the way of true ideological beliefs among the American public, instead finding that many have inconsistent attitudes that do not represent true ideologies.

As computers and statistical processing software became more available, more detailed and mathematical analyses of public opinion became possible. Zaller took up the question of how individuals form opinions and how they change in The Nature and Origins of Mass Opinion. Acknowledging that most people don't really pay attention to government, Zaller took varying attention levels into account along with the role that elites play in mediating public opinion. The result is a comprehensive test of his opinion formation model that shows how mass public opinion changes over time.

The pattern of greater data availability continues today. Stimson attempts to take a measure of public opinion on various subjects and combine them to form a measure of public mood. A brand-new generation of scholars out of the University of Michigan (Lewis-Beck, Jacoby, Norpoth, and Weisberg) went back to The American Voter for The American Voter Revisited to explore how public opinion has or hasn't changed since 1960. Many others take on patterns of polarization and partisanship. The bottom line is that as our tools for measuring public opinion have become more widely available, our ability to dig further into the contours of public opinion has expanded. In addition to understanding the patterns of public opinion development
and change, other scholars have looked at how public opinion influences government. These studies include not only the president or Congress but other institutions like the judiciary. Others look at specific ethnic groups to explore differences in opinion.

Despite this seeming obsession in both political science and political campaigns with public opinion polling, polls can still get it wrong as evidenced by the 2016 presidential election. Despite nearly every national poll predicting a Hillary Clinton win, by the time all the votes were counted, Donald Trump was declared the winner. How did the polls get it so wrong? To understand the limits of public opinion polling in both political science and popular politics, one must first understand how polls are taken. It is impossible to ask every American how they plan to vote; there is no way of contacting all of them. As such, researchers and pollsters rely on the math of inferential statistics: If you survey enough people properly, you'll be able to get a sense, within some margin of error, of how that group feels. Thus, national polls often survey only 1,000 to 1,500 people. However, it is still not enough simply to ask 1,500 random people who they plan on voting for; not all of those people may be able to vote, may be registered to vote, or even likely to vote. As such, modern-day pollsters have taken to “weighting” their sample to rely more heavily on the responses of “likely voters.” But what constitutes a likely voter? This was a major problem of the pre-2016 election polls: they weighted their samples too heavily for minority voters and not enough for white rural voters.

**Partisanship and Polarization**

We’re all familiar with partisanship and polarization today. Republicans criticize Democrats, Democrats criticize Republicans, polarization in Congress makes getting anything done incredibly difficult. For many college students, partisan polarization might be all they know; however, it isn’t the case that partisanship is always as high as it is today. In fact, the level of partisanship in Washington tends to rise and fall in cycles over time.

Being partisan is the state of being in favor of one thing or another—in this case, a political party. To be partisan in politics is to be supportive of one party or another; this does not necessarily mean that those who are partisan are automatically disposed to not working with members of another party; it simply means they prefer one party or another. Polarization, on the other hand, means that the average beliefs of two political parties have moved so far apart that there is little to no overlap. We can easily visualize this in Figure 7.3. If we assume the horizontal line at the bottom represents political beliefs from the left to the right and the vertical line is the number of people with those beliefs, the first panel shows little polarization; the beliefs of each party somewhat overlap in the middle. In the second panel,

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**Career Guidance**

One possible job option for political science majors is in public opinion polling. There are a number of organizations that continually provide polling information, including the Gallup Organization and the Pew Research Center. In addition to knowledge about politics and political science, pollsters should also have good working knowledge of statistics and sampling.
However, the beliefs have moved more to the left and to the right so that there is no one left in the middle; this is a case of high polarization.

Political scientists have sought to quantify, measure, and understand partisanship and polarization. The most prominent effort toward this has been done by Poole and Rosenthal with what they call DW-NOMINATE scores. Poole and Rosenthal take every recorded vote in each Congress and standardize individual members on a scale of −2 to +2. The closer one is to −2, the more liberal their views, and the closer one is to +2, the more conservative their views. This procedure allows political scientists to put a number on how liberal or conservative a member of Congress is and to then look at all members and calculate how polarized Congress is. To measure polarization, Poole and Rosenthal take the score of the median Democratic member and the median Republican member and find the absolute difference; the larger the number, the more polarized a Congress is. Figure 7.4 plots this polarization measure for all Congresses.

Figure 7.4 demonstrates a fundamental pattern in American politics: Polarization rises and falls over time. What causes these cycles? Why do Americans become more partisan at some points and less at others? These are the types of questions that studies of partisanship and partisan behavior examine. Some of these studies were already noted previously; books like The American Voter and Zaller’s The Nature and Origins of Mass Opinion have attempted to identify the ideology and partisan beliefs of the American public. Since partisanship has been identified as a key influence in how people ultimately vote, understanding feelings of partisanship remains a key task in political science.

Some of the most interesting research has been into what triggers individuals to become partisan or more polarized in their attitudes and beliefs. Gerber, Huber, and Washington show that something as simple as reminding voters that they need to be registered with a political party heightens their partisan attitudes. Rapoport provides
evidence that the extent to which people are partisan can be affected by the candidates who run for office—particularly since elections have become more candidate-centered. Klar examines how social settings can impact an individual's partisanship.

The relationship between partisanship and votes is not the only one that is important; the relationship between partisan attitudes and positions on issues is also significant. The theory laid out in *The American Voter* specifies that party identification influences the positions people have on issues like immigration, health care, and foreign policy. However, how do we know that it isn’t people’s positions on issues that influences their partisanship? Highton and Kam explore this question only to find that the causal direction is dependent on certain periods of time. Other scholars have focused on the connections between specific policy areas like Souva and Rhode with partisanship and foreign policy and Milner and Judkins with trade policy.

A final area of research into partisanship is the extent to which polarization is becoming more important. Poole and Rosenthal’s DW-NOMINATE scores show an increasing level of polarization in Congress, but is the public equally polarized? Even if polarization is increasing, is it affecting voter behavior? Two distinct schools of thought have emerged. Scholars like Fiorina and Abrams and Pope contend that a supposed culture war between red and blue America doesn’t exist. Citing public opinion studies that show the mass public is rather moderate, what appears as polarization in the mass public is actually the public having to respond to more polarized choices at the ballot box. On the other hand, Abramowitz and Saunders argue that polarization is actually occurring in the American public. Utilizing data from the American National

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Figure 7.4 Polarization in the House and Senate, 1871–2017

Election Studies, they show that there are increasing differences between Republicans and Democrats and that increasing polarization is energizing the mass public.50

Voting and Other Political Behavior

All the concepts we’ve discussed thus far ultimately filter down to the ultimate political action: voting. Voting is the primary means through which American citizens have a voice in the political process, and electing a president is not the only important vote. Americans can vote for any number of state and local offices from governors and state legislators to county and city leaders, sheriffs, clerks, judges, and even dog catchers. Much of what we’ve discussed thus far influences how people vote at the ballot box: socialization and the media affect what people think about politics and their political ideology, which is a direct influence on how they vote. Ideally, citizens will vote for those representatives whom they believe will best represent their interests and views in government.

Given that voting is a cornerstone of our democracy and the fact that not many people take advantage of that singular act, one of the biggest questions political scientists can tackle is why people do or don’t vote or even why people do or don’t participate in politics. Traditionally, political scientists have identified certain characteristics of people who tend to show up to vote: They have more education, a greater income level, are older, and have strong partisan leanings. On the other hand, those who don’t vote tend to be younger, less educated, and poorer. Often these people have low levels of political efficacy, the feeling that the political process works for them. Just taking these few characteristics into consideration, it’s obvious that if this is truly the case, those who need and use government the most are probably not getting as much representation as they should.

But do people actually vote? Experience tells us not always. In the 2012 presidential election, only 54.9 percent of the voting-age population voted. And although this number has been trending upward for the past few presidential elections, turnout can still be abysmal at the state and local levels. State and local elections in Oklahoma are a case in point. During the 2014 gubernatorial election, only 29 percent of the voting-eligible population voted. At the local level, it’s even worse; in some local elections in Lawton, Oklahoma, less than 10 percent of the voting-age population votes. That means in a city of approximately 100,000, fewer than 10,000 people show up to vote. The consequences of this low voter turnout can be stunning. In Florida in 2000, George W. Bush won by only 537 votes out of almost 6 million votes. If just 537 more people had shown up to vote for Al Gore, our recent history could have turned out much differently. In state and local elections, the low turnout can be even more important with the chance to swing local outcomes greatly based on who comes out to vote.

But there is some good news: Many states and localities have begun to experiment with new methods of voting. In the late 1990s, Oregon switched to a vote by mail system; other states have instituted and expanded early voting, a process that allows voters to show up before election day to vote. Some new research has shown that these “convenience” methods are encouraging more people to vote.51 Others have shown
more mixed results with Giammo and Brox finding only a temporary increase in turn-
out once convenience voting has been introduced. However, more people are rou-
tinely taking advantage of early and absentee voting—thereby reducing the time costs
to vote. Making the act of voting easier could eliminate at least one barrier to voting.

In addition to the characteristics already listed that affect voting (all of which
also affect wider political participation), researchers have found other factors that
influence or increase political participation. When we are asked to participate by can-
didates or parties (this is often called voter mobilization or get-out-the-vote efforts),
we are more likely to participate. For example, in a study of young people in Belgium
(although this study uses data from Belgium, we should remember that young people
everywhere are notorious for not voting or not participating in politics). Quintelier,
Stolle, and Harell show that as the diversity of one's social network increased, the
chances of an individual participating in politics increases. Kam, on the other hand,
presents data on the relationship between risk perception and political participation.
Those who are more accepting of risk tend to participate more, excluding the act of
voting itself. She hypothesizes that this is the case because those who are more risk
accepting get into politics for the thrill and excitement of the unknown.

Certainly, this news about voter turnout can be rather depressing. If Americans
aren't showing up to exercise their basic right in a democracy, what makes our govern-
ment a democracy? However, voting is not the only means by which we can participate
in government. Other political activities include writing letters (or e-mails or tweets);
volunteering for candidates, parties, or interest groups; signing a petition; raising or
donating money; or even protesting. In many ways, these forms of participation may
be even more meaningful to representatives than voting is; they can be done on a con-
sistent basis and may even influence representatives to behave in a certain way.

Interest Groups

From partisanship to voting to political participation, there is another set of actors
that is intrinsic to the political act: political parties and interest groups. Ironically,
however, this was not the original plan of the Framers of the Constitution. Perhaps
most famously, James Madison in Federalist No. 10 rails against the evils of fac-
tions: groups of people formed around special interests. Madison feared that the
multiplication of factions would lead to the multiplication of conflict, tearing at the
foundations of the new country. George Washington also warned against parties and
factions in his Farewell Address, writing, “The common and continual mischiefs of
the spirit of party are sufficient to make it the interest and duty of a wise people to
discourage and restrain it.” And yet everywhere we turn today, political parties are in
the news, and interest groups are actively representing the interests of a wide variety
of people in Washington, D.C., and state capitals everywhere.

Let’s start with the difference between interest groups and political parties. Both
represent groups of citizens but in different ways. Political parties, as discussed
in Chapter 5, bring together large and diverse groups of people under a general
umbrella of what they believe government is for and should look like. They have
positions on a wide range of issues, and above all, they run people for office. Parties want to effect change from inside government, by passing laws and making policy. **Interest groups**, on the other hand, do not run for office; they seek to change policy and law through extra-electoral means like lobbying, issue ads, and mobilizing. They also tend to be more singular in the issues they speak about; for instance, the National Rifle Association is focused on gun rights, whereas the AARP focuses on issues related to retirement, Social Security, and health care.

Are you a member of an interest group? What about any of your friends? If you took a survey in your class, most likely, not many of your classmates are part of an interest group. This is due to a well-known phenomenon often studied by political scientists: the collective action problem. The **collective action problem**, introduced in Chapter 1, is what often happens when you work on a group project with classmates; if everybody receives the same grade, why should I do much of anything when the others will do it? The people who think like this are called free riders; they benefit from the work of others without having to do it themselves. The collective action problem afflicts interest groups of all kind. If we all benefit from the policies that interest groups espouse, why pay the money or give the time to participate in the group?

Olson was the first political scientist to tackle this issue head-on. In 1965, he published *The Logic of Collective Action: Public Goods and the Theory of Groups*, which describes collective action, the free rider problem, and how to overcome it. He postulated that in small groups, the problem of collective action is more likely to be overcome because members can utilize peer pressure to ensure that everyone participates. In larger groups, however, the costs of solving the collective action problem are much higher, and often, groups must offer selective benefits to entice people to join. If you’ve seen the Wounded Warrior Project commercial asking you to donate money to the organization and receive a blanket in return, you know what a selective incentive is. It’s something you get only if you join the group.

Other political science research has examined the role that interest groups play in government. One prominent theory has been advocated by Dahl, who published *Who Governs?* in 1961. Dahl argues that interest group **pluralism**, or a diverse array of interest groups, tends to balance each other out so that no one group or sector of society gains too much power. As different groups try to gain autonomy or power over others, when these “struggles are successful, as they often are, they result in turn in tendencies toward pluralism.” In many senses, this is a neo-Madisonian view of society. Just as Madison believed government needed to be structured to balance out the evils of factions, for Dahl, interest groups balance themselves out so that no one gains too much power.

But is this really the case? Since the publication of Dahl’s theory (and others who have studied pluralism), other political scientists have tested whether Dahl’s theory holds up. As a result, others have posited alternative theories of the nature of the interest group community, most prominently **elite theory**. Elite theorists argue that instead of a wide array of interest groups competing for power, there is in actuality a small political elite that controls the most power. Finally, a third major theory of interest groups, corporatism, argues for purposefully integrating businesses and interest groups into the government with the idea that all areas of society have a say in government policymaking.
The role of interest groups in society is not the only thing that political scientists study when it comes to this topic. What influence interest groups have over elections and influencing people to vote (and how they vote), how interest groups use campaign donations to influence politicians, how they impact not only elected officials but bureaucracies, and how interest groups alert the public to problems are just some of the ways in which political scientists look at interest groups.

**Political Parties**

Political parties play a key role in American politics. As discussed in Chapter 5, one of the major criticisms of the American party system is the presence of two major political parties. However, as we learned, Duverger’s law holds that the electoral system a country utilizes helps to determine how many major political parties there are. With the US winner-take-all system, third parties are naturally at a disadvantage. Beyond this, however, areas of research into parties in the United States examine parties as a link between the mass population and the elites who run government. As noted before, evidence from public opinion surveys has shown that Americans display very little in the way of consistent ideological thinking and that knowledge levels tend to be rather low. Elites, on the other hand, are very ideological in thought and have high levels of knowledge. If this is the mechanism through which ideas and beliefs are translated into government action, what does this relationship look like, and who influences who? What are the differences ideologically and behaviorally between elites and the mass public, and how do those differences influence and affect our politics?

The reason that these links are important is because, over time, the positions that political parties take on various issues can and do change. Who initiates those changes: the elites, the mass public, or both? For example, the Republican Party’s positions on civil rights has changed dramatically between 1865 and 1965. Carmines and Stimson use racial desegregation in the 1960s to explore patterns of party change, arguing that party elites first change their positions on issues only to have those positions filter down to the mass public. However, other tests of this issue evolution theory have provided mixed evidence. Souva and Rhode provide evidence that the relationship is the other way around; at least with respect to foreign policy, representatives tend to be influenced by the positions of their constituents. Another mediating factor may be saliency; the importance of the issue to constituents may force representatives to be more responsive to their voters and allow them to take different positions on less important issues.

This idea of issue evolution and the associated change in the stances of political parties is also intimately tied to the idea of party realignment. According to Carmines and Stimson, electoral realignments are precipitated by the emergence of new issues about which the electorate has intense feelings that cut across rather than reinforce the existing bases of support for the political parties. [This] leads to a fundamental alteration in the party system in that the majority party can no longer command decisive electoral support. One party’s previously dominant position...
During realignment, then, new and important issues trigger voters to change the party that they were previously attached to, leading to political parties not only changing their position on the issue but a change in leadership at the governmental level. The concept and theory of realignment have been popular with political scientists like Key, Schattschneider, and Sundquist, but others have been more critical of the theory, particularly Mayhew. While some have suggested that realignments tend to happen every generation, many are hard pressed to identify a realignment that has occurred since the 1960s. Additionally, how big of a change needs to occur? How many people need to change parties, or how many seats need to change hands? The standards of realignment theory have been rather fuzzy.

**CASE STUDY**

The Trump Travel Ban

The question of how active a role the courts should have in policy has been hotly contested around the issue of President Donald Trump’s executive orders effectively banning immigration from several Muslim-majority countries. One week after his inauguration, President Trump issued an executive order that was to be implemented immediately that barred entry to the United States for ninety days for citizens from Iraq, Syria, Iran, Libya, Somalia, Sudan, and Yemen. Almost immediately, red flags were raised about the legality of the order because of its focus on Muslim-majority countries; protesters showed up at airports, and several organizations and states sued the Trump administration in court to halt the executive order. Judges in several states, including Hawaii, New York, and Massachusetts, soon found cause to issue temporary restraining orders, keeping the order from going into effect based on First Amendment religious bias concerns.

However, from the point of view of the Trump administration, the executive order was not only necessary for national security but legal under the president’s powers to restrict immigration from countries deemed to be a threat to the United States. The debate that soon occurred in several courtrooms around the country, then, was whether the president’s powers to protect the country and regulate immigration could be outweighed by concerns about religious discrimination. President Trump, though, recognized a related issue—whether the courts had any role to play in this whatsoever given the policy prerogatives of the executive branch. In other words, should unelected judges be in a position to strike down or uphold public policy made by other elected officials, such as the president? Immigration, after all, is a public policy issue; the question of who to allow into the country, how many, and when has historically been decided by both the Congress and the president. If the courts were to strike down the travel ban, then, they would be interfering with the policymaking process—thereby making policy themselves.

Over the course of the president’s first year in office, the original executive order and a subsequent one that widened the ban to several other countries remained in legal limbo. The US
Supreme Court ultimately allowed the order to go into effect while it waited to hear an appeal on the case once its term opened in October 2017. However, by that time, the order had run out, and the Supreme Court declined to hear the case; after all, it was intended to be in effect for only ninety days. A third, less restrictive travel restriction went into effect in September 2017 with yet another challenge pending before the Supreme Court, although during oral arguments the justices appeared to side with the Trump administration. Regardless of the outcome, the clash regarding the president’s power to impose such restrictions highlights several characteristics of American politics. First, the judiciary is often used to settle disputes over the extent of presidential power and how much power they have been given by the Congress. Two, the challenges to the executive orders have come from interest groups like the American Civil Liberties Union (ACLU) as well as state governments; this shows that political actors like interest groups have a number of avenues to participate in the American political process with the courts providing yet another avenue for policy change. Finally, the debate demonstrates the importance of nominations to the federal bench and the judicial philosophies of those appointed. When presidents nominate judges to the court, they most often nominate people whose judicial philosophy and ideology they agree with; since these judges then serve lifetime terms, presidents can have an impact on decisions far outlasting their term in office.

Critical Thinking Questions
1. How is the court acting as a referee between the Congress and the president?
2. How might the political culture of the United States, passed on through political socialization, impact our beliefs about the value of national security and immigration?
3. What does this case say about the powers of the president?

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CHAPTER SUMMARY
- Congress is made up of two very different chambers: the House of Representatives and the Senate. Their differences in terms of size, term length, and constitutional responsibilities strongly influence their behavior. Congress’s responsibilities include legislating, budgeting, and oversight of the executive branch.
- Presidential power has grown over time. This has affected the president’s relations with the other branches and expanded the tools they have at their disposal for the purposes of policymaking.
- The courts play an important, albeit disputed, role in policymaking in the United
States. Serving lifetime terms, they have the potential to make policy decisions that can impact the entire United States.

- As important as the institutions of governing are, how individuals act in political ways is also important. Citizens are socialized and come to believe in particular ideas based on many factors, including their upbringing. This affects whether and how people will vote and whether they will be involved with political parties or interest groups.

**KEY TERMS**

- **administrative presidency**: The use of administrative and unilateral powers of the president to influence public policy
- **collective action problem**: Describes the difficulty in getting a large number of people to work together in pursuit of a common good
- **continuing resolutions**: Types of bills that, in the absence of a federal budget, continue funding the federal government for a defined period of time
- **elite theory**: Theory that rather than a wide array of diverse interest groups, there is actually a small number of groups and people who control political power
- **executive orders**: Presidential directives to government agencies to undertake a task or interpret a law in a particular way
- **filibuster**: A legislative maneuver in the Senate to prevent a cloture vote, which would end debate on a bill
- **funnel of causality**: A model of the different influences on a person's decision of who to vote for
- **gerrymandering**: The redrawing of district lines for political purposes
- **go public**: A strategy presidents may use to take their message to the public
- **interest groups**: Political groups that represent narrow interests and attempt to influence policy through means other than running for office
- **partisan**: To be supportive of one party or another
- **party realignment**: A period where the electoral coalitions of political parties fundamentally change
- **polarization**: The widening difference between the policy positions of two parties
- **political behavior**: The actions of individuals in a political system
- **political parties**: Political groups that represent the interests of citizens in the aggregate and run for office
- **pluralism**: The idea that a diverse array of interest groups tends to balance each other out
- **signing statements**: Used by presidents when signing a bill into law to praise the passage of the bill and to lay out the president's interpretation of the bill

**DISCUSSION QUESTIONS**

1. Who has more power in terms of influencing policymaking: Congress or the president? Why?
2. What role do you believe the courts should play in policymaking?
3. How can socialization affect an individual's political behavior?

4. What do you think can be done to increase voter turnout?

5. Why does the United States have only two major political parties?

FOR FURTHER READING


NOTES


30. Whittington, “Presidents, Senates, and Failed Supreme Court Nominations.”


