Unlike Britain but like most nation states, the American political system is clearly defined by basic documents. The Declaration of Independence of 1776 and the Constitution of 1789 form the foundations of the United States federal government. The Declaration of Independence establishes the United States as an independent political entity, while the Constitution creates the basic structure of the federal government. Both documents are on display in the National Archives and Records Administration Building in Washington, D.C. which I have visited several times.

The US Constitution has proved to be a remarkably stable document. If one accepts that the first 10 amendments were in effect part of the original constitutional settlement, there have only been 17 amendments in over 200 years. One of the major reasons for this is that - quite deliberately on the part of its drafters - the Constitution is a very difficult instrument to change.

First, a proposed amendment has to secure a two-thirds vote of members present in both houses of Congress. Then three-quarters of the state legislatures have to ratify the proposed change (this stage may or may not be governed by a specific time limit).

At the heart of the US Constitution is the principle known as 'separation of powers', a term coined by the French political, enlightenment thinker Montesquieu. This means that power is spread between three institutions of government - the executive, the legislature and the judiciary - and no one institution has too much power and no individual can be a member of more than one institution.

This principle is also known as 'checks and balances', since each of the three branches of government has some authority to act on its own, some authority to regulate the other two branches, and has some of its own authority, in turn, regulated by the other branches.

Not only is power spread between the different branches; the members of those branches are deliberately granted by the Constitution different terms of office which is a further brake on rapid political change. So the President has a term of four years, while members of the Senate serve for six years and members of the House of Representatives serve for two years. Members of the Supreme Court effectively serve for life.

The great benefit of this system is that power is spread and counter-balanced and the 'founding fathers' who drafted the Constitution clearly wished to create a political system which was in sharp contrast to, and much more democratic than, the monarchical system of absolute power then in force in Britain. The great weakness of the system is that it makes government slow, complicated and legalistic which is a particular disadvantage in a world - unlike that of 1776 - in which political and economic developments are fast-moving.
THE PRESIDENCY

Although the 'founding fathers' wanted to avoid a political system than in any way reflected the monarchical system then prevalent in Britain and for a long time the Presidency was relatively weak, the vast expansion of the federal bureaucracy and the military in the 20th century has in current practice given a greater role and more power to the President than is the case for any single individual in most political systems.

The President is both the head of state and the head of government, as well as the military commander-in-chief and chief diplomat. He presides over the executive branch of the federal government, a vast organisation numbering about 4 million people, including 1 million active-duty military personnel. Within the executive branch, the President has broad constitutional powers to manage national affairs and the workings of the federal government and he may issue executive orders to affect internal policies.

The President may sign or veto legislation passed by Congress and has the power to recommend measures to Congress. The Congress may override a presidential veto but only by a two-thirds majority in each house.

The President has the power to make treaties (with the 'advice and consent' of the Senate) and the power to nominate and receive ambassadors. The President may not dissolve Congress or call special elections, but does have the power to pardon criminals convicted of offences against the federal government, enact executive orders, and (with the consent of the Senate) appoint Supreme Court justices and federal judges.

The President is elected for a fixed term of four years and may serve a maximum of two terms. Elections are always held on the first Tuesday after the first Monday in November to coincide with Congressional elections. Technically the President is not elected directly by the voters but by an Electoral College representing each state on the basis of a combination of the number of Senate members and House representatives (the District of Columbia, which has no voting representation in Congress, has three electoral votes making the total Electoral College vote 538).

The President may be impeached by a majority in the House and removed from office by a two-thirds majority in the Senate for "treason, bribery, or other high crimes and misdemeanors".

Since 1939, there has been an Executive Office of the President (EOP) which has consistently and considerably expanded in size and power. Today it consists of some 1,600 staff and costs some $300M a year.

The position of Vice-President is elected on the same ticket as that of the President and has the same four-year term of office. The Vice-President is often described as 'a heart beat away from the Presidency' since, in the event of the death or incapacity of the President, the Vice-President assumes the office. In practice, however, a Vice-Presidential candidate is chosen (by the Presidential candidate) to 'balance the ticket' in the Presidential election (that is, represent a different geographical or gender or ethnic constituency) and, for all practical purposes, the position only carries the power accorded to it by the President - which is usually very little (a major exception has been Dick Cheney under George W Bush). The official duties of the Vice-President are to sit as a member of the "Cabinet" and as a member of the National Security Council and to act as ex-officio President of the Senate.

Although the President heads the executive branch of government, the day-to-day enforcement and administration of federal laws is in the hands of the various federal executive departments, created by Congress to deal with specific areas of national and international affairs. The heads of the 15 departments, chosen by the President and approved with the 'advice and consent' of the Senate, form a council of
advisors generally known as the President's "Cabinet". This is not a cabinet in the British political sense: it does not meet so often and does not act so collectively.

The first US President was George Washington, who served from 1789-1797, so that the current President George W Bush is the 43rd to hold the office.

The Presidency is often referred to by the media as the White House, the West Wing, and the Oval Office.

**PRESIDENTIAL PRIMARIES**

An important feature of the American political system is that the two major parties - the Democrats and the Republicans - hold a system of primaries to determine who will be their candidate in the general election. These primaries are particularly important when it comes to the four-yearly Presidential election.

The key point to understand is that formally the Democratic and Republican Parties choose their Presidential candidate through a vote of delegates at a national convention and not directly through the various ballots in the various primaries.

Each party allocates delegates to each state, roughly proportionate to its size in numbers of citizens. There are two types of delegates. The normal delegates are those who are chosen by voters to back a specific candidate. Technically these delegates are pledged to that candidate but there are circumstances in which they can switch their support. Then there are what the Democrats call super delegates and the Republicans call unpledged delegates who are notable figures in the party such as former presidents, state governors and members of the two houses of Congress who are free to back whichever candidate they wish. They can do this any time they like. They can also change their mind before the convention.

For the 2008 conventions, the Democrats have a total of 4,049 delegates including super delegates and so, to win the nomination, the Democratic front runner needs a total of 2,025 delegates. The Republicans have a total of 2,380 delegates including unpledged delegates and so, to win the nomination, the Republican front runner needs a total of 1,191 delegates.

How the normal delegates are chosen is a matter for each party in each of the 50 states.

Some hold caucuses which require voters to turn up to discussions on the merits of the contending candidates. Most hold conventional-style elections. Another variation is that, in some cases, one can only take part in a caucus or election if one is registered for that political party but, in other cases, anyone in the state - including those registered for another party or none - can vote.

How normal delegates are then allocated to the different candidates is also a matter for each party in each of the 50 states. In most of the Republican contests (but not all), the candidate who wins the most votes in that state's primary wins all the party's delegates for that state - a system known as 'winner takes all'. In all the Democrat contests, delegates are allocated roughly proportional to the vote secured by the candidate subject to a minimum performance. The allocation process varies, but typically it is based on the performance of the candidate in particular Congressional districts.

In practice, the parties have clearly decided on a candidate well before the holding of the convention which becomes more a coronation than a selection.

However, it is not unknown for a party to reach the convention with no clear choice. A deadlocked convention happens when no candidate arrives with a majority of votes. A second ballot takes place and delegates are then free to vote for whomever they want. This could include the other candidates or even people who are not candidates. Delegates keep on voting until someone wins a majority. The most famous
deadlocked convention - it involved the Democrats - took place in 1924. It required 103 ballots to choose the Democratic candidate - who then lost to the Republican candidate in the general election.

THE HOUSE OF REPRESENTATIVES

The House of Representatives is the lower chamber in the bicameral legislature known collectively as Congress. The founders of the United States intended the House to be the politically dominant entity in the federal system and, in the late 18th and early 19th centuries, the House served as the primary forum for political debate. However, subsequently the Senate has been the dominant body.

The House consists of 435 members, each of whom represents a congressional district and serves for a two-year term. House seats are apportioned among the states by population according to each decennial census. Typically a House constituency would represent around 500,000 people.

Members of the House are elected by first-past-the-post voting in every state except Louisiana and Washington, which have run-offs. Elections are always held on the first Tuesday after the first Monday in November in even numbered years. Voting in congressional elections - especially to the House - is generally much lower than levels in other liberal democracies. In a year when there is a Presidential election, turnout is typically around 50%; in years when there is no Presidential election (known as mid-terms), it usually falls to around one third of the electorate.

The House has four non-voting delegates from American Samoa (1981), the District of Columbia (1971), Guam (1972) and the Virgin Islands (1976) and one resident commissioner for Puerto Rico (1976), bringing the total formal membership to 440.

Much of the work of the House is done through 19 standing committees which perform both legislative and investigatory functions.

Each chamber of Congress has particular exclusive powers. The House must introduce any bills for the purpose of raising revenue. However, the consent of both chambers is required to make any law.

Activity in the House of Representatives tends to be more partisan than in the Senate.

The House and Senate are often referred to by the media as Capitol Hill or simply the Hill.

THE SENATE

The Senate is the upper chamber in the bicameral legislature known collectively as Congress. The original intention of the authors of the US Constitution was that the Senate should be a regulatory group, less politically dominant than the House. However, since the mid 19th century, the Senate has been the dominant chamber and indeed today it is perhaps the most powerful upper house of any legislative body in the world.

The Senate consists of 100 members, each of which represents a state and serves for a six-year term (one third of the Senate stands for election every two years).

Each state has two Senators, regardless of population, and, since there are 50 states, then there 100 senators. This equality of Senate seats between states has the effect of producing huge variations in constituency population (the two senators from Wyoming represent less than half a million electors, while the two senators from California represent 34M people) with gross over-representation of the smaller states and serious under-representation of racial and ethnic minorities.
Members of the Senate are elected by first-past-the-post voting in every state except Louisiana and Washington, which have run-offs. Elections are always held on the first Tuesday after the first Monday in November in even numbered years.

Much of the work of the Senate is done through 16 standing committees which perform both legislative and investigatory functions.

Each chamber of Congress has particular exclusive powers. The Senate must give 'advice and consent' to many important Presidential appointments. However, the consent of both chambers is required to make any law.

Activity in the Senate tends to be less partisan and more individualistic than in the House of Representatives. Senate rules permit what is called a filibuster when a senator, or a series of senators, can speak for as long as they wish and on any topic they choose, unless a supermajority of three-fifths of the Senate (60 Senators, if all 100 seats are filled) brings debate to a close by invoking closure.

The Senate and House are often referred to by the media as Capitol Hill or simply the Hill.

THE SUPREME COURT

The Supreme Court consists of nine Justices: the Chief Justice of the United States and eight Associate Justices. They have equal weight when voting on a case and the Chief Justice has no casting vote or power to instruct colleagues.

The Justices are nominated by the President and confirmed with the 'advice and consent' of the Senate. As federal judges, the Justices serve during "good behavior", meaning essentially that they serve for life and can be removed only by resignation, or by impeachment and subsequent conviction.

The Supreme Court is the highest court in the United States. The court deals with matters pertaining to the federal government, disputes between states, and interpretation of the Constitution. It can declare legislation or executive action made at any level of the government as unconstitutional, nullifying the law and creating precedent for future law and decisions.

The Supreme Court in practice has a much more 'political' role than the highest courts of European democracies. For example, the scope of abortion in the USA is effectively set by the Supreme Court whereas, in other countries, it would be set by legislation. This is why the appointment of Justices is often a very charged and controversial matter.

Given how difficult it is to change the US Constitution through the formal method, one has seen informal changes to the Constitution through various decisions of the Supreme Court which have given specific meanings to some of the general phases in the Constitution.

It is one of the many ironies of the American political system that an unelected and unaccountable body like the Supreme Court can in practice exercise so much political power in a system which proclaims itself as so democratic.

Below the Supreme Court, there is a system of Courts of Appeal, and, below these courts, there are District Courts. Together, these three levels of courts represent the federal judicial system.

POLITICAL PARTIES

To an extent quite extraordinary in democratic countries, the American political system is dominated by two political parties: the Democratic Party and the Republican Party (often known as the 'Grand Old
Party' or GOP). These are very old and very stable parties - the Democrats go back to the 1824 and the Republicans were founded in 1854. The Democratic Party is sometimes represented as a donkey, while the Republican Party is sometimes featured as an elephant.

The main reason for the dominance of these two parties is that - like most other Anglo-Saxon countries (notably Britain) - the electoral system is 'first past the past' or simple majority which, combined with the large voter size of the constituencies in the House and (even more) the Senate, ensures that effectively only two parties can play. The other key factor is the huge influence of money in the American electoral system. Since effectively a candidate can spend any amount he can raise (not allowed in many other countries) and since one can buy broadcasting time (again not allowed in many countries), the US can only 'afford' two parties or, to put it another way, candidates of any other party face a formidable financial barrier to entry.

Some people tend to view the division between the Democratic Party and the Republican Party in the United States as the same as that between Labour and Conservative in Britain or between Social Democrats and Christian Democrats in Germany. The comparison is valid in the sense that, in each country, one political party is characterised as Centre-Left and the other as Centre-Right or, to put it another way, one party is more economically interventionist and socially radical than the other. However, the analogy has many weaknesses.

1. The Centre in American politics is considerably to the Right of the Centre in most European states including Britain, Germany, France, Italy and (even more especially) the Scandinavian countries. So, for instance, most members of the Conservative Party in the UK would support a national health service, whereas many members of the Democratic Party in the US would not.

2. As a consequence of the enormous geographical size of the United States and the different histories of the different states (exemplified by the Civil War), geography is a factor in ideological positioning to a much greater extent than in other democratic countries. For instance, a Northern Republican could be more liberal than a Southern Democrat.

3. In the United States, divisions over social matters - such as abortion, capital punishment, same-sex relationships and stem cell research - matter and follow party lines in a way which is not true of most European countries. In Britain, for instance, these sort of issues would be regarded as matters of personal conscience and would not feature prominently in election debates between candidates and parties.

4. In the USA, religion is a factor in politics a way unique in western democracies. Candidates openly proclaim their faith in a manner which would be regarded as bizarre elsewhere (even in a Catholic country like France) and religious groupings - such as the Christian Coalition of America - exert a significant political influence in a manner which would be regarded as improper in most European countries (Poland is an exception here).

5. In the United States, the 'whipping system' - that is the instructions to members of the House and the Senate on how to vote - is not as strict or effective as it is in most European countries. As a consequence, members of Congress are less constrained by party affiliation and freer to act individually.

6. In the USA, political parties are much weaker institutions than they are in other democracies. Between the selection of candidates, they are less active than their counterparts in other countries
and, during elections, they are less influential in campaigning, with individual politicians and their campaigns having much more influence.

7. The cost of elections is much greater in the US than in other democracies which has the effects of limiting the range of candidates, increasing the influence of corporate interests and pressure groups, and enhancing the position of the incumbent office holder (especially in the winning of primaries).

8. Whereas in other countries, voters shape the policies and select the candidates of a party by joining it, in the USA voters register as a supporter of one of the major parties and then vote in primary elections to determine who should be the party's candidate in the 'real' election.

One other oddity of the American party system is that, whereas in most countries of the world the colour red is associated with the Left-wing party and the colour blue with the Right-wing party, in the United States the reverse is the case. So the 'blue states' are those traditionally won by the Democrats, while the 'red states' are those normally controlled by the Republicans.

THE FEDERAL SYSTEM

The powers of the federal government are limited by the Constitution which leaves a great deal of authority to the individual states. Each state has an executive, a legislature and a judiciary.

The head of the executive is the Governor who is directly elected.

The legislature consists of a Senate and a House of Representatives (the exception is the state of Nebraska which has a unicameral system).

The judiciary consists of a state system of courts.

The 50 states are divided into counties (parishes in Louisiana and boroughs in Alaska). Each county has its court.

Although the Constitution prescribes precisely when Presidential and Congressional elections will be held, the dates and times of state and local elections are determined by state governments. Therefore there is a plethora of elections in the United States and, at almost all times, an election is being held somewhere in the country. State and local elections, like federal elections, use the 'first past the post' system of election.

The debate about federalism in the US is far from over. There are those who argue for a stronger role for the federal government and there are advocates of locating power at the state level.

RECENT TRENDS

In all political systems, there is a disconnect between the formal arrangements as set out in the constitution and relevant laws and between the informal arrangements as occurs in practice. Arguably, in the United States this disconnect is sharper than in most other democratic systems because:

- the US Constitution is an old one (late 18th century) whereas most countries have had several constitutions with the current one typically being a 20th century creation
- the US Constitution is relatively immutable so it is very difficult to change the provisions to reflect the reforms that have come about over time from the pressure of events
since the US adopted its Constitution, the US has become the pre-eminent world economic and political power which has brought about major changes in how the Presidency operates, most especially in the international sphere.

What this means is that, in the last century and most especially since the end of the Second World War, the reality of how the American political system operates has changed quite fundamentally in terms which are not always evident from the terms of the Constitution (and indeed some might argue are in some respects in contravention of the Constitution). The main changes are as follows:

- The balance of power between the Congress and the President has shifted significantly in favour of the President. This is evident in the domestic sphere through practices like 'impoundment' (when money is taken from the purpose intended by Congress and allocated to another purpose favoured by the President) and in the international sphere through refusal to invoke the War Powers Resolution in spite of major military invasions. Different terms for this accretion of power by the Presidency are "the unitary executive" and "the imperial presidency".

- The impact of private funding of political campaigns and of special interest groups in political decision making have increased considerably. Candidates raise their own money for campaigns, there is effectively no limit on the money that can be spent in such campaigns, and the levels of expenditure - especially in the presidential primaries and election proper - have risen astronomically. All this has led to some observers describing the American political system as a plutocracy, since it is effectively controlled by private finance from big businesses which expect certain policies and practices to follow from the candidates they are funding.

- The nature of political debate in the United States has become markedly more partisan and bitter. Whereas the politics of most European countries has become more consensual, US domestic politics has become polarised and tribal. As a result, the political culture is often more concerned with satisfying the demands of the political 'base' rather than attempting to achieve a national consensus.

A DIVIDED DEMOCRACY

Of course, all nation states are divided, especially in terms of power and wealth, but also - to different extents - by gender, race, ethnicity, religion and other factors. Indeed the constitution and institutions of a democratic society are deliberately intended to provide for the expression and resolution of such divisions. However, it is often observed that the USA is an especially divided democracy in at least three respects:

1. It is divided vertically through the 'separation of powers', so that the executive, the legislature and the judiciary are quite distinct in terms of both powers and personalities.

2. It is divided horizontally through the federal system of government with the division of powers between the federal government and the state governments a very important issue that arguably was once the subject of a civil war.

3. It is divided politically through the sharp (and often bitter) differences of view on many social issues ranging from gun control to gay rights.
AMERICAN EXCEPTIONALISM

Reading this short essay, it will be evident to many (especially non-American) readers that the United States is *different* from other democracies. This observation has given rise to the notion of "American exceptionalism". This is an ill-defined term which has been used differently at different times.

One important version of "American exceptionalism" revolves around the lack of a clear ideological division between the two major political parties. The USA has never had a credible socialist or anti-capitalist party. Other versions of the concept revolve around the alleged superiority of the United States because of its history, size, wealth and global dominance. In perhaps its most extreme form, the concept has a religious dimension with the belief that God has especially chosen or blessed the country.

*ROGER DARLINGTON*
PROPOSED ARTICLE OF AMENDMENT TO THE UNITED STATES CONSTITUTION

ARTICLE OF AMENDMENT XXVIII (28)

NONPARTISAN DIRECT REPRESENTATIVE DEMOCRACY
GOVERNMENT ELECTORATE
VOTING NETWORKS AND EDUCATION NETWORKS

SECTION 1. The form of government of the United States and throughout the several states shall be by nonpartisan direct representative democracy government and all that it embodies through the equality of citizenship. All political and sovereign power and public policy shall be vested in the electorate. The purpose and intent of this amendment is for the electorate to have and maintain absolute control of government and education, to promote and establish better understanding and cooperation among the people and to further mutual interests in justice, freedom and liberty for the people of the United States of America.

This amendment requires truth and accountability to the electorate from all elected representatives and all government employees of the United States and the several states.

SECTION 2. Within four (4) years of the ratification of this amendment, or as otherwise directed by the electorate, the governments of the United States and the several states shall establish direct representative democracy by means of electorate voting networks of interactive electronic devices between elected representatives of all levels of government and the homes of the electorate. The electorate is defined as the whole body of those who have the right to vote. An elected representative is defined as any elective office or position of the United States government and throughout all levels of government within the several states. All elected representatives shall be nonpartisan. The terms of office for all elected officers and representatives shall be confirmed or rejected annually by majority vote of the electorate. If rejected, a replacement election shall immediately follow.

SECTION 3. The electorate shall be able to instruct, direct and control all levels of government through their elected representatives by majority vote, and to freely consult with each other for the common good by means of the electorate voting networks. Representatives shall truthfully and fully inform their constituent electorate sufficiently for the electorate to make informed decisions. All elections, recall elections, initiatives and referendums shall be conducted by means of the electorate voting network. The process for elections, recall elections, initiatives and referendums shall be established by the electorate. An elected representative may be recalled from office at any time by majority vote. A replacement election shall immediately follow.

SECTION 4. All judges of the Supreme Court, the courts of the United States and the courts of the several states shall be elected positions subject to annual confirmation or rejection. All cabinet, department and agency heads of the United States and of all state and local government jurisdictions within the several states shall be elected positions subject to annual confirmation or rejection. All federal and state juries shall be fully informed.

SECTION 5. The twelfth article of amendment is hereby repealed. The President and Vice President shall be elected by majority vote of the electorate by means of the electorate voting networks and subject to annual confirmation or rejection.

SECTION 6. The sixteenth article of amendment (income tax) is hereby repealed effective four (4) years after ratification of this amendment.
SECTION 7. Public Policy is defined as the will of the electorate of whatever jurisdiction(s) in which they reside. All matters of public policy and taxation shall require a two-thirds majority of the electorate voting. The electorate shall enjoy the right of amending the Constitution of the United States, and shall enjoy the right of amending the constitutions within the several states. The President of the United States may be recalled by the electorate of the United States. Any judge of the Supreme Court, or any court of the United States may be recalled by the electorate of the United States. Any judge of any court of the several states may be recalled by the electorate of that jurisdiction. The Governor of any state may be recalled by the electorate of that state. The Constitution of the United States, or the constitutions of the several states may be amended by a two-thirds majority vote of the electorate voting.

SECTION 8. The highest levels and quality of education, training and skills of the people of the United States of America is vital to the national interest, security and prosperity of the people of the United States. Within four (4) years of the ratification of this amendment, direct education by interactive electronic devices shall be provided to the homes of every student citizen in the United States, regardless of age or level of education. Urgency in implementation shall be of the utmost importance.

SECTION 9. Funding for the implementation of direct education by interactive electronic devices shall be provided from existing public education funds from all levels of government. Thereafter, direct education shall be conducted through competitive contracts with private institutions of education. Direct education shall be under the direction and control of the electorate by means of the electorate voting networks. The highest quality of choice in education shall be provided to all citizen students through means tested vouchers, from elementary and secondary education through the fourth year of college. No student shall be excluded for lack of funds.

SECTION 10. A high level of minimum national standards of education and training shall be established by the federal Department of Education under the direction and control of the electorate. Higher than minimum standards of education and training may be established by state and local governments under the direction and control of the electorate. The public communications function of direct education shall be regulated by the Federal Communications Commission under the direction and control of the electorate. The public policy of the electorate shall prevail regarding national, state and local education.

SECTION 11. The provisions of this article of amendment shall supersede all provisions of this Constitution and laws enacted thereunder in conflict therewith. No article of amendment shall be enacted diminishing citizen's or state's rights enumerated by this Constitution.

SECTION 12. Within four years after the establishment of the voting networks, or as otherwise directed by the electorate, the electorate and their elected representatives shall review all local, state and federal laws enacted prior to the establishment of the voting networks and either confirm or repeal each law, or group of laws, by majority vote.
The Articles of Confederation

Continental Congress

March 1, 1781

To all to whom these Presents shall come, we the under signed Delegates of the States affixed to our Names, send greeting

Whereas the Delegates of the United States of America, in Congress assembled, did, on the 15th day of November, in the Year of Our Lord One thousand Seven Hundred and Seventy seven, and in the Second Year of the Independence of America, agree to certain articles of Confederation and perpetual Union between the States of Newhampshire, Massachusetts-bay, Rhodeisland and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia in the words following, viz. "Articles of Confederation and perpetual Union between the states of Newhampshire, Massachusetts-bay, Rhodeisland and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia.

ARTICLE I. The title of this confederacy shall be "The United States of America."

ARTICLE II. Each state retains its sovereignty, freedom, and independence, and every Power, Jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.

ARTICLE III. The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their Liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ARTICLE IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restriction shall not extend so far as to prevent the removal of property imported into any state, to any other state, of which the Owner is an inhabitant; provided also that no imposition, duties or restriction shall be laid by any state, on the property of the united states, or either of them.

If any Person guilty of, or charged with treason, felony, or other high misdemeanor in any state, shall flee from Justice, and be found in any of the united states, he shall, upon demand of the Governor or executive power, of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

Full faith and credit shall be given in each of these states to the records, acts and judicial proceedings of the courts and magistrates of every other state.

ARTICLE V. For the more convenient management of the general interests of the united states, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each state, to recall its
delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder
of the Year.

No state shall be represented in Congress by less than two, nor by more than seven Members; and no
person shall be capable of being a delegate for more than three years in any term of six years; nor shall
any person, being a delegate, be capable of holding any office under the united states, for which he, or
another for his benefit receives any salary, fees or emolument of any kind.

Each state shall maintain its own delegates in a meeting of the states, and while they act as members of
the committee of the states.

In determining questions in the united states in Congress assembled, each state shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any Court, or place
out of Congress, and the members of congress shall be protected in their persons from arrests and
imprisonsments, during the time of their going to and from, and attendance on congress, except for treason,
felony, or breach of the peace.

ARTICLE VI. No state, without the Consent of the united states in congress assembled, shall send any
embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with
any King prince or state; nor shall any person holding any office of profit or trust under the united states,
or any of them, accept of any present, emolument, office or title of any kind whatever from any king,
prince or foreign state; nor shall the united states in congress assembled, or any of them, grant any title of
nobility.

No two or more states shall enter into any treaty, confederation or alliance whatever between them,
without the consent of the united states in congress assembled, specifying accurately the purposes for
which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into
by the united states in congress assembled, with any king, prince or state, in pursuance of any treaties
already proposed by congress, to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any state, except such number only, as shall be
deemed necessary by the united states in congress assembled, for the defence of such state, or its trade;
and shall any body of forces be kept up by any state, in time of peace, except such number only, as in the
judgment of the united states, in congress assembled, shall be deemed requisite to garrison the forts
necessary for the defence of such state; but, every state shall always keep up a well regulated and
disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use,
in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and
camp equipage.

No state shall engage in any war without the consent of the united states in congress assembled, unless
such state be actually invaded by enemies, or shall have received certain advice of a resolution being
formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a
delay till the united states in congress assembled can be consulted: nor shall any state grant commissions
to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by
the united states in congress assembled, and then only against the kingdom or state and the subjects
thereof, against which war has been so declared, and under such regulations as shall be established by the
united states in congress assembled, unless such state be infested by pirates, in which case vessels of war
may be fitted out for that occasion, and kept so long as the danger shall continue, or until the united states in congress assembled, shall determine otherwise.

ARTICLE VII. When land-forces are raised by any state for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively, by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ARTICLE VIII. All charges of war, and all other expences that shall be incurred for the common defence or general welfare, and allowed by the united states in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the value of all land within each state, granted to or surveyed for any Person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the united states in congress assembled, shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the united states in congress assembled.

ARTICLE IX. The united states in congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving ambassadors—entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities, whatsoever—of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the united states shall be divided or appropriated—of granting letters of marque and reprisal in times of peace—appointing courts for the trial of piracies and felonies committed on the high seas and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of congress shall be appointed a judge of any of the said courts.

The united states in congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more states concerning boundary, jurisdiction or any other cause whatever; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority or lawful agent of any state in controversy with another shall present a petition to congress stating the matter in question and praying for a hearing, notice thereof shall be given by order of congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: but if they cannot agree, congress shall name three persons out of each of the united states, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as congress shall direct, shall in the presence of congress be drawn out by lot, and the persons whose names shall be so drawn or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons, which congress shall judge sufficient, or being present shall refuse to strike, the congress shall proceed to nominate three persons out of each state, and the secretary of congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties
shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court
shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and
decisive, the judgment or sentence and other proceedings being in either case transmitted to congress, and
lodged among the acts of congress for the security of the parties concerned: provided that every
commissioner, before he sits in judgment, shall take an oath to be administered by one of the judges of the
supreme or superior court of the state, where the cause shall be tried, "well and truly to hear and
determine the matter in question, according to the best of his judgment, without favour, affection or hope
of reward:" provided also, that no state shall be deprived of territory for the benefit of the united states.

All controversies concerning the private right of soil claimed under different grants of two or more states,
whose jurisdictions as they may respect such lands, and the states which passed such grants are adjusted,
the said grants or either of them being at the same time claimed to have originated antecedent to such
settlement of jurisdiction, shall on the petition of either party to the congress of the united states, be
finally determined as near as may be in the same manner as is before prescribed for deciding disputes
respecting territorial jurisdiction between different states.

The united states in congress assembled shall also have the sole and exclusive right and power of
regulating the alloy and value of coin struck by their own authority, or by that of the respective states—
fixing the standard of weights and measures throughout the united states—regulating the trade and
managing all affairs with the Indians, not members of any of the states, provided that the legislative right
of any state within its own limits be not infringed or violated—establishing or regulating post-offices
from one state to another, throughout all the united states, and exacting such postage on the papers
passing thro' the same as may be requisite to defray the expences of the said office—appointing all
officers of the land forces, in the service of the united states, excepting regimental officers—appointing
all the officers of the naval forces, and commissioning all officers whatever in the service of the united
states—making rules for the government and regulation of the said land and naval forces, and directing
their operations.

The united states in congress assembled shall have authority to appoint a committee, to sit in the recess of
congress, to be denominated "A Committee of the States," and to consist of one delegate from each state;
and to appoint such other committees and civil officers as may be necessary for managing the general
affairs of the united states under their direction—to appoint one of their number to preside, provided that
no person be allowed to serve in the office of president more than one year in any term of three years; to
ascertain the necessary sums of money to be raised for the service of the united states, and to appropriate
and apply the same for defraying the public expences—to borrow money, or emit bills on the credit of the
united states, transmitting every half year to the respective states an account of the sums of money so
borrowed or emitted,—to build and equip a navy—to agree upon the number of land forces, and to make
requisitions from each state for its quota, in proportion to the number of white inhabitants in such state;
which requisition shall be binding, and thereupon the legislature of each state shall appoint the regimental
officers, raise the men and cloath, arm and equip them in a soldier like manner, at the expence of the
united states; and the officers and men so cloathed, armed and equipped shall march to the place
appointed, and within the time agreed on by the united states in congress assembled: But if the united
states in congress assembled shall, on consideration of circumstances judge proper that any state should
not raise men, or should raise a smaller number than its quota, and that any other state should raise a
greater number of men than the quota thereof, such extra number shall be raised, officered, cloathed,
armed and equipped in the same manner as the quota of such state, unless the legislature of such state
shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise
officer, cloath, arm and equip as many of such extra number as they judge can be safely spared. And the
officers and men so cloathed, armed and equipped, shall march to the place appointed, and within the time agreed on by the united states in congress assembled.

The united states in congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expences necessary for the defence and welfare of the united states, or any of them, nor emit bills, nor borrow money on the credit of the united states, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same: nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of a majority of the united states in congress assembled.

The congress of the united states shall have power to adjourn to any time within the year, and to any place within the united states, so that no period of adjournment be for a longer duration than the space of six Months, and shall publish the Journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each state on any question shall be entered on the Journal, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request shall be furnished with a transcript of the said Journal, except such parts as are above excepted, to lay before the legislatures of the several states.

ARTICLE X. The committee of the states, or any nine of them, shall be authorized to execute, in the recess of congress, such of the powers of congress as the united states in congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states in the congress of the united states assembled is requisite.

ARTICLE XI. Canada acceding to this confederation, and joining in the measures of the united states, shall be admitted into, and entitled to all the advantages of this union: but no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

ARTICLE XII. All bills of credit emitted, monies borrowed and debts contracted by, or under the authority of congress, before the assembling of the united states, in pursuance of the present confederation, shall be deemed and considered as a charge against the united states, for payment and satisfaction whereof the said united states, and the public faith are hereby solemnly pledged.

ARTICLE XIII. Every state shall abide by the determinations of the united states in congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the united states, and be afterwards confirmed by the legislatures of every state.

And Whereas it hath pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union. Know Ye that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained: And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the united states in congress assembled, on all questions, which by the said
confederation are submitted to them. And that the articles thereof shall be inviolably observed by the
states we respectively represent, and that the union shall be perpetual. In Witness whereof we have
hereunto set our hands in Congress. Done at Philadelphia in the state of Pennsylvania the ninth day of
July, in the Year of our Lord one Thousand seven Hundred and Seventy-eight, and in the third year of the
independence of America.
The Convention Timeline

Dates are of format YYYY/MM/DD DDD (year, month, day, day of the week).

1786/08/29 Tue - Shays' Rebellion begins
1786/09/11 Mon - Annapolis Convention convenes
1786/09/14 Thu - Annapolis Convention adjourns, calling for a convention to take place the following May 2nd
1787/02/03 Sat - Shays’ Rebellion ends
1787/02/21 Wed - Congress approves a convention to amend the Articles
1787/05/03 Thu - James Madison arrives early for Convention
1787/05/13 Sun - George Washington arrives for Convention
1787/05/14 Mon - Convention scheduled to open - postponed
1787/05/25 Fri - Constitutional Convention opens
1787/05/29 Tue - Edmund Randolph presents the Virginia Plan
1787/05/29 Tue - Charles Pinckney presents his plan
1787/05/31 Thu - Representation debated
1787/06/01 Fri - Executive power debated
1787/06/02 Sat - Debate on executive salaries
1787/06/04 Mon - Unitary v. Committee Executive debated
1787/06/06 Wed - Method for selection of representatives debated
1787/06/07 Thu - Method for selection of senators debated
1787/06/11 Mon - Roger Sherman proposes the Great Compromise
1787/06/15 Fri - William Paterson proposes the New Jersey Plan
1787/06/18 Mon - Alexander Hamilton proposes the British Plan
1787/06/21 Thu - Federalism debated
1787/06/26 Tue - Senatorial terms debated
1787/06/28 Thu - Debate on state suffrage in the Senate starts
1787/07/17 Tue - Debate on term of executive
1787/07/21 Sat - Debate on appointment of judges
1787/07/23 Mon - Method of ratification discussed
1787/07/23 Mon - Committee of Detail established
1787/07/26 Thu - Committee of Detail begins to meet
1787/08/06 Mon - Committee of Detail submits rough draft of Constitution
1787/08/07 Tue - Suffrage qualifications discussed
1787/08/09 Thu - Citizenship for immigrants debated
1787/08/15 Wed - Executive Veto Power debated
1787/08/21 Tue - Slavery in the Constitution debated
1787/08/31 Fri - Issues referred to Committee of Eleven
1787/09/04 Tue - Committee of Eleven begins to submit changes
1787/09/04 Tue - Powers of the President debated
1787/09/07 Fri - Committee of Eleven submits final changes
1787/09/10 Mon - Amendment procedure debated
1787/09/08 Sat - Committee of Style established
1787/09/12 Wed - Committee of Style submits draft
1787/09/12 Wed - Inclusion of a Bill of Rights debated
1787/09/15 Sat - Final draft ordered engrossed (written)
1787/09/17 Mon - Final draft of the Constitution signed
1787/09/19 Wed - Constitution is published in the Pennsylvania Packet
1787/09/28 Fri - Congress approves the Constitution and sends it to the states
1787/10/05 Fri - First Centinel Anti-Federalist letter published
1787/10/27 Sat - First Federalist Paper is published
1787/12/07 Fri - Delaware ratifies
1787/12/12 Wed - Pennsylvania ratifies
1787/12/18 Tue - New Jersey ratifies
1788/01/02 Wed - Georgia ratifies
1788/01/09 Wed - Connecticut ratifies
1788/02/06 Wed - Massachusetts ratifies
1788/03/24 Mon - Rhode Island referendum rejects Constitution
1788/04/28 Mon - Maryland ratifies
1788/05/23 Fri - South Carolina ratifies
1788/05/28 Wed - The Federalist published (Federalist Papers 1-85)
1788/06/21 Sat - New Hampshire ratifies
1788/06/21 Sat - Constitution Ratified
1788/06/25 Wed - Virginia ratifies
1788/07/02 Wed - Congress is informed the Constitution has been ratified
1788/07/26 Sat - New York ratifies
1788/09/13 Sat - Congress votes to begin a new government on the following March 4
1789/03/04 Wed - The Constitution goes into effect
1789/11/21 Sat - North Carolina ratifies
1790/05/29 Sat - Rhode Island ratifies
What is a filibuster? Why are they permitted in the Senate but not the House? Can you do anything to stop one?

I have heard the practice of "talking a bill to death" in the Senate referred to as a filibuster. What exactly is a filibuster? Why do they happen only in the Senate? What is the purpose of allowing them? Can one Senator actually stop the entire Senate through a filibuster or is there something that can be done to bring one to an end?

The word filibuster comes from the Spanish word filibusteros; a term used to describe pirates that plundered in the seventeenth century. In the United States, the word eventually became synonymous with rebels and insurrectionists, a perfect term to describe a technique used by rebellious senators looking for ways to hold up legislation.

A classic anecdote has Thomas Jefferson asking George Washington about the purpose of the Senate. Washington responded with a question, "Why did you pour that coffee into your saucer?" "To cool it," Jefferson replied. To which Washington said; "Even so, we pour legislation into the senatorial saucer to cool it." The framers of the Constitution intended the Senate to cool legislation by being a more deliberative body than the House. It was smaller, members were older, Senators were elected for longer terms, and elections were staggered and decided by state legislatures.

The House of Representatives has a Rules Committee that places a limit on debate when a bill goes to the floor. The Senate has no such committee. As a result, a bill is informally scheduled to come up on the Senate floor where debate can be endless. A filibuster occurs when a Senator engaged in debate refuses to yield the floor and thus prevents a roll call vote from taking place. The image of a Senator standing his ground on the Senate floor is epitomized by Jimmy Stewart with his performance in Mr. Smith Goes to Washington. Filibusters provide a minority of Senators a way to make their voices heard.

Filibusters also give a tremendous amount of power to individual Senators. Senators have used the filibuster, or the threat to filibuster in order to maximize their leverage with the President or other Senators. In 1985, Oklahoma Senator David Boren held up Edwin Meese's confirmation vote as Reagan's Attorney General until Reagan agreed to sign an emergency farm relief bill.

South Carolina Senator Strom Thurmond holds the record for the longest speech in the history of the Senate. During debate on the Civil Rights Act of 1957, he spoke for a total of twenty-four hours and eighteen minutes. His stamina has served him well, at the age of ninety-seven, he is currently the oldest serving member in the United States Senate.

Filibustering has become much more common in recent years. Roughly two-thirds of all filibusters in the Senate's history have taken place in the last thirty years. Filibusters where frequently used to stop civil rights legislation from passing in the 1950s and 1960s. Since then however, filibusters have been employed to stall bills of all types. This has led some to argue that filibustering has been trivialized.

A filibuster can take place at several stages during the legislative process in the Senate. Before a bill is even introduced, a senator can place an anonymous hold on a bill through the majority or minority leaders. A hold is simply a threat to stage a filibuster if the bill comes up for a vote. A motion to bring up a bill can be filibustered. Amendments to a bill can be filibustered. Appointments to conference committees with House members to consider the bill can be filibustered. Conference committee reports on the bill can be filibustered.
How can a filibuster be stopped?

A filibuster can be stopped when the Senate invokes cloture. This can be an arduous task in and of itself. To invoke cloture, a Senator needs to do the following:

1. Wait two days after a filibuster begins.
2. Obtain sixteen signatures on a motion to invoke cloture.
3. Wait another two days before the Senate can vote on cloture.
4. Make sure that three-fifths of the Senate (sixty Senators) vote to end debate.
5. Endure an additional thirty hours of debate before the final roll call vote.

Obtaining cloture is not necessarily a guarantee that the filibuster will be over. Some Senators have discovered loopholes that can still impede the legislative process. In the spring of 1976, Senators James Allen (D, Alabama) and Roman Hruska (R, Nebraska) developed a way to “filibuster by amendment” on an antitrust bill. Under Senate rules, pending germane amendments can be considered after cloture has been invoked. Allen and Hruska simply ensured that numerous amendments were offered. Since each amendment requires a roll-call vote lasting fifteen minutes or more, the two senators were able to tie the Senate up. After seventy separate roll-call votes, it became clear that no end was in sight. The bill’s sponsors finally agreed to support an amendment proposed by Allen and Hruska.

Many Senators have proposed changes to minimize the effect of a filibuster. The last significant reform was adopted in 1975 when the Senate voted to change the required number of votes needed to invoke cloture. Prior to this date, two-thirds of the Senate, or sixty-seven votes were needed. Under the 1975 rule, this number was changed to three-fifths, or sixty senators. Some recent proposals include limiting the filibuster to one time per bill, further reducing the number of votes to invoke cloture, and limiting the amount of time for debate once cloture has been invoked.

Opponents to reform efforts argue that they will damage the Senate’s ability to be a more deliberative chamber. They also contend that reforms would come as a disadvantage to those in the minority who want to make their voices heard.

Whatever the outcome may be, it is clear that the filibuster has been a tradition in the Senate for many years. It is one of the most distinctive differences between the Senate and the House and will always have some place for better or for worse in the legislative process.

Contributing Author, Shad Satterthwaite, Ph.D., University of Oklahoma
Alexander Hamilton Defends the Electoral College in Federalist No. 68

March 14, 1788

To the People of the State of New York:

The mode of appointment of the Chief Magistrate of the United States is almost the only part of the system, of any consequence, which has escaped without severe censure, or which has received the slightest mark of approbation from its opponents. The most plausible of these, who has appeared in print, has even deigned to admit that the election of the President is pretty well guarded.[1] I venture somewhat further, and hesitate not to affirm, that if the manner of it be not perfect, it is at least excellent. It unites in an eminent degree all the advantages, the union of which was to be wished for.

It was desirable that the sense of the people should operate in the choice of the person to whom so important a trust was to be confided. This end will be answered by committing the right of making it, not to any preestablished body, but to men chosen by the people for the special purpose, and at the particular conjuncture. It was equally desirable, that the immediate election should be made by men most capable of analyzing the qualities adapted to the station, and acting under circumstances favorable to deliberation, and to a judicious combination of all the reasons and inducements which were proper to govern their choice. A small number of persons, selected by their fellow citizens from the general mass, will be most likely to possess the information and discernment requisite to such complicated investigations. It was also peculiarly desirable to afford as little opportunity as possible to tumult and disorder. This evil was not least to be dreaded in the election of a magistrate, who was to have so important an agency in the administration of the government as the President of the United States.

But the precautions which have been so happily concerted in the system under consideration, promise an effectual security against this mischief. The choice of SEVERAL, to form an intermediate body of electors, will be much less apt to convulse the community with any extraordinary or violent movements, than the choice of ONE who was himself to be the final object of the public wishes. And as the electors, chosen in each State, are to assemble and vote in the State in which they are chosen, this detached and divided situation will expose them much less to heats and ferments, which might be communicated from them to the people, than if they were all to be convened at one time, in one place. Nothing was more to be desired than that every practicable obstacle should be opposed to cabal, intrigue, and corruption. These most deadly adversaries of republican government might naturally have been expected to make their approaches from more than one quarter, but chiefly from the desire in foreign powers to gain an improper ascendant in our councils. How could they better gratify this, than by raising a creature of their own to the chief magistracy of the Union? But the convention have guarded against all danger of this sort, with the most provident and judicious attention. They have not made the appointment of the President to depend on any preexisting bodies of men, who might be tampered with beforehand to prostitute their votes; but they have referred it in the first instance to an immediate act of the people of America, to be exerted in the choice of persons for the temporary and sole purpose of making the appointment. And they have excluded from eligibility to this trust, all those who from situation might be suspected of too great devotion to the President in office. No senator, representative, or other person holding a place of trust or profit under the United States, can be of the numbers of the electors.

Thus without corrupting the body of the people, the immediate agents in the election will at least enter upon the task free from any sinister bias. Their transient existence, and their detached situation, already taken notice of, afford a satisfactory prospect of their continuing so, to the conclusion of it. The business of corruption, when it is to embrace so considerable a number of men, requires time as well as means. Nor
would it be found easy suddenly to embark them, dispersed as they would be over thirteen States, in any combinations founded upon motives, which though they could not properly be denominated corrupt, might yet be of a nature to mislead them from their duty.

Another and no less important desideratum was, that the Executive should be independent for his continuance in office on all but the people themselves. He might otherwise be tempted to sacrifice his duty to his complaisance for those whose favor was necessary to the duration of his official consequence. This advantage will also be secured, by making his re-election to depend on a special body of representatives, deputed by the society for the single purpose of making the important choice.

All these advantages will happily combine in the plan devised by the convention; which is, that the people of each State shall choose a number of persons as electors, equal to the number of senators and representatives of such State in the national government, who shall assemble within the State, and vote for some fit person as President. Their votes, thus given, are to be transmitted to the seat of the national government, and the person who may happen to have a majority of the whole number of votes will be the President. But as a majority of the votes might not always happen to centre in one man, and as it might be unsafe to permit less than a majority to be conclusive, it is provided that, in such a contingency, the House of Representatives shall select out of the candidates who shall have the five highest number of votes, the man who in their opinion may be best qualified for the office.

The process of election affords a moral certainty, that the office of President will never fall to the lot of any man who is not in an eminent degree endowed with the requisite qualifications. Talents for low intrigue, and the little arts of popularity, may alone suffice to elevate a man to the first honors in a single State; but it will require other talents, and a different kind of merit, to establish him in the esteem and confidence of the whole Union, or of so considerable a portion of it as would be necessary to make him a successful candidate for the distinguished office of President of the United States. It will not be too strong to say, that there will be a constant probability of seeing the station filled by characters pre-eminent for ability and virtue. And this will be thought no inconsiderable recommendation of the Constitution, by those who are able to estimate the share which the executive in every government must necessarily have in its good or ill administration. Though we cannot acquiesce in the political heresy of the poet who says: "For forms of government let fools contest That which is best administered is best," yet we may safely pronounce, that the true test of a good government is its aptitude and tendency to produce a good administration.

The Vice-President is to be chosen in the same manner with the President; with this difference, that the Senate is to do, in respect to the former, what is to be done by the House of Representatives, in respect to the latter. The appointment of an extraordinary person, as Vice-President, has been objected to as superfluous, if not mischievous. It has been alleged, that it would have been preferable to have authorized the Senate to elect out of their own body an officer answering that description. But two considerations seem to justify the ideas of the convention in this respect.

One is, that to secure at all times the possibility of a definite resolution of the body, it is necessary that the President should have only a casting vote. And to take the senator of any State from his seat as senator, to place him in that of President of the Senate, would be to exchange, in regard to the State from which he came, a constant for a contingent vote.

The other consideration is, that as the Vice-President may occasionally become a substitute for the President, in the supreme executive magistracy, all the reasons which recommend the mode of election prescribed for the one, apply with great if not with equal force to the manner of appointing the other. It is remarkable that in this, as in most other instances, the objection which is made would lie against the
constitution of this State. We have a Lieutenant-Governor, chosen by the people at large, who presides in the Senate, and is the constitutional substitute for the Governor, in casualties similar to those which would authorize the Vice-President to exercise the authorities and discharge the duties of the President.

PUBLIUS

[1] Vide FEDERAL FARMER.

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Milestone Cases in Supreme Court History

1803

*Marbury v. Madison* was the first instance in which a law passed by Congress was declared unconstitutional. The decision greatly expanded the power of the Court by establishing its right to overturn acts of Congress, a power not explicitly granted by the Constitution. Initially the case involved Secretary of State *James Madison*, who refused to seat four judicial appointees although they had been confirmed by the Senate.

1819

*McCulloch v. Maryland* upheld the right of Congress to create a Bank of the United States, ruling that it was a power implied but not enumerated by the Constitution. The case is significant because it advanced the doctrine of implied powers, or a loose construction of the Constitution. The Court, Chief Justice *John Marshall* wrote, would sanction laws reflecting “the letter and spirit” of the Constitution.

1824

*Gibbons v. Ogden* defined broadly Congress's right to regulate commerce. Aaron Ogden had filed suit in New York against Thomas Gibbons for operating a rival steamboat service between New York and New Jersey ports. Ogden had exclusive rights to operate steamboats in New York under a state law, while Gibbons held a federal license. Gibbons lost the case and appealed to the U.S. Supreme Court, which reversed the decision. The Court held that the New York law was unconstitutional, since the power to regulate interstate commerce, which extended to the regulation of navigation, belonged exclusively to Congress. In the 20th century, Chief Justice John Marshall's broad definition of commerce was used to uphold civil rights.

1857

*Dred Scott v. Sandford* was a highly controversial case that intensified the national debate over slavery. The case involved Dred Scott, a slave, who was taken from a slave state to a free territory. Scott filed a lawsuit claiming that because he had lived on free soil he was entitled to his freedom. Chief Justice *Roger B. Taney* disagreed, ruling that blacks were not citizens and therefore could not sue in federal court. Taney further inflamed antislavery forces by declaring that Congress had no right to ban slavery from U.S. territories.

1896

*Plessy v. Ferguson* was the infamous case that asserted that “equal but separate accommodations” for blacks on railroad cars did not violate the “equal protection under the laws” clause of the 14th Amendment. By defending the constitutionality of racial segregation, the Court paved the way for the repressive *Jim Crow laws* of the South. The lone dissenter on the Court, Justice *John Marshall Harlan*, protested, “The thin disguise of ‘equal’ accommodations…will not mislead anyone.”

1954

*Brown v. Board of Education of Topeka* invalidated racial segregation in schools and led to the unraveling of *de jure* segregation in all areas of public life. In the unanimous decision spearheaded by Chief Justice *Earl Warren*, the Court invalidated the Plessy ruling, declaring “in the field of public education, the doctrine of ‘separate but equal’ has no place” and contending that “separate educational facilities are
inherently unequal.” Future Supreme Court justice Thurgood Marshall was one of the NAACP lawyers who successfully argued the case.

1963

**Gideon v. Wainwright** guaranteed a defendant's right to legal counsel. The Supreme Court overturned the Florida felony conviction of Clarence Earl Gideon, who had defended himself after having been denied a request for free counsel. The Court held that the state's failure to provide counsel for a defendant charged with a felony violated the Fourteenth Amendment's due process clause. Gideon was given another trial, and with a court-appointed lawyer defending him, he was acquitted.

1964

**New York Times v. Sullivan** extended the protection offered the press by the First Amendment. L.B. Sullivan, a police commissioner in Montgomery, Ala., had filed a libel suit against the *New York Times* for publishing inaccurate information about certain actions taken by the Montgomery police department. In overturning a lower court's decision, the Supreme Court held that debate on public issues would be inhibited if public officials could sue for inaccuracies that were made by mistake. The ruling made it more difficult for public officials to bring libel charges against the press, since the official had to prove that a harmful untruth was told maliciously and with reckless disregard for truth.

1966

**Miranda v. Arizona** was another case that helped define the due process clause of the 14th Amendment. At the center of the case was Ernesto Miranda, who had confessed to a crime during police questioning without knowing he had a right to have an attorney present. Based on his confession, Miranda was convicted. The Supreme Court overturned the conviction, ruling that criminal suspects must be warned of their rights before they are questioned by police. These rights are: the right to remain silent, to have an attorney present, and, if the suspect cannot afford an attorney, to have one appointed by the state. The police must also warn suspects that any statements they make can be used against them in court. Miranda was retried without the confession and convicted.

1973

**Roe v. Wade** legalized abortion and is at the center of the current controversy between “pro-life” and “pro-choice” advocates. The Court ruled that a woman has the right to an abortion without interference from the government in the first trimester of pregnancy, contending that it is part of her “right to privacy.” The Court maintained that right to privacy is not absolute, however, and granted states the right to intervene in the second and third trimesters of pregnancy.

1978

**Regents of the University of California v. Bakke** imposed limitations on affirmative action to ensure that providing greater opportunities for minorities did not come at the expense of the rights of the majority. In other words, affirmative action was unfair if it lead to reverse discrimination. The case involved the University of Calif., Davis, Medical School and Allan Bakke, a white applicant who was rejected twice even though there were minority applicants admitted with significantly lower scores than his. A closely divided Court ruled that while race was a legitimate factor in school admissions, the use of rigid quotas was not permissible.

2003
Grutter v. Bollinger upheld the University of Michigan Law School's consideration of race and ethnicity in admissions. In her majority opinion, Justice O'Connor said that the law school used a “highly individualized, holistic review of each applicant's file.” Race, she said, was not used in a “mechanical way.” Therefore, the university's program was consistent with the requirement of “individualized consideration” set in 1978's Bakke case. “In order to cultivate a set of leaders with legitimacy in the eyes of the citizenry, it is necessary that the path to leadership be visibly open to talented and qualified individuals of every race and ethnicity,” O'Connor said. However, the court ruled that the University of Michigan's undergraduate admissions system, which awarded 20 points to black, Hispanic, and American-Indian applicants, was “nonindividualized, mechanical,” and thus unconstitutional.

A Brief Overview of the Supreme Court

The Supreme Court of the United States

One First Street, NE, Washington, DC 20543 Phone: 202–479–3211

Members:

Chief Justice of the United States JOHN G. ROBERTS, JR.

Associate Justices JOHN PAUL STEVENS, ANTONIN SCALIA, ANTHONY M. KENNEDY, DAVID H. SOUTER, CLARENCE THOMAS, RUTH BADER GINSBURG, STEPHEN G. BREYER, SAMUEL A. ALITO, JR.

Retired Justice SANDRA DAY O’CONNOR

The Supreme Court consists of the Chief Justice of the United States and such number of Associate Justices as may be fixed by Congress. The number of Associate Justices is currently fixed at eight (28 U. S. C. §1). Power to nominate the Justices is vested in the President of the United States, and appointments are made with the advice and consent of the Senate. Article III, §1, of the Constitution further provides that “[t]he Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.”

Officers:

Counselor to the Chief Justice JEFFREY P. MINEAR, Clerk WILLIAM K. SUTER, Librarian JUDITH A. GASKELL. Marshal PAMELA TALKIN, Reporter of Decisions FRANK D. WAGNER

Court Counsel SCOTT HARRIS, Curator CATHERINE E. FITTS, Director of Data Systems DONNA CLEMENT, Public Information Officer KATHLEEN L. ARBERG

Court Officers assist the Court in the performance of its functions. They include the Counselor to the Chief Justice, the Clerk, the Reporter of Decisions, the Librarian, the Marshal, the Court Counsel, the Curator, the Director of Data Systems, and the Public Information Officer. The Counselor to the Chief Justice is appointed by the Chief Justice. The Clerk, Reporter of Decisions, Librarian, and Marshal are appointed by the Court. All other Court Officers are appointed by the Chief Justice in consultation with the Court.

Constitutional Origin. Article III, §1, of the Constitution provides that “[t]he judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time
to time ordain and establish.” The Supreme Court of the United States was created in accordance with this provision and by authority of the Judiciary Act of September 24, 1789 (1 Stat. 73). It was organized on February 2, 1790.

Jurisdiction. According to the Constitution (Art. III, §2):

“The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

“In all Cases affecting Ambassadors, other public ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.”

Appellate jurisdiction has been conferred upon the Supreme Court by various statutes, under the authority given Congress by the Constitution. The basic statute effective at this time in conferring and controlling jurisdiction of the Supreme Court may be found in 28 U. S. C. §1251 et seq., and various special statutes.

Rulemaking Power. Congress has from time to time conferred upon the Supreme Court power to prescribe rules of procedure to be followed by the lower courts of the United States. See 28 U. S. C. §2071 et seq.

The Building. The Supreme Court is open to the public from 9 a.m. to 4:30 p.m., Monday through Friday. It is closed Saturdays, Sundays, and the federal legal holidays listed in 5 U. S. C. §6103. Unless the Court or the Chief Justice orders otherwise, the Clerk’s Office is open from 9 a.m. to 5 p.m., Monday through Friday, except on those holidays. The Library is open to members of the Bar of the Court, attorneys for the various federal departments and agencies, and Members of Congress.

The Term. The Term of the Court begins, by law, on the first Monday in October and lasts until the first Monday in October of the next year. Approximately 10,000 petitions are filed with the Court in the course of a Term. In addition, some 1,200 applications of various kinds are filed each year that can be acted upon by a single Justice.

The Justices of the Supreme Court

Anthony M. Kennedy, Associate Justice, was born in Sacramento, California, July 23, 1936. He married Mary Davis and has three children. He received his B.A. from Stanford University and the London School of Economics, and his LL.B. from Harvard Law School. He was in private practice in San Francisco, California from 1961–1963, as well as in Sacramento, California from 1963–1975. From 1965 to 1988, he was a Professor of Constitutional Law at the McGeorge School of Law, University of the Pacific. He has served in numerous positions during his career, including a member of the California Army National Guard in 1961, the board of the Federal Judicial Center from 1987–1988, and two committees of the Judicial Conference of the United States: the Advisory Panel on Financial Disclosure Reports and Judicial Activities, subsequently renamed the Advisory Committee on Codes of Conduct, from 1979–1987, and the Committee on Pacific Territories from 1979–1990, which he chaired from 1982–1990. He was appointed to the United States Court of Appeals for the Ninth Circuit in 1975. President Reagan nominated him as an Associate Justice of the Supreme Court, and he took his seat February 18, 1988.
Clarence Thomas, Associate Justice,

Ruth Bader Ginsburg, Associate Justice,
was born in Brooklyn, New York, March 15, 1933. She married Martin D. Ginsburg in 1954, and has a daughter, Jane, and a son, James. She received her B.A. from Cornell University, attended Harvard Law School, and received her LL.B. from Columbia Law School. She served as a law clerk to the Honorable Edmund L. Palmieri, Judge of the United States District Court for the Southern District of New York, from 1959–1961. From 1961–1963, she was a research associate and then associate director of the Columbia Law School Project on International Procedure. She was a Professor of Law at Rutgers University School of Law from 1963–1972, and Columbia Law School from 1972–1980, and a fellow at the Center for Advanced Study in the Behavioral Sciences in Stanford, California from 1977–1978. In 1971, she was instrumental in launching the Women’s Rights Project of the American Civil Liberties Union, and served as the ACLU’s General Counsel from 1973–1980, and on the National Board of Directors from 1974–1980. She was appointed a Judge of the United States Court of Appeals for the District of Columbia Circuit in 1980. President Clinton nominated her as an Associate Justice of the
Stephen G. Breyer, Associate Justice,

Samuel Anthony Alito, Jr., Associate Justice,

President Barack Obama nominated her as an Associate Justice of the Supreme Court on May 26, 2009, and she assumed this role August 8, 2009.

Elena Kagan, Associate Justice, was born in New York, New York, on April 28, 1960. She received an A.B. from Princeton in 1981, an M. Phil. from Oxford in 1983, and a J.D. from Harvard Law School in 1986. She clerked for Judge Abner Mikva of the U.S. Court of Appeals for the D.C. Circuit from 1986-1987 and for Justice Thurgood Marshall of the U.S. Supreme Court during the 1987 Term. After briefly practicing law at a Washington, D.C. law firm, she became a law professor, first at the University of Chicago Law School and later at Harvard Law School. She also served for four years in the Clinton Administration, as Associate Counsel to the President and then as Deputy Assistant to the President for Domestic Policy. Between 2003 and 2009, she served as the Dean of Harvard Law School. In 2009, President Obama nominated her as the Solicitor General of the United States. A year later, the President nominated her as an Associate Justice of
the Supreme Court on May 10, 2010. She took her seat on August 7, 2010.

Sandra Day O’Connor (Retired), Associate Justice, was born in El Paso, Texas, March 26, 1930. She married John Jay O’Connor III in 1952 and has three sons - Scott, Brian, and Jay. She received her B.A. and LL.B. from Stanford University. She served as Deputy County Attorney of San Mateo County, California from 1952–1953 and as a civilian attorney for Quartermaster Market Center, Frankfurt, Germany from 1954–1957. From 1958–1960, she practiced law in Maryvale, Arizona, and served as Assistant Attorney General of Arizona from 1965–1969. She was appointed to the Arizona State Senate in 1969 and was subsequently reelected to two two-year terms. In 1975 she was elected Judge of the Maricopa County Superior Court and served until 1979, when she was appointed to the Arizona Court of Appeals. President Reagan nominated her as an Associate Justice of the Supreme Court, and she took her seat September 25, 1981. Justice O’Connor retired from the Supreme Court on January 31, 2006.

David H. Souter (Retired), Associate Justice, was born in Melrose, Massachusetts, September 17, 1939. He graduated from Harvard College, from which he received his A.B. After two years as a Rhodes Scholar at Magdalen College, Oxford, he received an A.B. in Jurisprudence from Oxford University and an M.A. in 1989. After receiving an LL.B. from Harvard Law School, he was an associate at Orr and Reno in Concord, New Hampshire from 1966 to 1968, when he became an Assistant Attorney General of New Hampshire. In 1971, he became Deputy Attorney General and in 1976, Attorney General of New Hampshire. In 1978, he was named an Associate Justice of the Superior Court of New Hampshire, and was appointed to the Supreme Court of New Hampshire as an Associate Justice in 1983. He became a Judge of the United States Court of Appeals for the First Circuit on May 25, 1990. President Bush nominated him as an Associate Justice of the Supreme Court, and he took his seat October 9, 1990. Justice Souter retired from the Supreme Court on June 29,
John Paul Stevens (Retired), Associate Justice, was born in Chicago, Illinois, April 20, 1920. He married Maryan Mulholland (deceased), and has four children - John Joseph, Kathryn, Elizabeth Jane, and Susan Roberta. He received an A.B. from the University of Chicago, and a J.D. from Northwestern University School of Law. He served in the United States Navy from 1942–1945, and was a law clerk to Justice Wiley Rutledge of the Supreme Court of the United States during the 1947 Term. He was admitted to law practice in Illinois in 1949. He was Associate Counsel to the Subcommittee on the Study of Monopoly Power of the Judiciary Committee of the U.S. House of Representatives, 1951–1952, and a member of the Attorney General’s National Committee to Study Antitrust Law, 1953–1955. He was Second Vice President of the Chicago Bar Association in 1970. From 1970–1975, he served as a Judge of the United States Court of Appeals for the Seventh Circuit. President Ford nominated him as an Associate Justice of the Supreme Court, and he took his seat December 19, 1975. Justice Stevens retired from the Supreme Court on June 29, 2010.

The Justices’ Caseload

The Court’s caseload has increased steadily to a current total of more than 10,000 cases on the docket per Term. The increase has been rapid in recent years. In 1960, only 2,313 cases were on the docket, and in 1945, only 1,460. Plenary review, with oral arguments by attorneys, is granted in about 100 cases per Term. Formal written opinions are delivered in 80 to 90 cases. Approximately 50 to 60 additional cases are disposed of without granting plenary review. The publication of a Term’s written opinions, including concurring opinions, dissenting opinions, and orders, approaches 5,000 pages. Some opinions are revised a dozen or more times before they are announced.

[The foregoing was taken from a booklet prepared by the Supreme Court of the United States]
The Court and Constitutional Interpretation

EQUAL JUSTICE UNDER LAW”—These words, written above the main entrance to the Supreme Court Building, express the ultimate responsibility of the Supreme Court of the United States. The Court is the highest tribunal in the Nation for all cases and controversies arising under the Constitution or the laws of the United States. As the final arbiter of the law, the Court is charged with ensuring the American people the promise of equal justice under law and, thereby, also functions as guardian and interpreter of the Constitution.

The Supreme Court is “distinctly American in concept and function,” as Chief Justice Charles Evans Hughes observed. Few other courts in the world have the same authority of constitutional interpretation and none have exercised it for as long or with as much influence. A century and a half ago, the French political observer Alexis de Tocqueville noted the unique position of the Supreme Court in the history of nations and of jurisprudence. “The representative system of government has been adopted in several states of Europe,” he remarked, “but I am unaware that any nation of the globe has hitherto organized a judicial power in the same manner as the Americans. . . . A more imposing judicial power was never constituted by any people.”

The unique position of the Supreme Court stems, in large part, from the deep commitment of the American people to the Rule of Law and to constitutional government. The United States has demonstrated an unprecedented determination to preserve and protect its written Constitution, thereby providing the American “experiment in democracy” with the oldest written Constitution still in force.

The Constitution of the United States is a carefully balanced document. It is designed to provide for a national government sufficiently strong and flexible to meet the needs of the republic, yet sufficiently limited and just to protect the guaranteed rights of citizens; it permits a balance between society’s need for order and the individual’s right to freedom. To assure these ends, the Framers of the Constitution created three independent and coequal branches of government. That this Constitution has provided continuous democratic government through the periodic stresses of more than two centuries illustrates the genius of the American system of government.

The complex role of the Supreme Court in this system derives from its authority to invalidate legislation or executive actions which, in the Court’s considered judgment, conflict with the Constitution. This power of “judicial review” has given the Court a crucial responsibility in assuring individual rights, as well as in maintaining a “living Constitution” whose broad provisions are continually applied to complicated new situations.
While the function of judicial review is not explicitly provided in the Constitution, it had been anticipated before the adoption of that document. Prior to 1789, state courts had already overturned legislative acts which conflicted with state constitutions. Moreover, many of the Founding Fathers expected the Supreme Court to assume this role in regard to the Constitution; Alexander Hamilton and James Madison, for example, had underlined the importance of judicial review in the Federalist Papers, which urged adoption of the Constitution.

“The republic endures and this is the symbol of its faith.” — CHIEF JUSTICE CHARLES EVANS HUGHES  Cornerstone Address— Supreme Court Building

Hamilton had written that through the practice of judicial review the Court ensured that the will of the whole people, as expressed in their Constitution, would be supreme over the will of a legislature, whose statutes might express only the temporary will of part of the people. And Madison had written that constitutional interpretation must be left to the reasoned judgment of independent judges, rather than to the tumult and conflict of the political process. If every constitutional question were to be decided by public political bargaining, Madison argued, the Constitution would be reduced to a battleground of competing factions, political passion and partisan spirit.

Despite this background the Court’s power of judicial review was not confirmed until 1803, when it was invoked by Chief Justice John Marshall in Marbury v. Madison. In this decision, the Chief Justice asserted that the Supreme Court’s responsibility to overturn unconstitutional legislation was a necessary consequence of its sworn duty to uphold the Constitution. That oath could not be fulfilled any other way. “It is emphatically the province of the judicial department to say what the law is,” he declared.

In retrospect, it is evident that constitutional interpretation and application were made necessary by the very nature of the Constitution. The Founding Fathers had wisely worded that document in rather general terms leaving it open to future elaboration to meet changing conditions. As Chief Justice Marshall noted in McCulloch v. Maryland, a constitution that attempted to detail every aspect of its own application “would partake of the prolixity of a legal code, and could scarcely be embraced by the human mind. . . . Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deduced from the nature of the objects themselves.”

The Constitution limits the Court to dealing with “Cases” and “Controversies.” John Jay, the first Chief Justice, clarified this restraint early in the Court’s history by declining to advise President George Washington on the constitutional implications of a proposed foreign policy decision. The Court does not give advisory opinions; rather, its function is limited only to deciding specific cases.

The Justices must exercise considerable discretion in deciding which cases to hear, since more than 10,000 civil and criminal cases are filed in the Supreme Court each year from the various state and federal
courts. The Supreme Court also has “original jurisdiction” in a very small number of cases arising out of disputes between States or between a State and the Federal Government.

When the Supreme Court rules on a constitutional issue, that judgment is virtually final; its decisions can be altered only by the rarely used procedure of constitutional amendment or by a new ruling of the Court. However, when the Court interprets a statute, new legislative action can be taken.

Chief Justice Marshall expressed the challenge which the Supreme Court faces in maintaining free government by noting: “We must never forget that it is a constitution we are expounding . . . intended to endure for ages to come, and consequently, to be adapted to the various crises of human affairs.”

[The foregoing was taken from a booklet prepared by the Supreme Court of the United States, and published with funding from the Supreme Court Historical Society.]
Why Great Men Are Not Chosen Presidents

Europeans often ask, and Americans do not always explain, how it happens that this great office, the greatest in the world, unless we except the papacy, to which anyone can rise by his own merits, is not more frequently filled by great and striking men. In America, which is beyond all other countries the country of a “career open to talents,” a country, moreover, in which political life is unusually keen and political ambition widely diffused, it might be expected that the highest place would always be won by a man of brilliant gifts. But from the time when the heroes of the Revolution died out with Jefferson and Adams and Madison, no person except General Grant, had, down till the end of last century, reached the chair whose name would have been remembered had he not been president, and no president except Abraham Lincoln had displayed rare or striking qualities in the chair. Who now knows or cares to know anything about the personality of James K. Polk or Franklin Pierce? The only thing remarkable about them is that being so commonplace they should have climbed so high.

Several reasons may be suggested for the fact, which Americans are themselves the first to admit.

One is that the proportion of first-rate ability drawn into politics is smaller in America than in most European countries. This is a phenomenon whose causes must be elucidated later: in the meantime it is enough to say that in France, where the half-revolutionary conditions that lasted for some time after 1870, made public life exciting and accessible; in Germany, where an admirably organized civil service cultivates and develops statecraft with unusual success; in England, where many persons of wealth and leisure seek to enter the political arena, while burning questions touch the interests of all classes and make
men eager observers of the combatants, the total quantity of talent devoted to parliamentary or administrative work has been larger, relatively to the population, than in America, where much of the best ability, both for thought and for action, for planning and for executing, rushes into a field which is comparatively narrow in Europe, the business of developing the material resources of the country.

Another is that the methods and habits of Congress, and indeed of political life generally, seem to give fewer opportunities for personal distinction, fewer modes in which a man may commend himself to his countrymen by eminent capacity in thought, in speech, or in administration, than is the case in the free countries of Europe. This is a point to be explained in later chapters. I merely note here in passing what will there be dwelt on.

A third reason is that eminent men make more enemies, and give those enemies more assailable points, than obscure men do. They are therefore in so far less desirable candidates. It is true that the eminent man has also made more friends, that his name is more widely known, and may be greeted with louder cheers. Other things being equal, the famous man is preferable. But other things never are equal. The famous man has probably attacked some leaders in his own party, has supplanted others, has expressed his dislike to the crotchet of some active section, has perhaps committed errors which are capable of being magnified into offences. No man stands long before the public and bears a part in great affairs without giving openings to censorious criticism. Fiercer far than the light which beats upon a throne is the light which beats upon a presidential candidate, searching out all the recesses of his past life. Hence, when the choice lies between a brilliant man and a safe man, the safe man is preferred. Party feeling, strong enough to carry in on its back a man without conspicuous positive merits, is not always strong enough to procure forgiveness for a man with positive faults.

A European finds that this phenomenon needs in its turn to be explained, for in the free countries of Europe brilliancy, be it eloquence in speech, or some striking achievement in war or administration, or the power through whatever means of somehow impressing the popular imagination, is what makes a leader triumphant. Why should it be otherwise in America? Because in America party loyalty and party organization have been hitherto so perfect that anyone put forward by the party will get the full party vote if his character is good and his “record,” as they call it, unstained. The safe candidate may not draw in quite so many votes from the moderate men of the other side as the brilliant one would, but he will not lose nearly so many from his own ranks. Even those who admit his mediocrity will vote straight when the moment for voting comes. Besides, the ordinary American voter does not object to mediocrity. He has a lower conception of the qualities requisite to make a statesman than those who direct public opinion in Europe have. He likes his candidate to be sensible, vigorous, and, above all, what he calls “magnetic,” and does not value, because he sees no need for, originality or profundity, a fine culture or a wide knowledge. Candidates are selected to be run for nomination by knots of persons who, however expert as party tacticians, are usually commonplace men; and the choice between those selected for nomination is made by a very large body, an assembly of nearly a thousand delegates from the local party organizations over the country, who are certainly no better than ordinary citizens. How this process works will be seen more fully when I come to speak of those nominating conventions which are so notable a feature in American politics.

It must also be remembered that the merits of a president are one thing and those of a candidate another thing. An eminent American is reported to have said to friends who wished to put him forward, “Gentlemen, let there be no mistake. I should make a good president, but a very bad candidate.” Now to a party it is more important that its nominee should be a good candidate than that he should turn out a good president. A nearer danger is a greater danger. As Saladin says in The Talisman, “A wild cat in a chamber is more dangerous than a lion in a distant desert.” It will be a misfortune to the party, as well as to the
country, if the candidate elected should prove a bad president. But it is a greater misfortune to the party that it should be beaten in the impending election, for the evil of losing national patronage will have come four years sooner. “B” (so reason the leaders), “who is one of our possible candidates, may be an abler man than A, who is the other. But we have a better chance of winning with A than with B, while X, the candidate of our opponents, is anyhow no better than A. We must therefore run A.” This reasoning is all the more forcible because the previous career of the possible candidates has generally made it easier to say who will succeed as a candidate than who will succeed as a president; and because the wire-pullers with whom the choice rests are better judges of the former question than of the latter.

After all, too, a president need not be a man of brilliant intellectual gifts. His main duties are to be prompt and firm in securing the due execution of the laws and maintaining the public peace, careful and upright in the choice of the executive officials of the country. Eloquence, whose value is apt to be overrated in all free countries, imagination, profundity of thought or extent of knowledge, are all in so far a gain to him that they make him “a bigger man,” and help him to gain a greater influence over the nation, an influence which, if he be a true patriot, he may use for its good. But they are not necessary for the due discharge in ordinary times of the duties of his post. Four-fifths of his work is the same in kind as that which devolves on the chairman of a commercial company or the manager of a railway, the work of choosing good subordinates, seeing that they attend to their business, and taking a sound practical view of such administrative questions as require his decision. Firmness, common sense, and most of all, honesty, an honesty above all suspicion of personal interest, are the qualities which the country chiefly needs in its chief magistrate.

So far we have been considering personal merits. But in the selection of a candidate many considerations have to be regarded besides personal merits, whether of a candidate, or of a possible president. The chief of these considerations is the amount of support which can be secured from different states or from different “sections” of the Union, a term by which the Americans denote groups of states with a broad community of interest. State feeling and sectional feeling are powerful factors in a presidential election. The Middle West and Northwest, including the states from Ohio to Montana, is now the most populous section of the Union, and therefore counts for most in an election. It naturally conceives that its interests will be best protected by one who knows them from birth and residence. Hence prima facie a man from that section makes the best candidate. A large state casts a heavier vote in the election; and every state is of course more likely to be carried by one of its own children than by a stranger, because his fellow citizens, while they feel honoured by the choice, gain also a substantial advantage, having a better prospect of such favours as the administration can bestow. Hence, *ceteris paribus*, a man from a large state is preferable as a candidate. The problem is further complicated by the fact that some states are already safe for one or other party, while others are doubtful. The Northwestern and New England states have usually tended to go Republican; while nearly all of the Southern states have, since 1877, been pretty certain to go Democratic. *Ceteris paribus*, a candidate from a doubtful state, such as New York or Indiana have usually been, is to be preferred.

Other minor disqualifying circumstances require less explanation. A Roman Catholic, or an avowed disbeliever in Christianity, would be an undesirable candidate. For many years after the Civil War, anyone who had fought, especially if he fought with distinction, in the Northern army, enjoyed great advantages, for the soldiers of that army rallied to his name. The two elections of General Grant, who knew nothing of politics, and the fact that his influence survived the faults of his long administration, are evidence of the weight of this consideration.

Long ago on a railway journey in the Far West I fell in with two newspapermen from the state of Indiana, who were taking their holiday. The conversation turned on the next presidential election. They spoke
hopefully of the chances for nomination by their party of an Indiana man, a comparatively obscure person, whose name I had never heard. I expressed some surprise that he should be thought of. They observed that he had done well in state politics, that there was nothing against him, that Indiana would work for him. “But,” I rejoined, “ought you not to have a man of more commanding character? There is Senator A. Everybody tells me that he is the shrewdest and most experienced man in your party, and that he has a perfectly clean record. Why not run him?” “Why, yes,” they answered, “that is all true. But you see he comes from a small state, and we have got that state already. Besides, he wasn’t in the war. Our man was. Indiana’s vote is worth having, and if our man is run, we can carry Indiana.”

“Surely the race is not to the swift, nor the battle to the strong, neither yet bread to the wise, nor yet riches to men of understanding, nor yet favour to men of skill, but time and chance happeneth to them all.”

These secondary considerations do not always prevail. Intellectual ability and strength of character must influence the choice of a candidate. When a man has once impressed himself on the nation by force, courage, and rectitude, the influence of those qualities may be decisive. They naturally count for more when times are critical. Reformers declare that their weight will go on increasing as the disgust of good citizens with the methods of professional politicians increases. But for many generations past it is not the greatest men in the Roman Church that have been chosen popes, nor the most brilliant men in the Anglican Church that have been appointed archbishops of Canterbury.

Although several presidents have survived their departure from office by many years, only two, John Quincy Adams and recently Mr. Roosevelt, have played a part in politics after quitting the White House. It may be that the ex-president has not been a great leader before his accession to office; it may be that he does not care to exert himself after he has held and dropped the great prize, and found (as most have found) how little of a prize it is. Something, however, must also be ascribed to other features of the political system of the country. It is often hard to find a vacancy in the representation of a given state through which to reenter Congress; it is disagreeable to recur to the arts by which seats are secured. Past greatness is rather an encumbrance than a help to resuming a political career. Exalted power, on which the unsleeping eye of hostile critics was fixed, has probably disclosed all a president’s weaknesses, and has either forced him to make enemies by disobliging adherents, or exposed him to censure for subservience to party interests. He is regarded as having had his day; he belongs already to the past, and unless, like Grant, he is endeared to the people by the memory of some splendid service, or is available to his party as a possible candidate for a further term of office, he may sink into the crowd or avoid neglect by retirement. Possibly he may deserve to be forgotten; but more frequently he is a man of sufficient ability and character to make the experience he has gained valuable to the country, could it be retained in a place where he might turn it to account. They managed things better at Rome, gathering into their Senate all the fame and experience, all the wisdom and skill, of those who had ruled and fought as consuls and prætors at home and abroad.

We may now answer the question from which we started. Great men have not often been chosen presidents, first because great men are rare in politics; secondly, because the method of choice does not bring them to the top; thirdly, because they are not, in quiet times, absolutely needed. Let us close by observing that the presidents, regarded historically, fall into three periods, the second inferior to the first, the third rather better than the second.

Down till the election of Andrew Jackson in 1828, all the presidents had been statesmen in the European sense of the word, men of education, of administrative experience, of a certain largeness of view and dignity of character. All except the first two had served in the great office of secretary of state; all were known to the nation from the part they had played. In the second period, from Jackson till the outbreak of
the Civil War in 1861, the presidents were either mere politicians, such as Van Buren, Polk, or Buchanan, or else successful soldiers, such as Harrison or Taylor, whom their party found useful as figureheads. They were intellectual pygmies beside the real leaders of that generation—Clay, Calhoun, and Webster. A new series begins with Lincoln in 1861. He and General Grant, his successor, who cover sixteen years between them, belong to the history of the world. The other less distinguished presidents of this period contrast favourably with the Polks and Pierces of the days before the war, if they are not, like the early presidents, the first men of the country. If we compare the twenty presidents who were elected to office between 1789 and 1900 with the twenty English prime ministers of the same period, there are but six of the latter, and at least eight of the former whom history calls personally insignificant, while only Washington, Jefferson, Lincoln, and Grant can claim to belong to a front rank represented in the English list by seven or possibly eight names. It would seem that the natural selection of the English parliamentary system, even as modified by the aristocratic habits of that country, had more tendency to bring the highest gifts to the highest place than the more artificial selection of America.

[1] J. Q. Adams was elected to the House of Representatives within three years from his presidency, and there became for seventeen years the fearless and formidable advocate of what may be called the national theory of the Constitution against the slaveholders.

[2] Jackson himself was something of both politician and soldier, a strong character, but a narrow and uncultivated intellect.

[3] The American average would be further lowered were we to reckon in the four vice-presidents who, down to 1900, succeeded on the death of the president. Yet the English system does not always secure men personally eminent. Addington, Perceval, and Lord Goderich are no better than Tyler or Fillmore, which is saying little enough.

Of presidents since 1900 it is not yet time to speak.
Chapter 11:
LIBERTY OF THE PRESS IN THE UNITED STATES

DIFFICULTY of restraining the liberty of the press--Particular reasons that some nations have for cherishing this liberty--The liberty of the press a necessary consequence of the sovereignty of the people as it * understood in America--Violent language of the periodical press in the United States--The periodical press has some peculiar instincts, proved by the example of the United States--Opinion of the Americans upon the judicial repression of the abuses of the press--Why the press is less powerful in America than in France.

The influence of the liberty of the press does not affect political opinions alone, but extends to all the opinions of men and modifies customs as well as laws. In another part of this work I shall attempt to determine the degree of influence that the liberty of the press has exercised upon civil society in the United States and to point out the direction which it has given to the ideas as well as the tone which it has imparted to the character and the feelings of the Anglo-Americans. At present I propose only to examine the effects produced by the liberty of the press in the political world.

I confess that I do not entertain that firm and complete attachment to the liberty of the press which is wont to be excited by things that are supremely good in their very nature. I approve of it from a consideration more of the evils it prevents than of the advantages it ensures.

If anyone could point out an intermediate and yet a tenable position between the complete independence and the entire servitude of opinion, I should perhaps be inclined to adopt it, but the difficulty is to discover this intermediate position. Intending to correct the licentiousness of the press and to restore the use of orderly language, you first try the offender by a jury; but if the jury acquits him, the opinion which was that of a single individual becomes the opinion of the whole country. Too much and too little has therefore been done; go farther, then. You bring the delinquent before permanent magistrates; but even here the cause must be heard before it can be decided; and the very principles which no book would have ventured to avow are blazoned forth in the pleadings, and what was obscurely hinted at in a single composition is thus repeated in a multitude of other publications. The language is only the expression and, if I may so speak, the body of the thought, but it is not the thought itself. Tribunals may condemn the body, but the sense, the spirit of the work is too subtle for their authority. Too much has still been done to recede, too little to attain your end; you must go still farther. Establish a censorship of the press. But the tongue of the public speaker will still make itself heard, and your purpose is not yet accomplished; you have only increased the mischief. Thought is not, like physical strength, dependent upon the number of its agents; nor can authors be counted like the troops that compose an army. On the contrary, the authority of a principle is often increased by the small number of men by whom it is expressed. The words of one strong-minded man addressed to the passions of a listening assembly have more power than the vociferations of a thousand orators; and if it be allowed to speak freely in any one public place, the consequence is the same as if free speaking was allowed in every village. The liberty of speech must therefore be destroyed as well as the liberty of the press. And now you have succeeded, everybody is reduced to silence. But your object was to repress the abuses of liberty, and you are brought to the feet of a despot. You have been led from the extreme of independence to the extreme of servitude without finding a single tenable position on the way at which you could stop.
There are certain nations which have peculiar reasons for cherishing the liberty of the press, independently of the general motives that I have just pointed out. For in certain countries which profess to be free, every individual agent of the government may violate the laws with impunity, since the constitution does not give to those who are injured a right of complaint before the courts of justice. In this case the liberty of the press is not merely one of the guarantees, but it is the only guarantee of their liberty and security that the citizens possess. If the rulers of these nations proposed to abolish the independence of the press, the whole people might answer: Give us the right of prosecuting your offenses before the ordinary tribunals, and perhaps we may then waive our right of appeal to the tribunal of public opinion.

In countries where the doctrine of the sovereignty of the people ostensibly prevails, the censorship of the press is not only dangerous, but absurd. When the right of every citizen to a share in the government of society is acknowledged, everyone must be presumed to be able to choose between the various opinions of his contemporaries and to appreciate the different facts from which inferences may be drawn. The sovereignty of the people and the liberty of the press may therefore be regarded as correlative, just as the censorship of the press and universal suffrage are two things which are irreconcilably opposed and which cannot long be retained among the institutions of the same people. Not a single individual of the millions who inhabit the United States has as yet dared to propose any restrictions on the liberty of the press. The first newspaper over which I cast my eyes, upon my arrival in America, contained the following article:

In all this affair, the language of Jackson [the President] has been that of a heartless despot, solely occupied with the preservation of his own authority. Ambition is his crime, and it will be his punishment, too: intrigue is his native element, and intrigue will confound his tricks, and deprive him of his power. He governs by means of corruption, and his immoral practices will redound to his shame and confusion. His conduct in the political arena has been that of a shameless and lawless gamester. He succeeded at the time; but the hour of retribution approaches, and he will be obliged to disgorge his winnings, to throw aside his false dice, and to end his days in some retirement, where he may curse his madness at his leisure; for repentance is a virtue with which his heart is likely to remain forever unacquainted. (Vincenne’s Gazette.)

Many persons in France think that the violence of the press originates in the instability of the social state, in our political passions and the general feeling of uneasiness that consequently prevails; and it is therefore supposed that as soon as society has resumed a certain degree of composure, the press will abandon its present vehemence. For my own part, I would willingly attribute to these causes the extraordinary ascendancy which the press has acquired over the nation; but I do not think that they exercise much influence on its language. The periodical press appears to me to have passions and instincts of its own, independent of the circumstances in which it is placed; and the present condition of America corroborates this opinion.

America is perhaps, at this moment, the country of the whole world that contains the fewest germs of revolution; but the press is not less destructive in its principles there than in France, and it displays the same violence without the same reasons for indignation. In America as in France it constitutes a singular power, so strangely composed of mingled good and evil that liberty could not live without it, and public order can hardly be maintained against it. Its power is certainly much greater in France than in the United States, though nothing is more rare in the latter country than to hear of a prosecution being instituted against it. The reason for this is perfectly simple: the Americans, having once admitted the doctrine of the sovereignty of the people, apply it with perfect sincerity. It was never their intention out of elements which are changing every day to create institutions that should last forever; and there is consequently nothing criminal in an attack upon the existing laws, provided a violent infraction of them is not intended. They are also of the opinion that court, of justice are powerless to check the abuses of the press, and that,
as the subtlety of human language perpetually eludes judicial analysis, offenses of this nature somehow escape the hand which attempts to seize them. They hold that to act with efficacy upon the press it would be necessary to find a tribunal not only devoted to the existing order of things, but capable of surmounting the influence of public opinion; a tribunal which should conduct its proceedings without publicity, which should pronounce its decrees without assigning its motives, and punish the intentions even more than the language of a writer. Whoever should be able to create and maintain a tribunal of this kind would waste his time in executing the liberty of the press; for he would be the absolute master of the whole community and would be as free to rid himself of the authors as of their writings. In this question, therefore, there is no medium between servitude and license; in order to enjoy the inestimable benefits that the liberty of the press ensures, it is necessary to submit to the inevitable evils that it creates. To expect to acquire the former and to escape the latter is to cherish one of those illusions which commonly mislead nations in their times of sickness when, tired with faction and exhausted by effort, they attempt to make hostile opinions and contrary principles coexist upon the same soil.

The small influence of the American journals is attributable to several reasons, among which are the following:

The liberty of writing, like all other liberty, is most formidable when it is a novelty, for a people who have never been accustomed to hear state affairs discussed before them place implicit confidence in the first tribune who presents himself. The Anglo-Americans have enjoyed this liberty ever since the foundation of the colonies; moreover, the press cannot create human passions, however skillfully it may kindle them where they exist. In America political life is active, varied, even agitated, but is rarely affected by those deep passions which are excited only when material interests are impaired; and in the United States these interests are prosperous. A glance at a French and an American newspaper is sufficient to show the difference that exists in this respect between the two nations. In France the space allotted to commercial advertisements is very limited, and the news intelligence is not considerable, but the essential part of the journal is the discussion of the politics of the day. In America three quarters of the enormous sheet are filled with advertisements, and the remainder is frequently occupied by political intelligence or trivial anecdotes; it is only from time to time that one finds a corner devoted to passionate discussions like those which the journalists of France every day give to their readers.

It has been demonstrated by observation, and discovered by the sure instinct even of the pettiest despots, that the influence of a power is increased in proportion as its direction is centralized. In France the press combines a twofold centralization; almost all its power is centered in the same spot and, so to speak, in the same hands, for its organs are far from numerous. The influence upon a skeptical nation of a public press thus constituted must be almost unbounded. It is an enemy with whom a government may sign an occasional truce, but which it is difficult to resist for any length of time.

Neither of these kinds of centralization exists in America. The United States has no metropolis; the intelligence and the power of the people are disseminated through all the parts of this vast country, and instead of radiating from a common point they cross each other in every direction; the Americans have nowhere established any central direction of opinion, any more than of the conduct of affairs. This difference arises from local circumstances and not from human power; but it is owing to the laws of the Union that there are no licenses to be granted to printers, no securities demanded from editors, as in France, and no stamp duty, as in France and England. The consequence is that nothing is easier than to set up a newspaper, as a small number of subscribers suffices to defray the expenses.

Hence the number of periodical and semi-periodical publications in the United States is almost incredibly large. The most enlightened Americans attribute the little influence of the press to this excessive
dissemination of its power; and it is an axiom of political science in that country that the only way to neutralize the effect of the public journals is to multiply their number. I cannot see how a truth which is so self-evident should not already have been more generally admitted in Europe. I can see why the persons who hope to bring about revolutions by means of the press should be desirous of confining it to a few powerful organs, but it is inconceivable that the official partisans of the existing state of things and the natural supporters of the laws should attempt to diminish the influence of the press by concentrating its power. The governments of Europe seem to treat the press with the courtesy which the knights of old showed to their opponents; having found from their own experience that centralization is a powerful weapon, they have furnished their enemies with it in order doubtless to have more glory for overcoming them.

In America there is scarcely a hamlet that has not its newspaper. It may readily be imagined that neither discipline nor unity of action can be established among so many combatants, and each one consequently fights under his own standard. All the political journals of the United States are, indeed, arrayed on the side of the administration or against it; but they attack and defend it in a thousand different ways. They cannot form those great currents of opinion which sweep away the strongest dikes. This division of the influence of the press produces other consequences scarcely less remarkable. The facility with which newspapers can be established produces a multitude of them; but as the competition prevents any considerable profit, persons of much capacity are rarely led to engage in these undertakings. Such is the number of the public prints that even if they were a source of wealth, writers of ability could not be found to direct them all. The journalists of the United States are generally in a very humble position, with a scanty education and a vulgar turn of mind. The will of the majority is the most general of laws, and it establishes certain habits to which everyone must then conform; the aggregate of these common habits is what is called the class spirit (esprit de corps) of each profession; thus there is the class spirit of the bar, of the court, etc. The class spirit of the French journalists consists in a violent but frequently an eloquent and lofty manner of discussing the great interests of the state, and the exceptions to this mode of writing are only occasional. The characteristics of the American journalist consist in an open and coarse appeal to the passions of his readers; he abandons principles to assail the characters of individuals, to track them into private life and disclose all their weaknesses and vices.

Nothing can be more deplorable than this abuse of the powers of thought. I shall have occasion to point out hereafter the influence of the newspapers upon the taste and the morality of the American people, but my present subject exclusively concerns the political world. It cannot be denied that the political effects of this extreme license of the press tend indirectly to the maintenance of public order. Individuals who already stand high in the esteem of their fellow citizens are afraid to write in the newspapers, and they are thus deprived of the most powerful instrument that they can use to excite the passions of the multitude to their own advantage.1

The personal opinions of the editors have no weight in the eyes of the public. What they seek in a newspaper is a knowledge of facts, and it is only by altering or distorting those facts that a journalist can contribute to the support of his own views.

But although the press is limited to these resources, its influence in America is immense. It causes political life to circulate through all the parts of that vast territory. Its eye is constantly open to detect the secret springs of political designs and to summon the leaders of all parties in turn to the bar of public opinion.

It rallies the interests of the community round certain principles and draws up the creed of every party; for it affords a means of intercourse between those who hear and address each other without ever coming into
immediate contact. When many organs of the press adopt the same line of conduct, their influence in the long run becomes irresistible, and public opinion, perpetually assailed from the same side, eventually yields to the attack. In the United States each separate journal exercises but little authority; but the power of the periodical press is second only to that of the people.2 _THE OPINIONS established in the United States under the influence of the liberty of the press are frequently more firmly rooted than those which are formed elsewhere under the sanction of a censor._

IN the United States democracy perpetually brings new men to the conduct of public affairs, and the administration consequently seldom preserves consistency or order in its measures. But the general principles of the government are more stable and the chief opinions which regulate society are more durable there than in many other countries. When once the Americans have taken up an idea, whether it be well or ill founded, nothing is more difficult than to eradicate it from their minds. The same tenacity of opinion has been observed in England, where for the last century greater freedom of thought and more invincible prejudices have existed than in any other country of Europe. I attribute this to a cause that may at first sight appear to have an opposite tendency: namely, to the liberty of the press. The nations among whom this liberty exists cling to their opinions as much from pride as from conviction. They cherish them because they hold them to be just and because they chose them of their own free will; and they adhere to them, not only because they are true, but because they are their own. Several other reasons conduce to the same end.

It was remarked by a man of genius that "ignorance lies at the two ends of knowledge." Perhaps it would have been more correct to say that strong convictions are found only at the two ends, and that doubt lies in the middle. The human intellect, in truth, may be considered in three distinct states, which frequently succeed one another.

A man believes firmly because he adopts a proposition without inquiry. He doubts as soon as objections present themselves. But he frequently succeeds in satisfying these doubts, and then he begins again to believe. This time he has not a dim and casual glimpse of the truth, but sees it clearly before him and advances by the light it gives.3

When the liberty of the press acts upon men who are in the first of these three states, it does not immediately disturb their habit of believing implicitly without investigation, but it changes every day the objects of their unreflecting convictions. The human mind continues to discern but one point at a time upon the whole intellectual horizon, and that point is constantly changing. This is the period of sudden revolutions. Woe to the generations which first abruptly adopt the freedom of the press.

The circle of novel ideas, however, is soon traveled over. Experience comes to undeceive men and plunges them into doubt and general mistrust. We may rest assured that the majority or mankind will always remain in one of these two states, will either believe they know not wherefore, or will not know what to believe. Few are those who can ever attain to that other state of rational and independent conviction which true knowledge can produce out of the midst of doubt.

It has been remarked that in times of great religious fervor men sometimes change their religious opinions; whereas in times of general skepticism everyone clings to his old persuasion. The same thing takes place in politics under the liberty of the press. In countries where all the theories of social science have been contested in their turn, men who have adopted one of them stick to it, not so much because they are sure of its truth as because they are not sure that there is any better to be had. In the present age men are not very ready to die for their opinions, but they are rarely inclined to change them; there are few martyrs as well as few apostates.
Another still more valid reason may be adduced: when no opinions are looked upon as certain, men cling to the mere instincts and material interests of their position, which are naturally more tangible, definite, and permanent than any opinions in the world.

It is a very difficult question to decide whether an aristocracy or a democracy governs the best. But it is certain that democracy annoys one part of the community and that aristocracy oppresses another. It is a truth which is self-established, and one which it is needless to discuss, that "you are rich and I am poor.".

Footnotes

1 They write in the papers only when they choose to address the people in their own name; as, for instance, when they are called upon to repel calumnious imputations or to correct a misstatement of facts.

2 See Appendix P.

3 It may be doubted, however, whether this rational and self-guiding conviction arouses as much fervor or enthusiastic devotion in men as does their first dogmatical belief.
Political Parties

National Party Web Sites

- American Heritage Party
- American Independent Party
- American Party
- American Patriot Party
- American Reform Party
- Communist Party USA
- Constitution Party
  - Formed by merger of U.S. Taxpayers Party and Internet Party in November 1999

- Democratic Party
  - College Democrats
  - Democratic Congressional Campaign Committee
  - Democratic Leadership Council
  - Democratic National Committee
  - Democratic Senatorial Campaign Committee
  - House Democratic Caucus
  - House Democratic Leadership
  - House Democratic Whip
  - Senate Democratic Policy Committee
  - Women's National Democratic Club

- Democratic Socialists of America
- Family Values Party
- Freedom Socialist Party
- Grassroots Party
- Green Party
- Independent American Party
- Internet Party
- **Labor Party**
- **Libertarian Party**
- **Light Party**
- **Natural Law Party**
- **New Party**
- **New Union Party**
- **Peace and Freedom Party**
- **Prohibition Party** and **Prohibition Party New Web Site**
- **Reform Party**
  - **National College Reform Party**
- **Republican Party**
  - **House Majority Leader**
  - **House Majority Whip**
  - **House Republican Conference**
  - **House Republican Policy Committee**
  - **National Republican Congressional Committee**
  - **National Republican Senatorial Committee**
  - **Republican Education and Training Center**
  - **Republican National Committee**
  - **Senate Republican Conference**
  - **Senate Republican Policy Committee**
  - **Speaker of the House**
- **Socialist Equality Party**
- **Socialist Labor Party**
- **Socialist Party USA**
- **Socialist Workers Party**
- **Southern Independence Party**
- **United States Pacifist Party**
- **Workers World Party**
- **Comprehensive Index** (National Political Index)
State Party Web Sites

- **State Political Parties** (National Political Index)

Conventions

- **National Party Convention Proceedings at the University of Michigan Library**
  - List of Democratic and Republican convention proceedings since 1832
  - Refers to paper and microfilm call numbers and URLs as available
  - Also includes notes for inter-library loan or the Vanderbilt Television Archive

Political Organizations/PACS

- These are organizations designed for a specific policy or for electing a specific candidate
- **Political Organization 527** (IRS)
  - Searchable or browsable database of political organizations and action committees
  - Photocopy of report with name of contact person, brief purpose, and expenditures
  - Examples of organizations: Dunaskiss for Michigan, Michigan Association of Health Plans, Michigan Grocers Association FOODPAC

DIRECTORY OF
U.S. POLITICAL PARTIES

THE TWO MAJOR PARTIES:

**DEMOCRATIC PARTY (DNC)** - After the 2006 elections, Democrats control several key governorships (including PA, NY, MI, IL, VA, OH, NJ, NC, CO, VA and WA) and many state legislatures. The Dems also recaptured congressional majority status inside the Beltway for the first time since 1994. Former Vermont Governor Howard Dean tried a new "50-states strategy" approach to rebuilding the party since becoming DNC Chair in 2005, abandoning the old "targeted states" approach in favor of building a 50-state party organization. Dean's fundraising has also been solid as chair, and he has made a real effort to drop the angry demeanor he exhibited during his '04 White House run. DCCC Chair Rahm Emanuel (D-IL) and DSCC Chair Chuck Schumer (D-NY) were the other two key architects, along with Dean, with the successful 2006 strategy -- even if the two insiders were frequently at odds with Dean
over tactics and spending until late in the cycle. While prominent Democrats run the wide gamut from the near Euro-style democratic-socialist left (Barbara Lee, Dennis Kucinich and the Congressional Progressive Caucus) and traditional liberals (Russ Feingold, Nancy Pelosi, Dick Durbin and John Kerry) to the Dem center-right (Joe Lieberman, Evan Bayh, Harry Reid and the New Democrat Network) to the GOP-style conservative right (Ben Nelson, Gene Taylor, and Allen Boyd) ... most fall somewhere into or near the pragmatic Democratic Leadership Council's "centrist" moderate-to-liberal style (Howard Dean, Barack Obama, Joe Biden, The Third Way). The Democrats swept into office in '06 include a combination of some vocal progressive "Deaniacs," some centrists, and some very conservative ex-Republicans. The official DNC web site offers party news, hearing information, platform positions, links and more. Other official, affiliated national Democratic sites include:

- Democratic Congressional Campaign Committee (DCCC), The Stakeholder (DCCC Blog) and the House Speaker Nancy Pelosi's Office.
- Democratic Senatorial Campaign Committee (DSCC), From the Roots (DSCC Blog) and Senate Democratic Leader Harry Reid's Office.
- Democratic Governors Association (DGA).
- Democratic Legislative Campaign Committee.
- Young Democrats of America (YDs).
- College Democrats of America ("College Dems").

**REPUBLICAN PARTY (RNC)** - Republicans hold the big job in DC: the Presidency. President George W. Bush -- regardless of whoich party holds control on Capitol Hill -- has the ability to largely keep Congress in check with his veto power. The GOP also held control of the US House from the Gingrich/Contract with America/anti-Clinton election sweep of 1994 until they were dumped from power in 2006 in a backlash to the Iraq War, the anti-Bush vote and concerns about insider corruption problems. The GOP also hold several key Governorships (including TX, CA, GA, MN and FL), and narrowly held majority status in the US Senate in 1995-2001 and 2003-07. In the aftermath of the 2006 races, watch for the normal finger-pointing and reorganizing between different ideological camps within the party as they gear up for the 2008 White House race. Leading Republicans fall into several different ideological factions: traditional conservatives (President George W. Bush, Denny Hastert, Bill Frist, Rick Santorum and the Club for Growth), the Religious Right (Sam Brownback, the National Federation of Republican Assemblies and the Christian Coalition), the rapidly dwindling old Nixon/Rockefeller "centrist" or "moderate" wing (Arnold Schwarzenegger, Rob Simmons, Christie Whitman and the Republican Main Street Partnership), libertarians (Ron Paul and the Republican Liberty Caucus), and a "paleo-conservative" wing that backs strict anti-immigration controls (Tom Tancredo and Pat Buchanan). The well-designed RNC net site offers news, party positions, educational tools, gifts, chat, links and more. Other official, affiliated national GOP sites include:

- National Republican Congressional Committee (NRCC), Speaker of the House Denny Hastert and House Republican Conference.
- National Republican Senatorial Committee (NRSC) and Senate Majority Leader Bill Frist's Office.
- Republican Governors Association (RGA).
THE THIRD PARTIES:
(Listed in Alphabetical Order - Note: "One-State-Only" parties are listed on ONLY on the appropriate STATE pages)

**AMERICA FIRST PARTY** - The America First Party was founded in 2002 by a large group of arch-conservative "Buchanan Brigade" defectors who splintered away from the declining Reform Party to form this uncompromisingly social conservative and fair trade party (with a strong foundation in the Religious Right movement). The AFP vows to "protect our people and our sovereignty ... promote economic growth and independence ... encourage the traditional values of faith, family, and responsibility ... ensure equality before the law in protecting those rights granted by the Creator ... [and] to clean up our corrupted political system." Within months of the AFP's founding, the AFP fielded a few candidates and established affiliates in nearly 20 states -- and they hoped to be organized in nearly all 50 states by the end of 2003. Within a year, however, those hopes were dashed. The AFP's national leaders all resigned in mid-2003 after a radical group affiliated with ultra-right militia movement leader Bo Gritz purportedly grabbed control of key party elements for a short while. In addition to Gritz, pre-existing financial problems and personality divisions within the party also contributed to the AFP's rapid collapse. The party failed to nominate any candidates in 2004, and has been almost totally inactive since then. One AFP faction, based in Iowa, vowed in 2006 to start rebuild the party.

**AMERICAN PARTY** - The AP is a very small, very conservative, Christian splinter party formed after a break from the American Independent Party in 1972. US Senator Jesse Helms (R-NC) and Governor Mel Thomson (R-NH) both flirted with the American Party's presidential nomination in 1976, but both ultimately declined. The party won its strongest finish in the 1976 presidential election -- nominee Tom Anderson carried 161,000 votes (6th place) -- but has now largely faded into almost total obscurity. The party's 1996 Presidential candidate -- anti-gay rights activist and attorney Diane Templin -- carried just 1,900 votes. Former GOP State Senator Don Rogers of California -- the 2000 nominee for President -- did even worse, as he failed to qualify for ballot status in any states. The party -- which used to field a sizable amount of state and local candidates in the 1970s -- rarely fields more than a handful of nominees nationwide in recent years, although they do claim local affiliates in 15 states. Beyond the pro-life, pro-gun and anti-tax views that you'd expect to find, the American Party also advocates an end to farm price supports/subsidies, privatization of the US Postal Service, opposes federal involvement in education, supports abolition of the Environmental Protection Agency, supports repeal of NAFTA, opposes minimum wage laws, opposes land use zoning regulations and opposes convening a Constitutional convention. Of course, the AP also opposes the United Nations, the New World Order, communism, socialism and the Trilateral Commission. As in 2000, the party's 2004 Presidential ticket embarrassingly failed to qualify for the ballot in any states.

**AMERICAN INDEPENDENT PARTY** - Governor George C. Wallace (D-AL) founded the AIP and ran as the its first Presidential nominee in 1968. Running on a fiery populist, right-wing, anti-Washington, anti-racial integration, anti-communist platform, Wallace carried nearly 10 million votes (14%) and won
5 Southern states. Although Wallace returned to the Democratic Party by 1970, the AIP continued to live on -- but moved even further to the right. The 1972 AIP nominee, John Birch Society leader and Congressman John G. Schmitz (R-CA), carried nearly 1.1 million votes (1.4%). The 1976 AIP Presidential nominee was former Georgia Governor Lester Maddox, an unrepentant segregationist -- but he fell far below Schmitz's vote total. The AIP last fielded its own national Presidential candidate in 1980, when they nominated white supremacist ex-Congressman John Rarick (D-LA) -- who carried only 41,000 votes nationwide. The AIP still fields local candidates in a few states -- mainly California -- but is now merely a state affiliate party of the national Constitution Party. For the past several presidential elections, the AIP simply co-nominated the Constitution Party's Presidential nominee.

**AMERICAN NAZI PARTY** - Exactly what the name implies ... these are a bunch of uniformed, swastika-wearing Nazis! This party is a combination of fascists, Aryan Nations-type folks, "White Power" racist skinheads and others on the ultra-radical political fringe. As a political party, the American Nazi Party has not fielded a Presidential candidate since Lincoln Rockwell ran as a write-in candidate in 1964 (he was murdered in 1967 by a disgruntled ANP member) -- nor any other candidate for other offices since the mid-1970s (although a loosely affiliated candidate ran for Congress in Illinois in a Democratic primary in 2000; and the party's Montana leader was a GOP candidate for a State House seat in 2006). The ANP believes in establishing an Aryan Republic where only "White persons of unmixed, non-Semitic, European descent" can hold citizenship. They support the immediate removal of "Jews and non-whites out of all positions of government and civil service -- and eventually out of the country altogether." This minuscule party -- while purportedly denouncing violence and illegal acts -- blends left-wing economic socialism, right-wing social fascism and strong totalitarian sentiments.

**AMERICAN REFORM PARTY** - The ARP, formerly known as the National Reform Party Committee, splintered away from Ross Perot's Reform Party in 1997. The ARP chafed at Perot's heavy-handed desire to maintain total control over the RP. In 1998, the ARP fielded some candidates for state and federal offices in "Reform Party" primaries against candidates backed by Perot's Reform Party with mixed results. The ARP soon shifted left and opted to "endorse" (but not co-nominate) Green Party Presidential nominee Ralph Nader in the 2000 elections. Since then, the ARP has become virtually invisible on the political scene -- fielding only four state/local candidates nationwide in 2002 (plus co-endorsing several other third party candidates) and no Presidential candidate in 2004. The ARP vows to rebuild, and launched a few new state affiliate parties since 2004.

**CHRISTIAN FALANGIST PARTY OF AMERICA** - Time for a history lesson. A "Falangist" is a follower of the authoritarian political views advocated by the late Spanish dictator Francisco Franco (to wit: largely a blend of 1930s fascist ideology, strong nationalism and conservative Catholic theology). Outside of Spain, Falangists in Lebanon succeeded in electing Bashir Gemayel as President in 1982 -- but he was assassinated by Muslim terrorists before taking office. In addition to Franco and Gemayel, other deceased heroes of the movement include Italian dictator Benito Mussolini, Austrian fascist Engelbert Dollfuss, and Argentinian dictator Juan Peron. The CFPA -- closely affiliated with the Lebanese branch of the Falangist movement -- wants to bring these Falangist politics to the Americas. The CFPA, founded in 1985, "is dedicated to fighting the 'Forces of Darkness' which seeks to destroy Western Christian Civilization." The CFPA site explicitly defines "Forces of Darkness" as being "Radical Islam, Communism/Socialism, the New World Order, the New Age movement, Third Position/Neo-Nazis, Free Masons, Abortionists, Euthanasianists, Radical Homosexuals and Pornographers." Numerous attacks against Islam can be found throughout the CFPA site (which also likely explain that CFPA's strong support of Israel). Yet, despite this lengthy list of foes that it wishes to destroy -- umm, "defend"
themselves against (the wording they use) -- the CFPA helpfully notes it is "not a hate organization and does not condone acts of violence or hatred towards those of differing or opposing viewpoints and lifestyles, nor does it condone racism in any form." The CFPA desires to be a "direct action" political movement and promises to "bring excitement to the otherwise boring American political arena." The CFPA fielded it's first candidate in 2004: CFPA National Chairman Kurt Weber-Heller was a write-in candidate for President.

**COMMUNIST PARTY USA** - The CPUSA, once the slavish propaganda tool and spy network for the Soviet Central Committee, has experienced a forced transformation in recent years. Highly classified Soviet Politburo records, made public after the fall of Soviet communism in the 1990s, revealed the Communist Party of the Soviet Union (CPSU) illegally funneled millions of dollars to the CPUSA to finance its activities from the 1920s to the 1980s. The flow of Soviet dollars to the CPUSA came to an abrupt halt when the Soviet communists were ousted from power in 1991 -- ultimately causing a retooling of CPUSA activities. Founded in 1924, the CPUSA reached its peak vote total in 1932 with nominee William Z. Foster (102,000 votes - 4th place). The last national CPUSA ticket -- headed by Gus Hall and Angela Davis -- was fielded in 1984 (36,000 votes - 8th place). While the party has not directly run any candidates since the late 1980s, the CPUSA sometimes backs some candidates in various local elections (often in Northeastern industrial communities) and engages in grassroots political and labor union organizing. In the 1998 elections, longtime CPUSA leader Hall actually urged party members to vote for all of the Democratic candidates for Congress -- arguing that voting for any progressive third party candidates would undermine the efforts to oust the "reactionary" Republicans from control of Congress. As for issues, the CPUSA calls for free universal health care, elimination of the federal income tax on people earning under $60,000 a year, free college education, drastic cuts in military spending, "massive" public works programs, the outlawing of "scabs and union busting," abolition of corporate monopolies, public ownership of energy and basic industries, huge tax hikes for corporations and the wealthy, and various other programs designed to "beat the power of the capitalist class ... [and promote] anti-imperialist freedom struggles around the world." The CPUSA's underlying communist ideology hasn't changed much over the years, but the party's tactics have undergone a major shift (somewhat reminiscent of those used by the CPUSA in the late 1930s). After the death of Stalinist CPUSA leader Hall in 2000, Gorbachev-style "democratic reform communist" activist Sam Webb assumed leadership of the CPUSA. Related CPUSA websites include the People's Weekly World party newspaper, Political Affairs monthly party magazine, and the Young Communists League youth organization.

**CONSTITUTION PARTY** - Former Nixon Administration official and one-time Conservative Coalition chair Howard Phillips founded the US Taxpayers Party (USTP) in 1992 as a potential vehicle for Pat Buchanan to use for a third party White House run -- had he agreed to bolt from the GOP in 1992 or 1996. The USTP pulled together several of the splintered right-wing third parties -- including the once mighty American Independent Party -- into a larger, more visible political entity. Renamed as the Constitution Party in 1999, the party is strongly pro-life, anti-gun control, anti-tax, anti-immigration, protectionist, "anti-New World Order," anti-United Nations, anti-gay rights, anti-welfare, pro-school prayer ... basically a hardcore Religious Right platform. When Buchanan stayed in the GOP, Phillips ran as the USTP nominee in 1992 (ballot status in 21 states - 43,000 votes - 0.04%), 1996 (ballot spots in 39 states - 185,000 votes - 6th place - 0.2%) -- and 2000 (ballot status in 41 states - 98,000 votes - 6th place - 0.1%). The party started fielding local candidates in 1994. Still, for a new third party attempting to grow, the party has fielded disappointingly few local candidates since 1998 (and the few they nominated have not performed well). The party received a brief boost in the media when conservative US Senator Bob Smith of New Hampshire -- an announced GOP Presidential hopeful -- bolted from the Republican Party to seek the Constitution Party nomination in 2000 (although the erratic Smith quit the Constitution Party
race a few weeks later, announced he would serve in the Senate as an Independent, and subsequently rejoined the GOP by the end of 2000. At the 1999 national convention, the party narrowly adopted a controversial change to its platform's preamble which declared "that the foundation of our political position and moving principle of our political activity is our full submission and unshakable faith in our Savior and Redeemer, our Lord Jesus Christ" -- although the party officially invites "all citizens of all faiths" to become active in the party. Any national candidate seeking the party's nomination is explicitly required to tell the convention of any areas of disagreement with the party's platform. In Spring 2002, Pat Buchanan's 2000 VP runningmate Ezola Foster and many Reform Party leaders from California and Maryland defected to the Constitution Party, providing a nice boost to the party. Conservative attorney Michael Peroutka was the CP's 2004 Presidential nominee (ballot status in 36 states - 144,000 votes - 5th place - 0.1%). Immigration reform activist Jim Gilchrist -- a close ally of Congressman Tom Tancredo (R-CO) and founder of the controversial "Minuteman Project" civilian border patrols -- is a favorite for the party's 2008 nomination (unless, of course, Tancredo or Alan Keyes express an interest in it). The Constitution Party appear to have generally cemented their place as the third largest third party in the nation.

**DEMOCRATIC SOCIALISTS OF AMERICA** - The DSA is the official US full member party of the Socialist International (which includes UK's Labour Party, the French Parti Socialiste and nearly 140 other political parties around the globe). Unlike most other members of the Socialist International, the DSA never fielded candidates for office until 2006 when a candidate for Pennsylvania State House qualified for the ballot under the banner of the Social Democrats of Pennsylvania (the DSA's state affiliate). The DSA explains their mission as follows: "building progressive movements for social change while establishing an openly socialist presence in American communities and politics." Thus, the DSA is less like a traditional US political party and much more like a political education and grassroots activism organization. The other US full member of the Socialist International is the Social Democrats USA (linked below). Both DSA and SD-USA each claim to be the one true heir to the ideological legacy of Eugene Debs and Norman Thomas, and they dispute the Socialist Party-USA's claim to the title arguing it is a modern-era creation that appropriated the older name of the defunct party of Debs/Thomasy. The DSA -- then named the Democratic Socialist Organizing Committee (DSOC) -- split from the SDUSA in 1972 in a rift over the Vietnam War (SDUSA supported the war and opposed McGovern for President; DSOC supported McGovern and opposed the war).

**FAMILY VALUES PARTY** - This ultra-conservative, theocratic party seems to exist mainly to promote the frequent federal candidacies of party founder Tom Wells of Florida. Wells explained that God spoke directly to him on December 25, 1994 at 2:00 a.m. and "commanded him to start" the FVP. To be exact, Wells said God specifically told him to encourage people to stop paying taxes until the public funding of abortion ends. The FVP political platform is largely derived from religious fundamentalism, including many specific citations to Bible passages. This "party" remains largely an alter-ego of Wells -- who seems to run every election as a write-in candidate for President or Congress (or both).

**FREEDOM SOCIALIST PARTY / RADICAL WOMEN** - The FSP was formed in 1966 by a splinter group of dissident feminist Trotskyites who broke away from the Socialist Workers Party to create a new party in the "tradition of Marx, Engels, Lenin and Trotsky." That's the reason they also refer to their entity as "Radical Women." The FSP describe themselves as a "revolutionary, socialist feminist organization, dedicated to the replacement of capitalist rule by a genuine workers' democracy that will guarantee full economic, social, political, and legal equality to women, people of color, gays, and all who are exploited, oppressed, and repelled by the profit system and its offshoot -- imperialism." The FSP has party organizations in the US, Canada and Australia. The FSP occasionally fields a handful of local candidates

GREEN PARTY OF THE UNITED STATES (GREEN PARTY) - The Green Party -- the informal US-affiliate of the leftist, environmentalist European Greens movement -- is one of the two largest third parties in the nation. The party regularly fields candidates for local, state and federal offices in many states, and has established active state affiliate parties in nearly all 50 states. The Greens scored a major political points when it convinced prominent consumer advocate Ralph Nader to run as their first Presidential nominee in 1996. Spending just over $5,000, Nader was on the ballot in 22 states and carried over 700,000 votes (4th place - 0.8%). In 2000, Nader raised millions of dollars, mobilized leftist activists and grabbed national headlines with his anti-corporate campaign message. Nader ignored pleas from liberal Democrats that he abandon the race because he was siphoning essential votes away from Al Gore's campaign -- answering that Gore was not substantially different than Bush and that his own campaign was about building a permanent third party. In the end, Nader was on the ballot in 44 states and finished third with 2,878,000 votes (2.7%). More significantly, Nader missed the important 5% mark for the national vote, meaning the party remained ineligible for federal matching funds. Until 2001, the Greens were largely a collection of fairly autonomous state/local based political entities with only a weak (and sometimes splintered) national leadership structure that largely served to coordinate electoral activities. That faction -- formerly named the Association of State Green Parties (ASGP) -- was the larger and more moderate of the two unrelated Green parties. The ASGP voted in 2001 to convert from an umbrella coordinating organization into a formal, unified national party organization. Nader made another run in 2004 -- but ran as an Independent. Nader picked a prominent Green leader as his VP runningmate, but Nader's backers were unable to secure the party's endorsement for his 2004 run. Instead, Green Party General Counsel David Cobb of Texas won the Presidential nomination (ballot status in 29 states - 120,000 votes - 6th place - 0.1%). Cobb argued the party needed to nominate a candidate who openly belonged to the party (note: Nader had never joined) and was pledged to building the party at the local level. Cobb ran what was called a "safe-states" strategy -- a controversial move whereby Cobb only made major efforts to gain votes in states where a strong Green showing would not compromise the ability of the Democratic nominee to defeat Bush in the state. Democrats appreciated the move, but it weakened Cobb's message. For 2008, the Greens have adopted a strategy resolution which dumped the "safe states" strategy and commits to running an aggressive campaign wherever possible. There is much buzz within the Greens of a desire to nominate a woman or person of color for President in 2008. Other official Green Party links include: Green Pages (quarterly newspaper), Global Green Network, Green Party News Center, Campus Greens, Lavendar Greens Caucus, National Women's Caucus, Disability Caucus, Coordinated Campaign Committee, and Green Party Election Results. The Green Party Platform 2004 sets forth the party's official stances.

THE GREENS/GREEN PARTY USA (G/GPUSA) - When people talk about "the Green Party" in the US, they are likely NOT talking about this entity. The G/GPUSA is the older, very much smaller, and more stridently leftist of the two Green parties. While the GPUSA also nominated Nader for President back in 2000, Nader rejected the G/GPUSA nomination (while embracing the other Green party, listed above). Prominent Nader campaign strategist Jim Hightower described the two Green factions as follows in 2001: "There are two Green party organizations -- the [Green Party of the US] whose nomination Ralph accepted and the much smaller one [G/GPUSA] ... on the fringes ... [with] all sorts of damned-near-communistic ideas." Some in the G/GPUSA protested that Hightower's comments were a bit unfair -- but read the G/GPUSA 2000 Platform (which remains the current G/GPUSA platform) and decide for yourself. The G/GPUSA largely emphasizes direct action tactics over traditional electoral politics. A
majority of the G/GPUSA delegates and large number of party activists quit the group and bolted to the larger Green Party of the US in 2001 (forming an informal leftist caucus within the Green Party). The small splinter group remaining within the G/GPUSA are more dogmatically Marxist. The G/GPUSA maintain formal local affiliates only Chicago, St. Louis and Philadelphia. The G/GPUSA has fielded a few state and federal candidates over the years -- often running them in primaries against candidates affiliated with the larger Green Party of the US. Related G/GPUSA links include Synthesis/Regeneration (party magazine), and Green Politics (quarterly newspaper).

**INDEPENDENCE PARTY** - After two years of openly feuding with Ross Perot's allies in the Reform Party, Minnesota Governor Jesse Ventura and his supporters bolted from the party to launch the new Independence Party in 2000. In departing, While this splinter party shared the Reform Party's call for campaign finance and other political reforms, the IP shared Ventura disagreement with the more social conservative and trade protectionist views espoused by the Reform Party. The IP -- which describes itself as "Socially Inclusive and Fiscally Responsible" -- is pro-choice, pro-gay rights, pro-medical marijuana, pro-gun rights and fiscally moderate. The IP has fielded crowded slates of Congressional and state candidates in Minnesota in every election since 2000. While Ventura initially said he wanted to take this Minnesota party national and possibly field a Presidential nominee in 2004, few chapter exist in other states and the party did not nominate a 2004 Presidential ticket (although the Illinois branch endorsed Nader). Ventura's retirement in 2002 was a blow to the IP, although former Democratic Congressman Tim Penny was a credible IP nominee for Minnesota Governor in 2002 (but finished a distant third). Also in 2002, IP co-founder Dean Barkley became the first IP member to serve in Congress when Ventura appointed him to the US Senate to complete the two months of a term left open by the death of incumbent Paul Wellstone (D). As for a national party organization, the Independence Party essentially doesn't have one. It seemingly consists of separately organized state affiliates with no central national leadership or organization to coordinate activities. Thus, each state entity does goes its own way -- and support (even in Minnesota) is clearly dwindling. The above link goes to the Minnesota IP. Other related links include: Independence Party of Florida (state affiliate), and the Independence Party of Illinois (state affiliate),

**INDEPENDENT AMERICAN PARTY** - The small Independent American Party has existed for years in several Western states -- a remnant from the late Alabama Governor George Wallace's once-powerful American Independent Party of the 1968-72 era. Converting the unaffiliated IAP state party organizations -- united by a common Religious Right ideology (similar to the Constitution Party) -- into a national IAP organization was an effort started in 1998 by members of Utah IAP. The Idaho IAP and Nevada IAP subsequently affiliated with the fledgling US-IAP in late 1998 ... the party established small chapters in 15 other states since then ... and has contact persons now in all of the other states. The bulk of the IAP activities, however, remain generally concentrated in Utah. The various IAP state parties endorsed Constitution Party nominee Howard Phillips for President in 1996 and 2000. In December 2000, the IAP's national chairman issued a statement noting third parties in general registered a "dismal" performance in the Presidential election -- and questioned the IAP's future participation in Presidential campaigns. Instead, he suggested that the IAP limit itself to congressional, state and local races in the future. Since the 2002 elections, the IAP largely "adopts" conservative candidates from various other conservative parties (mainly the Constitution Party). Thus, as the party has attempted to grow as a network of activists, it has also largely withdrawn from actively fielding any IAP nominees for elective office.

**LABOR PARTY** - The Labor Party is a liberal entity created in 1996 by a sizable group of labor unions including the United Mine Workers, the Longshoremen, American Federation of Government Employees,
California Nurses Association and other labor union locals. The party explains it was formed because "on issues most important to working people — trade, health care, and the rights to organize, bargain and strike — both the Democrats and Republicans have failed working people." Ideologically, they seem close to the style of the late, labor-friendly Vice President Hubert Humphrey and US Senator Scoop Jackson wing of the Democratic Party circa 1960s. The party seems closely aligned ideologically with the New Party. The Labor Party has adopted a policy of "running candidates for positions where they can help enact and enforce laws and policies to benefit the working class and where we can best advance the goals and priorities of the Labor Party." The party also gets involved in local and state ballot initiatives. The Labor Party holds national conventions and seems to be making an efforts to revive itself as a forum for political debates. The Labor Party endorsed its first state and federal candidates in 1998 in Wyoming ("Green/Labor Alliance") -- and two more candidates in local races in California and Ohio in 2001 -- but none during the 2002-2004 cycles. The party organized a state affiliate in South Carolina and attempted to gain ballot access for its candidates there in 2006. Labor Party rules do not allow the concept of endorsing "fusion" candidates from other parties, and they remain committed to only nominating candidates who actually belong to the Labor Party.

**LIBERTARIAN PARTY** - The LP, founded in 1971, bills itself as "America's largest third party" (and, along with the Greens, are definitely among the two largest third parties in the nation). The Libertarians are neither left nor right: they believe in total individual liberty (pro-drug legalization, pro-choice, pro-gay marriage, pro-home schooling, anti-gun control, etc.) and total economic freedom (anti-welfare, anti-government regulation of business, anti-minimum wage, anti-income tax, pro-free trade, etc.). The LP espouses a classical laissez faire ideology which, they argue, means "more freedom, less government and lower taxes." Over 400 LP members currently hold various -- though fairly low level -- government offices (including lots of minor appointed officials like "School District Facilities Task Force Member" and "Town Recycling Committee Member"). In any given election year, the LP fields more local and federal candidates than any other US third party -- although the LP has clearly been eclipsed by the Greens in size since 1996 in terms of having the largest third party following and garnering more media attention. Former 1988 LP Presidential nominee Ron Paul is now a Republican Congressman from Texas -- although Paul is still active with encouraging the LP. The LP's biggest problem: Ron Paul, former NM Governor Gary Johnson, humorist/journalist PJ O'Rourke, the Republican Liberty Caucus and others in the GOP are working to attract ideological libertarians into the political arena -- arguing they can bring about libertarian change more easily under the Republican label. LP Presidential nominee Ed Clark carried over 921,000 votes (1.1%) in 1980. Subsequent nominees for the next dozen years, though not as strong as Clark, typically ran ahead of most other third party candidates. The late financial consultant and author Harry Browne was the LP Presidential nominee in 1996 (485,000 votes - 5th place - 0.5%) and 2000 (386,000 votes - 5th place - 0.4%). Computer consultant and tax-resister Michael Badnarik was the LP Presidential nominee in 2004 (397,000 votes - 4th place - 0.3%). And, FYI, the LP typically obtains ballot status for the Presidential nominee in all 50 states. The LP also has active affiliate parties in every state. The party has been divided for years between two warring factions: a more purist/hardcore libertarian group and a more moderate "reform" faction. The hardcore group are uncompromising anarchistic-libertarians in the Ayn Rand mold. By contrast, the moderates are interested in focusing on only a handful of more popular issues (drug decriminalization, gun rights, tax cuts, etc.) in exchange for attracting a larger number of voters. Allies of the hardcore faction firmly held control of the party from the late-1980s until the moderates seized control at the 2006 national convention and gutted the party's original platform. Other related LP sites are: the Libertarian Party News (official LP newspaper), College Libertarians (official student group), LP Ballot Base (official GOTV site), GrowTheLP.org (official LP
outreach), Libertarian Reform Caucus (LP moderates), LP Radicals (LP purists), Libertarian Leadership School (official LP training program), LPedia (official LP Wiki history site). The LP web site features a link to the World's Smallest Political Quiz -- designed by LP co-founder David Nolan -- and take the quiz to see if you're a libertarian (a bit simplistic, and slanted in favor of the LP, but interesting just the same).

**LIGHT PARTY** - The Light Party is a generally liberal party -- falling somewhere between the Greens and New Age feel of the now defunct Natural Law Party -- and seems strongly centered around of party founder "Da Vid, M.D., Wholistic Physician, Human Ecologist & Artist" (he was also a write-in candidate for President in 1992, 1996, 2000 and 2004 -- and seems to be the only visible leader of the party). This San Francisco-based party's platform promotes holistic medicine, national health insurance, organic foods, solar energy, nuclear disarmament and a flat tax. Da Vid claims the party has "millions" of supporters -- but he counts everyone who supports any position advocated by the party. In terms of votes, the party has nothing to show for all of Da Vid's White House runs. The party does not seriously seek to elect candidates but advance an agenda. Not that it has anything to do with politics, but the party does sell a nice CD of relaxing New Age music.

**MODERATE PARTY** - The Moderate Party is relatively new federal party founded in 2006 by Bill Scheuer. It first fielded a candidate in 2006 (Scheuer, seeking an Illinois Congressional seat), registered with the FEC, and subsequently registered as a party in Florida. The Moderates hope to expand into more states in 2008 and field a handful of congressional "peace candidates." As for issues, the party platform covers only a few main points: ending the Iraq War and returning the US "to its primary role as international peacekeeper," cut federal spending, abandon the current tax code in favor of a flat tax or consumption tax plan, protect the environment, strengthen the separation of church and state, protect second amendment gun ownership rights, protect a women's right to choose on abortion, and support for same-sex civil unions. The Moderate Party is closely affiliated with the PeaceOverParty.org and Honk4Peace.org groups -- which were both created by Scheuer.

**NATIONAL SOCIALIST MOVEMENT** - The NSM is yet another of the several odious splinter parties seemingly created in recent years from the remnants of the old American Nazi Party of the early 1960s. "We co-operate and work with many like minded white nationalist groups such as the KKK (Ku Klux Klan), Aryan Skinheads, the Racial Nationalist Party of America and many others which are either neo Nazi or at least, racially aware of our Aryan Heritage," explains the NSM website. The NSM claims to be the largest Nazi party in the US (but so do all the other neo-Nazi splinter groups). The NSM is fielding its first candidate -- Presidential hopeful John Bowles -- in 2008. Jeff Schoep is the Commander of the NSM and boasts that Hitler is his role model. Like the other neo-Nazi groups, the NSM members march around in uniforms styled to resemble the Nazi SA brownshirts of the 1930s. The NSM vows to expel all non-Whites, Jews and gays from the US. "The leaders of the movement promise to work ruthlessly -- if need be to sacrifice their very lives -- to translate this program into action," vows the NSM website.

**NATURAL LAW PARTY** - The Natural Law Party was a New Age entity founded and run by followers of Maharishi Mahesh Yogi (the founder of the TM movement -- a movement that some have labeled as a cult). The NLP -- under the slogan "Bringing the light of science into politics" and using colorful imagery -- advocated holistic approaches, Transcendental Meditation (TM), "vogic flying," and other peaceful "New Age" and "scientific" remedies for much of our national and international problems. The party ran nuclear physicist John Hagelin as the NLP Presidential nominee in 1992 (ballot status in 32 states - 39,000 votes - 0.04%), 1996 (ballot status in 44 states - 7th place - 110,000 votes - 0.1%) and 2000 (ballot status in 39 states - 7th place - 83,000 votes - 0.08%). The NLP also made a failed bid to capture control of the Reform Party in the course of the 2000 campaign. The NLP also made a brief grab for control of
the Green Party, but that effort quickly fizzled. In 2002, the NLP tried a new strategy of stealthy infiltration by running NLP activists as candidates under various party labels including Democratic, Republican, Green and Libertarian. In 2003, the NLP endorsed the Presidential candidacy of Democratic Congressman Dennis Kucinich. Unexpectedly, the NLP suddenly shuttered its doors in mid-2004 and announced it was dissolved as a national party (just as it did with the other NLP entities around the globe). However -- and the reason the NLP remains posted here -- is that the NLP cut loose their various state affiliate parties to decide individually whether they also wished to disband or continue to function as independent state parties. It appears a few state NLP groups are still functioning, with the Ohio NLP remaining the most active one. The NLP seems to have entirely abandoned using electoral politics to advance their agenda and, instead, are now advocating something they call the US Peace Government.

NEW PARTY - This leftist party advocates a "democratic revolution" to advance the cause of "social, economic, & political progress" in America. Their agenda is much in the style of the Western European socialist and labor movement -- and somewhat similar to that of the late-1990s formed Labor Party (but the NP has more of a controlled growth outlook on environmental issues). Rather than fielding their own national slate or local candidates, the New Party has taken to largely endorsing like-minded candidates from other parties (mainly pro-labor Democrats like Chicago Congressman Danny K. Davis and candidates from the like-minded Working Families Party) and focusing on grassroots organizing. The New Party, to date, has endorsed candidates in hundreds of local races around the country, and has active affiliate chapters in some communities. The NP site details the party's long-term strategy.

NEW UNION PARTY - Founded in 1980 by defectors from the Socialist Labor Party, this DeLeonist militant democratic socialist party "advocates political and social revolution" but denounces violence and is "committed to lawful activities to overthrow the capitalist economic system." The NUP fielded its first candidates in 1980 -- and ran party leader Jeff Miller as a US Senate candidate in Minnesota in 2006 -- but ran very few candidates during the years in between. While the old NUP site featured party history, an archive of past articles and an online "Marxist Study Course" -- the new version of the NUP website is devoted nearly entirely to Miller's 2006 campaign.

PEACE AND FREEDOM PARTY - Founded in the 1960s as a left-wing party opposed to the Vietnam War, the party reached its peak of support in 1968 when it nominated Black Panther leader Eldridge Cleaver for President. Although a convicted felon and odious personality, Cleaver carried nearly 37,000 votes (ironically, Cleaver ultimately became a Reagan Republican in the early 1980s, and was later a crack cocaine addict in the late 1980s, before emerging as an environmental activist in the late 1990s). Famed "baby doctor" Benjamin Spock -- a leftist and staunch opponent of the Vietnam War -- was the PFP Presidential nominee in 1972. Since then, the small party has largely been dominated by battling factions of Marxist-Leninists (aligned with the Workers World Party), Trotskyists and socialist democrats. The PFP today is small, with activities largely centered only in California. In 1996, the PFP successfully blocked an attempt by the WWP to capture the PFP's Presidential nomination (and a California ballot spot) for their party's nominee. In a sign of the party's serious decline in support, the PFP's poor showing in the 1998 statewide elections caused the party to lose its California ballot status. The PFP finally regained California ballot status in 2003 -- and immediately fielded a sizable slate of candidates. Native American activist Leonard Peltier -- an imprisoned cop killer (or innocent political prisoner, depending on your views) -- was the PFP nominee for President in 2004 (ballot status in one state - 27,500 votes).
Prohibition Party - "If you are a reform-minded conservative and a non-drinker, the Prohibition Party wants you," exclaimed an official party message in 2002. The Prohibition Party -- founded in 1869 and billing themselves as "America's Oldest Third Party" -- espouses a generally ultra-conservative Christian social agenda mixed with anti-drug and international anti-communist views. The party's strongest showing was in 1892, when John Bidwell received nearly 273,000 votes (2.3% - 4th place). Long-time party activist Earl F. Dodge has run as the Prohibition Party's presidential nominee in 1984, 1988, 1992, 1996, 2000, and again in 2004. Dodge received just 208 votes in 2000 -- the party's worst electoral showing ever. The party also fields a few local candidates from time to time -- but 2002 was the first time since the 1860s that the party failed to field any candidates for any public office. An additional party-related organization is the Partisan Prohibition Historical Society, a group of party activists (somewhat independent of Dodge's control) that want to turn Prohibition Party policy into law. The anti-Dodge folks -- led by new National Chairman Don Webb -- seem to have wrested control of the party by fall 2003, and have now demoted Dodge to just be the party's "provisional" nominee for President. This is largely a matter of semantics, as Dodge will continue to run as the party's nominee and the party will be stuck semi-backing him as he secures ballot status in Colorado. The rival ticket led by Gene Amundson -- supported by the party leadership -- will also be on the Colorado ballot under another name.

REFORM PARTY - Once a rapidly growing, populist third party, the Reform Party shifted far to the right in recent years -- but then experienced massive waves of conservative defections away into the Constitution Party and the new America First Party in 2002. First, some history: after running as an Independent in 1992, billionaire Texas businessman Ross Perot founded the Reform Party in 1995 as his vehicle for converting his independent movement into a permanent political party. In 1996, Perot ran as the Reform Party's presidential nominee (8,085,000 votes - 8%). Although an impressive showing for a third party, it was much less than the 19 million votes Perot carried as an independent candidate back in 1992. The party traditionally reflected Perot's center-conservative fiscal policies and anti-GATT/NAFTA views -- while avoiding taking any official positions on social issues (although much of this group seemed to hold generally libertarian social views). The RP was plagued by a lengthy period of nasty ideological battles in 1998-2000 involving three main rival groups: the "Old Guard" Perot faction, the more libertarian Jesse Ventura faction, and the social conservative Pat Buchanan faction. A fourth group -- a small but vocal Marxist faction led by RP activist Lenora Fulani -- generally backed the Perot faction during these fights. To make this even more confusing, the Perot faction ultimately turned to Natural Law nominee and Maharishi follower John Hagelin as its "Stop Buchanan" candidate for President. After several nasty and public battles, the Ventura faction quit the RP in Spring 2000 and the old Perot faction lost control of the party in court to the Buchanan faction in Fall 2000 (and Perot ultimately endorsed Bush for President in 2000). That gave the Buchanan Brigade the party's $12.6 million in federal matching funds. Within months, the Buchanan allies won control of nearly the entire party organization. Along with Buchanan's rise to power in the party, the party made a hard ideological shift to the right -- an ideological realignment that continues to dominate the RP. In the aftermath of the 2000 elections, it is clear that Buchanan failed in his efforts to establish a viable, conservative third party organization (comprised largely of disenchanted Republicans). Buchanan was on the ballot in 49 states, captured 449,000 votes (4th place - 0.4%) -- and later told reporters that his foray into third party politics may have been a mistake. His weak showing also meant that the party is ineligible for federal matching funds in 2004. The new RP had the opportunity to become the leading social conservative third party (think of it as a Green Party for the right) -- but more internal conflicts made this impossible. In Spring 2002, former Buchanan VP runningmate Ezola Foster and the California and Maryland RP leaders jumped to the Constitution Party. Almost simultaneously, the entire RP leadership in nearly 20 other states (the core of the Buchanan Brigade folks) defected en masse to form the new America First Party -- delivering a demoralizing and
devastating blow the future viability of the RP. The remaining pieces of the RP appeared to drift away following that implosion. For the 2004 Presidential election, the remaining RP leaders gave their nomination and their ballot status in several states to Ralph Nader's fusion candidacy. The RP was just about bankrupt by late 2004, having less than $50 remaining in its bank account. A few state Reform chapters remain active as of 2006 -- particulary in Kansas and Florida -- but the Reform Party is virtually dead as a national entity. The factional in-fighting in the party even spills over into the RP website or, more correctly, the two rival "official" sites. One is the one linked above and the other is ReformPartyUSA.org -- with a pending lawsuit to decide which one can claim the "official" status.

The Revolution - This party -- simply named "The Revolution" -- seems to be an ideological hybrid between libertarianism and environmentalism, with a dash of New Deal liberal views thrown into the mix. The Revolution's 20-point platform calls for the legalizations of all victimless crimes (drugs, prostitution, etc.), the use of clean energy to stop global warming, massive tax cuts, an end of corporate welfare, military spending cuts, an emphasis on human rights in foreign policy decisions, abolishing the CIA, government funding of the sciences to encourage "altruistic scientific and technological projects," and a promise to "repeal five times as many laws as we pass." The party's leader -- a digital culture journalist and cyberprankster who uses the pen name R.U. Sirius -- made a whimsical write-in bid for President in 2000.

Socialist Party USA - The SPUSA are true democratic socialists -- advocating left-wing electoral change versus militant revolutionary change. Many of the SP members could easily be members of the left-wing faction of the Democratic Party. Unlike most of the other political parties on this page with "Socialist" in their names, the SP has always been staunchly anti-communist. Founded by labor union leader, ex-Democratic elected official and pacifist Eugene V. Debs in 1900, the SP was once a mighty national third party. Debs himself was the SP nominee for president five times between 1900 and 1920. Debs received over 900,000 votes (6%) in 1912 -- the SP's best showing ever. Former minister and journalist Norman Thomas was the SP Presidential nominee 6 times between 1928 and 1948 -- his best showing being 883,000 votes (2.2%) in 1932. The SP also elected congressmen, mayors and other officials throughout the 20th Century (largely during the 1910s through 1950s). The withered and splintered so much that, by the last 1972, it barely existed. The Democratic Socialists of American and the Social Democrats USA --both linked below -- are the other splinter groups from the original Debs/Thomas SP. Activist from the old SP reconstituted the party in 1976 and began to again field SP national tickets for the first time in over two decades. Peace activist and former SP-USA National Chairman David McReynolds was the party's 2000 Presidential nominee, earning ballot status in seven states (7,746 votes - 8th place - 0.01% ...plus a bunch more write-in votes in New York and other states where election officials refused to tabulate individual write-in votes). The 2000 showing was a far cry from the SP glory days, but a major improvement over the party's 1996 showing. For 2004, former Democratic State Senator Walt Brown of Oregon is the SPUSA Presidential nominee. The party's youth wing -- the Young People's Socialist League -- has been in existence since the 1910s. Another official -- and very useful -- SP-USA resource is the Socialist Party USA Campaign Clearinghouse. The SP-USA's Socialist Net is a resource site covering the international democratic socialist movement and the American Socialist Foundation and an SP-USA affiliated educational group.

Socialist Action - Socialist Action is a Trotskyist political party originally founded by expelled members of the Socialist Workers Party. While the SA shares the SWP's pro-Castro views, the SA still tries to retain its Trotskyist ideological roots (versus the SWP, which has drifted away from Trotskyism towards a more Soviet communist ideology). The SA states that they "oppose the Democrats and Republicans, all capitalist political parties, and all capitalist governments and their representatives everywhere ... [and]
Stalinist and neo-Stalinist regimes from the ex-Soviet Union to China.” To date, this group of communists have fielded some local political candidates in San Francisco and a few other communities. Youth for Socialist Action is the youth wing of the party.

Socialist Equality Party - The Socialist Equality Party (SEP) was originally named the Workers League (WL). The WL was founded in 1966 as a Trotskyist communist group closely associated with the electoral campaigns of the Socialist Workers Party (SWP). The goal of these Trotskyist groups was to build a working-class labor party in the US affiliated with the International Committee of the Fourth International (the global Trotskyist umbrella network). They believe that “the egalitarian and internationalist legacy of the Russian Revolution” could have succeeded, but was “betrayed by Stalinism” and its progeny. When the SWP drifted away from Trotskyism in the early 1980s, the WL broke with the SWP and began fielding its own candidates. The WL fielded its first Presidential ticket in 1984. The WL later renamed itself as the Socialist Equality Party in 1994. The Michigan-based SEP regularly fielded Congressional and local candidates in several states in the late 1980s and 1990s. 1996 SEP Presidential nominee Jerry White was on the ballot in only three states and captured just 2,400 votes. After 1996, the SEP failed to field any candidates for any office until an SEP member competed in the 2003 California gubernatorial recall election (6,700 votes - 14th place out of 135). The SEP subsequently announced that it would field a 2004 Presidential ticket and as many Congressional candidates as possible. The SEP is very realistic about its chances for success in the election, acknowledging that they will “win only a limited number of votes.” To the SEP, the campaign is an opportunity to “present a socialist alternative to the demagogy and lies of the establishment parties and the mass media.” The SEP plans to use the 2004 race as a platform to “lay down the programmatic foundations for the building of a mass movement for a revolutionary transformation of American society.” Part of that platform involves replacing capitalism with a Marxist system. The SEP also vows to remove all US soldiers from the Middle East, denounces imperialism, promises to “dismantle the Pentagon war machine” and eliminate weapons of mass destruction held by the US, and adopt "a socialist foreign policy based on international working class solidarity." If the SEP ticket gets on any ballots in 2004, they are unlikely to draw many votes. The SEP's news site -- the World Socialist Web Site (WSWS) -- is updated daily with articles, analysis, history, etc., written with a hardcore internationalist, Trotskyist perspective.

Socialist Labor Party - Founded in 1877, the SLP is a militant democratic socialist party. More moderate members of the SLP bolted to create the Socialist Party USA in 1901. The SLP ran Presidential tickets in every election between 1892 and 1976 (the SLP's final presidential candidate won 9,600 votes in the 1976 race). The high cost of fielding a Presidential ticket and restrictive ballot access laws caused the SLP to abandon future Presidential races in favor of nominating candidates for lower offices. The SLP -- which bills itself as the party of "Marxism-DeLeonism" -- still fields a few local candidates (mainly in New Jersey). The site features party history, info on Daniel DeLeon, a Marx-Engels archive, links and more. The SLP newspaper The People, first printed in 1891, also publishes regularly updated online editions.

Socialist Workers Party - Originally a pro-Trotsky faction within the Communist Party USA, the SWP was formed in 1938 after the CPUSA -- acting on orders from Soviet dictator Joseph Stalin -- expelled the American Trotskyites. The SWP was for many years the leading voice of Trotskyism in the USA. Since the 1980s, the SWP has drifted away from Trotskyism and moved towards the brand of authoritarian politics espoused by Cuban leader Fidel Castro's style of Marxism (the SWP sites calls Castro's Cuba "a shining example for all workers"). The SWP has run candidates for President in every election since 1948 -- plus federal and local candidates in various states. Marxist political organizer James Harris was the
SWP Presidential nominee in 1996 (ballot status in 11 states - 8,500 votes - 0.01%) and 2000 (ballot status in 14 states - 7,378 votes - 9th place - 0.01%). You can also read the SWP's newspapers The Militant (English) and Perspectiva Mundial (Spanish) online. Marxist political organizer and journalist Róger Calero was the SWP Presidential nominee in 2004 -- ballot status in 14 states - 10,791 votes - 9th place - 0.01% -- even though he was constitutionally ineligible as a foreign citizen living in the US as a Permanent Resident Alien. Calero's ineligibility forced party to field James Harris as a surrogate nominee in several of those states.

**U.S. Marijuana Party** - Founded in 2002, the US Marijuana Party (USMJP) is -- as you would expect -- a marijuana legalization entity espousing generally libertarian views. "The civil rights of Americans have been compromised by the war on drugs. Because the vast majority of citizens who use any illegal substance use only marijuana, the war on drugs is basically a war on marijuana. If you can pull the plug on the war on marijuana, you end the war on drugs as we know it. You shut down the prison industrial complex, and you restore the liberties that have been eroded because of this futile war on marijuana," explains the USMJP. The party -- which already has chapters formed in several states -- is seeking marijuana legalization on a state-by-state basis. The USMJP first fielded a few candidates on state ballots under the party banner in 2004 -- but by 2006 the handful of USMJP nominees were relegated to running as write-in candidates.

**U.S. Pacifist Party** - This tiny political party fielded a write-in candidate for President in 1996, 2000 and 2004, and a US Senate candidate in Colorado in 1998. The party opposes military actions in all circumstances and wants to transform the US military into "a non-violent defense and humanitarian service corps." The USPP platform advocates generally left-wing political stances and slashing the military budget to "zero." Staunchly opposed to nuclear weapons, the USPP believes that "unless nuclear weapons are deactivated, and nonviolent means developed to take the place of military violence for achieving justice and peace, civilization is doomed." To date, the USPP has run party founder Bradford Lyttle -- a lifelong activist for pacifism -- as a write-in Presidential candidate three times. While the USPP website indicated that Lyttle was also 2004 write-in candidate, the 75-year-old Lyttle did not wage an active campaign that year. No updates to the USPP site since the site's webmaster died in 2003. As of 2005, Lyttle was still organizing local peace marches around his Chicago base.

**Veterans Party of America** - The Veterans Party was founded in 2003. The party vows to "give political voice for the first time since 1776, to the men and women who were willing to give the ultimate sacrifice for this country. No longer will they have to grovel and beg and fill out paperwork for years just to get what they proudly earned and were promised." The VPA fielded a few candidates in 2004, including a US Senate candidate in Florida. The party is not limited only to veterans, but is also intended to advocate for the families of US veterans. The centrist party has already registered in eight states, and is in the process of attempting to organize in dozens of additional states. As for issues, the party avoids many of the social/morality issues. "If you want religious issues, go to your congregation and discuss it there ... Morals and morality come from your family not the govt. so if you want to tell other people how to live their lives, how to think, how to dress or what they can and cannot do to their bodies, then become a prison warden, or a political party in some middle eastern country and rule there," explains the party's platform preface. The Veterans Party wants to represent the rights and needs of veterans across the political spectrum -- which is why the party's top priority is improving the lives of those who served. Bitter in-fighting caused the party to split into two rival factions in 2006.

**We The People Party** - Former town councilman Jeffrey Peters founded this small party and ran as the WTP's write-in nominee for President in 2000. A politically centrist entity, the WTP bills itself as "the
American People's Party." Peters competed in the 2000 New Hampshire Democratic Presidential primary in an attempt to capture some media attention for the nascent WTP's "campaign reform" platform but received just 156 votes (9th place) -- and ended up bitterly complaining that the media ignored him and labeled him a "fringe candidate." Peters grabbed a few headlines for his WTP Presidential campaign in early October 2000 with his "Boston TV Party" -- when he vowed to dump some TV sets into Boston harbor to protest the exclusion of third party candidates from the first Bush-Gore Presidential Debate. The WTP vowed to "build a powerful Coalition of Independents to win back The White House for the people in 2004" -- but the site (and party) have shown no activity since 2003.

**Workers World Party** - The WWP was formed in 1959 by a pro-Chinese communist faction that split from the Socialist Workers Party. Although the WWP theoretically supports worker revolutions, the WWP supported the Soviet actions that crushed worker uprisings in Hungary in the 1950s, Czechoslovakia in the 1960s and Poland in the early 1980s. The WWP was largely an issue-oriented revolutionary party until they fielded their first candidate for president in 1980. WWP Presidential nominee Monica Moorehead was on the ballot in 12 states in 1996 (29,100 votes - 0.03%) -- and was again the WWP's Presidential nominee in 2000 (ballot status in 4 states - 4,795 votes - 10th place - 0.004%). The militant WWP believes that "capitalist democracy produces nothing but hot air" and that "the power of the workers and the oppressed is in the streets, not in Washington." FBI Director Louis Freeh attacked the WWP in his May 2001 remarks before a US Senate committee: "Anarchists and extremist socialist groups -- many of which, such as the Workers World Party -- have an international presence and, at times, also represent a potential threat in the United States" of rioting and street violence. The well-designed site features regularly updated news stories from a pro-Cuba/pro-China communist perspective, so expect lots of dogmatic stories denouncing the US government, sexism, racism, the police and capitalists. The WWP also sponsors or directs numerous popular front groups including International ANSWER, International Action Center, Stop War on Iran, US Troops Out Now, No Draft No Way, People Judge Bush, Nicaragua Network, Alliance for Global Justice, Pastors for Peace, and many others.

**OTHER PARTIES:**

(This "Other" category is for parties that have yet to field or endorse any candidates for office.)

**American Patriot Party** - The The APP, established in 2003, was "founded on the basic principals set forth by our founding fathers, that the federal government should only have the powers set forth in the framework of the Constitution and all other power to be delegated back to the states. Although everyone has thier own opinions on all issues, we believe it is up to the states to decide what should and should not be mandated, banned or regulated." The APP supports a crackdown on illegal immigration, making English fluency a requirement of US citizenship, abolishing the IRS and repealing the federal income tax, imposing steeper taxes and tariffs on imported goods, abolition of the centralized Federal Reserve System, withdrawing the US from the Untied Nations, imposing a foreign policy of non-interventionism, and ending federal involvement in education. No candidates fielded to date, but the APP have formed party chapters in several states -- with the Oregon state party group taking the lead in attempting to organize a national effort. The APP vows that their candidates will be "statesmen, not politicians."

**American Socialist Party** - Despite the word "Socialist" in their title, this new group, founded in 2004 and based in Arizona, is far out of the traditional definition of socialist parties. The ASP denounces "immorality, and materialism," supports "the removal of illegal immigrants ... [and the imprisonment of] businesses/officials who hire, or allow them to enter," sees capitalism as "failing," and -- in a language that make them sound more like a crypto-fascist group -- promises to "defend you and your family if
faced with government officials intimidating you, or, violating your rights, with the same force.” From the ASP website's repeated attacks the problem of illegal immigration (an “invasion”), that is clearly a top concern. However, the platform comes off more like a vanity thing a few friends threw together one night over some beers, as it appears somewhat incoherent and largely inconsistent with any recognizable socialist ideology.

**Constitutionalist Party** - This quasi-libertarian new party "seeks to improve America and preserve the freedom of the people by supporting a closer adherence to the Constitution." As for specific issues, the CP is pro-choice (but believes abortion issues need to be decided at the state level), pro-gun rights, anti-death penalty, anti-Affirmative Action quotas, anti-regulation of sexual activities between consenting adults, pro-medical marijuana, pro-flat tax, pro-tax cuts, and anti-United Nations. The entire, detailed platform is posted on the CP site. No site updates since early 2001.

**Libertarian National Socialist Green Party** - Politically correct Nazis? These Libertarian Green Nazis are either the strangest conglomeration of diametrically opposed political ideologies of a political party I have ever seen -- or one of the most wry political practical jokes found anywhere on the net (I'm not certain which conclusion is correct, but I strongly suspect the latter). This party purports to be comprised of atheist, peaceful, pro-gay, pro-drug legalization, anti-racist, environmentalist Nazis who acknowledge the Holocaust likely occurred (but are neutral as to its justification) and oppose the government sponsored killing of Jews, Christians & gays and the disabled. The LNSGP "rejects Judeo-Christian moral standards, victim mentality political behavior, capital-centric value systems, and authority." While membership is open to anyone regardless of their race or sexual orientation, individuals who openly profess a belief in either Judaism or Christianity are denied party membership. Articles, platform, FAQ and graphics. Worth a visit -- even if only to decide for yourself if this is a joke or if it is serious. In the past -- and as an indicator that the LNSGP is probably a practical joke -- the LNSGP's site had sections dedicated to claims of participation in a public service project named the "Jewish Community Brothership" (to "Communicate the modern interpretations of Nazism and its implications for Jews in today's multicultural Reich") and some links to very bizarre "news" articles (example: "Nazi Moon Bases Established in 1942").

**Multicapitalist Party** - This quirky party supports "capitalism for all people equally" -- but it is hard to tell exactly what that means. The MP equally denounces capitalism ("The rich riding on the backs of the poor") and communism/socialism ("The weak riding on the backs of the strong"). Instead, the MP claims to be an economic ideology whereby "the government insures that every citizen will become a successful capitalist and land owner without excessive taxation or loss of privacy or freedom." Beyond the economic issues, the party believes all social issues (drugs, sex, abortion, criminal punishment, etc.) should be decided by a direct democratic vote of the nation in plebiscites -- with the states individually following the positions held by a majority of the voters in each state.

**Pansexual Peace Party** - The PPP is a generally left-wing party that has yet to field any candidates -- they don't take themselves too seriously -- and, oh yeah, and the PPP is founded on Wiccan (i.e., witchcraft) roots. Check out the PPP platform plank on sexual issues, which carries the title: "Sex is Good! Sex is Great! Yea, Sex!" The PPP site also contains a short but harsh anti-libertarian essay. To date, the PPP's political activities seem confined to printing some PPP t-shirts and bumper stickers. Jimi Freidenker is the founder and "Chairentity" of the PPP.

**Pot Party** - The Pot Party is exactly what you'd expect -- a bunch of marijuana legalization advocates ("mandate pot growing") ranging in age -- seemingly -- from late teens to middle aged. In fact, their
current tag line seems to be: “A movement to pretty much legalize marijuana.” One profile of a Pot Party leader boasts that he won *High Times* magazine's "Bong-of-the-Month" Award. Unlike the denials of a certain recent national politician, these people quite obviously, proudly and regularly inhale. No real candidates fielded to date (but they did endorse an unsuccessful candidate in 2000 for the Green Party's nomination for US Senator from California). They also seem to be actively involved in an online fantasy government entitled the USA Parliament (official description: "A coalition of US voters based on votes cast, where 1/100th of the votes cast elects one of the one hundred members of parliament"). The party currently has state chapters formed in California, Illinois and Virginia.

**Progressive Labor Party** - The PLP is a New York-based, militant, Stalinist-style communist party dedicated to bringing about a world-wide, armed, communist revolution. The PLP abhors democracy, elections, freedom of nearly any sort, capitalism and religion -- while praising dictator Joseph Stalin's Soviet Union as their role model. Because they denounce all elections as "frauds," the PLP vows to never field any candidates for public office (for these guys, its either armed victory or nothing at all). Lots and lots of online ideological articles written in the typical dogmatic communist style ... with titles like "The Hoax of the 1932-33 Ukraine Famine," "Fascism Grows In The Auto Industry," "The Road to Revolution." Articles in English, Spanish, Russian, German, etc.

**Revolutionary Communist Party USA** - The RCP is based upon the teachings of the late Chinese Communist Party Chairman Mao Tse-tung (a form of communism derivative of Leninist-Stalinist Marxism). The party strongly denounces capitalism and advocates a "Marxist-Leninist-Maoist Programme" as "a battle plan for destroying the old and creating the new [and] is a kind of road map for how to win the revolution." Even the RCP's logo is consistent with the proletarian revolutionary theme (i.e., note the red flag flying from a rifle bayonet). The RCP clearly advocates change through revolution (and various popular front groups), not elections -- so don't look for any RCP candidates on the ballot. RCP Chairman Bob Avakian and his writings also receive extensive coverage on the party's official site. With Avakian currently hiding in France to evade arrest in the US, Maoist activist C. Clark Kissinger seems to be running the day-to-day operations of the RCP. The party's newspaper -- *Revolutionary Worker* -- is available online in English and Spanish versions. Prominent RCP popular front groups include *Refuse & Resist!* and the the anti-war *Not In Our Name* project.

**Social Democrats USA** - Like the Democratic Socialists of America (above), the SD-USA is the other official US full member party of the Socialist International. Like the DSA, the SD-USA has never fielded candidates for office. The SD-USA is a group more ideologically centrist, more staunchly anti-communist and more directly aligned with the Democratic Party than the more traditionally leftist DSA. In fact, the views of the SDUSA in 1972 caused the DSA (then named the DSOC) to splinter away in an ideological rift. The SDUSA refused to support George McGovern for President that year because of his opposition to the Vietnam War -- versus the DSOC, which supported McGovern and an immediate end to the war. While both DSA and SDUSA claim to be the one true heir to the ideological legacy of Eugene Debs and Norman Thomas.

**The Third Party** - The Third Party's site states that it is working towards fielding a candidate for the 2004 Presidential election. Frustrated by traditional partisan politics and the quality of national media coverage of elections, this party proposes to seek "direct input" from the public to mold this new politically centrist party into a vehicle that unifies America in the 21st Century. The posted forum page is creatively entitled "Convention Floor." In the interests of promoting an informed electorate, The Third Party's site even provides links to the web pages of all the competing US political parties.
Workers Party, USA - The WP-USA is a hardcore Marxist-Leninist political party founded by Michael Thorburn in 1992. The party was established to "bring the working class out as an independent class force." The WP-USA shares much of the CPUSA's ideology -- and likely is a splinter group with CPUSA origins. While the WP-USA has yet to field any candidates, the Chicago-based party publishes a bi-weekly newspaper named The Worker and a quarterly theirical journal named -- not surprisingly -- The Worker Magazine. The WP-USA site features an extensive on-line archive of dogmatic screeds largely denouncing "monopoly capitalists," Western imperialism, the USA, etc. -- and praising the working class and "revolutionary politics." Thorburn's Anti-Imperialist News Service ("assisting the people's struggles against war and militarism") is also affiliated with the WP-USA.

World Socialist Party of the USA - The WSP-USA are seemingly utopian Marxists. They believe true socialism can only work when it is established worldwide. They renounce violence, Soviet-style totalitarianism, money and all forms of leadership. They advocate a classless, "wageless, moneyless, free access society" without any national borders. They don't run candidates nor endorse other socialist or left candidates as they believe a vote for ANY candidate under the current system is a vote in support of capitalism. Understanding that world socialism "has clearly not yet been established," they believe that "democratically capturing the State through parliamentary elections is the safest, surest method for the working class to enable itself to establish socialism" -- although they have yet to field any US candidates in the period to date since the international WSP was founded in 1904.
Chapter VI

OF THE RELATION BETWEEN PUBLIC ASSOCIATIONS AND THE NEWSPAPERS

WHEN men are no longer united among themselves by firm and lasting ties, it is impossible to obtain the co-operation of any great number of them unless you can persuade every man whose help you require that his private interest obliges him voluntarily to unite his exertions to the exertions of all the others. This can be habitually and conveniently effected only by means of a newspaper; nothing but a newspaper can drop the same thought into a thousand minds at the same moment. A newspaper is an adviser that does not require to be sought, but that comes of its own accord and talks to you briefly every day of the common weal, without distracting you from your private affairs.

Newspapers therefore become more necessary in proportion as men become more equal and individualism more to be feared. To suppose that they only serve to protect freedom would be to diminish their importance: they maintain civilization. I shall not deny that in democratic countries newspapers frequently lead the citizens to launch together into very ill-digested schemes; but if there were no newspapers there would be no common activity. The evil which they produce is therefore much less than that which they cure.

The effect of a newspaper is not only to suggest the same purpose to a great number of persons, but to furnish means for executing in common the designs which they may have singly conceived. The principal citizens who inhabit an aristocratic country discern each other from afar; and if they wish to unite their forces, they move towards each other, drawing a multitude of men after them. In democratic countries, on the contrary, it frequently happens that a great number of men who wish or who want to combine cannot accomplish it because as they are very insignificant and lost amid the crowd, they cannot see and do not know where to find one another. A newspaper then takes up the notion or the feeling that had occurred simultaneously, but singly, to each of them. All are then immediately guided towards this beacon; and these wandering minds, which had long sought each other in darkness, at length meet and unite. The newspaper brought them together, and the newspaper is still necessary to keep them united.

In order that an association among a democratic people should have any power, it must be a numerous body. The persons of whom it is composed are therefore scattered over a wide extent, and each of them is detained in the place of his domicile by the narrowness of his income or by the small unremitting exertions by which he earns it. Means must then be found to converse every day without seeing one another, and to take steps in common without having met. Thus hardly any democratic association can do without newspapers.

Consequently, there is a necessary connection between public associations and newspapers: newspapers make associations, and associations make newspapers; and if it has been correctly advanced that associations will increase in number as the conditions of men become more equal, it is not less certain that the number of newspapers increases in proportion to that of associations. Thus it is in America that we find at the same time the greatest number of associations and of newspapers.

This connection between the number of newspapers and that of associations leads us to the discovery of a further connection between the state of the periodical press and the form of the administration in a
country, and shows that the number of newspapers must diminish or increase among a democratic people in proportion as its administration is more or less centralized. For among democratic nations the exercise of local powers cannot be entrusted to the principal members of the community as in aristocracies. Those powers must be either abolished or placed in the hands of very large numbers of men, who then in fact constitute an association permanently established by law for the purpose of administering the affairs of a certain extent of territory; and they require a journal to bring to them every day, in the midst of their own minor concerns, some intelligence of the state of their public weal. The more numerous local powers are, the greater is the number of men in whom they are vested by law; and as this want is hourly felt, the more profusely do newspapers abound.

The extraordinary subdivision of administrative power has much more to do with the enormous number of American newspapers than the great political freedom of the country and the absolute liberty of the press. If all the inhabitants of the Union had the suffrage, but a suffrage which should extend only to the choice of their legislators in Congress, they would require but few newspapers, because they would have to act together only on very important, but very rare, occasions. But within the great national association lesser associations have been established by law in every county, every city, and indeed in every village, for the purposes of local administration. The laws of the country thus compel every American to cooperate every day of his life with some of his fellow citizens for a common purpose, and each one of them requires a newspaper to inform him what all the others are doing.

I am of the opinion that a democratic people without any national representative assemblies but with a great number of small local powers would have in the end more newspapers than another people governed by a centralized administration and an elective legislature. What best explains to me the enormous circulation of the daily press in the United States is that among the Americans I find the utmost national freedom combined with local freedom of every kind.

There is a prevailing opinion in France and England that the circulation of newspapers would be indefinitely increased by removing the taxes which have been laid upon the press. This is a very exaggerated estimate of the effects of such a reform. Newspapers increase in numbers, not according to their cheapness, but according to the more or less frequent want which a great number of men may feel for intercommunication and combination.

In like manner I should attribute the increasing influence of the daily press to causes more general than those by which it is commonly explained. A newspaper can survive only on the condition of publishing sentiments or principles common to a large number of men. A newspaper, therefore, always represents an association that is composed of its habitual readers. This association may be more or less defined, more or less restricted, more or less numerous;

This leads me to a last reflection, with which I shall conclude this chapter. The more equal the conditions of men become and the less strong men individually are, the more easily they give way to the current of the multitude and the more difficult it is for them to adhere by themselves to an opinion which the multitude discard. A newspaper represents an association; it may be said to address each of its readers in the name of all the others and to exert its influence over them in proportion to their individual weakness. The power of the newspaper press must therefore in crease as the social conditions of men become more equal.

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Footnotes
I say a democratic people: the administration of an aristocratic people may be very decentralized and yet the want of newspapers be little felt, because local powers are then vested in the hands of a small number of men, who either act apart or know each other and can easily meet and come to an understanding, but the fact that the newspaper keeps alive is a proof that at least the germ of such an association exists in the minds of its readers.

Chapter 12:
POLITICAL ASSOCIATIONS IN THE UNITED STATES

DAILY USE which the Anglo-Americans make of the right of association--Three kinds of political associations--How the apply the representative system to associations-Dangers resulting to the state--Great Convention of 1831 relative to the tariff--Legislative character of this Convention-Why the unlimited exercise of the right of association is less dangerous in the United States than elsewhere--Why it may be looked upon as necessary--Utility of associations among a democratic people.

In no country in the world has the principle of association been more successfully used or applied to a greater multitude of objects than in America. Besides the permanent associations which are established by law under the names of townships, cities, and counties, a vast number of others are formed and maintained by the agency of private individuals.

The citizen of the United States is taught from infancy to rely upon his own exertions in order to resist the evils and the difficulties of life; he looks upon the social authority with an eye of mistrust and anxiety, and he claims its assistance only when he is unable to do without it. This habit may be traced even in the schools, where the children in their games are wont to submit to rules which they have themselves established, and to punish misdemeanors which they have themselves defined. The same spirit pervades every act of social life. If a stoppage occurs in a thoroughfare and the circulation of vehicles is hindered, the neighbors immediately form themselves into a deliberative body; and this extemporaneous assembly gives rise to an executive power which remedies the inconvenience before anybody has thought of recurring to a pre-existing authority superior to that of the persons immediately concerned. If some public pleasure is concerned, an association is formed to give more splendor and regularity to the entertainment. Societies are formed to resist evils that are exclusively of a moral nature, as to diminish the vice of intemperance. In the United States associations are established to promote the public safety, commerce, industry, morality, and religion. There is no end which the human will despairs of attaining through the combined power of individuals united into a society.

I shall have occasion hereafter to show the effects of association in civil life; I confine myself for the present to the political world. When once the right of association is recognized, the citizens may use it in different ways.

An association consists simply in the public assent which a number of individuals give to certain doctrines and in the engagement which they contract to promote in a certain manner the spread of those doctrines. The right of associating in this fashion almost merges with freedom of the press, but societies thus formed possess more authority than the press. When an opinion is represented by a society, it
necessarily assumes a more exact and explicit form. It numbers its partisans and engages them in its cause; they, on the other hand, become acquainted with one another, and their zeal is increased by their number. An association unites into one channel the efforts of divergent minds and urges them vigorously towards the one end which it clearly points out.

The second degree in the exercise of the right of association is the power of meeting. When an association is allowed to establish centers of action at certain important points in the country, its activity is increased and its influence extended. Men have the opportunity of seeing one another; means of execution are combined; and opinions are maintained with a warmth and energy that written language can never attain.

Lastly, in the exercise of the right of political association there is a third degree: the partisans of an opinion may unite in electoral bodies and choose delegates to represent them in a central assembly. This is, properly speaking, the application of the representative system to a party.

Thus, in the first instance, a society is formed between individuals professing the same opinion, and the tie that keeps it together is of a purely intellectual nature. In the second case, small assemblies are formed, which represent only a fraction of the party. Lastly, in the third case, they constitute, as it were, a separate nation in the midst of the nation, a government within the government. Their delegates, like the real delegates of the majority, represent the whole collective force of their party, and like them, also, have an appearance of nationality and all the moral power that results from it. It is true that they have not the right, like the others, of making the laws; but they have the power of attacking those which are in force and of drawing up beforehand those which ought to be enacted.

If, among a people who are imperfectly accustomed to the exercise of freedom, or are exposed to violent political passions, by the side of the majority which makes the laws is placed a minority which only deliberates and gets laws ready for adoption, I cannot but believe that public tranquillity would there incur very great risks. There is doubtless a wide difference between proving that one law is in its own better than another and proving that the former ought to be substituted for the latter. But the imagination of the multitude is very apt to overlook this difference, which is so apparent to the minds of thinking men. It sometimes happens that a nation is divided into two nearly equal parties, each of which affects to represent the majority. If, near the directing power, another power is established which exercises almost as much moral authority as the former, we are not to believe that it will long be content to speak without acting; or that it will always be restrained by the abstract consideration that associations are meant to direct opinions, but not to enforce them, to suggest but not to make the laws.

The more I consider the independence of the press in its principal consequences, the more am I convinced that in the modern world it is the chief and, so to speak, the constitutive element of liberty. A nation that is determined to remain free is therefore right in demanding, at any price, the exercise of this independence. But the unlimited liberty of political association cannot be entirely assimilated to the liberty of the press. The one is at the same time less necessary and more dangerous than the other. A nation may confine it within certain limits without forfeiting any part of its self-directing power; and it may sometimes be obliged to do so in order to maintain its own authority.

In America the liberty of association for political purposes is unlimited. An example will show in the clearest light to what an extent this privilege is tolerated.

The question of a tariff or free trade has much agitated the minds of Americans. The tariff was not only a subject of debate as a matter of opinion, but it affected some great material interests of the states. The North attributed a portion of its prosperity, and the South nearly all its sufferings, to this system. For a long time the tariff was the sole source of the political animosities that agitated the Union.
In 1831, when the dispute was raging with the greatest violence, a private citizen of Massachusetts proposed, by means of the newspapers, to all the enemies of the tariff to send delegates to Philadelphia in order to consult together upon the best means of restoring freedom of trade. This proposal circulated in a few days, by the power of the press, from Maine to New Orleans. The opponents of the tariff adopted it with enthusiasm; meetings were held in all quarters, and delegates were appointed. The majority of these delegates were well known, and some of them had earned a considerable degree of celebrity. South Carolina alone, which afterwards took up arms in the same cause, sent sixty-three delegates. On the 1st of October 1831 this assembly, which, according to the American custom, had taken the name of a Convention, met at Philadelphia; it consisted of more than two hundred members. Its debates were public, and they at once assumed a legislative character; the extent of the powers of Congress, the theories of free trade, and the different provisions of the tariff were discussed. At the end of ten days the Convention broke up, having drawn up an address to the American people in which it declared (1) that Congress had not the right of making a tariff, and that the existing tariff was unconstitutional; (2) that the prohibition of free trade was prejudicial to the interests of any nation, and to those of the American people especially.

It must be acknowledged that the unrestrained liberty of political association has not hitherto produced in the United States the fatal results that might perhaps be expected from it elsewhere. The right of association was imported from England, and it has always existed in America; the exercise of this privilege is now incorporated with the manners and customs of the people. At the present time the liberty of association has become a necessary guarantee against the tyranny of the majority. In the United States, as soon as a party has become dominant, all public authority passes into its hands; its private supporters occupy all the offices and have all the force of the administration at their disposal. As the most distinguished members of the opposite party cannot surmount the barrier that excludes them from power, they must establish themselves outside of it and oppose the whole moral authority of the minority to the physical power that domineers over it. Thus a dangerous expedient is used to obviate a still more formidable danger.

The omnipotence of the majority appears to me to be so full of peril to the American republics that the dangerous means used to bridle it seem to be more advantageous than prejudicial. And here I will express an opinion that may remind the reader of what I said when speaking of the freedom of townships. There are no countries in which associations are more needed to prevent the despotism of faction or the arbitrary power of a prince than those which are democratically constituted. In aristocratic nations the body of the nobles and the wealthy are in themselves natural associations which check the abuses of power. In countries where such associations do not exist, if private individuals cannot create an artificial and temporary substitute for them I can see no permanent protection against the most galling tyranny; and a great people may be oppressed with impunity by a small faction or by a single individual.

The meeting of a great political convention (for there are conventions of all kinds), which may frequently become a necessary measure, is always a serious occurrence, even in America, and one that judicious patriots cannot regard without alarm. This was very perceptible in the Convention of 1831, at which all the most distinguished members strove to moderate its language and to restrain its objects within certain limits. It is probable that this Convention exercised a great influence on the minds of the malcontents and prepared them for the open revolt against the commercial laws of the Union that took place in 1832.

It cannot be denied that the unrestrained liberty of association for political purposes is the privilege which a people is longest in learning how to exercise. If it does not throw the nation into anarchy, it perpetually augments the chances of that calamity. On one point, however, this perilous liberty offers a security against dangers of another kind; in countries where associations are free, secret societies and factions, but no conspiracies.
DIFFERENT WAYS in which the right of association is understood in and in the United States--Different use which is made of it.

THE most natural privilege of man, next to the right of acting for himself, is that of combining his exertions with those of his fellow creatures and of acting in common with them. The right of association therefore appears to me almost as inalienable in its nature as the right of personal liberty. No legislator can attack it without impairing the foundations of society. Nevertheless, if the liberty of association is only a source of advantage and prosperity to some nations, it may be perverted or carried to excess by others, and from an element of life may be changed into a cause of destruction. A comparison of the different methods that associations pursue in those countries in which liberty is well understood and in those where liberty degenerates into license may be useful both to governments and to parties.

Most Europeans look upon association as a weapon which is to be hastily fashioned and immediately tried in the conflict. A society is formed for discussion, but the idea of impending action prevails in the minds of all those who constitute it. It is, in fact, an army; and the time given to speech serves to reckon up the strength and to animate the courage of the host, after which they march against the enemy. To the persons who compose it, resources which lie within the bounds of law may suggest themselves as means of success, but never as the only means.

Such, however, is not the manner in which the right of association is understood in the United States. In America the citizens who form the minority associate in order, first, to show their numerical strength and so to diminish the moral power of the majority; and, secondly, to stimulate competition and thus to discover those arguments that are most fitted to act upon the majority; for they always entertain hopes of drawing over the majority to their own side, and then controlling the supreme power in its name. Political associations in the United States are therefore peaceable in their intentions and strictly legal in the means which they employ; and they assert with perfect truth that they aim at success only by lawful expedients.

The difference that exists in this respect between Americans and Europeans depends on several causes. In Europe there are parties which differ so much from the majority that they can never hope to acquire its support, and yet they think they are strong enough in themselves to contend against it. When a party of this kind forms an association, its object is not to convince, but to fight. In America the individuals who hold opinions much opposed to those of the majority can do nothing against it, and all other parties hope to win it over to their own principles. The exercise of the right of association becomes dangerous, then, in proportion as great parties find themselves wholly unable to acquire the majority. In a country like the United States, in which the differences of opinion are mere differences of hue, the right of association may remain unrestrained without evil consequences. Our inexperience of liberty leads us to regard the liberty of association only as a right of attacking the government. The first notion that presents itself to a party, as well as to an individual, when it has acquired a consciousness of its own strength is that of violence; the notion of persuasion arises at a later period, and is derived from experience. The English, who are divided into parties which differ essentially from each other, rarely abuse the right of association because they have long been accustomed to exercise it. In France the passion for war is so intense that there is no undertaking so mad, or so injurious to the welfare of the state that a man does not consider himself honored in defending it at the risk of his life.

But perhaps the most powerful of the causes that tend to mitigate the violence of political associations in the United States is universal suffrage. In countries in which universal suffrage exists, the majority is never doubtful, because neither party can reasonably pretend to represent that portion of the community which has not voted. The associations know as well as the nation at large that they do not represent the majority. This results, indeed, from the very fact of their existence; for if they did represent the
preponderating power, they would change the law instead of soliciting its reform. The consequence of this is that the moral influence of the government which they attack is much increased, and their own power is much enfeebled.

In Europe there are few associations which do not affect to represent the majority, or which do not believe that they represent it. This conviction or this pretension tends to augment their force amazingly and contributes no less to legalize their measures. Violence may seem to be excusable in defense of the cause of oppressed right. Thus it is, in the vast complication of human laws, that extreme liberty sometimes corrects the abuses of liberty, and that extreme democracy obviates the dangers of democracy. In Europe associations consider themselves, in some degree, as the legislative and executive council of the people, who are unable to speak for themselves; moved by this belief, they act and they command. In America, where they represent in the eyes of all only a minority of the nation, they argue and petition.

The means that associations in Europe employ are in accordance with the end which they propose to obtain. As the principal aim of these bodies is to act and not to debate, to fight rather than to convince, they are naturally led to adopt an organization which is not civic and peaceable, but partakes of the habits and maxims of military life. They also centralize the direction of their forces as much as possible and entrust the power of the whole party to a small number of leaders.

The members of these associations respond to a watchword, like soldiers on duty; they profess the doctrine of passive obedience; say, rather, that in uniting together they at once abjure the exercise of their own judgment and free will; and the tyrannical control that these societies exercise is often far more insupportable than the authority possessed over society by the government which they attack. Their moral force is much diminished by these proceedings, and they lose the sacred character which always attaches to a struggle of the oppressed against their oppressors. He who in given cases consents to obey his fellows with servility and who submits his will and even his thoughts to their control, how can he pretend that he wishes to be free?

The Americans have also established a government in their associations, but it is invariably borrowed from the forms of the civil administration. The independence of each individual is recognized; as in society, all the members advance at the same time towards the same end, but they are not all obliged to follow the same track. No one abjures the exercise of his reason and free will, but everyone exerts that reason and will to promote a common undertaking.

Chapter VII

RELATION OF CIVIL TO POLITICAL ASSOCIATIONS

There is only one country on the face of the earth where the citizens enjoy unlimited freedom of association for political purposes. This same country is the only one in the world where the continual
exercise of the right of association has been introduced into civil life and where all the advantages which civilization can confer are procured by means of it.

In all the countries where political associations are prohibited, civil associations are rare. It is hardly probable that this is the result of accident, but the inference should rather be that there is a natural and perhaps a necessary connection between these two kinds of associations. Certain men happen to have a common interest in some concern; either a commercial undertaking is to be managed, or some speculation in manufactures to be tried: they meet, they combine, and thus, by degrees, they become familiar with the principle of association. The greater the multiplicity of small affairs, the more do men, even without knowing it, acquire facility in prosecuting great undertakings in common.

Civil associations, therefore, facilitate political association; but, on the other hand, political association singularly strengthens and improves associations for civil purposes. In civil life every man may, strictly speaking, fancy that he can provide for his own wants; in politics he can fancy no such thing. When a people, then, have any knowledge of public life, the notion of association and the wish to coalesce present themselves every day to the minds of the whole community; whatever natural repugnance may restrain men from acting in concert, they will always be ready to combine for the sake of a party. Thus political life makes the love and practice of association more general; it imparts a desire of union and teaches the means of combination to numbers of men who otherwise would have always lived apart.

Politics give birth not only to numerous associations, but to associations of great extent. In civil life it seldom happens that anyone interest draws a very large number of men to act in concert; much skill is required to bring such an interest into existence; but in politics opportunities present themselves every day. Now, it is solely in great associations that the general value of the principle of association is displayed. Citizens who are individually powerless do not very clearly anticipate the strength that they may acquire by uniting together; it must be shown to them in order to be understood. Hence it is often easier to collect a multitude for a public purpose than a few persons; a thousand citizens do not see what interest they have in combining together; ten thousand will be perfectly aware of it. In politics men combine for great undertakings, and the use they make of the principle of association in important affairs practically teaches them that it is their interest to help one another in those of less moment. A political association draws a number of individuals at the same time out of their own circle; however they may be naturally kept asunder by age, mind, and fortune, it places them nearer together and brings them into contact. Once met, they can always meet again.

Men can embark in few civil partnerships without risking a portion of their possessions; this is the case with all manufacturing and trading companies. When men are as yet but little versed in the art of association and are unacquainted with its principal rules, they are afraid, when first they combine in this manner, of buying their experience dear. They therefore prefer depriving themselves of a powerful instrument of success to running the risks that attend the use of it. They are less reluctant, however, to join political associations, which appear to them to be without danger because they risk no money in them. But they cannot belong to these associations for any length of time without finding out how order is maintained among a large number of men and by what contrivance they are made to advance, harmoniously and methodically, to the same object. Thus they learn to surrender their own will to that of all the rest and to make their own exertions subordinate to the common impulse, things which it is not less necessary to know in civil than in political associations. Political associations may therefore be considered as large free schools, where all the members of the community go to learn the general theory of association. But even if political association did not directly contribute to the progress of civil association, to destroy the former would be to impair the latter. When citizens can meet in public only for certain purposes, they regard such meetings as a strange proceeding of rare occurrence, and they rarely
think at all about it. When they are allowed to meet freely for all purposes, they ultimately look upon
public association as the universal, or in a manner the sole, means that men can employ to accomplish the
different purposes they may have in view. Every new want instantly revives the notion. The art of
association then becomes, as I have said before, the mother of action, studied and applied by all.

When some kinds of associations are prohibited and others allowed, it is difficult to distinguish the former
from the latter beforehand. In this state of doubt men abstain from them altogether, and a sort of public
opinion passes current which tends to cause any association whatsoever to be regarded as a bold and
almost an illicit enterprise.¹

It is therefore chimerical to suppose that the spirit of association, when it is repressed on some one point,
will nevertheless display the same vigor on all others; and that if men be allowed to prosecute certain
undertakings in common, that is quite enough for them eagerly to set about them. When the members of a
community are allowed and accustomed to combine for all purposes, they will combine as readily for the
lesser as for the more important ones; but if they are allowed to combine only for small affairs, they will
be neither inclined nor able to effect it. It is in vain that you will leave them entirely free to prosecute their
business on joint-stock account: they will hardly care to avail themselves of the rights you have granted to
them; and after having exhausted your strength in vain efforts to put down prohibited associations, you
will be surprised that you cannot persuade men to form the associations you encourage.

I do not say that there can be no civil associations in a country where political association is prohibited,
for men can never live in society without embarking in some common undertakings; but I maintain that in
such a country civil associations will always be few in number, feebly planned, unskillfully managed, that
they will never form any vast designs, or that they will fail in the execution of them.

This naturally leads me to think that freedom of association in political matters is not so dangerous to
public tranquillity as is supposed, and that possibly, after having agitated society for some time, it may
strengthen the state in the end. In democratic countries political associations are, so to speak, the only
powerful persons who aspire to rule the state. Accordingly, the governments of our time look upon
associations of this kind just as sovereigns in the Middle Ages regarded the great vassals of the crown:
they entertain a sort of instinctive abhorrence of them and combat them on all occasions. They bear a
natural goodwill to civil associations, on the contrary, because they readily discover that instead of
directing the minds of the community to public affairs these institutions serve to divert them from such
reflections, and that, by engaging them more and more in the pursuit of objects which cannot be attained
without public tranquility, they deter them from revolutions. But these governments do not attend to the
fact that political associations tend amazingly to multiply and facilitate those of a civil character, and that
in avoiding a dangerous evil they deprive themselves of an efficacious remedy.

When you see the Americans freely and constantly forming associations for the purpose of promoting
some political principle, of raising one man to the head of affairs, or of wresting power from another, you
have some difficulty in understanding how men so independent do not constantly fall into the abuse of
freedom. If, on the other hand, you survey the infinite number of trading companies in operation in the
United States, and perceive that the Americans are on every side unceasingly engaged in the execution of
important and difficult plans, which the slightest revolution would throw into confusion, you will readily
comprehend why people so well employed are by no means tempted to perturb the state or to destroy that
public tranquillity by which they all profit. Is it enough to observe these things separately, or should we
not discover the hidden tie that connects them? In their political associations the Americans, of all
conditions, minds, and ages, daily acquire a general taste for association and grow accustomed to the use
of it. There they meet together in large numbers, they converse, they listen to one another, and they are
mutually stimulated to all sorts of undertakings. They afterwards transfer to civil life the notions they have thus acquired and make them subservient to a thousand purposes. Thus it is by the enjoyment of a dangerous freedom that the Americans learn the art of rendering the dangers of freedom less formidable.

If a certain moment in the existence of a nation is selected, it is easy to prove that political associations perturb the state and paralyze productive industry; but take the whole life of a people, and it may perhaps be easy to demonstrate that freedom of association in political matters is favorable to the prosperity and even to the tranquility of the community. I said in the former part of this work: "The unrestrained liberty of political association cannot be entirely assimilated to the liberty of the press. The one is at the same time less necessary and more dangerous than the other. A nation may confine it within certain limits without ceasing to be mistress of itself, and it may sometimes be obliged to do so in order to maintain its own authority." And further on I added: "It cannot be denied that the unrestrained liberty of association for political purposes is the last degree of liberty which a people is fit for. If it does not throw them into anarchy, it perpetually brings them, as it were, to the verge of it." Thus I do not think that a nation is always at liberty to invest its citizens with an absolute right of association for political purposes; and I doubt whether, in any country or in any age, it is wise to set no limits to freedom of association.

A certain nation, it is said, could not maintain tranquillity in the community, cause the laws to be respected, or establish a lasting government if the right of association were not confined within narrow limits. These blessings are doubtless invaluable, and I can imagine that to acquire or to preserve them a nation may impose upon itself severe temporary restrictions: but still it is well that the nation should know at what price these blessings are purchased. I can understand that it may be advisable to cut off a man's arm in order to save his life, but it would be ridiculous to assert that he will be as dexterous as he was before he lost it.

Footnotes

1 This is more especially true when the executive government has a discretionary power of allowing or prohibiting associations. When certain associations are simply prohibited by law, and the courts of justice have to punish infringements of that law, the evil is far less considerable. Then every citizen knows beforehand pretty nearly what he has to expect. He judges himself before he is judged by the law, and, abstaining from prohibited associations, he embarks on those which are legally sanctioned. It is by these restrictions that all free nations have always admitted that the right of association might be limited. But if the legislature should invest a man with a power of ascertaining beforehand which associations are dangerous and which are useful and should authorize him to destroy all associations in the bud or to allow them to be formed, as nobody would be able to foresee in what cases associations might be established and in what cases they would be put down, the spirit of association would be entirely paralyzed. The former of these laws would assail only certain associations; the latter would apply to society itself, and inflict an injury upon it. I can conceive that a government which respects the rule of law may have recourse to the former, but I do not concede that any government has the right of enacting the latter.

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20 Questions Journalists Should Ask About Poll Results

For journalists and for pollsters, questions are the most frequently used tool for gathering information. Here are 20 questions for the journalist to ask the pollster before reporting poll results. This publication is designed to help the working journalist do a thorough, professional job covering polls; it is not a primer on how to conduct a public opinion survey.

This work is about polls that are "scientific." A number of the questions will help you decide whether or not a poll is a scientific -- one worthy of coverage -- or an unscientific survey that may be entertaining but meaningless.

Of the scientific polls, the Gallup Poll is probably the best known and one of the oldest. There are many other excellent surveys conducted by reputable firms, as well.

The unscientific surveys are less well known, if quite widespread. There are 900-number call-in polls, man-on-the-street surveys, shopping mall polls, and even the classic toilet tissue poll featuring pictures of the candidates on each sheet.

The major distinguishing difference between scientific and unscientific polls is who picks the respondents for the survey. In a scientific poll, the pollster identifies and seeks out the people to be interviewed. In an unscientific poll, the respondents usually "volunteer" their opinions, selecting themselves for the poll.

The results of the well-conducted scientific poll can provide a reliable guide to the opinions of many people in addition to those interviewed -- even the opinions of all Americans. The results of an unscientific poll tell you nothing more than simply what those respondents say.

With these 20 questions in hand, the journalist can seek the facts to decide just how to handle every poll that comes across the news desk each day.

1. Who did the poll?
What polling firm, research house, political campaign, corporation, or other group conducted the poll? This is always the first question to ask.

If you don't know who did the poll, you can't get the answers to all the other questions listed here. And if the person providing poll results can't or won't tell you who did it, serious questions must be raised about the reliability and truthfulness of the results being presented.

In most cases, reputable polling firms will provide you with the information you need to evaluate the survey. And because reputation is important to a quality firm, a professionally conducted poll will avoid many errors.

2. Who paid for the poll and why was it done?
You must know who paid for the survey, because that tells you -- and your audience -- who thought these topics were important enough to spend money finding out what people think. And that goes to the whole issue of why the poll was done.
Polls usually are not conducted for the good of the world. They are conducted for a reason -- either to gain helpful information or to advance a particular cause.

It may be the news organization wants to develop a good story. It may be the politician wants to be re-elected. It may be that the corporation is trying to push sales of its new product. Or a special interest group may be trying to prove that its views are the views of the entire country.

All are legitimate reasons for doing a poll.

The important issue for you as a journalist is whether the motive for doing the poll creates such serious doubts about the validity of the poll results that the results should not be publicized.

An example of suspect polls are private polls conducted by a political campaign. These polls are conducted solely to help the candidate win -- and for no other reason. The poll may have terrifically slanted questions or a strange sampling methodology, all with a tactical campaign purpose. For example, the campaign may be testing out new slogans or a new stance on a key issue or a new attack on the opponent.

But since accurately gauging the general public's sentiments is not the goal of the candidate's poll, the results should be reported with great care.

Likewise, reporting on a survey by a special interest group is tricky. For example, an environmental group trumpets a poll saying the American people support strong measures to protect the environment. That may be true, but the poll may have been conducted for a group with definite views. That may have swayed the question wording, the timing of the poll, the group interviewed, and the order of the questions. You should examine the poll to be certain that it accurately samples public opinion -- and does not simply push a single viewpoint.

3. How many people were interviewed for the survey?
This is another basic piece of information you should have. Because polls give approximate answers, the more people interviewed in a scientific poll, the smaller the error due to the size of the sample, all other things being equal.

However, a common trap to avoid is that "more is automatically better." It is absolutely true that the more people interviewed in a reliable survey, the smaller the sampling error -- all other things being equal. But, other factors may be more important in judging the quality of a survey.

4. How were those people chosen?
The key reason that some polls reflect public opinion accurately and other polls are unscientific junk is how the people were chosen to be interviewed.

In scientific polls, the pollster uses a specific method for picking respondents. In unscientific polls, the person picks himself to participate.

The method pollsters use to pick interviewees relies on the bedrock of mathematical reality: when the chance of selecting each person in the target population is known, then and only then do the results of the sample survey reflect the entire population. This is called a random sample or a probability sample. This is the reason that interviews with 1000 American adults can accurately reflect the opinions of more than 185 million American adults.
Most scientific samples use special techniques to be economically feasible. For example, some sampling methods for telephone interviewing do not just pick randomly generated telephone numbers. Only telephone exchanges that are known to contain working residential numbers are selected -- to reduce the number of wasted calls.

But even a random sample cannot be purely random in practice since some people don't have phones, refuse to answer, or aren't home.

5. **What area: nation, state, or region -- or what group: teachers, lawyers, Democratic voters, etc.-- were these people chosen from?**

Although the results of probability samples can be projected to represent the larger population from which they were selected, the characteristics of the larger population must be specified. For example, you should know if a sample represents all people in the United States or just those in one state or one city. In another example, the case of telephone samples, the population is that of people living in households with telephones. For most purposes, telephone households may be similar to the general population. But, if you were reporting a poll on what it was like to be poor or homeless, this would not be the appropriate sample. Remember, the use of a scientific sampling technique does not mean that the correct population was interviewed.

It is absolutely critical to know from which group the interviewees were chosen.

For example, a survey of business people can reflect the opinions of business people -- but not of all adults. Only if the interviewees were chosen from among all American adults can the poll reflect the opinions of all American adults.

Political polls are especially sensitive to this issue.

In pre-primary and preelection polls, how the people are chosen as the base for poll results is critical. A poll of all adults, for example, is not very useful on a primary race where only 25 percent of the registered voters actually turn out. So look for polls based on registered voters, "likely voters," previous primary voters, and such. These distinctions are important and should be included in the story.

One of the most variable aspects of polling is trying to figure out who actually is going to vote.

6. **Are the results based on the answers of all the people interviewed?**

One of the easiest ways to misrepresent the results of a poll is to report the answers of only a subgroup. For example, there is usually a substantial difference between the opinions of Democrats and Republicans on campaign-related matters. Reporting the opinions of only Democrats in a poll purported to be of all adults would substantially misrepresent the results.

Poll results based on Democrats must be identified as such and should be reported as representing only Democratic opinions.

Of course, reporting on just one subgroup can be exactly the right course. In polling on a Republican primary contest, it is the opinions of the Republicans who can vote in the primary that count -- not those of Democrats who cannot vote in that GOP contest.
7. **Who should have been interviewed and was not?**
You ought to know how many people refused to answer the survey or were never contacted.

The non-response rate is the percentage of people contacted who should have been interviewed, but were not. They may have refused attempts to interview them. Or interviews may not have been attempted if people were not home when the interviewer called.

The results of a survey should be judged very differently if the 100 convention delegates interviewed were a random sample of 1000 delegates as compared to their being the only 100 out of the 1000 willing to participate. The same potential for distorted results occurs if some of the delegates who were in the sample were never actually contacted.

8. **When was the poll done?**
Events have a dramatic impact on poll results. Your interpretation of a poll should depend on when it was conducted relative to key events. Even the freshest poll results can be overtaken by subsequent events. The President may have given a stirring speech to the nation, the stock market may have crashed or an oil tanker may have sunk, spilling millions of gallons of crude on beautiful beaches.

Poll results that are several weeks or months old may be perfectly valid as history, but are not always newsworthy.

9. **How were the interviews conducted?**
There are three main possibilities: in person at home, by telephone, or by mail.

Most surveys are now conducted by telephone, with the calls made from a central interviewing center. However, some surveys are still conducted by sending interviewers into people's homes to conduct the interviews.

Some surveys are conducted by mail. In scientific polls, the pollster picks the people to receive the mail questionnaires. The respondent fills out the questionnaire and returns it.

Mail surveys can be excellent sources of information, but it takes weeks to do a mail survey, meaning that the results cannot be as timely as a telephone survey. And mail surveys can be subject to other kinds of errors, particularly low response rates. In many mail surveys, more people fail to participate than do. This makes the results suspect.

Surveys done in shopping malls, in stores or restaurants or on the sidewalk may have their uses for their sponsors, but publishing the results in the media is not among them. These "man in the street" approaches may yield interesting human interest stories, but they should never be treated as if they represent a public opinion poll.

10. **Is this a dial-in poll, a mail-in poll, or a subscriber coupon poll?**
If the poll you are looking at is a dial-in, mail-in, or coupon poll, don't report the results because the respondents are self-selected. These pseudo-polls have no validity. Remember, the purpose of a poll is to draw conclusions about the population, not about the sample. In these pseudo-polls there is no way to project the results to any larger group. Scientific polls usually show different results than pseudo-polls.
The 900-number dial-in polls may be fine for deciding whether or not Larry the Lobster should be cooked on Saturday Night Live or even for dedicated fans to express their opinions on who is the greatest quarterback in the National Football League, but they have only entertainment value. There is no way to tell who actually called in, how old they are, or how many times each person called.

Never be fooled by the number of responses. In some cases a few people call in thousands of times. Even if 500,000 calls are tallied, no one has any real knowledge of what the results mean. If big numbers impress you, remember that the Literary Digest's non-scientific sample of 12,000,000 people said Landon would beat Roosevelt.

The subscriber coupon polls are just as bad. In these cases, the magazine or newspaper includes a coupon to be mailed in with the answers to the questions. Again, there is no way to know who responded and how many times. These results are not projectable even to the subscribers of the publication that includes the coupon.

11. What is the sampling error for the poll results?
Interviews with a scientific sample of 1000 adults can accurately reflect the opinions of more than 185 million American adults. That means interviews attempted with all 185 million adults—if such were possible—would give approximately the same results as a well-conducted survey.

But what happens if another carefully done poll of 1000 adults gives slightly different results from the first survey? Neither of the polls is "wrong." This range of results is called the error due to sampling, often called the margin of error.

This is not an "error" in the sense of making a mistake. Rather, it is a measure of the possible range of approximation in the results because a sample was used.

Pollsters express the size of the uncertainty caused by using a sample at a "confidence level." This means a sample is likely to be within so many points of the results one would have gotten if an interview was attempted with the entire target population. They usually say this with 95% confidence.

Thus, for example, a "3 percentage point margin of error" in a national poll means that if the attempt was made to interview every adult in the nation with the same questions in the same way at about the same time as the poll was taken, the poll's answers would fall within plus or minus 3 percentage points of the complete count result 95% of the time.

Please note that this does not address the issue of whether or not people cooperate with the survey, or if the questions are understood, or if any other methodological issue exists. The sampling error is only the portion of the potential error in a survey introduced by using a sample rather than the entire population. Sampling error tells us nothing about the refusals or those consistently unavailable for interview; it also tells us nothing about the biasing effects of a particular question wording or the bias a particular interviewer may inject into the interview situation.

Remember that the sampling error margin applies to each figure in the results—it is at least 3 percentage points plus or minus for each one. Thus, in a pool question matching two candidates for President, both figures are subject to sampling error.
This raises one of the thorniest problems in the presentation of poll results. For a horse-race poll, when is one candidate really ahead of the other?

Certainly, when the gap between the two candidates is more than twice the error margin—6 percentage points in our example—you can say with confidence that the poll says Candidate A is leading Candidate B.

And just as certainly, if the gap between the two candidates is less than error margin then you should not say that one candidate is ahead of the other. Then, the race is "close", the race is "roughly even"; or there is "little difference between the candidates."

And bear in mind that when subgroup results are reported—women or blacks, or young people—the sampling error margin for those figures is greater than for results based on the survey as a whole.

12. What other kinds of mistakes can skew poll results?
The margin of sampling error is just one source of inaccuracy in a poll and not necessarily the greatest source of error; we use it because it's the only one that can be quantified. Question phrasing and ordering are also a likely source of flaws. That's why you need to examine poll questions for bias.

You should always ask if the poll results have been "weighted." This process is usually used to account for unequal probabilities of selection and to correct demographics in the sample. However, you should be aware that a poll can also be unduly manipulated by weighting to produce some desired result.

And there are other possible sources of error. These include issues such as inadequate interviewer training and supervision, data processing errors, and other operational problems. Professional polling operations are less subject to these problems than volunteer-conducted polls, which are usually less trustworthy.

13. What questions were asked?
You must find out the exact wording of the poll questions. Why? Because the very wording of questions can make major differences in the results.

Perhaps the best test of any poll question is your reaction to it. On the face of it, does the question seem fair and unbiased? Does it present a balanced set of choices? Would people you know be able to answer the question?

On sensitive questions—such as abortion—the complete wording of the question should probably be included in your story. But at the very least, you must have the exact wording as you are preparing the story.

It may well be worthwhile to compare the results of several different polls from different organizations on these sensitive questions. In that case, you should be careful to compare both the results and the exact wording of the questions.
14. In what order were the questions asked?
Sometimes the very order of the questions can have an impact on the results. Often that impact is intentional; sometimes, it is not. The impact of order can often be subtle.

During troubled economic times, for example, if people are asked what they think of the economy before they are asked their opinion of the president, the presidential popularity rating will probably be lower than if you had reversed the questions. And in good economic times, the opposite is true.

In political polls, campaign consultants often ask a series of questions about various issue positions of the candidates—or various things that could be said about the candidates. After these questions are asked, the horse-race question is asked, usually for the second time in the poll. This second horserace question is then examined to see if the questions about issues and positions swayed any opinions. This may be a good way to test issues. It is a poor way to test the candidates' true standings in the public's mind.

What is important here is whether the questions that went before the important question affect the results. If the poll asks questions about abortion just before a question about an abortion ballot measure, those previous questions could sway the results.

15. What other polls have been done on this topic? Do they say the same thing? If they are different, why are they different?
Results of other polls—a candidate's opponent, public polls, media polls, or whatever—should be used to check and contrast poll results you have in hand.

If the polls differ, first check the timing of when the interviewing was done. The different poll results may demonstrate a swing in public opinion.

If the polls were done about the same time, and no other factor seems to explain the disagreement, go to each poll sponsor and ask for an explanation of the differences. Conflicting polls often make good stories.

16. So, the poll says the race is all over. What now?
No matter how good the poll, no matter how wide the margin, no matter how big the sample, a pre-election poll does not show that one candidate has the race "locked up." Things change—often and dramatically in politics.

17. Was the poll part of a fund-raising effort?
This is another example of a pseudo-poll. An organization sends out a survey form to a large list of people. The last question usually asks for a contribution from the respondent. He or she is expected to send money to support the organization or pay for tabulating the survey.

The people who respond to these types of surveys are likely to be those who agree with the organization's goals. Also, the questions are usually loaded and the results, meaningless.

This technique is used by a wide variety of organizations from political parties and special-interest groups to charitable organizations. Again, if the poll in question is part of a fund-raising
pitch, pitch it—in the waste basket.

18. So I've asked all the questions. The answers sound good. The poll is correct, right? Usually, yes. However, remember that the laws of chance alone say that the results of one poll out of 20 may be skewed away from the public's real views just because of sampling error.

19. With all these potential problems, should we ever report poll results? Yes. Because reputable polling organizations consistently do good work. In spite of the difficulties, the public opinion survey, correctly conducted, is still the best objective measure of the state of the views of the public.

20. Is this poll worth reporting? If the poll was conducted correctly, and you have been able to obtain the information outlined here, your news judgment and that of your editors should be applied to polls, as it is to every other element of a story.

This is a publication of the National Council on Public Polls in keeping with its mission to help educate journalists on the use of public opinion polls.

The authors, Sheldon R. Gawiser, Ph.D. and G. Evans Witt, were the cofounders of the Associated Press/ NBC News Poll.

For any additional information on any aspect of polling or a specific poll, please call the NCPP office at 212-986-8262.
### Importance of Politics, 1989 - 2001

#### In Percent of the Population

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(a) Question in survey: Please say, for each of the following, how important it is in your life. "Politics".
Response: Very important/Rather important.

The Seven Stages of Public Opinion

Public opinion is not static. People's views about an issue can develop and change over time from disconnected, poorly informed reactions to more thoughtful and considered conclusions, from changeable public opinion to settled public judgment. This process evolves through seven distinct stages, according to Daniel Yankelovich, author, public opinion analyst and co-founder of Public Agenda. And unless one understands where people are in this process, survey results can frequently mislead.

People often approach an issue initially with strong, emotionally laden feelings and opinions, which tend to be unstable and changeable. People may not understand an issue or problem particularly well. They may not have thought through the consequences of their opinions, and resist confronting realistic costs and trade-offs. The quality of public opinion at this stage is raw and unformed. However, when people's views have progressed through all seven stages of public opinion, their ideas become solid and stable, and they accept the consequences of the views they hold. When public opinion is fully developed, opinion surveys will reveal a reliable and stable picture of people's thinking, a picture which accurately reflects their values, priorities, and beliefs.

Stage 1: Dawning Awareness
In this stage, people become aware of an issue, but do not yet feel a pressing need to take action. For instance, surveys show that most Americans say child care is a serious problem when they are questioned about it, but it rarely surfaces when people are asked to name the most important issues facing the country. People acknowledge the problem, but there is little real urgency. Americans are aware of many problems, but only a few rise to the top of their list of priorities. Distinguishing between awareness and urgency is essential to interpreting public opinion correctly.

Stage 2: Greater Urgency
In Stage 2, people move beyond awareness to a sense of urgency. The dominant sentiment is often a panicky appeal to "do something!" Health care moved squarely into this second stage when the economic recession of the early 1990s had many people terrified about losing their jobs. Much of this anxiety was channeled into worry about insurance coverage. Although the health care issue had been kicking around for years, the public's concern rose sharply in economic bad times. In today's more comfortable economy, health care has receded as a top tier issue, and the debate centers more on the quality of care than on lack of insurance coverage.

Stage 3: Reaching for Solutions
In the third stage, the public begins to look at alternatives for dealing with issues, converting free-floating concern into calls for action. Often, the public's attention focuses on choices that experts or policy-makers have crafted without being helped to understand the implications. Since people do not fully understand the choices presented to them, stage three is a period of stunningly false endorsements, that is, the public expresses support for a proposal but back down as soon as the costs and trade-offs are clarified. In the health care debate, for example, people favor broad expansion of health care coverage for children, low-income workers and others, but support wavers when people consider the likely costs.
Stage 4: Wishful Thinking
This is where the public's resistance to facing trade-offs is most manifest as people initially assume they can "have it all." On difficult issues — ones that require significant change or sacrifice — the public's wishful thinking must be overcome before people come to grips with more realistic solutions. With health care, people start with the assumption that complete health care is a right, and that insurance should pay for any treatment that will save lives, regardless of the cost. Yet the public balks at increased premiums and out-of-pocket costs. The public shows resistance to facing realistic costs and trade-offs on the issue of health care.

Stage 5: Weighing The Choices
In this stage, the public does "choice work": weighing the pros and cons of the alternatives for dealing with an issue. Stage 5 is hard work, as people come to understand that easy, cost-free solutions are unlikely to work, and that seemingly simple solutions may have down-sides. When the public has given a lot of thought to an issue and proposals for addressing it, they begin to hold firmly to their opinions even when presented with unpleasant consequences. One example currently being played out around the country concerns raising standards in public schools. People are now more familiar with the debate, and their support for raising standards holds, even as they acknowledge that raising standards could result in higher drop-out rates, and even when they consider the prospect of failing youngsters who have tried hard, but have not learned what is expected. Stages 3, 4 and 5 can be grouped together under the general heading "working through" — a term which encompasses rational thought as well as feelings and ethical concerns.

Stage 6: Taking a Stand Intellectually
Stage 7: Making a Responsible Judgment Morally and Emotionally
The two stages of resolution are linked, but different. People are quicker to accept change in their minds than in their hearts. In Stage 6 people accept an idea, but they usually do not act on it until they reach Stage 7.

It can take decades for some issues to arrive at the last stage of public opinion, and the issue of women in the work place is one such example. Over time the public has come to accept the idea of women working outside the home and strongly endorses ideas such as equal pay for equal work and non-discriminatory hiring. The only kernel of the issue that remains even somewhat controversial is whether mothers of young children should work outside the home. Even here, although many Americans express concern about how children fare in today's working families, very few blame women for working for selfish reasons, and most believe that it is entirely possible to be a good mother while in the labor force.

The intellectual resolution of Stage 6 requires people to clarify fuzzy thinking, reconcile inconsistencies, consider relevant facts and new realities, and grasp the full consequences of choices. The emotional resolution of Stage 7 requires people to accommodate themselves to different situations, change their own thinking and behavior, and confront their own ambivalent feelings. The final two stages can be grouped together as the stages where the public comes to resolution about an issue.

For more information, see Coming to Public Judgement, Syracuse University Press, 1991, and "How Public Opinion Really Works," Fortune, October 1992, both by Daniel Yankelovich