

NOTES

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1. John McCormick, "Lost Obama Interview Provides Portrait of Aspiring Politician," *Bloomberg News*, August 4, 2009. See <http://www.bloomberg.com/apps/news?pid=washingtonstory&sid=aMI4WIB.JTDA>.
2. David Von Drehle, "The Year of the Youth Vote," *Time*, January 31, 2008. See <http://www.time.com/time/politics/article/0,8599,1708570-2,00.html>.
3. Because the level of difficulty of the questions differed somewhat, one should only examine the differences within a year and not necessarily infer that political knowledge as a whole has decreased.
4. For example, younger people have consistently scored much lower than have senior citizens in the Pew Research Center's regular "News IQ" surveys. The reports from these surveys can be found at <http://pewresearch.org/politicalquiz/>.
5. Stephen Earl Bennett and Eric W. Rademacher, "The Age of Indifference Revisited: Patterns of Political Interest, Media Exposure, and Knowledge Among Generation X," in Stephen C. Craig and Stephen Earl Bennett, eds., *After the Boom: The Politics of Generation X* (Lanham, MD: Rowman & Littlefield, 1997), 39.
6. Michael X. Delli Carpini and Scott Keeter, *What Americans Know About Politics and Why It Matters* (New Haven, CT: Yale University Press, 1996), chap. 6.
7. See Julia B. Isaacs et al., "Kids Share: Report on Federal Expenditures on Children Through 2010." Washington, D.C.: The Brookings Institution, July 2011, p. 18.
8. Data for Presidents Richard Nixon through George W. Bush can be found in Samuel Kernell, *Going Public: New Strategies of Presidential Leadership*, 4th ed. (Washington, DC: CQ Press, 2007), 140. We have compiled the data for Obama's Nielsen ratings from regular postings at <http://blog.nielsen.com/nielsenwire/>.
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10. Jeremy D. Mayer, "Campaign Press Coverage—At the Speed of Light," in Richard J. Semiatin, ed., *Campaigns on the Cutting Edge* (Washington, DC: CQ Press, 2008), 152.
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14. Robert A. Dahl, *A Preface to Democratic Theory* (Chicago: University of Chicago Press, 1956), 137.
15. Robert Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon & Schuster, 2000).
16. Jacob S. Hacker and Paul Pierson, *Off Center: The Republican Revolution and the Erosion of American Democracy* (New Haven, CT: Yale University Press, 2005), 16.
17. Ronald Inglehart and Christian Welzel, *Modernization, Cultural Change, and Democracy: The Human Development Sequence* (New York: Cambridge University Press, 2005), 2.

18. G. K. Chesterton, *What I Saw in America* (New York: Dodd, Mead & Co., 1922), 7.
19. Seymour Martin Lipset, *American Exceptionalism: A Double-Edged Sword* (New York: Norton, 1996), 31.
20. *Ibid.*, 19.
21. Louis Hartz, *The Liberal Tradition in America* (New York: Harcourt, Brace, 1955).
22. Frederick Jackson Turner, *The Significance of the Frontier in American History* (New York: Readex Microprint, 1966), 221.
23. John W. Kingdon, *America the Unusual* (New York: St. Martin's/Worth, 1999), 2.
24. Seymour Martin Lipset, *The First New Nation* (New York: Norton, 1979), 68.
25. James Q. Wilson, "How Divided Are We?" *Commentary*, February 2006, 15.
26. *Ibid.*, 21.
27. Morris P. Fiorina, *Culture War? The Myth of a Polarized America*, 2nd ed. (New York: Longman, 2006), 165.
28. Wayne Baker, *America's Crisis of Values: Reality and Perception* (Princeton, NJ: Princeton University Press, 2005).
29. Dick Armey, *The Freedom Revolution* (Washington, DC: Regnery, 1995), 316.

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2. Garry Wills, *Inventing America: Jefferson's Declaration of Independence* (New York: Doubleday, 1978), 13, 77.
3. Clinton Rossiter, *1787: The Grand Convention* (New York: Macmillan, 1966), 60.
4. On the Lockean influence on the Declaration of Independence, see Carl L. Becker, *The Declaration of Independence: A Study in the History of Political Ideas* (New York: Random House, 1942).
5. Seymour Martin Lipset, *The First New Nation* (New York: Basic Books, 1963).
6. Gordon S. Wood, *The Creation of the American Republic, 1776–1787* (Chapel Hill: University of North Carolina Press, 1969), 3.
7. On the Articles of Confederation, see Merrill Jensen, *The Articles of Confederation* (Madison: University of Wisconsin Press, 1940).
8. Wood, *The Radicalism of the American Revolution*, 6–7.
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- Distribution of Federal Funds,” *Journal of Politics* 60 (February 1998): 34–62; and Daniel Wirls, “The Consequences of Equal Representation: The Bicameral Politics of NAFTA in the 103rd Congress,” *Congress and the President* 25 (Autumn 1998): 129–45.
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 14. Rossiter, 1787.
 15. See Charles A. Beard, *An Economic Interpretation of the Constitution of the United States* (New York: Macmillan, 1913); Robert E. Brown, *Charles Beard and the Constitution* (Princeton, NJ: Princeton University Press, 1956); Forrest B. McDonald, *We the People: The Economic Origins of the Constitution* (Chicago: University of Chicago Press, 1958); and Forrest B. McDonald, *Novus Ordo Seclorum: The Intellectual Origins of the Constitution* (Lawrence: University Press of Kansas, 1986).
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 17. “Federalist #10,” in Fairfield, *The Federalist Papers*.
 18. “Federalist #51,” in Fairfield, *The Federalist Papers*.
 19. Quoted in Beard, *An Economic Interpretation of the Constitution of the United States*, 299.
 20. See Kenyon, *The Antifederalists*.
 21. Jackson Turner Main, *The Antifederalists* (Chapel Hill: University of North Carolina Press, 1961). For more on the Anti-Federalists, see Herbert J. Storing, *What the Anti-Federalists Were For* (Chicago: University of Chicago Press, 1981).
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 24. See “Federalist #78,” in Fairfield, *The Federalist Papers*.
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3

1. *Ex parte Young* (1908).
2. *Alden v. Maine*, (1999). See also *College Savings Bank v. Florida Prepaid Postsecondary Education Expense Board* (1999); and *Florida Prepaid Postsecondary Education Expense Board v. College Savings Bank* (1999).
3. *Board of Trustees of University of Alabama, et al. v. Garrett, et al.* (2001).
4. *Fitzpatrick v. Bitzer* (1976).
5. *Central Virginia Community College v. Katz* (2006)
6. *Virginia Office for Protection and Advocacy v. Stewart* (2011).
7. *Monroe v. Pape* (1961); *Monell v. New York City Department of Social Welfare* (1978); *Owen v. Independence* (1980); *Maine v. Thiboutot*, (1980); *Oklahoma City v. Tuttle*, (1985); *Dennis v. Higgins* (1991).
8. *National Federation of Independent Business et al v. Sebelius, Secretary of Health and Human Services, et al* (2012).
9. The transformation from dual to cooperative federalism is described in Walker, *The Rebirth of Federalism*, chap. 4.
10. The classic discussion of cooperative federalism is found in Morton Grodzins, *The American System: A New View of Governments in the United States*, ed. Daniel J. Elazar (Chicago: Rand McNally, 1966).
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19. See George C. Edwards III, *Why the Electoral College Is Bad for America*, 2nd ed. (New Haven, CT: Yale University Press, 2011).
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3. See Kenneth D. Wald and Allison Calhoun-Brown, *Religion and Politics in the United States*, 6th ed. (Lanham, MD: Rowman & Littlefield, 2010).
4. *Widmar v. Vincent* (1981).
5. *Westside Community Schools v. Mergens* (1990).
6. *Good News Club v. Milford Central School* (2001).
7. *Lamb's Chapel v. Center Moriches Union Free School* (1993).
8. *Rosenberger v. University of Virginia* (1995).
9. *Locke v. Davey* (2004).
10. *Illinois ex rel McCollum v. Board of Education* (1948).
11. *Zorach v. Clauson* (1952).
12. *Stone v. Graham* (1980).
13. *Lee v. Weisman* (1992).
14. *Santa Fe School District v. Doe* (2000).
15. *Wallace v. Jaffree* (1985).
16. See, for example, Gallup poll of August 8–11, 2005.
17. *Edwards v. Aguillard* (1987).
18. *Epperson v. Arkansas* (1968).
19. *McCreary County v. American Civil Liberties Union of Kentucky* (2005).
20. *Van Orden v. Perry* (2005).
21. *Lynch v. Donnelly* (1984).
22. *County of Allegheny v. American Civil Liberties Union* (1989).
23. *Bob Jones University v. United States* (1983).
24. *Wisconsin v. Yoder* (1972).
25. *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission et al* (2012).
26. Denying people unemployment compensation is an exception to this rule.
27. *City of Boerne v. Flores* (1997).
28. *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal* (2006).
29. *Cutter v. Wilkinson* (2005).
30. Charles R. Lawrence III, "If He Hollers Let Him Go: Regulating Racist Speech on Campus," in *Words That Wound: Critical Race Theory, Assaultive Speech, and the First Amendment*, ed. Mari J. Matsuda, Charles R. Lawrence III, Richard Delgado, and Kimberle Crenshaw, (Boulder, CO: Westview, 1993), 67–68.
31. Ira Glasser, "Introduction," in *Speaking of Race, Speaking of Sex: Hate Speech, Civil Rights, and Civil Liberties*, ed. Henry Louis Gates Jr. (New York: New York University Press, 1994), 8.
32. *R.A.V. v. St. Paul* (1992). However, states may impose longer prison terms on people convicted of "hate crimes" (crimes motivated by racial, religious, or other prejudice) without violating their rights to free speech.
33. See Fred W. Friendly, *Minnesota Rag* (New York: Random House, 1981).
34. *Hazelwood School District v. Kuhlmeier* (1988).
35. *Morse v. Frederick* (2007).
36. The Supreme Court upheld the government's suit in *United States v. Snepp* (1980).
37. *McIntyre v. Ohio Elections Commission* (1995).
38. *Hudgens v. National Labor Relations Board* (1976).
39. *Pruneyard Shopping Center v. Robins* (1980).
40. *City of Ladue v. Gilleo* (1994).
41. *Jenkins v. Georgia* (1974).
42. *Schad v. Mount Ephraim* (1981).
43. *Barnes v. Glen Theater, Inc.* (1991); *Erie v. Pap's A.M.* (2000).
44. *Osborne v. Ohio* (1990).
45. *Reno v. ACLU* (1997).
46. *Ashcroft v. Free Speech Coalition* (2002).
47. *Brown v. Entertainment Merchants Association* (2011).
48. The story of this case is told in Anthony Lewis, *Make No Law: The Sullivan Case and the First Amendment* (New York: Random House, 1991).
49. Renata Adler, *Reckless Disregard* (New York: Knopf, 1986).
50. *Falwell v. Flynt* (1988).
51. *Tinker v. Des Moines Independent School District* (1969).
52. After Congress passed the Flag Protection Act of 1989 outlawing desecration of the American flag, the Supreme Court also found the act an impermissible infringement on free speech in *United States v. Eichman* (1990).
53. *United States v. O'Brien* (1968).
54. *Virginia v. Black* (2003).
55. *Nebraska Press Association v. Stuart* (1972).
56. *Richmond Newspapers v. Virginia* (1980).
57. *Greater New Orleans Broadcasting, Inc. v. United States* (1999).
58. *Central Hudson Gas & Electric Corporation v. Public Service Commission of N.Y.* (1980).
59. *FCC v. Pacifica Foundation* (1978).
60. *United States v. Playboy Entertainment Group* (2000).
61. *McConnell v. Federal Election Commission* (2003).
62. *Federal Election Commission v. Wisconsin Right to Life, Inc.* (2007).
63. *Arizona Free Enterprise Club's Freedom Club PAC v. Bennett* (2011).
64. *Snyder v. Phelps* (2011).
65. *Frisby v. Schultz* (1988).
66. *Rumsfeld v. Forum for Academic and Institutional Rights, Inc.* (2006).
67. *Kentucky v. King* (2011).
68. *Brigham City v. Stuart* (2006).
69. *Michigan v. Sitz* (1990).
70. *Illinois v. Caballes* (2005).
71. *Brendlin v. California* (2007). The police recognized the passenger as a parole violator.
72. *Safford Unified School District #1 v. Redding* (2009).
73. *Bell v. Wolfish* (2012).
74. *Knowles v. Iowa* (1998).
75. *Arizona v. Grant* (2009).
76. *City of Indianapolis v. Edmond* (2000).
77. *Florida v. J.L.* (2000).
78. *Kyllo v. U.S.* (2001).
79. *United States v. Jones* (2012).
80. *Nix v. Williams* (1984).
81. *United States v. Leon* (1984).
82. *Arizona v. Evans* (1995).
83. *Hudson v. Michigan* (2006).
84. *United States v. Payner* (1980).
85. On the *Miranda* case, see Liva Baker, *Miranda: The Crime, the Law, the Politics* (New York: Atheneum, 1983).
86. *Arizona v. Fulminante* (1991).
87. *Berghuis v. Thompkins* (2010).
88. *Maryland v. Shatzer* (2010).
89. *J.D.B. v. North Carolina* (2011).
90. The story of Gideon is eloquently told by Anthony Lewis, *Gideon's Trumpet* (New York: Random House, 1964).
91. *United States v. Gonzalez-Lopez* (2006).
92. *Turner v. Rogers* (2011).
93. David Brereton and Jonathan D. Casper, "Does It Pay to Plead Guilty? Differential Sentencing and the Function of the Criminal Courts," *Law and Society Review* 16 (1981–1982): 45–70.
94. *Missouri v. Frye* (2012) and *Lafler v. Cooper* (2012).

95. *Batson v. Kentucky* (1986); *Miller-El v. Dretke* (2005).
96. *Apprendi v. New Jersey* (2000); *Blakely v. Washington* (2004); *United States v. Booker* (2005); *Cunningham v. California* (2007); *Southern Union Co. v. United States* (2012).
97. *Crawford v. Washington* (2004).
98. *Melendez-Diaz v. Massachusetts* (2009).
99. *Bullcoming v. New Mexico* (2011).
100. *Smith v. Cain* (2012).
101. *Brown v. Plata* (2011).
102. *Grabam v. Florida* (2010); *Miller v. Alabama* (2012).
103. Joe Soss, Laura Langbein, and Alan R. Metelko, "Why Do White Americans Support the Death Penalty?" *Journal of Politics* 65 (May 2003): 397–421.
104. *Baze v. Rees* (2008).
105. Guttmacher Institute, 2011.
106. *Madsen v. Women's Health Center* (1994). In 1997, the Court also upheld a 15-foot buffer zone.
107. *Hill v. Colorado* (2000).
108. *National Organization for Women v. Scheidler* (1994).
109. Although, as Chapter 15 on the judiciary will show, there is indirect accountability.

5

1. For opposing interpretations of the Fourteenth Amendment, see Judith A. Baer, *Equality Under the Constitution: Reclaiming the Fourteenth Amendment* (Ithaca, NY: Cornell University Press, 1983), and Raoul Berger, *Government by Judiciary: The Transformation of the Fourteenth Amendment* (Cambridge, MA: Harvard University Press, 1977).
2. Desmond King, *Separate but Unequal: Black Americans and the US Federal Government* (Oxford: Oxford University Press, 1995).
3. D. Garth Taylor, Paul B. Sheatsley, and Andrew M. Greeley, "Attitudes Toward Racial Integration," *Scientific American* 238 (June 1978): 42–49; Richard G. Niemi, John Mueller, and John W. Smith, *Trends in Public Opinion* (Westport, CT: Greenwood Press, 1989), 180.
4. There are a few exceptions. Religious institutions such as schools may use religious standards in employment. Gender, age, and disabilities may be considered in the few cases in which such occupational qualifications are absolutely essential to the normal operations of a business or enterprise, as in the case of a men's restroom attendant.
5. On the implementation of the Voting Rights Act, see Richard Scher and James Button, "Voting Rights Act: Implementation and Impact," in *Implementation of Civil Rights Policy*, ed. Charles Bullock III and Charles Lamb, (Monterey, CA: Brooks/Cole, 1984); Abigail M. Thernstrom, *Whose Votes Count?* (Cambridge, MA: Harvard University Press, 1987); and Chandler Davidson and Bernard Groffman, eds., *Quiet Revolution in the South: The Impact of the Voting Rights Act, 1965–1990* (Princeton, NJ: Princeton University Press, 1994).
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8. *Johnson v. DeGrandy* (1994).
9. *Miller v. Johnson* (1995).
10. *Bush v. Vera* (1996) and *Shaw v. Hunt* (1996).
11. *League of United Latin American Citizens v. Perry* (2006).
12. U.S. Census Bureau, 2012.
13. See Dee Brown, *Bury My Heart at Wounded Knee: An Indian History of the American West* (New York: Holt, Rinehart and Winston, 1970).
14. U.S. Census Bureau, 2012.
15. U.S. Department of Commerce, *Statistical Abstract of the United States, 2012*, Table 421.
16. *White v. Register* (1973).
17. U.S. Census Bureau, 2012.
18. U.S. Census Bureau, 2012.
19. See Eleanor Flexner, *Century of Struggle* (New York: Atheneum, 1971).
20. See J. Stanley Lemons, *The Woman Citizen: Social Feminism in the 1920s* (Urbana: University of Illinois Press, 1973).
21. *Kirchberg v. Feenstra* (1981).
22. *Arizona Governing Committee for Tax Deferred Annuity and Deferred Compensation Plans v. Norris* (1983).
23. *Michael M. v. Superior Court* (1981).
24. *Kahn v. Shevin* (1974).
25. U.S. Department of Labor, Bureau of Labor Statistics, *Women in the Labor Force: A Databook (2010 Edition)*, 2011, Tables 1–7.
26. *Cleveland Board of Education v. LaFleur* (1974).
27. *United Automobile Workers v. Johnson Controls* (1991).
28. *Roberts v. United States Jaycees* (1984); *Board of Directors of Rotary International v. Rotary Club of Duarte* (1987); *New York State Club Association v. New York* (1988).
29. *United States v. Virginia et al.* (1996).
30. U.S. Department of Labor, Bureau of Labor Statistics, *Women in the Labor Force: A Databook (2010 Edition)*, 2011, Table 16.
31. American Association of University Women, *Crossing the Line: Sexual Harassment at School*, 2011.
32. U.S. Department of Commerce, *Statistical Abstract of the United States, 2010*, Table 498.
33. www.eeoc.gov/laws/types/sexual_harassment.cfm.
34. *Meritor Savings Bank v. Vinson* (1986).
35. See also *Burlington Industries, Inc. v. Ellerth* (1998).
36. *Faragher v. City of Boca Raton* (1998); *Pennsylvania State Police v. Suders* (2004).
37. *Burlington Northern Santa Fe Railway Co. v. White* (2006).
38. *Davis v. Monroe County Board of Education* (1999).
39. U.S. Census Bureau.
40. *Massachusetts Board of Retirement v. Murgia* (1976).
41. *Smith v. City of Jackson* (2005).
42. *Olmstead v. L.C. and E.W.* (1999).
43. *Bregdon v. Abbott* (1998).
44. *Boy Scouts of America v. Dale* (2000).
45. Gallup poll, May 5–8, 2010.
46. Kenneth D. Wald, James W. Button, and Barbara A. Rienzo, "The Politics of Gay Rights in American Communities: Explaining Antidiscrimination Ordinances and Policies," *American Journal of Political Science* 40 (November 1996): 1152–78, examines why some communities adopt antidiscrimination ordinances and policies that include sexual orientation and others do not.
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48. On the affirmative action issues raised by *Bakke* and other cases, see Allan P. Sandler, *Bakke, De Funis and Minority Admissions* (New York: Longman, 1978).
49. *United Steelworkers of America, AFL-CIO v. Weber* (1979).
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51. *Local 28 of the Sheet Metal Workers v. EEOC* (1986).
52. *Fullilove v. Klutznick* (1980).

53. *Metro Broadcasting, Inc. v. Federal Communications Commission* (1990).
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55. *Firefighters v. Stotts* (1984).
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57. Harry Holzer and David Newmark, "Assessing Affirmative Action," *Journal of Economic Literature* 38 (September 2000): 483–568.
58. See Barbara S. Gamble, "Putting Civil Rights to a Popular Vote," *American Journal of Political Science* 41 (January 1997): 245–69.

6

1. Nate Silver, "Most Don't Know What 'Public Option' Is," August 27, 2009. See <http://www.fivethirtyeight.com/2009/08/poll-most-dont-know-what-public-option.html>.
2. See <http://2010.census.gov/2010census/why/index.php>.
3. John F. Kennedy, *A Nation of Immigrants* (New York: Harper and Row, 1964).
4. Steven M. Gillon, *That's Not What We Meant to Do: Reform and Its Unintended Consequences in Twentieth-Century America* (New York: Norton, 2000), p. 178.
5. See *Statistical Abstract of the United States, 2007* (Washington, DC: U.S. Government Printing Office, 2007), 255.
6. Harold W. Stanley and Richard G. Niemi, *Vital Statistics on American Politics, 2009–2010* (Washington, DC: Congressional Quarterly Press, 2008), 53–54.
7. See Michael Hoefler et al., "Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2010" (Washington, DC: Department of Homeland Security). This report is available online at http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_ill_pe_2010.pdf.
8. Ronald T. Takaki, *Strangers from a Different Shore* (Boston: Little, Brown, 1989), chap. 11.
9. See <http://www.census.gov/population/www/socdemo/education/cps2008.html>.
10. Deborah J. Schildkraut, *Americanism in the Twenty-First Century: Public Opinion in the Age of Immigration* (New York: Cambridge University Press, 2011), p. 20.
11. Ellis Cose, *A Nation of Strangers: Prejudice, Politics, and the Populating of America* (New York: William Morrow and Company, 1992), 219.
12. Robert D. Putnam, "E Pluribus Unum: Diversity and Community in the 21st Century: the 2006 Johan Skytte Prize Lecture," *Scandinavian Political Studies*, Vol. 30, Issue 2 (2007): 150.
13. Richard Dawson et al., *Political Socialization*, 2nd ed. (Boston: Little, Brown, 1977), 33.
14. See M. Kent Jennings and Richard G. Niemi, *The Political Character of Adolescence: The Influence of Families and Schools* (Princeton, NJ: Princeton University Press, 1981), chap. 2.
15. See M. Kent Jennings and Richard G. Niemi, *Generations and Politics: A Panel Study of Young Adults and Their Parents* (Princeton, NJ: Princeton University Press, 1981).
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