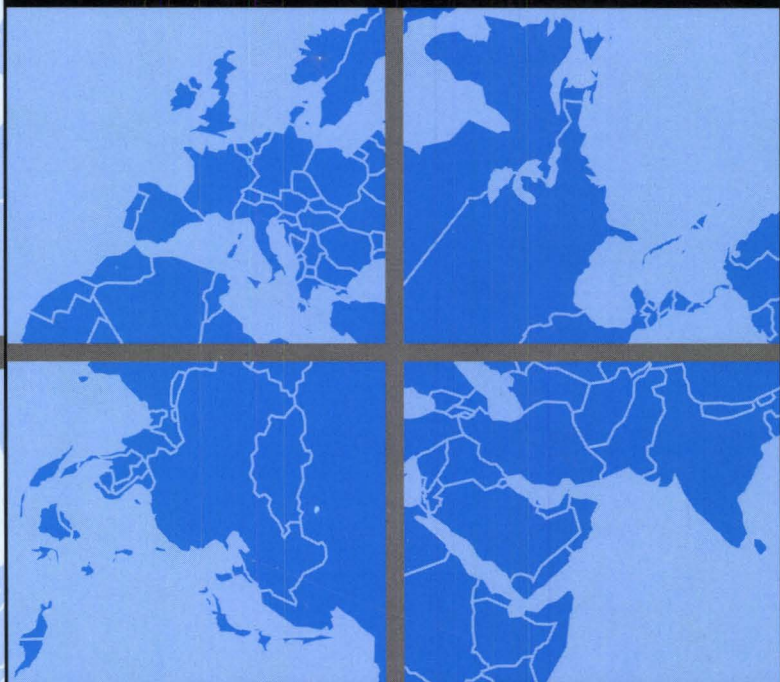


SCIENCES PO LANGUES

**FOCUS ON
AMERICAN DEMOCRACY**



**LE SYSTÈME POLITIQUE
EN VERSION ORIGINALE**

Constance BORDE • Sheila MALOVANY-CHEVALLIER

PRESSES DE SCIENCES PO

Extrait de la publication

FOCUS ON AMERICAN DEMOCRACY

Le système politique en version originale

SCIENCES PO LANGUES

le savoir faire « Made in Sciences Po »

Se donner une formation internationale, se préparer à des échanges internationaux : c'est le défi auquel sont confrontés tous les étudiants d'aujourd'hui.

Pour tous ceux qui cherchent à perfectionner la connaissance d'une langue étrangère et à s'en servir efficacement dans leurs domaines d'études (histoire, politique, droit, économie, sociologie, civilisation), les Presses ont puisé dans l'expérience et la tradition « Sciences Po » pour proposer, dans une série d'ouvrages, une méthode réputée, jusqu'à présent inédite en dehors de la Rue Saint-Guillaume.

Les ouvrages, synthétiques et à petits prix, sont conçus par des maîtres de conférence de langue de l'Institut d'études politiques de Paris. Issus d'expériences concrètes d'enseignement, ce sont des outils pratiques pour affiner la compréhension et l'expression en langue étrangère, suivant les méthodes et le vocabulaire propres aux grandes disciplines universitaires, à l'aide de textes et d'exercices adaptés.

La méthode, en prise sur l'actualité internationale et le fonctionnement des sociétés étrangères, fait aussi de cette collection une source d'informations et de réflexions pour les professionnels, chercheurs et journalistes et pour tous ceux qui s'intéressent à ces thèmes et souhaitent raviver leur pratique d'une langue.

Collection dirigée par Anne-Marie Chapsal

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Sheila Malovany-Chevallier*

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Focus on American Democracy, comprendre les institutions politiques en version originale, décrit, pour l'étudiant français, le système des *checks and balances*, les trois pouvoirs et contre-pouvoirs du gouvernement américain. Inspirée par Montaigne, le siècle des Lumières et la guerre d'indépendance américaine, la Constitution des États-Unis prévoit trois branches indépendantes et interdépendantes: le Congrès, la Présidence, et la Cour Suprême. Le Congrès avec ses deux chambres, la *House of Representatives* et le *Senate*, prépare et promulgue les lois. Le président détient le pouvoir exécutif, tandis que la Cour Suprême veille au respect de la Constitution, ses juges étant nommés par le président et leur nomination ratifiée par le Sénat.


Chacun des trois principaux chapitres débute par vingt questions. Ces questions permettent au lecteur de contrôler ses connaissances tout en fournissant un résumé des points les plus importants du chapitre. On peut les concevoir comme un test de culture politique américaine. En classe, ces questions peuvent aider à structurer une étude plus détaillée et complète des rouages du gouvernement américain.

Chaque chapitre est subdivisé en quatre parties. Chacune de ces sous-parties est suivie de divers exercices de grammaire et de vocabulaire ou de rappels de règles d'anglais. Cette partie n'a pas la prétention d'être exhaustive. Les exemples, le vocabulaire et les points de grammaire sont suggérés ou soulevés par le texte. (Toutes les réponses aux exercices sont regroupées à la fin du livre.)

Pour faciliter la lecture, les mots difficiles sont signalés en gras et définis brièvement dans le texte même.

Grâce à l'index et à la table des matières, les lecteurs peuvent trouver réponse à leurs questions et lire la partie qui les intéresse. Ils peuvent commencer par la fin ou le milieu ou ne lire que ce dont ils ont besoin !

La conception et le contenu du livre qui se rapporte à la fois à des questions de culture politique américaine et à des questions grammaticales sont le fruit de notre expérience pédagogique avec ceux-là mêmes (élèves et lecteurs) auxquels ce livre est destiné.



■
PART 1
CONGRESS
■

1 HOUSE AND SENATE MAKEUP

1. Congress is divided into two chambers. What are they?
2. Which chamber represents all the states equally?
3. Which chamber represents the population of the United States?
4. How many senators are elected from each state?
5. How are the representatives elected?
6. How many senators are there?
7. How many members are there in the House?
8. Approximately how many people does a representative represent?
9. Who is the head of the Senate?
10. What are the age requirements for a senator and a representative?
11. How often do congressional elections take place in the USA?
12. Who is elected in these elections?
13. How long is a Senate term?
14. How many times may a Congress member be elected?
15. Article I, Section 8 of the Constitution authorizes Congress “to make all laws which shall be necessary and proper” for carrying out the other powers. What is this clause commonly called?
16. Which amendment of the Constitution limits the powers of Congress?
17. Where are representatives elected and by whom?
18. Why do districts vary in size?
19. How often and when is the census taken in the United States?
20. What is the most common profession of members of Congress?

CONGRESS

The United States Congress, located on Capitol Hill in Washington D.C., is the lawmaking body of the federal government. When the Constitution was written in 1787, a clear decision was made by the **Framers** to keep power from being concentrated in one strong executive authority and to have a congress with its own powers that worked independently of the president but with a system of checks

and balances that worked back and forth. As a lawmaking body, Congress was conceived to equally represent the individual states which made up the United States and at the same time to proportionally represent the population of the country.

Framers (n) those who wrote the Constitution

COMPOSITION

The Congress of the United States is bicameral, made up of two separate bodies: the Senate and the House of Representatives. Two senators are elected from each state regardless of the size of the state. The number of representatives elected from each state (with one delegate from Washington, D.C.) varies according to population, so the larger the state's population, the more representatives it will have in the House. This is the result of a long debate which took place in 1787 between the small states and the large states, ending in a compromise between equal and proportional representation. Whereas the Senate represents all states equally, the House of Representatives empowers populous states with more voices in Congress.

As the country has grown, so has the size of Congress. The first Congress consisted of 26 senators and 65 representatives. Today the Senate consists of 100 members and the House has 435 representatives. The House of Representatives stopped growing in 1922 when Congress passed a law limiting the House to 435 members. The proportionality of the population representation changes regularly, as the population grows. Today one representative's constituency, a congressional district, covers some 530,000 persons, whereas in the first House each member represented around 50,000 constituents.

The vice-president of the United States is the presiding officer of the Senate, but the active head of the Senate is a member of the majority party called the majority leader. The head of the House of Representatives is the Speaker of the House, also chosen from the majority party.

ELIGIBILITY AND TERMS

A representative must be at least twenty-five years old, he or she must have been a citizen of the United States for at least seven years, and must be a resident of the state which he or she represents.

A senator must be at least thirty years of age, a citizen of the United States for at least nine years and a resident of the state in which he or

she was elected. One can see, by contrast, that the Framers expected the Senate to be the older, thus wiser, body of Congress.

Representatives hold office for two years and may be elected for an indefinite number of terms. They are elected in the congressional districts of their states.

Senators are elected by the citizens of their respective states for six-year terms, and one-third of the Senate is elected every two years, in **even-numbered** years. They may also be elected for an unlimited number of terms. The vice-president of the United States presides over the Senate, but he is not one of its members. He may vote only in case of **a tie**.

even-numbered (adj) a number divisible by two as opposed to an odd-number (3,5,9, etc.)

a tie (n) an equal score

State residency is a rather flexible concept in the U.S. Congress. Congressional hopefuls will often establish residency in a certain district uniquely for electoral purposes. Such was the case of Robert Kennedy, known for his Massachusetts links, who moved to New York City before entering the New York Senate race in 1964.

The Founding Fathers believed that the Senate should be the moderating branch of Congress. During the Constitutional Convention they held lengthy debates on the way to give this branch the dignity it deserved. Benjamin Franklin argued that senators should be independently wealthy and get no salary at all. Gouverneur Morris agreed, saying "The Senate must have great personal property; it must have the aristocratic spirit; it must love to lord it through pride." Many of the Founding Fathers thought that only well-to-do men should be eligible, and that they should be over thirty years of age. Youth was considered a handicap. Thus, age, wealth and long terms were considered a safeguard for "stability" and "respectability". James Madison himself was afraid that the population would become poorer as the population of the country increased, and he feared plans for a distribution of wealth. The Senate should vote down the "symptoms of a levelling spirit" and help the rich against "injustice." No one argued that this was anti-democratic! (Rodell, Fred, *55 Men. The Story of the Constitution*, Stackpole Books, Harrisburg, 1986).

WHO ARE THE LEGISLATORS AND WHAT DO THEY DO?

All members of Congress, representatives and senators, have a dual role to play. They are both national representatives and local ones.

The US Congress deals with national problems; yet each member of Congress who goes off to Washington, D.C. has to keep an eye on the state where he or she is elected. They are paid by the federal government; they are, however, elected by local districts or states. Often the national interest may be very different from the interests of those people in the state who elected them. While closing an army base, for example, may be bad for the economy of a state, it could nonetheless be **in line with** national policy.

in line with (exp) in conformity with

The powers of Congress are listed in Article I, Section 8 of the Constitution. They include the power to levy and collect taxes, to regulate commerce among the states and with foreign countries, to borrow money, raise armies, declare war, and to coin money. These clearly defined powers are known as “enumerated powers.” In a final clause, the famous “elastic clause,” Congress is authorized “to make all laws which shall be necessary and proper” for carrying out the other powers. Thus this clause is also known as the “necessary and proper” clause, and it is through such a provision that the powers of Congress have been greatly expanded.

The commerce clause in Article I is also responsible for a great expansion of congressional powers. In 1824 “commerce” meant little more than navigation, but later it came to mean all activity –railroads, radio, telephone, television– that took place between states. Thus it has been the basis for many congressional laws involving minimum wages and maximum hours as well as laws prohibiting oppressive labor conditions. Extended further, the commerce clause even became the **underpinning** of civil rights legislation for racial integration.

underpinning (n) foundation

By contrast, the powers of Congress are limited in Article I Section 9, as well as by the First Amendment, which forbids Congress from making laws depriving the people of basic liberties such as freedom of speech, press, religion and the right to assemble.

ELECTING LEGISLATORS

Census and Apportionment

Representatives are elected from their respective states, in their congressional districts. Districts are based on population and thus vary

in size. Until 1964, district apportionment was seriously flawed: some districts contained more than seven times as many people as others, a system which worked in favor of the majority party. The Supreme Court decision *Baker v. Carr* put an end to such districting abuses by requiring careful observation of the population count and by maintaining that all districts must be equally populated (approximately 530,000 persons per district in 1995).

Every ten years, at the beginning of the decade, the Census Bureau counts the population of the whole country, and based on the census, the districts represented in the House of Representatives are accordingly reapportioned by state legislatures to reflect the states' populations and to assure proper representative government.

Reapportionment has never been a neutral procedure. It remains a highly political and controversial issue, as state legislatures tend to draw districts in a way that will reflect population (according to the "one man, one vote" principle enshrined in the *Baker v. Carr* decision) as well as to try to protect interests of **incumbents**. Districts can be drawn to reflect populations of varying interests by "gerrymandering" (from the salamander-shaped district carved up in Massachusetts in 1812 under Governor Eldridge Gerry).

incumbent (n) a person already holding office and seeking reelection

Partisan Gerrymandering

The most common form of gerrymandering is partisan. It is as old as American government and it is a political **thicket** the Supreme Court has been reluctant to enter. It is, for instance, widely assumed that Democratic control of state legislatures allowed Democrats to use the redistricting process to their advantage in minimizing Republican gains throughout the 1980s.

thicket (n) a dense growth; an extremely difficult situation

Racial Gerrymandering

The redistricting process assumed new complexity when the 1965 Voting Rights Act signaled a political will to increase the political representation of African-Americans in all state and national legislatures. Originally passed in the wake of the Civil Rights Movement to give access to the ballot to a group of Americans who had been freed from slavery but disenfranchised since the Reconstruction (1865, following the Civil War), the Act was subsequently amended in 1970,

1975 and 1982 and its provisions were extended to other minority groups.

In the process, the judicial interpretation of the voting right shifted from the right to exercise one's vote freely to the right to have a meaningful vote by eradicating such practices as packing (grouping) or splitting black votes in gerrymandered districts that had been used to "dilute" the black vote. Combined with the "winner-take-all" rule of American elections, this meant that even large minorities were unable to win election to office.

In the face of persistent racial bloc voting, the Supreme Court in a 1986 landmark ruling (*Thornburg v. Gingles*) theorized that a "fair and effective" political representation meant the possibility for a geographically and politically cohesive minority to elect "representatives of their choice", a ruling which has resulted in the drawing of "majority minority districts." This meant that wherever local contexts allowed it, minorities are concentrated within districts in which they make up more than 65% of the voters. These "safe districts" have enhanced minority representation but have come under fire from conservatives and liberals alike who wonder whether the identity politics attached to such a redistricting process is not likely to further balkanize America. Other minorities –Latinos, Asians, Gays, etc.– are making similar claims to political representation.

Race-conscious Districting Put to the Test

Today this kind of racial linedrawing or affirmative gerrymandering has been challenged in the Supreme Court by parties who consider it unconstitutional. While creating odd-shaped districts based on race has been effective in facilitating the election of black minority representatives, it could also sacrifice interracial politics and even sanction segregated residential patterns. Current court rulings oblige states to give "compelling reason" other than race for drawing such lines, and these reasons may be challenged in district courts. Reasons for upholding or striking down this kind of gerrymandering are precarious, to say the least.

The issue is all the **thornier** as Republicans have in fact supported affirmative gerrymandering, because in many cities (New Orleans, Miami, etc.), the creation of majority minority districts in inner cities has resulted in the "whitening" of suburban districts and has allowed Republicans to unseat Democratic incumbents or win an open seat.

thornier (comparative adj **thorny**) more difficult; covered with thorns

The question of districting remained pending in the early 1990s, as recently appointed conservative justices (Clarence Thomas, Antonin Scalia, Arthur Kennedy) tilted the Court to the right and seemed increasingly critical of majority minority districts. Throughout the US but especially in the South (Georgia, Florida or Louisiana), majority minority districts drawn in the 1992 redistricting process were challenged in district courts. The consensus which had been forged around an increased minority political representation and which had so far survived the attacks upon it seems **on the wane** and could break down if affirmative gerrymandering keeps generating a **backlash**.

on the wane (prepositional phrase) in a period of decline or decrease
backlash (n) an adverse reaction to a political or social development

Then on June 29, 1995, the Supreme Court, in a 5-4 vote, rejected the controversial districting of Georgia's 11th District, ruling that the use of race as a "predominant factor" in drawing district lines is unconstitutional. The decision, infuriating minorities and liberals, has opened the way to a flood of legal questions concerning districts all over the United States.

In response to this dilemma, new thinking on expanding minority representation is needed in the United States. One idea put forth by Lani Guinier, an expert on voting rights and a law professor at the University of Pennsylvania, is an experiment with cumulative voting which could put into question the very concept of districting. Ms. Guinier's innovative ideas, however, have met with resistance, underlined by the vehement reaction that caused President Clinton to withdraw her nomination in 1993 as head of the civil rights division of the Justice Department.

A word about census

The census is not only the basis for the apportionment of seats in the House of Representatives and state legislatures, but also affects the allocation of federal funds to cities: the undercount of minorities and immigrants might result in a significant loss of federal funds.

There is a subcommittee in the House of Representatives, the House Subcommittee on Census, Statistics, and Postal Personnel which considers the implications of census-taking, but despite the important job it performs, this committee has always remained relatively obscure to the public in general.

FOCUS ON AMERICAN DEMOCRACY

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Constance BORDE • Sheila MALOVANY-CHEVALLIER

Focus on American Democracy décrit pour l'étudiant français le système des *checks and balances*, fondement du système politique américain.

La composition, la structure et le fonctionnement du Congrès, de la Présidence et de la Cour Suprême sont présentés. Des exemples soulignent et illustrent les jeux internes de ces institutions et les débats actuels qu'ils suscitent.

Au début de chaque chapitre, des questions permettent au lecteur de contrôler ses connaissances et de mémoriser les points les plus importants. Des leçons de grammaire et de vocabulaire en rapport avec le texte ainsi que des exercices adaptés font de ce livre un outil de travail efficace.

Ce livre permet à la fois d'étudier en anglais les rouages du système politique américain et de développer son lexique politique et juridique. Il s'adresse aux étudiants des Instituts d'études politiques, des Universités, des grandes écoles, aux chercheurs, aux journalistes et à tout lecteur qui souhaite comprendre l'actualité politique américaine.

CONSTANCE BORDE enseigne l'anglais et la civilisation américaine à l'Institut d'études politiques de Paris.

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