



The  
Teaching  
Series

**Special Focus in  
United States  
Government and  
Politics**

Mastering the Core Skills

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## Table of Contents

Introduction .....	1
Teaching Public Opinion with the Personal Political Profile: Concepts, Measurement, and Application .....	2
by Stephanie Greco Larson	
Teaching <i>Marbury v. Madison</i> as the Focus of the Chapters on the Judiciary and Civil Liberties .....	7
by Jeff A. Harmon	
Learning to Use Tables to Understand American Politics .....	17
by Gary Copeland	
The Bureaucracy Made Interesting .....	21
by Lydia Andrade	
Contributors .....	28

### ***Important Note:***

*The following materials are organized around a particular theme that reflects important topics in AP United States Government and Politics. They are intended to provide teachers with professional development ideas and resources relating to that theme. However, the chosen theme cannot, and should not, be taken as any indication that a particular topic will appear on the AP Exam.*

## **Introduction from the Editor**

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The purpose of the enclosed materials is to help enhance your teaching of AP U.S. Government & Politics. Accordingly, the theme of this text is “Mastering the Core Skills for AP U.S. Government & Politics.”

A major component of the AP U.S. Government & Politics Exam tests a student’s analytical skills. This often takes the form of graphs and charts that require interpretation and essay questions that ask the student to integrate significant amounts of material. The primary objective of this text is to provide real examples of syllabi, lectures, and resources used by experienced AP teachers and university faculty to teach the strong analytical skills needed to do well on the AP Exam. The syllabi presented here represent a variety of course formats (one- and two-semester courses, block and regular scheduling, etc.) at both the high school and university level. The essays included in this publication are designed to provide insights and examples of how to teach the necessary material in a way that prepares students for the comprehensive AP Exam and reflects a college-level approach to the material.

It is my sincere hope that you will take these materials and modify them to fit your class, program, school, and student needs. Enjoy!

## **Teaching Public Opinion with the Personal Political Profile: Concepts, Measurement, and Application**

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The public opinion section of an AP U.S. Government and Politics class can be taught in a way that enhances student interest in the course while teaching them concepts and analysis techniques essential for the AP Exam. This can be done by requiring students to write a “personal political profile” that asks them to reflect on their own political thinking in a structured way. The structure of the assignment puts the students in the position of both subject and social scientist, thereby allowing the less-opinionated students to be on equal footing with the more dogmatic ones (who tend to intimidate the others and/or infuriate the teacher in value-driven public opinion discussions). The assignment prevents the public opinion section of the class from getting hijacked into an issue debate or mired in polling methodology lectures. By asking students to look at themselves as political scientists do, they learn more about themselves and about public opinion. In this essay, I will describe the assignment I call the “personal political profile,” which challenges students to analyze their own political thinking with concepts and techniques used by public opinion scholars.

In 1969, political scientist Robert Edwards Lane wrote *Political Thinking and Consciousness: The Private Life of the Political Mind*. The book used extensive essays written by his Yale University students. Although the assignment made for interesting reading and theorizing about political development, I thought it was too extensive to incorporate in my own classes. However, it was a catalyst for the personal political profiles that I have students write about a third of the way through my Introduction to American Government class. The profile requires students to demonstrate that they understand concepts from class by appropriately applying the concepts to themselves. In this application, they need to compare themselves to the “norm” by drawing on information from the textbook, lectures, and polls (found on the Web, in the text, from class, or in tables they create themselves using MicroCase). The assignment I use asks them about six concepts that I believe are essential to understanding public opinion.

## **I. Political Socialization**

The first concept is political socialization. I ask: “Describe your political socialization and how it is similar and/or different from the norm described in class. What characteristics do you think explain these differences? Specifically, what is your first political memory? Evaluate the different agents of socialization and their impact on you.” Answers need to reflect an understanding of how children typically develop political thinking from their parents and to a lesser extent their school, peers, media, and religious organizations. It should incorporate an understanding of how children generally are positive toward political actors (initially the police and later the president) and more in agreement than disagreement with their parents. Students should explain how political events of the time or their gender, class, race, religion, region, or unique personal circumstances differentiate their experiences from most children. This section of the assignment tends to stimulate conversations with parents, which usually helps the students understand their own political thinking (or lack of it).

## **II. Party Identification**

The second concept they need to reflect on is party identification. I ask students to identify their party identification and its strength, stability, and origin. This requires them to demonstrate that they understand the concept, how it is measured, and one of the most important aspects of socialization (the acquisition of party identification). Once again, they need to compare themselves to the American public by looking at recent poll data. I might also incorporate questions about the likelihood that they would vote or ticket split based on their partisanship and strength.

Most textbooks have the breakdown of party identification, which allows students to do a basic comparison. For more extensive comparisons based on their own demographics, Web pages or textbook supplements can be used. Particularly useful is the MicroCase software and polls provided with textbooks published by Wadsworth Group/Thomson Learning or by acquiring a copy of Stephanie Greco Larson’s *Public Opinion: Using MicroCase ExplorerIt* for class demonstrations. MicroCase is a user-friendly program that allows students to work with survey data (from the recent national General Social Survey and National Election Survey). Using the “univariate” command, they can see the distribution of answers on the seven-point party identification scale (strong Democrat, Democrat, leaning Democrat, independent, leaning Republican, Republican, and strong Republican). Using the “crosstabulation” command, they can see the relationship between this scale and other variables (such as age, sex, race, and region).

### **III. Political Tolerance**

The third concept I ask them about is political tolerance. I want to make sure they understand that “political tolerance” differs from the layman’s definition of tolerance. I ask them to assess their level of political tolerance using techniques discussed in class (questions about whether or not they would allow atheists/racists/communists to exercise their first amendment rights and the same questions applied to their “least liked” group). Again they are asked to compare their tolerance to most people’s tolerance using polling data presented in class.

### **IV. Political Trust**

Political trust is the fourth concept included in the profile. Students must assess their level of political trust in institutions, actors, and policies; discuss the implications and sources of these attitudes; and compare these to the American public at large.

### **V. Political Efficacy**

Next they are to describe their level of political efficacy. To effectively answer this question, students need to make it clear that they understand what political efficacy is, how it is measured, and how efficacious the American public is (for comparisons). I ask them to speculate as to the source of these feelings and what might change them.

### **VI. Ideology**

The final, and most challenging, concept they are required to write about is their ideology. I ask them to use three different techniques described in class for determining if they have an ideology and, if so, what it is and how strong it is. The first is to use the seven-point self-identification scale (strong liberal, liberal, leaning liberal, moderate, leaning conservative, conservative, or strong conservative) to compare themselves to recent poll responses. Next, I ask them to look for evidence of ideological thinking in response to questions about likes and dislikes about the parties and candidates (ideologues, near ideologues, group benefits, nature of the times, or no ideology). Finally, they are told to assess their issue constraint to see if there is ideological consistency in their positions. If so, what ideology do their issue positions reveal they have (liberal, conservative, libertarian, or populist)? If not, what guides their issue preferences?

Rarely would an introductory textbook prepare students for these ideological questions. Therefore, an understanding of ideology and how political scientists study it needs to be introduced through lecture. I have found the discussion in Stuart A. Lilie and William S. Maddox's *Beyond Liberal and Conservative: Reassessing the Political Spectrum* helpful in creating a lecture that demystifies the topic and helps libertarian students understand their ambivalence toward both parties.

There are a number of additional questions that can be asked in this section to push students to think about their own inconsistencies. For example, you can ask them to evaluate their ideology in light of their party identification and explain how or why it is or is not consistent. Or they could be required to choose specific issues that they think are most important to them. You might also ask them to take online political surveys that ideologically evaluate them and ask them to respond to their placement. The one that I use is the "Where do you fit?" test on the Pew Research Center for the People and the Press Web page (found on the "Retro-Politics" poll from November 11, 1999). The page places the respondent in one of 10 groups based on political values and behavior. It also describes the prevalence and demographic makeup of each group. Finding out that they fall in the "bystanders" or "partisan poor" groups tends to make students think about their political interest. Other students find out that their self-identified ideology and partisanship do not match their issue positions.

### **Conclusion**

In my experience, students enjoy writing this profile and do fairly well on it. The concepts of tolerance and ideology are the ones most frequently misunderstood. Students tend to do better on the section of the midterm that deals with these concepts than they do on the rest of the test. They are also more confident and proficient at looking at poll data. While some textbooks cover these concepts, others do not. Therefore, it might be worthwhile to invest in a copy of *American Public Opinion* by Robert S. Erikson and Kent L. Tedin. It is an extremely thorough textbook on public opinion that will provide you with all the information you need for introducing these topics to your class.

## Resources

### Web Sites

- The Pew Research Center for the People and the Press, [www.people-press.org/](http://www.people-press.org/)
- The Gallup Organization, [www.gallup.com](http://www.gallup.com)
- Zogby International, [www.zogby.com](http://www.zogby.com)
- National Election Studies, [www.umich.edu/~nes](http://www.umich.edu/~nes)

### Software

MicroCase software (distributed by Wadsworth Group/Thomson Learning)

### Books

Erikson, Robert, and Kent Tedin. *American Public Opinion: Its Origins, Content, and Impact*. 6th ed. New York: Longman, 2002.

Lane, Robert Edwards. *Political Thinking and Consciousness: The Private Life of the Political Mind*. Chicago, Illinois: Markham Publishing Company, 1969.

Larson, Stephanie Greco. *Public Opinion: Using MicroCase ExplorIt*. Belmont, California: Wadsworth/Thompson Learning, 2003.

Lilie, Stuart A., and William S. Maddox. *Beyond Liberal and Conservative: Reassessing the Political Spectrum*. Washington, D.C.: Cato Institute, 1984.

## Teaching *Marbury v. Madison* as the Focus of the Chapters on the Judiciary and Civil Liberties

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Students in AP Government and their teachers are at cross-currents when looking at the chapters of an American politics text on the judiciary and civil liberties. For many of the students in the class, they are imagining themselves as young, successful attorneys arguing their first case in the Supreme Court. They are eager for their first introduction to the law. Their teachers are trained in American politics, and while they were in school, there were few courses on the judiciary except for Constitutional Law, which used the case law method. Therefore, most students find their first introduction to the law to be a dry discussion of the hierarchy of the courts, judicial selection, judicial review, and memorization of the cases. The two chapters stand alone. The Supreme Court is rarely seen as a political institution that makes policy decisions just like the executive branch, the bureaucracy, and Congress. Interest groups simply file *amicus curiae* briefs to inform the Court of their policy preferences. I believe that AP Government students should be introduced to the Legal Model as used in law schools with memorization of cases and facts. But eager students should also be introduced to judicial politics decision-making models that also train lawyers to prepare their cases. I believe that the two chapters of American government on the judiciary and civil liberties should be organized around judicial decision-making models that begin with the case of *Marbury v. Madison*.

*Marbury v. Madison* is the first case taught in con law as an undergraduate or first-year law student. The importance of the establishment of the principle of judicial review is recognized by all. Most AP Government teachers use it to demonstrate how cases are taught in law school. But *Marbury* can also be used to teach judicial politics models. Students will learn the Legal Model in law school, but the judicial politics models also teach them other factors that influence judges, which will make them more complete attorneys. This process also integrates the judiciary into the other chapters of the American government text.

AP Government students become excited when you tell them that you will teach the case of *Marbury* just as if they were in law school. Explain the Legal Model, or “Slot Machine” Model. This is the case law method used in law schools. The components of the Legal Model are:

1. **The Facts**
2. **The Law:** Common law, precedents, constitutions, laws, and regulations
3. **The Independent Judge or Decision Maker:** The judge in a federal system is expected to be judicially independent. A judge must be judicially independent from influence from either party, and independent from influence from the political branches as well. The judiciary is the only branch of the government that is counter-majoritarian by design. A court must be independent to make unpopular decisions that protect the civil liberties of minorities. Judicial independence is protected in the Constitution through life tenure and no reduction of salary for judges.
4. **Legal Holding:** These components result in the proper decision (legal holding) being made every time.

The Legal Model is often referred to as the Slot Machine Model because, just like a slot machine, when the facts and the law are used by an independent judge, the results are as certain as the odds of a slot machine. Your payoff never depends upon who you are or the political environment you operate in. The judgment is a simple decision for one of the two parties to the suit. You can ask the students to brief the case as they would in law school. Get them to set out the facts, the law, the holding, and the legal reasoning of the case as set out in their text. A summary is set out below.

### **I. *Marbury v. Madison* and the Legal Model**

1. **The Facts:** William Marbury is appointed a federal magistrate and confirmed by the Senate. Before his commission is delivered by the secretary of state, a new presidential administration takes over power. James Madison, the new secretary of state, refuses to deliver the commission. Marbury files suit.
2. **The Law:** Marbury sues for a *writ of mandamus* (an order compelling an action by a government official) under the Judiciary Act of 1789, which granted original jurisdiction to the Supreme Court. *Original jurisdiction* simply means that the suit is filed in the Supreme Court and tried there, as compared with *appellate jurisdiction*, in which the case is tried in a lower court (district court), and the Supreme Court reviews the earlier decision.
3. **Holding:** The writ of mandamus is denied. Marbury does not receive his commission.

4. **Legal Reasoning:** The portion of the Judiciary Act of 1789 that grants original jurisdiction to the Supreme Court is unconstitutional. The Constitution grants the Supreme Court original jurisdiction only in certain specified cases. Congress cannot expand the grant of original jurisdiction as set out in the Constitution. Hence, that portion of the Act is unconstitutional. It is solely the province of the judiciary to decide what the Constitution says. Here you can discuss *judicial review*. Where is judicial review mentioned in the Constitution? (It is not.)

The Legal Model, though, is not subject to empirical testing. How do we know that this is how judges make up their minds? The following are criticisms of the Legal Model.

1. **The Facts:** There are least two sides to the facts.
2. **The Law:** There are usually two sides to legal positions. You may introduce terms such as *original intent*, *legal realist*, *judicial restraint*, and *judicial activism*. But these terms have little meaning to me, because judges are not consistent with these legal philosophies, using different ones as necessary. For example, look at *Bush v. Gore*; completely different philosophies were voted by the justices. In another example, Chief Justice William H. Rehnquist is often referred to as a “legal positivist” who believes that lawmaking is the prerogative of the legislature, not the courts. But this philosophy is certainly not reflected in his votes in the federalism cases of *United States v. Lopez*, the Violence Against Women Act (*United States v. Morrison*), or recent cases of the applicability of the Americans with Disabilities Act, where the court, not Congress, established the law.
3. **The Independent Judge:** Most Americans now believe that Republican judges vote differently from Democratic judges. After more than 30 years of cases like *Roe v. Wade*, *Bush v. Gore*, school prayer, and *Lawrence v. Texas* (Texas sodomy case), most Americans believe that politics influences judges. And, of course, in many states judges are elected and subject to even more political influence.
4. **Legal Holding:**
  - **Dichotomous Decisions.** Decisions by the Supreme Court, especially when using judicial review, are rarely “dichotomous decisions,” only effecting the two parties. *Judicial policy making* is the ability to make the laws and rules of the government. *Judicial review* is the ability of the Court to declare the laws of Congress, actions of the president, bureaucratic rules, and state laws unconstitutional. Clearly, the U.S. Supreme Court is making policy, which is usually perceived as a task of the political branches.
  - **Dissenting Opinions.** If the Legal Model were “true,” all Supreme Court opinions should be unanimous. There should be no dissenting opinions.

Is it possible that the decision of a judge is based upon more than just the law? Is it possible that judges act strategically when they vote to support their values and beliefs in their decisions? Do their opinions reflect their own policy preferences? These are the questions that are at the heart of the study of judicial politics. You, as an attorney, should be able to structure your arguments to gain five votes on the Supreme Court by appealing to more than the law and facts.

## II. *Marbury v. Madison* and Judicial Politics

What evidence is there that politics influenced the decision in *Marbury v. Madison*?

1. Who were the parties, Marbury and Madison?
  - a. Who appointed Marbury? John Adams, a Federalist.
  - b. How and why was the vacancy created? The Midnight Judges Act was passed by the Federalist Congress to fill the courts with Federalist judges.
  - c. Why would a president want to appoint a number of federal judges? To carry out presidential policy preferences for the life term of the judge.
  - d. Who was John Adams's secretary of state who did not sign and deliver the commission? John Marshall, the chief justice who wrote the opinion.
  - e. Who was Madison? Thomas Jefferson's secretary of state.
  - f. What political party did each individual belong to? Democratic-Republican.
  - g. Discuss the importance of the election of 1800: Federalists versus Democratic-Republican, Adams versus Jefferson. Discuss how contentious the election was and how it was the first peaceful transition of power in a democracy.
  - h. In this case, John Marshall, the Federalist who believed in a strong federal government and judiciary, faced Thomas Jefferson, the Democratic-Republican, who believed in limited federal government and that the executive should decide if his actions were constitutional.
2. The political question: If Marshall ordered Madison and Jefferson to issue the commission, how could Marshall and the Supreme Court force the executive, Jefferson, to follow the decision? Look at how the judiciary is described in the *Federalist Papers*— the least bothersome of the branches, with neither the power of the purse nor the sword, and even dependent upon the executive for the execution of its judgments. Would Jefferson merely ignore the decision of the Supreme Court if Marshall ruled for Marbury?
3. The holding as a political decision: Marshall shrewdly crafted an opinion that did not require Jefferson to do anything. He was not required to issue the commission. Yet, Jefferson was told that the Supreme Court decides what the Constitution says, not the executive or the legislature. This power belongs exclusively with the judiciary. The acts of Jefferson and the Democratic-

Republican Congress were subject to judicial review by the Supreme Court. Clearly, we learn much more about the case of *Marbury v. Madison* when we look at the case as a political scientist as well as a lawyer.

### III. Alternate Models of Judicial Decision Making

Perhaps judges strategically vote their political values and beliefs. But how do we determine what the values and beliefs of judges are? There are two models: the Attitudinal Model and the Personal Attributes Model.

1. The Attitudinal Model of Jeffery A. Segal and Harold J. Spaeth
  - a. Judges vote their values and beliefs.
  - b. Liberal and conservative outcomes are reflected in individual justice voting records.
  - c. Civil liberties, economic regulation, and criminal rights cases, among others, are used to measure liberal voting percentages of each justice.
  - d. This model argues that typical descriptions of judicial philosophies, such as original intent and judicial activism, cannot be measured and are dependent upon the interpretation of the individual justice.
  - e. The percentage of liberal votes in civil liberties cases of current Supreme Court justices, according to Segal and Spaeth, is listed below:

Ruth Bader Ginsburg	64.4%
John Paul Stevens	64.2%
Stephen G. Breyer	61.1%
David Hackett Souter	59.9%
Anthony M. Kennedy	36.9%
Sandra Day O'Connor	35.5%
Antonin Scalia	29.6%
Clarence Thomas	25.7%
William H. Rehnquist	21.8%

(Segal and Spaeth, p. 322)

- f. It is easy to see why many civil liberties cases are 5 to 4 decisions, with Kennedy and O'Connor as "swing votes."
2. The Personal Attributes Model by C. Neal Tate

Tate argues that the Attitudinal Model does not identify the attitudes and beliefs of the judge; it merely counts and predicts based upon individual votes in cases. It does not explain how these attitudes and beliefs are formed. The Attitudinal

Model is not very useful to the president, Senate, or interest groups trying to predict a judicial nominee’s future votes. Tate develops a surrogate measure for liberal ideology by looking at the public opinion literature. How do most individuals develop their political ideology? Look at the *background of the justices* and factors such as *socio-economic status*. Tate argues that liberal votes of individual justices are correlated to the following:

$$\text{Liberal vote} \sim V_1 + V_2 + V_3 + V_4 + V_5 + V_6 + V_7$$

is correlated with:	Political Party	Prior Employment	Region of Country	Race	Religion	Education	Gender
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It is clear the number of the variables in the Personal Attributes Model apply to *Marbury v. Madison*, especially political party and prior employment. A number of the variables in the Attitudinal Model also apply with the current justices on the Supreme Court. Party identification is a strong predictor. Gender clearly explains Sandra Day O’Connor and Ruth Bader-Ginsburg on abortion. Sandra Day O’Connor and William Rehnquist both went to the conservative Stanford Law School. The Personal Attributes Model does not explain the outlier justices like David Souter and Clarence Thomas.

#### IV. Which Model Best Predicts Judicial Decision Making?

##### The Strategic Model.

Judges use the Legal Model as the basis for their opinions. The facts and law do matter. Precedent matters. All are found in the opinion and are used in the pleadings, briefs, and oral arguments. But, obviously, the Legal Model does not explain a great deal of judicial behavior.

Segal and Spaeth and Tate argue that their models explain approximately 70 percent of the variance (the votes). These are significant numbers. Tate’s model also predicts voting behavior before a judge is placed on the bench. Tate’s model truly reflects the appointment process and the interaction of the president, Senate, and interest groups. But neither of these models predict all the votes or votes where judges simply do not care enough about a decision to vote strategically.

The answer is that the judicial decision-making process uses all three. An interactive model that uses all three probably best describes the process. This interactive model is known as the Strategic Model and is described by Lee Epstein and Jack Knight in *The Choices Justices Make*. The Strategic Model has the following components:

1. Justices want to see their policy preferences (political values and beliefs) reflected in their legal decisions.

2. Justices are not unconstrained actors who make their decisions based solely on their own ideological attitudes and values.
3. Justices are strategic actors who realize their ability to achieve their policy goals depends on a consideration of the preferences of other actors, the choices they are expected to make, and the institutional context in which they act.

The Strategic Model combines values and ideology with rational choice and the components of the Legal Model. A judge wants to vote his or her values, and there exists ample evidence of this pattern. But a judge recognizes that he or she is not unconstrained and therefore must order preferences and possible outcomes. Many of the institutional constraints are found in the Legal Model, such as the facts, law, precedence, and the necessity of getting four other justices to join your view. The Strategic Model looks like the following formula:

<p><b>Liberal vote that will allow majority to form</b></p>	<p>~ <b>Rational policy preferences</b></p> <p>Ordering of preferred outcomes and undesirable outcomes, as well</p>	<p>* <b>Institutional Limitations</b></p> <ol style="list-style-type: none"> <li>1. How to get four other justices to join</li> <li>2. Law and precedent</li> <li>3. Other policymakers such as president, Congress, interest groups, and the public</li> <li>4. Life tenure encourages maximizing policy because judges are not elected.</li> </ol>
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Look at different steps within the judicial decision-making process for evidence of the importance of each model.

1. **The Selection and Confirmation Process:** Clearly the Personal Attributes Model explains much of the political process taking place. The political branches and interest groups are trying to figure out the candidate's or nominee's values and beliefs. Usually questions on legal issues are limited because a judge cannot publicly comment on specific cases; otherwise, he or she must recuse themselves should the case come before the Court. There may be a voting record from an appellate court, but those votes have been influenced by other limitations such as a desire not to be reversed and a desire to be elevated to the Supreme Court by a president. Only the Personal Attributes Model explains the process.

2. **Application for Writ of Certiorari and Rule of Four:** Both Legal and Strategic Models may be used in deciding whether to grant cert or not.
3. **Briefs and Oral Argument:**
  - How will you get five votes?
  - How do you use the Legal Model to justify the arguments?
4. **Justice Voting and Opinion Writing:**
  - Opinion assignment by the chief justice—the chief can act strategically. Perhaps the chief justice can so narrowly craft a majority opinion that it is more limited in effect than if the chief had written a dissent. Consider *Davey v. Locke* or others. Researchers have found individual incidents of the chief acting strategically, but little evidence of the widespread practice.
  - Recent Supreme Court research has focused on examining the papers of the justices for evidence of negotiation among justices. There appears to be little evidence, if any, of vote swapping, but the justices do communicate in writing concerning questions about opinions.

In teaching civil liberties cases, the Legal Model works very well. But the AP Government civil liberties chapters usually ignore the basic question of the chapter: What factors led to this civil liberties explosion or “rights revolution” in the United States? Was it a product of the liberal Roosevelt and Warren Courts? When taught by the Legal Method, each case is related only to the appropriate portion of the Bill of Rights. When the cases are examined as a whole, something different emerges. Beginning in 1900, the Court created a host of new constitutional rights, among them virtually all the rights now regarded as essential to the Constitution: freedom of speech and the press, rights against discrimination on the basis of race or sex, and the right of due process in criminal and administrative procedures. This transformation is commonly called the *rights revolution*. The rights revolution began with the adoption by the Supreme Court of the *Incorporation Doctrine*.

According to author Charles R. Epp, the U.S. rights revolution is usually attributed to one or more of the following three reasons:

1. The existence of constitutional guarantees of individual rights, judicial review, and judicial independence
2. Leadership from activist judges (particularly Supreme Court justices) who have been willing to use those constitutional provisions to transform society
3. The rise of rights consciousness in popular culture

Epp argues that the successful rights revolution came through pressures brought by strategic organizing by rights advocates through the development of what he calls a “support structure for legal mobilization” consisting of rights-advocacy organizations, rights-advocacy lawyers, and sources of financing, particularly government-supported financing of legal services for the poor. He cites the development of the NAACP and the ACLU as legal interest groups that began around 1900. The ACLU actually brought many of the cases that established the Incorporation Doctrine. The decision in *Brown v. Board of Education* was preceded by a number of strategically planned lawsuits by the NAACP. The support structure is essential to a rights revolution because the judicial process is slow and costly and only produces change in small increments. Litigants cannot hope to bring about a significant change in the law unless they have access to significant resources. For this reason, constitutional litigation in the United States was dominated until recently by large business interests, and the potential constitutional claims by ordinary citizen were largely ignored. The growth of the support structure, therefore, significantly democratized access to the Supreme Court. Epp also adds that many of the resources that spurred the revolution were reflected in a democratization and diversification of the legal profession and the interest group system.

Epp finds that many of the major civil liberties were decided when the Court was dominated by conservative justices. The women’s movement and the decision in *Lawrence v. Texas* (the Texas sodomy case) are excellent examples. Today, interest groups manage the entire litigation process. They choose which cases and plaintiffs to represent and finance. Conservative interest groups have been formed in response to the successes of the ACLU, NAACP, poverty litigation, and women’s legal groups. It is becoming clear that interest groups have turned to the Supreme Court to decide many policy issues that the executive and legislative branches have been unwilling to deal with.

The study of the law in the United States has been improved greatly by political science research. Lawyers are actually made better lawyers when they understand why judges vote the way they do. Lawyers preparing their cases must consider the policy implications of the decision. Lawyers arguing before the Supreme Court must build their legal arguments to attract a majority of justices who may be voting their values and voting strategically. What is surprising is that it has taken American lawyers and the American public so long to understand these concepts. However, judges have been voting this way since *Marbury v. Madison*.

**Sources**

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## Learning to Use Tables to Understand American Politics

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The ability to create and interpret tables and figures is important to the understanding of American government and politics, to making effective presentations on many aspects of American governance, and to being a lifelong effective consumer of political information, i.e., an effective citizen. Any U.S. government course, then, should both teach students how to understand tables and evaluate student success in evaluating quantitative presentations. I will provide an overview of how to understand tables and then offer a few teaching strategies to assist students in developing table-reading skills.

### Univariate and Bivariate Tables

First, a table might be a univariate table—meaning that the table summarizes a single variable. A univariate table can represent a *frequency* (or better, percentage) distribution. Here you determine how frequently you find various levels of the variable and show that frequency in a table. For example, you might want to know about how often Republican senators supported the president; specifically, you might want to know what percentage of the senators supported the president between 0 and 25 percent of the time, between 26 and 50 percent of the time, between 51 and 75 percent of the time, and over 75 percent of the time. Table 1 (composed of hypothetical data) suggests that no Republican senator supported the president less than 50 percent of the time, and that 81 percent of the senators supported the president more than 75 percent of the time. Frequency distributions are often presented as graphs, either as a frequency polygon (line graph) or as a histogram (bar graph).

Table 1: Hypothetical Data Reflecting Presidential Support Among Republican Senators

Presidential Support	Percentage of Republican Senators
0–25%	0%
26–50%	0%
51–75%	19%
Above 75%	81%
Total	100%
	<i>Sample = 52</i>

The other type of table to consider is a bivariate table. This table considers two variables simultaneously and generally suggests a relationship between the two variables. When doing bivariate analysis, the first thing to consider is which variable is the independent variable and which is the dependent variable. The dependent variable is the one that we think is influenced by (depends on) the independent variable. (Loosely speaking, the independent variable causes the dependent variable.) The question of which is which is a matter to be determined theoretically or logically. Which variable makes the other one change? Identifying the independent variable allows you to determine how to calculate percentages in a table or set up a graph.

In constructing a table, the key question is how the percentages are calculated. There are not infallible rules, but generally percentages are calculated according to the independent variable. (This is the only way to do so if you are looking for a relationship between the variables.) Calculating this way, for example, allows you to say what percentage of Republican Party identifiers voted for Candidate A and what percentage voted for Candidate B. Then you can calculate what percentage of Democratic Party identifiers voted for Candidate A and for Candidate B and see if Republicans were more likely to vote for Candidate A than were Democrats.

Table 2 proves an example of what might be found after conducting an analysis of the relationship between party identification and presidential vote choice. Here we think that party identification (which comes first) may be a partial cause of the presidential vote choice. Therefore, party identification is the independent variable, and the vote choice is the dependent variable. Percentages, then, are calculated within the categories of the independent variable. In this hypothetical example, we find that 75 percent of Republicans voted for Candidate A (375/500) and only 25 percent for Candidate B (125/500). Among Democrats, we find that 30 percent voted for Candidate A (150/500) and 70 percent for Candidate B (350/500). Republicans were 45 percentage points more likely to vote for Candidate A than were Democrats. So, it seems that party identification makes a major difference in the vote choice.

Table 2. Hypothetical Data Reflecting the Relationship Between Party Identification and Presidential Vote Choice for 1000 Voters

	Republicans	Democrats
Candidate A	375	150
Candidate B	125	350

### **Teaching Students to Read and Understand Tables**

In terms of helping students learn to read tables, there are several exercises you can do. The first exercise is to talk students through reading a table. Tell them to first read the title of the table. It should be descriptive and cue the reader to what the table is about. Often, the title even summarizes the main point of the table. Table 2, for example, might have been entitled “The Importance of Party Identification for Presidential Vote Choice.” Second, students should identify the variable or variables in the table. If it is a bivariate analysis, students should identify which is the independent variable and which is the dependent variable. The next step is to determine how the percentages are calculated. Then we should interpret what the numbers mean. Take each cell in the table, in turn, and ask what the number tells you. For example, the upper-left cell in Table 2 tells us that 375 of the 500 Republicans (75%) voted for Candidate A. After looking at each cell, students can try to draw conclusions about the pattern found in the table.

The next level of understanding for students can be developed by asking them to explain how tables in their textbook or other readings support the arguments of the author. If an author argues that party identification is an important component of vote choice, then it should be pretty clear how Table 2 supports that contention. But, the exercise can also be used to remind students that each bit of statistical analysis is usually pretty narrow in scope. What Table 2 really shows is support for the hypothesized relationship for one type of election (presidential) in one year. Interesting discussion could center around whether students expect that pattern to be the same in different years or for different elections and why? Another valuable discussion might center around how you would build a stronger case for the general conclusion (for example, by looking at the table for different years or for different types of elections, perhaps congressional or city council).

Finally, students can further refine their skills by learning how to construct tables themselves. The trick is to not overburden them with data, but to find a manageable data set that allows them to ask interesting questions. *The Statistical Abstract of the United States* is a good source because you can use the 50 states as cases for a variety of analyses. The 100 U.S. senators (or your state legislature) also provide a manageable number of cases for analysis. You could, for example, take Table 1 and turn it into a bivariate analysis by comparing the level of support for the president among Democratic senators and Republican senators. Students, of course, can also be asked to interpret their findings after constructing their tables.

**Conclusion**

American government teachers should take seriously the task of teaching and testing table reading. As students become more accomplished, they will be more comfortable analyzing new situations and new information and develop the skills to judge the quality of evidence offered by an author. These skills are critical to understanding key political arguments, but also to becoming lifelong effective citizens.

## The Bureaucracy Made Interesting

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The bureaucracy section can be one of the most problematic sections for some instructors. Students don't always see the relevance and importance of the topic and get lost in the alphabet soup of agencies. And yet it is almost guaranteed to show up on the AP Exam essay section because it provides an excellent avenue for students to tie together their knowledge of the institutions and the policy-making process.

The purpose of this essay is to suggest a format for structuring the bureaucracy section of your course in a way that will make the material more interesting and more valuable to the student.

**Step I. Make very clear to students that the reason we study the bureaucracy is to understand its power and influence, and why it behaves the way it does (why it regulates the way it does, etc.).**

You will want to impress upon your students that we are not trying to memorize the specific duties of each agency of the federal government, but rather we are trying to understand the causes and implications of bureaucratic behavior. To do that, we have to examine the bureaucracy from several perspectives. The following lectures/topics start by looking at the bureaucracy from the outside and with each progression move inside in order to understand how and why it works the way it does.

**Step II. Distinguish between “a bureaucracy” and “the bureaucracy.”**

An easy and valuable way to start the discussion of the bureaucracy is to make the distinction between “a bureaucracy” and “the bureaucracy.” This is done to clarify a term that the students may have heard used in different ways and not understood why. They may have heard people refer to something as a bureaucracy in a negative tone, but they don't know why. They may also be confusing that type of reference with the agencies of the federal government.

*The bureaucracy* can be simply defined as the various agencies of the federal government. It is the people who do the day-to-day job of governing. STOP! You will need to make this real for your students. Give lots of examples—the EPA inspector who goes out to the factory and makes sure it is not polluting, the IRS agent who checks your taxes, the FDA

meat inspector, the intelligence officer of the CIA, etc. Time spent on this discussion will go a long way in helping students visualize the importance of the bureaucracy.

A *bureaucracy* is a model of organization. It is simply a way of organizing a large group of people. Many large companies will actually choose a bureaucratic structure (most schools/universities make excellent examples of bureaucracies).

**Step III. Discuss *the* bureaucracy as a model of organization.**

In this lecture, you seek to relay the information about why some organizations are designed to be bureaucracies (including the bureaucracy) AND why this structure may lead to dissatisfaction (and hence the use of bureaucracy as a negative term).

The following are characteristics of a bureaucracy as a model of organization. (You can use all kinds of examples to explain each of these characteristics—fast food chains, etc.—but I suggest you also supply an example from the federal bureaucracy with each characteristic, or students may lose that connection.)

1. There is internal division of labor and specialization by function.
2. Employees are recruited and promoted based on relevant technical expertise.
3. Various units of the bureaucracy are arranged in a hierarchy (clear lines of authority and communications).
4. Operations are guided and constrained by established rules and procedures (SOPs).
5. Emphasis is on establishing goals efficiently and effectively.

*Teaching Tip:* As you explain and discuss each of these characteristics, it is helpful to ask students if they like these, feel they are reasonable, etc. They will usually be fine with each of the characteristics, which then leads to the question of why bureaucracies get such a negative reputation. This leads directly into the discussion of the conflicts inherent in a bureaucratic structure.

### Conflicts or Trade-offs Inherent in Bureaucracy

1. **Fairness versus responsiveness** – Do we want our bureaucracies to be fair and treat each individual or case as a special instance, or do we want them to be as responsive to all as possible? When we talk about an agency/institution intended to handle an enormous workload, treating each case as special would take an incredibly long time and would reduce that agency’s ability to respond quickly for anyone. *Example:* the IRS. Should they individually read each tax form (which would take an enormous amount of time but would prevent computer scanning errors), or should they scan the returns in an effort to process forms in a relatively short time frame?
2. **Efficiency versus effectiveness** – Do we want our bureaucracy to select the most efficient way (i.e., best use of resources, cost, time) to do something, or do we want it to select the most effective (best, most successful, etc.)? *Example:* the EPA. Should they inspect each and every manufacturing facility in the U.S. for pollution compliance (which would take an enormous amount of time—many plants would not be inspected for years at a time—but would be very effective and expensive), or should they use the reports required of these facilities to suggest which plants might require closer scrutiny (fewer facilities would be inspected each year, thereby costing less, but it might also mean that those who know how to fill out the reports well could avoid necessary inspections)?
3. **Professional independence versus accountability** – What do we want and expect of our bureaucrats? Do we want them to have the professional independence to make decisions as needed, or do we want them to be accountable, and we can know what conditions/situations will yield what types of decisions? *Example:* OSHA. Should we empower the OSHA inspector to decide to warn or give fines to a company when they find a safety violation based upon their interpretation of the intent or attitude of the company toward safety issues, or do we want to guarantee that each inspector will yield the same results/decision in each case?

*Ask your students:* Which do you want, fairness or responsiveness? Efficiency or effectiveness? Professional independence or accountability? Their inability to agree on what they want from the bureaucracy highlights why bureaucracies have a negative reputation. These contradictions are such that bureaucracies cannot make everyone happy.

#### **Step IV. Identify the structure of the federal bureaucracy.**

The next step is to move beyond bureaucracy in theory and examine it as it is found in the federal government. We want to examine it from the outside: its structure.

The various American government textbooks handle the issue of the federal bureaucracy differently, but the most common tool used to distinguish the different types of agencies is the purpose/mission and responsibilities of the agencies.

Three basic categories can be used to highlight bureaucratic structure as a tool to explain behavior and output:

1. *Cabinet agencies* – broad mission, political focus, leadership is appointed by the president (confirmed by the Senate) and does not have long tenure in office, extremely visible/political job. *Example:* State department.
2. *Independent agencies* – smaller or more focused mission, leadership is appointed by the president (confirmed by the Senate) but NOT in the cabinet so not intended to be as political, leadership tends to have long tenure in office—even across administrations. *Example:* NASA.
3. *Regulatory commissions* – specific function (usually economic) with some judicial responsibility (i.e., the ability to punish). As such, the leadership is designed to be outside the political control of any president or members of Congress. Commissioners typically serve long, staggered, overlapping terms. *Example:* Federal Communications Commission.

Under each category, discuss what type of mission each has and why it was set up the way it was in terms of leadership (overtly political or not), as well leadership issues such as how long the organizational leaders stay in those positions (and the implications of that), how you get those jobs, and the ability of the president to control these people.

Remember: the focus is going to be on understanding organizational behavior, so we want to lead students to see who is in control.

**Step V. Discover sources of bureaucratic power.**

In this section, we start to consider what it is that the bureaucracy does and what makes it powerful.

1. *They are essential* – The public needs the work done by the agencies. *Example:* Someone needs to be monitoring air traffic in the U.S. for our safety. When the public comes to rely on an agency for some task, then the agency becomes powerful.
2. *Expertise* – The employees and agency have technical knowledge and skills the public lacks. *Example:* The FDA inspects the meat supply, or NRC inspects nuclear power plants. The average member of the public does not have the knowledge or skill to do these things, so they rely on the bureaucracy.
3. *Discretion* – When Congress passes legislation, it frequently gives the bureaucracy the discretion to determine major aspects of implementation. This ability to decide how laws are to be carried out can translate into a great deal of power. Note: This is an excellent point to reference the interconnections between Congress and bureaucracy and remind students of the ramifications of the structural need for Congress to compromise and be vague in passing legislation.
4. *Clientele groups* – The people who use or benefit from an agency can help provide influence for an agency. If the people who use an agency (*example:* farmers and Department of Agriculture) are politically powerful, then agency budgets are less likely to be cut, agency initiatives are more likely to be successful in Congress, etc. Note: This is an excellent point to reference the power and activities of interest groups as well as the connections they have with the bureaucracy and Congress.

Remember here to reference back to the types of agencies and leadership discussion. This should help students see that some agencies become more powerful due to leadership weakness. Give examples of how this could hurt the agency or cause agency failure—ATF or FBI.

## **Step VI. Analyze the types of agency employees.**

For the final step in the analysis of bureaucracies, we take a look at the types of employees in an agency and how that can influence output. This lecture is based on the work of James Q. Wilson, *The Politics of Regulation*.

There are basically three types of employees found in any agency. The factor that distinguishes these employees is their reward system (rewards do not just mean money). These employees differ in terms of where they are likely to be found in the agency, how they will affect the agency, and what type of management best suits them.

1. *Careerist* – These people spend long periods of time, if not their entire careers, working for a single agency. They associate their own success with that of the agency. They are usually found at the bottom of the agency and are risk averse. They may be a source of loyalty, reliability, and stability, but it can also be very difficult to change their behavior.
2. *Politician* – These employees tend to work in the agency for relatively short periods of time, as they use the agency as a stepping-stone to something bigger and better. They are motivated by self-interest and do that which benefits themselves. They tend to be found in the middle of the organizational structure and can be a valuable source of creativity and risk-taking new ideas. They may also be a source of destabilization.
3. *Professional* – These employees get their rewards, norms, and standards from their professional groups outside of the agency (e.g., attorneys, academics, etc.). This means that if the agency's goals and expectations are in line with those of their profession, then these employees will be very productive and easy to manage. However, if the agency seeks behavior that is contrary to what is valued by the profession, conflict is likely.

The point to make here is the impact that each of these employee types can have on an agency and the desire for a good match between the organizational goals and the rewards structure of the employee. If these match, then you will have a successful agency, and leading the employees will not be problematic. If these do not match, it may be difficult to manage the employees, and the possibility that organizational goals will be accomplished is significantly diminished.

## **Conclusion**

There are numerous approaches to teaching the bureaucracy that will provide students appropriate preparation for the AP Exam. The lectures outlined here provide one way of structuring the discussion to provide students an in-depth understanding of the bureaucracy and its interrelation with other political actors, behavior, and policies generated.

### **For more information, see the following:**

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