

**DEPARTMENT OF POLITICAL SCIENCE
AND
INTERNATIONAL RELATIONS
Posc 150**

THE CONSTITUTION

- I. CONTENTS:
 - A. Social Security
 - B. The constitutional context of American politics

- II. SOCIAL SECURITY:
 - A. Reprinted
 - B. Overview of the program
 - 1. ○ Pay-as-you-go and prepaid plan.
 - 2. ○ Beneficiaries.
 - 3. ○ *Progressive* Benefits (OASDI) paid for by payroll taxes (FICA), a *regressive* tax.
 - i. Payroll taxes are regressive: “poor” pay higher percent than rich.
 - ii. Benefits are regressive: poor receive relatively more than rich.
 - iii. It is social security. .
 - iv. Surpluses are saved.
 - 4. ✱ It is meant to be a social benefit, not a system of *individual* retirement accounts.
 - i. An inter-generational social compact.
 - ii. It can be interpreted as an effort to promote social harmony, defuse anger against capitalism, foster legitimacy, and add to consumption.
 - C. ○ Entitlement (mandatory) program.
 - 1. Expenditures are determined by formulas established by law.
 - 2. Amounts are not determined by Congress.
 - 3. “Conditions” determine spending levels.
 - D. ○ Structure
 - 1. Payroll tax (FICA)
 - 2. Benefits.
 - 3. Surplus put in a trust fund.
 - i. Must be used to buy government bonds.
 - ii. These bonds appear in the books as income for the government.
 - iii. They really represent a promise (an IOU) that one part of government (Congress) will repay another part (Social Security trustees) the “loan” plus interest.
 - E. The debate
 - 1. Myths:
 - i. It is going broke.
 - ii. Government is stealing from funds.
 - F. Situation and trends under current law.

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1. By 2037 trust fund will be empty.
2. Social security will only be able to pay 70 percent or so of what it currently promises.
- G. Bush proposal.
1. Allow individual, voluntary retirement accounts.
- i. Some of current payroll taxes would be diverted to individual retirement accounts.
2. The fears: it will speed up date at which outlays exceed income.
- H. Alternative proposals: divert money from general revenue into social security.
- i. Use some of surplus from non-mandatory budget to fund social security.
- III. THE CONSTITUTION AND THE POLITICAL SYSTEM:
- A. Four key points:
1. ✳Proposition 1: The written constitution embodies a conflict between the desire to protect liberties and the need to deal with collective action problems.
2. ✳Proposition 2: these two constitutional goals are at odds with each other and partly account for the particular (and peculiar) flavor of American politics.
3. ✳Proposition 3: In their zeal to guard against the abuse of power while protecting the commonwealth the framers created a system that incapacitates the political system process at times.
4. ✳The constitution also hinders accountability and hence weakens democracy as defined earlier.
- i. This is an intended *and* unintended effect of the Founders.
- B. The constitution works much as its authors perhaps intended.
- IV. THE FOUNDERS CONCERNS:
- A. ✳Concern with political power: Madison's two "tyrannies":
1. Control minority in power to ensure that it does not abuse the rights of its citizens.
2. Control majority: there was a perceived need to protect minorities (e.g, property owners) from majorities and **ochlocracy**.
- i. Remember our discussion of democracy and republics.
- ii. The founders had some concerns about direct democracy and created a republic.
- B. ○The Constitution embodies these concerns, but in so doing it sets up a conflict between the need to govern (**capacity**) and the need to protect liberties.
- V. WHAT THE CONSTITUTION DOES:
- A. ○Creates a **republic**, not a democracy.
- B. ○A system of controlled power.
1. Very little about social and economic rights.

- 2. But, it does mention the common good.
- C. ○Creates a **presidential** system
 - 1. Ours differs from a parliamentary or unified government.
- D. A “moat” around “representatives”
 - 1. The electoral college and the indirect election of the president.
- E. ***Fragmentation of power** and the **shattered sword**:
 - 1. ✓Separation of powers: three semi-autonomous branches
 - i. Article 1: The Congress
 - 1) Bicameral legislature - two houses of Congress
 - ii. Article 2: The President
 - iii. Article 3: An independent judiciary
 - 1) ✓**Judicial review**
 - a) The Supreme Court has extraordinary power.
 - b) Marbury Vs Madison
 - 2. ✓Checks and balances (e.g., veto, advise and consent, tax legislation, etc.)
 - i. Impeachment
 - 3. ✓Federalism
 - i. National and state governments.
 - ii. Enumeration of specific powers; others left to the states.
 - iii. The Bill of Rights: restraints on national government.
 - 1) Incorporation controversy
 - 2) Recall the discussion of the Fourth Amendment.
 - 4. ✓Independent constituencies
 - i. Members of different branches have different “bosses” they need to listen to.
 - 5. ✓Geographical representation
- F. ○Madison’s extended republic
 - 1. Pit interest against interest
 - 2. See Federalist Paper No. 10
- G. Assessment:
 - 1. Advantages
 - i. Gradual change.
 - ii. Protection of rights.
 - iii. Flexibility: it has adapted to changing circumstances, maybe.
 - 2. Disadvantages
 - i. *Hinders accountability
 - ii. Delays, even prevents collective action.
 - iii. Thwarts majority rule.
 - iv. *Rewards or gives advantage to those with most resources.
 - v. May not be adaptable.

VI. NEXT TIME:

- A. How the mass media cover the news and affect enlightened understanding.
 - 1. Film, “Illusions of News”



- B. Reading:
 - 1. Finish Drew, *The Corruption of American Politics*, Chapters 1 through 9.